

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
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Nancy L. Lancaster, Managing Editor

The *Utah State Bulletin (Bulletin)* is an official noticing publication of the executive branch of Utah state government. The Office of Administrative Rules, part of the Department of Administrative Services, produces the *Bulletin* under authority of Section 63G-3-402.

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Inquiries concerning the substance or applicability of an administrative rule that appears in the *Bulletin* should be addressed to the contact person for the rule. Questions about the *Bulletin* or the rulemaking process may be addressed to: Office of Administrative Rules, PO Box 141007, Salt Lake City, Utah 84114-1007, telephone 801-538-3003. Additional rulemaking information and electronic versions of all administrative rule publications are available at <https://rules.utah.gov/>.

The information in this *Bulletin* is summarized in the *Utah State Digest (Digest)* of the same volume and issue number. The *Digest* is available by e-mail subscription or online. Visit <https://rules.utah.gov/> for additional information.

Office of Administrative Rules, Salt Lake City 84114

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SPECIAL NOTICES

Health Health Care Financing, Coverage and Reimbursement Policy

Notice for September 2017 Medicaid Rate Changes

Effective September 1, 2017, Utah Medicaid will adjust its rates consistent with approved methodologies. Rate adjustments include new codes priced consistent with approved Medicaid methodologies, potential adjustments to existing codes, and nursing home rate changes to case mix components consistent with adopted payment methodology. All rate changes are posted to the web and can be viewed at: <http://health.utah.gov/medicaid/stplan/lookup/CoverageLookup.php>

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-Second Legislature Into the Third Extraordinary Session, Utah Proclamation No. 2017-3E

PROCLAMATION

WHEREAS, since the close of the 2017 General Session of the 62nd 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 of the 62nd Legislature of the State of Utah into the Third Extraordinary Session at the Utah State Capitol in Salt Lake City, Utah, on the 26th day of July 2017, 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 2017 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 21st day of July 2017.

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

2017/03/E

Wildland Fire Management, Utah Exec. Order No. 2017-7

EXECUTIVE ORDER

Wildland Fire Management

WHEREAS, the danger from wildland fires is high throughout the State of Utah; and

WHEREAS, Winter and Spring precipitation in Utah contributed to high fuel loads of wildland vegetation; and

WHEREAS, there is currently a Red Flag Warning throughout the State of Utah; and

WHEREAS, the Utah State Forester, has issued a Fire Restriction Order for Davis, Morgan, Salt Lake, Tooele, and Utah Counties; and

WHEREAS, there are several fires burning throughout the State; and

WHEREAS, some of the areas are extremely remote and inaccessible and the situation has the potential to greatly worsen; and

WHEREAS, immediate action is required to suppress fires and mitigate post burn flash floods to protect public safety, property, natural resources and the environment should these dangerous conditions escalate to active wildfires; and

WHEREAS, these conditions create the potential for a disaster emergency within the scope of the Disaster Response and Recovery Act of 1981.

NOW THEREFORE, I, Gary R. Herbert, Governor of the State of Utah by virtue of the power vested in me by the Constitution and the Laws of the State of Utah, do hereby order that:

It is found, determined and declared that a "State of Emergency" exists Statewide due to the threat to public safety, property, critical infrastructure, natural resources and the environment. This State of Emergency is declared and effective for the month of August 2017, and requires the aid, assistance and relief available pursuant to the provisions of state statutes, and the State Emergency Operations Plan, which is hereby activated.

IN TESTIMONY, WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah this 1st day of August 2017.

(State Seal)

Gary R. Herbert
Governor

Attest:

Spencer J. Cox
Lieutenant Governor

2017/007/EO

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 July 15, 2017, 12:00 a.m., and August 01, 2017, 11:59 p.m. are included in this, the August 15, 2017, 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 September 14, 2017. 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 December 13, 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

Education, Administration
R277-110
 Legislative Supplemental Salary
 Adjustment

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 41971

FILED: 07/31/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Rule R277-110 is amended to provide technical and conforming changes throughout the rule and remove repetitive language.

SUMMARY OF THE RULE OR CHANGE: The amendments to Rule R277-110 provide technical and conforming changes throughout the rule and remove repetitive language.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Art X, Sec 3 and Section 53A-1-401 and Subsection 53A-17a-153(5)

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: The amendments to this rule will likely not result in a cost or savings to the state budget. The rule is updated with technical and conforming changes and repetitive language is removed.
- ◆ LOCAL GOVERNMENTS: The amendments to this rule will likely not result in a cost or savings to local government. The rule is updated with technical and conforming changes and repetitive language is removed.
- ◆ SMALL BUSINESSES: The amendments to this rule will likely not result in a cost or savings to small businesses. The rule is updated with technical and conforming changes and repetitive language is removed.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: The amendments to this rule will likely not result in a cost or savings to persons other than small businesses, businesses, or local government entities. The rule is updated with technical and conforming changes and repetitive language is removed.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The amendments to this rule will likely not result in any compliance costs for affected persons. The rule is updated with technical and conforming changes and repetitive language is removed.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: After conducting a thorough analysis, it was determine that

the amendments to this rule will not result in a fiscal impact to businesses.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Angela Stallings by phone at 801-538-7656, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 09/14/2017

THIS RULE MAY BECOME EFFECTIVE ON: 09/21/2017

AUTHORIZED BY: Angela Stallings, Deputy Superintendent, Policy and Communication

R277. Education, Administration.

R277-110. ~~[Legislative—Supplemental]~~ Educator Salary Adjustment.

R277-110-[2]1. Authority and Purpose.

~~[A-](1)~~ This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision ~~[of] over [P]public [E]education in the Board[;];~~

~~[Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities, and]~~

(b) Section 53A-1-401, which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and

(c) Subsection 53A-17a-153([6]5) which authorizes the Board to make rules [regarding] to administer the educator salary adjustment[s] program.

~~[B-](2)~~ The purpose of this rule is to outline a consistent method for enacting educator salary adjustments in accordance with Section 53A-17a-153[~~, Educator Salary Adjustments~~].

R277-110-[1]2. Definitions.

~~[A- "Board" means the Utah State Board of Education.]~~

~~[B-](1)~~ "Comprehensive Administration of Credentials for Teachers in Utah Schools" or "[{C}ACTUS{y})" has the same meaning as defined in Subsection R277-512-2(1).~~[means the electronic file maintained on all licensed Utah educators. The file includes information such as:~~

- ~~_____ (1) personal directory information;~~
- ~~_____ (2) educational background;~~
- ~~_____ (3) endorsements;~~
- ~~_____ (4) employment history;~~

~~(5) professional development information; and
(6) a record of disciplinary action taken against the educator.]~~

[C.](2) "Educator" [means a teacher or other individual as defined by the Utah State Legislature] has the same meaning as defined in Subsection 53A-17a-153(1).

~~D.](3) "Educator Salary Adjustment[s]" or "Adjustment" means [salary increases paid annually in equal amounts to educators as defined in 53A-17a-153(1) and specified in R277-110-3C and D.]funds allocated by the Board to an LEA in accordance with Subsection 53A-17a-153(3).~~

[E.](4) "LEA" [means a local education agency, including local school boards/public school districts, charter schools, and,]includes, for purposes of this rule, the Utah Schools for the Deaf and the Blind.

[F. "USOE" means the Utah State Office of Education.

~~G. "USDB" means Utah Schools for the Deaf and the Blind.]~~

R277-110-3. Procedures.

[A.](1) [Each]An LEA shall:

(1)a(i) have employee evaluation procedures consistent with Title 53A, Chapter 8a, Public Education Human Resource Management Act; or

(ii) [schools]if an LEA is exempt from [Title 53A, Chapter 8a] the requirements of Subsection (1)(a)(i), [shall] have employee evaluation procedures in place to [participate in the Program and]receive funds under Section 53A-17a-153[.];

(2)b) put the [Educator Salary A]adjustment appropriation into the LEA's salary schedule each year that [an educator salary adjustment is]funds are appropriated by the Legislature;

(3)c) ensure the amount of the [Educator Salary A]adjustment is the same for each eligible full-time-equivalent educator position in the LEA;

(4)d) ensure that each eligible employee who is not a full-time educator receives a proportional salary adjustment based on the number of hours the employee works in [his]the employee's current assignment as an educator; and

(5)e) ensure that each educator who receives an [salary] adjustment has received a satisfactory or above job performance rating in [his] the educator's most recent evaluation concluded in the school year prior to the year for which the adjustment is made[.];

(2) Notwithstanding Subsection (1)(e), an LEA may grant an adjustment to a new hire[s are considered to have met this requirement by] who has successfully [completing]completed the position hiring process and [being]been selected for an educator position.

[B.](3) Once an educator qualifies for an adjustment in a designated school year, the adjustment becomes an ongoing part of the educator's salary.

[C. Educators in the following assignments shall receive salary adjustments of \$2500 and \$1700 and benefits as designated annually:

- ~~(1) a classroom teacher;~~
- ~~(2) speech pathologist;~~
- ~~(3) librarian or media specialist;~~
- ~~(4) preschool teacher;~~

- ~~(5) mentor teacher;~~
- ~~(6) teacher specialist;~~
- ~~(7) teacher leader;~~
- ~~(8) guidance counselor;~~
- ~~(9) audiologist;~~
- ~~(10) psychologist; or~~
- ~~(11) social worker as defined in 53A-17a-153(1).]~~
- (4) An educator shall receive an annual adjustment of \$4200 based upon legislative funding allocations.

~~D.](5) A [S]school building level administrator[s] shall receive [salary] an annual adjustment[s] of \$2500 and benefits as [designated annually] provided in Subsection 53A-17a-153(7).~~

[E. The educator shall be licensed, employed by an LEA and hold a current license issued under Title 53A, Chapter 6, Educator Licensing and Professional Practices Act.]

[F.](6) Each LEA shall annually note on the appropriate salary schedule:

(1)a) the amount of the [E]educator [S]salary [A]adjustment;

(2)b) the positions qualifying for the adjustment; and

(3)c) [that an educator or administrator received a satisfactory or better performance rating required to receive the adjustment; and]performance rating requirements in accordance with Subsection 53A-17a-153(4)(c).

[G.](7) Each LEA shall [document satisfactory]annually maintain record of performance ratings for an educator receiving an adjustment in accordance with this rule[annually].

[H.](8)(a) The [USOE]Superintendent shall remit to LEAs[;] an estimated educator salary adjustment allotment through monthly bank transfers and allotment memos beginning in July of each year[; an estimated educator salary adjustment amount to be adjusted in November of each year to match the number of qualified educators in the CACTUS data base system].

(b) The Superintendent shall adjust the allotment amount in November of each year to match the number of qualified educators in CACTUS.

[I.](9) An [A]adjustment[s] to CACTUS made after November 15 [of each year shall]may not count towards [the]an LEA's amount for [E]educator [S]salary [A]adjustments until the following year.

[J.](10) An LEA may not include [E]educator [S]salary [A]adjustments [may not be included] when calculating the weighted average compensation adjustment for non-administrative licensed staff.

[R277-110-4. Reports.

~~A. LEAs shall maintain adequate accounting records to submit an annual report summarizing the uses and recipients of Educator Salary Adjustment funds to USOE each year by November 1 on USOE designated forms:~~

- ~~(1) LEAs shall:~~
 - ~~(a) maintain the information by program and;~~
 - ~~(b) carry over any unused balances within the program for use in the following year.~~
- ~~(2) Reports shall balance with amounts reported on the AFR (Annual Financial Report) and the APR (Annual Program Report).~~

~~(3) Failure to submit the required reports on a timely basis may result in withholding of LEA funds until the report is submitted in an acceptable format and is complete, or may render the LEA ineligible for participation in the Educator Salary Adjustment program the following year.~~

~~(4) Failure to remedy allocation of funds not in accordance with Section 53A-17a-153, Educator Salary Adjustment, and R277-110, Legislative Supplemental Salary Adjustment, shall also result in withholding of LEA funds for the Educator Salary Adjustment program until an appropriate remedy is implemented and verified.]~~

KEY: educators, salary adjustments

Date of Enactment or Last Substantive Amendment:
[September 21, 2012]2017

Notice of Continuation: August 1, 2012

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401[(3)]; 53A-17a-153[(6)]

Education, Administration **R277-112** Prohibiting Discrimination in the Public Schools

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE NO.: 41956

FILED: 07/28/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Rule R277-112 is being repealed because it is largely repetitive of provisions in state and federal law.

SUMMARY OF THE RULE OR CHANGE: Rule R277-112 provides standards prohibiting discrimination in the public school system, which is already provided for in state and federal law. Consequently, Rule R277-112 is being repealed in its entirety.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Art X, Sec 3 and Section 53A-1-401

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** Repealing Rule R277-112 will likely not result in a cost or savings to the state budget. The language in Rule R277-112 is largely repetitive of provisions in state and federal law.

◆ **LOCAL GOVERNMENTS:** Repealing Rule R277-112 will likely not result in a cost or savings to local government. The language in Rule R277-112 is largely repetitive of provisions in state and federal law.

◆ **SMALL BUSINESSES:** Repealing Rule R277-112 will likely not result in a cost or savings to small businesses. The language in Rule R277-112 is largely repetitive of provisions in state and federal law.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Repealing Rule R277-112 will likely not result in a cost or savings to persons other than small businesses, businesses, or local government entities. The language in Rule R277-112 is largely repetitive of provisions in state and federal law.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Repealing Rule R277-112 will likely not result in any compliance costs for affected persons. The language in Rule R277-112 is largely repetitive of provisions in state and federal law.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: After conducting a thorough analysis, it was determined that repealing Rule R277-112 will not result in a fiscal impact to businesses.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Angela Stallings by phone at 801-538-7656, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 09/14/2017

THIS RULE MAY BECOME EFFECTIVE ON: 09/21/2017

AUTHORIZED BY: Angela Stallings, Deputy Superintendent, Policy and Communication

R277. Education, Administration.

~~[R277-112. Prohibiting Discrimination in the Public Schools.~~

~~R277-112-1. Definitions.~~

~~—————"Board" means the Utah State Board of Education.~~

~~R277-112-2. Authority and Purpose.~~

~~—————A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of the public education system in the Board.~~

~~—————B. The purpose of this rule is to establish standards prohibiting discrimination in the public school system, specifically in programs under the supervision of the Board.~~

R277-112-3. Standards.

~~_____ A. The Board does not advocate, permit, or practice discrimination on the basis of race, creed, color, national origin, religion, age, sex, or disability. This rule incorporates by reference the following:~~

~~_____ (1) the Individuals with Disabilities Education Improvement Act of 2004, 20 U.S.C., 1400;~~

~~_____ (2) State Board of Education Special Education Rules, August 2007;~~

~~_____ (3) Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, which prohibits discrimination on the basis of disability in programs and activities receiving Federal financial assistance;~~

~~_____ (4) Section 5 of the Americans with Disabilities Act Amendments of 2008, which prohibits discrimination on the basis of disability;~~

~~_____ (5) Title IV of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e et seq., which provides standards and training for educators relative to the desegregation of schools receiving Federal financial assistance;~~

~~_____ (6) Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d et seq., which prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance;~~

~~_____ (7) Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e et seq., which prohibits discrimination in employment based on race, color, religion, sex, or national origin in programs and activities receiving Federal financial assistance;~~

~~_____ (8) Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681 et seq., which prohibits discrimination on the basis of sex in education programs and activities receiving Federal financial assistance;~~

~~_____ (9) Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e et seq., which prohibits discrimination on the basis of race, color, religion, sex, or national origin, and also prohibits discrimination against an individual because of his or her association with another individual of a particular race, color, religion, sex, or national origin. Title VII also covers types of wage discrimination not covered by the Equal Pay Act;~~

~~_____ (10) Equal Pay Act of 1963, 29 U.S.C. 206 et seq., as amended in the Fair Labor Standards Act, which prohibits sex discrimination in pay under an equal work standard;~~

~~_____ (11) The Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 et seq., which prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance;~~

~~_____ B. The Board shall take action consistent with:~~

~~_____ (1) all regulations, guidelines, and standards lawfully adopted under the statutes named in R277-112-3A(1) through R277-112-3A(8) and effective as of October 11, 2011;~~

~~_____ (2) all state laws prohibiting discrimination on the basis of race, creed, color, national origin, religion, age, sex, or disability and effective as of October 11, 2011.~~

~~_____ C. All programs, activities, schools, institutions, and local education agencies under the general control and supervision of the Board shall adopt policies and rules prohibiting discrimination on the basis of race, creed, color, national origin, religion, age, sex, or disability.~~

~~**KEY: educational policy, civil rights**~~

~~**Date of Enactment or Last Substantive Amendment: November 8, 2012**~~

~~**Notice of Continuation: August 1, 2012**~~

~~**Authorizing, and Implemented or Interpreted Law: Art X Sec 3]**~~

Education, Administration
R277-401
 Child Abuse-Neglect Reporting by
 Education Personnel

NOTICE OF PROPOSED RULE
 (Amendment)

DAR FILE NO.: 41972

FILED: 07/31/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Rule R277-401 is amended to provide technical and conforming changes in accordance with the Rulewriting Manual for Utah and clarifying provisions that need to be in a local education agency's (LEA's) child abuse-neglect policy.

SUMMARY OF THE RULE OR CHANGE: The amendments to Rule R277-401 provide technical and conforming changes in accordance with the Rulewriting Manual for Utah throughout the rule and provide language to clarify policy and procedure requirements.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Art X, Sec 3 and Section 53A-1-401 and Section 62A-4a-403

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The amendments to Rule R277-401 will likely not result in a cost or savings to the state budget. The rule is updated with technical and conforming changes and clarification is provided for LEA policy and procedure requirements.

◆ **LOCAL GOVERNMENTS:** The amendments to Rule R277-401 will likely not result in a cost or savings to local government. The rule is updated with technical and conforming changes and clarification is provided for LEA policy and procedure requirements.

◆ **SMALL BUSINESSES:** The amendments to Rule R277-401 will likely not result in a cost or savings to small businesses. The rule is updated with technical and conforming changes and clarification is provided for LEA policy and procedure requirements.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The amendments to Rule R277-401 will likely not result in a

cost or savings to persons other than small businesses, businesses, or local government entities. The rule is updated with technical and conforming changes and clarification is provided for LEA policy and procedure requirements.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The amendments to Rule R277-401 will likely not result in any compliance costs for affected persons. The rule is updated with technical and conforming changes and clarification is provided for LEA policy and procedure requirements.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: After conducting a thorough analysis, it was determined that the amendments to this rule will not result in a fiscal impact to businesses.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Angela Stallings by phone at 801-538-7656, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 09/14/2017

THIS RULE MAY BECOME EFFECTIVE ON: 09/21/2017

AUTHORIZED BY: Angela Stallings, Deputy Superintendent, Policy and Communication

R277. Education, Administration.

R277-401. Child Abuse-Neglect Reporting by Education Personnel.

R277-401-[2]1. Authority and Purpose.

~~[A-](1)~~ This rule is authorized by: ~~[under]~~

~~(a)~~ Utah Constitution Article X, Section 3, which vests general control and supervision ~~[of]over~~ public education in the Board; ~~[and Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.]~~

~~(b)~~ Section 62A-4a-403, which requires individuals to report suspected child abuse or neglect to appropriate authorities; and

~~(c)~~ Section 53A-1-401, which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.

~~[B-](2)~~ The purpose of this rule is to clarify:

~~(1)a)~~ the Board's support for taking early protective measures towards allegations of child abuse~~[-The daily contact of] by education personnel whose daily contact~~ with children places

them in a unique position to identify and refer suspected cases of abuse or neglect[-]; and

~~(2)b)~~ the role of all school employees in reporting and participating in investigations of suspected child abuse and neglect [as required by Section 62A-4a-403].

R277-401-[1]2. Definitions.

~~[A-]~~ This rule uses the definition of neglected child found in Section 78A-6-105(28).

~~_____ B.~~ This rule uses the definition of abused child found in Section 78A-6-105(2).

~~_____ C.~~ "Board" means the Utah State Board of Education.]

~~(1)~~ "Abused child" has the same meaning as defined in Subsection 78A-6-105(2).

~~[D-](2)~~ "DCFS" means the Utah Division of Child and Family Services.

~~[E-](3)~~ "LEA" ~~[means a local education agency, including local school boards/public school districts, charter schools, and]includes~~, for purposes of this rule, the Utah Schools for the Deaf and the Blind.

~~(4)~~ "Neglected child" has the same meaning as defined in Subsection 78A-6-105(36).

R277-401-3. Policies and Procedures.

~~[A-](1)~~ Each LEA shall develop and adopt a child abuse-neglect policy, which shall include, at a minimum, the following provisions[-];

~~(1)a)~~ ~~[School officials]~~an LEA employee shall cooperate with social service and law enforcement agency employees authorized to investigate charges of child abuse and neglect, including[-];

~~(i)~~ allowing appropriate access to students;

~~(ii)~~ allowing authorized agency employees to interview children consistent with DCFS and local law enforcement protocols;

~~(iii)~~ making no contact with the parents or legal guardians of children being questioned by DCFS or law enforcement authorities; and

~~(iv)~~ maintaining appropriate confidentiality;

~~(2)b)~~ an LEA ~~[policies]~~ shall ~~[ensure that]~~ preserve the anonymity of those reporting or investigating child abuse or neglect ~~[is preserved in a manner required by Section 62A-4a-412-]; and~~

~~(3)~~ ~~An LEA policy may direct a school employee to notify the building principal of the neglect or abuse. Such a report to a principal, supervisor, school nurse or psychologist does not satisfy the employee's personal duty to report to law enforcement or DCFS.]~~

~~(4)~~ LEA policies shall direct school employees to cooperate appropriately with law enforcement and DCFS investigators who come into the school, including:

~~(a)~~ allowing authorized representatives to interview children consistent with DCFS and local law enforcement protocols;

~~(b)~~ allowing appropriate access to student records;

~~(c)~~ making no contact with parents/legal guardians of children being questioned by DCFS or local law enforcement; and

~~(d)~~ cooperating with ongoing investigations and maintaining appropriate confidentiality.

~~_____ B.~~ School employee responsibilities]

~~(1)c)~~~~(i)~~ ~~[A-]~~any school employee who knows or reasonably believes that a child has been neglected, or physically or

sexually abused, shall immediately notify the nearest peace officer, law enforcement agency, or DCFS.

(2)ii) If a school employee reasonably suspects child abuse or neglect, [H]it is not the responsibility of the school employee[s] to prove that the child has been abused or neglected, or determine whether the child is in need of protection.[-Investigations are the responsibility of the DCFS.]

(iii) Investigation by education personnel prior to submitting a report should not go beyond that necessary to support a reason to believe that a reportable problem exists.

(2) An LEA policy may direct a school employee to notify a school official of suspected neglect or abuse, but any such requirement shall clarify that notifying a school official does not satisfy the employee's personal duty to report to law enforcement or DCFS.

(3) Persons making reports or participating in an investigation of alleged child abuse or neglect in good faith are immune from any civil or criminal liability that otherwise might arise from those actions, as provided by law.

(4) An LEA shall annually notify an employee of the employee's legal responsibility to report suspected child abuse or neglect to appropriate authorities as described in Section 62A-4a-403.

KEY: child abuse, [~~faculty,~~]~~reporting,~~ students, employees, ~~education policy]~~

Date of Enactment or Last Substantive Amendment: [~~October 9, 2012]~~2017

Notice of Continuation: July 14, 2017

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

Education, Administration
R277-407
School Fees

NOTICE OF PROPOSED RULE
(Amendment)

DAR FILE NO.: 41973
FILED: 07/31/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Rule R277-407 is amended to provide technical and conforming changes consistent with the Rulewriting Manual for Utah.

SUMMARY OF THE RULE OR CHANGE: The amendments to Rule R277-407 provide technical and conforming changes throughout the rule.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Art X, Sec 3 and Section 53A-1-401 and Subsection 53A-12-102(2)

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** The amendments to this rule will likely not result in a cost or savings to the state budget. The rule is updated with technical and conforming changes.

♦ **LOCAL GOVERNMENTS:** The amendments to this rule will likely not result in a cost or savings to local government. The rule is updated with technical and conforming changes.

♦ **SMALL BUSINESSES:** The amendments to this rule will likely not result in a cost or savings to small businesses. The rule is updated with technical and conforming changes.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The amendments to this rule will likely not result in a cost or savings to persons other than small businesses, businesses, or local government entities. The rule is updated with technical and conforming changes.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The amendments to this rule will likely not result in any compliance costs for affected persons. The rule is updated with technical and conforming changes.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: After conducting a thorough analysis, it was determined that the amendments to this rule will not result in a fiscal impact to businesses.

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Angela Stallings by phone at 801-538-7656, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 09/14/2017

THIS RULE MAY BECOME EFFECTIVE ON: 09/21/2017

AUTHORIZED BY: Angela Stallings, Deputy Superintendent, Policy and Communication

R277. Education, Administration.

R277-407. School Fees.

R277-407-~~2~~1. Authority and Purpose.

~~[A.](1)~~ This rule is authorized under:
(a) Utah Constitution Article X, Section~~[s-2 and]~~ 3, [~~of the Utah Constitution~~] which vests general control and supervision [~~of the~~]over public education~~[-system]~~ in the [~~State~~] Board [~~of Education~~];

(b) Article X, Section 2 of the Utah Constitution, which ~~and~~ provides that:

(i) public elementary ~~and secondary~~ schools shall be free; ~~and~~ ~~except~~

(ii) secondary schools shall be free, unless the Legislature authorizes ~~that the imposition of fees~~ ~~may be imposed in secondary schools if authorized by the Legislature.~~

(c) Section 53A-1-401, which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and

(d) Subsection 53A-12-102(2), which authorizes the ~~[State] Board~~ ~~[of Education]~~ to adopt rules regarding student fees. ~~[This rule is consistent with the State Board of Education document, Principles Governing School Fees, adopted by the State Board of Education on March 18, 1994.]~~

(2) This rule ~~is also consistent~~ also serves to comply with the Permanent Injunction~~;~~ issued in ~~Doe v. Utah State Board of Education,~~ Doe v. Utah State Board of Education, Civil No. 920903376 (3rd District 1994).

~~[B-](3)~~ The purpose of this rule is to:

~~(1)a~~ ~~[to]~~ permit the orderly establishment of a ~~[reasonable]~~ ~~system of reasonable fees;~~

~~(2)b~~ ~~[to]~~ provide adequate notice to students and families of fees and fee waiver requirements; and

~~(3)c~~ ~~[to]~~ prohibit practices that would exclude those unable to pay from participation in school-sponsored activities.

R277-407-~~1~~2. Definitions.

~~[A-](1)(a)~~ "Fee"~~;~~ means ~~[A]~~ any charge, deposit, rental, or other mandatory payment, however designated, whether in the form of money or goods.

~~(b)~~ An ~~[A]~~ admission fee~~s~~, transportation charge~~s~~, ~~and~~ or similar payment~~s~~ to a third ~~[parties are fees]~~ party is a fee if the charge~~s are~~ is made in connection with an activity or function sponsored by or through a school.

~~(c)~~ For purposes of this ~~[policy]~~ rule, a charge~~s~~ related to the National School Lunch Program ~~[are]~~ is not a fee~~s~~.

~~[B-](2)~~ "LEA" ~~[means a local education agency, including local school boards/public school districts, charter schools, and]~~ includes, for purposes of this rule, the Utah Schools for the Deaf and the Blind.

~~[C-](3)~~ "Optional ~~[P]~~project"~~;~~ means a non-mandatory project chosen and retained by a student, for which the student covers the cost or provides the materials, in lieu of, or in addition to a ~~[meaningful and productive]~~ mandatory classroom project otherwise available to the student which would require only school-supplied materials.

~~[D-](4)(a)~~ "Provision in ~~[E]~~ lieu of ~~[F]~~ fee ~~[W]~~ waiver" means an alternative to fee payment ~~and~~ or waiver of fee payment.

(b) A plan under which fees are paid in installments or under some other delayed payment arrangement is not a waiver or provision in lieu of fee waiver.

~~[E-](5)(a)~~ "Student ~~[S]~~supplies"~~;~~ means items which are the personal property of a student which, although used in the instructional process, are also commonly purchased and used by persons not enrolled in the class or activity in question and have a high probability of regular use in other than school-sponsored activities.

~~(b)~~ ~~[The term]~~ "Student supplies" include~~s~~:

~~(i)~~ pencils~~;~~

~~(ii)~~ paper~~s~~~~;~~

~~(iii)~~ notebooks~~;~~

~~(iv)~~ crayons~~;~~

~~(v)~~ scissors~~;~~

~~(vi)~~ basic clothing for healthy lifestyle classes~~;~~ and

~~(vii)~~ similar personal or consumable items over which a student retains ownership.

~~(c)~~ ~~[The term]~~ "Student supplies" does not include items ~~[such as the foregoing]~~ listed in Subsection (5)(b) for which specific requirements such as brand, color, or a special imprint are set in order to create a uniform appearance not related to basic function.

~~[F-](6)~~ "Supplemental Security Income for children with disabilities" or "~~[SSI]~~" is means a benefit administered through the Social Security Administration that provides payments for qualified children with disabilities in low income families.

~~[G-](7)~~ "Temporary Assistance for Needy Families" or "~~[TANF]~~," ~~(formerly AFDC)~~ means a program, formerly known as AFDC, which provides monthly cash assistance and food stamps to low-income families with children under age 18 through the Utah Department of Workforce Services.

~~[H-](8)~~ "Textbook~~;~~" means a ~~[B]~~ book, workbook, ~~and~~ or materials similar in function, which are required for participation in a course of instruction.

~~[I-](9)~~ "Waiver~~;~~" means a ~~[R]~~ release from the requirement of payment of a fee and from any provision in lieu of fee payment.

R277-407-3. Classes and Activities During the Regular School Day.

~~[A-](1)~~ No fee may be charged in kindergarten through sixth grades for:

~~(a)~~ materials~~;~~

~~(b)~~ textbooks~~;~~

~~(c)~~ supplies~~;~~ or

~~(d)~~ ~~[for]~~ any class or regular school day activity, including assemblies and field trips.

~~[B-](2)~~ A school may charge ~~[F]~~ textbook fees ~~[may only be charged]~~ in grades seven through twelve.

~~[C-](3)(a)~~ Notwithstanding, Subsection (1), a school may charge fees ~~[Fees may be charged]~~ to students in sixth grade ~~[only]~~ if the student attends a school that includes any grades ~~[7, 8, 9, 10, 11, or 12]~~ seven through twelve.

~~[All school and school district materials and information, including local board approved fees and parent information, shall include notice that fees may be charged to sixth graders and fee waiver requirements apply.]~~

~~(b)~~ If a school charges fees in accordance with Subsection (3)(a), the school shall annually provide notice to parents that the school will collect fees from sixth grade students, and that the fees are subject to waiver.

~~[D-](4)~~ If a class is established or approved, which requires payment of fees or purchase of ~~[materials, tickets to events, etc.,]~~ items in order for students to participate fully and to have the opportunity to acquire all skills and knowledge required for full credit and highest grades, the fees or costs for the class shall be subject to the fee waiver provisions of Rule R277-407-6.

~~[E-](5)(a) A school may require a [S]student[s of all] at any grade level[s may be required] to provide materials or pay for [their] an optional project[s], but a school may not require a student [may not be required-]to select an optional project as a condition for enrolling in or completing a course.~~

~~(b) A school shall base mandatory course projects[Project-related courses must be based upon projects and] on experiences that are free to all students.~~

~~[F-](6)(a) A [S]school[s] shall provide [school] student supplies for [K-]k-6 students.~~

~~(b) A school may require a student [may, however, be required-]to replace student supplies provided by the school, which are lost, wasted, or damaged by the student through careless or irresponsible behavior.~~

~~[G-](7)(a) An elementary school or teacher may provide to parents or guardians a suggested list of student supplies.~~

~~(b) [The-]A suggested list provided in accordance with Subsection (a) shall contain the express language in Subsection 53A-12-102([2]4)(c).~~

~~[H-](8) A school may require a [S]secondary student[s] [may be required-]to provide [their own-]student supplies, subject to the provisions of Section R277-407-6.~~

R277-407-4. School Activities Outside of the Regular School Day.

~~[A-](1) A school may charge a fee[Fees may be charged], subject to the provisions of Section R277-407-6, in connection with any school-sponsored activity, which does not take place during the regular school day, regardless of the age or grade level of the student, if participation in the activity is voluntary and does not affect a student's grade or ability to participate fully in any course taught during the regular school day.~~

~~[B-](2) A [Fees]fee related to an extracurricular [activities] activity may not exceed limits established by the LEA governing board.~~

~~(3) A [Schools] school shall collect [these-]fees for school-sponsored activities consistent with LEA policies and state law.~~

R277-407-5. General Provisions.

~~[A-](1) [No-]An LEA may not charge or assess a fee [may be charged or assessed-]in connection with any class or school-sponsored or supported activity, including an extracurricular [activities]activity, unless the fee has been set and approved by the LEA's governing board and distributed in an approved fee schedule or notice in accordance with this rule.~~

~~[B-](2)(a) An LEA governing board shall adopted a [F]fee schedule[s] and fee policies for the [entire-]LEA [shall be adopted-] at least once each year [by the LEA-]in a regularly scheduled public meeting[~~of the LEA~~].~~

~~(b) An LEA shall provide public notice in accordance with Title 52, Chapter 4, Open and Public Meetings Act and shall encourage public[Provision shall be made for broad public notice and] participation in the development of fee schedules and waiver policies.~~

~~(c) An LEA shall keep [M]minutes of [LEA] meetings during which fee and waiver policies are developed or adopted, together with copies of approved policies, [shall be kept on file by~~

~~the LEA and made available upon request]in accordance with Section 52-4-203.~~

~~[C-](3)(a) [Each-]An LEA shall adopt procedures to reasonably ensure that the parent or guardian of each child who attends a school within the LEA receives written notice of all current and applicable fee schedules and fee waiver policies[;].~~

~~(b) An LEA policy shall [including] include easily understandable procedures for obtaining a fee waiver[s] and for appealing a denial of a fee waiver, as soon as possible prior to the time when fees become due.~~

~~(4) An LEA shall include a [Copies] copy of the schedules and waiver policies [shall be included] with [all] registration materials provided to potential or continuing students.~~

~~[D-](5)(a) A school may not deny a [No-] present or former student [may be denied-]receipt of transcripts or a diploma, nor may a school refuse to issue a grade for a course for failure to pay school fees.~~

~~(b) A school may impose a reasonable charge [may be made-]to cover the cost of duplicating or mailing transcripts and other school records.~~

~~(c) A school may not [No-] charge [may be made-]for duplicating or mailing copies of school records to an elementary or secondary school in which [the]a former student is enrolled or intends to enroll.~~

~~[E-](6) To preserve equal opportunity for all students and to limit diversion of money and school and staff resources from the basic school program, each LEA's fee policies shall be designed to limit student expenditures for school-sponsored activities, including expenditures for activities, uniforms, clubs, clinics, travel, and subject area and vocational leadership organizations, whether local, state, or national.~~

~~[F-](7)(a) An LEA may solicit and accept a donation [Donations] or contribution[s may be solicited and accepted] in accordance with the LEA's policies, but all such requests must clearly state that donations and contributions are voluntary.~~

~~(b) A donation is a fee if a student is required to make a donation in order to participate in an activity.~~

~~[G- In the collection of school fees, LEAs shall comply with statutes and State Tax Commission rules regarding the collection of state sales tax.]~~

R277-407-6. Waivers.

~~[A-](1) An LEA shall provide, as part of any fee policy or schedule, for adequate waivers or other provisions in lieu of fee waivers to ensure that no student is denied the opportunity to participate in a class or school-sponsored or supported activity because of an inability to pay a fee.~~

~~(2) An LEA shall waive textbook fees for eligible students in accordance with Subsection 53A-12-204(2).~~

~~(3) An [The] LEA [fee waiver policy] shall [include-] procedures to ensure that:~~

~~(1) designate at least one person at an appropriate administrative level [is designated] in each school to [administer the policy and] review and grant fee waiver[s] requests[;].~~

~~(2)4 [the]An LEA shall administer the process for obtaining a fee waiver[s] or pursuing an alternative[s] [is administered] fairly, objectively, [and] without delay, and in a manner that avoids stigma, embarrassment, undue attention, and unreasonable burdens on students and parents[;].~~

~~[(3)5] An LEA may not treat a student[s who have been granted] receiving a fee waiver[s] or provision[s] in lieu of a fee waiver[s] [are not treated] differently from other students[—or identified to persons who do not need to know].~~

~~(6) A school may not identify a student on fee waiver to students, staff members, or other persons who do not need to know.~~

~~[(4)7](a) An LEA shall ensure that a fee waiver[s] or other provision[s] in lieu of fee waiver[s—are] is available to any student whose parent is unable to pay [the] a fee [in question].~~

~~(b) A school or LEA administrator shall verify fee waivers [shall be verified by a school or LEA administrator] consistent with [requirements of Section 53A-12-103(5)]this rule[;].~~

~~[(5)—the LEA requires documentation of fee waivers consistent with Section 53A-12-103(5);]~~

~~[(6)8] [schools and the] An LEA shall submit fee waiver compliance forms for each school consistent with Doe v. Utah State Board of Education, Civil No. 920903376 (3rd District 1994) that affirm compliance with [provisions of] the [P]permanent [I]njunction[—and provisions of Section 53A-12-103(5)].~~

~~[(7)—the LEA does not retain required fee waiver verification documentation for protection of privacy and confidentiality of family income records consistent with 53A-12-103(6);]~~

~~[(8)—textbook fees are waived for all eligible students in accordance with Sections 53A-12-201 and 53A-12-204 of the Utah Code and this Section;]~~

~~(9) An LEA shall adopt a policy for review of fee waiver requests which:~~

~~(a) gives parents [are given] the opportunity to review proposed alternatives to fee waivers;~~

~~[(10)b] establishes a timely appeal process [is available, including], which shall include the opportunity to appeal to the LEA or its designee; and~~

~~[(11)c] suspends any requirement that a given student pay a fee [is suspended—]during any period [during]for which the student's eligibility for waiver is [being determined]under consideration or during which an appeal of denial of a fee waiver is [being appealed]in process[; and].~~

~~[(12)0] [the LEA provides for balancing of financial inequities among schools so that t]The granting of waivers and provisions in lieu of fee waivers [does]in an LEA may not produce significant inequities through unequal impact on individual schools.~~

~~(11) An LEA may pursue reasonable methods for collecting student fees, but may not, as a result of unpaid fees:~~

~~(a) exclude a student from school;~~

~~(b) refuse to issue a course grade; or~~

~~(c) withhold official student records, including written or electronic grade reports, diplomas or transcripts.~~

~~(12)(a) A school may withhold student records in accordance with Subsection 53A-11-806(2)(a).~~

~~(b) Notwithstanding Subsection (12)(a), a school may not withhold any records required for student enrollment or placement in a subsequent school.~~

~~(13) A school is not required to waive fees for class rings, letter jackets, school photos, or yearbooks, which are not required for participation in a class or activity.~~

~~(14) Expenditures for uniforms, costumes, clothing, or accessories, other than items of typical student dress, which are required for school attendance or participation in school activities,~~

and expenditures for student travel as part of a school team, student group, or other school-approved trip, are fees requiring approval of the LEA, and are subject to the provisions of this section.

R277-407-7. Fee Waiver Eligibility.

~~[B:](1) A student is eligible for fee waiver [as follows] if an LEA receives verification that:~~

~~[(1)—income verification consistent with Section 53A-12-103(5);]~~

~~(a) based on family income, the student qualifies for free school lunch under United States Department of Agriculture child nutrition program regulations;~~

~~[(2)b] the student to whom the fee applies receives [(SSI) Supplemental Security Income (ONLY THE STUDENT WHO RECEIVES THE SSI BENEFIT QUALIFIES FOR FEE WAIVERS)] SSI;~~

~~[(3)c] the family receives TANF funding[(currently—qualified for financial assistance or food stamps)];~~

~~[(4)d] the student is in foster care through the Division of Child and Family Services[(under Utah or local government supervision)]; or~~

~~[(5)e] the student is in state custody.~~

~~[C:](2) In lieu of income verification, [supporting documents shall be required for each special category of fee waiver-eligible students]an LEA may require alternative verification under the following circumstances:~~

~~[(1)a] [FøF]If a student's family receives TANF, an LEA may require a letter of decision covering the period for which a fee waiver is sought from the Utah Department of Workforce Services;~~

~~[(2)b] [FøF]If a student receives SSI, an LEA may require a benefit verification letter from the Social Security Administration;~~

~~[(3)c] [FøF]If a student is in state custody or foster care, an LEA may rely on the youth in custody required intake form and school enrollment letter or both provided by [the] a case worker from the Utah Division of Child and Family Services or the Utah Juvenile Justice Department.~~

~~[D:](3) [CASE BY CASE DETERMINATIONS MAY BE MADE FOR THOSE WHO DO NOT QUALIFY UNDER ONE OF THE FOREGOING STANDARDS]A school may grant a fee waiver to a student, on a case by case basis, who does not qualify for a fee waiver under Subsection (1), but who, because of extenuating circumstances [such as, but not limited to, exceptional financial burdens such as loss or substantial reduction of income or extraordinary medical expenses, are—]is not reasonably capable of paying the fee.~~

~~[E.—Expenditures for uniforms, costumes, clothing, and accessories (other than items of typical student dress) which are required for school attendance, participation in choirs, pep clubs, drill teams, athletic teams, bands, orchestras, and other student groups, and expenditures for student travel as part of a school team, student group, or other school-approved trip, are fees requiring approval of the LEA, and are subject to the provisions of this section, consistent with Doe v. Utah State Board of Education, Civil No. 920903376, p. 43.]~~

~~[F.—Student Records~~

~~—(1) An LEA or school may pursue reasonable methods to collect fees, but shall not exclude students from school or withhold official student records, including written or electronic grade reports, diploma, or transcripts, for fees owed.~~

~~(2) An LEA or school may withhold the official student records of a student responsible for lost or damaged school property consistent with Section 53A-11-806, but may not withhold a student's records that would prevent a student from attending school or being properly placed in school.~~

~~(3) Consistent with Section 53A-11-504, a school requested to forward a certified copy of a transferring student's record to a new school shall comply within 30 school days of the request.~~

~~G. Charges for class rings, letter jackets, school photos, school yearbooks, and similar articles not required for participation in a class or activity are not fees and are not subject to the waiver requirements.]~~

R277-407-[7]8. Fee Waiver Reporting Requirements.

~~(1) [Beginning with fiscal year 1990-91, each] An LEA shall attach to its annual S-3 statistical report for inclusion in the State Superintendent of Public Instruction's annual report the following:~~

- ~~(1)[a] a summary of;~~
 - ~~(i) the number of students in the LEA given fee waivers[;];~~
 - ~~(ii) the number of students who worked in lieu of a waiver[;]; and~~
 - ~~(iii) the total dollar value of student fees waived by the LEA;~~
- ~~(2)[b] a copy of the LEA's fee and fee waiver policies;~~
- ~~(3)[c] a copy of the LEA's fee schedule for students; and~~
- ~~(4)[d] the notice of fee waiver criteria provided by the LEA to a student's parent or guardian.~~
- ~~(5)[e] [consistent] a fee waiver compliance form[s- provided by the Utah State Office of Education and required by Doe v. Utah State Board of Education, Civil No. 920903376] approved by the Superintendent for each school and LEA.~~

KEY: education, school fees
Date of Enactment or Last Substantive Amendment: ~~[August 7, 2013]~~**2017**
Notice of Continuation: July 14, 2017
Authorizing, and Implemented or Interpreted Law: Art X Sec 3; ~~Art X Sec 2; 53A-1-401; 53A-12-102; [53A-12-201; 53A-12-204; 53A-11-806(2);]~~ Doe v. Utah State Board of Education, Civil No. 920903376

Education, Administration
R277-433
 Disposal of Textbooks in the Public
 Schools

NOTICE OF PROPOSED RULE
 (Amendment)

DAR FILE NO.: 41974
 FILED: 07/31/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Rule R277-433 is amended to provide technical and conforming changes consistent with the Rulewriting Manual for Utah.

SUMMARY OF THE RULE OR CHANGE: The amendments to Rule R277-433 provide technical and conforming changes throughout the rule.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Art X, Sec 3 and Section 53A-1-401 and Section 53A-12-207

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** The amendments to this rule will likely not result in a cost or savings to the state budget. The rule is updated with technical and conforming changes.
- ◆ **LOCAL GOVERNMENTS:** The amendments to this rule will likely not result in a cost or savings to local government. The rule is updated with technical and conforming changes.
- ◆ **SMALL BUSINESSES:** The amendments to this rule will likely not result in a cost or savings to small businesses. The rule is updated with technical and conforming changes.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The amendments to this rule will likely not result in a cost or savings to persons other than small businesses, businesses, or local government entities. The rule is updated with technical and conforming changes.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The amendments to this rule will likely not result in any compliance costs for affected persons. The rule is updated with technical and conforming changes.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: After conducting a thorough analysis, it was determined that the amendments to this rule will not result in a fiscal impact to businesses.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Angela Stallings by phone at 801-538-7656, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 09/14/2017

THIS RULE MAY BECOME EFFECTIVE ON: 09/21/2017

AUTHORIZED BY: Angela Stallings, Deputy Superintendent,
Policy and Communication

R277. Education, Administration.

R277-433. Disposal of Textbooks in the Public Schools.

R277-433-[2]1. Authority and Purpose.

~~[A-](1)~~ This rule is authorized by:

~~(a)~~ Utah Constitution, Article X, Section 3, which ~~[places]vests~~ general control and supervision ~~[of the]over~~ public ~~[school system under]education in~~ the Board; ~~[and by]~~

~~(b)~~ Section 53A-1-401, which allows the Board to make ~~rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and~~

~~(c)~~ Section 53A-12-207, which requires the Board to make rules providing for the disposal or reuse of useable textbooks in the public schools.

~~[B-](2)~~ The purpose of this rule is to provide procedures for LEA policies for the reuse or disposal of textbooks in the public schools.

R277-433-[4]2. Definitions.

~~[A-]~~ "Board" means the Utah State Board of Education;]

~~[B-](1)~~ "LEA" ~~[means a local education agency, including local school boards/public school districts and]includes,~~ for purposes of this rule, the Utah Schools for the Deaf and the Blind.

~~[C-](2)~~ "Textbook" means:

~~(a)~~ any printed book ~~[which]that~~ is required for participation in a course of instruction[-];~~[The term also includes]~~

~~(b)~~ printed texts approved for pilot or trial use by the State Instructional Materials Commission; or

~~(c)~~ books used in classes for which textbooks are generally not adopted at the state level.

~~[D-](3)~~ "Useable textbooks" means a set of at least 25 textbooks~~[- as defined above,]~~ that are not badly damaged, worn out, or outdated.

~~[E-]~~ "USOE" means the Utah State Office of Education;]

R277-433-3. LEA Policies on Disposal of Textbooks.

~~[A-](1)~~ Each LEA[s] shall develop policies regarding the reuse or disposal of textbooks.

~~[B-](2)~~ An LEA's policies shall provide procedures for notification to other LEAs of available textbooks and timelines for disposal of textbooks.

~~[C-](3)~~ An LEA's policies shall provide procedures for negotiating the exchange of the textbooks.

~~[D-]~~ A required policy and implementation shall be suspended consistent with Section 53A-12-207(1) until the 2013-2014 school year.]

KEY: textbooks

Date of Enactment or Last Substantive Amendment: [~~October 9, 2012~~]**2017**

Notice of Continuation: July 14, 2017

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401; 53A-12-207

Education, Administration
R277-445
Classifying Small Schools as
Necessarily Existent

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 41975

FILED: 07/31/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Rule R277-445 is amended to provide technical and conforming changes consistent with the Rulewriting Manual for Utah.

SUMMARY OF THE RULE OR CHANGE: The amendments to Rule R277-445 provide technical and conforming changes throughout the rule.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Art X, Sec 3 and Section 53A-1-401 and Subsection 53A-17a-109(3)

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** The amendments to this rule will likely not result in a cost or savings to the state budget. The rule is updated with technical and conforming changes.

♦ **LOCAL GOVERNMENTS:** The amendments to this rule will likely not result in a cost or savings to local government. The rule is updated with technical and conforming changes.

♦ **SMALL BUSINESSES:** The amendments to this rule will likely not result in a cost or savings to small businesses. The rule is updated with technical and conforming changes.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The amendments to this rule will likely not result in a cost or savings to persons other than small businesses, businesses, or local government entities. The rule is updated with technical and conforming changes.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The amendments to this rule will likely not result in any compliance costs for affected persons. The rule is updated with technical and conforming changes.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: After conducting a thorough analysis, it was determined that the amendments to this rule will not result in a fiscal impact to businesses.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Angela Stallings by phone at 801-538-7656, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 09/14/2017

THIS RULE MAY BECOME EFFECTIVE ON: 09/21/2017

AUTHORIZED BY: Angela Stallings, Deputy Superintendent, Policy and Communication

R277. Education, Administration.

R277-445. Classifying Small Schools as Necessarily Existent.

R277-445-[2]1. Authority and Purpose.

~~[A-](1)~~ This rule is authorized by:

(a) Article X, Section 3 of the Utah Constitution, which vests general control and supervision ~~[of]over~~ public education in the Board[-]; ~~[Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities, and]~~

(b) Subsection 53A-17a-109(3), which requires the Board to adopt rules that:

(i) govern the approval of necessarily existent small schools consistent with state law; and

(ii) ensure that districts are not building secondary schools in close proximity to one another where economy and efficiency would be better served by one school meeting the needs of secondary students in a designated geographical area[-]; and

(c) Section 53A-1-401, which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.

~~[B-](2)(a)~~ The purpose of this rule is to specify the standards by which the Board classifies schools as necessarily existent[-]. ~~Schools so classified may receive state funds which are in addition to those received on the basis of the regular WPU formula[-], which qualifies the schools for additional funding.~~

R277-445-[4]2. Definitions.

~~[A-](1)~~ "ADM" means average daily membership derived from end-of-year data.

~~[B-]~~ "Board" means the Utah State Board of Education.

~~[C-]~~ "Superintendent" means the State Superintendent of Public Instruction.

~~[D-]~~ "USOE" means the Utah State Office of Education.

~~[E-](2)~~ "Weighted Pupil Unit" or "WPU" means ~~[weighted pupil unit:]~~ the basic unit used to calculate the amount of state funds a school district may receive.

R277-445-3. Standards.

~~[A-](1)~~ A school may be classified as necessarily existent if ~~[it meets the following standards:~~

~~_____ (1) the average daily membership for] the school's ADM does not exceed:~~

(a) 160 for elementary schools, including kindergarten at a weighting of .55 per average daily membership; ~~[or]~~

(b) 300 for one or two-year secondary schools; ~~[-or]~~

(c) 450 for three-year secondary schools; ~~[-or]~~

(d) 500 for four-year secondary schools; or

(e) 600 for six-year secondary schools.

~~(2) In addition to the requirements of Subsection (1), [the school meets the criteria of Subsection 3(A)(1) and] one-way bus travel over Board approved bus routes for any student from the assigned school to the nearest school within the district of the same type shall require[s]:~~

(a) students in kindergarten through grade six to travel more than 45 minutes; or

(b) students in grades seven through twelve to travel more than one hour and 15 minutes.

~~[(3) the school meets the criteria of Subsection 3(A)(1) for grades K-6 if it is an elementary school or grades 7-12 if it is a secondary school except as provided below:~~

~~_____ (a) schools with less than six grades are not recognized as necessarily existent small schools if it is feasible in terms of school plant to consolidate them into larger schools and if consolidated would not meet the criteria listed in Subsections 3(A)(1) and 3(A)(2) above;~~

~~_____ (b) a secondary complex or attendance area which when analyzed on a 7-12 grade basis, meets the criteria of necessarily existent, shall not have its qualifying status invalidated by a reorganization pattern determined by a district;~~

~~_____ (c) in unusual circumstances, where in the judgment of a panel of at least five USOE staff members designated by the Superintendent, the existing conditions warrant approval of a middle school, such a school may be designated by the Superintendent as a necessarily existent small school, provided it meets the criteria listed in Subsection 3(A)(1) above or 3(A)(4) below.]~~

~~[(4)3] Notwithstanding Subsection (2), the Superintendent may classify a [the] school that meets the criteria of Subsection [3(A)(1), [may not meet the criteria of Subsection 3(A)(2);] as necessarily existent if:~~

(a) ~~[but] the school~~ is in a district which has been consolidated to the maximum extent possible, and activities in cooperation with neighboring districts within or across county boundaries are appropriately combined;

~~[(5)b] [the school meets the criteria of Subsection 3(A)(1), does not meet the criteria of Subsections 3(A)(2), but] there is evidence acceptable to the Superintendent of increased growth in the school sufficient to take it out of the small school classification within a period of three years, provided that~~

(a)i) ~~[F]the Superintendent may only classify the school [may be classified-]as necessarily existent until its ADM surpasses the size standard for small schools of the same type[-];~~

(b)ii) ~~[F]the Superintendent shall annually compare the school's ADM [shall be annually compared] to the school's projected ADM to determine increases or decreases in enrollment[-];~~

(e)iii) ~~[An increase in the school's ADM shall be 80 percent of the projected annual increase.-]if the assessment for the first or second year shows the increase in the school's ADM is less~~

than 80 percent of the projected annual increase, the school shall no longer be classified as necessarily existent;

~~(6)c~~ [the school meets both the criteria of Subsection 3(A)(1) and at least the accredited with comment level of Board accreditation standards (as provided in R277-410, R277-411, and R277-412), does not meet the criteria of Subsections 3(A)(2), 3(A)(3), 3(A)(4), or 3(A)(5), but there is evidence as determined by] the Superintendent determines that consolidation may result in undesirable social, cultural, and economic changes in the community, and:

~~(a)i~~ the school has a safe and educationally adequate school facility with a life expectancy of at least ten years, as judged, at least every five years, by the [USOE]Superintendent after consultation with the district; or

~~(b)ii(A)~~ the district ~~shall~~would incur construction costs by combining a school seeking necessarily existent small school status with an existing school and such construction and land costs would exceed the insurance replacement value of the exiting school by 30 percent[-];

~~(B)~~ [F]the existing school ~~shall have~~has a life expectancy of at least ten years[-]; but

~~(C)~~ In the event that the ADM from the school seeking necessarily existent small school status under Subsection (3)(c)(ii), when combined with the ADM at the existing school exceed criteria in [R277-445-3A]Subsection (1), the Superintendent may not classify the existing school [would be disqualified]as necessarily existent[-]; or

~~(e)~~ schools qualifying under standard (b) above shall be evaluated every five years-]

~~(7)d~~ [the school meets the criteria of Subsection 3(A)(1), does not meet the criteria of Subsections 3(A)(2), 3(A)(3), 3(A)(4), 3(A)(5), or 3(A)(6), and] the school does not qualify under Subsections (3)(a) through (c), and removal of the necessarily existent status would result[s] in capital costs [which] that the school district cannot meet within three years when utilizing all funds available from local, state, or federal sources[- or a combination of the sources].

(4) The Superintendent may not recognize a school with less than six grades as a necessarily existent small school if its is feasible in terms of school plant to consolidate the school into a larger school, which, if consolidated, would meet the criteria of Subsection (1) and (2).

(5) If the Superintendent determines that a secondary complex or attendance area meets the criteria of necessarily existent when analyzed on a 7-12 grade basis, the Superintendent shall not invalidate the qualifying status as a result of a reorganization pattern by a district.

~~(B-)(6)(a)~~ In accordance with Subsection 53A-2-204(3)(b)(ii), the Superintendent shall use Necessarily Existent Small Schools Program funds to cover out-of-state tuition reimbursements under Rule R277-421.

~~(b)~~ Any prior year funding balance in the Necessarily Existent Small Schools Program shall be distributed by the [USOE]Superintendent in the current year using a formula that considers the tax effort of a local board of education.

~~(C-)(7)(a)~~ A school district shall utilize [A]additional WPU funds allocated ~~to school districts-~~for necessarily existent small schools ~~[shall be utilized-]~~for programs at the school for which the units were allocated.

~~(b)~~ [The f]Funds allocated under this rule ~~[must]shall~~ supplement and not supplant other funds allocated to ~~[special]~~ schools by the local board of education.

~~(D-)(8)~~ The Superintendent shall classify a school~~[Schools shall be classified]~~ after consultation with the district and in accordance with applicable state statutes and Board ~~[standards]rules.~~

KEY: school enrollment, educational facilities

Date of Enactment or Last Substantive Amendment: ~~[August 7, 2013]~~2017

Notice of Continuation: July 14, 2017

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401~~(3)~~; 53A-17a-109(1)

Education, Administration R277-489 Early Intervention Program

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 41976

FILED: 07/31/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Rule R277-489 is amended to remove all provisions relating to the K-3 reading software program and create a new rule, Rule R277-496, with K-3 reading software program provisions. Text is also rearranged in the rule as appropriate.

SUMMARY OF THE RULE OR CHANGE: The amendments to Rule R277-489 remove references to the K-3 reading software program and rearrange text regarding the administration of the kindergarten entry and exit assessments.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Art X, Sec 3 and Section 53A-1-401 and Section 53A-17a-167

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: Removing references to the K-3 reading software program and rearranging text will likely not result in a cost or savings to the state budget.
- ◆ LOCAL GOVERNMENTS: Removing references to the K-3 reading software program and rearranging text rule will likely not result in a cost or savings to local government.
- ◆ SMALL BUSINESSES: Removing references to the K-3 reading software program and rearranging text will likely not result in a cost or savings to small businesses.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: Removing references to the K-3 reading software program

and rearranging text will likely not result in a cost or savings to persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Removing references to the K-3 reading software program and rearranging text will likely not result in any compliance costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: After conducting a thorough analysis, it was determined that the amendments to this rule will not result in a fiscal impact to businesses.

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Angela Stallings by phone at 801-538-7656, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 09/14/2017

THIS RULE MAY BECOME EFFECTIVE ON: 09/21/2017

AUTHORIZED BY: Angela Stallings, Deputy Superintendent, Policy and Communication

R277. Education, Administration.
R277-489. Kindergarten Entry and Exit Assessment - Early Intervention Program.

- R277-489-1. Authority and Purpose.**
- (1) This rule is authorized by:
 - (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;
 - (b) Section 53A-1-401, which ~~allows~~ permits the Board to make rules to execute the Board's duties and responsibilities under the Utah constitution and state law; and
 - (c) Section 53A-17a-167, which directs the Board to distribute funds appropriated for the early intervention program ~~and k-3 reading software program~~ to LEAs that apply for the funds.
 - (2) The purpose of this rule is to require LEAs to administer a kindergarten entry and exit assessment and establish criteria and procedures to administer the early intervention program ~~and the k-3 reading software program~~.

- R277-489-2. Definitions.**
- ~~[(1) "Adaptive learning technology and assessments" means technology tools and software that adjust the presentation of educational material according to a student's weaknesses and strengths, as indicated by the student's responses to questions.]~~
 - ~~[(2)1] "Early intervention program" means a program that provides additional instruction to kindergarten age students:

 - (a) as an extended period before or after school, on Saturdays, or during the summer; or
 - (b) through other means.~~
 - ~~[(3)2] "Enrollment" means class enrollment of not more than the student enrollment of other kindergarten classes within the school.~~
 - ~~[(4)3] "LEA plan" means the early intervention program plan submitted by an LEA and approved and accepted for funding by the Superintendent.~~

R277-489-3. Administration of Kindergarten Entry and Exit Assessments.

- ~~(1) Except as provided in Subsection (2), an LEA shall administer:

 - ~~(a) a kindergarten entry assessment, approved by the Superintendent, to each kindergarten student sometime within:

 - ~~(i) three weeks before the first day of school; and~~
 - ~~(ii) three weeks after the first day of school; and~~~~
 - ~~(b) a kindergarten exit assessment, approved by the Superintendent, to each kindergarten student sometime during the four weeks before the last day of school.~~~~
- ~~(2) A charter school that does not participate in the Early Intervention Program or the K-3 Reading Software Program described in R277-496 is not required to administer the kindergarten entry and exit assessments.~~
- ~~(3) The days used for the assessment shall be consistent with Subsection R277-419-11(3)(e).~~
- ~~(4) An LEA shall submit to the Data Gateway:

 - ~~(a) kindergarten entry assessment data by September 30; and~~
 - ~~(b) kindergarten exit assessment data by June 15.~~~~
- ~~(5) In accordance with Section R277-114, the Superintendent may recommend action to the Board, including withholding of funds, if an LEA fails to provide complete, accurate, and timely reporting under Subsection (4).~~

R277-489-4. Adaptive Learning Technology Grants.

- ~~(1) The Superintendent shall select one or more technology providers through an RFP to provide adaptive learning technology and assessments for reading for students in kindergarten through grade 3.~~
- ~~(2)(a) An LEA may apply for a grant for adaptive learning technology and assessments for reading for students in kindergarten through grade 3.~~
- ~~(b) An LEA that receive a license for adaptive learning technology in a previous school year shall be given a priority to receive an equivalent license in subsequent years.~~
- ~~(c) An LEA receiving funding for adaptive learning technology shall:~~

~~(i) conduct entry and exit assessments of participating students; and~~

~~(ii) submit an annual report that assesses the impact of the adaptive learning technology and assessments or adaptive computer programs for literacy instruction used by the LEA, including final testing data and student learning gain scores.~~

~~(3) The Superintendent shall report final testing data and student learning scores regarding adaptive learning technology and assessments or adaptive computer programs for literacy instruction by November 1 annually to the Education Interim Committee and the Governor.~~

R277-489-5. Assessment, Accountability and Reporting.

~~(1) An LEA shall use a state mandated uniform kindergarten entry assessment, approved by the Superintendent, with all kindergarten students.~~

~~(2) The days used for assessment shall be consistent with Subsection R277-419-11(3)(e).~~

~~(3) An LEA shall conduct an entry assessment within an administration window that is three weeks prior to the first day of school and within the first three weeks of kindergarten starting.~~

~~(4) An LEA shall submit entry assessment data to the Data Gateway by September 30 annually.~~

~~(5) An LEA shall complete a state mandated exit assessment, approved by the Superintendent, during the last four weeks prior to the ending of the school year and report the results to the Superintendent by June 15 annually.~~

~~(5) The Superintendent may recommend action to the Board, including withholding of funds, in accordance with Rule R277-114 for an LEA that fails to provide complete, accurate, and timely reporting as required by this rule.~~

~~(6) A charter school, which does not receive early intervention program funds or k-3 reading software funds, is not subject to the assessment and reporting requirements of this Section R277-489-5.]~~

R277-489-[6]4. Use of Kindergarten Entry and Exit Assessment Data.

(1) The Superintendent or an LEA may use entry and exit assessment data obtained in accordance with Section R277-489-[5]3 to:

(a) provide insights into current levels of academic [~~and social-emotional~~] performance upon entry and exit of kindergarten;

(b) identify students in need of early intervention instruction and promote differentiated instruction for all students;

(c) understand the effectiveness of programs, such as extended-day kindergarten and pre-school;

(d) provide opportunities for data data-informed decision making and cost-benefit analysis of early learning initiatives;

(e) identify effective instructional practices or strategies for improving student achievement outcomes in a targeted manner; and

(f) understand the influence and impact of full-day kindergarten on at-risk students in both the short- and long-term.

(2) An LEA may not use entry and exit assessment data obtained in accordance with Section R277-489-[5]3 to:

(a) justify early enrollment of a student who is not currently eligible to enroll in kindergarten, such as a student with a birthday falling after September 1;

(b) evaluate an educator's teaching performance; or

(c) determine whether a student should be retained or promoted between grades.

R277-489-[3]5. Early Intervention Program.

(1) The Superintendent shall accept applications from LEAs for early intervention programs delivered through enhanced kindergarten programs that satisfy the requirements of Section 53A-17a-167 and the provisions of this rule.

(2) The Superintendent shall establish timelines for submission of applications.

(3) An LEA application for early intervention program funds shall include:

(a) the names of schools for which program funds must be used;

(b) a description of the delivery methods that may be used to serve eligible students, such as:

(i) full-day kindergarten;

(ii) two half-days;

(iii) extra hours;

(iv) a summer program; or

(v) other means;

(c) a description of the evidence-based early intervention model used by the LEA;

(d) a description of how the program focuses on age-appropriate literacy and numeracy skills;

(e) a description of how the program targets at-risk students;

(f) a description of the assessment procedures and tools to be used by participating schools within the LEA; and

(g) other information as requested by the Superintendent and approved by the Board.

(4) The Superintendent shall distribute funds to eligible charter schools based on a formula identifying the percentage of students in public schools and the percentage of students with the greatest need for an enhanced kindergarten program consistent with Subsection 53A-17a-167(4)(a).

(5) The Superintendent shall distribute funds to eligible school districts by determining the number of students eligible to receive free lunch in the prior school year for each school district and prorating the remaining funds based on the number of students eligible to receive free lunch in each school district.

(6) The Superintendent shall establish timelines for distribution of early intervention program funds.

(7) The Superintendent shall require all funded programs to[:

~~(a) conduct entry and exit assessments;~~

~~(b) submit data as required by Section R277-489-5; and~~

~~(c)] submit an annual report.~~

(8) An LEA may not require a student to participate in an early intervention program.

KEY: early intervention

Date of Enactment or Last Substantive Amendment: [August 7], 2017

Notice of Continuation: June 6, 2017

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401; 53A-17a-167

Education, Administration
R277-496
K-3 Reading Software Licenses

NOTICE OF PROPOSED RULE

(New Rule)
 DAR FILE NO.: 41977
 FILED: 07/31/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This new Rule R277-496 provides criteria and procedures to administer the K-3 reading software program.

SUMMARY OF THE RULE OR CHANGE: This new Rule R277-496 includes provisions moved from Rule R277-489 and adds new provisions to define "technology provider's dosage recommendation" and probation requirements for a school to reenter the reading software program after losing the school's access to licenses.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Art X, Sec 3 and Section 53A-1-401 and Section 53A-17a-167(5)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** Enactment of this new rule will likely not result in a cost or savings to the state budget. Provisions moved from Rule R277-489 and new provisions apply to schools not meeting probationary requirements and local education agencies for not complying with the provisions of this rule.

◆ **LOCAL GOVERNMENTS:** There will be costs to a school on probation that does not use the K-3 reading software license in accordance with a technology provider's dosage recommendations during the probationary year. There could be action taken against a school that does not meet the technology provider's dosage recommendations, including withholding software licenses or funds, for a local education agency that fails to provide complete, accurate, and timely reporting as required by this rule. Costs are speculative.

◆ **SMALL BUSINESSES:** Enactment of this new rule will likely not result in a cost or savings to small businesses. Provisions moved from Rule R277-489 and new provisions apply to schools not meeting probationary requirements and local education agencies for not complying with the provisions of this rule.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Enactment of this new rule will likely not result in a cost or savings to persons other than small businesses, businesses, or local governmental entities. Provisions moved from Rule R277-489 and new provisions apply to schools not meeting probationary requirements and local education agencies for not complying with the provisions of this rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be compliance costs to schools not complying with a technology provider's dosage recommendations and there could be compliance costs to a local education agency not meeting the reporting requirements of this rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: After conducting a thorough analysis, it was determined that the amendments to this rule will not result in a fiscal impact to most businesses, other than a business that the Board contracts with to provide software for the K-3 reading software program. If a school does not meet the fidelity or dosage requirements of Subsections 53A-17a-167 (5) through (8), the business could lose revenue because schools no longer qualify to receive software licenses. The potential to lose revenue is a direct result of the fidelity/dosage requirements in Section 53A-17a-167, not this rule, but the definition of the technology provider's dosage recommendations is included in this Rule R277-496.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Angela Stallings by phone at 801-538-7656, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 09/14/2017

THIS RULE MAY BECOME EFFECTIVE ON: 09/21/2017

AUTHORIZED BY: Angela Stallings, Deputy Superintendent, Policy and Communication

R277. Education, Administration.
R277-496. K-3 Reading Software Licenses.
R277-496-1. Authority and Purpose.

- (1) This rule is authorized by:
- (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;
 - (b) Section 53A-1-401, which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah constitution and state law; and
 - (c) Subsections 53A-17a-167(5) through (8), which direct the Board to distribute software licenses for the K-3 reading software program to LEAs that apply for the licenses.
- (2) The purpose of this rule is to establish criteria and procedures to administer the K-3 reading software program.

R277-496-2. Definitions.

(1) "Aggregate student population" means the total number of students within a school who are using a technology provider's K-3 reading software licenses.

(2) "Early interactive reading software" or "K-3 reading software license" means technology tools and software that adjust the presentation of educational material according to a student's weaknesses and strengths, as indicated by the student's responses to questions.

(3) "Use early interactive reading software in accordance with a technology provider's dosage recommendations" means when at least 80% of the aggregate student population of a school, by provider, uses a technology provider's K-3 reading software for at least 80% of:

- (a) the minimum number of weeks of use recommended by the technology provider for the K-3 reading software program; or
- (b) the average number of minutes of use recommended by the technology provider for the K-3 reading software program.

R277-496-3. K-3 Reading Software Licenses.

(1) The Superintendent shall select one or more technology providers through an RFP to provide early interactive reading software for students in kindergarten through grade 3.

(2) A school may apply for early interactive reading software for students in kindergarten through grade 3.

(3) The Superintendent shall accept applications from LEAs for K-3 reading software licenses that satisfy the requirements of Section 53A-17a-167 and the provisions of this rule.

(4) If the number of requests for K-3 reading software licenses exceeds the number of licenses available, the Superintendent shall give priority to:

- (a) requests for licenses to be used in Kindergarten or grade 1; or
- (b) a school that:
 - (i) received a K-3 reading license in a previous school year; and
 - (ii) used the K-3 reading license in accordance with the technology provider's dosage recommendations.

(5) The Superintendent shall establish timelines for submission of applications. (6) A school may not require a student to participate in the K-3 reading software license program.

R277-496-4. School Probationary Re-entry Into the Program.

(1) If a school does not use the K-3 reading software licenses in accordance with the technology provider's dosage recommendations as described in Subsection 53A-17a-167(7)(c), the school may not receive K-3 reading software licenses for one year.

(2) A school described in Subsection (1) may reapply to re-enter the program on a probationary basis and receive K-3 reading software licenses if the school meets the probation requirements of this Section R277-496-4.

(3) A school is on probation if the school:

- (a) previously received K-3 reading software licenses;
- (b) lost eligibility to participate in the program as described in Subsection 53A-17a-167(7)(c); and

(c) receives K-3 reading software licenses after re-entering the program.

(4)(a) The school principal, instructional leaders, and teachers of a school on probation shall engage in all of the available technology provider support structures and interventions for probationary software programs, including:

- (i) data dives;
- (ii) professional learning; and
- (iii) usage and fidelity updates.

(b) A technology provider shall establish the specific support structure requirements and interventions described in Subsection (4)(a) for the technology provider's software program.

(5) If a technology provider does not offer support structure requirements and interventions as described in Subsection (4), the Superintendent may not make the technology provider's software available for a school that is on probation.

(6) If a school on probation does not use the K-3 reading software licenses in accordance with a technology provider's dosage recommendations during the probationary year, the school may not receive a K-3 reading license for the following year unless the school on probation pays for 50% of the costs of the K-3 reading license software license.

R277-496-5. Reporting.

(1) An LEA receiving K-3 reading software licenses shall provide information that is requested by the Superintendent or external evaluator selected by the Board in conducting the evaluation required in Subsection 53A-17a-167(8).

(2) The Superintendent may recommend action to the Board, including withholding of funds, in accordance with Rule R277-114 for an LEA that fails to provide complete, accurate, and timely reporting as required by this rule.

KEY: reading, software, licenses

Date of Enactment of Last Substantive Amendment: 2017

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401; 53A-17a-167(5) through (8)

Education, Administration
R277-515
 Utah Educator Professional Standards

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 41979

FILED: 07/31/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Rule R277-515 is amended to provide a new definition and provide clarification.

SUMMARY OF THE RULE OR CHANGE: A new definition of "License applicant" is provided in the rule and language is added to clarify the responsibilities of a local education agency to submit assurances.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Art X, Sec 3 and Section 53A-1-401

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** The amendments to this rule will likely not result in a cost or savings to the state budget. The amendments to this rule provide a new definition and clarification.
- ◆ **LOCAL GOVERNMENTS:** The amendments to this rule will likely not result in a cost or savings to local government. The amendments to this rule provide a new definition and clarification.
- ◆ **SMALL BUSINESSES:** The amendments to this rule will likely not result in a cost or savings to small businesses. The amendments to this rule provide a new definition and clarification.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The amendments to this rule will likely not result in a cost or savings to persons other than small businesses, businesses, or local government entities. The amendments to this rule provide a new definition and clarification.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The amendments to this rule will likely not result in any compliance costs for affected persons. The amendments to this rule provide a new definition and clarification.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: After conducting a thorough analysis, it was determined that the amendments to this rule will not result in a fiscal impact to businesses.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Angela Stallings by phone at 801-538-7656, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 09/14/2017

THIS RULE MAY BECOME EFFECTIVE ON: 09/21/2017

AUTHORIZED BY: Angela Stallings, Deputy Superintendent, Policy and Communication

R277. Education, Administration.

R277-515. Utah Educator Professional Standards.

R277-515-1. Authority and Purpose.

- (1) This rule is authorized by:
 - (a) Utah Constitution Article X, Section 3, which vests the general control and supervision of the public schools in the Board;
 - (b) Subsection 53A-1-402(1)(a), which directs the Board to make rules regarding the certification of educators;
 - (c) Title 53A, Chapter 6, Educator Licensing and Professional Practices Act, which provides all laws related to educator licensing and professional practices; and
 - (d) Section 53A-1-401, which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.
- (2) The purpose of this rule is to:
 - (a) establish statewide standards for public school educators that provide notice to educators and prospective educators and notice and protection to public school students and parents;
 - (b) recognize that licensed public school educators are professionals and, as such, should share common professional standards, expectations, and role model responsibilities; and
 - (c) distinguish behavior for which educators shall receive license discipline from behavior that all Utah educators should aspire to and for which license discipline shall be initiated only in egregious circumstances or following a pattern of offenses.

R277-515-2. Definitions.

- (1)(a) "Boundary violation" means crossing verbal, physical, emotional, and social lines that an educator must maintain in order to ensure structure, security, and predictability in an educational environment.
- (b) A "boundary violation" may include the following, depending on the circumstances:
 - (i) isolated, one-on-one interactions with students out of the line of sight of others;
 - (ii) meeting with students in rooms with covered or blocked windows;
 - (iii) telling risqué jokes to, or in the presence of a student;
 - (iv) employing favoritism to a student;
 - (v) giving gifts to individual students;
 - (vi) educator initiated frontal hugging or other uninvited touching;
 - (vii) photographing individual students for a non-educational purpose or use;
 - (viii) engaging in inappropriate or unprofessional contact outside of educational program activities;
 - (ix) exchanging personal email or phone numbers with a student for a non-educational purpose or use;
 - (x) interacting privately with a student through social media, computer, or handheld devices; and
 - (xi) discussing an educator's personal life or personal issues with a student.
- (c) "Boundary violations" does not include:
 - (i) offering praise, encouragement, or acknowledgment;
 - (ii) offering rewards available to all who achieve;

(iii) asking permission to touch for necessary purposes;
 (iv) giving pats on the back or a shoulder;
 (v) giving side hugs;
 (vi) giving handshakes or high fives;
 (vii) offering warmth and kindness;
 (viii) utilizing public social media alerts to groups of students and parents; or

(ix) contact permitted by an IEP or 504 plan.

(2) "Core Standard" means a statement:

(a) of what a student enrolled in a public school is expected to know and be able to do at a specific grade level or following completion of an identified course; and

(b) established by the Board in Rule R277-700 as required by Section 53A-1-402.

(3) "Diversion agreement" means an agreement between a prosecutor and defendant entered into prior to a conviction delaying prosecution of a criminal charge for a specified period of time and contingent upon the defendant satisfying certain conditions.

(4)(a) "Educator" or "professional educator" means a person who currently holds a Utah educator license, held a license at the time of an alleged offense, is an applicant for a license, or is a person in training to obtain a license.

(b) "Professional educator" does not include a paraprofessional, a volunteer, or an unlicensed teacher in a classroom.

(5) "Illegal drug" means a substance included in:

(a) Schedules I, II, III, IV, or V established in Section 58-37-4;

(b) Schedules I, II, III, IV, or V of the federal Controlled Substances Act, Title II, Pub. L. No. 91-513; or

(c) any controlled substance analog.

(6) "Grooming" means befriending and establishing an emotional connection with a child or a child's family to lower the child's inhibitions for emotional, physical, or sexual abuse.

(7) "LEA" or "local education agency" for purposes of this rule includes the Utah Schools for the Deaf and the Blind.

(8) "License applicant" means a person who is applying for:

(a) an initial license; or

(b) renewal of a license.

([8]9) "Licensing discipline" means a sanction, including an admonition, a letter of warning, a written reprimand, suspension of license, and revocation of license, or other appropriate disciplinary measure, for violation of a professional educator standard.

([9]10) "Misdemeanor offense," for purposes of this rule, does not include Class C or lower violations of Title 41, Utah Motor Vehicle Code

([10]11) "Plea in abeyance" means a plea of guilty or no contest that is not entered as a judgment or conviction but is held by a court in abeyance for a specified period of time.

([11]12) "School-related activity" means any event, activity, or program:

(a) occurring at the school before, during, or after school hours; or

(b) that a student attends at a remote location as a representative of the school or with the school's authorization, or both.

([12]13) "Stalking" means the act of intentionally or knowingly engaging in a course of conduct directed at a specific person as defined in Section 76-5-106.5.

([13]14) "Utah Professional Practices Advisory Commission" or "UPPAC" means an advisory commission established to assist and advise the Board in matters relating to the professional practices of educators, as established by Section 53A-6-301.

([14]15) "Weapon" means any item that in the manner of its use or intended use is capable of causing death or serious bodily injury.

R277-515-3. Educator as a Role Model of Civic and Societal Responsibility.

(1) The professional educator is responsible for compliance with federal, state, and local laws.

(2) The professional educator shall familiarize himself or herself with professional ethics and is responsible for compliance with applicable professional standards.

(3) Failing to strictly adhere to Subsection (4) shall result in licensing discipline.

(4) The professional educator, upon receiving a Utah educator license:

(a) may not be convicted of any felony or misdemeanor offense that adversely affects the individual's ability to perform an assigned duty and carry out the responsibilities of the profession, including role model responsibility;

(b) may not be convicted of or commit any act of violence or abuse, including physical, sexual, or emotional abuse of any person;

(c) may not commit any act of cruelty to a child or any criminal offense involving a child;

(d) may not be convicted of a stalking crime;

(e) may not possess or distribute an illegal drug or be convicted of any crime related to an illegal drug, including a prescription drug not specifically prescribed for the individual;

(f) may not engage in conduct of a sexual nature described in Section 53A-6-405;

(g) may not be subject to a diversion agreement specific to a sex-related or drug-related offense, plea in abeyance, court-imposed probation, or court supervision related to a criminal charge that could adversely impact the educator's ability to perform the duties and responsibilities of the profession;

(h) may not provide to a student or allow a student under the educator's supervision or control to consume an alcoholic beverage or unauthorized drug;

(i) may not attend school or a school-related activity in an assigned supervisory capacity while possessing, using, or under the influence of alcohol or an illegal drug;

(j) may not intentionally exceed the prescribed dosage of a prescription medication while at school or a school-related activity;

(k) shall cooperate in providing all relevant information and evidence to the proper authority in the course of an investigation by a law enforcement agency or by the Division of Child and Family Services regarding potential criminal activity, except that an educator may decline to give evidence against himself or herself in an investigation if the evidence may tend to

incriminate the educator as that term is defined by the Fifth Amendment of the U.S. Constitution;

(l) shall report suspected child abuse or neglect to law enforcement or the Division of Child and Family Services pursuant to Sections 53A-6-502 and 62A-4a-409 and comply with rules and LEA policy regarding the reporting of suspected child abuse;

(m) shall strictly adhere to state laws regarding the possession of a firearm while on school property or at a school-sponsored activity and enforce an LEA policy related to student access to or possession of a weapon;

(n) may not solicit, encourage, or consummate an inappropriate relationship, whether written, verbal, or physical, with a student or minor;

(o) may not engage in grooming of a student or minor;

(p) may not:

(i) participate in sexual, physical, or emotional harassment towards any public school-age student or colleague; or

(ii) knowingly allow harassment toward a student or colleague;

(q) may not make inappropriate contact in any communication, including written, verbal, or electronic, with a minor, student, or colleague, regardless of age or location;

(r) may not interfere or discourage a student's or colleague's legitimate exercise of political and civil rights, acting consistent with law and LEA policy;

(s) shall provide accurate and complete information in a required evaluation of himself or herself, another educator, or student, as directed, consistent with the law;

(t) shall be forthcoming with accurate and complete information to an appropriate authority regarding known educator misconduct that could adversely impact performance of a professional responsibility, including a role model responsibility, by himself or herself, or another;

(u) shall provide accurate and complete information required for licensure, transfer, or employment purposes;

(v) shall provide accurate and complete information regarding qualifications, degrees, academic or professional awards or honors, and related employment history when applying for employment or licensure;

(w) shall notify the Superintendent at the time of application for licensure of past license disciplinary action or license discipline from another jurisdiction;

(x) shall notify the Superintendent honestly and completely of past criminal convictions at the time of the license application and renewal of licenses; and

(y) shall provide complete and accurate information during an official inquiry or investigation by LEA, state, or law enforcement personnel.

(5) An LEA shall report violations described in Subsection (4) to UPPAC.

(6)(a) Failure to adhere to this Subsection (6) may result in licensing discipline.

(b) A penalty shall be imposed, most readily, if an educator has received a previous documented warning from the educator's employer.

(c) An educator may not:

(i) exclude a student from participating in any program or deny or grant any benefit to any student on the basis of race, color, creed, sex, national origin, marital status, political or religious

belief, physical or mental condition, family, social, or cultural background, or sexual orientation; and

(ii) may not engage in conduct that would encourage a student to develop a prejudice on the grounds described in Subsection (6)(c)(i) or any other, consistent with the law.

(d) An educator shall maintain confidentiality concerning a student unless revealing confidential information to an authorized person serves the best interest of the student and serves a lawful purpose, consistent with:

(i) Title 53A, Chapter 13, Part 3, Utah Family Educational Rights and Privacy Act; and

(ii) the Federal Family Educational Rights and Privacy Acts, 20 U.S.C. Sec. 1232g and 34 CFR Part 99.

(e) Consistent with Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act, Section 53A-1-402.5, and rule, a professional educator:

(i) may not accept a bonus or incentive from a vendor or potential vendor or a gift from a parent of a student, or a student where there may be the appearance of a conflict of interest or impropriety;

(ii) may not accept or give a gift to a student that would suggest or further an inappropriate relationship;

(iii) may not accept or give a gift to a colleague that is inappropriate or furthers the appearance of impropriety;

(iv) may accept a donation from a student, parent, or business donating specifically and strictly to benefit a student;

(v) may accept, but not solicit, a nominal appropriate personal gift for a birthday, holiday, or teacher appreciation occasion, consistent with LEA policy and Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act;

(vi) may not use the educator's position or influence to:

(A) solicit a colleague, student, or parent of a student to purchase equipment, supplies, or services from the educator or participate in an activity that financially benefits the educator unless approved in writing by the LEA; or

(B) promote an athletic camp, summer league, travel opportunity, or other outside instructional opportunity from which the educator receives personal remuneration and that involve students in the educator's school system, unless approved in writing consistent with LEA policy and rule; and

(vii) may not use school property, a facility, or equipment for personal enrichment, commercial gain, or for personal uses without express supervisor permission.

R277-515-4. Educator Responsibility for Maintaining a Safe Learning Environment and Educational Standards.

(1) A professional educator maintains a positive and safe learning environment for a student and works toward meeting an educational standard required by law.

(2)(a) Failure to strictly adhere to this Subsection (2) shall result in licensing discipline.

(b) The professional educator, upon receiving a Utah educator license:

(i) shall take prompt and appropriate action to prevent harassment or discriminatory conduct toward a student or school employee that may result in a hostile, intimidating, abusive, offensive, or oppressive learning environment;

(ii) shall resolve a disciplinary problem according to law, LEA policy, and local building procedures and strictly protect

student confidentiality and understand laws relating to student information and records;

(iii) shall supervise a student appropriately at school and a school-related activity, home or away, consistent with LEA policy and building procedures and the age of the students;

(iv) shall take action to protect a student from any known condition detrimental to that student's physical health, mental health, safety, or learning;

(v)(A) shall demonstrate honesty and integrity by strictly adhering to all state and LEA instructions and protocols in managing and administering a standardized test to a student consistent with Section 53A-1-608 and Rule R277-404;

(B) shall cooperate in good faith with a required student assessment;

(C) shall submit and include all required student information and assessments, as required by statute and rule; and

(D) shall attend training and cooperate with assessment training and assessment directives at all levels;

(vi) may not use or attempt to use an LEA computer or information system in violation of the LEA's acceptable use policy for an employee or access information that may be detrimental to young people or inconsistent with the educator's role model responsibility; and

(vii) may not knowingly possess, while at school or any school-related activity, any pornographic material in any form.

(3) An LEA shall report violations of Subsection (2) to UPPAC.

(4)(a) Failure to adhere to this Subsection (4) may result in licensing discipline.

(b) A penalty shall be imposed, most readily, if an educator has received a previous documented warning from the educator's employer.

(c) A professional educator:

(i) shall demonstrate respect for a diverse perspective, idea, and opinion and encourage contributions from a broad spectrum of school and community sources, including a community whose heritage language is not English;

(ii) shall use appropriate language, eschewing profane, foul, offensive, or derogatory comments or language;

(iii) shall maintain a positive and safe learning environment for a student;

(iv) shall make appropriate use of technology by:

(A) involving students in social media responsibly, transparently, and primarily for purposes of teaching and learning per school and district policy;

(B) maintaining separate professional and personal virtual profiles;

(C) respecting student privacy on social media; and

(D) taking appropriate and reasonable measures to maintain confidentiality of student information and education records stored or transmitted through the use of electronic or computer technology;

(v) shall work toward meeting an educational standard required by law;

(vi) shall teach the objectives contained in a Core Standard;

(vii) may not distort or alter subject matter from a Core Standard in a manner inconsistent with the law;

(viii) shall use instructional time effectively consistent with LEA policy; and

(ix) shall encourage a student's best effort in an assessment.

R277-515-5. Professional Educator Responsibility for Compliance with LEA Policy.

(1)(a) Failure to strictly adhere to this Subsection (1) shall result in licensing discipline.

(b) A professional educator:

(i) understands, respects, and does not violate appropriate boundaries:

(A) established by ethical rules and school policy and directive in teaching, supervising, and interacting with a student or colleague; and

(B) described in Subsection R277-515-2(1); and

(ii) shall conduct financial business with integrity by honestly accounting for all funds committed to the educator's charge, as school responsibilities require, consistent with LEA policy.

(2) An LEA shall report violations of Subsection (1) to UPPAC.

(3)(a) Failure to adhere to this Subsection (3) may result in licensing discipline.

(b) A penalty shall be imposed most readily, if an educator has received a previous documented warning from the educator's employer.

(c) The professional educator:

(i) understands and follows a rule and LEA policy;

(ii) understands and follows a school or administrative policy or procedure;

(iii) resolves a grievance with a student, colleague, school community member, and parent professionally, with civility, and in accordance with LEA policy; and

(iv) follows LEA policy for collecting money from a student, accounting for all money collected, and not commingling any school funds with personal funds.

R277-515-6. Professional Educator Conduct.

(1) A professional educator exhibits integrity and honesty in relationships with an LEA administrator or personnel.

(2)(a) Failure to adhere to this Subsection (2) may result in licensing discipline.

(b) A penalty shall be imposed most readily, if an educator has received a previous documented warning from the educator's employer.

(c) The professional educator:

(i) shall communicate professionally and with civility with a colleague, school and community specialist, administrator, and other personnel;

(ii) shall maintain a professional and appropriate relationship and demeanor with a student, colleague, school community member, and parent;

(iii) may not promote a personal opinion, personal issue, or political position as part of the instructional process in a manner inconsistent with law;

(iv) shall express a personal opinion professionally and responsibly in the community served by the school;

(v) shall comply with an LEA policy, supervisory directive, and generally-accepted professional standard regarding appropriate dress and grooming at school and at a school-related event;

(vi) shall work diligently to improve the educator's own professional understanding, judgment, and expertise;

(vii) shall honor all contracts for a professional service;

(viii) shall perform all services required or directed by the educator's contract with the LEA with professionalism consistent with LEA policy and rule; and

(ix) shall recruit another educator for employment in another position only within a LEA timeline and guideline.

R277-515-7. Violations of Professional Ethics.

(1) This rule establishes standards of ethical decorum and behavior for licensed educators in the state.

(2)~~(a)~~ Beginning in the ~~[2017-18]~~2018-19 school year, ~~[every active licensed educator]~~to obtain a license or renew a license issued by the Board, a license applicant shall review this rule and ~~[annually]~~execute a form ~~[approved by the Superintendent]~~as part of the licensure or renewal process verifying that the educator:

(i)a) has read R277-515 and R277-516; and

(ii)b) understands that the educator's conduct is governed by R277-515 and R277-516.

~~(b) Failure to submit the form identified in Subsection (a) by September 30 may result in licensing discipline.]~~

(3) An LEA shall:

(a) annually train educators employed by the LEA on the Utah Educator Professional Standards described in Rules R277-515 and R277-516; and

(b) provide written assurance of the training described in Subsection (3)(a) in accordance with R277-108.

~~(3)4~~ Provisions of this rule do not prevent, circumvent, replace, nor mirror criminal or potential charges that may be issued against a professional educator.

~~(4)5~~ The Board and Superintendent shall adhere to the provisions of this rule in licensing and disciplining a licensed Utah educator.

~~(5)6~~ Reporting and employment provisions related to professional ethics are provided in:

(a) Section 53A-15-1507;

(b) Section 53A-6-501;

(c) Section 53A-11-403; and

(d) Section R277-516-7.

KEY: educators, professional, standards

Date of Enactment or Last Substantive Amendments: ~~[August 12, 2016]~~2017

Notice of Continuation: November 15, 2012

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-402(1)(a); 53A-6; 53A-1-401

Education, Administration **R277-516** Background Check Policies and Required Reports of Arrests for Licensed Educators, Volunteers, Non- licensed Employees, and Charter School Governing Board Members

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 41983

FILED: 07/31/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Rule R277-516 is amended to incorporate the provisions of Subsections R277-409-3(6) and (7) into the rule and add a new definition of "Association".

SUMMARY OF THE RULE OR CHANGE: The amendments provide a new Section on association professional standard setting, training, and monitoring, much of which is taken from Rule R277-409, and provide a new definition of "Association". The title of the rule is also changed.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Art X, Sec 3 and Subsections 53A-1-402(1)(a)(i) and (ii) and Title 53A, Chapter 15, Part 15

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** The amendments to this rule will likely not result in a cost or savings to the state budget. Language in the new section of the rule is taken from an existing rule.

♦ **LOCAL GOVERNMENTS:** The amendments to this rule may result in a cost to local government if the school district or charter school is a member of an association that governs athletic interscholastic activities. The amendments to this rule provide a new definition and clarification.

♦ **SMALL BUSINESSES:** The amendments to this rule will likely not result in a cost or savings to small businesses. The amendments to this rule provide a new definition and clarification.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The amendments to this rule will likely result in a cost to an association that governs interscholastic athletic activities of school districts and charter schools. Costs are speculative. The amendments to this rule provide a new definition and clarification.

COMPLIANCE COSTS FOR AFFECTED PERSONS: An association that governs interscholastic athletic activities on behalf of school districts and charter schools (LEAs) may see an increased cost of compliance related to training, or ensuring the association's member LEAs are training, coaches and other individuals who oversee public school interscholastic athletic activities on: 1) child sexual abuse prevention; 2) the prevention of bullying, cyber-bullying, hazing, harassment, and retaliation; and 3) the association's professional standards of conduct. The cost of the training or monitoring are very speculative. LEAs and associations are likely to absorb the costs within existing budgets.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: After conducting a thorough analysis, it was determined that the amendments to this rule will not result in a fiscal impact to businesses.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Angela Stallings by phone at 801-538-7656, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 09/14/2017

THIS RULE MAY BECOME EFFECTIVE ON: 09/21/2017

AUTHORIZED BY: Angela Stallings, Deputy Superintendent, Policy and Communication

R277. Education, Administration.

~~R277-516. [Background Check Policies and Required Reports of Arrests for Licensed Educators, Volunteers, Professional Standards and Training for Non-licensed Employees, and Charter School Governing Board Members] and Volunteers.~~

R277-516-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b)(i) Subsections 53A-1-301(3)(a) and 53A-1-301(3)(d)(x), which instruct the Superintendent to perform duties assigned by the Board that include:

(ii) presenting to the Governor and the Legislature each December a report of the public school system for the preceding year that includes:

(A) investigation of all matters pertaining to the public schools; and

(B) statistical and financial information about the school system which the Superintendent considers pertinent;

(c) Subsections 53A-1-402(1)(a)(i) and (iii), which direct the Board to:

(i) establish rules and minimum standards for the public schools regarding the qualification and certification of educators and ancillary personnel who provide direct student services; and

(ii) the evaluation of instructional personnel; and

(d) Title 53A, Chapter 15, Part 15, Background Checks, which directs the Board to require educator license applicants to submit to background checks and provide ongoing monitoring of licensed educators.

(2) The purpose of this rule is to ensure that all students who are compelled by law to attend public schools, subject to release from school attendance consistent with Section 53A-11-102, are instructed and served by public school teachers and employees who have not violated laws that would endanger students in any way.

R277-516-2. Definitions.

(1) "Association" means the same as that term is defined in Subsection 53A-1-1601(3).

([+]~~2~~) "Charter school governing board" means a board designated by a charter school to make decisions for the operation of the charter school.

(~~2~~]~~3~~) "Charter school board member" means a current member of a charter school governing board.

(~~3~~]~~4~~) "Comprehensive Administration of Credentials for Teachers in Utah Schools (CACTUS)" means the database maintained on all licensed Utah educators, which includes information such as:

(a) personal directory information;

(b) educational background;

(c) endorsements;

(d) employment history;

(e) professional development information;

(f) completion of employee background checks; and

(g) a record of disciplinary action taken against the educator.

(~~4~~]~~5~~) "Contract employee" means an employee of a staffing service who works at a public school under a contract between the staffing service and the public school.

(~~5~~]~~6~~) "DPS" means the Department of Public Safety.

(~~6~~]~~7~~) "LEA" or "local education agency" for purposes of this rule includes the Utah Schools for the Deaf and the Blind.

(~~7~~]~~8~~)(a) "Licensed educator" means an individual who holds a valid Utah educator license and has satisfied all requirements to be a licensed educator in the Utah public school system (examples are traditional public school teachers, charter school teachers, school administrators, Board employees, and school district specialists).

(b) A licensed educator may or may not be employed in a position that requires an educator license.

(c) A licensed educator includes an individual who:

(i) is student teaching;

(ii) is in an alternative route to licensing program or position; or

(iii) holds an LEA-specific competency-based license.

([8]9) "Non-licensed public education employee" means an employee of an LEA who:

(a) does not hold a current Utah educator license issued by the Board under Title 53A, Chapter 6, Educator Licensing and Professional Practices; or

(b) is a contract employee.

([9]10) "Public education employer" means the education entity that hires and employs an individual, including public school districts, the Utah State Office of Education, Regional Service Centers, and charter schools.

([10]11) "Utah Professional Practices Advisory Commission" or "UPPAC" means an advisory commission established to assist and advise the Board in matters relating to the professional practices of educators, established in Section 53A-6-301.

([11]12) "Volunteer" means a volunteer who may be given significant unsupervised access to children in connection with the volunteer's assignment.

R277-516-3. Licensed Public Education Employee Personal Reporting of Arrests.

(1) A licensed educator who is arrested, cited or charged with the following alleged offenses shall report the arrest, citation, or charge within 48 hours or as soon as possible to the licensed educator's district superintendent, charter school director or designee:

(a) any matters involving an alleged sex offense;

(b) any matters involving an alleged drug-related offense;

(c) any matters involving an alleged alcohol-related offense;

(d) any matters involving an alleged offense against the person under Title 76, Chapter 5, Offenses Against the Person;

(e) any matters involving an alleged felony offense under Title 76, Chapter 6, Offenses Against Property;

(f) any matters involving an alleged crime of domestic violence under Title 77, Chapter 36, Cohabitant Abuse Procedures Act; and

(g) any matters involving an alleged crime under federal law or the laws of another state comparable to the violations listed in Subsections (a) through (f).

(2) A licensed educator shall report convictions, including pleas in abeyance and diversion agreements within 48 hours or as soon as possible upon receipt of notice of the conviction, plea in abeyance or diversion agreement.

(3) An LEA superintendent, director, or designee shall report conviction, arrest or offense information received from a licensed educator to the Superintendent within 48 hours of receipt of information from a licensed educator.

(4) The Superintendent shall develop an electronic reporting process on the Board's website.

(5) A licensed educator shall report for work following an arrest and provide notice to the licensed educator's employer unless directed not to report for work by the employer, consistent with school district or charter school policy.

R277-516-4. Non-licensed Public Education Employee, Volunteer, and Charter School Board Member Background Check Policies.

(1) An LEA shall adopt a policy for non-licensed public education employee, volunteer, and charter school board member background checks that includes at least the following components:

(a) a requirement that the individual submit to a background check and ongoing monitoring through registration with the systems described in Section 53A-15-1505 as a condition of employment or appointment; and

(b) identification of the appropriate privacy risk mitigation strategy that will be used to ensure that the LEA only receives notifications for individuals with whom the LEA maintains an authorizing relationship.

(2) An LEA policy shall describe the background check process necessary based on the individual's duties.

R277-516-5. Non-licensed Public Education Employee, Volunteer, or Charter School Board Member Arrest Reporting Policy Required from LEAs.

(1) An LEA shall have a policy requiring a non-licensed public education employee, a volunteer, a charter school board member, or any other employee who drives a motor vehicle as an employment responsibility, to report offenses specified in Subsection (3).

(2) An LEA shall post the policy described in Subsection (1) on the LEA's website.

(3) An LEA's policy described in Subsection (1) shall include the following minimum components:

(a) reporting of the following:

(i) convictions, including pleas in abeyance and diversion agreements;

(ii) any matters involving arrests for alleged sex offenses;

(iii) any matters involving arrests for alleged drug-related offenses;

(iv) any matters involving arrests for alleged alcohol-related offenses; and

(v) any matters involving arrests for alleged offenses against the person under Title 76, Chapter 5, Offenses Against the Person.

(b) a timeline for receiving reports from non-licensed public education employees;

(c) immediate suspension from student supervision responsibilities for alleged sex offenses and other alleged offenses which may endanger students during the period of investigation;

(d) immediate suspension from transporting students or public education vehicle operation or maintenance for alleged offenses involving alcohol or drugs during the period of investigation;

(e) adequate due process for the accused employee consistent with Section 53A-15-1506;

(f) a process to review arrest information and make employment or appointment decisions that protect both the safety of students and the confidentiality and due process rights of employees and charter school board members; and

(g) timelines and procedures for maintaining records of arrests and convictions of non-licensed public education employees and charter school board members.

(4) An LEA shall ensure that the records described in R277-516-5(3)(g):

- (a) include final administrative determinations and actions following investigation; and
- (b) are maintained:
 - (i) only as necessary to protect the safety of students; and
 - (ii) with strict requirements for the protection of confidential employment information.

R277-516-6. Association Professional Standard Setting, Training, and Monitoring.

(1) Beginning with the 2017-2018 school year, a public school may not be a member of, or pay dues to an association that adopts rules or policies that are inconsistent with this R277-516-6.

(2) An association shall establish policies or rules that require:

(a) coaches and individuals who oversee interscholastic activities or work with students as part of an interscholastic activity to meet a set of professional standards that are consistent with the Utah Educator Professional Standards described in Rule R277-515; and

(b) the association or public school to annually train each coach or other individual who oversees or works with students as part of an interscholastic activity of a public school on the following:

(i) child sexual abuse prevention as described in Section 53A-13-112;

(ii) the prevention of bullying, cyber-bullying, hazing, harassment, and retaliation as described in:

(A) Title 53A, Chapter 11a, Bullying and Hazing; and

(B) R277-613; and

(iii) the professional standards described in Subsection (2)(a).

(3) An association shall establish procedures and mechanisms to:

(a) monitor LEA compliance with the association's training requirements described in Subsection (2); and

(b) track the employment history of individuals who receive a certification from the association.

R277-516-[6]7. Public Education Employer Responsibilities Upon Receipt of Arrest Information.

(1) A public education employer that receives arrest information about a licensed public education employee shall review the arrest information and assess the employment status consistent with Section 53A-6-501, Rule R277-515, and the LEA's policy.

(2) A public education employer that receives arrest information about a non-licensed public education employee, volunteer, or charter school board member shall review the arrest information and assess the individual's employment or appointment status:

(a) considering the individual's assignment and duties; and

(b) consistent with a local board-approved policy for ethical behavior of non-licensed employees, volunteers, and charter school board members.

(3) A local board shall provide appropriate training to non-licensed public education employees, volunteers, and charter school board members about the provisions of the local board's policy for self-reporting and ethical behavior of non-licensed public education employees, volunteers, and charter school board members.

(4) A public education employer shall cooperate with the Superintendent in investigations of licensed educators.

R277-516-[7]8. Misconduct Notification Requirements and Procedures.

(1)(a) An educator who has reasonable cause to believe that a student may have been physically or sexually abused by a school's employee shall immediately report that belief to:

- (i) law enforcement;
- (ii) the school principal; and
- (iii) to any other entity to which a report is required by law.

(b) A school administrator who receives a report described in Subsection (1)(a) shall immediately submit the information to UPPAC if the employee is licensed as an educator.

(2) A local superintendent or charter school director shall notify UPPAC if an educator is determined, pursuant to an administrative or judicial action, or internal LEA investigation, to have had disciplinary action taken for, or, to have engaged in:

(a) unprofessional conduct or professional incompetence that:

- (i) results in suspension for more than one week or termination;
- (ii) requires mandatory licensing discipline under R277-515; or
- (iii) otherwise warrants UPPAC review; or

(b) immoral behavior.

(3) An educator who fails to comply with Subsection (1) may:

- (a) be found guilty of unprofessional conduct; and
- (b) have disciplinary action taken against the educator.

(4) The Superintendent may withhold, reduce, or terminate funding to an LEA for failure to make a required report under this R277-516 through the process described in Rule R277-114.

KEY: school employees, self reporting, background checks

Date of Enactment or Last Substantive Amendments: [~~August 12, 2016~~2017]

Notice of Continuation: July 14, 2017

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-301(3)(a); 53A-1-301(3)(d)(x); 53A-1-402(1)(a)(i); 53A-1-402(1)(a)(iii)

Education, Administration
R277-608
 Prohibition of Corporal Punishment in
 Utah's Public Schools

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 41980

FILED: 07/31/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Rule R277-608 is amended to provide technical and conforming changes consistent with the Rulewriting Manual for Utah and consistent with H.B. 92 from the 2017 General Session.

SUMMARY OF THE RULE OR CHANGE: The amendments to Rule R277-608 provide technical and conforming changes throughout the rule and update the rule based on amendments to Section 53A-11-802 due to passage of H.B. 92 (2017).

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Art X, Sec 3 and Section 53A-1-401 and Sections 53A-11-801 through 53A-11-805

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The amendments to this rule will likely not result in a cost or savings to the state budget. The rule is updated with technical and conforming changes.

◆ **LOCAL GOVERNMENTS:** The amendments to this rule will likely not result in a cost or savings to local government. The rule is updated with technical and conforming changes.

◆ **SMALL BUSINESSES:** The amendments to this rule will likely not result in a cost or savings to small businesses. The rule is updated with technical and conforming changes.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The amendments to this rule will likely not result in a cost or savings to persons other than small businesses, businesses, or local government entities. The rule is updated with technical and conforming changes.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The amendments to this rule will likely not result in any compliance costs for affected persons. The rule is updated with technical and conforming changes.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: After conducting a thorough analysis, it was determined that the amendments to this rule will not result in a fiscal impact to businesses.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
◆ Angela Stallings by phone at 801-538-7656, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 09/14/2017

THIS RULE MAY BECOME EFFECTIVE ON: 09/21/2017

AUTHORIZED BY: Angela Stallings, Deputy Superintendent, Policy and Communication

R277. Education, Administration.**R277-608. Prohibition of Corporal Punishment in Utah's Public Schools.****R277-608-[2]1. Authority and Purpose.**

~~[A-](1)~~ This rule is authorized by:

~~(a)~~ Utah Constitution Article X, Section 3, which vests ~~the~~ general control and supervision ~~of~~ over public education in the Board~~[-]; [Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities]~~

~~(b)~~ Section 53A-1-401, which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and

~~(c)~~ Sections 53A-11-801 through 53A-11-805, which provide guidelines for the use of reasonable and necessary physical restraint or force in educational settings.

~~[B-](2)~~ The purpose of this rule is to direct LEAs to have policies in place that prohibit corporal punishment consistent with the law.

R277-608-[1]2. Definitions.

~~[A-]~~ "Board" means ~~the Utah State Board of Education.~~

~~[B-](1)~~ "Corporal punishment" means the intentional infliction of physical pain upon the body of a minor child as a disciplinary measure.

~~[C-](2)~~ "LEA" ~~[means a local education agency, including local school boards/public school districts, charter schools, and]~~ includes, for purposes of this rule, the Utah Schools for the Deaf and the Blind.

~~[D-]~~ "USOE" means ~~the Utah State Office of Education.~~

R277-608-3. Reporting Requirements.

~~[A-](1)~~ Each LEA shall incorporate in the LEA plan submitted to the ~~[USOE]~~ Superintendent annually, the prohibition of corporal punishment consistent with the law.

~~[B-](2)~~ An LEA policy shall ~~[incorporate]~~ include:

~~(a)~~ a prohibition of corporal punishment consistent with the law~~[-];~~

~~(b)~~ criteria and procedures for using appropriate behavior reduction intervention in accordance with federal and state law;

~~(c)~~ appropriate sanctions for LEA employees who use corporal punishment; and

(d) appeal procedures for LEA employees disciplined ~~[under this rule and the corresponding state statute]~~ for a violation of the LEA's policy.

~~[R277-608-4. Special Education Exception(s) to this Rule.~~

~~LEAs shall have in place, as part of their LEA's special education plans, procedures or manuals, criteria and procedures for using appropriate behavior reduction intervention in accordance with state and federal law.]~~

KEY: students' rights, disciplinary problems, teachers
Date of Enactment or Last Substantive Amendment: [January 10, 2012]2017
Notice of Continuation: July 14, 2017
Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401[~~(3)~~]; 53A-11-801 through 805

Education, Administration
R277-800
Utah Schools for the Deaf and the Blind

NOTICE OF PROPOSED RULE

(Amendment)
 DAR FILE NO.: 41981
 FILED: 07/31/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Rule R277-800 is amended to provide terminology changes in response to H.B. 60 from the 2017 General Session and provide technical and conforming changes in accordance with the Rulewriting Manual for Utah.

SUMMARY OF THE RULE OR CHANGE: The amendments to Rule R277-800 provide terminology changes throughout the rule to include replacing sensory impairment with the specific impairment and providing technical and conforming changes throughout the rule.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Art X, Sec 3 and Section 53A-1-401 and Section 53A-25b-201 and Section 53A-25b-302 and Subsection 53A-25b-201(3)

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** The amendments to this rule will likely not result in a cost or savings to the state budget. The rule is updated with terminology, technical and conforming changes.
- ◆ **LOCAL GOVERNMENTS:** The amendments to this rule will likely not result in a cost or savings to local government. The rule is updated with terminology, technical and conforming changes.
- ◆ **SMALL BUSINESSES:** The amendments to this rule will likely not result in a cost or savings to small businesses. The

rule is updated with terminology, technical and conforming changes.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The amendments to this rule will likely not result in a cost or savings to persons other than small businesses, businesses, or local government entities. The rule is updated with terminology, technical and conforming changes.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The amendments to this rule will likely not result in any compliance costs for affected persons. The rule is updated with terminology, technical and conforming changes.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: After conducting a thorough analysis, it was determined that the amendments to this rule will not result in a fiscal impact to businesses.

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ◆ Angela Stallings by phone at 801-538-7656, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 09/14/2017

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:
 ◆

THIS RULE MAY BECOME EFFECTIVE ON: 09/21/2017

AUTHORIZED BY: Angela Stallings, Deputy Superintendent, Policy and Communication

R277. Education, Administration.

R277-800. Utah Schools for the Deaf and the Blind.

R277-800-[2]1. Authority and Purpose.

[A-](1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision [of] over public education in the Board[;];

(b) Section 53A-25[B]b-201 which [~~describes the authority of the Board regarding the USDB~~] authorizes the Board to make rules regarding the administration of the Utah Schools for the Deaf and the Blind[;];

(c) Subsection 53A-25b-20[3]1(3), which directs the Board to appoint Advisory Council members ~~and assign a USOE staff member as a liaison between the Board and the Advisory Council;~~

(d) Section 53A-25b-302, which directs the Board to establish entrance policies and procedures to be considered, consistent with the IDEA, for student placement recommendations at the USDB[;];

(e) Section 53A-25b-501, which directs the Board to establish the USIMAC and outline collaboration and operating procedures for USIMAC and USDB resources[;]; and

(f) ~~[Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities]~~ Section 53A-1-401, which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.

[B-](2) The purpose of this rule is to provide standards and procedures for the operation of the USDB and the USDB outreach programs and services.

R277-800-[1]2. Definitions.

[A-](1) "Accessible media producer" means a ~~[companies]~~ company or ~~[agencies]~~ agency that creates fully-accessible, specialized, student-ready formats for curriculum materials, such as:

- (a) Braille[;];
- (b) large print[;];
- (c) audio books[;]; or
- (d) digital books.

[B-](2) "Advisory Council" means the Advisory Council for the Utah Schools for the Deaf and the Blind ~~[with members, responsibilities, and other provisions under Section 53A-25b-203]~~ appointed by the Board in accordance with Subsection 53A-25b-201(3) and Section R277-800-4.

[C-](3)(a) "Assessment" means the process of documenting, usually in measurable terms, knowledge, skills, attitudes and abilities pertaining to the fields of vision and hearing.

(b) ~~[These]~~ An assessment[s] may include the following areas of focus:

([1]i) a valid, reliable and appropriate assessment[s] given to determine eligibility for placement and services by a team of qualified professionals and ~~[the]~~ a student's parent[(s)] or guardian;

([2]ii) a functional assessment[s] accomplished by observation and measurement of daily living skills and functional use of vision or hearing, or both; and

([3]iii) academic evaluations as part of the Utah Performance Assessment System for Students (U-PASS), including an alternate assessment with appropriate accommodations as indicated on ~~[the]~~ a student's [individualized education program (IEP)].

[D-] "Board" means the Utah State Board of Education[.];

[E-](4)(a) "Campus-[B]based [P]program" means a program provided by USDB that offers an alternative to an outreach program for students, ages three to 22, who are blind or visually impaired, deaf or hard of hearing, or deafblind ~~[(ages three to 22)].~~

(b) Under a campus-based program, [S]services are provided by qualified USDB staff at a USDB site.

[F-](5)(a) "The Chafee Amendment to the Copyright Act[; 17 U.S.C. Section 121]" or the "[~~(~~Chafee Amendment[)]]" is a federal law, 17 U.S.C. 121, that allows an authorized entity to reproduce or distribute copyrighted materials in specialized formats for students who are blind or have other print disabilities without the need to obtain permission of the copyright owner.

(b) Authorized entities under the Chafee Amendment include[are] governmental or nonprofit organizations that have a primary mission to provide copyrighted works in specialized formats for students who are blind or have other print disabilities.

[G-](6) "Child Find" means activities and strategies designed to locate, evaluate, and identify individuals eligible for services under the IDEA.

[H-](7) "Consultation" means a meeting for discussion or ~~[the-]~~ seeking [of] advice.

[I-](8) "Designated LEA" means the local education agency assigned by a student's IEP or Section 504 team to have primary responsibility for ensuring that all rights and requirements regarding individual student assessment, eligibility services and procedural safeguards are satisfied consistent with the ~~[Individuals with Disabilities Education Act (IDEA) 20 U.S.C. 1400, Part B, or Section 504 of the Rehabilitation Act of 1973]~~ IDEA.

[J-](9) "Deafblindness" or "deafblind" means written verification provided by a medical professional stating that an individual has concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for students with deafness or students with blindness. ~~[The definition of deafblindness also includes the provisions of 53A-25b-102 and 301.]~~

(10) "Deafness" is a hearing impairment that is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification, and that adversely affects a student's educational performance.

[K-](11) "Educational Resource Center" ~~[(ERC)]~~ or "ERC" is a center under the direction of the USDB that:

(a) provides information, technology, and instructional materials to assist ~~[Utah children with sensory impairments]~~ children who are deaf, hard of hearing, blind, visually impaired, and deafblind in progressing in the curriculum[;]; ~~and [It is also the mission of the ERC to]~~

(b) facilitates access to materials, information, and training for teachers and parents of ~~[children with sensory impairments]~~ children who are deaf, hard of hearing, blind, visually impaired, and deafblind.

(12) "Extension classroom" means a classroom provided by an LEA where USDB provides a full-time classroom teacher and related services to students who remain enrolled in the LEA's general education programs.

[L-](13) ~~["Hearing impairment/deafness" ("hard of hearing" for purposes of this rule)]~~ "Hearing loss" is ~~[defined as follows:~~

(1) ~~Hearing impairment is]~~ an impairment in hearing, whether permanent or fluctuating, that adversely affects a student's educational performance, but that is not included under the definition of deafness.

~~[(2) Deafness is a hearing impairment that is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification, and that adversely affects a student's educational performance.]~~

~~[M. "Local education agency" (LEA) means an agency that has administrative control and direction for public education. School districts, charter schools, and the USDB are LEAs.]~~

~~[N.](14) "National Instructional Materials Access Center" or [(NIMAC)] "NIMAC" is a central national repository that receives file sets in the NIMAS from publishers to maintain, catalogue, and house for future reference file sets for states to use with students who have print disabilities and require accessible alternate formats.~~

~~[O.](15) "National Instructional Materials Accessibility Standard" or [(NIMAS)] "NIMAS" means the electronic standard that enables all producers of alternate formats for students with print disabilities to work from one standard format available from publishers for this purpose.~~

~~[P.](16)(a) "Outreach program" is a program provided by the USDB that offers an alternative to a campus-based program for students ages three to 22 who are blind or visually impaired, deaf or hard of hearing, or deafblind [(ages three to 22)].~~

~~(b) In an outreach program, [S]services are provided at a student's resident school or at a designated school by a qualified teacher of the blind or visually impaired, deaf or hard of hearing, or deafblind.~~

~~[Q.](17)(a) "Related services" means those supportive services that are necessary for the appropriate implementation of [the] an IEP.~~

~~(b) Related services [These] may include, but are not limited to:~~

- ~~(i) speech pathology[;];~~
- ~~(ii) audiology[;];~~
- ~~(iii) low vision services[;];~~
- ~~(iv) orientation and mobility[;];~~
- ~~(v) school [counselor]counseling[;];~~
- ~~(vi) transportation[;];~~
- ~~(vii) school [nurse]nursing services[;];~~
- ~~(viii) occupational therapy[;]; or~~
- ~~(ix) physical therapy.~~

~~[R.](18) "Section 504 accommodation plan" [required by Section 504 of the Rehabilitation Act of 1973] means a plan required by Section 504 of the Rehabilitation Act of 1973, which is designed to accommodate an individual who has been determined, as a result of an evaluation, to have a physical or mental impairment that substantially limits one or more major life activities.~~

~~[S.](19) "Technical assistance" means assistance to public education employees, [or] licensed educators, [and] parents, and families in significant areas of need by someone who has the expertise necessary to give council and training in designated areas.~~

~~[T.](20) "USDB" means the Utah Schools for the Deaf and the Blind.~~

~~[U. "USOE" means the Utah State Office of Education.]~~

~~[V.](21) "Utah State Instructional Materials Access Center" [(USIMAC)] or "USIMAC" [is] means a center that receives NIMAS electronic file sets and produces them in the accessible alternate format required by students with print disabilities.~~

~~[W.](22)(a) "Visual impairment," [(including blindness)] is an impairment in vision that, even with correction, adversely affects a student's educational performance.~~

~~(b) [The term] "Visual impairment" includes both partial sight and blindness that adversely affect[s] a student's educational performance.~~

~~[X.](23) "Weighted pupil unit" or "WPU" means [weighted pupil unit,] the basic unit used to calculate the amount of state funds for which a school district or charter school is eligible.~~

R277-800-3. [Board Authority Over and Support for] Operation of USDB.

~~[A.](1) Consistent with Section 53A-25b-201, the Board is the governing board of the USDB.~~

~~[B.](2) The USDB superintendent, appointed consistent with Section 53A-25b-201(2), is subject to the direction of the Board and [its executive officer, the State] the Superintendent [of Public Instruction].~~

~~[C.](3) The [Board shall appoint the] USDB superintendent [on the basis of outstanding qualifications.] shall serve subject to the following:~~

~~(1)a) [F]the USDB superintendent's term of office is for two years and until a successor is appointed [and qualified].;~~

~~(2)b) [F]the Board shall set the USDB superintendent's compensation for services[.];~~

~~(3)c) [F]the USDB superintendent shall have, at a minimum, an annual evaluation, as directed by the Board[.];~~

~~(4)d) [F]the USDB superintendent qualifications shall be established by the Board[.]; and~~

~~(5)e) [F]the duties of the USDB superintendent shall be established by the Board.~~

~~[D.](4) The [Board shall direct the USOE] Superintendent shall support, provide assistance, and work cooperatively with the USDB in providing services to designated Utah students.~~

~~[E.](5) The [Board] Superintendent shall assign a liaison to provide appropriate supervision to the USDB to ensure compliance with the law.~~

~~[F.](6) The [Board and USOE staff, as assigned,] Superintendent shall assist the USDB, its superintendent, and associate superintendents in adopting policies and preparing an annual budget that are consistent with the law.~~

~~(1)7) The Board shall approve the annual budget and expenditures of USDB.~~

~~(2)8)(a) The USDB superintendent shall, subject to the approval of the Board, appoint an associate superintendent to administer the Utah School for the Deaf and an associate superintendent to administer the Utah School for the Blind.~~

~~(b) Qualifications of [the] a USDB associate superintendent[s] shall be aligned with the requirements of Section 53A-25b-201.~~

~~(3)9)(a) The USDB superintendent and associate[s] superintendents may hire staff and teachers as needed for the USDB.~~

~~(b) Educators and related service providers shall be appropriately licensed and credentialed [or both] for their specific assignments.~~

([4]10) In employment practices and decisions, the USDB and the USDB superintendent shall maintain the accreditation of the USDB school and programs.

([5]11) The USDB superintendent and associate[s] ~~superintendents~~ shall communicate regularly and effectively with the [USOE]Board and provide a written report to the Board at least annually in adequate time prior to the November legislative interim meeting, or at such other time as requested by the Board.

([6]12) The USDB report shall contain:

(a) a financial report;
(b) a report on the activities of the superintendent and associate superintendents;

(c) a report on activities to involve parents and constituency, including LEA personnel and advocacy groups, in the governance of the school and implementation of service delivery plans for students ~~[students with sensory impairments]~~ who are deaf, hard of hearing, blind, visually impaired, and deafblind; and

(d) a report on student achievement, including student achievement data, that provides;

(i) longitudinal data for both current and previous students served by USDB[;];

(ii) graduation rates[;]; and

(iii) ~~students exiting USDB and their educational placements after exiting.~~

([7]13) USDB shall ensure that each child[~~]~~ or student served by USDB is assigned a unique student identifier (SSID) to allow for annual data collection and reporting of achievement of current and past students.

([8]14) USDB shall provide the [USOE]Superintendent with a listing of past and current children[~~]~~ or students, including the assigned unique student identifier, served by USDB by September 1 of each year to facilitate the required data collection.

R277-800-4. USDB Advisory Council and Community Council.

[A-](1) The Board shall establish the Advisory Council for USDB and appoint ~~[and support]~~ Advisory Council members as directed in Section 53A-25b-201.

[B-](2) The Advisory Council shall have not more than 11 Board-appointed voting members and shall include members as qualified under Section 53A-25b-201.

[C-](3)(a) ~~[The Board shall appoint]~~ Advisory Council members ~~[for]~~ shall serve two year terms and members may serve no more than three consecutive terms.

(b) Notwithstanding, Subsection (3)(a), [A]advisory Council members serve at the pleasure of the Board.

[D-](4) If an Advisory Council member resigns or is asked to resign, the Board shall appoint another member in a timely manner ~~[by]~~ after seeking nominations.

[E-](5) The Board shall assist the Advisory Council in developing and passing by-laws establishing procedures for:

(a) nominating ~~[and]~~ Advisory Council members;

(b) recommending dismissal of Advisory Council members[;]; ~~[and setting]~~

(c) ethical standards for Advisory Council members[;]; and

([F]d) ~~[The bylaws shall include operating procedures for operation of the Advisory Council[; and].~~

([2]6) ~~[the]~~ Advisory Council bylaws may allow for representation on the Advisory Council of constituencies within the USDB community.

~~[F. Advisory Council membership and school community council membership:]~~

(7) The USDB shall establish a community council to operate in a comparable manner to a school community council under Section 53A-1a-108 through 108.1 and Rule R277-491.

([+](8) Members of the Advisory Council may serve as school community council members ~~[under Section 53A-1a-108(4) and R277-491].~~

([2]9) The USDB school community council and election process shall be ~~[consistent]~~ the same as for a district school in ~~[with]~~ Section 53A-1a-108 and R277-491.

([3]10) The USDB may implement electronic voting and consider encouraging school community council participation through electronic meetings and technology that facilitate participation of parents of USDB students ~~[in voting and school community council meetings].~~

R277-800-5. USDB or Student's District of Residence/Charter School as Designated LEA.

[A-](1) To be eligible to receive free services from the USDB, a student must ~~[be a resident of Utah and]~~ meet the requirements of Section 53A-25b-301.

[B-](2)(a) A student's IEP ~~[under IDEA]~~ or Section 504 accommodation plan shall determine a student's placement at the USDB, in a ~~[school]~~ district[~~]~~, school or charter school.

(b) USDB shall limit its services for students who are school-age ~~[shall be limited]~~ to those on an IEP or Section 504 accommodation plan.

[C-](3) Consistent with Subsection 53A-25b-301(3)(e), an IEP team or Section 504 team shall determine the appropriate placement for each blind, deaf or deafblind student consistent with ~~[IDEA using the Blind/Visually Impaired Guidelines, Deaf/Hard of Hearing Guidelines, or Deafblind Guidelines, as guidance. The USDB Guidelines are hereby incorporated by reference and included with this rule.]~~ Board Special Education Rules incorporated by reference in Section R277-750-2.

[D-](4) It is the responsibility of the student's district of residence or charter school to conduct Child Find ~~[under R277-800-4F]~~, and to convene the initial IEP or Section 504 team meeting in order to determine a student's placement.

([+](a) A student's initial IEP or Section 504 accommodation plan meeting shall include a representative from the student's district of residence or charter school and a representative from the USDB.

([2]b) ~~[The]~~ An LEA shall ~~[consider]~~ defer, where appropriate, to the parental preference in the IEP or Section 504 accommodation plan process consistent with Subsection 53A-25b-301(3)(c).

(c) Notwithstanding, Subsection (4)(b), in compliance with the IDEA, ~~[F]~~ the final placement decision, as documented on the IEP or Section 504 accommodation plan, shall document a free appropriate public education [(FAPE)] for the student and shall not be determined solely by parental preference.

~~[E-](5)(a) [When]If USDB is the designated LEA for a student, USDB has full responsibility for all services defined in the student's IEP[.] or Section 504 accommodation plan.~~

~~(b) Notwithstanding USDB's designation as LEA for a student, [A] a representative from the district of residence or charter school remains a required member of the IEP or Section 504 accommodation plan team.~~

~~[F-](6) [When the]If a district of residence or charter school is the LEA designated to provide services to a student with an IEP or Section 504 accommodation plan, the district of residence or charter school has the responsibility for providing instruction and services for the student except that the USDB:~~

~~(a) may be designated by the team as a related service provider[-]; and [The USDB]~~

~~(b) remains a required member of the student's IEP or 504 accommodation plan team.~~

~~[G-](7) [The]A student's IEP or Section 504 accommodation plan shall clearly define what services are to be provided by [the] a related service provider[(-s)].~~

~~[H-](8) The IEP or Section 504 accommodation plan team shall determine the designated LEA for student placement.~~

~~[I- Parent complaints regarding student placement at district of residence or USDB:]~~

~~(1)2) If a parent is dissatisfied with a student's placement at USDB, [or] the student's district of residence, or charter school, the parent may access dispute resolution procedures, consistent with Utah State Board of Education Special Education Rules, [November 2013]adopted by the Board in Section R277-750-2~~

~~(2)10) If a student's IEP or Section 504 accommodation plan provides for services to be provided by both the USDB and the student's district of residence, or for the USDB and district of residence to share responsibility for serving a student, [the] a parent may access dispute resolution procedures consistent with Utah State Board of Education Special Education Rules, [November 2013]adopted by the Board in Section R277-750-2.~~

~~[R277-800-6. LEA and Board Interagency Agreement.~~

~~A. The Board, USOE, and LEAs, with assistance from the USDB, shall develop an Interagency Agreement that further explains the roles, services, and financial obligations to students and participating entities and a basic process for resolving disagreements among the parties to the Agreement.~~

~~B. The Board shall also designate a USOE arbitrator or a panel of arbitrators to resolve disagreements among the USOE, the USDB, and LEAs regarding services to blind, visually impaired, deaf, hard-of-hearing, and deafblind students in order to provide services.~~

~~The Board may make this appointment when a disagreement arises.~~

~~C. The Interagency Agreement shall detail eligibility for USDB services, cost, if any, for the provision of USDB services and accessible materials.]~~

~~R277-800-[7]6. Assessment of USDB Students [with Visual and Hearing Impairments] Served in LEAs of Residence.~~

~~[A-](1) An [A]appropriate specialist[s] shall assess a student[s] who may be deaf, hard of hearing, blind, visually impaired, or deafblind [consistent with Section 53A-1-601 et seq., R277-402, R277-700, R277-705, IDEA, Section 504 of the~~

~~Rehabilitation Act, and Section 53A-25B-304.] using statewide assessment results and in compliance with Board rule and state and federal law.~~

~~[B-](2) The USDB shall establish an assessment policy and guidelines to implement required assessments, [and] which address:~~

~~(1)a) appropriate, complete, and timely evaluations of students;~~

~~(2)b) procedures for administration of assessments in addition to those required by the law, as determined by IEPs, Section 504 accommodation plans, and individual teachers;~~

~~(3)c) complete and accurate required assessments available to eligible students consistent with state and LEA assessment timelines and availability of materials for non-disabled students;~~

~~(4)d) staff professional development and preparation on appropriate administration of assessments and reporting of assessment results; and~~

~~(5)e) procedures to ensure appropriate interpretation and use of assessments and results for parents and [use of assessment results by] USDB personnel.~~

~~R277-800-[8]7. [Outreach Programs]Extension Classrooms.~~

~~[A-](1) The USDB and an LEA[s] may negotiate to share the costs for providing more efficient, cost-effective, and convenient services to students who are deaf, blind, or deafblind in [public school] extension classrooms in locations other than the USDB campus.~~

~~[B-](2) If the USDB and an LEA enter into an agreement in accordance with Subsection (1), the LEA[s] shall provide:~~

~~(1)a) classroom[(-s)];~~

~~(2)b) basic instructional materials;~~

~~(3)c) physical education, music, media, school lunch, and other programs and services, consistent with those programs and services provided to other students within the LEA;~~

~~(4)d) administrative support;~~

~~(5)e) basic secretarial services;~~

~~(6)f) special education related services[-]; and~~

~~(g) IT support.~~

~~[C-](3) If the USDB and an LEA enter into an agreement in accordance with Subsection (1), [F]the USDB shall provide:~~

~~(1)a) classroom instructors, including aides; and~~

~~(2)b) instructional materials specific to the disability of the students.~~

~~[D-](4) [LEAs]An agreement pursuant to Subsection (1) may reassign the responsibilities of the USDB and a school district or charter school as negotiated between the LEA[s] and the USDB.~~

~~[E-](5) An LEA shall claim the state WPU if the LEA provides all items or services identified in [R277-800-8B] Subsection (2).~~

~~R277-800-[9]8. USDB Fiscal Procedures.~~

~~[A-](1) The USDB shall keep fiscal, program, and accounting records as required by the Board and shall submit reports required by the Board.~~

~~[B-](2) The USDB shall follow state standards for fiscal procedures, auditing, and accounting, consistent with Subsection 53A-25b-105(3).~~

~~[C-](3)~~ The USDB is a public state entity under the direction of the Board and as such is subject to state laws and exemptions consistent with Section 53A-25b-105.

~~[D-](4)(a)~~ The USDB shall prepare and present an annual budget to the Board that includes no more than a five percent carryover of any one fund, including reimbursement funds from federal programs.

~~(b)~~ The five percent carryover prohibition does not apply to funds received under Section 53A-16-101.5 and Section 12 of the Utah Enabling Act.

~~[E-](5)(a)~~ The ~~[USOE]Superintendent~~ shall recover federal reimbursement funds (IDEA and Medicaid) quarterly during the year.

~~(b)~~ The ~~[USOE]Superintendent~~ shall identify reimbursement amounts in the current year's budget, ~~[or no]~~ but in no event later than the subsequent year's budget.

~~[F-](6)(a)~~ The USDB shall use the revenue from the federal trust land grant designated for the ~~[maintenance of the School for the Blind and for the School for the Deaf]~~ benefit of the blind and the deaf, solely for the benefit of deaf, [and] blind, and deafblind students.

~~(b)~~ The recommended or designated use of ~~[the]federal trust land~~ funds is subject to review by the Board.

R277-800-~~10~~9. Utah State Instructional Materials Access Center~~-(USIMAC)~~.

~~[A-](1)~~ The ~~[Board authorizes the establishment of the]~~ USIMAC ~~[to]shall~~ produce core instructional materials in alternative formats to ensure that all students with print disabilities qualified under the Chafee Amendment receive their materials in a timely manner.

~~[B-](2)~~ The USIMAC shall provide materials for all students with print disabilities who are qualified under the Chafee Amendment or otherwise eligible through an IEP or Section 504 accommodation plan.

~~[C-](3)~~ The ~~[USOE]Superintendent~~ shall oversee the operations of the USIMAC.

~~[D-](4)~~ The USDB is the fiscal agent and operates the USIMAC to the extent of funds received annually from the Utah Legislature and the ~~[USOE]Board~~.

~~[E-](5)~~ An LEA[s] may purchase accessible instructional materials using ~~[their]the LEA's~~ own funding or request the production of accessible instructional materials in alternate formats from the USIMAC in accordance with established opt in procedures to ensure timely access for students with print disabilities.

~~[F-](6)~~ ~~[For LEA textbook requests submitted by April 1 of the preceding school year, the]~~ USIMAC shall provide ~~[the] a~~ textbook ~~[in the]in~~ an alternate format by the beginning of the school year if requested no later than April 1 of the preceding school year by an LEA[alternate format by the beginning of the following school year].

~~[G-](7)~~ The USDB ERC shall serve as the repository and distribution center for the USIMAC.

~~[H- Operation of the USIMAC]~~

~~(1)8~~ ~~[Qualifying students:]~~A student qualifies for accessible instructional materials from the USIMAC, including ~~[Braille, audio, large print, or digital formats{y}]~~ following an LEA determination that the student has a print disability in accordance with;

~~(a)~~ the Chafee Amendment~~[-];~~

~~(b)~~ IDEA~~[-];~~ or

~~(c)~~Section 504 of the Rehabilitation Act.

~~[(2)-Costs for developing core instructional materials:]~~

~~(2)(a)~~ An LEA ~~[shall]may~~ request textbooks for blind, vision impaired or deafblind students served by the USDB or the LEA[s] consistent with ~~[the]a~~ student's IEP or Section 504 accommodation plan.

~~(b)(i)~~ When an LEA requests a core instructional textbook ~~[that was published before August 2006,]~~the USIMAC shall conduct a search for the textbook within existing resources~~[-];~~ and if the textbook is available, the USIMAC shall send the textbook to the ERC for distribution to the LEA.

~~(ii)~~ If ~~[the]a~~ textbook is not available within existing resources, the USIMAC will conduct a search to determine if the textbook is available for purchase through another source.

~~(iii)~~ If ~~[the]a~~ textbook is available through the American Printing House for the Blind (APH), the USDB shall order the textbook using state acquired federal funds designated specifically for USIMAC materials and ~~[sent] send the textbook~~ to the ERC for distribution to the LEA.

~~(iii)iv)~~ If ~~[the]a~~ textbook is not available from APH, but is available from another accessible media producer, the textbook shall be purchased and sent to the ERC for distribution to the LEA.

~~(iv)~~ If ~~[the]a~~ textbook is not available for purchase, the LEA shall provide a regular print hard copy of the textbook to the USIMAC, which[-The USIMAC] shall then produce the textbook and send it to the ERC for distribution.

~~(vi)~~ The USIMAC shall produce ~~[the]a~~ textbook in ~~[the]an~~ LEA requested alternate format in accordance with the cost sharing outlined ~~[in the Interagency Agreement described in Section R277-800-6]in a technical manual prepared by the Superintendent.~~

~~(c)~~ The sharing of costs for purchases described in ~~[R277-800-12-]this R277-800-9~~ shall be outlined in ~~[the Interagency Agreement described in R277-800-6]a technical manual prepared by the Superintendent.~~

~~[(d)-For textbooks published after August 2006, the USIMAC shall follow the same procedures outlined in R277-800-12H(2)(b). If the USIMAC is unable to obtain the NIMAS file set in a timely manner as a result of publisher negligence, the Board shall authorize the USIMAC to seek damages from publisher(s) as a result of the failure to meet contract provisions.]~~

~~[(3)-Textbook publishers required to meet NIMAS requirements:]~~

~~(3)(a)~~ All approved textbook contracts for the state of Utah for instructional materials published after August 2006 shall include a provision for making NIMAS file sets available through the NIMAC in accordance with the IDEA and ~~[USOE]Board~~ Instructional Materials Contract timelines.

~~(b)~~ If the USIMAC is unable to obtain the NIMAS file set from the NIMAC because the publisher fails to timely provide the NIMAS file set to the NIMAC in accordance with the IDEA and ~~[USOE]Board~~ Instructional Materials Contract timelines, the USIMAC ~~[shall]may~~:

~~(i)~~ bill the textbook publisher the difference in the cost of producing the alternate format textbook without benefit of the NIMAS file set~~[-];~~ or

~~(ii)~~ request authorization from the Board to seek damages from the publisher for failure to meet contract provisions.

(c) ~~The Superintendent shall advise [P]publishers [shall be advised] of the [rule]provisions of this Subsection (3)[;].~~

(d) [t]The Utah Instructional Materials Commission created under R277-469 [shall]may not approve textbooks and materials from publishers that have a pattern of not providing materials and textbooks for students with disabilities in a timely manner, consistent with the law and Board rules.

([d]4)(a) ~~An LEA[s shall] may request and access audio books through the USIMAC, as appropriate, or through other sources.~~

(b) Membership required for other sources is the responsibility of the LEA designated as the responsible entity for serving the student in the IEP or Section 504 accommodation plan.

KEY: educational administration

Date of Enactment or Last Substantive Amendment: ~~[November 10, 2014]~~2017

Notice of Continuation: July 14, 2017

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-25b-20[3]1; 53A-25b-302; 53A-25b-501; 53A-1-401[3]

Education, Administration
R277-801
Services for Students with Sensory
Impairments

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 41982

FILED: 07/31/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Rule R277-801 is amended to provide terminology changes and remove conflicting language in Section R277-801-5 that was inadvertently left in the rule when the rule was enacted on 03/14/2017.

SUMMARY OF THE RULE OR CHANGE: The amendments to Rule R277-801 provide terminology changes throughout the rule including replacing sensory impairment with the a student who is deaf, hard of hearing, blind, visually impaired, or deaf blind, and removing conflicting language in Subsection R277-801-5(3) from the rule.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Art X, Sec 3 and Section 53A-1-401 and Section 53A-25b-103

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The amendments to this rule will likely not result in a cost or savings to the state budget. The amendments provide terminology changes and remove conflicting language.

◆ **LOCAL GOVERNMENTS:** The amendments to this rule will likely not result in a cost or savings to local government. The amendments provide terminology changes and remove conflicting language.

◆ **SMALL BUSINESSES:** The amendments to this rule will likely not result in a cost or savings to small businesses. The amendments provide terminology changes and remove conflicting language.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The amendments to this rule will likely not result in a cost or savings to persons other than small businesses, businesses, or local government entities. The amendments provide terminology changes and remove conflicting language.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The amendments to this rule will likely not result in any compliance costs for affected persons. The amendments provide terminology changes and remove conflicting language.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: After conducting a thorough analysis, it was determined that the amendments to this rule will not result in a fiscal impact to businesses.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Angela Stallings by phone at 801-538-7656, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 09/14/2017

THIS RULE MAY BECOME EFFECTIVE ON: 09/21/2017

AUTHORIZED BY: Angela Stallings, Deputy Superintendent, Policy and Communication

R277. Education, Administration.

R277-801. Services for ~~Students with Sensory Impairments~~Students who are Deaf, Hard of Hearing, Blind, Visually Impaired, and Deafblind.

R277-801-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) Section 53A-1-401, which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and

(c) Section 53A-25b-103, which creates USDB, and authorizes USDB to provide services to qualifying students.

(2) The purpose of this rule is to establish rules for LEAs and USDB to provide services to students ~~[with sensory impairments]who are deaf, hard of hearing, blind, visually impaired, and deafblind.~~

R277-801-2. Definitions.

(1) "504 plan" means a plan required by Section 504, which is designed to accommodate an individual who has been determined, as a result of an evaluation, to have a physical or mental impairment that substantially limits one or more major life activities.

(2)(a) "Intensive services" means services requiring vision, deaf-blind, or hearing services:

(i) in excess of 180 minutes per day for k-12 or post-high school students; or

(ii) in excess of 90 minutes per day for pre-school students.

(b) "Intensive services does not include services that are not vision, deaf-blind, or hearing specific.

(3) "Intervener" means a specially trained paraprofessional who provides access to information and communication and facilitates the development of social and emotional well-being for children who are deaf-blind.

(4) "Medicaid time study" means the primary mechanism for identifying and categorizing Medicaid administrative activities performed by an LEA's staff, which serves as the basis for developing claims for the costs of administrative activities that may be properly reimbursed under Medicaid.

(5) "Minimum school program" or "MSP" means the same as that terms is defined in Section 53A-17a-103.

(6) "Qualifying student" means a ~~[student with sensory impairment]student who is deaf, hard of hearing, blind, visually impaired, or deafblind~~ who qualifies for services in accordance with Subsection 53A-25b-301(1).

(7) "Section 504" means Section 504 of the Rehabilitation Act of 1973.

~~[(8) "Sensory impairment" means deafness, blindness, or deafblindness, as identified through:~~

~~— (a) the special education eligibility determination process;~~

~~— (b) the Section 504 eligibility determination process.]~~

(9) "Utah eTranscript and Record Exchange" or "UTREx" means a system that allows individual detailed student records to be exchanged electronically among LEAs and the Board, and allows electronic transcripts to be sent to any post-secondary institution, private or public, in-state or out-of-state, that participates in the e-transcript service.

~~[(10)]~~ "Weighted pupil unit" or "WPU" means the basic per pupil unit used to calculate the amount of state funds for which a school district is eligible.

R277-801-3. Responsibilities of LEAs.

(1)(a) An LEA is the single point of entry for USDB services for qualifying students.

(b) A qualifying student may not enroll in a USDB program without a referral from an LEA.

(c) When evaluating services for a qualifying student, an LEA and the USDB shall consider:

- (i) primary disabilities;
- (ii) secondary disabilities; and
- (iii) other factors, including:

(A) transportation needs; and

(B) length of time the student would spend in transport daily.

(2) A qualifying student may receive services under:

(a) IDEA;

(b) Section 504; or

(c) a USDB Preschool Services Plan.

(3) An LEA shall annually provide to the Superintendent the name and contact information for any student with vision loss or hearing loss, even if it isn't the student's primary disability.

(4)(a) An LEA has the responsibility for the design and implementation of and IEP or Section 504 plan for qualifying students.

(b) Specific details of required intensive services for a student shall be defined within the student's IEP.

(c) A qualifying student who enrolls in a Utah school district or charter school may be eligible to receive intensive services from sensory specialists employed by USDB, if appropriately designated as specialized instruction or a related services as part of an IEP or Section 504 plan.

(5)(a) An LEA with greater than 3 percent of the student population statewide may elect to contract with USDB to provide outreach services.

(b) An LEA may employ their own sensory specialists to meet the IEP or 504 plan needs of qualifying students.

(6)(a) An LEA is responsible for the development of a qualifying student's IEP, including any assessments necessary for initial placement.

(b) Notwithstanding Subsection (6)(a), an LEA may not commit USDB to provide services to qualifying students unless USDB has participated in the IEP.

(c)(i) An LEA and USDB shall consider least restrictive environment, as well as intensive services needs of a qualifying student in determining an appropriate placement.

(ii) In the case of deaf or hard of hearing students, an IEP team should consider the opportunity for a student to have direct communication with teachers and peers.

(7) If an LEA is working with USDB staff:

(a) the LEA shall provide internet access and technical support to permit USDB staff to access the internet through technology and hardware;

(b) the LEA and USDB technology staff will jointly determine procedures to ensure access to LEA technology systems; and

(c) USDB shall provide and maintain all needed hardware and software provided to USDB staff.

(8) An LEA shall provide an assistive technology device a student if the assistive technology device is required for the implementation of the student's IEP.

R277-801-4. Designation of USDB as an LEA.

(1)(a) In order to meet the educational needs of qualifying students, an IEP team may enroll a qualifying student in a USDB program and may designate USDB as the LEA for the qualifying student.

(b) If USDB is designated as the LEA under Subsection (1)(a), the USDB program shall be treated as a placement option within the LEA continuum, and the referring LEA staff shall continue to attend IEP meetings.

(2)(a) If USDB is designated as a qualifying student's LEA, USDB is responsible from that point on for the design and implementation of the student's IEP, 504 Plan, or USDB Preschool Service Plan.

(b) USDB shall provide all special education and related services and costs documented in an IEP for a qualifying student described in Subsection (2)(a).

(c) USDB may request consultation from the referring LEA for the design of services that are required by the student beyond the student's sensory needs.

R277-801-5. Correlation of Responsibilities.

(1) For qualifying students currently enrolled with an LEA and receiving services through USDB outreach programs, an LEA will provide a list of students and their IEP due dates for the upcoming school year to the USDB Assistant Superintendent no later than June 30.

(2) An LEA shall invite USDB staff to attend IEP or 504 plan meetings for qualifying students, including meetings for:

- (a) students transitioning from Part C to Part B;
- (b) students moving from out of state; and
- (c) students transferring between LEAs.

~~[(3) An LEA shall consider the need to invite USDB to any meetings discussing evaluation and eligibility.]~~

[(4)3](a) For qualifying students enrolled in an LEA and receiving no services from USDB, an LEA shall invite USDB to attend any meeting where USDB services may be considered for that student.

(b) If a change of placement is considered:

- (i) both the referring LEA and USDB will participate and establish a timeline to ensure a successful transition for the student.
- (ii) both the referring LEA and USDB will participate in the IEP or 504 meeting.

[(5)4] IEP or 504 plan meetings shall be held at a mutually agreed upon time and location, with appropriate notification to all parties.

[(6)5](a) The Board and USDB shall provide ongoing interpreter training toward certification and mentoring for all interpreters, as requested by individual LEAs.

(b) Training provided under Subsection (7)(a) shall provide certified interpreters with the opportunity to improve skills and move up to a higher level of certification.

(c) An LEA may contract with USDB to provide interpreter services for students attending the LEA or an LEA school where a USDB extension classroom is located.

[(7)6](a) Each LEA, including USDB as the designated LEA, is responsible for ensuring the timely provision of textbooks and material as required by the IDEA.

(b) The Board shall:

- (i) annually provide information to LEAs regarding the costs of accessible materials in the state; and
- (ii) determine an equitable cost-sharing plan.

R277-801-6. Services for Qualifying Students.

(1) If a qualifying student is enrolled with USDB as the designated LEA:

(a) USDB shall include the qualifying student in all Board-required enrollment reports including:

- (i) fall enrollment counts;
- (ii) the child count of students with disabilities; and
- (iii) the end-of-year enrollment report;

(b) Any agreements between the referring LEA and USDB shall be documented as part of a written agreement, which shall be reviewed at least annually;

(c)(i) A qualifying student's IEP team shall determine the student's transportation needs;

(ii) USDB shall provide transportation as a related service in an IEP or if required to implement a 504 plan; and

(iii) A referring LEA shall combine resources with USDB, whenever possible, to provide within-LEA transportation;

(d)(i) USDB shall annually administer all Board-required assessments.

(ii) USDB may provide alternate tests in accordance with a student's IEP and state law; and

(e) USDB shall develop and implement all programs, policies, and procedures required of an LEA by the Board and state law.

(2) If a qualifying student attends USDB extension classrooms located within an LEA:

(a) the student shall be enrolled in the general education program of the LEA school the student is attending;

(b) the LEA school shall be designated as the "school of record" for the student;

(c) the student shall be included by the LEA school or district in all required reports and uploads to UTREx;

(d) the student shall be counted in the LEA school or district total enrollment, and will be included in the calculation of all funding formulas, including Weighted Pupil Units and Minimum School Program;

(e) the student shall receive access to LEA programs and services consistent with their IEP or 504 plan, consistent with services available to other students enrolled in the student's school;

(f) the student may not be enrolled in the special education program of the LEA school the student is attending;

(g) USDB shall ensure the student receives a free appropriate public education;

(h) USDB shall ensure the student receives all special education and related services, including interpreting services, as required on the student's IEP or 504 plan;

(i) the LEA school shall generate general education funding or WPU for the student;

(j) USDB shall receive federal IDEA funding in accordance with USDB's legislative line item funding;

(k) the LEA school shall receive no state or federal special education funding for the student;

(l)(i) USDB shall provide transportation for the student as a related service when it is included in an IEP.

(ii) an LEA school shall combine resources with USDB, whenever possible, to provide within-LEA transportation; and

(m) an LEA school and USDB shall jointly ensure that any portable classrooms have access to intercom and phone service.

(3) If a qualifying student receives USDB outreach or consulting services:

(a) the student shall be enrolled in the general and special education programs of the LEA school the student attends;

(b) the LEA shall include the student in the calculation of state special education and IDEA funds for the school district or charter school;

(c) USDB may not submit the students to UTREx and may not receive state or federal special education funding;

(d) USDB will provide services at no cost for students within an LEA with less than three percent of the student population statewide; and

(e) An LEA may contract with USDB to provide services for students if an LEA has greater than three percent of the student population statewide;

(i) The Superintendent shall provide a list of LEAs that exceed the three percent threshold by December 15 for the upcoming school year;

(ii) An LEA and USDB shall sign contracts prior to initiation of services;

(iii) An LEA shall make payments in two installments, in January and June; and

(iv) The Board may assist USDB in collection of outstanding balances upon request.

(4) USDB may provide orientation and mobility or "O and M" services subject to the following:

(a) USDB shall provide eligible O and M services at no cost to an LEA if the LEA requests the services by September 1 for the next school year;

(b) USDB shall provide O and M services within normal contract hours;

(c) An LEA requesting O and M services outside of the a student's school day may contract with USDB to provide the additional services;

(d) Notwithstanding Subsection (4)(b), an LEA may choose to provide its own O and M services; and

(e) An LEA and USDB shall approve O and M services in a qualifying student's IEP or 504 plan.

(5) USDB shall provide deaf-blind services to all eligible Utah students at no cost to the student's LEA in accordance with the student's IEP or 504 plan.

(6) USDB shall provide interveners to all eligible Utah students subject to the following:

(a) USDB shall provide interveners to an LEA at no cost to the LEA;

(b)(i) Notwithstanding Subsection (6)(a), an LEA may provide their own interveners or substitute interveners and may receive financial support from USDB at the LEA's rate of pay for comparable paraprofessionals;

(ii) Financial support from USDB to an LEA for interveners or substitute interveners may not exceed the amount paid for comparable paraprofessionals in the USDB salary schedule;

(c) All interveners or substitute interveners must complete the USDB intervener training or a national certification;

(d) An LEA will provide documentation for reimbursement of an intervener or substitute intervener it hires according to USDB's reimbursement schedule;

(e) USDB shall provide a plan for training of all interveners and substitute interveners to an LEA annually; and

(f) An LEA and USDB shall develop a plan for the provision of a substitute intervener to meet an eligible student's needs, which may include:

(i) a USDB-hired substitute intervener;

(ii) an LEA-hired substitute intervener; or

(iii) other mutually agreeable arrangements.

(7) USDB may provide the following diagnostic assessment services to an LEA without charge to support the appropriate evaluation of [students with sensory impairments] a student who is deaf, hard of hearing, blind, visually impaired, and deafblind:

(a) the USDB Assistive Technology Team;

(b) the Deaf-Blind Assessment and Coaching Team; and

(c) low vision support.

(8) USDB may provide audiological services to an eligible student through a referral from an LEA or early intervention provider.

(a) Audiological services shall be provided at no cost to an LEA with less than three percent of the state's student population.

(b) An LEA with greater than three percent of the state's student population may contract for audiological services with USDB.

(9) An LEA and USDB may contract for services beyond those specified in this R277-801.

(10)(a) USDB may participate in Medicaid time studies for services provided directly by USDB.

(b) An LEA shall not include services provided directly by USDB in the LEA's Medicaid time studies.

(c) If an LEA contract with USDB for payable services, an LEA shall include those services in the LEA's Medicaid time study.

KEY: students, services, [sensory impairments] deaf, blind

Date of Enactment of Last Substantive Amendment: ~~[March 14, 2017]~~

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401; 53A-25b-103

Education, Administration
R277-925
Effective Teachers in High Poverty
Schools Incentive Program

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 41978

FILED: 07/31/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This new Rule R277-925 is in response to H.B. 212, from the 2017 General Session, which created the Effective Teachers in High Poverty Schools Incentive Program.

SUMMARY OF THE RULE OR CHANGE: This new Rule R277-925 provides standards and procedures for the Utah State Board of Education (Board) to award a salary bonus to LEAs to distribute to an eligible teacher and for the Board to evaluate the effectiveness of the program and submit a report to the Education Interim Committee. An ongoing appropriation was provided by the Legislature to fund the program.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Art X, Sec 3 and Section 53A-1-401 and Section 53A-17a-173

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** Enactment of this new rule will likely not result in a cost or savings to the state budget. An ongoing appropriation is provided to fund the program.

◆ **LOCAL GOVERNMENTS:** Enactment of this new rule may result in a cost to participating local education agencies (LEAs). Participating LEAs will be required to provide data to the Board, distribute money to eligible teachers, and provide at least a 50% of funds to fund the bonus for the eligible teacher. Participating in the program is optional. For LEAs not participating in the program or other local government entities, the rule will likely not result in a cost or savings.

◆ **SMALL BUSINESSES:** Enactment of this new rule will likely not result in a cost or savings to small businesses. This rule applies to public education and does not affect small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Enactment of this new rule will likely not result in a cost or savings to persons other than small businesses, businesses, or local government entities. An ongoing appropriation is provided to fund the program.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be some administrative compliance costs (reporting, financial distribution, etc.) for LEAs participating in the program. The compliance costs are related to the requirements of Section 53A-17a-173 and not this Rule R277-925. An ongoing appropriation is provided to 50% of the teacher incentives described in the program.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: After conducting a thorough analysis, it was determined that this new rule will not result in a fiscal impact to businesses.

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

ADMINISTRATION

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Angela Stallings by phone at 801-538-7656, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 09/14/2017

THIS RULE MAY BECOME EFFECTIVE ON: 09/21/2017

AUTHORIZED BY: Angela Stallings, Deputy Superintendent, Policy and Communication

R277. Education, Administration.**R277-925. Effective Teachers in High Poverty Schools Incentive Program.****R277-925-1. Authority and Purpose.**

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) Section 53A-1-401, which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and

(c) Section 53A-17a-173, which requires the Board to make rules for the administration of the Effective Teachers in High Poverty Schools Incentive Program.

(2) The purpose of this rule is to provide standards and procedures for the administration of the Effective Teachers in High Poverty Schools Incentive Program.

R277-925-2. Definitions.

(1) "Eligible teacher" means the same as that term is defined in Section 53A-17a-173.

(2) "High poverty school" means the same as that term is defined in Section 53A-17a-173.

(3) "Local education agency" or "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf and the Blind.

(4) "Median growth percentile" or "MGP" means the same as that term is defined in Section 53A-17a-173.

(5) "Program" means the Effective Teachers in High Poverty Schools Incentive Program.

(6) "Standards assessment" means the same as that term is defined in Section 53A-1-604.

(7) State-assessed subject" means English language arts, mathematics, and science.

R277-925-3. Administration of the Program.

(1) On or before December 1, the Superintendent shall:

(a) identify high poverty schools and eligible teachers in accordance with Subsection (2);

(b) distribute a list of eligible teachers to LEAs; and

(c) inform LEAs of program requirements and the timeline for applying on behalf of an eligible teacher.

(2) The Superintendent shall identify:

(a) high poverty schools based on the proportion of students who:

(i) qualify for free or reduced lunch in the current school year, based on the October 1 enrollment headcounts; and

(ii) are classified as children affected by intergenerational poverty, as determined by the Utah Department of Workforce Services, for the most recent year data is available; and

(b) eligible teachers by determining whether the teacher's MGP was greater than or equal to 70:

(i) for at least one state-assessed subject taught by the teacher;

(ii) as measured by student performance on a standards assessment;

(iii) two years before the current school year; and

(iv) excluding subjects or teachers with less than 10 tested students.

(3) To receive matching funds for the program, on or before January 15, an LEA shall:

(a) apply on behalf of an eligible teacher; and

(b) provide assurances that the LEA will pay half of the:

(i) teacher salary bonus; and

(ii) employer-paid benefits described in Section 53A-17a-173.

(4)(a) On or before June 1, the Superintendent shall:

(i) ensure that a teacher who was determined eligible under Subsection (1) and (2) taught at a high poverty school for the full school year; and

(ii) distribute to an LEA that meets the criteria described in Subsection (3) half of the:

(A) teacher salary bonus; and

(B) employer-paid benefits described in Section 53A-17a-173.

(b) Consistent with Section 53A-17a-173, the Superintendent may distribute the funds on a pro rata basis if the number of eligible applicants exceeds the amount of available funds.

(5)(a) An LEA or an eligible teacher may appeal eligibility to the Superintendent on the basis that the teacher:

(i) is teaching at a high poverty school;

(ii) is an eligible teacher; or

(iii) has less than 10 tested students, but can demonstrate extenuating circumstances that merit an exception.

(b) An LEA or eligible teacher shall provide documentation to the Superintendent to assist the Superintendent in deciding on the appeal.

KEY: teachers, poverty schools, incentives

Date of Enactment of Last Substantive Amendment: 2017

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401; 53A-17a-173

Environmental Quality, Waste Management and Radiation Control, Radiation **R313-12** General Provisions

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 41991

FILED: 08/01/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The proposed changes incorporate corresponding revisions made by the U.S. Nuclear Regulatory Commission (NRC) in a final rule published in the Federal Register on 05/29/2013 (78 FR 32310) under the title of Distribution of Source Material to Exempt Persons and to General Licensees and Revision of General License and Exemptions. As an Agreement State with the NRC for the radioactive materials program in Utah, the proposed changes are made in order to maintain regulatory compatibility with the federal radioactive materials regulations and our agreement state status with the NRC. Changes are proposed in selected sections of Rules R313-12, R313-19, R313-21, and R313-22 in order to incorporate all of the corresponding revisions issued under NRC's final rule promulgated on 05/29/2013. Additional proposed changes not directly associated with NRC's final rule are being made to update noted references and citations. (EDITOR'S NOTE: A proposed amendment to Rule R313-19 is under Filing No. 41992, a proposed amendment to Rule R313-21 is under Filing No. 41993, and a proposed amendment to Rule R313-22 in under Filing No. 41994 in this issue, August 15, 2017, of the Bulletin.)

SUMMARY OF THE RULE OR CHANGE: On 07/13/2017, the Waste Management and Radiation Control Board authorized the proposed changes to be published for public review and comment. Proposed changes to Rules R313-12, R313-19, R313-21, and R313-22 reflect those revisions made by the NRC to selected sections of 10 CFR Part 40, as promulgated on 05/29/2013 (78 FR 32310). The majority of the changes are required to retain regulatory compatibility for the radioactive materials program, other proposed changes provide added clarification or correct textual errors. Specifically, incorporating the revisions promulgated by the NRC into the appropriate sections of Rule R313-12 require the initial distribution of source material to exempt persons or to general licensees be explicitly authorized by a specific license and institute new reporting requirements to provide timely information on the types and quantities of source

material distributed for use either under exemption or by general licensees. In addition, the rule modifies the existing possession and use requirements of the general license for small quantities of source material to better align the requirements with current health and safety standards. The regulatory amendments will create a regulatory framework for the initial distribution of source material to inform the Division, in the event of any manufacturer or distributor of source material becomes licensed in Utah, of what types and quantities of products containing source material are distributed for use under the exemptions from licensing and to identify persons using significant quantities of source material under the general license in Rule R313-21-21. It will also ensure that general licensees under Section R313-21-21 are informed of applicable regulations before they obtain source material. Also, the proposed rule changes revise, clarify, or delete certain source material exemptions from licensing to make the exemptions more risk informed. The NRC's final rule and the associated proposed rule changes in the Utah radiation control rules also affect the possession and use of source material under a general license or an applicable license exemption. References to the Utah Code are being updated to match the existing respective statutes in the definitions for "Dentist" and "Pharmacist". A clarification is being added to the definition of "Regulations of the U.S. Department of Transportation" to explicitly reference federal transportation regulations that are also applicable. A change to the definition of "Unrefined and unprocessed ore" is being made to be compatible with the corresponding NRC regulation of 10 CFR 40.4. Text is being added to the Records section (R313-12-51) to be compatible with the corresponding NRC regulations of 10 CFR 40.61(a) and (b) and the subsequent subsections are being renumbered. Text is being added to the Communications section (R313-12-110) to clarify that communications, reports, and applications are to be addressed to the director of the division.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-3-104 and Section 19-6-104

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The primary focus of the proposed rule changes is directed to manufacturers and distributors of radioactive source material (containing by definition a certain quantity of uranium or thorium). There are no state agencies that manufacture or distribute radioactive source material to either entities exempt from radioactive materials licensing requirements or to radioactive materials general licensees. However, state academic institutions that may possess or use radioactive source material for research or other academic-related purposes beyond the proposed quantity limit may need to apply for and receive a specific licenses. Any costs associated with the specific license application process and subsequent implementation procedures are unique to each licensing action and are therefore not quantifiable. However, additional information regarding a cost-benefit analysis associated with the NRC's final rule issued on 05/29/2013 (74 FR 32310) can be found in NRC's regulatory analysis document for this final rule (ADAMS Accession No.

ML13079A302) . A copy of this analysis is available from the Division of Waste Management and Radiation Control Web site at <https://deq.utah.gov/Divisions/dwmrc/index.htm>.

◆ **LOCAL GOVERNMENTS:** The primary focus of the proposed rule changes is directed to manufacturers and distributors of radioactive source material (containing by definition a certain quantity of uranium or thorium). There are no local governments that manufacture or distribute radioactive source material to either entities exempt from radioactive materials licensing requirements or to radioactive materials general licensees. Additional information regarding a cost-benefit analysis associated with the NRC's final rule issued on 05/29/2013 (74 FR 32310) can be found in NRC's regulatory analysis document for this final rule (ADAMS Accession No. ML13079A302). A copy of this analysis is available from the Division of Waste Management and Radiation Control Web site at <https://deq.utah.gov/Divisions/dwmrc/index.htm>.

◆ **SMALL BUSINESSES:** The primary focus of the proposed rule changes is directed to manufacturers and distributors of radioactive source material (containing by definition a certain quantity of uranium or thorium). There are no small businesses in Utah that manufacture or distribute radioactive source material to either entities exempt from radioactive materials licensing requirements or to radioactive materials general licensees. However, a small business that may possess or use radioactive source material for commercial, operational, research, development, or other business-related purposes beyond the proposed quantity limit may need to apply for and receive a specific licenses. Any costs associated with the specific license application process and subsequent implementation procedures are unique to each licensing action and are therefore not quantifiable. Additional information regarding a cost-benefit analysis associated with the NRC's final rule issued on 05/29/2013 (74 FR 32310) can be found in NRC's regulatory analysis document for this final rule (ADAMS Accession No. ML13079A302). A copy of this analysis is available from the Division of Waste Management and Radiation Control Web site at <https://deq.utah.gov/Divisions/dwmrc/index.htm>.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The primary focus of the proposed rule changes is directed to manufacturers and distributors of radioactive source material (containing by definition a certain quantity of uranium or thorium). There are no other entities in Utah that currently manufacture or distribute radioactive source material to either entities exempt from radioactive materials licensing requirements or to radioactive materials general licensees. However, a person that may possess or use radioactive source material for commercial, operational, research, development, or other business-related purposes beyond the proposed quantity limit may need to apply for and receive a specific licenses. Any costs associated with the specific license application process and subsequent implementation procedures are unique to each licensing action and are therefore not quantifiable. Additional information regarding a cost-benefit analysis associated with the NRC's final rule issued on 05/29/2013 (74 FR 32310) can be found in NRC's

regulatory analysis document for this final rule (ADAMS Accession No. ML13079A302). A copy of this analysis is available from the Division of Waste Management and Radiation Control Web site at <https://deq.utah.gov/Divisions/dwmrc/index.htm>.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The primary focus of the proposed rule changes is directed to manufacturers and distributors of radioactive source material (containing by definition a certain quantity of uranium or thorium). There are no entities in Utah that will be affected by the proposed rule changes since no entities in Utah manufacture or distribute radioactive source material to either entities exempt from radioactive materials licensing requirements or to radioactive materials general licensees. However, a business or person that may possess or use radioactive source material for commercial, operational, research, development, or other business-related purposes beyond the proposed quantity limit may need to apply for and receive a specific licenses. Any costs associated with the specific license application process and subsequent implementation procedures are unique to each licensing action and are therefore not quantifiable. Additional information regarding a cost-benefit analysis associated with the NRC's final rule issued on 05/29/2013 (74 FR 32310) can be found in NRC's regulatory analysis document for this final rule (ADAMS Accession No. ML13079A302). A copy of this analysis is available from the Division of Waste Management and Radiation Control Web site at <https://deq.utah.gov/Divisions/dwmrc/index.htm>.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The primary focus of the proposed rule changes is directed to manufacturers and distributors of radioactive source material (containing by definition a certain quantity of uranium or thorium). There are no entities in Utah that manufacture or distribute radioactive source material to either entities exempt from radioactive materials licensing requirements or to radioactive materials general licensees. However, a business or person that may possess or use radioactive source material for commercial, operational, research, development, or other business-related purposes beyond the proposed quantity limit may need to apply for and receive a specific licenses. Any costs associated with the specific license application process and subsequent implementation procedures are unique to each licensing action and are therefore not quantifiable. Additional information regarding a cost-benefit analysis associated with the NRC's final rule issued on 05/29/2013 (74 FR 32310) can be found in NRC's regulatory analysis document for this final rule (ADAMS Accession No. ML13079A302). A copy of this analysis is available from the Division of Waste Management and Radiation Control Web site at <https://deq.utah.gov/Divisions/dwmrc/index.htm>.

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

WASTE MANAGEMENT AND RADIATION
CONTROL, RADIATION
SECOND FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116-4880
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Rusty Lundberg by phone at 801-536-4257, by FAX at 801-536-0222, or by Internet E-mail at rlundberg@utah.gov
- ◆ Thomas Ball by phone at 801-536-0251, or by Internet E-mail at tball@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 09/15/2017

THIS RULE MAY BECOME EFFECTIVE ON: 10/16/2017

AUTHORIZED BY: Scott Anderson, Director

R313. Environmental Quality, Waste Management and Radiation Control, Radiation.

R313-12. General Provisions.

R313-12-3. Definitions.

As used in these rules, these terms shall have the definitions set forth below. Additional definitions used only in a certain rule will be found in that rule.

"A1" means the maximum activity of special form radioactive material permitted in a Type A package.

"A2" means the maximum activity of radioactive material, other than special form radioactive material, low specific activity, and surface contaminated object material permitted in a Type A package. These values are either listed in 10 CFR 71, Appendix A, which is incorporated by reference in Section R313-19-100 or may be derived in accordance with the procedures prescribed in 10 CFR 71, Appendix A, which is incorporated by reference in Section R313-19-100.

"Absorbed dose" means the energy imparted by ionizing radiation per unit mass of irradiated material. The units of absorbed dose are the gray (Gy) and the rad.

"Accelerator produced radioactive material" means material made radioactive by a particle accelerator.

"Act" means Utah Radiation Control Act, Title 19, Chapter 3.

"Activity" means the rate of disintegration or transformation or decay of radioactive material. The units of activity are the becquerel (Bq) and the curie (Ci).

"Adult" means an individual 18 or more years of age.

"Address of use" means the building or buildings that are identified on the license and where radioactive material may be received, used or stored.

"Advanced practice registered nurse" means an individual licensed by this state to engage in the practice of advanced practice registered nursing. See Sections 58-31b-101 through 58-31b-801, Nurse Practice Act.

"Agreement State" means a state with which the United States Nuclear Regulatory Commission or the Atomic Energy

Commission has entered into an effective agreement under Section 274 b. of the Atomic Energy Act of 1954, as amended (73 Stat. 689).

"Airborne radioactive material" means a radioactive material dispersed in the air in the form of dusts, fumes, particulates, mists, vapors, or gases.

"Airborne radioactivity area" means: a room, enclosure, or area in which airborne radioactive material exists in concentrations:

(a) In excess of the derived air concentrations (DACs), specified in Rule R313-15, or

(b) To such a degree that an individual present in the area without respiratory protective equipment could exceed, during the hours an individual is present in a week, an intake of 0.6 percent of the annual limit on intake (ALI), or 12 DAC hours.

"As low as reasonably achievable" (ALARA) means making every reasonable effort to maintain exposures to radiation as far below the dose limits as is practical, consistent with the purpose for which the licensed or registered activity is undertaken, taking into account the state of technology, the economics of improvements in relation to state of technology, the economics of improvements in relation to benefits to the public health and safety, and other societal and socioeconomic considerations, and in relation to utilization of nuclear energy and licensed or registered sources of radiation in the public interest.

"Area of use" means a portion of an address of use that has been set aside for the purpose of receiving, using, or storing radioactive material.

"Background radiation" means radiation from cosmic sources; naturally occurring radioactive materials, including radon, except as a decay product of source or special nuclear material, and including global fallout as it exists in the environment from the testing of nuclear explosive devices or from past nuclear accidents such as Chernobyl that contribute to background radiation and are not under the control of the licensee. "Background radiation" does not include sources of radiation from radioactive materials regulated by the Division of Waste Management and Radiation Control under the Radiation Control Act or Rules.

"Becquerel" (Bq) means the SI unit of activity. One becquerel is equal to one disintegration or transformation per second.

"Bioassay" means the determination of kinds, quantities or concentrations, and in some cases, the locations of radioactive material in the human body, whether by direct measurement (in vivo counting) or by analysis and evaluation of materials excreted or removed from the human body. For purposes of these rules, "radiobioassay" is an equivalent term.

"Board" means the Waste Management and Radiation Control Board created under Section 19-1-106.

"Byproduct material" means:

(a) a radioactive material, with the exception of special nuclear material, yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material;

(b) the tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content, including discrete surface wastes resulting from uranium solution extraction processes. Underground ore bodies depleted by these solution extraction operations do not constitute "byproduct material" within this definition;

(c) (i) a discrete source of radium-226 that is produced, extracted, or converted after extraction, before, on, or after August 8, 2005, for use for a commercial, medical, or research activity; or

(ii) material that

(A) has been made radioactive by use of a particle accelerator; and

(B) is produced, extracted, or converted after extraction, before, on, or after August 8, 2005, for use for a commercial, medical, or research activity; and

(d) a discrete source of naturally occurring radioactive material, other than source material, that

(i) The Commission, in consultation with the Administrator of the Environmental Protection Agency, the Secretary of Energy, the Secretary of Homeland Security, and the head of any other appropriate Federal agency, has determined would pose a threat similar to the threat posed by a discrete source of radium-226 to the public health and safety or the common defense and security; and

(ii) Before, on, or after August 8, 2005, is extracted or converted after extraction for use in a commercial, medical, or research activity.

"Calibration" means the determination of:

(a) the response or reading of an instrument relative to a series of known radiation values over the range of the instrument; or

(b) the strength of a source of radiation relative to a standard.

"CFR" means Code of Federal Regulations.

"Chelating agent" means a chemical ligand that can form coordination compounds in which the ligand occupies more than one coordination position. The agents include beta diketones, certain proteins, amine polycarboxylic acids, hydroxycarboxylic acids, gluconic acid, and polycarboxylic acids.

"Chiropractor" means an individual licensed by this state to engage in the practice of chiropractic. See Sections 58-73-101 through 58-73-701, Chiropractic Physician Practice Act.

"Collective dose" means the sum of the individual doses received in a given period of time by a specified population from exposure to a specified source of radiation.

"Commencement of construction" means taking any action defined as "construction" or any other activity at the site of a facility subject to these rules that have a reasonable nexus to radiological health and safety.

"Commission" means the U.S. Nuclear Regulatory Commission.

"Committed dose equivalent" (HT,50), means the dose equivalent to organs or tissues of reference (T), that will be received from an intake of radioactive material by an individual during the 50-year period following the intake.

"Committed effective dose equivalent" (HE,50), is the sum of the products of the weighting factors applicable to each of the body organs or tissues that are irradiated and the committed dose equivalent to each of these organs or tissues.

"Consortium" means an association of medical use licensees and a PET radionuclide production facility in the same geographical area that jointly own or share in the operation and maintenance cost of the PET radionuclide production facility that produces PET radionuclides for use in producing radioactive drugs within the consortium for noncommercial distributions among its associated members for medical use. The PET radionuclide production facility within the consortium must be located at an educational institution, a Federal facility, or a medical facility.

"Construction" means the installation of wells associated with radiological operations; for example, production, injection, or

monitoring well networks associated with in-situ recovery or other facilities; the installation of foundations, or in-place assembly, erection, fabrication, or testing for any structure, system, or component of a facility or activity subject to these rules that are related to radiological safety or security. The term "construction" does not include:

(a) changes for temporary use of the land for public recreational purposes;

(b) site exploration, including necessary borings to determine foundation conditions or other preconstruction monitoring to establish background information related to the suitability of the site, the environmental impacts of construction or operation, or the protection of environmental values;

(c) preparation of the site for construction of the facility, including clearing of the site, grading, installation of drainage, erosion and other environmental mitigation measures, and construction of temporary roads and borrow areas;

(d) erection of fences and other access control measures that are not related to the safe use of, or security of, radiological materials subject to this part;

(e) excavation;

(f) erection of support buildings; for example, construction equipment storage sheds, warehouse and shop facilities, utilities, concrete mixing plants, docking and unloading facilities, and office buildings; for use in connection with the construction of the facility;

(g) building of service facilities; for example, paved roads, parking lots, railroad spurs, exterior utility and lighting systems, potable water systems, sanitary sewerage treatment facilities, and transmission lines;

(h) procurement or fabrication of components or portions of the proposed facility occurring at other than the final, in-place location at the facility; or

(i) taking any other action that has no reasonable nexus to radiological health and safety.

"Controlled area" means an area, outside of a restricted area but inside the site boundary, access to which can be limited by the licensee or registrant for any reason.

"Critical group" means the group of individuals reasonably expected to receive the greatest exposure to residual radioactivity for any applicable set of circumstances.

"Curie" means a unit of measurement of activity. One curie (Ci) is that quantity of radioactive material which decays at the rate of 3.7×10^{10} to the tenth power disintegrations or transformations per second (dps or tps).

"Cyclotron" means a particle accelerator in which the charged particles travel in an outward spiral or circular path. A cyclotron accelerates charged particles at energies usually in excess of 10 megaelectron volts and is commonly used for production of short half-life radionuclides for medical use.

"Decommission" means to remove a facility or site safely from service and reduce residual radioactivity to a level that permits:

(a) release of property for unrestricted use and termination of the license; or

(b) release of the property under restricted conditions and termination of the license.

"Deep dose equivalent" (H_d), which applies to external whole body exposure, means the dose equivalent at a tissue depth of one centimeter (1000 mg/cm^2).

"Dentist" means an individual licensed by this state to engage in the practice of dentistry. See sections 58-69-101 through [58-69-805]58-69-806, Dentist and Dental Hygienist Practice Act.

"Department" means the Utah Department of Environmental Quality.

"Depleted uranium" means the source material uranium in which the isotope uranium-235 is less than 0.711 weight percent of the total uranium present. Depleted uranium does not include special nuclear material.

"Diffuse source" means a radionuclide that has been unintentionally produced or concentrated during the processing of materials for use for commercial, medical, or research activities.

"Director" means the Director of the Division of Waste Management and Radiation Control.

"Discrete source" means a radionuclide that has been processed so that its concentration within a material has been purposely increased for use for commercial, medical, or research activities.

"Distinguishable from background" means that the detectable concentration of a radionuclide is statistically different from the background concentration of that radionuclide in the vicinity of the site or, in the case of structures, in similar materials using adequate measurement technology, survey, and statistical techniques.

"Dose" is a generic term that means absorbed dose, dose equivalent, effective dose equivalent, committed dose equivalent, committed effective dose equivalent, or total effective dose equivalent. For purposes of these rules, "radiation dose" is an equivalent term.

"Dose equivalent" (H_T), means the product of the absorbed dose in tissue, quality factor, and other necessary modifying factors at the location of interest. The units of dose equivalent are the sievert (Sv) and rem.

"Dose limits" means the permissible upper bounds of radiation doses established in accordance with these rules. For purpose of these rules, "limits" is an equivalent term.

"Effective dose equivalent" (H_E), means the sum of the products of the dose equivalent to each organ or tissue (H_T), and the weighting factor (w_T) applicable to each of the body organs or tissues that are irradiated.

"Embryo/fetus" means the developing human organism from conception until the time of birth.

"Entrance or access point" means an opening through which an individual or extremity of an individual could gain access to radiation areas or to licensed or registered radioactive materials. This includes entry or exit portals of sufficient size to permit human entry, irrespective of their intended use.

"Explosive material" means a chemical compound, mixture, or device which produces a substantial instantaneous release of gas and heat spontaneously or by contact with sparks or flame.

"EXPOSURE" when capitalized, means the quotient of dQ by dm where "dQ" is the absolute value of the total charge of the ions of one sign produced in air when all the electrons, both negatrons and positrons, liberated by photons in a volume element of air having a mass of "dm" are completely stopped in air. The special unit of EXPOSURE is the roentgen (R). See Section R313-12-20 Units of exposure and dose for the SI equivalent. For purposes of these rules, this term is used as a noun.

"Exposure" when not capitalized as the above term, means being exposed to ionizing radiation or to radioactive material. For purposes of these rules, this term is used as a verb.

"EXPOSURE rate" means the EXPOSURE per unit of time, such as roentgen per minute and milliroentgen per hour.

"External dose" means that portion of the dose equivalent received from a source of radiation outside the body.

"Extremity" means hand, elbow, arm below the elbow, foot, knee, and leg below the knee.

"Facility" means the location within one building, vehicle, or under one roof and under the same administrative control

(a) at which the use, processing or storage of radioactive material is or was authorized; or

(b) at which one or more radiation-producing machines or radioactivity-inducing machines are installed or located.

"Former United States Atomic Energy Commission (AEC) or United States Nuclear Regulatory Commission (NRC) licensed facilities" means nuclear reactors, nuclear fuel reprocessing plants, uranium enrichment plants, or critical mass experimental facilities where AEC or NRC licenses have been terminated.

"Generally applicable environmental radiation standards" means standards issued by the U.S. Environmental Protection Agency under the authority of the Atomic Energy Act of 1954, as amended, that impose limits on radiation exposures or levels, or concentrations or quantities of radioactive material, in the general environment outside the boundaries of locations under the control of persons possessing or using radioactive material.

"Gray" (Gy) means the SI unit of absorbed dose. One gray is equal to an absorbed dose of one joule per kilogram.

"Hazardous waste" means those wastes designated as hazardous by the U.S. Environmental Protection Agency rules in 40 CFR Part 261.

"Healing arts" means the disciplines of medicine, dentistry, osteopathy, chiropractic, and podiatry.

"High radiation area" means an area, accessible to individuals, in which radiation levels from radiation sources external to the body could result in an individual receiving a dose equivalent in excess of one mSv (0.1 rem), in one hour at 30 centimeters from the source of radiation or from a surface that the radiation penetrates. For purposes of these rules, rooms or areas in which diagnostic x-ray systems are used for healing arts purposes are not considered high radiation areas.

"Human use" means the intentional internal or external administration of radiation or radioactive material to human beings.

"Individual" means a human being.

"Individual monitoring" means the assessment of:

(a) dose equivalent, by the use of individual monitoring devices or, by the use of survey data; or

(b) committed effective dose equivalent by bioassay or by determination of the time weighted air concentrations to which an individual has been exposed, that is, DAC-hours.

"Individual monitoring devices" means devices designed to be worn by a single individual for the assessment of dose equivalent. For purposes of these rules, individual monitoring equipment and personnel monitoring equipment are equivalent terms. Examples of individual monitoring devices are film badges, thermoluminescence dosimeters (TLD's), pocket ionization chambers, and personal air sampling devices.

"Inspection" means an official examination or observation including, but not limited to, tests, surveys, and monitoring to determine compliance with rules, orders, requirements and conditions applicable to radiation sources.

"Interlock" means a device arranged or connected requiring the occurrence of an event or condition before a second condition can occur or continue to occur.

"Internal dose" means that portion of the dose equivalent received from radioactive material taken into the body.

"Lens dose equivalent" (LDE) applies to the external exposure of the lens of the eye and is taken as the dose equivalent at a tissue depth of 0.3 centimeter (300 mg/cm²).

"License" means a license issued by the Director in accordance with the rules adopted by the Board.

"Licensee" means a person who is licensed by the Department in accordance with these rules and the Act.

"Licensed or registered material" means radioactive material, received, possessed, used or transferred or disposed of under a general or specific license issued by the Director.

"Licensing state" means a state which, prior to November 30, 2007, was provisionally or finally designated as such by the Conference of Radiation Control Program Directors, Inc., which reviewed state regulations to establish equivalency with the Suggested State Regulations and ascertained whether a State has an effective program for control of natural occurring or accelerator produced radioactive material.

"Limits". See "Dose limits".

"Lost or missing source of radiation" means licensed or registered sources of radiation whose location is unknown. This definition includes, but is not limited to, radioactive material that has been shipped but has not reached its planned destination and whose location cannot be readily traced in the transportation system.

"Major processor" means a user processing, handling, or manufacturing radioactive material exceeding Type A quantities as unsealed sources or material, or exceeding four times Type B quantities as sealed sources, but does not include nuclear medicine programs, universities, industrial radiographers, or small industrial programs. Type A and B quantities are defined in 10 CFR 71.4.

"Member of the public" means an individual except when that individual is receiving an occupational dose.

"Minor" means an individual less than 18 years of age.

"Monitoring" means the measurement of radiation, radioactive material concentrations, surface area activities or quantities of radioactive material, and the use of the results of these measurements to evaluate potential exposures and doses. For purposes of these rules, radiation monitoring and radiation protection monitoring are equivalent terms.

"Natural radioactivity" means radioactivity of naturally occurring nuclides.

"Nuclear Regulatory Commission" (NRC) means the U.S. Nuclear Regulatory Commission or its duly authorized representatives.

"Occupational dose" means the dose received by an individual in the course of employment in which the individual's assigned duties for the licensee or registrant involve exposure to sources of radiation, whether or not the sources of radiation are in the possession of the licensee, registrant, or other person. Occupational dose does not include doses received from background radiation, from any medical administration the individual has received, from exposure

to individuals administered radioactive material and released in accordance with Rule R313-32, from voluntary participation in medical research programs, or as a member of the public.

"Package" means the packaging together with its radioactive contents as presented for transport.

"Particle accelerator" means a machine capable of accelerating electrons, protons, deuterons, or other charged particles in a vacuum and of discharging the resultant particulate or other radiation into a medium at energies usually in excess of one megaelectron volt. For purposes of these rules, "accelerator" is an equivalent term.

"Permit" means a permit issued by the Director in accordance with the rules adopted by the Board.

"Permitee" means a person who is permitted by the Director in accordance with these rules and the Act.

"Person" means an individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this state, or another state or political subdivision or agency thereof, and a legal successor, representative, agent or agency of the foregoing.

"Personnel monitoring equipment," see individual monitoring devices.

"Pharmacist" means an individual licensed by this state to engage in the practice of pharmacy. See Sections 58-17b-101 through ~~58-17b-801~~58-17b-806, Pharmacy Practice Act.

"Physician" means both physicians and surgeons licensed under Section 58-67-301, Utah Medical Practice Act, and osteopathic physicians and surgeons licensed under Section 58-68-301, Utah Osteopathic Medical Practice Act.

"Physician assistant" means an individual licensed by this state to engage in practice as a physician assistant. See Sections 58-70a-101 through 58-70a-504, Physician Assistant Act.

"Podiatrist" means an individual licensed by this state to engage in the practice of podiatry. See Sections 58-5a-101 through 58-5a-501, Podiatric Physician Licensing Act.

"Practitioner" means an individual licensed by this state in the practice of a healing art. For these rules, only the following are considered to be a practitioner: physician, dentist, podiatrist, chiropractor, physician assistant, and advanced practice registered nurse.

"Protective apron" means an apron made of radiation-attenuating materials used to reduce exposure to radiation.

"Public dose" means the dose received by a member of the public from exposure to radiation or to radioactive materials released by a licensee, or to any other source of radiation under the control of a licensee or registrant. Public dose does not include occupational dose or doses received from background radiation, from any medical administration the individual has received, from exposure to individuals administered radioactive material and released in accordance with Rule R313-32, or from voluntary participation in medical research programs.

"Pyrophoric material" means any liquid that ignites spontaneously in dry or moist air at or below 130 degrees Fahrenheit (54.4 degrees Celsius) or any solid material, other than one classed as an explosive, which under normal conditions is liable to cause fires through friction, retained heat from manufacturing or processing, or which can be ignited and, when ignited, burns so vigorously and persistently as to create a serious transportation, handling, or disposal hazard. Included are spontaneously combustible and water-reactive materials.

"Quality factor" (Q) means the modifying factor, listed in Tables 1 and 2 of Section R313-12-20 that is used to derive dose equivalent from absorbed dose.

"Rad" means the special unit of absorbed dose. One rad is equal to an absorbed dose of 100 erg per gram or 0.01 joule per kilogram

"Radiation" means alpha particles, beta particles, gamma rays, x-rays, neutrons, high speed electrons, high speed protons, and other particles capable of producing ions. For purposes of these rules, ionizing radiation is an equivalent term. Radiation, as used in these rules, does not include non-ionizing radiation, like radiowaves or microwaves, visible, infrared, or ultraviolet light.

"Radiation area" means an area, accessible to individuals, in which radiation levels could result in an individual receiving a dose equivalent in excess of 0.05 mSv (0.005 rem), in one hour at 30 centimeters from the source of radiation or from a surface that the radiation penetrates.

"Radiation machine" means a device capable of producing radiation except those devices with radioactive material as the only source of radiation.

"Radiation safety officer" means an individual who has the knowledge and responsibility to apply appropriate radiation protection rules and has been assigned such responsibility by the licensee or registrant. For a licensee authorized to use radioactive materials in accordance with the requirements of Rule R313-32,

(1) the individual named as the "Radiation Safety Officer" must meet the training requirements for a Radiation Safety Officer as stated in Rule R313-32; or

(2) the individual must be identified as a "Radiation Safety Officer" on

(a) a specific license issued by the Director, the U.S. Nuclear Regulatory Commission, or an Agreement State that authorizes the medical use of radioactive materials; or

(b) a medical use permit issued by a U.S. Nuclear Regulatory Commission master material licensee.

"Radiation source". See "Source of radiation."

"Radioactive material" means a solid, liquid, or gas which emits radiation spontaneously.

"Radioactivity" means the transformation of unstable atomic nuclei by the emission of radiation.

"Radiobioassay". See "Bioassay".

"Registrant" means any person who is registered with respect to radioactive materials or radiation machines with the Director or is legally obligated to register with the Director pursuant to these rules and the Act.

"Registration" means registration with the Director in accordance with the rules adopted by the Board.

"Regulations of the U.S. Department of Transportation" means 49 CFR 100 through 189 and 49 CFR 390 through 397, as referenced in 49 CFR 177.

"Rem" means the special unit of any of the quantities expressed as dose equivalent. The dose equivalent in rem is equal to the absorbed dose in rad multiplied by the quality factor. One rem equals 0.01 sievert (Sv).

"Research and development" means:

(a) theoretical analysis, exploration, or experimentation; or

(b) the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production

and testing of models, devices, equipment, materials, and processes. Research and development does not include the internal or external administration of radiation or radioactive material to human beings.

"Residual radioactivity" means radioactivity in structures, materials, soils, groundwater, and other media at a site resulting from activities under the licensee's control. This includes radioactivity from all licensed and unlicensed sources used by the licensee, but excludes background radiation. It also includes radioactive materials remaining at the site as a result of routine or accidental releases of radioactive material at the site and previous burials at the site, even if those burials were made in accordance with the provisions of Rule R313-15.

"Restricted area" means an area, access to which is limited by the licensee or registrant for the purpose of protecting individuals against undue risks from exposure to sources of radiation. A "Restricted area" does not include areas used as residential quarters, but separate rooms in a residential building may be set apart as a restricted area.

"Roentgen" (R) means the special unit of EXPOSURE. One roentgen equals 2.58×10^{-4} coulombs per kilogram of air. See EXPOSURE.

"Sealed source" means radioactive material that is permanently bonded or fixed in a capsule or matrix designed to prevent release and dispersal of the radioactive material under the most severe conditions which are likely to be encountered in normal use and handling.

"Sealed source and device registry" means the national registry that contains all the registration certificates, generated by both NRC and the Agreement States, that summarize the radiation safety information for the sealed sources and devices and describe the licensing and use conditions approved for the product.

"Shallow dose equivalent" (Hs) which applies to the external exposure of the skin of the whole body or the skin of an extremity, is taken as the dose equivalent at a tissue depth of 0.007 centimeter (seven mg per square centimeter).

"SI" means an abbreviation of the International System of Units.

"Sievert" (Sv) means the SI unit of any of the quantities expressed as dose equivalent. The dose equivalent in sievert is equal to the absorbed dose in gray multiplied by the quality factor. One Sv equals 100 rem.

"Site boundary" means that line beyond which the land or property is not owned, leased, or otherwise controlled by the licensee or registrant.

"Source container" means a device in which sealed sources are transported or stored.

"Source material" means:

(a) uranium or thorium, or any combination thereof, in any physical or chemical form, or

(b) ores that contain by weight one-twentieth of one percent (0.05 percent), or more of, uranium, thorium, or any combination of uranium and thorium. Source material does not include special nuclear material.

"Source material milling" means any activity that results in the production of byproduct material as defined by (b) of "byproduct material".

"Source of radiation" means any radioactive material, or a device or equipment emitting or capable of producing ionizing radiation.

"Special form radioactive material" means radioactive material which satisfies the following conditions:

(a) it is either a single solid piece or is contained in a sealed capsule that can be opened only by destroying the capsule;

(b) the piece or capsule has at least one dimension not less than five millimeters (0.197 inch); and

(c) it satisfies the test requirements specified by the U.S. Nuclear Regulatory Commission in 10 CFR 71.75. A special form encapsulation designed in accordance with the U.S. Nuclear Regulatory Commission requirements in effect on June 30, 1983, and constructed prior to July 1, 1985, may continue to be used. A special form encapsulation designed in accordance with the requirements of 10 CFR 71.4 in effect on March 31, 1996, (see 10 CFR 71 revised January 1, 1983), and constructed before April 1, 1998, may continue to be used. Any other special form encapsulation must meet the specifications of this definition.

"Special nuclear material" means:

(a) plutonium, uranium-233, uranium enriched in the isotope 233 or in the isotope 235, and other material that the U.S. Nuclear Regulatory Commission, pursuant to the provisions of section 51 of the Atomic Energy Act of 1954, as amended, determines to be special nuclear material, but does not include source material; or

(b) any material artificially enriched by any of the foregoing but does not include source material.

"Special nuclear material in quantities not sufficient to form a critical mass" means uranium enriched in the isotope U-235 in quantities not exceeding 350 grams of contained U-235; uranium-233 in quantities not exceeding 200 grams; plutonium in quantities not exceeding 200 grams or a combination of them in accordance with the following formula: For each kind of special nuclear material, determine the ratio between the quantity of that special nuclear material and the quantity specified above for the same kind of special nuclear material. The sum of such ratios for all of the kinds of special nuclear material in combination shall not exceed one. For example, the following quantities in combination would not exceed the limitation and are within the formula:

$((175(\text{Grams contained U-235})/350) + (50(\text{Grams U-233}/200) + (50(\text{Grams Pu})/200))$ is equal to one.

"Survey" means an evaluation of the radiological conditions and potential hazards incident to the production, use, transfer, release, disposal, or presence of sources of radiation. When appropriate, such evaluation includes, but is not limited to, tests, physical examinations and measurements of levels of radiation or concentrations of radioactive material present.

"Test" means the process of verifying compliance with an applicable rule.

"These rules" means "Utah Radiation Control Rules".

"Total effective dose equivalent" (TEDE) means the sum of the effective dose equivalent for external exposures and the committed effective dose equivalent for internal exposures.

"Total organ dose equivalent" (TODE) means the sum of the deep dose equivalent and the committed dose equivalent to the organ receiving the highest dose as described in Subsection R313-15-1107(1) (f).

"U.S. Department of Energy" means the Department of Energy established by Public Law 95-91, August 4, 1977, 91 Stat. 565, 42 U.S.C. 7101 et seq., to the extent that the Department exercises

functions formerly vested in the U.S. Atomic Energy Commission, its Chairman, members, officers and components and transferred to the U.S. Energy Research and Development Administration and to the Administrator thereof pursuant to sections 104(b), (c), and (d) of Public Law 93-438, October 11, 1974, 88 Stat. 1233 at 1237, effective January 19, 1975 known as the Energy Reorganization Act of 1974, and retransferred to the Secretary of Energy pursuant to section 301(a) of Public Law 95-91, August 14, 1977, 91 Stat. 565 at 577-578, 42 U.S.C. 7151, effective October 1, 1977 known as the Department of Energy Organization Act.

"Unrefined and unprocessed ore" means ore in its natural form prior to processing, like grinding, roasting~~;~~ or beneficiating, or refining. Processing does not include sieving or encapsulation of ore or preparation of samples for laboratory analysis.

"Unrestricted area" means an area, to which access is neither limited nor controlled by the licensee or registrant. For purposes of these rules, "uncontrolled area" is an equivalent term.

"Waste" means those low-level radioactive wastes containing radioactive material that are acceptable for disposal in a land disposal facility. For the purposes of this definition, low-level radioactive waste means radioactive waste not classified as high-level radioactive waste, transuranic waste, spent nuclear fuel, or byproduct material as defined in paragraphs (b), (c), and (d) of the definition of byproduct material found in Section R313-12-3.

"Week" means seven consecutive days starting on Sunday.

"Whole body" means, for purposes of external exposure, head, trunk including male gonads, arms above the elbow, or legs above the knees.

"Worker" means an individual engaged in work under a license or registration issued by the Director and controlled by a licensee or registrant, but does not include the licensee or registrant.

"Working level" (WL), means any combination of short-lived radon daughters in one liter of air that will result in the ultimate emission of 1.3×10^5 MeV of potential alpha particle energy. The short-lived radon daughters are, for radon-222: polonium-218, lead-214, bismuth-214, and polonium-214; and for radon 220: polonium-216, lead-212, bismuth-212, and polonium-212.

"Working level month" (WLM), means an exposure to one working level for 170 hours. 2,000 working hours per year divided by 12 months per year is approximately equal to 170 hours per month.

"Year" means the period of time beginning in January used to determine compliance with the provisions of these rules. The licensee or registrant may change the starting date of the year used to determine compliance by the licensee or registrant provided that the decision to make the change is made not later than December 31 of the previous year. If a licensee or registrant changes in a year, the licensee or registrant shall assure that no day is omitted or duplicated in consecutive years.

R313-12-51. Records.

(1) A person who receives source or byproduct material pursuant to a license issued pursuant to the regulations in this part shall keep records showing the receipt, transfer, and disposal of this source or byproduct material as follows:

(a) The licensee shall retain each record of receipt of source or byproduct material as long as the material is possessed and for three years following transfer or disposition of the source or byproduct material.

(b) The licensee who transferred the material shall retain each record of transfer of source or byproduct material until the Director terminates each license that authorizes the activity that is subject to the recordkeeping requirement.

(c) The licensee shall retain each record of disposal of source or byproduct material until the Director terminates each license that authorizes the activity that is subject to the recordkeeping requirement.

(d) If source or byproduct material is combined or mixed with other licensed material and subsequently treated in a manner that makes direct correlation of a receipt record with a transfer, export, or disposition record impossible, the licensee may use evaluative techniques, such as first-in-first-out, to make the records that are required by Section R313-12-51 account for 100 percent of the material received.

(2) The licensee shall retain each record that is required by Section R313-12-51 or by license condition for the period specified by the appropriate rule or license condition. If a retention period is not otherwise specified by rule or license condition, each record must be maintained until the Director terminates the license that authorizes the activity that is subject to the recordkeeping requirement.

~~(+)~~(3) A licensee or registrant shall maintain records showing the receipt, transfer, and disposal of all sources of radiation.

~~(2)~~(4) Prior to license termination, each licensee authorized to possess radioactive material with a half-life greater than 120 days, in an unsealed form, may forward the following records to the Director:

(a) records of disposal of licensed material made under Sections R313-15-1002 (including burials authorized before January 28, 1981), R313-15-1003, R313-15-1004, and R313-15-1005; and

(b) records required by Subsection R313-15-1103(2)(d).

NOTE: 10 CFR 20.304 permitted burial of small quantities of licensed materials in soil before January 28, 1981, without specific U.S. Nuclear Regulatory Commission authorization. See 20.304 contained in the 10 CFR, parts 0 to 199, edition revised as of January 1, 1981.

~~(3)~~(5) If licensed activities are transferred or assigned in accordance with Subsection R313-19-34(2), each licensee authorized to possess radioactive material, with a half-life greater than 120 days, in an unsealed form, shall transfer the following records to the new licensee and the new licensee will be responsible for maintaining these records until the license is terminated:

(a) records of disposal of licensed material made under Sections R313-15-1002 (including burials authorized before January 28, 1981), R313-15-1003, R313-15-1004, R313-15-1005, and R313-15-1008; and

(b) records required by Subsection R313-15-1103(2)(d).

~~(4)~~(6) Prior to license termination, each licensee may forward the records required by Subsection R313-22-35(7) to the Director.

~~(5)~~(7) Additional records requirements are specified elsewhere in these rules.

R313-12-110. Communications.

All communications and reports concerning these rules, and applications filed thereunder, should be addressed to the Director of the Division of Waste Management and Radiation Control, P.O. Box 144880, 195 North 1950 West, Salt Lake City, Utah 84114-4880.

KEY: definitions, units, inspections, exemptions

Date of Enactment or Last Substantive Amendment: [~~June 16, 2015~~]**2017**

Notice of Continuation: July 1, 2016

Authorizing, and Implemented or Interpreted Law: 19-3-104; [~~19-6-107~~]**19-6-104**

**Environmental Quality, Waste
Management and Radiation Control,
Radiation
R313-19
Requirements of General Applicability
to Licensing of Radioactive Material**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 41992

FILED: 08/01/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The proposed changes incorporate corresponding revisions made by the U.S. Nuclear Regulatory Commission (NRC) in a final rule published in the Federal Register on 05/29/2013 (78 FR 32310) under the title of Distribution of Source Material to Exempt Persons and to General Licensees and Revision of General License and Exemptions. As an Agreement State with the NRC for the radioactive materials program in Utah, the proposed changes are made in order to maintain regulatory compatibility with the federal radioactive materials regulations and our agreement state status with the NRC. Changes are proposed in selected sections of Rules R313-12, R313-19, R313-21, and R313-22 in order to incorporate all of the corresponding revisions issued under NRC's final rule promulgated on 05/29/2013. Additional proposed changes not directly associated with NRC's final rule are being made to update noted references and citations. (EDITOR'S NOTE: A proposed amendment to Rule R313-12 is under Filing No. 41991, a proposed amendment to Rule R313-21 is under Filing No. 41993, and a proposed amendment to Rule R313-22 in under Filing No. 41994 in this issue, August 15, 2017, of the Bulletin.)

SUMMARY OF THE RULE OR CHANGE: On 07/13/2017, the Waste Management and Radiation Control Board authorized the proposed changes to be published for public review and comment. Proposed changes to Rules R313-12, R313-19, R313-21, and R313-22 reflect those revisions made by the NRC to selected sections of 10 CFR Part 40, as promulgated on 05/29/2013 (78 FR 32310). The majority of the changes are required to retain regulatory compatibility for the radioactive materials program, other proposed changes provide added clarification or correct textual errors. Specifically, incorporating the revisions promulgated by the

NRC into the appropriate sections of Rule R313-19 require the initial distribution of source material to exempt persons or to general licensees be explicitly authorized by a specific license and institute new reporting requirements to provide timely information on the types and quantities of source material distributed for use either under exemption or by general licensees. In addition, the rule modifies the existing possession and use requirements of the general license for small quantities of source material to better align the requirements with current health and safety standards. The regulatory amendments will create a regulatory framework for the initial distribution of source material to inform the Division, in the event of any manufacturer or distributor of source material becomes licensed in Utah, of what types and quantities of products containing source material are distributed for use under the exemptions from licensing and to identify persons using significant quantities of source material under the general license in Section R313-21-21. It will also ensure that general licensees under Section R313-21-21 are informed of applicable regulations before they obtain source material. Also, the proposed rule changes revise, clarify, or delete certain source material exemptions from licensing to make the exemptions more risk informed. The NRC's final rule and the associated proposed rule changes in the Utah radiation control rules also affect the possession and use of source material under a general license or an applicable license exemption. Proposed changes in the Exemptions section (R313-19-13) are being made to be compatible with the corresponding NRC regulations of 10 CFR 40.13 as promulgated on 05/29/2013 (78 FR 32310) regarding the distribution of certain quantities of source material (radioactive material containing uranium and/or thorium). The associated dates noted in the proposed changes in Section R313-19-13 are proposed to be 10/16/2017 based on the Waste Management and Radiation Control Board's action, during their scheduled meeting on 10/12/2017 to set the effective date of the rule changes as 10/16/2017. The edition date of the two incorporations by reference in Section R313-19-50 to Appendix B of 10 CFR Part 20 are updated from 2010 to 2017.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-3-104 and Section 19-6-104

MATERIALS INCORPORATED BY REFERENCE:

- ◆ Updates 10 CFR Part 20, Appendix B, published by Government Printing Office, 01/01/2017

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The primary focus of the proposed rule changes is directed to manufacturers and distributors of radioactive source material (containing by definition a certain quantity of uranium or thorium). There are no state agencies that manufacture or distribute radioactive source material to either entities exempt from radioactive materials licensing requirements or to radioactive materials general licensees. However, state academic institutions that may possess or use radioactive source material for research or other academic-related purposes beyond the proposed quantity limit may

need to apply for and receive a specific licenses. Any costs associated with the specific license application process and subsequent implementation procedures are unique to each licensing action and are therefore not quantifiable. However, additional information regarding a cost-benefit analysis associated with the NRC's final rule issued on 05/29/2013 (74 FR 32310) can be found in NRC's regulatory analysis document for this final rule (ADAMS Accession No. ML13079A302). A copy of this analysis is available from the Division of Waste Management and Radiation Control Web site at <https://deq.utah.gov/Divisions/dwmrc/index.htm>.

◆ **LOCAL GOVERNMENTS:** The primary focus of the proposed rule changes is directed to manufacturers and distributors of radioactive source material (containing by definition a certain quantity of uranium or thorium). There are no local governments that manufacture or distribute radioactive source material to either entities exempt from radioactive materials licensing requirements or to radioactive materials general licensees. Additional information regarding a cost-benefit analysis associated with the NRC's final rule issued on 05/29/2013 (74 FR 32310) can be found in NRC's regulatory analysis document for this final rule (ADAMS Accession No. ML13079A302). A copy of this analysis is available from the Division of Waste Management and Radiation Control Web site at <https://deq.utah.gov/Divisions/dwmrc/index.htm>.

◆ **SMALL BUSINESSES:** The primary focus of the proposed rule changes is directed to manufacturers and distributors of radioactive source material (containing by definition a certain quantity of uranium or thorium). There are no small business in Utah that manufacture or distribute radioactive source material to either entities exempt from radioactive materials licensing requirements or to radioactive materials general licensees. However, a small business that may possess or use radioactive source material for commercial, operational, research, development, or other business-related purposes beyond the proposed quantity limit may need to apply for and receive a specific licenses. Any costs associated with the specific license application process and subsequent implementation procedures are unique to each licensing action and are therefore not quantifiable. Additional information regarding a cost-benefit analysis associated with the NRC's final rule issued on 05/29/2013 (74 FR 32310) can be found in NRC's regulatory analysis document for this final rule (ADAMS Accession No. ML13079A302). A copy of this analysis is available from the Division of Waste Management and Radiation Control Web site at <https://deq.utah.gov/Divisions/dwmrc/index.htm>.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The primary focus of the proposed rule changes is directed to manufacturers and distributors of radioactive source material (containing by definition a certain quantity of uranium or thorium). There are no other entities in Utah that currently manufacture or distribute radioactive source material to either entities exempt from radioactive materials licensing requirements or to radioactive materials general licensees. However, a person that may possess or use radioactive source material for commercial, operational, research,

development, or other business-related purposes beyond the proposed quantity limit may need to apply for and receive a specific licenses. Any costs associated with the specific license application process and subsequent implementation procedures are unique to each licensing action and are therefore not quantifiable. Additional information regarding a cost-benefit analysis associated with the NRC's final rule issued on 05/29/2013 (74 FR 32310) can be found in NRC's regulatory analysis document for this final rule (ADAMS Accession No. ML13079A302). A copy of this analysis is available from the Division of Waste Management and Radiation Control Web site at <https://deq.utah.gov/Divisions/dwmrc/index.htm>.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The primary focus of the proposed rule changes is directed to manufacturers and distributors of radioactive source material (containing by definition a certain quantity of uranium or thorium). There are no entities in Utah that manufacture or distribute radioactive source material to either entities exempt from radioactive materials licensing requirements or to radioactive materials general licensees. However, a business or person that may possess or use radioactive source material for commercial, operational, research, development, or other business-related purposes beyond the proposed quantity limit may need to apply for and receive a specific licenses. Any costs associated with the specific license application process and subsequent implementation procedures are unique to each licensing action and are therefore not quantifiable. Additional information regarding a cost-benefit analysis associated with the NRC's final rule issued on 05/29/2013 (74 FR 32310) can be found in NRC's regulatory analysis document for this final rule (ADAMS Accession No. ML13079A302). A copy of this analysis is available from the Division of Waste Management and Radiation Control Web site at <https://deq.utah.gov/Divisions/dwmrc/index.htm>.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The primary focus of the proposed rule changes is directed to manufacturers and distributors of radioactive source material (containing by definition a certain quantity of uranium or thorium). There are no entities in Utah that manufacture or distribute radioactive source material to either entities exempt from radioactive materials licensing requirements or to radioactive materials general licensees. However, a business or person that may possess or use radioactive source material for commercial, operational, research, development, or other business-related purposes beyond the proposed quantity limit may need to apply for and receive a specific licenses. Any costs associated with the specific license application process and subsequent implementation procedures are unique to each licensing action and are therefore not quantifiable. Additional information regarding a cost-benefit analysis associated with the NRC's final rule issued on 05/29/2013 (74 FR 32310) can be found in NRC's regulatory analysis document for this final rule (ADAMS Accession No. ML13079A302). A copy of this analysis is

available from the Division of Waste Management and Radiation Control Web site at <https://deq.utah.gov/Divisions/dwmrc/index.htm>.

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

ENVIRONMENTAL QUALITY
WASTE MANAGEMENT AND RADIATION
CONTROL, RADIATION
SECOND FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116-4880
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Rusty Lundberg by phone at 801-536-4257, by FAX at 801-536-0222, or by Internet E-mail at rlundberg@utah.gov
◆ Thomas Ball by phone at 801-536-0251, or by Internet E-mail at tball@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 09/15/2017

THIS RULE MAY BECOME EFFECTIVE ON: 10/16/2017

AUTHORIZED BY: Scott Anderson, Director

R313. Environmental Quality, Waste Management and Radiation Control, Radiation.

R313-19. Requirements of General Applicability to Licensing of Radioactive Material.

R313-19-13. Exemptions.

(1) Source material.

(a) A person is exempt from Rules R313-19, R313-21, and R313-22 to the extent that the person receives, possesses, uses, owns, or transfers source material in a chemical mixture, compound, solution or alloy in which the source material is by weight less than 1/20 of one percent (0.05 percent) of the mixture, compound, solution, or alloy.

(b) A person is exempt from Rules R313-19, R313-21, and R313-22 to the extent that the person receives, possesses, uses or transfers unrefined and unprocessed ore containing source material; provided, that, except as authorized in a specific license, such person shall not refine or process the ore.

(c) A person is exempt from the requirements in Rules R313-15, R313-18, R313-19, R313-21, and R313-22 to the extent that the person receives, possesses, uses or transfers:

(i) any quantities of thorium contained in:

(A) incandescent gas mantles,

(B) vacuum tubes,

(C) welding rods,

(D) electric lamps for illuminating purposes: provided that, each lamp does not contain more than 50 milligrams of thorium,

(E) germicidal lamps, sunlamps, and lamps for outdoor or industrial lighting provided that each lamp does not contain more than two grams of thorium,

(F) rare earth metals and compounds, mixtures, and products containing not more than 0.25 percent by weight thorium, uranium, or any combination of these, or

(G) personnel neutron dosimeters provided that each dosimeter does not contain more than 50 milligrams of thorium;

(ii) source material contained in the following products:

(A) glazed ceramic tableware manufactured before October 16, 2017, provided that the glaze contains not more than 20 percent by weight source material[;];

(B) piezoelectric ceramic containing not more than two percent by weight source material[;]; or

(C) glassware containing not more than two percent by weight source material or, for glassware manufactured before October 16, 2017, not more than ten percent by weight source material, but not including commercially manufactured glass brick, pane glass, ceramic tile, or other glass or ceramic used in construction;

(iii) photographic film, negatives and prints containing uranium or thorium;

(iv) a finished product or part fabricated of, or containing, tungsten-thorium or magnesium-thorium alloys, provided that the thorium content of the alloy does not exceed four percent by weight and that this exemption shall not be deemed to authorize the chemical, physical, or metallurgical treatment or processing of the product or part;

(v) uranium contained in counterweights installed in aircraft, rockets, projectiles, and missiles, or stored or handled in connection with installation or removal of the counterweights, provided that:

~~[(A)] the counterweights are manufactured in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission authorizing distribution by the licensee pursuant to 10 CFR Part 40;~~

~~[(B)]~~[(A)] each counterweight has been impressed with the following legend clearly legible through any plating or other covering: "DEPLETED URANIUM",

~~[(C)]~~[(B)] each counterweight is durably and legibly labeled or marked with the identification of the manufacturer and the statement: "UNAUTHORIZED ALTERATIONS PROHIBITED",

~~[(D)]~~[(C)] The requirements specified in Subsections R313-19-13(1)(c)(v)~~[(B)]~~[(A)] and ~~[(C)]~~[(B)] need not be met by counterweights manufactured prior to December 31, 1969, provided that such counterweights were manufactured under a specific license issued by the Atomic Energy Commission and were~~are~~ impressed with the legend, "CAUTION - RADIOACTIVE MATERIAL - URANIUM", as previously required by the rules in effect on June 30, 1969, and

(E) the exemption contained in Subsection R313-19-13(1)(c)(v) shall not be deemed to authorize the chemical, physical, or metallurgical treatment or processing of any such counterweights other than repair or restoration of any plating or other covering;

(vi) natural or depleted uranium metal used as shielding constituting part of a shipping container which is conspicuously and legibly impressed with the legend "CAUTION - RADIOACTIVE SHIELDING - URANIUM" and the uranium metal is encased in mild steel or equally fire resistant metal of minimum wall thickness of one eighth inch (3.2 mm);

(vii) thorium or uranium contained in or on finished optical lenses and mirrors, provided that each lens or mirror does not contain

more than 10 percent by weight thorium or uranium or, for lenses manufactured before October 16, 2017, [does not contain more than] 30 percent by weight of thorium, and that this exemption shall not be deemed to authorize either:

(A) the shaping, grinding, or polishing of a lens or manufacturing processes other than the assembly of such lens into optical systems and devices without alteration of the lens, or

(B) the receipt, possession, use, or transfer of thorium contained in contact lenses, or in spectacles, or in eyepieces in binoculars or other optical instruments;

~~[(viii) uranium contained in detector heads for use in fire detection units, provided that each detector head contains not more than 0.005 microcurie (185.0 Bq) of uranium; or]~~

~~[(ix)](viii) thorium contained in a finished aircraft engine part containing nickel-thoria alloy, provided that:~~

(A) the thorium is dispersed in the nickel-thoria alloy in the form of finely divided thoria (thorium dioxide), and

(B) the thorium content in the nickel-thoria alloy does not exceed four percent by weight.

(ix) No person may initially transfer for sale or distribution a product containing source material to persons exempt under Subsection R313-19-13(1)(c), or equivalent regulations of an Agreement State, unless authorized by a license issued under 10 CFR 40.52 to initially transfer such products for sale or distribution.

(A) A person initially distributing source material in products covered by the exemptions in this Subsection R313-19-13(1)(c) before (Utah effective date to be set by the Board), without specific authorization may continue such distribution for one year beyond this date. Initial distribution may also be continued until the director takes final action on a pending application for license or license amendment to specifically authorize distribution submitted no later than one year beyond this date.

(B) A person authorized to manufacture, process, or produce these materials or products containing source material by an Agreement State, and a person who imports finished products or parts, for sale or distribution must be authorized by a license issued under 10 CFR 40.52 for distribution only and are exempt from the requirements of Rules R313-15 and R313-18 and Subsections R313-22-33(1)(a) and (b).

(d) The exemptions in Subsection R313-19-13(1)(c) do not authorize the manufacture of any of the products described.

(2) Radioactive material other than source material.

(a) Exempt concentrations.

(i) Except as provided in Subsection R313-19-13(2)(a)(iii) a person is exempt from Rules R313-19, R313-21 and R313-22 to the extent that the person receives, possesses, uses, transfers, owns or acquires products or materials containing:

(A) radioactive material introduced in concentrations not in excess of those listed in Section R313-19-70, or

(B) diffuse sources of natural occurring radioactive materials containing less than 15 picocuries per gram radium-226.

(ii) A manufacturer, processor, or producer of a product or material is exempt from the requirements for a license set forth in Rules R313-19, R313-21 and R313-22 and Rules R313-32, R313-34, R313-36, and R313-38 to the extent that the person transfers:

(A) radioactive material contained in a product or material in concentrations not in excess of those specified in R313-19-70; and

(B) introduced into the product or material by a licensee holding a specific license issued by the U.S. Nuclear Regulatory Commission authorizing the introduction.

(C) The exemption in R313-19-13-2(a)(ii)(A) and R313-19-13-2(a)(ii)(B) does not apply to the transfer of radioactive material contained in any food, beverage, cosmetic, drug, or other commodity or product designed for ingestion or inhalation by, or application to, a human being.

(iii) A person may not introduce radioactive material into a product or material knowing or having reason to believe that it will be transferred to persons exempt under Subsection R313-19-13(2)(a)(i) or equivalent regulations of a Licensing State, the U.S. Nuclear Regulatory Commission or an Agreement State, except in accordance with a specific license issued pursuant to Subsection R313-22-75(1).

(b) Exempt quantities.

(i) Except as provided in Subsections R313-19-13(2)(b)(ii) through (iv) a person is exempt from these rules to the extent that the person receives, possesses, uses, transfers, owns, or acquires radioactive material in individual quantities which do not exceed the applicable quantity set forth in Section R313-19-71.

(ii) Subsection R313-19-13(2)(b) does not authorize the production, packaging or repackaging of radioactive material for purposes of commercial distribution, or the incorporation of radioactive material into products intended for commercial distribution.

(iii) A person may not, for purposes of commercial distribution, transfer radioactive material in the individual quantities set forth in Section R313-19-71, knowing or having reason to believe that the quantities of radioactive material will be transferred to persons exempt under Subsection R313-19-13(2)(b) or equivalent regulations of a Licensing State, the U.S. Nuclear Regulatory Commission or an Agreement State, except in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission, pursuant to 10 CFR Part 32 or by the Director pursuant to Subsection R313-22-75(2), which license states that the radioactive material may be transferred by the licensee to persons exempt under Subsection R313-19-13(2)(b) or the equivalent regulations of a Licensing State, the U.S. Nuclear Regulatory Commission or an Agreement State.

(iv) A person who possesses radioactive material received or acquired prior to September 25, 1971, under the general license formerly provided in 10 CFR Part 31.4 or equivalent regulations of a State is exempt from the requirements for a license set forth in Rule R313-19 to the extent that the person possesses, uses, transfers or owns radioactive material. This exemption does not apply for diffuse sources of radium-226.

(v) No person may, for purposes of producing an increased radiation level, combine quantities of radioactive material covered by this exemption so that the aggregate quantity exceeds the limits set forth in R313-19-71, except for radioactive material combined within a device placed in use before May 3, 1999, or as otherwise provided by these rules.

(c) Exempt items.

(i) Certain items containing radioactive material. Except for persons who apply radioactive material to, or persons who incorporate radioactive material into the following products, a person is exempt from these rules to the extent that person receives, possesses, uses, transfers, owns or acquires the following products:

(A) Timepieces or hands or dials containing not more than the following specified quantities of radioactive material and not exceeding the following specified levels of radiation:

(I) 25 millicuries (925.0 MBq) of tritium per timepiece;

(II) five millicuries (185.0 MBq) of tritium per hand;

(III) 15 millicuries (555.0 MBq) of tritium per dial. Bezels when used shall be considered as part of the dial;

(IV) 100 microcuries (3.7 MBq) of promethium-147 per watch or 200 microcuries (7.4 MBq) of promethium-147 per any other timepiece;

(V) 20 microcuries (0.74 MBq) of promethium-147 per watch hand or 40 microcuries (1.48 MBq) of promethium-147 per other timepiece hand;

(VI) 60 microcuries (2.22 MBq) of promethium-147 per watch dial or 120 microcuries (4.44 MBq) of promethium-147 per other timepiece dial. Bezels when used shall be considered as part of the dial;

(VII) the radiation dose rate from hands and dials containing promethium-147 will not exceed, when measured through 50 milligrams per square centimeter of absorber:

for wrist watches, 0.1 millirad (1.0 uGy) per hour at ten centimeters from any surface;

for pocket watches, 0.1 millirad (1.0 uGy) per hour at one centimeter from any surface;

for other timepieces, 0.2 millirad (2.0 uGy) per hour at ten centimeters from any surface;

(VIII) one microcurie (37.0 kBq) of radium-226 per timepiece in timepieces manufactured prior to November 30, 2007.

(B)(I) Static elimination devices which contain, as sealed source or sources, radioactive material consisting of a total of not more than 18.5 MBq (500 uCi) of polonium-210 per device.

(II) Ion generating tubes designed for ionization of air that contain, as a sealed source or sources, byproduct material consisting of a total of not more than 18.5 MBq (500 uCi) of polonium-210 per device or of a total of not more than 1.85 GBq (50 mCi) of hydrogen-3 (tritium) per device.

(III) Such devices authorized before October 23, 2012 for use under the general license then provided in 10 CFR 31.3 (January 1, 2012) or equivalent regulations of the Commission or an Agreement State and manufactured, tested, and labeled by the manufacturer in accordance with the specifications contained in a specific license issued by the Commission or Agreement State.

(C) Precision balances containing not more than one millicurie (37.0 MBq) of tritium per balance or not more than 0.5 millicurie (18.5 MBq) of tritium per balance part manufactured before June 9, 2010.

(D) Marine compasses containing not more than 750 millicuries (27.8 GBq) of tritium gas and other marine navigational instruments containing not more than 250 millicuries (9.25 GBq) of tritium gas manufactured before June 9, 2010.

(E) Ionization chamber smoke detectors containing not more than 1 microcurie (37 kBq) of americium-241 per detector in the form of a foil and designed to protect life and property from fires.

(F) Electron tubes, including spark gap tubes, power tubes, gas tubes including glow lamps, receiving tubes, microwave tubes, indicator tubes, pick-up tubes, radiation detection tubes, and other completely sealed tubes that are designed to conduct or control electrical currents; provided that each tube does not contain more than one of the following specified quantities of radioactive material:

(I) 150 millicuries (5.55 GBq) of tritium per microwave receiver protector tube or ten millicuries (370.0 MBq) of tritium per any other electron tube;

(II) one microcurie (37.0 kBq) of cobalt-60;

(III) five microcuries (185.0 kBq) of nickel-63;

(IV) 30 microcuries (1.11 MBq) of krypton-85;

(V) five microcuries (185.0 kBq) of cesium-137;

(VI) 30 microcuries (1.11 MBq) of promethium-147;

(VII) one microcurie (37.0 kBq) of radium-226;

and provided further, that the radiation dose rate from each electron tube containing radioactive material will not exceed one millirad (10.0 uGy) per hour at one centimeter from any surface when measured through seven milligrams per square centimeter of absorber.

(G) Ionizing radiation measuring instruments containing, for purposes of internal calibration or standardization, one or more sources of radioactive material, provided that:

(I) each source contains no more than one exempt quantity set forth in Section R313-19-71; and

(II) each instrument contains no more than ten exempt quantities. For purposes of this requirement, an instrument's source(s) may contain either one type or different types of radionuclides and an individual exempt quantity may be composed of fractional parts of one or more of exempt quantities in Section R313-19-71, provided that the sum of the fractions shall not exceed unity;

(III) for purposes of Subsection R313-19-13(2)(c)(i)(G), 0.05 microcurie (1.85 kBq) of americium-241 is considered an exempt quantity under Section R313-19-71.

(ii) Self-luminous products containing radioactive material.

(A) Except for persons who manufacture, process, produce, or initially transfer for sale or distribution self-luminous products containing tritium, krypton-85, or promethium-147, and except as provided in R313-19-13(2)(c)(ii)(C), any person is exempt from the regulations in R313-15, R313-19, R313-21, R313-22, R313-32, R313-34, R313-36, and R313-38 to the extent that such a person receives, possesses, uses, transfers, owns, or acquires tritium, krypton-85, or promethium-147 in self-luminous products manufactured, processed, produced, or initially transferred in accordance with a specific license issued pursuant to 10 CFR 32.22 (2015), which license authorizes the initial transfer of the product for use.

(B) Any person who desires to manufacture, process, or produce, or initially transfer for sale or distribution self-luminous products containing tritium, krypton-85, or promethium-147 for use under R313-19-13(2)(c)(ii)(A), should apply for a license under 10 CFR 32.22 (2015) and for a certificate of registration in accordance with 10 CFR 32.210 (2015).

(C) The exemption in R313-19-13(2)(c)(ii)(A) does not apply to tritium, krypton-85, or promethium-147 used in products primarily for frivolous purposes or in toys or adornments.

(D) Radium-226. A person is exempt from these rules, to the extent that such person receives, possesses, uses, transfers, or owns articles containing less than 0.1 microcurie (3.7 kBq) of radium-226 which were acquired prior to the effective date of these rules.

(iii) Gas and aerosol detectors containing radioactive material.

(A) Except for persons who manufacture, process, produce, or initially transfer for sale or distribution gas and aerosol detectors containing radioactive material, any person is exempt from the regulations in parts R313-18, R313-15, R313-19, R313-21, R313-22, R313-32, R313-34, R313-36, and R313-38 to the extent that such

person receives, possesses, uses, transfers, owns, or acquires byproduct material in gas and aerosol detectors designed to protect health, safety, or property, and manufactured, processed, produced, or initially transferred in accordance with a specific license issued under 10 CFR 32.26 (2015), which license authorizes the initial transfer of the product for use under this section. This exemption also covers gas and aerosol detectors manufactured or distributed before November 30, 2007, in accordance with a specific license issued by a State under comparable provisions to 10 CFR 32.26 (2015) authorizing distribution to persons exempt from regulatory requirements.

(B) Any person who desires to manufacture, process, or produce gas and aerosol detectors containing byproduct material, or to initially transfer such products for use under paragraph (a) of this section, should apply for a specific license issued by the U.S. Nuclear Regulatory Commission pursuant to 10 CFR Part 32.26 (2015) and for a certificate of registration in accordance with R313-22-210 or equivalent regulations of an Agreement State.

(iv) Capsules containing carbon-14 urea for "in vivo" diagnostic use for humans.

(A) Except as provided in Subsection R313-19-13(2)(c)(iv) (B), any person is exempt from the requirements in Rules R313-19 and R313-32 provided that the person receives, possesses, uses, transfers, owns, or acquires capsules containing 37 kBq (1 uCi) carbon-14 urea (allowing for nominal variation that may occur during the manufacturing process) each, for "in vivo" diagnostic use for humans.

(B) Any person who desires to use the capsules for research involving human subjects shall apply for and receive a specific license pursuant to Rule R313-32.

(C) Nothing in Subsection R313-19-13(2)(c)(iv) relieves persons from complying with applicable United States Food and Drug Administration, other Federal, and State requirements governing receipt, administration, and use of drugs.

(v) Certain industrial devices.

(A) Except for persons who manufacture, process, produce, or initially transfer for sale or distribution industrial devices containing radioactive material designed and manufactured for the purpose of detecting, measuring, gauging or controlling thickness, density, level, interface location, radiation, leakage, or qualitative or quantitative chemical composition, or for producing an ionized atmosphere, any person is exempt from the regulations in parts R313-18, R313-15, R313-18, R313-15, R313-19, R313-21, R313-22, R313-32, R313-34, R313-36, and R313-38 to the extent that such person receives, possesses, uses, transfers, owns, or acquires radioactive material, in these certain detecting, measuring, gauging, or controlling devices and certain devices for producing an ionized atmosphere, and manufactured, processed, produced, or initially transferred in accordance with a specific license issued under 10 CFR 32.30 (2015), which license authorizes the initial transfer of the device for use under this rule. This exemption does not cover sources not incorporated into a device, such as calibration and reference sources.

(B) Any person who desires to manufacture, process, produce, or initially transfer for sale or distribution industrial devices containing byproduct material for use under R313-19-13(2)(c)(v)(A), should apply for a license under 10 CFR 32.30 (2015) and for a certificate of registration in accordance with R313-22-210.

(vi) With respect to Subsections R313-19-13(2)(b)(iii), R313-19-13(2)(c)(i), (iii) and (iv), the authority to transfer possession or control by the manufacturer, processor, or producer of equipment, devices, commodities, or other products containing byproduct material

whose subsequent possession, use, transfer, and disposal by other persons is exempted from regulatory requirements may be obtained only from the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

R313-19-50. Reporting Requirements.

(1) Licensees shall notify the Director as soon as possible but not later than four hours after the discovery of an event that prevents immediate protective actions necessary to avoid exposures to radiation or radioactive materials that could exceed regulatory limits or releases of licensed material that could exceed regulatory limits. Events may include fires, explosions, toxic gas releases, etc.

(2) The following events involving licensed material require notification of the Director by the licensee within 24 hours:

(a) an unplanned contamination event that:

(i) requires access to the contamination area, by workers or the public, to be restricted for more than 24 hours by imposing additional radiological controls or by prohibiting entry into the area;

(ii) involves a quantity of material greater than five times the lowest annual limit on intake specified in Appendix B of 10 CFR 20.1001 through 20.2402 [~~(2010)~~](2017), which is incorporated by reference, for the material; and

(iii) has access to the area restricted for a reason other than to allow radionuclides with a half-life of less than 24 hours to decay prior to decontamination; or

(b) an event in which equipment is disabled or fails to function as designed when:

(i) the equipment is required by rule or license condition to prevent releases exceeding regulatory limits, to prevent exposures to radiation and radioactive materials exceeding regulatory limits, or to mitigate the consequences of an accident;

(ii) the equipment is required by rule or license condition to be available and operable; and

(iii) no redundant equipment is available and operable to perform the required safety function; or

(c) an event that requires unplanned medical treatment at a medical facility of an individual with spreadable radioactive contamination on the individual's clothing or body; or

(d) an unplanned fire or explosion damaging licensed material or a device, container, or equipment containing licensed material when:

(i) the quantity of material involved is greater than five times the lowest annual limit on intake specified in Appendix B of 10 CFR 20.1001 through 20.2402 [~~(2010)~~](2017), which is incorporated by reference, for the material; and

(ii) the damage affects the integrity of the licensed material or its container.

(3) Preparation and submission of reports. Reports made by licensees in response to the requirements of Section R313-19-50 must be made as follows:

(a) For radioactive materials, other than special nuclear material, licensees shall make reports required by Subsections R313-19-50(1) and (2) by telephone to the Director. To the extent that the information is available at the time of notification, the information provided in these reports must include:

(i) the caller's name and call back telephone number;

(ii) a description of the event, including date and time;

(iii) the exact location of the event;

(iv) the radionuclides, quantities, and chemical and physical form of the licensed material involved; and

(v) available personnel radiation exposure data.

(b) For special nuclear materials, licensees shall make reports required by Subsections R313-19-50(1) and (2) by telephone to the Director. To the extent that the information is available at the time of notification, the information provided in these reports must include:

(i) the caller's name, position title, and call-back telephone number;

(ii) the date, time, and exact location of the event; and

(iii) a description of the event, including:

(A) radiological or chemical hazards involved, including isotopes, quantities, and chemical and physical form of any material released; and

(B) actual or potential health and safety consequences to the workers, the public, and the environment, including relevant chemical and radiation data for actual personnel exposures to radiation or radioactive materials or hazardous chemicals produced from radioactive materials (e.g., level of radiation exposure, concentration of chemicals, and duration of exposure).

(c) Written report for materials other than special nuclear materials. A licensee who makes a report required by Subsections R313-19-50(1) or (2) shall submit a written follow-up report within 30 days of the initial report. Written reports prepared pursuant to other rules may be submitted to fulfill this requirement if the reports contain all of the necessary information and the appropriate distribution is made. These written reports shall be sent to the Director. The report shall include the following:

(i) A description of the event, including the probable cause and the manufacturer and model number, if applicable, of equipment that failed or malfunctioned;

(ii) the exact location of the event;

(iii) the radionuclides, quantities, and chemical and physical form of the licensed material involved;

(iv) date and time of the event;

(v) corrective actions taken or planned and results of evaluations or assessments; and

(vi) the extent of exposure of individuals to radiation or radioactive materials without identification of individuals by name.

(d) Written report for special nuclear material. A licensee who makes a report required by Subsections R313-19-50(1) or (2) shall submit a written follow-up report within 30 days of the initial report. Written reports prepared pursuant to other rules may be submitted to fulfill this requirement if the reports contain all of the necessary information and the appropriate distribution is made. These written reports shall be sent to the Director. The report shall include the following:

(i) the complete applicable information required by Subsection R313-19-50(3)(b);

(ii) the probable cause of the event, including all factors that contributed to the event and the manufacturer and model number (if applicable) of any equipment that failed or malfunctioned; and

(iii) corrective actions taken or planned to prevent occurrence of similar or identical events in the future and the results of any evaluations or assessments.

KEY: licenses, reciprocity, transportation, exemptions

Date of Enactment or Last Substantive Amendment: ~~June 10, 2016~~ 2017

Notice of Continuation: July 1, 2016

Authorizing, and Implemented or Interpreted Law: 19-3-104; ~~19-6-107~~ 19-6-104

Environmental Quality, Waste Management and Radiation Control, Radiation **R313-21** General Licenses

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 41993

FILED: 08/01/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The proposed changes incorporate corresponding revisions made by the U.S. Nuclear Regulatory Commission (NRC) in a final rule published in the Federal Register on 05/29/2013 (78 FR 32310) under the title of Distribution of Source Material to Exempt Persons and to General Licensees and Revision of General License and Exemptions. As an Agreement State with the NRC for the radioactive materials program in Utah, the proposed changes are made in order to maintain regulatory compatibility with the federal radioactive materials regulations and our agreement state status with the NRC. Changes are proposed in selected sections of Rules R313-12, R313-19, R313-21, and R313-22 in order to incorporate all of the corresponding revisions issued under NRC's final rule promulgated on 05/29/2013. Additional proposed changes not directly associated with NRC's final rule are being made to update noted references and citations. (EDITOR'S NOTE: A proposed amendment to Rule R313-12 is under Filing No. 41991, a proposed amendment to Rule R313-19 is under Filing No. 41992, and a proposed amendment to Rule R313-22 in under Filing No. 41994 in this issue, August 15, 2017, of the Bulletin.)

SUMMARY OF THE RULE OR CHANGE: On 07/13/2017, the Waste Management and Radiation Control Board authorized the proposed changes to be published for public review and comment. Proposed changes to Rules R313-12, R313-19, R313-21, and R313-22 reflect those revisions made by the NRC to selected sections of 10 CFR Part 40, as promulgated on 05/29/2013 (78 FR 32310). The majority of the changes are required to retain regulatory compatibility for the radioactive materials program, other proposed changes provide added clarification or correct textual errors. Specifically, incorporating the revisions promulgated by the NRC into the appropriate sections of Rule R313-21 require the initial distribution of source material to exempt persons or to general licensees be explicitly authorized by a specific license and institute new reporting requirements to provide

timely information on the types and quantities of source material distributed for use either under exemption or by general licensees. In addition, the rule modifies the existing possession and use requirements of the general license for small quantities of source material to better align the requirements with current health and safety standards. The regulatory amendments will create a regulatory framework for the initial distribution of source material to inform the Division, in the event of any manufacturer or distributor of source material becomes licensed in Utah, of what types and quantities of products containing source material are distributed for use under the exemptions from licensing and to identify persons using significant quantities of source material under the general license in Section R313-21-21. It will also ensure that general licensees under Section R313-21-21 are informed of applicable regulations before they obtain source material. Also, the proposed rule changes revise, clarify, or delete certain source material exemptions from licensing to make the exemptions more risk informed. The NRC's final rule and the associated proposed rule changes in the Utah radiation control rules also affect the possession and use of source material under a general license or an applicable license exemption. Proposed changes in Section R313-21-21 are being made to be compatible with the corresponding NRC regulations of 10 CFR 40.22 as promulgated on 05/29/2013 (74 FR 32310) regarding the distribution of certain quantities of source material (radioactive material containing uranium and/or thorium). Additionally, other proposed changes set limits to the amount of radioactive source material in certain physical or chemical forms a general licensee can possess, use, or transfer at any one time or receive in a calendar year. A general licensee exceeding these limits will be required to apply for and receive a specific license in place of a general license. The edition date of the reference to 10 CFR 32.71 in Subsection R313-21-22(9)(d)(i) is updated to 2017.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-3-104 and Section 19-6-104

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The primary focus of the proposed rule changes is directed to manufacturers and distributors of radioactive source material (containing by definition a certain quantity of uranium or thorium). There are no state agencies that manufacture or distribute radioactive source material to either entities exempt from radioactive materials licensing requirements or to radioactive materials general licensees. However, state academic institutions that may possess or use radioactive source material for research or other academic-related purposes beyond the proposed quantity limit may need to apply for and receive a specific licenses. Any costs associated with the specific license application process and subsequent implementation procedures are unique to each licensing action and are therefore not quantifiable. However, additional information regarding a cost-benefit analysis associated with the NRC's final rule issued on 05/29/2013 (74 FR 32310) can be found in NRC's regulatory analysis document for this final rule (ADAMS Accession No.

ML13079A302). A copy of this analysis is available from the Division of Waste Management and Radiation Control Web site at <https://deq.utah.gov/Divisions/dwmrc/index.htm>.

◆ **LOCAL GOVERNMENTS:** The primary focus of the proposed rule changes is directed to manufacturers and distributors of radioactive source material (containing by definition a certain quantity of uranium or thorium). There are no local governments that manufacture or distribute radioactive source material to either entities exempt from radioactive materials licensing requirements or to radioactive materials general licensees. Additional information regarding a cost-benefit analysis associated with the NRC's final rule issued on 05/29/2013 (74 FR 32310) can be found in NRC's regulatory analysis document for this final rule (ADAMS Accession No. ML13079A302). A copy of this analysis is available from the Division of Waste Management and Radiation Control Web site at <https://deq.utah.gov/Divisions/dwmrc/index.htm>.

◆ **SMALL BUSINESSES:** The primary focus of the proposed rule changes is directed to manufacturers and distributors of radioactive source material (containing by definition a certain quantity of uranium or thorium). There are no small business in Utah that manufacture or distribute radioactive source material to either entities exempt from radioactive materials licensing requirements or to radioactive materials general licensees. However, a small business that may possess or use radioactive source material for commercial, operational, research, development, or other business-related purposes beyond the proposed quantity limit may need to apply for and receive a specific licenses. Any costs associated with the specific license application process and subsequent implementation procedures are unique to each licensing action and are therefore not quantifiable. Additional information regarding a cost-benefit analysis associated with the NRC's final rule issued on 05/29/2013 (74 FR 32310) can be found in NRC's regulatory analysis document for this final rule (ADAMS Accession No. ML13079A302). A copy of this analysis is available from the Division of Waste Management and Radiation Control Web site at <https://deq.utah.gov/Divisions/dwmrc/index.htm>.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The primary focus of the proposed rule changes is directed to manufacturers and distributors of radioactive source material (containing by definition a certain quantity of uranium or thorium). There are no other entities in Utah that currently manufacture or distribute radioactive source material to either entities exempt from radioactive materials licensing requirements or to radioactive materials general licensees. However, a person that may possess or use radioactive source material for commercial, operational, research, development, or other business-related purposes beyond the proposed quantity limit may need to apply for and receive a specific licenses. Any costs associated with the specific license application process and subsequent implementation procedures are unique to each licensing action and are therefore not quantifiable. Additional information regarding a cost-benefit analysis associated with the NRC's final rule issued on 05/29/2013 (74 FR 32310) can be found in NRC's

regulatory analysis document for this final rule (ADAMS Accession No. ML13079A302). A copy of this analysis is available from the Division of Waste Management and Radiation Control Web site at <https://deq.utah.gov/Divisions/dwmrc/index.htm>.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The primary focus of the proposed rule changes is directed to manufacturers and distributors of radioactive source material (containing by definition a certain quantity of uranium or thorium). There are no entities in Utah that manufacture or distribute radioactive source material to either entities exempt from radioactive materials licensing requirements or to radioactive materials general licensees. However, a business or person that may possess or use radioactive source material for commercial, operational, research, development, or other business-related purposes beyond the proposed quantity limit may need to apply for and receive a specific license. Any costs associated with the specific license application process and subsequent implementation procedures are unique to each licensing action and are therefore not quantifiable. Additional information regarding a cost-benefit analysis associated with the NRC's final rule issued on 05/29/2013 (74 FR 32310) can be found in NRC's regulatory analysis document for this final rule (ADAMS Accession No. ML13079A302). A copy of this analysis is available from the Division of Waste Management and Radiation Control Web site at <https://deq.utah.gov/Divisions/dwmrc/index.htm>.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The primary focus of the proposed rule changes is directed to manufacturers and distributors of radioactive source material (containing by definition a certain quantity of uranium or thorium). There are no entities in Utah that manufacture or distribute radioactive source material to either entities exempt from radioactive materials licensing requirements or to radioactive materials general licensees. However, a business or person that may possess or use radioactive source material for commercial, operational, research, development, or other business-related purposes beyond the proposed quantity limit may need to apply for and receive a specific license. Any costs associated with the specific license application process and subsequent implementation procedures are unique to each licensing action and are therefore not quantifiable. Additional information regarding a cost-benefit analysis associated with the NRC's final rule issued on 05/29/2013 (74 FR 32310) can be found in NRC's regulatory analysis document for this final rule (ADAMS Accession No. ML13079A302). A copy of this analysis is available from the Division of Waste Management and Radiation Control Web site at <https://deq.utah.gov/Divisions/dwmrc/index.htm>.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ENVIRONMENTAL QUALITY
WASTE MANAGEMENT AND RADIATION

CONTROL, RADIATION
SECOND FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116-4880
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Rusty Lundberg by phone at 801-536-4257, by FAX at 801-536-0222, or by Internet E-mail at rlundberg@utah.gov
- ◆ Thomas Ball by phone at 801-536-0251, or by Internet E-mail at tball@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 09/15/2017

THIS RULE MAY BECOME EFFECTIVE ON: 10/16/2017

AUTHORIZED BY: Scott Anderson, Director

R313. Environmental Quality, Waste Management and Radiation Control, Radiation.

R313-21. General Licenses.

R313-21-21. General Licenses—Source Material.

(1) A general license is hereby issued authorizing commercial and industrial firms, research, educational and medical institutions, and state and local government agencies to receive, possess, use and transfer uranium and thorium, in their natural isotopic concentrations and in the form of depleted uranium, [not more than 6.82 kilogram (15 lb) of source material at any one time] for research, development, educational, commercial, or operational purposes in the following forms and quantities: [— A person authorized to use or transfer source material, pursuant to this general license, may not receive more than a total of 68.2 kilogram (150 lb) of source material in any one calendar year.]

(a) No more than 1.5 kg (3.3 lb) of uranium and thorium in dispersible forms, for example, gaseous, liquid, powder, etc., at any one time. Any material processed by the general licensee that alters the chemical or physical form of the material containing source material must be accounted for as a dispersible form. A person authorized to possess, use, and transfer source material under Subsection R313-21-21(1) may not receive more than a total of 7 kg (15.4 lb) of uranium and thorium in any one calendar year. A person possessing source material in excess of these limits as of October 16, 2017, may continue to possess up to 7 kg (15.4 lb) of uranium and thorium at any one time for one year beyond this date, or until the Director takes final action on a pending application submitted on or before October 16, 2017, for a specific license for this material; and receive up to 70 kg (154 lb) of uranium or thorium in any one calendar year until December 31, 2018, or until the Director takes final action on a pending application submitted on or before October 16, 2018, for a specific license for this material; and

(b) No more than a total of 7 kg (15.4 lb) of uranium and thorium at any one time. A person authorized to possess, use, and transfer source material under Subsection R313-21-21(1) may not receive more than a total of 70 kg (154 lb) of uranium and thorium in any one calendar year. A person may not alter the chemical or

physical form of the source material possessed under Subsection R313-21-21(1) unless it is accounted for under the limits of Subsection R313-21-21(1)(a); or

(c) No more than 7 kg (15.4 lb) of uranium, removed during the treatment of drinking water, at any one time. A person may not remove more than 70 kg (154 lb) of uranium from drinking water during a calendar year under Subsection R313-21-21(1)(a); or

(d) No more than 7 kg (15.4 lb) of uranium and thorium at laboratories for the purpose of determining the concentration of uranium and thorium contained within the material being analyzed at any one time. A person authorized to possess, use, and transfer source material under Subsection R313-21-21(1) may not receive more than a total of 70 kg (154 lb) of source material in any one calendar year.

(2) Any person[Persons] who receives, possesses, uses, or transfers source material pursuant to the general license issued in Subsection R313-21-21(1); ~~are exempt from the provisions of R313-15 and R313-18, to the extent that such receipt, possession, use or transfer is within the terms of the general license; provided, however, that this exemption shall not be deemed to apply to a person who is also in possession of source material under a specific license issued pursuant to R313-22.]~~

(a) Is prohibited from administering source material, or the radiation therefrom, either externally or internally, to human beings except as may be authorized by the Director in a specific license.

(b) Shall not abandon this source material. Source material may be disposed of as follows:

(i) A cumulative total of 0.5 kg (1.1 lb) of source material in a solid, non-dispersible form may be transferred each calendar year, by a person authorized to receive, possess, use, and transfer source material under this general license to persons receiving the material for permanent disposal. The recipient of source material transferred under the provisions of Subsection R313-21-21(2) is exempt from the requirements to obtain a license under Rule R313-22 to the extent the source material is permanently disposed. This provision does not apply to any person who is in possession of source material under a specific license issued under Rules R313-19, and R313-22; or

(ii) In accordance with Section R313-15-1001.

(c) Is subject to the provisions in 10 CFR 40.2a through 40.4, 10 CFR 40.41(c), 10 CFR 40.46, and 10 CFR 40.61(a) and (b), which are incorporated by reference in Section R313-24-4, Section R313-12-3, Section R313-19-5, Section R313-19-34, Subsection R313-22-34(2), Section R313-19-41, Section R313-19-50, Section R313-15-1111, Sections R313-12-51 through R313-12-53, Section R313-19-61, Rule R313-14, 10 CFR 40.41(d), 10 CFR 40.41(e)(1) and (e)(3), 10 CFR 40.51(b)(6), and 10 CFR 40.56.

(d) Shall respond to written requests from the Director to provide information relating to the general license within 30 calendar days of the date of the request, or other time specified in the request. If the person cannot provide the requested information within the allotted time, the person shall, within that same time period, request a longer period to supply the information by providing the Director a written justification using the method stated in Section R313-12-110.

(e) Shall not export such source material except in accordance with 10 CFR Part 110 (2017).

(3) Any person who receives, possesses, uses, or transfers source material in accordance with Subsection R313-21-21(1) shall

conduct activities so as to minimize contamination of the facility and the environment. When activities involving such source material are permanently ceased at any site, if evidence of significant contamination is identified, the general licensee shall notify the Director using the method stated in Section R313-12-110 about such contamination and may consult with the Director as to the appropriateness of sampling and restoration activities to ensure that any contamination or residual source material remaining at the site where source material was used under this general license is not likely to result in exposures that exceed the limits in Section R313-15-402.

~~[(3) Persons who receive, possess, use, or transfer source material pursuant to the general license in R313-21-21(1) are prohibited from administering source material, or the radiation therefrom, either externally or internally, to human beings except as may be authorized by the Director in a specific license.]~~

(4) Any person who receives, possesses, uses, or transfers source material in accordance with the general license granted in Subsection R313-21-21(1) is exempt from the provisions of Rules R313-15 and R313-18 to the extent that such receipt, possession, use, and transfer are within the terms of this general license, except that such person shall comply with the provisions of Sections R313-15-402 and R313-15-1001 to the extent necessary to meet the provisions of Subsections R313-21-21(2)(b) and R313-21-21(3). However, this exemption does not apply to any person who also holds a specific license issued under Rules R313-19 and R313-22.

(5) No person may initially transfer or distribute source material to persons generally licensed under Subsection R313-21-21(1)(a) or R313-21-21(1)(b), or paragraphs (a)(1) or (a)(2) of 10 CFR 40.22 for a non-Agreement State, or equivalent regulations of an Agreement State, unless authorized by a specific license issued in accordance with Subsection R313-22-54 or 10 CFR 40.54 for a non-Agreement State or equivalent provisions of an Agreement State. This prohibition does not apply to analytical laboratories returning processed samples to the client who initially provided the sample. Initial distribution of source material to persons generally licensed by Subsection R313-21-21(1) before October 16, 2017, without specific authorization may continue for one year beyond this date. Distribution may also be continued until the Director takes final action on a pending application for license or license amendment to specifically authorize distribution submitted on or before October 16, 2018.

~~[(4)](6) A general license is hereby issued authorizing the receipt of title to source material without regard to quantity. This general license does not authorize a person to receive, possess, deliver, use, or transfer source material.~~

~~[(5)](7) Depleted uranium in industrial products and devices.~~

(a) A general license is hereby issued to receive, acquire, possess, use, or transfer, in accordance with the provisions of R313-21-21~~(5)~~(7)(b), (c), (d), and (e), depleted uranium contained in industrial products or devices for the purpose of providing a concentrated mass in a small volume of the product or device.

(b) The general license in R313-21-21~~(5)~~(7)(a) applies only to industrial products or devices which have been manufactured or initially transferred, either in accordance with a specific license issued to the manufacturer of the products or devices pursuant to R313-22-75(11) or in accordance with a specific license issued to the manufacturer by the Nuclear Regulatory Commission, an Agreement

State, or a Licensing State which authorizes manufacture of the products or devices for distribution to persons generally licensed by the Nuclear Regulatory Commission, an Agreement State, or a Licensing State.

(c)(i) Persons who receive, acquire, possess, or use depleted uranium pursuant to the general license established by R313-21-21[(5)](7)(a) shall file form DWMRC-12 "Registration Form-Use of Depleted Uranium Under General License," with the Director. The form shall be submitted within 30 days after the first receipt or acquisition of depleted uranium. The registrant shall furnish on form DWMRC-12 the following information and other information as may be required by that form:

(A) name and address of the registrant;

(B) a statement that the registrant has developed and will maintain procedures designed to establish physical control over the depleted uranium described in R313-21-21[(5)](7)(a) and designed to prevent transfer of such depleted uranium in any form, including metal scrap, to persons not authorized to receive the depleted uranium; and

(C) name and title, address, and telephone number of the individual duly authorized to act for and on behalf of the registrant in supervising the procedures identified in R313-21-21[(5)](7)(c)(i)(B).

(ii) The registrant possessing or using depleted uranium under the general license established by R313-21-21[(5)](7)(a) shall report in writing to the Director any changes in information previously furnished on form DWMRC-12 "Registration Form - Use of Depleted Uranium Under General License." The report shall be submitted within 30 days after the effective date of the change.

(d) A person who receives, acquires, possesses, or uses depleted uranium pursuant to the general license established by R313-21-21(5)(a):

(i) shall not introduce depleted uranium, in any form, into a chemical, physical, or metallurgical treatment or process, except a treatment or process for repair or restoration of any plating or other covering of the depleted uranium;

(ii) shall not abandon depleted uranium;

(iii) shall transfer or dispose of depleted uranium only by transfer in accordance with the provisions of R313-19-41. In the case where the transferee receives the depleted uranium pursuant to the general license established by R313-21-21[(5)](7)(a), the transferor shall furnish the transferee a copy of R313-21 and a copy of form DWMRC-12. In the case where the transferee receives the depleted uranium pursuant to a general license contained in the Nuclear Regulatory Commission's or Agreement State's regulation equivalent to R313-21-21[(5)](7)(a), the transferor shall furnish the transferee a copy of this rule and a copy of form DWMRC-12 accompanied by a note explaining that use of the product or device is regulated by the Nuclear Regulatory Commission or Agreement State under requirements substantially the same as those in R313-21;

(iv) within 30 days of any transfer, shall report in writing to the Director the name and address of the person receiving the depleted uranium pursuant to the transfer;

(v) shall not export depleted uranium except in accordance with a license issued by the Nuclear Regulatory Commission pursuant to 10 CFR Part 110; and

(vi) shall pay annual fees pursuant to R313-70.

(e) Any person receiving, acquiring, possessing, using, or transferring depleted uranium pursuant to the general license established by R313-21-21[(5)](7)(a) is exempt from the requirements

of R313-15 and R313-18 of these rules with respect to the depleted uranium covered by that general license.

R313-21-22. General Licenses*--Radioactive Material Other Than Source Material.

NOTE: *Different general licenses are issued in this section, each of which has its own specific conditions and requirements.

(1) RESERVED.

(2) Certain items and self-luminous products containing radium-226.

(a) A general license is hereby issued to a person to acquire, receive, possess, use, or transfer, in accordance with the provisions of Subsections R313-21-22(2)(b), R313-21-22(2)(c), and R313-21-22(2)(d), radium-226 contained in the following products manufactured prior to November 30, 2007.

(i) Antiquities originally intended for use by the general public. For the purposes of Subsection R313-21-22(2)(a), antiquities mean products originally intended for use by the general public and distributed in the late 19th and early 20th centuries, such as radium emanator jars, revigators, radium water jars, radon generators, refrigerator cards, radium bath salts, and healing pads.

(ii) Intact timepieces containing greater than 37 kilobecquerels (1 uCi), nonintact timepieces, and timepiece hands and dials no longer installed in timepieces.

(iii) Luminous items installed in air, marine, or land vehicles.

(iv) All other luminous products provided that no more than 100 items are used or stored at the same location at one time.

(v) Small radium sources containing no more than 37 kilobecquerels (1 uCi) of radium-226. For the purposes of Subsection R313-21-22(2)(a), "small radium sources" means discrete survey instrument check sources, sources contained in radiation measuring instruments, sources used in educational demonstrations such as cloud chambers and spinthariscopes, electron tubes, static eliminators, or as designated by the Director.

(b) Persons who acquire, receive, possess, use, or transfer radioactive material under the general license issued in Subsection R313-21-22(2)(a) are exempt from the provisions of Rules R313-15, R313-18, and Sections R313-12-51 and R313-19-50, to the extent that the receipt, possession, use, or transfers of radioactive material is within the terms of the general license; provided, however, that this exemption shall not be deemed to apply to a person specifically licensed under Rule R313-22.

(c) A person who acquires, receives, possesses, uses, or transfers radioactive material in accordance with the general license in Subsection R313-21-22(2)(a):

(i) Shall notify the Director should there be an indication of possible damage to the product so that it appears it could result in a loss of the radioactive material. A report containing a brief description of the event, and the remedial action taken, must be furnished to the Director within 30 days.

(ii) Shall not abandon products containing radium-226. The product, and radioactive material from the product, may only be disposed of according to Section R313-15-1008 or by transfer to a person authorized by a specific license to receive the radium-226 in the product or as otherwise approved by the Director.

(iii) Shall not export products containing radium-226 except in accordance with 10 CFR Part 110.

(iv) Shall dispose of products containing radium-226 at a disposal facility authorized to dispose of radioactive material in accordance with Federal or State solid or hazardous waste laws, including the Solid Waste Disposal Act, as authorized under the Energy Policy Act of 2005, by transfer to a person authorized to receive radium-226 under Rule R313-22 or equivalent regulations of the U.S. Nuclear Regulatory Commission or an Agreement State or as otherwise approved by the Director.

(v) Shall respond to written requests from the Director to provide information relating to the general license within 30 calendar days of the date of the request, or other time specified in the request. If the general licensee cannot provide the requested information within the allotted time, it shall, within that same time period, request a longer period to supply the information by providing the Director a written justification using the method stated in Section R313-12-110.

(d) The general license in R313-21-22(2)(a) does not authorize the manufacture, assembly, disassembly, repair, or import of products containing radium-226, except that timepieces may be disassembled and repaired.

(3) RESERVED.

(4) Certain detecting, measuring, gauging or controlling devices and certain devices for producing light or an ionized atmosphere.*

NOTE: *Persons possessing radioactive material in devices under a general license in R313-21-22(4) before January 15, 1975, may continue to possess, use, or transfer that material in accordance with the labeling requirements of R313-21-22(4) in effect on January 14, 1975.

(a) A general license is hereby issued to commercial and industrial firms and research, educational and medical institutions, individuals in the conduct of their business, and state or local government agencies to own, acquire, receive, possess, use or transfer, in accordance with the provisions of R313-21-22(4)(b), (c) and (d), radioactive material, excluding special nuclear material, contained in devices designed and manufactured for the purpose of detecting, measuring, gauging or controlling thickness, density, level, interface location, radiation, leakage, or qualitative or quantitative chemical composition, or for producing light or an ionized atmosphere.

(b)(i) The general license in R313-21-22(4)(a) applies only to radioactive material contained in devices which have been manufactured or initially transferred and labeled in accordance with the specifications contained in:

(A) a specific license issued by the Director pursuant to R313-22-75(4); or

(B) an equivalent specific license issued by the Nuclear Regulatory Commission or an Agreement State; or

(C) An equivalent specific license issued by a State with provisions comparable to R313-22-75.*

NOTE: *Regulations under the Federal Food, Drug, and Cosmetic Act authorizing the use of radioactive control devices in food production require certain additional labeling thereon which is found in 21 CFR 179.21.

(ii) The devices must have been received from one of the specific licensees described in R313-21-22(4)(b)(i) or through a transfer made under R313-21-22(4)(c)(ix).

(c) Any person who owns, acquires, receives, possesses, uses or transfers radioactive material in a device pursuant to the general license in R313-21-22(4)(a):

(i) shall assure that all labels affixed to the device at the time of receipt and bearing a statement that removal of the label is prohibited are maintained thereon and shall comply with all instructions and precautions provided by the labels;

(ii) shall assure that the device is tested for leakage of radioactive material and proper operation of the on-off mechanism and indicator, if any, at no longer than six-month intervals or at other intervals as are specified in the label; however:

(A) Devices containing only krypton need not be tested for leakage of radioactive material, and

(B) Devices containing only tritium or not more than 3.7 megabecquerel (100 uCi) of other beta, gamma, or both, emitting material or 0.37 megabecquerel (10 uCi) of alpha emitting material and devices held in storage in the original shipping container prior to initial installation need not be tested for any purpose;

(iii) shall assure that other testing, installation, servicing, and removal from installation involving the radioactive materials, its shielding or containment, are performed:

(A) in accordance with the instructions provided by the labels; or

(B) by a person holding a specific license pursuant to R313-22 or from the Nuclear Regulatory Commission, an Agreement State, or a Licensing State to perform such activities;

(iv) shall maintain records showing compliance with the requirements of R313-21-22(4)(c)(ii) and (iii). The records shall show the results of tests. The records also shall show the dates of performance of, and the names of persons performing, testing, installation, servicing, and removal from the installation the radioactive material and its shielding or containment. The licensee shall retain these records as follows:

(A) Each record of a test for leakage of radioactive material required by R313-21-22(4)(c)(ii) shall be retained for three years after the next required leak test is performed or until the sealed source is transferred or disposed of;

(B) Each record of a test of the on-off mechanism and indicator required by R313-21-22(4)(c)(ii) shall be retained for three years after the next required test of the on-off mechanism and indicator is performed or until the sealed source is transferred or disposed of;

(C) Each record that is required by R313-21-22(4)(c)(iii) shall be retained for three years from the date of the recorded event or until the device is transferred or disposed of;

(v) shall immediately suspend operation of the device if there is a failure of, or damage to, or any indication of a possible failure of or damage to, the shielding of the radioactive material or the on-off mechanism or indicator, or upon the detection of 185 becquerel (0.005 uCi) or more removable radioactive material. The device may not be operated until it has been repaired by the manufacturer or other person holding a specific license to repair the device that was issued by the Director, the Nuclear Regulatory Commission, an Agreement State, or a Licensing State. The device and any radioactive material from the device may only be disposed of by transfer to a person authorized by a specific license to receive the radioactive material in the device or as otherwise approved by the Director, the Nuclear Regulatory Commission, an Agreement State, or a Licensing State. A report containing a brief description of the event and the remedial action taken; and, in the case of detection of 185 becquerel (0.005 uCi) or more removable radioactive material or failure of or damage to a source likely to result in contamination of the premises or the environs,

a plan for ensuring that the premises and environs are acceptable for unrestricted use, must be furnished to the Director within 30 days. Under these circumstances, the criteria set out in R313-15-402 may be applicable, as determined by the Director on a case-by-case basis;

(vi) shall not abandon the device containing radioactive material;

(vii) shall not export the device containing radioactive materials except in accordance with 10 CFR 110;

(viii)(A) shall transfer or dispose of the device containing radioactive material only by export as provided by R313-21-22(4)(c) (vii), by transfer to another general licensee as authorized in R313-21-22(4)(c)(ix), to a person authorized to receive the device by a specific license issued under R313-22, to an authorized waste collector under R313-25, or equivalent regulations of the Nuclear Regulatory Commission, an Agreement State, or a Licensing State, or as otherwise approved under R313-21-22(4)(c)(viii)(C);

(B) shall furnish a report to the Director within 30 days after transfer of a device to a specific licensee or export. The report must contain:

(I) the identification of the device by manufacturer's or initial transferor's name, model number, and serial number;

(II) the name, address, and license number of the person receiving the device, the license number is not applicable if exported; and

(III) the date of the transfer;

(C) shall obtain written approval from the Director before transferring the device to any other specific licensee not specifically identified in R313-21-22(4)(c)(viii)(A); however, a holder of a specific license may transfer a device for possession and use under its own specific license without prior approval, if the holder:

(I) verifies that the specific license authorizes the possession and use, or applies for and obtains an amendment to the license authorizing the possession and use;

(II) removes, alters, covers, or clearly and unambiguously augments the existing label (otherwise required by R313-21-22(4)(c) (i)) so that the device is labeled in compliance with R313-15-904; however, the manufacturer, model number, and serial number must be retained;

(III) obtains the manufacturer's or initial transferor's information concerning maintenance that would be applicable under the specific license (such as leak testing procedures); and

(IV) reports the transfer under R313-21-22(4)(c)(viii)(B);

(ix) shall transfer the device to another general licensee only if:

(A) the device remains in use at a particular location. In this case, the transferor shall give the transferee a copy of R313-21-22(4), R313-12-51, R313-15-1201, and R313-15-1202, and any safety documents identified in the label of the device. Within 30 days of the transfer, the transferor shall report to the Director:

(I) the manufacturer's or initial transferor's name;

(II) the model number and serial number of the device transferred;

(III) the transferee's name and mailing address for the location of use; and

(IV) the name, title, and phone number of the responsible individual identified by the transferee in accordance with R313-21-22(4)(c)(xii) to have knowledge of and authority to take actions to ensure compliance with the appropriate regulations and requirements; or

(B) the device is held in storage by an intermediate person in the original shipping container at its intended location of use prior to initial use by a general licensee;

(x) shall comply with the provisions of R313-15-1201 and R313-15-1202 for reporting radiation incidents, theft or loss of licensed material, but shall be exempt from the other requirements of R313-15 and R313-18;

(xi) shall respond to written requests from the Director to provide information relating to the general license within 30 calendar days of the date of the request, or other time specified in the request. If the general licensee cannot provide the requested information within the allotted time, it shall, within that same time period, request a longer period to supply the information by submitting a letter to the Director and provide written justification as to why it cannot comply;

(xii) shall appoint an individual responsible for having knowledge of the appropriate regulations and requirements and the authority for taking required actions to comply with appropriate regulations and requirements. The general licensee, through this individual, shall ensure the day-to-day compliance with appropriate regulations and requirements. This appointment does not relieve the general licensee of any of its responsibility in this regard;

(xiii)(A) shall register, in accordance with R313-21-22(4)(c) (xiii)(B) and (C), devices containing at least 370 megabecquerel (ten mCi) of cesium-137, 3.7 megabecquerel (0.1 mCi) of strontium-90, 37 megabecquerel (one mCi) of cobalt-60, 3.7 megabecquerel (0.1 mCi) of radium-226, or 37 megabecquerel (one mCi) of americium-241 or any other transuranic, (elements with atomic number greater than uranium-92), based on the activity indicated on the label. Each address for a location of use, as described under R313-21-22(4)(c) (xiii)(C)(IV) represents a separate general licensee and requires a separate registration and fee;

(B) if in possession of a device meeting the criteria of R313-21-22(4)(c)(xiii)(A), shall register these devices annually with the Director and shall pay the fee required by R313-70. Registration shall include verifying, correcting, or adding, as appropriate, to the information provided in a request for registration received from the Director. The registration information must be submitted to the Director within 30 days of the date of the request for registration or as otherwise indicated in the request. In addition, a general licensee holding devices meeting the criteria of R313-21-22(4)(c)(xiii)(A) is subject to the bankruptcy notification requirement in R313-19-34(5) and (6);

(C) in registering devices, the general licensee shall furnish the following information and any other information specifically requested by the Director:

(I) name and mailing address of the general licensee;

(II) information about each device: the manufacturer or initial transferor, model number, serial number, the radioisotope and activity as indicated on the label;

(III) name, title, and telephone number of the responsible person designated as a representative of the general licensee under R313-21-22(4)(c)(xii);

(IV) address or location at which the device(s) are used, stored, or both. For portable devices, the address of the primary place of storage;

(V) certification by the responsible representative of the general licensee that the information concerning the device(s) has been verified through a physical inventory and checking of label information; and

(VI) certification by the responsible representative of the general licensee that they are aware of the requirements of the general license; and

(D) persons generally licensed by the Nuclear Regulatory Commission, an Agreement State, or Licensing State with respect to devices meeting the criteria in R313-21-22(4)(c)(xiii)(A) are not subject to registration requirements if the devices are used in areas subject to Division jurisdiction for a period less than 180 days in any calendar year. The Director will not request registration information from such licensees;

(xiv) shall report changes to the mailing address for the location of use, including changes in the name of a general licensee, to the Director within 30 days of the effective date of the change. For a portable device, a report of address change is only required for a change in the device's primary place of storage; and

(xv) may not hold devices that are not in use for longer than 2 years. If devices with shutters are not being used, the shutter must be locked in the closed position. The testing required by R313-21-22(4)(c)(ii) need not be performed during the period of storage only. However, when devices are put back into service or transferred to another person, and have not been tested within the required test interval, they must be tested for leakage before use or transfer and the shutter tested before use. Devices kept in standby for future use are excluded from the two-year time limit if the general licensee performs quarterly physical inventories of these devices while they are in standby.

(d) The general license in R313-21-22(4)(a) does not authorize the manufacture or import of devices containing radioactive material.

(e) The general license provided in R313-21-22(4)(a) is subject to the provisions of R313-12-51 through R313-12-53, R313-12-70, R313-14, R313-19-34, R313-19-41, R313-19-61, and R313-19-100.

(5) Luminous safety devices for aircraft.

(a) A general license is hereby issued to own, receive, acquire, possess and use tritium or promethium-147 contained in luminous safety devices for use in aircraft, provided:

(i) each device contains not more than 370.0 gigabecquerel (10 Ci) of tritium or 11.1 gigabecquerel (300 mCi) of promethium-147; and

(ii) each device has been manufactured, assembled or initially transferred in accordance with a specific license issued by the Director, the Nuclear Regulatory Commission or an Agreement State, or each device has been manufactured or assembled in accordance with the specifications contained in a specific license issued by the Director or an Agreement State to the manufacturer or assembler of the device pursuant to licensing requirements equivalent to those in R313-22-75(5).

(b) Persons who own, receive, acquire, possess or use luminous safety devices pursuant to the general license in R313-21-22(5) are exempt from the requirements of R313-15 and R313-18, except that they shall comply with the provisions of R313-15-1201 and R313-15-1202.

(c) This general license does not authorize the manufacture, assembly, repair, or import of luminous safety devices containing tritium or promethium-147.

(d) This general license does not authorize the export of luminous safety devices containing tritium or promethium-147.

(e) This general license does not authorize the ownership, receipt, acquisition, possession or use of promethium-147 contained in instrument dials.

(f) This general license is subject to the provisions of R313-12-51 through R313-12-70, R313-14, R313-19-34, R313-19-41, R313-19-61, and R313-19-100.

(6) Ownership of radioactive material. A general license is hereby issued to own radioactive material without regard to quantity. Notwithstanding any other provisions of R313-21, this general license does not authorize the manufacture, production, transfer, receipt, possession, use, import, or export of radioactive material except as authorized in a specific license.

(7) Calibration and reference sources.

(a) A general license is hereby issued to own, receive, acquire, possess, use and transfer, in the form of calibration or reference sources, americium-241, plutonium or radium-226 in accordance with the provisions of Subsections R313-21-22(7)(b) and (c), to a person who holds a specific license issued by the Director which authorizes that person to receive, possess, use and transfer radioactive material.

(b) The general license in Subsection R313-21-22(7)(a) applies only to calibration or reference sources which have been manufactured or initially transferred in accordance with the specifications contained in a specific license issued by the Nuclear Regulatory Commission pursuant to 10 CFR 32.57 or 10 CFR 70.39 or which have been manufactured in accordance with the specifications contained in a specific license issued to the manufacturer by the Director, or an Agreement State which authorizes manufacture of the sources for distribution to persons generally licensed, or in accordance with a specific license issued by a State with requirements equivalent to 10 CFR 32.57 or 10 CFR 70.39.

(c) The general license provided in Subsection R313-21-22(7)(a) is subject to the provisions of Sections R313-12-51 through R313-12-53, R313-12-70, and Rules R313-14, R313-19-34, R313-19-41, R313-19-61, R313-19-100, R313-15 and R313-18. In addition, persons who own, receive, acquire, possess, use or transfer one or more calibration or reference sources pursuant to the general license in Subsection R313-21-22(7)(a):

(i) shall not possess at any one time, at any one location of storage or use, more than 185.0 kilobecquerel (5 uCi) of americium-241, 185.0 kilobecquerel (5 uCi) of plutonium, or 185.0 kilobecquerel (5 uCi) of radium-226 in such sources;

(ii) shall not receive, possess, use or transfer a source unless the source, or the storage container, bears a label which includes one of the following statements or a substantially similar statement which contains the information called for in the following statement:

The receipt, possession, use and transfer of this source, Model No., Serial No., are subject to a general license and the regulations of the United States Nuclear Regulatory Commission or of a state with which the Commission has entered into an agreement for the exercise of regulatory authority. Do not remove this label.

CAUTION - RADIOACTIVE MATERIAL
 THIS SOURCE CONTAINS (AMERICIUM-241)
 (PLUTONIUM)(RADIUM-226)*
 DO NOT TOUCH RADIOACTIVE PORTION OF THIS SOURCE.

Typed or printed name of the manufacturer or initial transferor

NOTE: *Show the name of the appropriate material.

(iii) shall not transfer, abandon, or dispose of a source except by transfer to a person authorized by a license issued by the Director, the Nuclear Regulatory Commission, or an Agreement State to receive the source;

(iv) shall store a source, except when the source is being used, in a closed container adequately designed and constructed to contain americium-241, plutonium, or radium-226 which might otherwise escape during storage; and

(v) shall not use a source for any purpose other than the calibration of radiation detectors or the standardization of other sources.

(d) A general license issued pursuant to Subsection R313-21-22(7)(a) does not authorize the manufacture, import, or export of calibration or reference sources containing americium-241, plutonium, or radium-226.

(8) RESERVED.

(9) General license for use of radioactive material for certain in vitro clinical or laboratory testing.*

NOTE: *The New Drug provisions of the Federal Food, Drug and Cosmetic Act also govern the availability and use of any specific diagnostic drug in interstate commerce.

(a) A general license is hereby issued to any physician, veterinarian in the practice of veterinary medicine, clinical laboratory or hospital to receive, acquire, possess, transfer or use, for the following stated tests, in accordance with the provisions of R313-21-22(9) (b), (c), (d), (e), and (f) the following radioactive materials in prepackaged units for use in in-vitro clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to human beings or animals:

(i) iodine-125, in units not exceeding 370.0 kilobecquerel (10 uCi) each;

(ii) iodine-131, in units not exceeding 370.0 kilobecquerel (10 uCi) each;

(iii) carbon-14, in units not exceeding 370.0 kilobecquerel (10 uCi) each;

(iv) hydrogen-3 (tritium), in units not exceeding 1.85 megabecquerel (50 uCi) each;

(v) iron-59, in units not exceeding 740.0 kilobecquerel (20 uCi) each;

(vi) cobalt-57, in units not exceeding 370.0 kilobecquerel (10 uCi) each;

(vii) selenium-75, in units not to exceed 370.0 kilobecquerel (10 uCi) each; or

(viii) mock iodine-125, reference or calibration sources, in units not exceeding 1.85 kilobecquerel (0.05 uCi) of iodine-129 and 185.0 becquerel (0.005 uCi) of americium-241 each.

(b) A person shall not receive, acquire, possess, use or transfer radioactive material pursuant to the general license established by R313-21-22(9)(a) until that person has filed form DWMRC-07, "Registration Form-In Vitro Testing with Radioactive Material Under General License," with the Director and received a Certificate of Registration signed by the Director, or until that person has been authorized pursuant to R313-32 to use radioactive material under the general license in R313-21-22(9). The physician, veterinarian, clinical laboratory or hospital shall furnish on form DWMRC-07 the following information and other information as may be required by that form:

(i) name and address of the physician, veterinarian, clinical laboratory or hospital;

(ii) the location of use; and

(iii) a statement that the physician, veterinarian, clinical laboratory or hospital has appropriate radiation measuring instruments to carry out in vitro clinical or laboratory tests with radioactive material as authorized under the general license in Subsection R313-21-22(9)(a) and that the tests will be performed only by personnel competent in the use of radiation measuring instruments and in the handling of the radioactive material.

(c) A person who receives, acquires, possesses or uses radioactive material pursuant to the general license established by Subsection R313-21-22(9)(a) shall comply with the following:

(i) The general licensee shall not possess at any one time, pursuant to the general license in Subsection R313-21-22(9)(a) at any one location of storage or use, a total amount of iodine-125, iodine-131, selenium-75, iron-59, cobalt-57, or any combination, in excess of 7.4 megabecquerel (200 uCi).

(ii) The general licensee shall store the radioactive material, until used, in the original shipping container or in a container providing equivalent radiation protection.

(iii) The general licensee shall use the radioactive material only for the uses authorized by Subsection R313-21-22(9)(a).

(iv) The general licensee shall not transfer the radioactive material except to a person authorized to receive it pursuant to a license issued by the Director, the Nuclear Regulatory Commission, an Agreement State or Licensing State, nor transfer the radioactive material in a manner other than in the unopened, labeled shipping container as received from the supplier.

(v) The general licensee shall dispose of the Mock Iodine-125 reference or calibration sources described in Subsection R313-21-22(9)(a)(viii) as required by Section R313-15-1001.

(vi) The general licensee shall pay annual fees pursuant to Rule R313-70.

(d) The general licensee shall not receive, acquire, possess, or use radioactive material pursuant to Subsection R313-21-22(9)(a):

(i) Except as prepackaged units which are labeled in accordance with the provision of a specific license issued pursuant to R313-22-75(7) or in accordance with the provisions of a specific license issued by the Nuclear Regulatory Commission, or an Agreement State, or before November 30, 2007, in accordance with the provisions of a specific license issued by a State with comparable provisions to 10 CFR 32.71 ([2010]2017) which authorizes the manufacture and distribution of iodine-125, iodine-131, carbon-14, hydrogen-3(tritium), iron-59, selenium-75, cobalt-57, or Mock Iodine-125 to persons generally licensed under Subsection R313-21-22(9) or its equivalent, and

(ii) Unless the following statement, or a substantially similar statement which contains the information called for in the following statement, appears on a label affixed to each prepackaged unit or appears in a leaflet or brochure which accompanies the package:

"This radioactive material shall be received, acquired, possessed and used only by physicians, veterinarians in the practice of veterinary medicine, clinical laboratories or hospitals and only for in vitro clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use and transfer are subject to the regulations and a general license of the United States Nuclear Regulatory Commission or of a state with which the

Commission has entered into an agreement for the exercise of regulatory authority.

.....
Name of Manufacturer"

(e) The physician, veterinarian, clinical laboratory or hospital possessing or using radioactive material under the general license in Subsection R313-21-22(9)(a) shall report in writing to the Director, changes in the information previously furnished in the "Registration Form-In Vitro Testing with Radioactive Material Under General License", form DWMRC[-]-07. The report shall be furnished within 30 days after the effective date of the change.

(f) Any person using radioactive material pursuant to the general license of Subsection R313-21-22(9)(a) is exempt from the requirements of Rules R313-15 and R313-18 with respect to radioactive material covered by that general license, except that persons using the Mock Iodine-125 described in Subsection R313-21-22(9)(a)(viii) shall comply with the provisions of Sections R313-15-1001, R313-15-1201 and R313-15-1202.

(10) Ice Detection Devices.

(a) A general license is hereby issued to own, receive, acquire, possess, use and transfer strontium-90 contained in ice detection devices, provided each device contains not more than 1.85 megabecquerel (50 uCi) of strontium-90 and each device has been manufactured or initially transferred in accordance with a specific license issued by the Nuclear Regulatory Commission, or each device has been manufactured in accordance with the specifications contained in a specific license issued by the Director, an Agreement State, or a Licensing State to the manufacturer of the device pursuant to licensing requirements equivalent to those in 10 CFR 32.61.

(b) Persons who own, receive, acquire, possess, use or transfer strontium-90 contained in ice detection devices pursuant to the general license in Subsection R313-21-22(10)(a):

(i) shall, upon occurrence of visually observable damage, such as a bend or crack or discoloration from over-heating to the device, discontinue use of the device until it has been inspected, tested for leakage and repaired by a person holding a specific license from the Director, the Nuclear Regulatory Commission, an Agreement State, or a Licensing State to manufacture or service the device; or shall dispose of the device pursuant to the provisions of Section R313-15-1001;

(ii) shall assure that all labels affixed to the device at the time of receipt, and which bear a statement which prohibits removal of the labels, are maintained thereon; and

(iii) are exempt from the requirements of Rules R313-15 and R313-18 except that the persons shall comply with the provisions of Sections R313-15-1001, R313-15-1201 and R313-15-1202.

(c) This general license does not authorize the manufacture, assembly, disassembly, repair, or import of strontium-90 in ice detection devices.

(d) This general license is subject to the provision of Sections R313-12-51 through R313-12-53, R313-12-70, R313-14, R313-19-34, R313-19-41, R313-19-61, and R313-19-100 of these rules.

KEY: radioactive materials, general licenses, source materials
Date of Enactment or Last Substantive Amendment: [~~August 26, 2015~~2017]
Notice of Continuation: October 4, 2013

Authorizing, and Implemented or Interpreted Law: 19-3-104; 19-6-104

**Environmental Quality, Waste
Management and Radiation Control,
Radiation
R313-22
Specific Licenses**

**NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 41994
FILED: 08/01/2017**

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The proposed changes incorporate corresponding revisions made by the U.S. Nuclear Regulatory Commission (NRC) in a final rule published in the Federal Register on 05/29/2013 (78 FR 32310) under the title of Distribution of Source Material to Exempt Persons and to General Licensees and Revision of General License and Exemptions. As an Agreement State with the NRC for the radioactive materials program in Utah, the proposed changes are made in order to maintain regulatory compatibility with the federal radioactive materials regulations and our agreement state status with the NRC. Changes are proposed in selected sections of Rules R313-12, R313-19, R313-21, and R313-22 in order to incorporate all of the corresponding revisions issued under NRC's final rule promulgated on 05/29/2013. Additional proposed changes not directly associated with NRC's final rule are being made to update noted references and citations. (EDITOR'S NOTE: A proposed amendment to Rule R313-12 is under Filing No. 41991, a proposed amendment to Rule R313-19 is under Filing No. 41992, and a proposed amendment to Rule R313-21 in under Filing No. 41993 in this issue, August 15, 20017, of the Bulletin.)

SUMMARY OF THE RULE OR CHANGE: On 07/13/2017, the Waste Management and Radiation Control Board authorized the proposed changes to be published for public review and comment. Proposed changes to Rules R313-12, R313-19, R313-21, and R313-22 reflect those revisions made by the NRC to selected sections of 10 CFR Part 40, as promulgated on 05/29/2013 (78 FR 32310). The majority of the changes are required to retain regulatory compatibility for the radioactive materials program, other proposed changes provide added clarification or correct textual errors. Specifically, incorporating the revisions promulgated by the NRC into the appropriate sections of Rule R313-22 require the initial distribution of source material to exempt persons or to general licensees be explicitly authorized by a specific license and institute new reporting requirements to provide timely information on the types and quantities of source

material distributed for use either under exemption or by general licensees. In addition, the rule modifies the existing possession and use requirements of the general license for small quantities of source material to better align the requirements with current health and safety standards. The regulatory amendments will create a regulatory framework for the initial distribution of source material to inform the Division, in the event of any manufacturer or distributor of source material becomes licensed in Utah, of what types and quantities of products containing source material are distributed for use under the exemptions from licensing and to identify persons using significant quantities of source material under the general license in Section R313-21-21. It will also ensure that general licensees under Section R313-21-21 are informed of applicable regulations before they obtain source material. Also, the proposed rule changes revise, clarify, or delete certain source material exemptions from licensing to make the exemptions more risk informed. The NRC's final rule and the associated proposed rule changes in the Utah radiation control rules also affect the possession and use of source material under a general license or an applicable license exemption. The edition date of the reference to Appendix E of 10 CFR Part 20 in Section R313-22-4 is updated to 2017. Proposed changes in Section R313-22-33 are being made to be compatible with the corresponding NRC regulations of 10 CFR 40.32 as promulgated on 05/29/2013 (78 FR 32310) regarding the distribution of certain quantities of source material (radioactive material containing uranium and/or thorium). Two new subsections are being added in Sections R313-22-54 and R313-22-55 to be compatible with the corresponding NRC regulations of 10 CFR 40.54 and 10 CFR 40.55, respectively, as promulgated on 05/29/2013 (78 FR 32310) regarding the distribution, possession, use, or transfer of certain quantities of source material. Revised references in Subsection R313-22-75(11) in order to match renumbered paragraphs in Section R313-21-21.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-3-104 and Section 19-6-104

MATERIALS INCORPORATED BY REFERENCE:

- ◆ Updates 10 CFR Part 20, Appendix E, published by Government Printing Office, 01/01/2017

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The primary focus of the proposed rule changes is directed to manufacturers and distributors of radioactive source material (containing by definition a certain quantity of uranium or thorium). There are no state agencies that manufacture or distribute radioactive source material to either entities exempt from radioactive materials licensing requirements or to radioactive materials general licensees. However, state academic institutions that may possess or use radioactive source material for research or other academic-related purposes beyond the proposed quantity limit may need to apply for and receive a specific licenses. Any costs associated with the specific license application process and subsequent implementation procedures are unique to each licensing action and are therefore not quantifiable. However,

additional information regarding a cost-benefit analysis associated with the NRC's final rule issued on 05/29/2013 (74 FR 32310) can be found in NRC's regulatory analysis document for this final rule (ADAMS Accession No. ML13079A302). A copy of this analysis is available from the Division of Waste Management and Radiation Control Web site at <https://deq.utah.gov/Divisions/dwmrc/index.htm>.

◆ **LOCAL GOVERNMENTS:** The primary focus of the proposed rule changes is directed to manufacturers and distributors of radioactive source material (containing by definition a certain quantity of uranium or thorium). There are no local governments that manufacture or distribute radioactive source material to either entities exempt from radioactive materials licensing requirements or to radioactive materials general licensees. Additional information regarding a cost-benefit analysis associated with the NRC's final rule issued on 05/29/2013 (74 FR 32310) can be found in NRC's regulatory analysis document for this final rule (ADAMS Accession No. ML13079A302). A copy of this analysis is available from the Division of Waste Management and Radiation Control Web site at <https://deq.utah.gov/Divisions/dwmrc/index.htm>.

◆ **SMALL BUSINESSES:** The primary focus of the proposed rule changes is directed to manufacturers and distributors of radioactive source material (containing by definition a certain quantity of uranium or thorium). There are no small business in Utah that manufacture or distribute radioactive source material to either entities exempt from radioactive materials licensing requirements or to radioactive materials general licensees. However, a small business that may possess or use radioactive source material for commercial, operational, research, development, or other business-related purposes beyond the proposed quantity limit may need to apply for and receive a specific licenses. Any costs associated with the specific license application process and subsequent implementation procedures are unique to each licensing action and are therefore not quantifiable. Additional information regarding a cost-benefit analysis associated with the NRC's final rule issued on 05/29/2013 (74 FR 32310) can be found in NRC's regulatory analysis document for this final rule (ADAMS Accession No. ML13079A302). A copy of this analysis is available from the Division of Waste Management and Radiation Control Web site at <https://deq.utah.gov/Divisions/dwmrc/index.htm>.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The primary focus of the proposed rule changes is directed to manufacturers and distributors of radioactive source material (containing by definition a certain quantity of uranium or thorium). There are no other entities in Utah that currently manufacture or distribute radioactive source material to either entities exempt from radioactive materials licensing requirements or to radioactive materials general licensees. However, a person that may possess or use radioactive source material for commercial, operational, research, development, or other business-related purposes beyond the proposed quantity limit may need to apply for and receive a specific licenses. Any costs associated with the specific license application process and subsequent implementation

procedures are unique to each licensing action and are therefore not quantifiable. Additional information regarding a cost-benefit analysis associated with the NRC's final rule issued on 05/29/2013 (74 FR 32310) can be found in NRC's regulatory analysis document for this final rule (ADAMS Accession No. ML13079A302). A copy of this analysis is available from the Division of Waste Management and Radiation Control Web site at <https://deq.utah.gov/Divisions/dwmrc/index.htm>.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The primary focus of the proposed rule changes is directed to manufacturers and distributors of radioactive source material (containing by definition a certain quantity of uranium or thorium). There are no entities in Utah that manufacture or distribute radioactive source material to either entities exempt from radioactive materials licensing requirements or to radioactive materials general licensees. However, a business or person that may possess or use radioactive source material for commercial, operational, research, development, or other business-related purposes beyond the proposed quantity limit may need to apply for and receive a specific license. Any costs associated with the specific license application process and subsequent implementation procedures are unique to each licensing action and are therefore not quantifiable. Additional information regarding a cost-benefit analysis associated with the NRC's final rule issued on 05/29/2013 (74 FR 32310) can be found in NRC's regulatory analysis document for this final rule (ADAMS Accession No. ML13079A302). A copy of this analysis is available from the Division of Waste Management and Radiation Control Web site at <https://deq.utah.gov/Divisions/dwmrc/index.htm>.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The primary focus of the proposed rule changes is directed to manufacturers and distributors of radioactive source material (containing by definition a certain quantity of uranium or thorium). There are no entities in Utah that manufacture or distribute radioactive source material to either entities exempt from radioactive materials licensing requirements or to radioactive materials general licensees. However, a business or person that may possess or use radioactive source material for commercial, operational, research, development, or other business-related purposes beyond the proposed quantity limit may need to apply for and receive a specific license. Any costs associated with the specific license application process and subsequent implementation procedures are unique to each licensing action and are therefore not quantifiable. Additional information regarding a cost-benefit analysis associated with the NRC's final rule issued on 05/29/2013 (74 FR 32310) can be found in NRC's regulatory analysis document for this final rule (ADAMS Accession No. ML13079A302). A copy of this analysis is available from the Division of Waste Management and Radiation Control Web site at <https://deq.utah.gov/Divisions/dwmrc/index.htm>.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 ENVIRONMENTAL QUALITY
 WASTE MANAGEMENT AND RADIATION
 CONTROL, RADIATION
 SECOND FLOOR
 195 N 1950 W
 SALT LAKE CITY, UT 84116-4880
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Rusty Lundberg by phone at 801-536-4257, by FAX at 801-536-0222, or by Internet E-mail at rlundberg@utah.gov
 ♦ Thomas Ball by phone at 801-536-0251, or by Internet E-mail at tball@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 09/15/2017

THIS RULE MAY BECOME EFFECTIVE ON: 10/16/2017

AUTHORIZED BY: Scott Anderson, Director

R313. Environmental Quality, Waste Management and Radiation Control, Radiation.

R313-22. Specific Licenses.

R313-22-4. Definitions.

"Alert" means events may occur, are in progress, or have occurred that could lead to a release of radioactive material but that the release is not expected to require a response by off-site response organizations to protect persons off-site.

"Nationally tracked source" is a sealed source containing a quantity equal to or greater than Category 1 or Category 2 levels of any radioactive material listed in Appendix E of 10 CFR 20.1001 to 20.2402 (~~[2010]~~2017), which is incorporated by reference. In this context a sealed source is defined as radioactive material that is sealed in a capsule or closely bonded, in a solid form and which is not exempt from regulatory control. It does not mean material encapsulated solely for disposal, or nuclear material contained in any fuel assembly, subassembly, fuel rod, or fuel pellet. Category 1 nationally tracked sources are those containing radioactive material at a quantity equal to or greater than the Category 1 threshold. Category 2 nationally tracked sources are those containing radioactive material at a quantity equal to or greater than the Category 2 threshold but less than the Category 1 threshold.

"Principal activities" means activities authorized by the license which are essential to achieving the purpose(s) for which the license was issued or amended. Storage during which no licensed material is accessed for use or disposal and activities incidental to decontamination or decommissioning are not principal activities.

"Site Area Emergency" means events may occur, are in progress, or have occurred that could lead to a significant release of radioactive material and that could require a response by off-site response organizations to protect persons off-site.

R313-22-33. General Requirements for the Issuance of Specific Licenses.

(1) A license application shall be approved if the Director determines that:

(a) the applicant and all personnel who will be handling the radioactive material are qualified by reason of training and experience to use the material in question for the purpose requested in accordance with these rules in a manner as to minimize danger to public health and safety or the environment;

(b) the applicant's proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or the environment;

(c) the applicant's facilities are permanently located in Utah, otherwise the applicant shall seek reciprocal recognition as required by Section R313-19-30;

(d) the issuance of the license will not be inimical to the health and safety of the public;

(e) the applicant satisfies applicable special requirements in Sections R313-22-50, R313-22-54, and R313-22-75, and Rules R313-24, R313-25, R313-32, R313-34, R313-36, or R313-38; and

(f) in the case of an application for a license to receive and possess radioactive material for commercial waste disposal by land burial, or for the conduct of other activities which the Director determines will significantly affect the quality of the environment, the Director, before commencement of construction of the plant or facility in which the activity will be conducted, has concluded, after weighing the environmental, economic, technical and other benefits against environmental costs and considering available alternatives, that the action called for is the issuance of the proposed license, with any appropriate conditions to protect environmental values. The Director shall respond to the application within 60 days. Commencement of construction prior to a response and conclusion shall be grounds for denial of a license to receive and possess radioactive material in the plant or facility.

R313-22-34. Issuance of Specific Licenses.

(1) Upon a determination that an application meets the requirements of the Act and the rules of the Board, the Director will issue a specific license authorizing the proposed activity in a form and containing conditions and limitations as the Director deems appropriate or necessary.

(a) Specific licenses for a new license application shall have an expiration date five years from the end of the month in which it is issued.

(b) Specific licenses for a renewed license shall expire ten years after the expiration date of the previous version of the license.

(c) Notwithstanding R313-22-34(1)(b), if during the review of the license renewal application, the Director determines issues that need to be reassessed sooner than the ten year renewal interval, the Director may shorten the renewal interval on a case by case basis. Examples of issues that may result in a shortened renewal interval includes new technologies, new company management, poor regulatory compliance, or other situations that would warrant increased attention.

(2) The Director may incorporate in licenses at the time of issuance, or thereafter, additional requirements and conditions with respect to the licensee's receipt, possession, use and transfer of radioactive material subject to Rule R313-22 as the Director deems appropriate or necessary in order to:

(a) minimize danger to public health and safety or the environment;

(b) require reports and the keeping of records, and to provide for inspections of activities under the license as may be appropriate or necessary; and

(c) prevent loss or theft of material subject to Rule R313-22.

R313-22-54. Requirements for a Specific License to Initially Transfer Source Material for Use Under Section R313-21-21.

(1) An application for a specific license to initially transfer source material for use under Section R313-21-21, or 10 CFR 40.22 for a non-Agreement State, or equivalent regulations of an Agreement State, will be approved if:

(a) The applicant satisfies the general requirements specified in Section R313-22-33; and

(b) The applicant submits adequate information on, and the Director approves the methods to be used for quality control, labeling, and providing safety instructions to recipients.

R313-22-55. Conditions of Specific Licenses to Initially Transfer Source Material for Use Under Section R313-21-21.

(1)(a) Each person licensed under Section R313-22-54 shall label the immediate container of each quantity of source material with the type of source material and quantity of material and the words, "radioactive material."

(b) Each person licensed under Section R313-22-54 shall ensure that the quantities and concentrations of source material are as labeled and indicated in any transfer records.

(c) Each person licensed under Section R313-22-54 shall provide the information specified in Subsections R313-22-55(1)(c)(i) and (c)(ii) to each person to whom source material is transferred for use under Section R313-21-21 or 10 CFR 40.22 for non-Agreement States or equivalent provisions in Agreement State regulations. This information must be transferred before the source material is transferred for the first time in each calendar year to the particular recipient. The required information includes:

(i) A copy of Sections R313-21-21 and R313-19-41, or relevant equivalent regulations of the Agreement State.

(ii) Appropriate radiation safety precautions and instructions relating to handling, use, storage, and disposal of the material.

(d) Each person licensed under Section R313-22-54 shall report transfers as follows:

(i) File a report with the Director. The report shall include the following information:

(A) The name, address, and license number of the person who transferred the source material;

(B) For each general licensee under Section R313-21-21 or 10 CFR 40.22 for non-Agreement States or equivalent Agreement State provisions to whom greater than 50 grams (0.11 pounds) of source material has been transferred in a single calendar quarter, the name and address of the general licensee to whom source material is distributed; a responsible agent, by name or position or both and phone number, of the general licensee to whom the material was sent; and the type, physical form, and quantity of source material transferred; and

(C) The total quantity of each type and physical form of source material transferred in the reporting period to all such generally licensed recipients.

(ii) File a report with:

(A) Each responsible Agreement State agency that identifies all persons, operating under provisions equivalent to 10 CFR 40.22 (2016), to whom greater than 50 grams (0.11 pounds) of source material has been transferred within a single calendar quarter; or

(B) The U.S. Nuclear Regulatory Commission for non-Agreement States, that identifies all persons, operating under 10 CFR 40.22 (2016), to whom greater than 50 grams (0.11 pounds) of source material has been transferred within a single calendar quarter.

(C) The report shall include the following information specific to those transfers made to the Agreement State being reported to:

(I) The name, address, and license number of the person who transferred the source material; and

(II) The name and address of the general licensee to whom source material was distributed; a responsible agent, by name and/or position and phone number, of the general licensee to whom the material was sent; and the type, physical form, and quantity of source material transferred.

(III) The total quantity of each type and physical form of source material transferred in the reporting period to all such generally licensed recipients within the Agreement State or non-Agreement State.

(iii) Submit each report by January 31 of each year covering all transfers for the previous calendar year. If no transfers were made to persons generally licensed under Section R313-21-21 or 10 CFR 40.22, or equivalent Agreement State provisions during the current period, a report shall be submitted to the Director indicating so. If no transfers have been made to general licensees in a particular Agreement State or non-Agreement State during the reporting period, this information shall be reported to the responsible Agreement State agency or the U.S. Nuclear Regulatory Commission upon request of the agency or Commission.

(e) Each person licensed under Section R313-22-54 shall maintain all information that supports the reports required by Section R313-22-55 concerning each transfer to a general licensee for a period of one year after the event is included in a report to the Director.

R313-22-75. Special Requirements for a Specific License to Manufacture, Assemble, Repair, or Distribute Commodities, Products, or Devices Which Contain Radioactive Material.

(1) Licensing the introduction of radioactive material in exempt concentrations into products or materials, and transfer of ownership or possession of the products and materials.

(a) The authority to introduce radioactive material in exempt concentrations into equipment, devices, commodities or other products may be obtained only from the Nuclear Regulatory Commission, Washington, D.C. 20555; and

(b) The manufacturer, processor or producer of equipment, devices, commodities or other products containing exempt concentrations of radioactive materials may obtain the authority to transfer possession or control of the equipment, devices, commodities, or other products containing exempt concentrations to persons who are exempt from regulatory requirements only from the Nuclear Regulatory Commission, Washington, D.C. 20555.

(2) Licensing the distribution of radioactive material in exempt quantities. Authority to transfer possession or control by the manufacturer, processor or producer of equipment, devices, commodities or other products containing byproduct material whose subsequent possession, use, transfer, and disposal by other persons who are exempted from regulatory requirements may be obtained only from the Nuclear Regulatory Commission, Washington, D.C. 20555.

(3) Reserved

(4) Licensing the manufacture and distribution of devices to persons generally licensed under Subsection R313-21-22(4).

(a) An application for a specific license to manufacture or distribute devices containing radioactive material, excluding special nuclear material, to persons generally licensed under Subsection R313-21-22(4) or equivalent regulations of the Nuclear Regulatory Commission, an Agreement State or a Licensing State will be approved if:

(i) the applicant satisfies the general requirements of Section R313-22-33;

(ii) the applicant submits sufficient information relating to the design, manufacture, prototype testing, quality control, labels, proposed uses, installation, servicing, leak testing, operating and safety instructions, and potential hazards of the device to provide reasonable assurance that:

(A) the device can be safely operated by persons not having training in radiological protection,

(B) under ordinary conditions of handling, storage and use of the device, the radioactive material contained in the device will not be released or inadvertently removed from the device, and it is unlikely that a person will receive in one year, a dose in excess of ten percent of the annual limits specified in Subsection R313-15-201(1), and

(C) under accident conditions, such as fire and explosion, associated with handling, storage and use of the device, it is unlikely that a person would receive an external radiation dose or dose commitment in excess of the following organ doses:

TABLE

| | |
|--|--------------------------|
| Whole body; head and trunk; active blood-forming organs; gonads; or lens of eye | 150.0 mSv (15 rems) |
| Hands and forearms; feet and ankles; localized areas of skin averaged over areas no larger than one square centimeter | 2.0 Sv (200 rems) |
| Other organs | 500.0 mSv (50 rems); and |

(iii) each device bears a durable, legible, clearly visible label or labels approved by the Director, which contain in a clearly identified and separate statement:

(A) instructions and precautions necessary to assure safe installation, operation and servicing of the device; documents such as operating and service manuals may be identified in the label and used to provide this information,

(B) the requirement, or lack of requirement, for leak testing, or for testing an "on-off" mechanism and indicator, including the maximum time interval for testing, and the identification of radioactive material by radionuclide, quantity of radioactivity, and date of determination of the quantity, and

(C) the information called for in one of the following statements, as appropriate, in the same or substantially similar form:

(I) "The receipt, possession, use and transfer of this device, Model No., Serial No., are subject to a general license or the equivalent, and the regulations of the Nuclear Regulatory Commission or a state with which the Nuclear Regulatory Commission has entered into an agreement for the exercise of regulatory authority. This label shall be maintained on the device in a legible condition. Removal of this label is prohibited." The label shall be printed with the words "CAUTION -RADIOACTIVE MATERIAL" and the name of the manufacturer or distributor shall appear on the label. The model, serial number, and name of the manufacturer or distributor may be omitted from this label provided the information is elsewhere specified in labeling affixed to the device.

(II) "The receipt, possession, use and transfer of this device, Model No., Serial No., are subject to a general license or the equivalent, and the regulations of a Licensing State. This label shall be maintained on the device in a legible condition. Removal of this label is prohibited." The label shall be printed with the words "CAUTION - RADIOACTIVE MATERIAL" and the name of the manufacturer or distributor shall appear on the label. The model, serial number, and name of the manufacturer or distributor may be omitted from this label provided the information is elsewhere specified in labeling affixed to the device.

(iv) Each device having a separable source housing that provides the primary shielding for the source also bears, on the source housing, a durable label containing the device model number and serial number, the isotope and quantity, the words, "Caution-Radioactive Material," the radiation symbol described in Section R313-15-901, and the name of the manufacturer or initial distributor.

(v) Each device meeting the criteria of Subsection R313-21-22(4)(c)(xiii)(A), bears a permanent label, for example, embossed, etched, stamped, or engraved, affixed to the source housing if separable, or the device if the source housing is not separable, that includes the words, "Caution-Radioactive Material," and, if practicable, the radiation symbol described in Section R313-15-901.

(vi) The device has been registered in the Sealed Source and Device Registry.

(b) In the event the applicant desires that the device be required to be tested at intervals longer than six months, either for proper operation of the "on-off" mechanism and indicator, if any, or for leakage of radioactive material or for both, the applicant shall include in the application sufficient information to demonstrate that a longer interval is justified by performance characteristics of the device or similar devices and by design features which have a significant bearing on the probability or consequences of leakage of radioactive material from the device or failure of the "on-off" mechanism and indicator. In determining the acceptable interval for the test for leakage of radioactive material, the Director will consider information which includes, but is not limited to:

- (i) primary containment, or source capsule;
- (ii) protection of primary containment;
- (iii) method of sealing containment;
- (iv) containment construction materials;
- (v) form of contained radioactive material;
- (vi) maximum temperature withstood during prototype tests;
- (vii) maximum pressure withstood during prototype tests;

- (viii) maximum quantity of contained radioactive material;
- (ix) radiotoxicity of contained radioactive material; and
- (x) operating experience with identical devices or similarly

designed and constructed devices.

(c) In the event the applicant desires that the general licensee under Subsection R313-21-22(4), or under equivalent regulations of the Nuclear Regulatory Commission, an Agreement State or a Licensing State be authorized to install the device, collect the sample to be analyzed by a specific licensee for leakage of radioactive material, service the device, test the "on-off" mechanism and indicator, or remove the device from installation, the applicant shall include in the application written instructions to be followed by the general licensee, estimated calendar quarter doses associated with this activity or activities, and basis for these estimates. The submitted information shall demonstrate that performance of this activity or activities by an individual untrained in radiological protection, in addition to other handling, storage, and use of devices under the general license, is unlikely to cause that individual to receive a dose in excess of ten percent of the annual limits specified in Subsection R313-15-201(1).

(d)(i) If a device containing radioactive material is to be transferred for use under the general license contained in Subsection R313-21-22(4), each person that is licensed under Subsection R313-22-75(4) shall provide the information specified in Subsections R313-22-75(4)(d)(i)(A) through (E) to each person to whom a device is to be transferred. This information must be provided before the device may be transferred. In the case of a transfer through an intermediate person, the information must also be provided to the intended user prior to initial transfer to the intermediate person. The required information includes:

(A) a copy of the general license contained in Subsection R313-21-22(4); if Subsections R313-21-22(4)(c)(ii) through (iv) or R313-21-22(4)(c)(xiii) do not apply to the particular device, those paragraphs may be omitted;

(B) a copy of Sections R313-12-51, R313-15-1201, and R313-15-1202;

(C) a list of services that can only be performed by a specific licensee;

(D) Information on acceptable disposal options including estimated costs of disposal; and

(E) An indication that the Director's policy is to issue civil penalties for improper disposal.

(ii) If radioactive material is to be transferred in a device for use under an equivalent general license of the Nuclear Regulatory Commission, an Agreement State, or Licensing State, each person that is licensed under Subsection R313-22-75(4) shall provide the information specified in Subsections R313-22-75(4)(d)(ii)(A) through (D) to each person to whom a device is to be transferred. This information must be provided before the device may be transferred. In the case of a transfer through an intermediate person, the information must also be provided to the intended user prior to initial transfer to the intermediate person. The required information includes:

(A) A copy of an Agreement State's or Licensing State's regulations equivalent to Sections R313-12-51, R313-15-1201, R313-15-1202, and Subsection R313-21-22(4) or a copy of 10 CFR 31.5, 10 CFR 31.2, 10 CFR 30.51, 10 CFR 20.2201, and 10 CFR 20.2202. If a copy of the Nuclear Regulatory Commission regulations is provided to a prospective general licensee in lieu of the Agreement State's or Licensing State's regulations, it shall be accompanied by a note

explaining that use of the device is regulated by the Agreement State or Licensing State; if certain paragraphs of the regulations do not apply to the particular device, those paragraphs may be omitted;

(B) A list of services that can only be performed by a specific licensee;

(C) Information on acceptable disposal options including estimated costs of disposal; and

(D) The name or title, address, and phone number of the contact at the Nuclear Regulatory Commission, Agreement State, or Licensing State from which additional information may be obtained.

(iii) An alternative approach to informing customers may be proposed by the licensee for approval by the Director.

(iv) Each device that is transferred after February 19, 2002 must meet the labeling requirements in Subsection R313-22-75(4)(a)(iii).

(v) If a notification of bankruptcy has been made under Section R313-19-34 or the license is to be terminated, each person licensed under Subsection R313-22-75(4) shall provide, upon request, to the Director, the Nuclear Regulatory Commission, or an appropriate Agreement State or Licensing State, records of final disposition required under Subsection R313-22-75(4)(d)(vii)(H).

(vi) Each person licensed under Subsection R313-22-75(4) to initially transfer devices to generally licensed persons shall comply with the requirements of Subsections R313-22-75(4)(d)(vi) and (vii).

(A) The person shall report all transfers of devices to persons for use under the general license under Subsection R313-21-22(4) and all receipts of devices from persons licensed under Subsection R313-21-22(4) to the Director. The report must be submitted on a quarterly basis on Form 653, "Transfers of Industrial Devices Report" as prescribed by the Nuclear Regulatory Commission, or in a clear and legible report containing all of the data required by the form.

(B) The required information for transfers to general licensees includes:

(I) The identity of each general licensee by name and mailing address for the location of use; if there is no mailing address for the location of use, an alternative address for the general licensee shall be submitted along with information on the actual location of use.

(II) The name, title, and phone number of the person identified by the general licensee as having knowledge of and authority to take required actions to ensure compliance with the appropriate regulations and requirements;

(III) The date of transfer;

(IV) The type, model number, and serial number of device transferred; and

(V) The quantity and type of radioactive material contained in the device.

(C) If one or more intermediate persons will temporarily possess the device at the intended place of use before its possession by the user, the report must include the same information for both the intended user and each intermediate person, and clearly designate the intermediate persons.

(D) For devices received from a Subsection R313-21-22(4) general licensee, the report must include the identity of the general licensee by name and address, the type, model number, and serial number of the device received, the date of receipt, and, in the case of devices not initially transferred by the reporting licensee, the name of the manufacturer or initial transferor.

(E) If the licensee makes changes to a device possessed by a Subsection R313-21-22(4) general licensee, such that the label must be changed to update required information, the report must identify the general licensee, the device, and the changes to information on the device label.

(F) The report must cover each calendar quarter, must be filed within 30 days of the end of the calendar quarter, and must clearly indicate the period covered by the report.

(G) The report must clearly identify the specific licensee submitting the report and include the license number of the specific licensee.

(H) If no transfers have been made to or from persons generally licensed under Subsection R313-21-22(4) during the reporting period, the report must so indicate.

(vii) The person shall report all transfers of devices to persons for use under a general license in the Nuclear Regulatory Commission's, an Agreement State's, or Licensing State's regulations that are equivalent to Subsection R313-21-22(4) and all receipts of devices from general licensees in the Nuclear Regulatory Commission's, Agreement State's, or Licensing State's jurisdiction to the Nuclear Regulatory Commission, or to the responsible Agreement State or Licensing State agency. The report must be submitted on Form 653, "Transfers of Industrial Devices Report" as prescribed by the Nuclear Regulatory Commission, or in a clear and legible report containing all of the data required by the form.

(A) The required information for transfers to general licensee includes:

(I) The identity of each general licensee by name and mailing address for the location of use; if there is no mailing address for the location of use, an alternative address for the general licensee shall be submitted along with information on the actual location of use.

(II) The name, title, and phone number of the person identified by the general licensee as having knowledge of and authority to take required actions to ensure compliance with the appropriate regulations and requirements;

(III) The date of transfer;

(IV) The type, model number, and serial number of the device transferred; and

(V) The quantity and type of radioactive material contained in the device.

(B) If one or more intermediate persons will temporarily possess the device at the intended place of use before its possession by the user, the report must include the same information for both the intended user and each intermediate person, and clearly designate the intermediate persons.

(C) For devices received from a general licensee, the report must include the identity of the general licensee by name and address, the type, model number, and serial number of the device received, the date of receipt, and, in the case of devices not initially transferred by the reporting licensee, the name of the manufacturer or initial transferor.

(D) If the licensee makes changes to a device possessed by a general licensee, such that the label must be changed to update required information, the report must identify the general licensee, the device, and the changes to information on the device label.

(E) The report must cover each calendar quarter, must be filed within 30 days of the end of the calendar quarter, and must clearly indicate the period covered by the report.

(F) The report must clearly identify the specific licensee submitting the report and must include the license number of the specific licensee.

(G) If no transfers have been made to or from a Nuclear Regulatory Commission licensee, or to or from a particular Agreement State or Licensing State licensee during the reporting period, this information shall be reported to the Nuclear Regulatory Commission or the responsible Agreement State or Licensing State agency upon request of the agency.

(H) The person shall maintain all information concerning transfers and receipts of devices that supports the reports required by Subsection R313-22-75(4)(d)(vii). Records required by Subsection R313-22-75(4)(d)(vii)(H) must be maintained for a period of three years following the date of the recorded event.

(5) Special requirements for the manufacture, assembly or repair of luminous safety devices for use in aircraft. An application for a specific license to manufacture, assemble or repair luminous safety devices containing tritium or promethium-147 for use in aircraft for distribution to persons generally licensed under Subsection R313-21-22(5) will be approved if:

(a) the applicant satisfies the general requirements of Section R313-22-33; and

(b) the applicant satisfies the requirements of 10 CFR 32.53 through 32.56 (2015) or their equivalent.

(6) Special requirements for license to manufacture or initially transfer calibration sources containing americium-241, plutonium or radium-226 for distribution to persons generally licensed under Subsection R313-21-22(7). An application for a specific license to manufacture calibration and reference sources containing americium-241, plutonium or radium-226 to persons generally licensed under Subsection R313-21-22(7) will be approved if:

(a) the applicant satisfies the general requirements of Section R313-22-33; and

(b) the applicant satisfies the requirements of 10 CFR 32.57 through 32.59, and 10 CFR 70.39 (2015), or their equivalent.

(7) Manufacture and distribution of radioactive material for certain in vitro clinical or laboratory testing under general license. An application for a specific license to manufacture or distribute radioactive material for use under the general license of Subsection R313-21-22(9) will be approved if:

(a) the applicant satisfies the general requirements specified in Section R313-22-33;

(b) the radioactive material is to be prepared for distribution in prepackaged units of:

(i) iodine-125 in units not exceeding 370 kilobecquerel (ten uCi) each;

(ii) iodine-131 in units not exceeding 370 kilobecquerel (ten uCi) each;

(iii) carbon-14 in units not exceeding 370 kilobecquerel (ten uCi) each;

(iv) hydrogen-3 (tritium) in units not exceeding 1.85 megabecquerel (50 uCi) each;

(v) iron-59 in units not exceeding 740.0 kilobecquerel (20 uCi) each;

(vi) cobalt-57 in units not exceeding 370 kilobecquerel (ten uCi) each;

(vii) selenium-75 in units not exceeding 370 kilobecquerel (ten uCi) each; or

(viii) mock iodine-125 in units not exceeding 1.85 kilobecquerel (0.05 uCi) of iodine-129 and 1.85 kilobecquerel (0.05 uCi) of americium-241 each;

(c) prepackaged units bear a durable, clearly visible label:

(i) identifying the radioactive contents as to chemical form and radionuclide, and indicating that the amount of radioactivity does not exceed 370 kilobecquerel (ten uCi) of iodine-125, iodine-131, carbon-14, cobalt-57, or selenium-75; 1.85 megabecquerel (50 uCi) of hydrogen-3 (tritium); 740.0 kilobecquerel (20 uCi) of iron-59; or Mock Iodine-125 in units not exceeding 1.85 kilobecquerel (0.05 uCi) of iodine-129 and 1.85 kilobecquerel (0.05 uCi) of americium-241 each; and

(ii) displaying the radiation caution symbol described in Section R313-15-901 and the words, "CAUTION, RADIOACTIVE MATERIAL", and "Not for Internal or External Use in Humans or Animals";

(d) one of the following statements, as appropriate, or a substantially similar statement which contains the information called for in one of the following statements, appears on a label affixed to each prepackaged unit or appears in a leaflet or brochure which accompanies the package:

(i) "This radioactive material shall be received, acquired, possessed and used only by physicians, veterinarians, clinical laboratories or hospitals and only for in vitro clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use and transfer are subject to the regulations and a general license of the Nuclear Regulatory Commission or of a state with which the Nuclear Regulatory Commission has entered into an agreement for the exercise of regulatory authority.

.....
Name of Manufacturer"

(ii) "This radioactive material shall be received, acquired, possessed and used only by physicians, veterinarians, clinical laboratories or hospitals and only for in vitro clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use and transfer are subject to the regulations and a general license of a Licensing State.

.....
Name of Manufacturer"

(e) the label affixed to the unit, or the leaflet or brochure which accompanies the package, contains adequate information as to the precautions to be observed in handling and storing radioactive material. In the case of the Mock Iodine-125 reference or calibration source, the information accompanying the source shall also contain directions to the licensee regarding the waste disposal requirements set out in Section R313-15-1001.

(8) Licensing the manufacture and distribution of ice detection devices. An application for a specific license to manufacture and distribute ice detection devices to persons generally licensed under Subsection R313-21-22(10) will be approved if:

(a) the applicant satisfies the general requirements of Section R313-22-33; and

(b) the criteria of 10 CFR 32.61, 32.62, 2015 ed. are met.

(9) Manufacture, preparation, or transfer for commercial distribution of radioactive drugs containing radioactive material for medical use under R313-32.

(a) An application for a specific license to manufacture and distribute radiopharmaceuticals containing radioactive material for use by persons licensed pursuant to Rule R313-32 will be approved if:

(i) the applicant satisfies the general requirements specified in Section R313-22-33;

(ii) the applicant submits evidence that the applicant is at least one of the following:

(A) registered with the U.S. Food and Drug Administration (FDA) as the owner or operator of a drug establishment that engages in the manufacture, preparation, propagation, compounding, or processing of a drug under 21 CFR 207.20(a);

(B) registered or licensed with a state agency as a drug manufacturer;

(C) licensed as a pharmacy by a State Board of Pharmacy;

(D) operating as a nuclear pharmacy within a medical institution; or

(E) registered with a State Agency as a Positron Emission Tomography (PET) drug production facility.

(iii) the applicant submits information on the radionuclide; the chemical and physical form; the maximum activity per vial, syringe, generator, or other container of the radioactive drug; and the shielding provided by the packaging to show it is appropriate for the safe handling and storage of the radioactive drugs by medical use licensees; and

(iv) the applicant satisfies the following labeling requirements:

(A) A label is affixed to each transport radiation shield, whether it is constructed of lead, glass, plastic, or other material, of a radioactive drug to be transferred for commercial distribution. The label must include the radiation symbol and the words "CAUTION, RADIOACTIVE MATERIAL" or "DANGER, RADIOACTIVE MATERIAL"; the name of the radioactive drug or its abbreviation; and the quantity of radioactivity at a specified date and time. For radioactive drugs with a half life greater than 100 days, the time may be omitted.

(B) A label is affixed to each syringe, vial, or other container used to hold a radioactive drug to be transferred for commercial distribution. The label must include the radiation symbol and the words "CAUTION, RADIOACTIVE MATERIAL" or "DANGER, RADIOACTIVE MATERIAL" and an identifier that ensures that the syringe, vial, or other container can be correlated with the information on the transport radiation shield label.

(b) A licensee described by Subsections R313-22-75(9)(a)(ii)(C) or (D):

(i) May prepare radioactive drugs for medical use, as defined in Rule R313-32 (incorporating 10 CFR 35.2 by reference), provided that the radioactive drug is prepared by either an authorized nuclear pharmacist, as specified in Subsections R313-22-75(9)(b)(ii) and (iv), or an individual under the supervision of an authorized nuclear pharmacist as specified in Rule R313-32 (incorporating 10 CFR 35.27 by reference).

(ii) May allow a pharmacist to work as an authorized nuclear pharmacist if:

(A) this individual qualifies as an authorized nuclear pharmacist as defined in Rule R313-32 (incorporating 10 CFR 35.2 by reference);

(B) this individual meets the requirements specified in Rule R313-32 (incorporating 10 CFR 35.55(b) and 10 CFR 35.59 by

reference) and the licensee has received an approved license amendment identifying this individual as an authorized nuclear pharmacist; or

(C) this individual is designated as an authorized nuclear pharmacist in accordance with Subsection R313-22-75(9)(b)(iv).

(iii) The actions authorized in Subsections R313-22-75(9)(b)(i) and (ii) are permitted in spite of more restrictive language in license conditions.

(iv) May designate a pharmacist, as defined in Rule R313-32 (incorporating 10 CFR 35.2 by reference), as an authorized nuclear pharmacist if:

(A) The individual was a nuclear pharmacist preparing only radioactive drugs containing accelerator produced radioactive material, and

(B) The individual practiced at a pharmacy at a Government agency or Federally recognized Indian Tribe before November 30, 2007, or at all other pharmacies before August 8, 2009, or an earlier date as noticed by the NRC.

(v) Shall provide to the Director:

(A) a copy of each individual's certification by a specialty board whose certification process has been recognized by the Nuclear Regulatory Commission or Agreement State as specified in Rule R313-32 (incorporating 10 CFR 35.55(a) by reference) with the written attestation signed by a preceptor as required by Rule R313-32 (incorporating 10 CFR 35.55(b)(2) by reference); or

(B) the Nuclear Regulatory Commission or Agreement State license; or

(C) the permit issued by a licensee or Commission master materials permittee of broad scope or the authorization from a commercial nuclear pharmacy authorized to list its own authorized nuclear pharmacist; or

(D) the permit issued by a U.S. Nuclear Commission master materials licensee; or

(E) documentation that only accelerator produced radioactive materials were used in the practice of nuclear pharmacy at a Government agency or Federally recognized Indian Tribe before November 30, 2007 or at all other locations of use before August 8, 2009, or an earlier date as noticed by the NRC; and

(F) a copy of the state pharmacy licensure or registration, no later than 30 days after the date that the licensee allows, pursuant to Subsections R313-22-75(9)(b)(ii)(A) and R313-22-75(9)(b)(ii)(C), the individual to work as an authorized nuclear pharmacist.

(c) A licensee shall possess and use instrumentation to measure the radioactivity of radioactive drugs. The licensee shall have procedures for use of the instrumentation. The licensee shall measure, by direct measurement or by combination of measurements and calculations, the amount of radioactivity in dosages of alpha-, beta-, or photon-emitting radioactive drugs prior to transfer for commercial distribution. In addition, the licensee shall:

(i) perform tests before initial use, periodically, and following repair, on each instrument for accuracy, linearity, and geometry dependence, as appropriate for the use of the instrument; and make adjustments when necessary; and

(ii) check each instrument for constancy and proper operation at the beginning of each day of use.

(d) Nothing in Subsection R313-22-75(9) relieves the licensee from complying with applicable FDA, or Federal, and State requirements governing radioactive drugs.

(10) Manufacture and distribution of sources or devices containing radioactive material for medical use. An application for a specific license to manufacture and distribute sources and devices containing radioactive material to persons licensed under Rule R313-32 for use as a calibration, transmission, or reference source or for the uses listed in Rule R313-32 (incorporating 10 CFR 35.400, 10 CFR 35.500, 10 CFR 35.600, and 35.1000 by reference) will be approved if:

(a) the applicant satisfies the general requirements in Section R313-22-33;

(b) the applicant submits sufficient information regarding each type of source or device pertinent to an evaluation of its radiation safety, including:

(i) the radioactive material contained, its chemical and physical form and amount,

(ii) details of design and construction of the source or device,

(iii) procedures for, and results of, prototype tests to demonstrate that the source or device will maintain its integrity under stresses likely to be encountered in normal use and accidents,

(iv) for devices containing radioactive material, the radiation profile of a prototype device,

(v) details of quality control procedures to assure that production sources and devices meet the standards of the design and prototype tests,

(vi) procedures and standards for calibrating sources and devices,

(vii) legend and methods for labeling sources and devices as to their radioactive content, and

(viii) instructions for handling and storing the source or device from the radiation safety standpoint, these instructions are to be included on a durable label attached to the source or device or attached to a permanent storage container for the source or device; provided that instructions which are too lengthy for a label may be summarized on the label and printed in detail on a brochure which is referenced on the label;

(c) the label affixed to the source or device, or to the permanent storage container for the source or device, contains information on the radionuclide, quantity and date of assay, and a statement that the source or device is licensed by the Director for distribution to persons licensed pursuant to Rule R313-32 (incorporating 10 CFR 35.18, 10 CFR 35.400, 10 CFR 35.500, and 10 CFR 35.600 by reference) or under equivalent regulations of the Nuclear Regulatory Commission, an Agreement State or a Licensing State; provided that labeling for sources which do not require long term storage may be on a leaflet or brochure which accompanies the source;

(d) the source or device has been registered in the Sealed Source and Device Registry.

(e) in the event the applicant desires that the source or device be required to be tested for leakage of radioactive material at intervals longer than six months, the applicant shall include in the application sufficient information to demonstrate that a longer interval is justified by performance characteristics of the source or device or similar sources or devices and by design features that have a significant bearing on the probability or consequences of leakage of radioactive material from the source; and

(f) in determining the acceptable interval for test of leakage of radioactive material, the Director shall consider information that includes, but is not limited to:

(i) primary containment or source capsule,

(ii) protection of primary containment,

(iii) method of sealing containment,

(iv) containment construction materials,

(v) form of contained radioactive material,

(vi) maximum temperature withstood during prototype tests,

(vii) maximum pressure withstood during prototype tests,

(viii) maximum quantity of contained radioactive material,

(ix) radiotoxicity of contained radioactive material, and

(x) operating experience with identical sources or devices or similarly designed and constructed sources or devices.

(11) Requirements for license to manufacture and distribute industrial products containing depleted uranium for mass-volume applications.

(a) An application for a specific license to manufacture industrial products and devices containing depleted uranium for use pursuant to Subsection R313-21-21~~(5)~~(7) or equivalent regulations of the Nuclear Regulatory Commission or an Agreement State will be approved if:

(i) the applicant satisfies the general requirements specified in Section R313-22-33;

(ii) the applicant submits sufficient information relating to the design, manufacture, prototype testing, quality control procedures, labeling or marking, proposed uses and potential hazards of the industrial product or device to provide reasonable assurance that possession, use or transfer of the depleted uranium in the product or device is not likely to cause an individual to receive a radiation dose in excess of ten percent of the annual limits specified in Subsection R313-15-201(1); and

(iii) the applicant submits sufficient information regarding the industrial product or device and the presence of depleted uranium for a mass-volume application in the product or device to provide reasonable assurance that unique benefits will accrue to the public because of the usefulness of the product or device.

(b) In the case of an industrial product or device whose unique benefits are questionable, the Director will approve an application for a specific license under Subsection R313-22-75(11) only if the product or device is found to combine a high degree of utility and low probability of uncontrolled disposal and dispersal of significant quantities of depleted uranium into the environment.

(c) The Director may deny an application for a specific license under Subsection R313-22-75(11) if the end use of the industrial product or device cannot be reasonably foreseen.

(d) Persons licensed pursuant to Subsection R313-22-75(11) (a) shall:

(i) maintain the level of quality control required by the license in the manufacture of the industrial product or device, and in the installation of the depleted uranium into the product or device;

(ii) label or mark each unit to:

(A) identify the manufacturer of the product or device and the number of the license under which the product or device was manufactured, the fact that the product or device contains depleted uranium, and the quantity of depleted uranium in each product or device; and

(B) state that the receipt, possession, use and transfer of the product or device are subject to a general license or the equivalent and the regulations of the Nuclear Regulatory Commission or an Agreement State;

(iii) assure that the uranium before being installed in each product or device has been impressed with the following legend clearly legible through a plating or other covering: "Depleted Uranium";

(iv) furnish to each person to whom depleted uranium in a product or device is transferred for use pursuant to the general license contained in Subsection R313-21-21(5) or its equivalent:

(A) a copy of the general license contained in Subsection R313-21-21[(5)](7) and a copy of form DWMRC-12; or

(B) a copy of the general license contained in the Nuclear Regulatory Commission's or Agreement State's regulation equivalent to Subsection R313-21-21[(5)](7) and a copy of the Nuclear Regulatory Commission's or Agreement State's certificate, or alternatively, furnish a copy of the general license contained in Subsection R313-21-21[(5)](7) and a copy of form DWMRC-12 with a note explaining that use of the product or device is regulated by the Nuclear Regulatory Commission or an Agreement State under requirements substantially the same as those in Subsection R313-21-21[(5)](7);

(v) report to the Director all transfers of industrial products or devices to persons for use under the general license in Subsection R313-21-21[(5)](7). The report shall identify each general licensee by name and address, an individual by name or position who may constitute a point of contact between the Director and the general licensee, the type and model number of device transferred, and the quantity of depleted uranium contained in the product or device. The report shall be submitted within thirty days after the end of the calendar quarter in which the product or device is transferred to the generally licensed person. If no transfers have been made to persons generally licensed under Subsection R313-21-21[(5)](7) during the reporting period, the report shall so indicate;

(vi) provide certain other reports as follows:

(A) report to the Nuclear Regulatory Commission all transfers of industrial products or devices to persons for use under the Nuclear Regulatory Commission general license in 10 CFR 40.25 (2010);

(B) report to the responsible state agency all transfers of devices manufactured and distributed pursuant to Subsection R313-22-75(11) for use under a general license in that state's regulations equivalent to Subsection R313-21-21[(5)](7);

(C) reports shall identify each general licensee by name and address, an individual by name or position who may constitute a point of contact between the agency and the general licensee, the type and model number of the device transferred, and the quantity of depleted uranium contained in the product or device. The report shall be submitted within thirty days after the end of each calendar quarter in which a product or device is transferred to the generally licensed person;

(D) if no transfers have been made to Nuclear Regulatory Commission licensees during the reporting period, this information shall be reported to the Nuclear Regulatory Commission, and

(E) if no transfers have been made to general licensees within a particular Agreement State during the reporting period, this information shall be reported to the responsible Agreement State agency upon the request of that agency; and

(vii) records shall be kept showing the name, address and point of contact for each general licensee to whom the person transfers depleted uranium in industrial products or devices for use pursuant to the general license provided in Subsection R313-21-21[(5)](7) or equivalent regulations of the Nuclear Regulatory Commission or an

Agreement State. The records shall be maintained for a period of two years and shall show the date of each transfer, the quantity of depleted uranium in the product or device transferred, and compliance with the report requirements of Subsection R313-22-75(11).

KEY: specific licenses, decommissioning, broad scope, radioactive materials

Date of Enactment or Last Substantive Amendment: ~~June 10, 2016~~ **2017**

Notice of Continuation: July 1, 2016

Authorizing, and Implemented or Interpreted Law: ~~19-3-104; 19-6-107~~ **19-6-104**

Governor, Economic Development **R357-11** Technology Commercialization and Innovation Program (TCIP)

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 41986

FILED: 07/31/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule contains language with certain requirements around reimbursement and matching funds. These requirements have been determined to be unnecessary. This amendment is being made to reflect this change in the program requirements.

SUMMARY OF THE RULE OR CHANGE: The current rule requires payment be made only on a reimbursement basis. This requirement is being removed because the program is designed to provide gap financing for technologies that are ready to move to a commercialization phase. The reimbursement requirement was found to be prohibitive causing awardees to forfeit the award altogether. The rule also references the requirement for matching funds which again became a prohibitive requirement that forced awardees to forego receiving an award and countering the legislative intent of the program.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 63N-3-204(2)(b)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** This amendment does not affect the state budget because the program this rule regulates receives an appropriation which serves as the only source of funding the state provides. This rule does not require more administrative overhead to implement.

◆ **LOCAL GOVERNMENTS:** This amendment does not affect local governments because local governments cannot apply for this grant.

♦ **SMALL BUSINESSES:** This amendment does not affect small businesses because it does not place any new regulations or requirements on small business generally. Moreover, this amendment will likely increase access to this grant allowing more small business to apply without prohibitive requirements or costs.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no other persons affected by this amendment because only business can apply for this grant.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no compliance costs associated with this amendment because the office will use already existing resources to implement the requirements of the program outlined in this rule and in statute.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This amendment will not impact small businesses fiscally in a negative way because it does not create any new regulations. It will actually allow more small businesses the ability to use the program as it was intended by the legislature.

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

GOVERNOR
ECONOMIC DEVELOPMENT
60 E SOUTH TEMPLE
THIRD FLOOR
SALT LAKE CITY, UT 84111
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Jeffrey Van Hulten by phone at 801-538-8694, by FAX at 801-538-8888, or by Internet E-mail at jeffreyvan@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 09/14/2017

THIS RULE MAY BECOME EFFECTIVE ON: 09/21/2017

AUTHORIZED BY: Val Hale, Executive Director

R357. Governor, Economic Development.

R357-11. Technology Commercialization and Innovation Program (TCIP).

R357-11-1. Purpose.

(1) The purpose of the Technology Commercialization and Innovation Act is to catalyze and enhance growth of technologies by encouraging interdisciplinary research activity and targeted areas, facilitating the transition of technologies out of the higher education to enhance job creation, and to support the commercialization of technologies developed by small businesses to enhance job creation.

R357-11-2. Authority.

(1) UCA 63N-3-204(2)(b) requires the office to make rules to regulate the Technology Commercialization Innovation Program ("TCIP") grant structure and awards and to recapture awards when a recipient fails to maintain a presence in Utah for at least five years after the award is made, as set forth in these rules.

R357-11-3. Definitions.

- (1) This rule adopts the definitions set forth in 63N-3-203.
- (2) "Board" means the Board of Business Development set forth in 63N-1-301.
- (3) "Derivative Technology" means: Incremental advance or new of application of an existing technology.
- (4) "Developmental Research Phase" means: A phase in which the technology is not beyond a basic concept as determined by the office.
- (5) "New technology means" Intellectual property not previously marketed or generated revenue for any entity.
- (6) Qualified Pre-screening entity "means" A University's Technology Transfer Office or the USTAR Technology Outreach Innovation Program. This term only applies to University team applicants.
- (7) "Service location" means a location where a grant recipient is developing and/or commercializing the new technology in a way that provides economic impact to the state; including but not limited to: job creation, new state revenue, and new local revenue.
- (8) Solicitation Cycle Means: A granting cycle from application to grant distribution to be held at least once a year or more depending on availability of funds. All dates for any solicitation may be found on the TCIP website.
- (9) "TCIP" means the Technology Commercialization and Innovation Program as defined in Utah Code Section 63N-3-203(6).

R357-11-4. General Grant Requirements.

- (1) An applicant can only receive a TCIP award totaling an amount defined in policy per new technology. Policy shall be available on the TCIP website.
- (2) An applicant may not submit more than one application in the same solicitation cycle if the applicant has more than one new technology that meets the eligibility requirement for a TCIP grant.
 - (a) Only one new technology project per applicant will be funded in an solicitation cycle.
- (3) An applicant that has generated more than \$500,000 in revenue from the proposed new or derivative technology is not eligible for a TCIP grant.
- (4) An applicant that has raised more than \$3,000,000 in total prior funding, including equity and debt based financing, is not eligible for the TCIP grant.
- (5) An Applicant may apply for a TCIP grant up to three times for a specific new technology. If, after the third application TCIP does not fund the technology, TCIP will reject subsequent applicants for the same new technology without further review.

R357-11-5. Matching Funds.

(1) Matching funds may be considered in granting an award if the Office provides notice of such a requirement in the application. If considered a grant recipient must show proof of the matching funds.

(2) Matching funds may be raised and spent at any time prior to submitting an invoice to the TCIP

(a) Grant recipient must submit bank statements (for Licensees) or financial statements (for Universities) demonstrating that the matching funds were available during the match period.

(b) If matching funds have been required by the Office to be a condition precedent to a grant award, matching funds do not have to be in place at the time of the application, but must be in place before TCIP funds are disbursed within the contract period of one year.

R357-11-6. Applicant Specific Requirements.

(1) University Teams: In order to apply for a grant or loan under the TCIP program, a University Team must satisfy the following initial criteria:

(a) The technology must be organized by faculty led university team;

(b) The technology must have completed the developmental research phase; and

(c) The applicant must be pre-screened by a qualified pre-screening entity.

(d) The qualified pre-screening entity must certify that the technology meets the criteria set forth in (a) and (b) of this section, and the certification must be provided before grant is awarded.

(2) Small Businesses: In order to apply for a grant or loan under the TCIP program, a small business must satisfy the following initial criteria:

(a) The applicant must be a "small business" as defined by the Federal Small Business Administration's definition and meet the criteria set forth in UCA Section 63N-3-203(5).

(3) A University-licensee is also be eligible if it meets the definitions in (a) above.

R357-11-7. Review of Applications and Awards.

(1) Applicants who successfully meet the eligibility requirements set forth in R357-11-4 and R357-11-5 and R357-11-6 may submit their application for the TCIP grant through the online registration portal.

(2) The Executive Director of GOED or the director's designee will evaluate the applications received in each solicitation cycle. The Executive Director or the designee may use the following criteria, as defined by the Executive Director or the designee, to evaluate applications for TCIP grants:

(a) Quality, diversity, and number of jobs created in Utah,

(b) Quality of Management and Leadership, including experience with commercialization of new technologies as demonstrated by grant applicant's application and proposal;

(c) Strength of the new technology and potential for commercialization;

(d) Size and Growth of the market of the proposed technology

(e) Applicant's ability to market the technology and the credibility of their "go-to-market" strategy.

(f) Availability of matching funds and the source and relevance of those funds as set forth in R357-11-5

(g) Whether the project combines or coordinates related research at two or more institutions of higher education;

(h) Any other criteria deemed necessary or valuable to the selection process.

(3) Additionally, each applicant's application will be compared against and with the strength of all other applicants' applications and proposals within the same solicitation cycle.

(4) The Executive Director may assemble an outside review team to review the criteria set forth above and to make recommendations regarding the application.

(5) The Executive Director or his designee shall propose funding allocations to the Board.

(6) After the Board provides its advice, the Executive Director or the designee shall determine which applications should be prioritized for funding.

(7) Applications will be prioritized and funded based on the criteria set forth in (1)-(3). Award letters will be provided setting forth the terms of the grant offer.

R357-11-8. Requirements for Grant Recipients.

(1) Contract

(a) An applicant who is awarded a TCIP grant must sign a contract with the State of Utah prior to receiving any funds

(2) Sub-Contracts

(a) Grant Recipients are prohibited from subcontracting with another entity to administer the new technology funded by the Grant.

(3) Time in State

(a) Grant recipients will be expected to retain their company, and supported technology, and exploit the technology in the State of Utah for a minimum period of five years from the date of their agreement with the State.

(b) Any applicant who fails to maintain a manufacturing or service location in the state or who fails to exploit the new technology from a location in the state will be subject to recapture of the grant funding, subject to the provisions of Utah Code Section 63N-3-204(2) (d) and R357-11-8.

(4) Authorization to disclose tax information

(a) Licensee grant recipients will be required to sign an authorization to disclose tax records for up to five years from the date of their agreement with the State.

(5) Mentoring Program

(a) Grant awardees may be required to participate in the TCIP Mentoring Program in order to secure funding.

(b) If a grant award is contingent on participation in the TCIP Mentoring Program, an awardee will be required to show active participation in the program prior to receiving any or part of the grant funding as outlined in recipient's contract.

R357-11-9. Funding.

(1) TCIP funding is for developing existing research to the point of commercialization, bridging the "funding gap" between research dollars and manufacturing dollars.

(2) TCIP funding may be used to:

(a) Purchase equipment;

(b) Purchase supplies;

(c) Fund graduate/undergraduate students for time directly applicable to center commercialization activities related to the new technology;

(d) Fund faculty salaries directly applicable to center commercialization and related to the new technology;

~~[(e) Fund product development activities (prototypes, models, simulations);]~~

(e[~~f~~] Fund technology transfer activities (trade shows, brochures, etc.);

(f[~~g~~] Fund market analysis;

(g[~~h~~] Pay for consulting fees directly applicable to center commercialization;

(h[~~i~~] Pay for business manager or marketing manager salaries directly applicable to center commercialization activities; or

(i[~~j~~] Other purposes approved by GOED in writing.

(3) Carryover Funds

(a) The budget described in the contract is designated for the particular fiscal year and is an integral part of the contract. Upon the expiration of the contract, residual funds under the contract can only be accessed by amending the contract as described above.

(4) Invoicing Requirement

(a) [~~Funds are disbursed on a reimbursement basis.~~] To receive funds from the program, an invoice [~~of actual expenses of the funded center~~]-should be submitted by the awardee to the program manager upon completion of:

(i) the required milestones contained within the grant award contract;

(ii) an approved mentorship program with completion to be verified by the office; or

(iii) any other requirements contained within the grant award contract. [~~at least quarterly~~].

(b) Every invoice must include:

(i) Contract Number;

(ii) Name of entity and Principal Investigator.;

(iii) Billing Period; and

(iv) Current and Cumulative Amounts.

R357-11-10. Reporting Requirements.

(1) Reporting and Monitoring

(a) Grant awardees or mentor will be required to submit a report of activities, achievements and expenses, etc. as specified in the awardees contract.

(b) Grant awardees or mentor will be required to comply with the State's request for information pertaining to the economic impact to the State, at least annually for up to five years from date of the agreement.

(c) Grant awardees or mentor will also be required to respond to additional periodic reporting to the TCIP Director, Governor's Office of Economic Development and GOED Board, and the Legislature, at any time during the agreement period and thereafter for two additional years.

(d) Universities and Small Businesses should also expect periodic site visits from TCIP Director or board members. Such visits will be scheduled at mutually convenient times.

R357-11-11. Recapture.

(1) In order to receive grant funding under these provisions, an applicant must commit to maintain a manufacturing location or service location in the State of Utah for at least five years from the date that the grant award letter is issued.

(2) Maintaining a manufacturing and service location means that the applicant will perform at least 51% percent of the grant activities listed above in the State of Utah, will exploit the technology into a commercial project in Utah and will maintain working operations in the State for at least five years from the date the grant award letter is issued.

(3) If the applicant fails to maintain a manufacturing a service location in Utah for at least five years from the date the grant award letter is issued, the entire grant amount may be subject to recapture.

(4) A repayment by an applicant shall be prorated based on the number of full years the applicant operated in the state from the date of the awarded grant.

(5) Should an applicant fail to comply with the requirements to maintain a manufacturing and service location in Utah for the purpose of exploiting the new technology that is the subject of the grant, the Office will issue a Notice of Agency Action for Recapture.

(6) The Notice of Agency Action shall contain the grounds for recapture, and the prorated amount of the recapture, if any.

KEY: technology, innovations, commercialization, small businesses

Date of Enactment or Last Substantive Amendment: [September 12, 2016]2017

Authorizing, and Implemented or Interpreted Law: 63N-3-204(2)

Health, Family Health and Preparedness, Licensing **R432-2** General Licensing Provisions

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 41969

FILED: 07/31/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule amendment is to modify the required ownership information to fit with current agency practices, as well as to amend incorrect references and wording. The Health Facility Committee reviewed and approved these rule amendments on 02/08/2017 and again on 05/10/2017.

SUMMARY OF THE RULE OR CHANGE: The rule amendment modifies what facility ownership information is required to be submitted during the licensing process, it deletes unnecessary items and adds the email address and physical address. The definition that is added in Subsection R432-2-7(3) is one that is currently used in this rule in another section. 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:** After conducting a thorough analysis, it was determined that this proposed rule will not result in a fiscal impact to the state budget because this

amendment simply updates references and modifies the rule to fit with current agency practices.

◆ LOCAL GOVERNMENTS: After conducting a thorough analysis, it was determined that this proposed rule will not result in a fiscal impact to the local government budget because this amendment simply updates references and modifies the rule to fit with current agency practices.

◆ SMALL BUSINESSES: After conducting a thorough analysis, it was determined that this proposed rule will not result in a fiscal impact to the small businesses budget because this amendment simply updates references and modifies the rule to fit with current agency practices.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: After conducting a thorough analysis, it was determined that this proposed rule will not result in a fiscal impact to businesses, individuals, local governments, and persons that are not small businesses because this amendment simply updates references and modifies the rule to fit with current agency practices.

COMPLIANCE COSTS FOR AFFECTED PERSONS: After conducting a thorough analysis, it was determined that this proposed rule will not result in a fiscal impact to affected persons because this amendment simply updates references and modifies the rule to fit with current agency practices.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no fiscal impact on business.

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 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 09/14/2017

THIS RULE MAY BECOME EFFECTIVE ON: 09/21/2017

AUTHORIZED BY: Joseph Miner, MD, Executive Director

R432. Health, Family Health and Preparedness, Licensing.

R432-2. General Licensing Provisions.

R432-2-7. Applications for License Actions.

(1) An applicant for a license shall file a Request for Agency Action/License Application with the Utah Department of Health on a form furnished by the Department.

(2) Each applicant shall comply with all zoning, fire, safety, sanitation, building and licensing laws, regulations, ordinances, and codes of the city and county in which the facility or agency is located. The applicant shall obtain the following clearances and submit them as part of the completed application to the licensing agency:

(a) A certificate of fire clearance from the State Fire Marshal or designated local fire authority certifying compliance with local and state fire codes is required with initial and renewal application, change of ownership, and at any time new construction or substantial remodeling has occurred.

(b) A satisfactory Food Services Sanitation Clearance report by a local or state sanitarian is required for facilities providing food service at initial application and upon a change of ownership.

(c) Certificate of Occupancy from the local building official at initial application, change of location and at the time of any new construction or substantial remodeling.

(3) As used in this section, an "owner" is any person or entity:

(a) ultimately responsible for operating a health care facility; or

(b) legally responsible for decisions and liabilities in a business management sense or that bears the final responsibility for operating decisions made in the capacity of a governing body.

(4) The applicant shall submit contact information for the ownership of the legal entity including [the following:

~~(a) a list of all officers, members of the boards of directors, trustees, stockholders, partners, or other persons who have a greater than 25 percent interest in the facility;~~

~~(b)]the names, email addresses and mailing addresses, [percentage of stock, shares, partnership, or other equity interest of each person; and~~

~~(c) a list, of all persons, of all health care facilities in the state or other states in which they are officers, directors, trustees, stockholders, partners, or in which they hold any interest;]~~

([4]5) The applicant shall provide the following written assurances on all individuals listed in R432-2-7([3]4):

(a) None of the persons has been convicted of a felony;

(b) None of the persons has been found in violation of any local, state, or federal law which arises from or is otherwise related to the individual's relationship to a health care facility; and

(c) None of the persons who has currently or within the five years prior to the date of application had previous interest in a licensed health care facility that has been any of the following:

(i) subject of a patient care receivership action;

(ii) closed as a result of a settlement agreement resulting from a decertification action or a license revocation;

(iii) involuntarily terminated from participation in either Medicaid or Medicare programs; or

(iv) convicted of patient abuse, neglect or exploitation where the facts of the case prove that the licensee failed to provide adequate protection or services for the person to prevent such abuse.

R432-2-11. License Contents and Provisions.

- (1) The license shall document the following:
 - (a) the name of the health facility,
 - (b) licensee,
 - (c) type of facility,
 - (d) approved licensed capacity including identification of operational and secure unit [~~banked~~] beds,
 - (e) street address of the facility,
 - (f) issue and expiration date of license,
 - (g) construction variance information, and
 - (h) license number.
- (2) The license is not assignable or transferable.
- (3) Each license is the property of the Department. The licensee shall return the license within five days following closure of a health care facility or upon the request of the Department.
- (4) The licensee shall post the license on the licensed premises in a place readily visible and accessible to the public.

R432-2-13. New License Required.

- (1) A prospective licensee shall submit a Request for Agency Action/License Application, fees, and required documentation for a new license at least 30 days before any of the following proposed or anticipated changes occur:
 - (a) occupancy of a new [~~or replacement~~] facility; [-]
 - (b) change of ownership; or
 - (c) change in license category.
- (2) Before the Department may issue a new license, the prospective licensee shall provide documentation that:
 - (a) all patient care records, personnel records, staffing schedules, quality assurance committee minutes, in-service program records, and other documents required by applicable rules remain in the facility and have been transferred to the custody of the new licensee.
 - (b) the existing policy and procedures manual or a new manual has been [~~approved by the Department and~~] adopted by the facility governing body before change of ownership occurs.
 - (c) new contracts for professional or other services not provided directly by the facility have been secured.
 - (d) new transfer agreements have been drafted and signed.
 - (e) written documentation exists of clear ownership or lease of the facility by the new owner.
- (3) Upon sale or other transfer of ownership, the licensee shall provide the new owner with a written accounting, prepared by an independent certified public accountant, of all patient funds being transferred, and obtain a written receipt for those funds from the new owner.
- (4) A prospective licensee is responsible for all uncorrected rule violations and deficiencies including any current plan of correction submitted by the previous licensee unless a revised plan of correction, approved by the Department, is submitted by the prospective licensee before the change of ownership becomes effective.
- (5) If a license is issued to the new owner the previous licensee shall return his license to the Department within five days of the new owners receipt of the license.
- (6) Upon verification that the facility is in compliance with all applicable licensing rules, the Department shall issue a new license effective the date compliance is determined as required by R432-2-9.

R432-2-14. Change in Licensing Status.

- (1) A licensee shall submit a Request for Agency Action/License Application to amend or modify the license status at least 30 days before any of the following proposed or anticipated changes:
 - (a) increase or decrease of licensed capacity; [-]
 - (b) change in name of facility; [-]
 - (c) [~~change in license category;~~] occupancy of a replacement facility;
 - (d) change of license classification; or [-]
 - (e) change in administrator.
- (2) An increase of licensed capacity may incur an additional license fee if the increase exceeds the maximum number of units in the fee category division of the existing license. This fee shall be the difference in license fee for the existing and proposed capacity according to the license fee schedule.
- (3) Upon verification that the licensee and facility are in compliance with all applicable licensing rules, the Department shall issue an amended or modified license effective the date that the Department determines that the licensee is in compliance.

R432-2-18. Standard License.

- (1) A standard license is a license issued to a licensee if:
 - ([1]a) the licensee meets the conditions attached to a provisional or conditional license;
 - ([2]b) the licensee corrects the identified rule violations; or
 - (c) the licensee completes all licensing renewal requirements as per R432-2-12.

KEY: health care facilities

Date of Enactment or Last Substantive Amendment: [~~August 4, 2016~~] **2017**

Notice of Continuation: August 12, 2013

Authorizing, and Implemented or Interpreted Law: 26-21-9; 26-21-11; 26-21-12; 26-21-13

Health, Family Health and
Preparedness, Licensing
R432-100
General Hospital Standards

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 41961

FILED: 07/31/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule amendment is to define which Cardiopulmonary Resuscitation (CPR) Certification courses can be utilized to obtain CPR Certification, and to amend incorrect references and wording. The Health Facility Committee reviewed and approved these rule amendments on 05/10/2017.

SUMMARY OF THE RULE OR CHANGE: The rule amendment defines which courses can be utilized to certify hospital staff in CPR. 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:** After conducting a thorough analysis, it was determined that this proposed rule will not result in a fiscal impact to the state budget because this amendment simply updates references and clarifies the rule requirements.

◆ **LOCAL GOVERNMENTS:** After conducting a thorough analysis, it was determined that this proposed rule will not result in a fiscal impact to the local government budget because this amendment simply updates references and clarifies the rule requirements.

◆ **SMALL BUSINESSES:** After conducting a thorough analysis, it was determined that this proposed rule will not result in a fiscal impact to the small businesses budget because this amendment simply updates references and clarifies the rule requirements.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** After conducting a thorough analysis, it was determined that this proposed rule will not result in a fiscal impact to businesses, individuals, local governments, and persons that are not small businesses because this amendment simply updates references and clarifies the rule requirements.

COMPLIANCE COSTS FOR AFFECTED PERSONS: After conducting a thorough analysis, it was determined that this proposed rule will not result in a fiscal impact to affected persons because this amendment simply updates references and clarifies the rule requirements.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no fiscal impact on business.

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 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 09/14/2017

THIS RULE MAY BECOME EFFECTIVE ON: 09/21/2017

AUTHORIZED BY: Joseph Miner, MD, Executive Director

R432. Health, Family Health and Preparedness, Licensing.

R432-100. General Hospital Standards.

R432-100-3. Construction, Facilities, and Equipment Standards.

Hospitals shall be constructed and maintained in accordance with R432-4-1 through R432-4-2[4]5.

R432-100-4. Hospital Swing-Bed and Transitional Care Units.

Hospitals with designated swing bed units or transitional care units shall comply with this section.

(1) In addition to R432-100, designated hospital swing beds shall comply with the following sections of R432-150, Nursing Care Facility Rules: 150-4, 150-5, 150-11 through 150-17, 150-20, 150-22, and 150-24.

(2) Transitional Care Units shall be licensed as Nursing Care Facilities under a separate licensing category and shall conform to the requirements of R432-150, Nursing Care Facility Rules.

R432-100-8. Personnel Management Service.

(1) The personnel management system is organized to ensure personnel are competent to perform their respective duties, services, and functions.

(2) There shall be written policies, procedures, and performance standards that include:

- (a) job descriptions for each position or employee;
- (b) periodic employee performance evaluations;
- (c) employee health screening, including Tuberculosis testing;

(i) 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.

(ii) 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.
- (iii) Skin testing shall be exempted for all employees with known positive reaction to skin tests.

(d) policies to ensure that all employees receive unit specific training;

(e) policies to ensure that all hospital direct care staff receive continued competency training in current patient care practices;

(f) policies to ensure that all hospital direct care staff have current cardiopulmonary resuscitation certification. Certification in Cardiopulmonary Resuscitation (CPR) refers to certification issued after completion of a course that is consistent with the most current version of the American Heart Association Guidelines for Health Care Provider CPR; and

(g) policies to ensure that OSHA regulations regarding Blood Borne Pathogens are implemented and followed.

(3) All personnel shall be registered, certified or licensed as required by the Utah Department of Commerce within 45 days of employment.

(4) A copy of the current certificate, license or registration shall be available for Department review.

(5) All direct care and housekeeping staff shall receive annual documented inservice training in the requirements for reporting abuse, neglect, or exploitation of children or adults.

(6) Volunteers may be utilized in the daily activities of the hospital, but shall not be included in the hospital staffing plan in lieu of hospital employees.

(a) Volunteers shall be screened and supervised according to hospital policy.

(b) Volunteers shall be familiar with hospital volunteer policies, including patient rights and hospital emergency procedures.

(7) If the hospital participates in a professional graduate education program, there shall be policies and procedures specifying the patient care responsibilities and supervision of the graduate education program participants.

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 sub-specialty 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 100-18(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 - Sub-specialty 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-[8]14 shall be instilled in the eyes of the infant within three hours of birth;
- (c) 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.

KEY: health care facilities

Date of Enactment or Last Substantive Amendment: [~~May 16~~], 2017

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.: 41966

FILED: 07/31/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule amendment is to define which Cardiopulmonary Resuscitation (CPR) Certification courses can be utilized to obtain CPR Certification, and to amend incorrect references and wording. The Health Facility Committee reviewed and approved these rule amendments on 05/10/2017.

SUMMARY OF THE RULE OR CHANGE: The rule amendment defines which courses can be utilized to certify Nursing Care Facility staff in CPR. 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:** After conducting a thorough analysis, it was determined that this proposed rule will not result in a fiscal impact to the state budget because this amendment simply updates references and clarifies the rule requirements.
- ◆ **LOCAL GOVERNMENTS:** After conducting a thorough analysis, it was determined that this proposed rule will not result in a fiscal impact to the local government budget

because this amendment simply updates references and clarifies the rule requirements.

◆ **SMALL BUSINESSES:** After conducting a thorough analysis, it was determined that this proposed rule will not result in a fiscal impact to the small businesses budget because this amendment simply updates references and clarifies the rule requirements.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** After conducting a thorough analysis, it was determined that this proposed rule will not result in a fiscal impact to businesses, individuals, local governments, and persons that are not small businesses because this amendment simply updates references and clarifies the rule requirements.

COMPLIANCE COSTS FOR AFFECTED PERSONS: After conducting a thorough analysis, it was determined that this proposed rule will not result in a fiscal impact to affected persons because this amendment simply updates references and clarifies the rule requirements.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no fiscal impact on business.

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 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 09/14/2017

THIS RULE MAY BECOME EFFECTIVE ON: 09/21/2017

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.

(n) "Registered Nurse" as defined in the Nurse Practice Act, Title 58, Chapter 31.

(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.

(q) Certification in Cardiopulmonary Resuscitation (CPR) refers to certification issued after completion of a course that is consistent with the most current version of the American Heart Association Guidelines for Health Care Provider CPR.

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 R386-702-3.

(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;~~

(vii[~~i~~]) resident rights;

(viii[~~x~~]) A basic understanding of the various types of mental illness, including symptoms, expected behaviors and intervention approaches; and

(ix) 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 shall ensure that on all shifts, staff are available who are CPR certified, trained in emergency procedures and basic first aid, including the Heimlich maneuver.

(8) 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]2) 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.

R432-150-22. 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(6).

(4) Except when specified in R432-150-22([4]5)(a), the notice of transfer or discharge required under R432-150-22(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 readmission 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.

KEY: health care facilities

Date of Enactment or Last Substantive Amendment: [~~May-16~~], 2017

Notice of Continuation: February 13, 2017

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.: 41970

FILED: 07/31/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule amendment is to define which Cardiopulmonary Resuscitation (CPR) Certification courses can be utilized to obtain CPR Certification. The Health Facility Committee reviewed and approved these rule amendments on 05/10/2017.

SUMMARY OF THE RULE OR CHANGE: The rule amendment defines which courses can be utilized to certify Assisted Living Facilities staff in CPR.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 21

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** After conducting a thorough analysis, it was determined that this proposed rule will not result in a fiscal impact to the state budget because this amendment simply updates references and clarifies the rule requirements.

◆ **LOCAL GOVERNMENTS:** After conducting a thorough analysis, it was determined that this proposed rule will not result in a fiscal impact to the local government budget because this amendment simply updates references and clarifies the rule requirements.

◆ **SMALL BUSINESSES:** After conducting a thorough analysis, it was determined that this proposed rule will not result in a fiscal impact to the small businesses budget because this amendment simply updates references and clarifies the rule requirements.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** After conducting a thorough analysis, it was determined that this proposed rule will not result in a fiscal impact to businesses, individuals, local governments, and persons that are not small businesses because this amendment simply updates references and clarifies the rule requirements.

COMPLIANCE COSTS FOR AFFECTED PERSONS: After conducting a thorough analysis, it was determined that this proposed rule will not result in a fiscal impact to affected persons because this amendment simply updates references and clarifies the rule requirements.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no fiscal impact on business.

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 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 09/14/2017

THIS RULE MAY BECOME EFFECTIVE ON: 09/21/2017

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) Certification in Cardiopulmonary Resuscitation (CPR) refers to certification issued after completion of a course that is consistent with the most current version of the American Heart Association Guidelines for Health Care Provider CPR.
- (d) "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]e) "Hospice patient" means an individual who is admitted to a hospice program or agency.
- ([e]f) "Legal representative" means an individual who is legally authorized to make health care decisions on behalf of another individual.
- ([f]g) "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]h) "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.

([h]i) "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.

([i]j) "Service Plan" means a written plan of care for services which meets the requirements of R432-270-13.

([j]k) "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.

([k]l) "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.

([l]m) "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).

([m]n) "Social care" means:

- (i) 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.

([n]o) "Unit" means an individual living space, including living and sleeping space, bathroom, and optional kitchen area.

R432-270-27. First Aid.

(1) There shall be one staff person on duty at all times who has training in basic first aid, the Heimlich maneuver, certification in cardiopulmonary resuscitation and emergency procedures to ensure that each resident receives prompt first aid as needed.

(2) First aid training refers to any basic first aid course ~~approved by the American Red Cross or Utah Emergency Medical Training Council~~.

(3) The facility must have a first aid kit available at a specified location in the facility.

(4) The facility shall have a current edition of a basic first aid manual approved by the American Red Cross, the American Medical Association, or a state or federal health agency.

(5) The facility must have a clean up kit for blood borne pathogens.

KEY: health care facilities

Date of Enactment or Last Substantive Amendment: [February 13], 2017

Notice of Continuation: April 10, 2014

Authorizing, and Implemented or Interpreted Law: 26-21-5; 26-21-1

Health, Family Health and
Preparedness, Licensing
R432-550
Birthing Centers

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 41964
FILED: 07/31/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule amendment is to define which Cardiopulmonary Resuscitation (CPR) Certification courses can be utilized to obtain CPR Certification, and to amend incorrect references and wording. The Health Facility Committee reviewed and approved these rule amendments on 05/10/2017.

SUMMARY OF THE RULE OR CHANGE: The rule amendment defines which courses can be utilized to certify Birthing Centers staff in CPR. 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: After conducting a thorough analysis, it was determined that this proposed rule will not result in a fiscal impact to the state budget because this amendment simply updates references and clarifies the rule requirements.

◆ LOCAL GOVERNMENTS: After conducting a thorough analysis, it was determined that this proposed rule will not result in a fiscal impact to the local government budget because this amendment simply updates references and clarifies the rule requirements.

◆ SMALL BUSINESSES: After conducting a thorough analysis, it was determined that this proposed rule will not result in a fiscal impact to the small businesses budget because this amendment simply updates references and clarifies the rule requirements.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: After conducting a thorough analysis, it was determined that this proposed rule will not result in a fiscal impact to businesses, individuals, local governments, and persons that are not small businesses because this amendment simply updates references and clarifies the rule requirements.

COMPLIANCE COSTS FOR AFFECTED PERSONS: After conducting a thorough analysis, it was determined that this proposed rule will not result in a fiscal impact to affected persons because this amendment simply updates references and clarifies the rule requirements.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no fiscal impact on business.

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 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 09/14/2017

THIS RULE MAY BECOME EFFECTIVE ON: 09/21/2017

AUTHORIZED BY: Joseph Miner, MD, Executive Director

**R432. Health, Family Health and Preparedness, Licensing.
R432-550. Birthing Centers.**

R432-550-4. Definitions.

- (1) Common definitions R432-1-3.
(2) Special Definitions:

(a) "Birth room" means a room and environment designed, equipped and arranged to provide for the care of a maternal patient and newborn and to accommodate a maternal patient's support person during the process of vaginal birth and recovery. "Birth room" does not include rooms intended for pre-admittance or post-discharge accommodations of maternal patients and their newborns.

(b) "Birthing center" means a freestanding facility, receiving maternal patients and providing care during labor, delivery and immediately after delivery.

(c) Certification in Cardiopulmonary Resuscitation (CPR) refers to certification issued after completion of a course that is consistent with the most current version of the American Heart Association Guidelines for Health Care Provider CPR.

(d) "Patient" means a woman or newborn receiving care and services provided by a birthing center during labor, childbirth and recovery.

([d]e) "Clinical staff" means a licensed maternity care practitioner appointed by the governing authority to practice within the birthing center and governed by rules approved by the governing body.

([f]f) "Support person" means the individual or individuals selected or chosen by a patient to provide emotional support and to assist her during the process of labor and childbirth.

([f]g) "Vaginal birth" means the three stages of labor.

([g]h) "Licensed maternity care practitioner" means a person licensed to provide maternity care services including physicians

licensed under Title 58, Chapters 67 and 68, Certified Nurse-Midwives licensed under Title 58, Chapter 44a, Naturopathic Physicians licensed under Title 58, Chapter 71, Licensed Direct-Entry Midwives licensed under Title 58, chapter 77, and others licensed to provide maternity, midwifery, or obstetric care under Title 58.

R432-550-14. Clinical Staff and Personnel.

(1) Information identifying current clinical staff and on-call and emergency telephone numbers shall be readily available to birthing center personnel.

(2) Clinical staff and licensed personnel of the birthing center shall be trained in emergency and resuscitation measures for infants and adults, including but not limited to, cardiopulmonary resuscitation certification [~~through an American Heart Association or American Red Cross approved course~~].

(3) A licensed maternity care practitioner shall be present at each birth and remain until the maternal patient and newborn are stable postpartum.

(4) A second member of the birthing center staff who is licensed or certified to give cardiopulmonary resuscitation shall be present at each birth.

(5) Clinical staff, licensed personnel and support staff shall be provided to meet patients' needs, to ensure patients' safety and to ensure that patients in active labor are attended.

KEY: health care facilities

Date of Enactment or Last Substantive Amendment: [~~August 26, 2016~~]**2017**

Notice of Continuation: November 9, 2015

Authorizing, and Implemented or Interpreted Law: 26-21-5; 26-21-16

**Health, Family Health and Preparedness, Licensing
R432-650**

End Stage Renal Disease Facility Rules

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 41959

FILED: 07/31/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule amendment is to add requirements for staff to be certified in Cardiopulmonary Resuscitation (CPR) Certification, define which CPR Certification courses can be utilized to obtain CPR Certification, and to amend incorrect references and wording. The Health Facility Committee reviewed and approved these rule amendments on 05/10/2017.

SUMMARY OF THE RULE OR CHANGE: The rule amendment adds requirements for staff to be certified in CPR Certification, defines which courses can be utilized to certify staff in CPR. 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:** After conducting a thorough analysis, it was determined that this proposed rule will not result in a fiscal impact to the state budget because this amendment simply updates references and clarifies the rule requirements.

◆ **LOCAL GOVERNMENTS:** After conducting a thorough analysis, it was determined that this proposed rule will not result in a fiscal impact to the local government budget because this amendment simply updates references and clarifies the rule requirements.

◆ **SMALL BUSINESSES:** After conducting a thorough analysis, it was determined that this proposed rule will not result in a fiscal impact to the small businesses budget because this amendment simply updates references and clarifies the rule requirements.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** After conducting a thorough analysis, it was determined that this proposed rule will not result in a fiscal impact to businesses, individuals, local governments, and persons that are not small businesses because this amendment simply updates references and clarifies the rule requirements.

COMPLIANCE COSTS FOR AFFECTED PERSONS: After conducting a thorough analysis, it was determined that this proposed rule will not result in a fiscal impact to affected persons because this amendment simply updates references and clarifies the rule requirements.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no fiscal impact on business.

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 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 09/14/2017

THIS RULE MAY BECOME EFFECTIVE ON: 09/21/2017

AUTHORIZED BY: Joseph Miner, MD, Executive Director

R432. Health, Family Health and Preparedness, Licensing.

R432-650. End Stage Renal Disease Facility Rules.

R432-650-3. Definitions.

(1) The definitions in R432-1-3 apply to this rule.

(2) In addition:

(a) Certification in Cardiopulmonary Resuscitation (CPR) refers to certification issued after completion of a course that is consistent with the most current version of the American Heart Association Guidelines for Health Care Provider CPR.

(b) "Interdisciplinary[professional] team" means a team of qualified professionals who are responsible for conducting the patient assessment and developing the patient care plan[creating the Patient Long Term Care Program and Patient Care Plan]. The [qualifications]requirements are described in 42CFR [405.2137(a) and (b), 2008]494.80, 10-1-14 edition, which is adopted and incorporated by reference.

R432-650-4. Licensure.

License Required. See R432-2[and R432-3].

R432-650-5. Patient Care Services.

Each ESRD facility must comply with the conditions of participation set forth in the Code of Federal Regulations, Title 42, Part 4[05]94.[Subpart U., 2008,] which is adopted and incorporated by reference.

R432-650-7. Required Staffing.

(1) Each patient shall be under the continuing supervision of a physician. A physician shall be available in medical emergency situations through a current telephone call roster readily accessible to the nursing staff.

(2) Physician assistants and advanced practice registered nurses may provide services in ESRD facilities in association with the supervising or consulting nephrologist, and in accordance with state law.

(3) Each ESRD facility shall provide sufficient qualified clinical staff to meet patient care needs. A minimum of two clinical staff personnel, one a registered nurse for supervision of patient clinical care, shall be on duty whenever patients are receiving dialysis services.

(a) A registered nurse may not supervise the clinical care of more than 10 patients if arranged in an open setting, or 12 patients if arranged in three pods of four patients.

(b) A registered nurse may not supervise patient clinical care, or provide unsupervised patient clinical care until the nurse has completed training and demonstrated competency as determined by facility policy.

(c) Dialysis technicians and licensed practical nurses may not be assigned patient clinical care for more than four patients at a time.

(d) Dialysis technicians and licensed practical nurses must complete training and demonstrate competency according to facility policy prior to providing patient care.

(4) Each ESRD facility must orient all employees to specific job requirements and facility policies. The facility shall document initial and on-going employee orientation and training. Patient clinical care staff orientation and training shall include at least the following topics:

- (a) patient rights and responsibilities;
- (b) kidney disease processes;
- (c) hemodialysis process;
- (d) hemodialysis complications;
- (e) dialysis access and management;
- (f) psycho-social implications of dialysis on patient care;
- (g) nutritional requirements;
- (h) universal precautions;
- (i) use of the medical emergency kit;
- (j) use and function of facility equipment;
- (k) emergency procedures;
- (l) AAMI water treatment standards; and
- (m) dialyzer re-use procedures, if offered.

(5) A registered nurse may delegate the following patient care activities to licensed practical nurses or dialysis technicians:

- (a) cannulation of peripheral vascular access;
- (b) administration of intradermal lidocaine, intravenous heparin and intravenous normal saline; and
- (c) initiation, monitoring and discontinuation of the dialysis process.

(6) Each ESRD facility must ensure that all personnel are licensed, certified or registered as required by the Utah Department of Commerce.

(7) Each ESRD facility must ensure that on all shifts, staff are available who are CPR certified, trained in emergency procedures and basic first aid.

R432-650-15. 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: ~~[March 28, 2012]~~ **2017**

Notice of Continuation: **September 15, 2016**

Authorizing, and Implemented or Interpreted Law: **26-21-5; 26-21-16**

**Health, Family Health and
Preparedness, Licensing
R432-700
Definitions**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 41960

FILED: 07/31/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule amendment is to define which Cardiopulmonary Resuscitation (CPR) Certification courses can be utilized to obtain CPR Certification. The Health Facility Committee reviewed and approved these rule amendments on 05/10/2017.

SUMMARY OF THE RULE OR CHANGE: The rule amendment defines which courses can be utilized to certify Home Health Agency staff in CPR.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 21

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** After conducting a thorough analysis, it was determined that this proposed rule will not result in a fiscal impact to the state budget because this amendment simply updates references and clarifies the rule requirements.

◆ **LOCAL GOVERNMENTS:** After conducting a thorough analysis, it was determined that this proposed rule will not result in a fiscal impact to the local government budget because this amendment simply updates references and clarifies the rule requirements.

◆ **SMALL BUSINESSES:** After conducting a thorough analysis, it was determined that this proposed rule will not result in a fiscal impact to the small businesses budget because this amendment simply updates references and clarifies the rule requirements.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** After conducting a thorough analysis, it was determined that this proposed rule will not result in a fiscal impact to businesses, individuals, local governments, and persons that are not small businesses because this amendment simply updates references and clarifies the rule requirements.

COMPLIANCE COSTS FOR AFFECTED PERSONS: After conducting a thorough analysis, it was determined that this proposed rule will not result in a fiscal impact to affected persons because this amendment simply updates references and clarifies the rule requirements.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no fiscal impact on business.

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 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 09/14/2017

THIS RULE MAY BECOME EFFECTIVE ON: 09/21/2017

AUTHORIZED BY: Joseph Miner, MD, Executive Director

R432. Health, Family Health and Preparedness, Licensing.**R432-700. Home Health Agency Rule.****R432-700-4. Definitions.**

(1) See common definitions rule R432-1-3.

(2) Special definitions:

(a) "Branch Office" means a location from which a home health agency provides services within a portion of the total geographic area served by the parent agency. The branch office is a part of the parent home health agency and shares administration and services.

(b) "Certification in Cardiopulmonary Resuscitation" (CPR) refers to certification issued after completion of a course that is consistent with the most current version of the American Heart Association Guidelines for Health Care Provider CPR.

(c) "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.

([e]d) "Parent Home Health Agency" means the agency that has administrative control of branch offices.

([d]e) "Service Agreement" means a written agreement for services between the client and the personal care provider which outlines how the services are to be provided according to the requirements of R432-700-24.

KEY: health care facilities

Date of Enactment or Last Substantive Amendment: [~~May 15~~], 2017

Notice of Continuation: September 15, 2016

Authorizing, and Implemented or Interpreted Law: 26-21-5; 26-21-2.1

**Health, Family Health and
Preparedness, Licensing
R432-750
Hospice Rule**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 41965

FILED: 07/31/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule amendment is to define which Cardiopulmonary Resuscitation (CPR) Certification courses can be utilized to obtain CPR Certification, and to amend incorrect references and wording. The Health Facility Committee reviewed and approved these rule amendments on 05/10/2017.

SUMMARY OF THE RULE OR CHANGE: The rule amendment defines which courses can be utilized to certify Hospice staff in CPR. 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:** After conducting a thorough analysis, it was determined that this proposed rule will not result in a fiscal impact to the state budget because this amendment simply updates references and clarifies the rule requirements.

◆ **LOCAL GOVERNMENTS:** After conducting a thorough analysis, it was determined that this proposed rule will not result in a fiscal impact to the local government budget because this amendment simply updates references and clarifies the rule requirements.

◆ **SMALL BUSINESSES:** After conducting a thorough analysis, it was determined that this proposed rule will not result in a fiscal impact to the small businesses budget because this amendment simply updates references and clarifies the rule requirements.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** After conducting a thorough analysis, it was determined that this proposed rule will not result in a fiscal impact to businesses, individuals, local governments, and persons that are not small businesses because this amendment simply updates references and clarifies the rule requirements.

COMPLIANCE COSTS FOR AFFECTED PERSONS: After conducting a thorough analysis, it was determined that this proposed rule will not result in a fiscal impact to affected persons because this amendment simply updates references and clarifies the rule requirements.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:
There will be no fiscal impact on business.

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 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 09/14/2017

THIS RULE MAY BECOME EFFECTIVE ON: 09/21/2017

AUTHORIZED BY: Joseph Miner, MD, Executive Director

**R432. Health, Family Health and Preparedness, Licensing.
R432-750. Hospice Rule.**

R432-750-8. Personnel.

The hospice administrator shall maintain qualified personnel who are competent to perform their respective duties, services, and functions.

(1) The agency shall develop and implement written policies and procedures that address the following:

(a) job descriptions, qualifications, and validation of licensure or certificates of completion as appropriate for the position held;

(b) orientation for direct and contract employees, and volunteers;

(c) criteria for, and frequency of, performance evaluations;

(d) work schedules; method and period of payment; fringe benefits such as sick leave, vacation, and insurance;

(e) frequency and documentation of in-service training; and

(f) contents of personnel files of employed and volunteer staff.

(2) Each employee must provide within 45 days of hire proof of registration, certification, or licensure as required by the Utah Department of Commerce.

(3) The agency shall establish and implement a policy and procedure for health screening of all agency personnel.

(a) An employee placement health evaluation to include at least a health inventory shall be completed when an employee is hired.

(b) 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;

(ii) conditions which may prevent the employee from performing certain assigned duties satisfactorily;

(c) Employee health screening and immunizations components of personnel health programs shall be developed in accordance with R386-702 Communicable Disease Rule.

(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.

(4) The hospice must document that all employees, volunteers, and contract personnel are oriented to the agency and the job for which they are hired.

(a) Orientation shall include:

(i) the hospice concept and philosophy of care;

(ii) the functions of agency employees and the relationships between various positions or services;

(iii) job descriptions;

(iv) duties for which persons are trained, hold certificates, or are licensed;

(v) ethics, confidentiality, and patients' rights;

(vi) information about other community agencies including emergency medical services;

(vii) opportunities for continuing education appropriate to the patient population served;

(viii) policies related to volunteer documentation, charting, hours and emergencies; and

(ix) reporting requirements when observing or suspecting abuse, neglect and exploitation pursuant to 62A-3-30[2]5.

(b) The hospice shall provide and document in-service training and continuing education for staff at least annually.

(i) Members of the hospice interdisciplinary team shall have access to in-service training and continuing education appropriate to their responsibilities and to the maintenance of skills necessary for the care of the patient and family.

(ii) The training programs shall include the introduction and review of effective physical and psychosocial assessment and symptom management.

(c) The hospice shall train all personnel in appropriate Centers for Disease Control (CDC) infectious disease protocols.

(5) The hospice administrator shall appoint a person to coordinate the activities of the interdisciplinary team. This individual shall:

(a) annually review and make recommendations where appropriate of agency policies covering admissions and discharge, medical supervision, care plans, clinical records and personnel qualifications;

(b) assure that on-going assessments of the patient and family needs and implementation of the interdisciplinary team care plans are accomplished;

(c) schedule adequate quality and quantity of all levels of hospice care; and

(d) assure that the team meets regularly to develop and maintain appropriate plans of care and to determine which staff will be assigned to each case.

(6) The hospice program shall provide access to individual and/or group support for interdisciplinary team members to assist with stress and/or grief management related to providing hospice care.

R432-750-12. Patient Records.

(1) The administrator shall develop and implement record keeping policies and procedures that address the use of patient records by authorized staff, content, confidentiality, retention, and storage.

(a) Records shall be organized in a uniform medical record format.

(b) The agency shall maintain an identification system to facilitate location of each patient's current or closed record.

(c) The hospice shall maintain an accurate, up-to-date record for every patient receiving service.

(d) Each hospice health care provider who has patient contact or provides a service shall insure that a clinical note entry of that contact or service is made in the patient's record.

(e) All entries must be dated and authenticated with the signature and title of the person making the entry.

(f) The hospice must document services provided and outcomes of these services in the individual patient record.

(2) Physician's orders shall be incorporated into the plan of care and renewed at least every 90 days.

(a) The orders shall include the physician signature and date.

(b) Orders faxed from the physician are acceptable provided that the original order is available upon request.

(3) Each patient's record shall contain at least the following information:

(a) demographic information including patient's name, address, age, date of birth, name and address of nearest relative or responsible person, name and telephone number of physician with primary responsibility for patient care, and if applicable, the name and telephone number of the person or family member who, in addition to agency staff, provides care in the place of residence;

(b) diagnosis;

(c) pertinent medical and surgical history if available;

(d) a written and signed informed consent to receive hospice services;

(e) orders by the attending physician for hospice services;

(f) medications and treatments as applicable;

(g) a written plan of care; and

(h) a signed, dated patient assessment which includes the following:

(i) a description of the patient's functional limitations;

(ii) a physical assessment noting chronic or acute pain and other physical symptoms and their management;

(iii) a psychosocial assessment of the patient and family;

(iv) a spiritual assessment; and

(v) a written summary report of hospice services provided.

(4) The hospice must send a copy of the summary required in subsection 12(3)(g)(h)(v) to the patient's attending physician at least every 90 days. The summary shall become part of the patient's and family record as applicable.

(5) The person who is assigned to supervise or coordinate care for a patient must complete a discharge summary when services to the patient are terminated. The summary shall include:

(a) the reason for discharge; and

(b) the name of the facility or agency if the patient has been referred or transferred.

(6) The hospice shall safeguard clinical record information against loss, destruction, and unauthorized use.

(a) Written procedures shall govern the use and removal of records and conditions for release of patient information.

(b) A written consent is required for the release of patient/client information and photographing of recorded information.

(c) When a patient is transferred to another facility or agency, a copy of the record or abstract must be sent to that service agency.

(7) The agency shall provide an accessible area for filing and safe storage of medical records.

(a) Patient records shall be retained for at least seven years after the last date of patient care.

(b) Upon change of ownership, all patient records shall be transferred to new owners.

R432-750-30. First Aid.

(1) The hospice shall ensure that at least one staff person is on duty at all times who is certified in cardiopulmonary resuscitation and has training in basic first aid, the Heimlich maneuver and emergency procedures.

(2) ~~[First aid training refers to any basic first aid course approved by the American Red Cross, Utah Emergency Medical Training Council, or any course approved by the department.]~~ Certification in Cardiopulmonary Resuscitation (CPR) refers to certification issued after completion of a course that is consistent with the most current version of the American Heart Association Guidelines for Health Care Provider CPR.

(3) Each hospice, except those attached to a medical unit, shall have a first aid kit available at a designated location in the facility.

(4) Each hospice shall have a current edition of a basic first aid manual approved by the American Red Cross, the American Medical Association, or a state or federal health agency.

R432-750-41. 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 Section 26-21-16.

KEY: health care facilities

Date of Enactment or Last Substantive Amendment: ~~[October 1, 2011]~~ **2017**

Notice of Continuation: September 15, 2016

Authorizing, and Implemented or Interpreted Law: 26-21-5; 26-21-6

Human Services, Recovery Services **R527-36** Collection of Child Support After a Termination of Parental Rights or Adoption

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 41929

FILED: 07/18/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this new rule is to clarify for the public existing child support collection procedures followed by the Office of Recovery Services (ORS) when parental rights are terminated or when an adoption is completed. The rule is based on Utah Code Sections 78A-6-513 and 78B-6-138, which state that a parent's legal obligation to pay child support is released when there is a termination of parental rights or an adoption order. This rule then clarifies that ORS will not continue collection of support arrears in those situations unless the arrears balance is specifically preserved in the termination of parental rights or adoption order.

SUMMARY OF THE RULE OR CHANGE: The first section of the rule provides the authority of the Office of Recovery Services (ORS) to create rules, as well as information that the purpose of this rule is to specify how ORS will proceed with collection of child support arrears when parental rights have been terminated or an adoption order has been completed. The second section explains that pursuant to Sections 78A-6-513 and 78B-6-138, a parent's legal obligation to pay child support is released when there is a termination of parental rights or an adoption order. This section further clarifies that based on those statutes, ORS will not continue with collection of child support arrears unless the parental termination of rights or adoption order specifically preserves an arrears balance to be collected. Finally, this section recognizes that there is an exception to this approach for children placed in the care or custody of the state due to another existing administrative rule, Rule R495-882.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 62A-1-111 and Section 62A-11-107 and Section 78A-6-513 and Section 78B-6-138

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** There are no costs or savings to the state budget associated with this rule as the procedures outlined in the rule clarify for the public existing child support collection procedures followed by ORS when parental rights are terminated or when an adoption is completed.

♦ LOCAL GOVERNMENTS: Administrative rules of ORS do not apply to local government; therefore, there are no anticipated costs or savings for any local government entities due to this new rule.

♦ SMALL BUSINESSES: There are no anticipated costs or savings for small businesses as a result of this new rule. This rule clarifies for the public existing child support collection procedures followed by ORS when parental rights are terminated or when an adoption is completed. These procedures do not affect small businesses.

♦ 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 as a result of this new rule. This rule clarifies for the public existing child support collection procedures followed by ORS when parental rights are terminated or when an adoption is completed.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs associated with this rule as this rule creates no new procedures or required actions for affected persons. This rule clarifies for the public existing child support collection procedures followed by ORS when parental rights are terminated or when an adoption is completed.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: After conducting a thorough analysis, it was determined that this proposed rule will not result in a fiscal impact to businesses.

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

HUMAN SERVICES
RECOVERY SERVICES
515 E 100 S
SALT LAKE CITY, UT 84102-4211
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Casey Cole by phone at 801-741-7523, by FAX at 801-536-8509, or by Internet E-mail at cacole@utah.gov
♦ Julene Robbins by phone at 801-538-4521, by FAX at 801-538-3942, or by Internet E-mail at jhonesrobbins@utah.gov
♦ Scott Weight by phone at 801-741-7435, by FAX at 801-536-8509, or by Internet E-mail at sweigh2@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 09/14/2017

THIS RULE MAY BECOME EFFECTIVE ON: 09/21/2017

AUTHORIZED BY: Liesa Stockdale, Director

R527. Human Services, Recovery Services.

R527-36. Collection of Child Support After a Termination of Parental Rights or Adoption.

R527-36-1. Authority and Purpose.

1. The Department of Human Services is authorized to create rules necessary for the provision of social services by Section 62A-1-111 and 62A-11-107.

2. The purpose of this rule is to specify how the Office of Recovery Services/Child Support Services (ORS/CSS) will handle support obligations when there is a termination of parental rights or an adoption order which does not specifically preserve arrears.

R527-36-2. ORS/CSS Collection of Child Support after Termination of Parental Rights Orders or Adoption Orders.

Pursuant to Section 78A-6-513 and Section 78B-6-138, a parent is released from any legal obligation to pay child support or provide medical support when there is a termination of parental rights order or an adoption order.

If the parental rights of either the parent paying support or the parent receiving support have been terminated, or if the child has been legally adopted, ORS/CSS will not continue collection efforts toward any accrued child support arrears from or for a parent whose rights have been terminated if the parental termination of rights or adoption order does not specifically preserve the arrears balance to be collected.

An exception exists pursuant to Department of Human Services' Rule 495-882 when the child is placed in the care or custody of the state or with an individual other than the parent for at least 30 days.

KEY: parental rights, adoption, child support

Date of Enactment or Last Substantive Amendment: 2017

Authorizing, and Implemented or Interpreted Law: 62A-1-111; 62A-11-107; 78A-6-513; 78B-6-138

Human Services, Services for People With Disabilities **R539-1** Eligibility

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 41953

FILED: 07/26/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: A statistical analysis on the newly developed Comprehensive Brain Injury Assessment (CBIA) version 3.0 total scores was conducted and it was identified that the cut-score values are in the range of 36 and 136. During the pilot study of the new CBIA instrument, all persons serviced on the ABIW were within these cut-off scores. Based on this analysis it is determined by the Division that the scoring range should be modified from the range of 40-120 to 36-136.

SUMMARY OF THE RULE OR CHANGE: This amendment modifies the brain injury eligibility requirement regarding the scoring range on the comprehensive Brain Injury Assessment. The change specifically changes the ranges from 40-120 to 36-126. The change is based on a statistical analysis.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Article IV and Section 62A-5-103 and Section 62A-5-105 and Subsection 63G-3-601(3)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The rule amendment changes the scoring range for the CBIA, there is no anticipated cost or savings as a result of this amendment. This amendment will have no effect on state budget.

◆ **LOCAL GOVERNMENTS:** The rule amendment changes the scoring range for the CBIA, there is no anticipated cost or savings as a result of this amendment. This amendment will have no effect on local government.

◆ **SMALL BUSINESSES:** The rule amendment changes the scoring range for the CBIA, there is no anticipated cost or savings as a result of this amendment. This amendment will not effect small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The rule amendment changes the scoring range for the CBIA, there is no anticipated cost or savings as a result of this amendment. The amendment will have no impact on business, local or state government agencies.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule amendment changes the scoring range for the CBIA, there is no anticipated cost or savings as a result of this amendment. This amendment will result in no compliance costs for affected person or the Division.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: After conducting a thorough analysis, it was determined that this proposed rule will not result in a fiscal impact to business.

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

HUMAN SERVICES
SERVICES FOR PEOPLE WITH DISABILITIES
195 N 1950 W 3RD FLR
SALT LAKE CITY, UT 84116
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Jolene Hanna by phone at 801-538-4154, or by Internet E-mail at jhanna@utah.gov

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 09/14/2017

THIS RULE MAY BECOME EFFECTIVE ON: 09/21/2017

AUTHORIZED BY: Angella Pinna, Director

R539. Human Services, Services for People with Disabilities.

R539-1. Eligibility.

R539-1-1. Purpose.

- (1) The purpose of this rule is to provide:
 - (a) procedures and standards for the determination of eligibility for Division services as required by Title 62A, Chapter 5, Part[-].1; and
 - (b) notice to Applicants of hearing rights and the hearing process.

R539-1-2. Authority.

- (1) This rule establishes procedures and standards for the determination of eligibility for Division services as required by Title 62A, Chapter 5, Part[-].1.
- (2) The procedures of this rule constitute the minimum requirements for eligibility for Division funding. Additional procedures may be required to comply with any other governing statute, federal law, or federal regulation.

R539-1-6. Non-Waivered Services for People with Physical Disabilities.

(1) The Division will serve those Applicants who meet the eligibility requirements for physical disabilities services. To be determined eligible for non-waivered Physical Disabilities Services, the Applicant must:

- (a) Have the functional loss of two or more limbs;
- (b) Be 18 years of age or older;
- (c) Have at least one personal attendant trained or willing to be trained and available to provide support services in a residence that is safe and can accommodate the personnel and equipment (if any) needed to adequately and safely care for the Person; and
- (d) Be medically stable and have a physical disability.
- (e) Have their physician document that the Person's qualifying disability and need for personal assistance services are attested to by a medically determinable physical impairment which the physician expects will last for a continuous period of not less than 12 months and which has resulted in the individual's functional loss of two or more limbs, to the extent that the assistance of another trained person is required in order to accomplish activities of daily living/instrumental activities of daily living;
 - (f) Be capable, as certified by a physician, of selecting, training and supervising a personal attendant;
 - (g) Be capable of managing personal financial and legal affairs; and
 - (h) Be a resident of the State of Utah.

(2) Applicants seeking non-Waiver funding for physical disabilities services from the Division shall apply directly to the Division's State Office, by submitting a completed Physical Disabilities Services Application Form 3-1 signed by a licensed physician.

(3) If eligibility documentation is not completed within 90 calendar days of initial contact, a written notification letter shall be sent to the Applicant indicating that the intake case will be placed in inactive status.

(a) The Applicant may activate the application at any time thereafter by providing the remaining required information.

(b) The Applicant shall be required to update information.

(4) When all necessary eligibility documentation is received from the Applicant and the Applicant is determined eligible, the Applicant will be assessed by a Nurse Coordinator, according to the Physical Disabilities Needs Assessment Form 3-2 and the Minimum Data Set-Home and Community-based (MDS-HC), and given a score prior to placing a Person into services. The Physical Disabilities Nurse Coordinator shall:

(a) use the Physical Disabilities Needs Assessment Form 3-2 to evaluate each Person's level of need;

(b) determine and prioritize needs scores;

(c) rank order the needs scores for every Person eligible for service, and

(d) if funding is unavailable, enter the Person's name and score on the Physical Disabilities wait list.

(5) The Physical Disabilities Nurse Coordinator assures that the needs assessment score and ranking remain current by updating the needs assessment score as necessary. A Person's ranking may change as needs assessments are completed for new Applicants found to be eligible for services.

(6) A Notice of Agency Action, Form 522-I, and a Hearing Request, Form 490S, shall be mailed to each Applicant upon completion of the determination of eligibility or ineligibility for funding. The Notice of Agency Action, Form 522-I, shall inform the Applicant of eligibility determination and placement on the pending list. The Applicant may challenge the Notice of Agency Action by filing a written request for an administrative hearing before the Department of Human Services, Office of Administrative Hearings.

(7) This does not apply to Applicants who meet the separate eligibility criteria for intellectual disability or related condition and brain injury outlined in Subsections R539-1-4 and R539-1-8 respectively.

(8) Persons not participating in a waiver or Persons participating in a waiver but receiving non-waiver services may have reductions in non-waiver service packages or be discharged from non-waiver services completely, due to budget shortfalls, reduced legislative allocations and/or reevaluations of eligibility.

R539-1-8. Non-Waiver Services for People with Brain Injury.

(1) The Division will serve those Applicants who meet the eligibility requirements for brain injury services. To be determined eligible for non-waiver brain injury services the Applicant must:

(a) have a documented qualifying acquired neurological brain injury from a licensed physician (MD or DO).

(b) Be 18 years of age or older;

(c) score between (36 and 126[40 and 120]) on the Comprehensive Brain Injury Assessment Form 4-1.

(d) meet at least three of the functional limitations listed under number (4).

(2) Applicants with functional limitations due solely to mental illness, substance use disorder or deteriorating diseases like Multiple Sclerosis, Muscular Dystrophy, Huntington's Chorea, Ataxia or Cancer are ineligible for non-waiver services.

(3) Applicants with intellectual disability or related conditions are ineligible for these non-waiver services.

(4) In addition to the definitions in Section 62A-5-101(2) and (8), eligibility for brain injury services will be evaluated according

to the Applicant's functional limitations as described in the following definitions:

(a) Memory or Cognition means the Applicant's brain injury resulted in substantial problems with recall of information, concentration, attention, planning, sequencing, executive level skills, or orientation to time and place.

(b) Activities of Daily Life means the Applicant's brain injury resulted in substantial dependence on others to move, eat, bathe, toilet, shop, prepare meals, or pay bills.

(c) Judgment and Self-protection means the Applicant's brain injury resulted in substantial limitation of the ability to:

(i) provide personal protection;

(ii) provide necessities such as food, shelter, clothing, or mental or other health care;

(iii) obtain services necessary for health, safety, or welfare;

(iv) comprehend the nature and consequences of remaining in a situation of abuse, neglect, or exploitation.

(d) Control of Emotion means the Applicant's brain injury resulted in substantial limitation of the ability to regulate mood, anxiety, impulsivity, agitation, or socially appropriate conduct.

(e) Communication means the Applicant's brain injury resulted in substantial limitation in language fluency, reading, writing, comprehension, or auditory processing.

(f) Physical Health means the Applicant's brain injury resulted in substantial limitation of the normal processes and workings of the human body.

(g) Employment means the Applicant's brain injury resulted in substantial limitation in obtaining and maintaining a gainful occupation without ongoing supports.

(5) The Applicant shall be provided with information concerning service options available through the Division and a copy of the Division's Guide to Services.

(6) The Applicant or the Applicant's Guardian must be physically present in Utah and provide evidence of residency prior to the determination of eligibility.

(7) It is the Applicant's or Applicant's Representative's responsibility to provide the intake worker with documentation of brain injury, signed by a licensed physician;

(8) The intake worker will complete or compile the following documents as needed to make an eligibility determination:

(a) Comprehensive Brain Injury Assessment Form 4-1, Part I through Part VII; and

(b) Brain Injury Social History Summary Form 824L, completed or updated within one year of eligibility determination;

(9) If eligibility documentation is not completed within 90 calendar days of initial contact, a written notification letter shall be sent to the Applicant or the Applicant's Representative indicating that the intake case will be placed in inactive status.

(a) The Applicant or Applicant's Representative may activate the application at any time thereafter by providing the remaining required information.

(b) The Applicant or Applicant's Representative shall be required to update information.

(10) When all necessary eligibility documentation is received from the Applicant or Applicant's Representative, Division staff shall determine the Applicant eligible or ineligible for funding for brain injury supports.

(11) A Notice of Agency Action, Form 522-I, and a Hearing Request, Form 490S, shall be mailed to each Applicant or Applicant's

Representative upon completion of the determination of eligibility or ineligibility for funding. The Notice of Agency Action, Form 522, shall inform the Applicant or Applicant's Representative of eligibility determination and placement on the waiting list. The Applicant or Applicant's Representative may challenge the Notice of Agency Action by filing a written request for an administrative hearing before the Department of Human Services, Office of Administrative Hearings.

(12) Persons receiving Brain Injury services will have their eligibility re-determined on an annual basis. Persons who are determined to no longer be eligible for services will have a transition plan developed to discontinue services and ensure that health and safety needs are met.

KEY: human services, disabilities, social security numbers
Date of Enactment or Last Substantive Amendment: [2016]2017
Notice of Continuation: November 5, 2012
Authorizing, and Implemented or Interpreted Law: 62A-5-103; 62A-5-105

Human Services, Juvenile Justice Services **R547-13** Guidelines for Admission to Secure Youth Detention Facilities

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 41963
FILED: 07/31/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: H.B. 239 was enacted in the 2017 General Session and Rule R547-13 needs to be amended in order to be in compliance with the new law.

SUMMARY OF THE RULE OR CHANGE: As per feedback from stakeholders, the changes will clarify sections that may be unclear or could be interpreted in different ways. The changes will also include proper citation of Utah Code and creating consistent language throughout the rule. This rule change continues to promote public safety and hold juvenile offenders accountable.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 62A-1-111 and Section 62A-7-202 and Section 78A-6-112 and Section 78A-6-113

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** It is anticipated that implementation of H.B. 239 (2017) will affect detention populations by: 1) reducing the numbers of youth that are eligible for admission to detention by law enforcement as a result of the proposed changes in Rule R547-13 as directed by H.B. 239; 2)

reducing the time a youth may be in detention while awaiting placement as directed by H.B. 239; and 3) limiting the number of days court dispositions to detention, such as contempt. The agency is expecting a reduction to detention populations as a result of all aspects of H.B. 239. Variable costs associated with the reduction result in a savings to the agency of approximately \$65,800 per year. It is estimated that 34% of that (\$22,372) would be attributed to changes in Rule R547-13. Variable costs are defined as those costs directly related to costs that change as a result of population changes. They include items such as client food, client clothing, janitorial supplies, client medical costs, client support costs, household supplies, and laundry costs. It is expected that variable costs will increase in receiving centers as a result of changes to Rule R547-13 but actual costs are unknown at this time.

♦ **LOCAL GOVERNMENTS:** With the changes to Rule R547-13, law enforcement will not be able to take as many youth to detention facilities as they previously have and will instead have the option of taking them to receiving centers. Since receiving centers are located in close proximity to detention facilities, it was determined that this proposed rule change will have no fiscal impact on law enforcement.

♦ **SMALL BUSINESSES:** The Division purchases certain variable operating expense items from business such as client food, client clothing, janitorial supplies, client medical costs, client support costs, household supplies, and laundry costs. As mentioned under state budget costs above, the agency anticipates a reduction in spending of approximately \$22,372 per year in variable costs.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** After conducting a thorough analysis, it was determined that this proposed rule change will not result in a fiscal impact to persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: After conducting a thorough analysis, it was determined that this proposed rule change will not result in a fiscal costs to affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Due to a reduction in the number of youth eligible for secure detention, there may be a minimal reduction in business revenue.

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

HUMAN SERVICES
JUVENILE JUSTICE SERVICES
195 N 1950 W
SALT LAKE CITY, UT 84116
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Janene Parry by phone at 801-538-4413, by FAX at 801-538-4334, or by Internet E-mail at jlarsen@utah.gov

- ◆ Judy Hammer by phone at 801-538-4098, by FAX at 801-538-4334, or by Internet E-mail at judyhammer@utah.gov
- ◆ Julene Robbins by phone at 801-538-4521, by FAX at 801-538-3942, or by Internet E-mail at jhjonesrobbins@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 09/14/2017

THIS RULE MAY BECOME EFFECTIVE ON: 09/21/2017

AUTHORIZED BY: Susan Burke, Director

R547. Human Services, Juvenile Justice Services.

R547-13. Guidelines for Admission to Secure Youth Detention Facilities.

R547-13-1. Authority.

Section 62A-1-111 authorizes the Department of Human Services to adopt administrative rules.

R547-13-2. Purpose and Scope.

(1) This rule establishes guidelines for admission to secure detention to meet the requirements of Section 62A-7-202.

(2) This rule shall be applied to youth candidates for placement in all secure detention facilities operated by the Division of Juvenile Justice Services.

R547-13-3. Definitions.

(1) Terms used in this rule are defined in Sections 62A-7-101 and 78A-6-105.

(2) "Status offense" means a violation of the law that would not be a violation but for the age of the offender.

(3) "Youth" means a person age 10 or over and under the age of 21.

R547-13-4. General Rules.

(1) A youth age 10 or 11 may be detained in a secure detention facility ~~if~~

~~(a) A youth is charged with~~ if arrested for any felony violation of Section 76-3-203.5(c), violent felony

(2) A youth age 12 or over may be detained in a secure detention facility if:

(a) A youth is ~~charged with~~ arrested for any of the following ~~[S]state or [F]federal~~ equivalent criminal offenses:

(i) Any ~~[felony]~~ offense which would be a felony if committed by an adult;

(ii) Any attempt, conspiracy, or solicitation to commit a felony offense;

(iii) Any class A misdemeanor violation of ~~[Section]~~ 76-5-~~[4] Part 1~~, offense against the person; assault and related offenses;

(iv) Any class A or B misdemeanor violation of ~~[Section]~~ 76-10-~~[5] Part 5~~, offenses against public health, safety, welfare, and morals; weapon offenses;

(v) A class A misdemeanor violation of Section 76-5-206, negligent homicide;

(vi) A class A misdemeanor violation of Section 58-37-8(1)(b)(iii), ~~[distribution of]~~ a controlled substance violation;

(vii) Any criminal offense defined as ~~[D]~~ domestic violence ~~([C]cohabitant) by 77-36-1(4), [as defined in] and 78B-7-102(2) and (3)~~;

(viii) A class A or B misdemeanor violation of Section 76-6-104(1)(a) or (b), reckless burning which endangers human life;

(ix) A class A misdemeanor violation of Section 76-6-105, causing a catastrophe;

(x) A class A misdemeanor violation of Section 76-6-106(2) (b)(i)(a), criminal mischief involving tampering with property that endangers human life;

(xi) A class A misdemeanor violation of Section 76-6-406, theft by extortion;

(xii) A class A misdemeanor violation of Section 76-9-702.1, sexual battery;

(xiii) A class A misdemeanor violation of Section 76-5-401.3(2)(c) or (d), unlawful adolescent sexual activity;

(xiv) A class A misdemeanor violation of Section 76-9-702.5, lewdness involving a child;

(xv) A class A misdemeanor violation of Section 76-9-702.7(1), voyeurism with recording device;

(xvi) A class A misdemeanor violation of Section 41-6A-401.3(2), leaving the scene of an accident involving injury; and

(xvii) A class A misdemeanor violation of Section 41-6A-503(1)(b)(i) or (ii), driving under the influence involving injury; driving under the influence with a passenger under 16 years of age;

(b) The youth is an escapee or absconder from a Juvenile Justice Services secure ~~[institution]~~ facility or community placement.

(c) The youth has been verified as a fugitive (absconder from probation or parole) or a runaway from another state and a formal request has been received (such as a TWX/National Crime Information Center (NCIC) or a telephone call/FAX/email from a law enforcement officer or a verified call/FAX/email from the institution) to hold, pending return to the other jurisdiction, whether or not an offense is currently charged.

(3) A youth not otherwise qualified for ~~[detention]~~ in admission to a secure detention facility shall not be detained for any of the following:

(a) ungovernable or runaway behavior;

(b) neglect, abuse, abandonment, dependency, or other status requiring protection for any other reason;

(c) status offenses such as curfew, possession/consumption of alcohol, tobacco, minor-in-a-tavern, truancy; or

(d) ~~[A]~~ attempted suicide.

(4) No youth under the age of ten years may be detained in a secure detention facility.

R547-13-5. Juvenile Court Warrants for Custody or Pickup Orders.

A youth shall be admitted to a secure detention facility when a juvenile court judge or commissioner has issued a warrant for custody.

R547-13-~~[5]6~~. Juvenile Justice Services' Cases.

A youth who is on parole or involved in a trial placement from a secure facility, and who is detained solely on a warrant from the Division of Juvenile Justice Services may be held in a secure detention facility up to 48 hours excluding weekends and legal holidays.

R547-13-[6]7. DCFS Cases.

A youth in the custody or under the supervision of the Division of Child and Family Services (DCFS) cannot be held in a secure detention facility unless the youth qualifies for detention under some section of this rule.

R547-13-[7]8. Traffic Cases.

A youth brought to detention for traffic violation(s) cannot be held in a secure detention facility unless the youth qualifies for detention under some section of this rule.

R547-13-[8]9. Interstate Cases.

(1) Out-of-state youth who are escapees, absconders, and runaways shall be detained in accordance with the provisions of Subsection R547-13-4(2)(1)(c)(d).

(2) Youth who are out-of-state runaways who commit any non-status criminal offense(s) may be admitted to a secure detention facility.

(3) ~~Out-of-state, [N]non-runaway[s] youth~~, when brought to a secure detention facility with an alleged criminal offense, may be detained or released based on the same criteria which applies to resident youth.

R547-13-[9]10. Immigration Cases.

~~(+)~~—A youth ~~shall~~ may be detained at a secure detention facility when ~~[admission is requested]~~ a lawful detainer or order is presented by United States Immigration and Customs Enforcement (ICE).

R547-13-[10]11. AWOL Military Personnel.

Absent without leave (AWOL) military personnel ~~[that]~~ who are minors shall be admitted to a secure detention facility.

R547-13-[11]12. Home Detention Cases.

(1) If a home detention violation is alleged, the home detention counselor may cause the alleged violator to be brought to a secure detention facility. If the case involves a violator who is a runaway where a pickup order (Warrant for Custody) has not yet been issued, a law enforcement officer may bring the violator to a secure detention facility. The home detention counselor may then transfer the minor back to the status of home detention, if appropriate, or may authorize the youth to be held in secure detention for a re-hearing.

(2) A youth placed on home detention who is arrested by a law enforcement officer for an alleged non-status criminal ~~[code]~~ offense(s) shall be admitted to a secure detention facility.

~~R547-13-12. Juvenile Court Warrants for Custody or Pickup Orders.~~

~~—A youth shall be admitted to a secure detention facility when a juvenile court judge or commissioner has issued a warrant for custody.]~~

R547-13-13. Probation Violation - Contempt of Court - Stayed Order for Detention.

A youth may be admitted to a secure detention facility for conditions such as: an alleged probation violation, contempt of court, or a stayed order for detention when it has been ordered by a judge. When it is not possible to get a written order, verbal authorization from

a judge to detention is sufficient to hold a youth in a secure detention facility.

R547-13-14. Other Court Orders for Detention.

A youth brought to a secure detention facility pursuant to either federal or out-of-state court orders shall be admitted unless otherwise directed by a juvenile court judge.

KEY: juvenile corrections, juvenile detention, admission guidelines, juvenile justice services

Date of Enactment or Last Substantive Amendment: 2017

Notice of Continuation: March 27, 2017

Authorizing, and Implemented or Interpreted Law: 62A-7-202; 78A-6-112; 78A-6-113

Insurance, Administration R590-205 Privacy of Consumer Information Compliance Deadline

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE NO.: 41955

FILED: 07/28/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Insurance Department recently amended Rule R590-206, Privacy of Consumer Financial and Health Information Rule, which included the compliance deadline within it. That amendment made Rule R590-205 unnecessary. (EDITOR'S NOTE: A proposed amendment under Filing No. 41296 for Rule R590-206 was published in the March 1, 2017, Bulletin and a connected change in proposed rule under Filing No. 41296 for Rule R590-206 was published in the June 1, 2017, Bulletin and both were made effective on 07/11/2017.)

SUMMARY OF THE RULE OR CHANGE: The rule is being repealed in its entirety.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: 15 U.S.C. 6805 and Section 31A-2-201 and Section 31A-2-202

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** There is no anticipated cost or savings to the state budget because the requirement contained in the rule is now covered under Rule R590-206.
- ◆ **LOCAL GOVERNMENTS:** There is no anticipated cost or savings to local government because the requirement contained in the rule is now covered under Rule R590-206.
- ◆ **SMALL BUSINESSES:** There is no anticipated cost or savings to small business because the requirement contained in the rule is now covered under Rule R590-206.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There is no anticipated cost or savings to any other persons because the requirement contained in the rule is now covered under Rule R590-206.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons because the requirement contained in the rule is now covered under Rule R590-206.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I: IDENTIFY WHETHER THE PROPOSED RULE WILL HAVE A FISCAL IMPACT TO BUSINESS — The repeal of this rule removes a surplus version of the same requirement that is now contained in R590-206, Privacy of Consumer Financial and Health Information Rule. The requirement still exists, just in a different rule; therefore, the net effect is zero. After conducting a thorough analysis, it was determined that this proposed rule will not result in a fiscal impact to businesses. PARTS II-IV are unnecessary because there is no fiscal impact. PART V: DEPARTMENT HEAD'S COMMENTS ON THE ANALYSIS — The department conducted a thorough analysis of the impact that this repeal will have on businesses. The net effect of the repeal is zero, due to the requirement still existing in another rule. There is no fiscal impact on any businesses as a result of this repeal.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
INSURANCE
ADMINISTRATION
ROOM 3110 STATE OFFICE BLDG
450 N MAIN ST
SALT LAKE CITY, UT 84114-1201
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
◆ Steve Gooch by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at sgooch@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 09/14/2017

THIS RULE MAY BECOME EFFECTIVE ON: 09/21/2017

AUTHORIZED BY: Steve Gooch, Information Specialist

R590. Insurance, Administration.

~~[R590-205. Privacy of Consumer Information Compliance Deadline.~~

R590-205-1. Authority.

~~This rule is promulgated pursuant to Subsections 31A-2-202(1), 31A-2-201(2) and 31A-2-201(3)(a) in which the commissioner is empowered to administer and enforce Title 31A, to perform duties imposed by Title 31A and to make administrative rules~~

~~to implement the provisions of Title 31A. Furthermore, Title V, Section 505, 15 U.S.C. 6805, empowers the Utah Insurance Commissioner to enforce Subtitle A of Title V of the Gramm-Leach-Bliley Act of 1999, 15 U.S.C. 6801 through 6820. Title V, Section 505, 15 U.S.C. 6805(b)(2), authorizes the commissioner to issue rules to implement the requirements of Title V, Section 501(b) of the federal act.~~

R590-205-2. Purpose.

~~The purpose of this rule is provide an extension to persons and entities under the jurisdiction of the Utah Insurance Department that are required to adopt policies, procedures, and controls to prevent the unauthorized disclosure of personal nonpublic information relating to their customers under Title V of the Gramm-Leach-Bliley Act of 1999, 15 U.S.C. 6801 through 6827. The extension would give such persons and entities time to comply with the requirements of Title V of the Gramm-Leach-Bliley Act of 1999, 15 U.S.C. 6801 through 6827.~~

~~A further purpose of the rule is to avoid the application of Title V, Section 505(c) of the Gramm-Leach-Bliley Act of 1999 that provides that if a state fails to adopt regulations to implement Title V of the federal act, the State shall not be eligible to override any federal insurance customer protections prescribed by a Federal Banking Agency.~~

R590-205-3. Applicability and Scope.

~~This rule shall apply to all insurers, producers, and other persons licensed or required to be licensed or required to be authorized, registered or required to be registered or domiciled in Utah pursuant to the Utah Insurance Code. It also applies to unauthorized insurers who accept business through a licensed surplus line broker in Utah, if the surplus line placements are placed pursuant to Section 31A-15-103.~~

R590-205-4. Definitions.

~~For the purposes of this rule the commissioner adopts the following definitions:~~

~~(1) "Utah Insurance Code" means Title 31A of the Utah Code.~~

~~(2) "Licensee" means all insurers, producers, and other persons licensed or required to be licensed or required to be authorized, registered or required to be registered or domiciled in Utah pursuant to the Utah Insurance Code, including but not limited to unauthorized insurers who accept business through a licensed surplus line broker in Utah, if the surplus line placements are placed pursuant to Section 31A-15-103.~~

R590-205-5. Enforcement.

~~Title V of the Gramm-Leach-Bliley Act of 1999, 15 U.S.C. 6801 through 6827 shall be enforced by the commissioner with respect to all licensees of the department.~~

R590-205-6. Compliance Date.

~~In order to provide sufficient time for licensees to establish policies, procedures and controls relating to the use and disclosure of personal nonpublic information of their customers and to comply with the requirements of Title V of the Gramm-Leach-Bliley Act of 1999, 15 U.S.C. 6801 through 6827, effective November 13, 2000, the commissioner extends the time for compliance for all licensees to July 1, 2001.~~

~~R590-205-7. Severability.~~

~~———— If any provision or clause of this rule or its application to any person or situation is held invalid, such validity shall not affect any other provision or application of this rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are declared to be severable.~~

KEY: insurance law privacy

~~Date of Enactment or Last Substantive Amendment: January 11, 2001~~

~~Notice of Continuation: December 4, 2015~~

~~Authorizing, and Implemented or Interpreted Law: 31A-2-201; 31A-2-202; 15 U.S.C 6805]~~

Labor Commission, Boiler and Elevator
Safety
R616-2-3
Safety Codes and Rules for Boilers and
Pressure Vessels

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 41951

FILED: 07/25/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to adopt the most recent nationally recognized safety codes as they apply to boilers and pressure vessels. The Utah Labor Commission's intent is to maintain uniformity between Utah and national standards for the design, installation, and inspection of boilers and pressure vessels.

SUMMARY OF THE RULE OR CHANGE: The adoption of most recent safety codes as they apply to boilers and pressure vessels in the state of Utah as follows: the National Board Inspection Code ANSI/NB-23 - 2017 Part 3.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 34A-7-101 et seq.

TITLE OF MATERIALS INCORPORATED BY REFERENCE:

- ◆ Updates NBIC Repairs and Alterations National Board Inspection Code ANSI/NB-23 - 2017 Part 3, published by National Board of Boiler and Pressure Vessel Inspectors, 2017

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** The initial cost to purchase all of these codes books both for the Division of Boiler, Elevator and Coal Mine Safety and for Administrative Rules was \$650.

Other than the cost to purchase these books, the Division is not aware of any other cost that will be incurred, at the time of installation or during maintenance, due to the adoption of these codes.

◆ **LOCAL GOVERNMENTS:** Other than the cost to purchase these books, if desired, the Division is not aware of any other cost that will be incurred by local governments, at the time of installation or during maintenance, due to the adoption of these codes.

◆ **SMALL BUSINESSES:** Other than the cost to purchase these books, if desired, the Division is not aware of any other cost that will be incurred by small businesses, at the time of installation or during maintenance, due to the adoption of these codes.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Other than the cost to purchase these books, if desired, the Division is not aware of any other cost that will be incurred by persons other than small businesses, businesses, or local government entities, at the time of installation or during maintenance, due to the adoption of these codes.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Other than the cost to purchase these books, if desired, the Division is not aware of any other cost that will be incurred, at the time of installation or during maintenance, due to the adoption of these codes.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Other than the cost to purchase these books, if desired, the Commissioner is not aware of any other cost that will be incurred, at the time of installation or during maintenance, due to the adoption of these codes.

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

LABOR COMMISSION
BOILER AND ELEVATOR SAFETY
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:

- ◆ Ami Windham by phone at 801-530-6850, by FAX at 801-530-6871, or by Internet E-mail at awindham@utah.gov
- ◆ Pete Hackford by phone at 801-530-7605, by FAX at 801-530-6871, or by Internet E-mail at phackford@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 09/14/2017

THIS RULE MAY BECOME EFFECTIVE ON: 09/21/2017

AUTHORIZED BY: Jaceson Maughan, Commissioner

R616. Labor Commission, Boiler and Elevator Safety.

R616-2. Boiler and Pressure Vessel Rules.

R616-2-3. Safety Codes and Rules for Boilers and Pressure Vessels.

The following safety codes and rules shall apply to all boilers and pressure vessels in Utah, except those exempted pursuant to Section 34A-7-101, and are incorporated herein by this reference in this rule.

- A. ASME Boiler and Pressure Vessel Code -- 2015.
 - 1. Section I Rules for Construction of Power Boilers.
 - 2. Section IV Rules for Construction of Heating Boilers.
 - 3. Section VIII Rules for Construction of Pressure Vessels.
- B. Power Piping ASME B31.1 -- 2014.
- C. Controls and Safety Devices for Automatically Fired Boilers ASME CSD-1-2015. Except:
 - 1. Part CG-130(c).
 - D. National Board Inspection Code ANSI/NB-23 - [2015]2017 Part 3.
- E. NFPA 85 Boiler and Combustion Systems Hazard Code 2015.
- F. Recommended Administrative Boiler and Pressure Vessel Safety Rules and Regulations NB-132 Rev. 4.
- G. Pressure Vessel Inspection Code: Maintenance Inspection, Rating, Repair and Alteration API 510 Tenth Edition, 2014. Except:
 - 1. Section-8, and
 - 2. Appendix-A.

KEY: boilers, certification, safety

Date of Enactment or Last Substantive Amendment: ~~July 1, 2016~~2017

Notice of Continuation: August 23, 2016

Authorizing, and Implemented or Interpreted Law: 34A-7-101 et seq.

**Labor Commission, Boiler and Elevator
Safety
R616-3-4
Inspector Qualification**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 41950

FILED: 07/25/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to allow the Division flexibility in obtaining accreditation for elevator inspectors.

SUMMARY OF THE RULE OR CHANGE: This change removes the reference to ASME QEI -1 from Inspector Qualification allowing the Division flexibility in obtaining accreditation for elevator inspectors.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 34A-1-101 et seq.

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** There is no cost to the state budget associated with this change, as this change will allow the Division more flexibility in obtaining accreditation for elevator inspectors.
- ◆ **LOCAL GOVERNMENTS:** There is no cost to any local government associated with this change as local governments do not have elevator inspectors.
- ◆ **SMALL BUSINESSES:** There is no cost to small businesses associated with this change as small businesses do not have elevator inspectors.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no cost associated with this change as only the state has elevator inspectors.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no cost associated with this change, as this change will allow the Division more flexibility in obtaining accreditation for elevator inspectors.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: After thorough analysis, it has been determined that this amendment has no fiscal impact on business.

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

LABOR COMMISSION
BOILER AND ELEVATOR SAFETY
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:

- ◆ Ami Windham by phone at 801-530-6850, by FAX at 801-530-6871, or by Internet E-mail at awindham@utah.gov
- ◆ Pete Hackford by phone at 801-530-7605, by FAX at 801-530-6871, or by Internet E-mail at phackford@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 09/14/2017

THIS RULE MAY BECOME EFFECTIVE ON: 09/21/2017

AUTHORIZED BY: Jaceson Maughan, Commissioner

R616. Labor Commission, Boiler and Elevator Safety.

R616-3. Elevator Rules.

R616-3-4. Inspector Qualification.

A. Any person who performs elevator safety inspections must have a current certification as a Qualified Elevator Inspector [as

outlined in ASME QEI-1, Qualifications for Elevator Inspectors] from a nationally accredited organization.

KEY: elevators, certification, safety

Date of Enactment or Last Substantive Amendment: ~~July 1, 2016~~ 2017

Notice of Continuation: August 23, 2016

Authorizing, and Implemented or Interpreted Law: 34A-1-101 et seq.

Labor Commission, Boiler and Elevator Safety **R616-3-14** Remodeled Elevators

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 41949

FILED: 07/25/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to remove unnecessary and confusing language from Section R616-3-14.

SUMMARY OF THE RULE OR CHANGE: This change removes Subsection R616-3-14(B) because the language is unnecessary and confusing.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 34A-1-101 et seq.

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** There is no cost to the state budget associated with this change as it simply removes unnecessary and confusing language.
- ◆ **LOCAL GOVERNMENTS:** There is no cost to any local government associated with this change as it simply removes unnecessary and confusing language.
- ◆ **SMALL BUSINESSES:** There is no cost to small businesses associated with this change as it simply removes unnecessary and confusing language.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no cost associated with this change as it simply removes unnecessary and confusing language.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no cost associated with this change as it simply removes unnecessary and confusing language.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: After thorough analysis, it has been determined that this amendment has no fiscal impact on business.

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

LABOR COMMISSION
BOILER AND ELEVATOR SAFETY
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:

- ◆ Ami Windham by phone at 801-530-6850, by FAX at 801-530-6871, or by Internet E-mail at awindham@utah.gov
- ◆ Pete Hackford by phone at 801-530-7605, by FAX at 801-530-6871, or by Internet E-mail at phackford@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 09/14/2017

THIS RULE MAY BECOME EFFECTIVE ON: 09/21/2017

AUTHORIZED BY: Jaceson Maughan, Commissioner

R616. Labor Commission, Boiler and Elevator Safety.

R616-3. Elevator Rules.

R616-3-14. Remodeled Elevators.

A. When an elevator is classified as a remodeled (modernized) elevator by the Division, the components of the elevator involved in the modernization must comply with the standards of the latest version of ASME A17.1 and ASME A17.3 in effect at the time the remodeling of the elevator commences.[]

~~B. When a hydraulic elevator has been remodeled it is considered a new installation.[]~~

KEY: elevators, certification, safety

Date of Enactment or Last Substantive Amendment: ~~July 1, 2016~~ 2017

Notice of Continuation: August 23, 2016

Authorizing, and Implemented or Interpreted Law: 34A-1-101 et seq.

Natural Resources, Parks and Recreation **R651-412-4** Curriculum Standards

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 41952

FILED: 07/26/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: In 2011, the Division of Parks and Recreation was asked by the Governor's Office to review our rules to determine if any rules should be modified or removed to improve services to the general public. After that review, it was determined that Rule R651-408 could be removed and the rule was eliminated by the Utah State Parks Board on 08/08/2012. Outside providers have demonstrated an ability to meet OHV education curriculum standards and the OHV program staff has absorbed the daily operations of the OHV education program. The purpose of this amendment is to remove the reference to R651-408(1) as it is no longer needed in the rule.

SUMMARY OF THE RULE OR CHANGE: The Off-Highway Vehicle (OHV) Program is to adopt and pursue an OHV safety education program according to Section 41-22-1. Any outside provider that submits OHV education materials are required to meet minimum curriculum standards as identified in Section R651-412-4. The approval of these outside providers rests upon the OHV program. The purpose of this amendment is to remove the reference to R651-408(1) as it is no longer needed in the rule. This language change would be consistent with current program operations and keep the Division of Parks and Recreation operating within the rule guidance.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 41-22-30

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The rule change will not increase nor save any funding for the state. This rule change just merely removes a rule number that no longer exists. It is basically a language clean up for Section R651-412-4.

◆ **LOCAL GOVERNMENTS:** The rule change will not affect any local government operations, or budget as the rule is a language clean up. This rule change just merely removes a rule number that no longer exists.

◆ **SMALL BUSINESSES:** The rule change will not affect small businesses as the rule is language clean up. This rule change just merely removes a rule number that no longer exists and is directed towards Division representatives approving submitted off-highway vehicle education course curriculum.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This rule will not affect any individuals as Section R651-412-4 cleans up language in which directs private course providers to submit proper off highway vehicle education course materials, for approval by the Division, to follow applicable state and federal laws.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs. This amendment is a language clean up and merely removes a previous rule number that no longer exists.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There should be no effect on business.

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

NATURAL RESOURCES
PARKS AND RECREATION
ROOM 116
1594 W NORTH TEMPLE
SALT LAKE CITY, UT 84116-3154
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Tammy Wright by phone at 801-538-7359, by FAX at 801-538-7378, or by Internet E-mail at tammywright@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 09/14/2017

THIS RULE MAY BECOME EFFECTIVE ON: 09/21/2017

AUTHORIZED BY: Fred Hayes, Director

R651. Natural Resources, Parks and Recreation.

R651-412. Curriculum Standards for OHV Education Programs Offered by Non-Division Entities.

R651-412-4. Curriculum Standards.

At a minimum, all courses approved by the Division shall provide the following course content and shall be presented at a level appropriate for the average fourth grade student. The method of course content delivery is not specified.

- (a) Description of OHV riding in Utah.
- (b) Utah State Parks regulatory responsibilities.
- (c) OHV terminology including, but not limited, to: throttle, fuel shut-off valve, brakes, shift lever, engine stop switch, choke, spark arrestor/muffler, headlights, engine, footrest, ignition switch.
- (d) Utah State Laws.
- (e) Riding positions, turning and stopping.
- (f) Hypothermia, wind chill and cold weather survival.
- (g) Riding on different types of terrain.
- (h) Pre-ride inspections.
- (i) Towing a trailer.
- (ii) Crossing roads and highways.
- (iii) Dangers of drugs and alcohol.
- (i) Ethics, responsible riding and trail etiquette.
- (j) Tread Lightly
- (k) Proper safety equipment.
- (l) Snowmobile courses will also include avalanche safety information.

(m) Any hands-on training provided by an authorized provider shall be conducted in accordance with ~~[R651-408(1)]~~ and all applicable state and federal law.

KEY: OHV education standards, parks

Date of Enactment or Last Substantive Amendment: [~~April 21, 2016~~2017]

Notice of Continuation: January 22, 2015

Authorizing, and Implemented or Interpreted Law: 41-22-30

**Public Service Commission,
Administration
R746-1**

**Public Service Commission
Administrative Procedures Act Rule**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 41989

FILED: 08/01/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is: 1) to clarify requirements that apply to persons granted intervenor status in an administrative proceeding; 2) to clarify requirements that apply to attorneys appearing before the Public Service Commission (PSC), but not licensed with the Utah State Bar; and 3) to enact provisions consistent with the Open and Public Meetings Act.

SUMMARY OF THE RULE OR CHANGE: Intervenors are required to file briefs, memoranda, etc. in accordance with deadlines set forth in the PSC's scheduling order, and may not file public comments. Attorneys not licensed in Utah may appear before the PSC after providing to the PSC a certificate of good standing from the state where licensed. The Open and Public Meetings Act contains provisions addressing electronic meetings and minutes of open meetings. These amendments address both of these provisions.

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

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** The rule amendments dealing with intervention and attorney representation are for clarification. They do not create any new obligation or program that would increase the PSC's administrative burden. Therefore, no fiscal impact to the state budget is anticipated from these changes. The proposed amendment dealing with electronic meetings could affect the local budget if the Public Service Commission's (PSC's) bridge number is used for a telephonic

meeting. Costs of \$0.02 a minute per user could be incurred by the PSC.

♦ **LOCAL GOVERNMENTS:** Local governments are not required to comply with or administer the rules that are amended by this filing. Therefore, no fiscal impact to local government is anticipated.

♦ **SMALL BUSINESSES:** The rule change requiring intervening businesses, including small businesses, to comply with the PSC's scheduling order will not create costs because such businesses are not required to make filings at all. However, if they choose to make filings, they must do so according to the deadlines set by the PSC. The rule change regarding representation of a party by an attorney will not affect businesses, including small businesses, that have a primary place of business in Utah. Utah businesses uniformly hire local counsel to assist them in proceedings before the PSC and will not be affected by this rule change. However, a business that has a primary place of business outside of Utah and that seeks authorization to provide utility service within the state will be affected positively. Most such businesses use an attorney to ensure compliance with all regulations, but they rarely employ an attorney who is licensed in Utah. Historically, out-of-state attorneys have been required to apply for pro hac vice admission to the Utah State Bar, which costs \$300. They have also been required to partner with local counsel, which means that the business must pay an hourly rate (generally between \$150 and \$450 per hour) for two attorneys rather than for one. The rule change exempting out-of-state attorneys from the pro hac vice admission requirement and the local partnership requirement will result in significant savings for small businesses outside of Utah. Such businesses will save at least \$300 (the pro hac vice admission fee) in each proceeding before the PSC. As to electronic meetings, if the PSC's bridge number is not used for a call, and the business or representative of the business would like to use their own personal device, they will incur the cost of the call at the rate of their wireless plan or a long distance charge if calling from a landline.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Affected persons that intervene in a PSC proceeding must comply with any scheduling order issued by the PSC, but are not required to take any action that has associated costs. Persons that retain the assistance of counsel in appearing before the PSC may hire an attorney who is licensed outside of Utah without incurring fees to the Utah State Bar and without having to pay a Utah attorney to partner with the out-of-state attorney. At a minimum, such person will save the \$300 fee for pro hac vice admission to the Utah State Bar. Such person will also save the hourly charges that would otherwise be incurred to the Utah attorney. It is very likely that affected persons who live in Utah will hire local counsel. Therefore, the persons most likely to be positively affected by this rule amendment are those that live/operate out of state. As to electronic meetings, if the PSC's bridge number is not used for a call, and the individual would like to use their own personal device, they will incur the cost of the call at the rate of their wireless plan or a long distance charge if calling from a landline.

COMPLIANCE COSTS FOR AFFECTED PERSONS: To comply, intervenors must make any filings according to the PSC's scheduling order. There are no associated costs. Persons that wish to use out-of-state attorneys to assist them in proceedings before the PSC are relieved of current requirements, with associated savings of at least \$300. This amendment regarding electronic meetings should have no impact on compliance costs for affected persons. The rule is only being amended to enact the provisions consistent with the open and public meetings act.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: As stated in the rule analysis, no fiscal impact to businesses is anticipated by adding language to govern electronic meetings and intervention. The rule amendment regarding attorney representation relieves an affected business from costs that would otherwise be required before an out-of-state attorney could represent the business before the PSC. Those costs include a \$300 application fee for the out-of-state attorney to obtain pro hac vice admission to the Utah State Bar. The costs would also include the hourly rate (generally between \$150 and \$450 per hour) of a Utah-licensed attorney to act as local counsel. It should be emphasized that this positive fiscal impact is anticipated to affect only out-of-state businesses, because Utah businesses uniformly hire or retain local counsel. Therefore, after conducting a thorough analysis, it was determined that this proposed rule change will not result in a fiscal impact to Utah businesses. Any fiscal impact to out-of-state business will be positive, in the amount of at least \$300.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
PUBLIC SERVICE COMMISSION
ADMINISTRATION
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY, UT 84111-2316
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Jennie Jonsson by phone at 801-530-6763, or by Internet E-mail at jjonsson@utah.gov
- ◆ Sheri Bintz by phone at 801-530-6714, by FAX at 801-530-6796, or by Internet E-mail at sbintz@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 09/14/2017

THIS RULE MAY BECOME EFFECTIVE ON: 09/21/2017

AUTHORIZED BY: Jennie Jonsson, Administrative Law Judge

R746. Public Service Commission, Administration.

R746-1. Public Service Commission Administrative Procedures Act Rule.

R746-1-107. Representation of Parties.

- (1) A party may:
- ~~[(+)](a)~~ be represented by:
 - ~~[(*)](i)~~ an attorney licensed to practice in Utah; or
 - ~~[(b)](ii)~~ an attorney licensed in a foreign state, [pursuant to Rule 14-801 of the Utah Supreme Court Rules of Professional Practice, which is incorporated by reference]if the attorney provides the Commission with a certificate of good standing from the state where licensed;
 - ~~[(2)](b)~~ represent oneself individually; or
 - ~~[(3)](c)~~ if not an individual, represent itself through an officer or employee.
- (2) An attorney who appears pursuant to Subsection R746-1-107(1)(a)(ii) is not required to:
- (a) apply for pro hac vice admission to the Utah State Bar;
 - or
 - (b) partner with counsel licensed in Utah.

R746-1-108. Intervention.

- (1) A person that wishes to intervene in a proceeding shall comply with Utah Code Section 63G-4-207.
- (2) A person that is granted intervenor status:
- (a) shall comply with the scheduling order issued in the docket; and
 - (b) may not file public comments unless the Commission's scheduling order provides for the filing of comments by a party.

R746-1-110. Electronic Meetings.

- (1) An electronic meeting may be scheduled:
- (a) by the Commission on its own initiative; or
 - (b) at the request of an interested person who is unable to attend in person.
- (2) A person who requests an electronic meeting pursuant to R746-1-110(1)(b) shall submit the request to the Commission at least three business days prior to the scheduled meeting date and time.
- (3) A quorum of the Commission is not required to be present at a single anchor location for an electronic meeting.
- (4) Any number of separate connections for participants is allowed for an electronic meeting, unless the Commission limits the number of separate connections based on available equipment capability or other relevant and reasonable considerations.
- (5) An electronic meeting will not be separately noticed solely to inform the public that one or more participants, including Commissioners, will participate telephonically.

R746-1-111. Minutes of Open Meetings.

- (1) The Commission's written decision or order issued after the hearing held in a docket shall constitute its approved minutes for purposes of the Open and Public Meetings Act.
- (2) The hearing transcript may augment the Commission's approved minutes to clarify any requirement of Utah Code Ann. Section 52-4-203 that is not contained in the written decision or order.

R746-1-401. Pre-hearing Briefs, Comments, and Testimony - General Requirements.

(1) A [Parties]party to a docket [shall]may file briefs, comments, or testimony, as applicable, only as required or permitted in the Commission's scheduling order, or as otherwise directed by the Commission.

(2) Pre-hearing filings and accompanying exhibits shall:

(a) utilize a sequential line numbering system; and

(b) comply with Subsection R746-1-203(1).

(3) If a filing includes any calculation, the calculation shall be provided in the original format with formulas intact.

R746-1-704. Public Witness Evidence.

(1) A person not a party to a docket may:

~~(a)~~ file comments prior to hearing; or

~~(b)~~ appear during any public witness portion of a hearing to provide unsworn testimony.

(2) A party to a docket may file comments only if the Commission's scheduling order provides for the filing of comments by a party.

KEY: public utilities, administrative proceedings, electronic filings and meetings, confidential information

Date of Enactment or Last Substantive Amendment: [March-6], 2017

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

Workforce Services, Employment
Development
R986-700

Child Care Assistance

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 41985

FILED: 07/31/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the proposed rule is to bring the state child care subsidy program into compliance with federal requirements, to make client- and provider-side eligibility rules more consistent with one another, to close loopholes in client eligibility and provide for more consistent enforcement of eligibility criteria for clients and providers, to codify existing Department policy where necessary for enforcement purposes, to reduce the administrative burden on providers and the Department by changing some reporting timeframes, and to set forth reporting requirements where necessary.

SUMMARY OF THE RULE OR CHANGE: The state's child care subsidy program is funded primarily through the federal Child Care and Development Fund (CCDF). Congress passed a reauthorization of the CCDF (42 U.S.C. 9858 et

seq.) in November 2014, and regulations implementing the reauthorized CCDF requirements became final in November 2016 (see 45 CFR Part 98; 81 FR 67438). These regulations imposed new requirements on states receiving CCDF monies. In particular, the regulations require states to provide child care subsidies during certain allowable "temporary change" periods following a change in circumstances for a parent client receiving a subsidy. The regulations also require additional classes of child care providers and their employees to undergo background checks as a condition of being employed in a facility that receives CCDF funding. The present rule sets forth eligibility criteria, reporting requirements, and application procedures for the "temporary change" program. It also codifies the requirements for license-exempt child care providers that receive CCDF funds to obtain background checks for all employees who will have unsupervised access to children as well as family members living in the home or facility where the child care is being provided. The rule also discards a provision allowing the Department to excuse a provider or individual from the background check requirement. In addition, the rule makes other changes that are primarily aimed at making the Department of Workforce Services' enforcement efforts more effective and codifying Department policy where necessary for enforcement. Specifically, the rule provides new standards for client reporting of material changes in their circumstances, spells out when multiple providers may be paid on one client's behalf in a given month, changes the monthly reporting timeframes for providers, removes the threat of an overpayment for providers caring for children that are not in child care by the 15th of each month (so long as the provider timely reports the child's absence), changes the enforcement timeframe for record-keeping by providers to bring it in line with other elements of the existing rule, sets out a certification procedure for providers to follow to certify the monthly attendance of children who receive child care subsidies, and formalizes Department rules regarding the need for an Employer Identification Number or other tax ID number for each provider. Further, the rule makes technical changes to appeal procedures for those seeking to appeal adverse actions. Specifically, the rule clarifies that appeals of licensing-related issues are to be made to the Office of Child Care Licensing, which enforces those requirements, and also formally allows for providers who are removed from approved provider status to appeal that decision in the same manner as those that appeal a provider disqualification. Finally, the rule closes client eligibility pathways that were intended to be closed previously but were not effectively closed in the prior rule, such as eligibility for clients who receive less than eight hours of child care per month and clients who regularly care for their own children as part of their employment. These changes are expected to save funds for the Department and will bring the eligibility requirements more in line with the purposes of the child care program. The Department has rulemaking authority under Section 35A-3-310.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: 42 U.S.C. 9858 et seq. and 45 CFR 98.1 et seq. and Section 35A-3-310 and Section 53A-1b-110

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** The following changes are not expected to impact the state budget: Defining allowable temporary changes by rule will not impact the state budget because allowable temporary changes are already being approved as per existing Department policy, consistent with the 2016 amendments to 45 CFR 98.21. The changes to the qualification procedure for temporary change child care will not impact the state budget because the changes merely formalize and clarify existing Department procedures for qualifying for and receiving temporary change child care. The criteria for when a subsidy payment may be made to two providers in one month will not impact the state budget because the criteria represent existing Department policy and are simply being clarified. The removal of approval for hourly child care centers to receive child care payments will not impact the state budget because no hourly centers are approved currently, and hourly centers are not eligible to be licensed by the Office of Child Care Licensing. Directing provider appeals of child care licensing-related issues to the Office of Child Care Licensing will not impact the state budget because no hearings have been previously held, and because changing which office administers any future hearing will not affect the cost of such hearing. Providing specific enforcement authority for the three-year provider record-keeping requirement will not impact the state budget because providers were already required to keep records for three years under Section R986-700-706. Allowing for removal of a provider from approved status for failure to provide an Employer Identification Number or other tax ID number will not impact the state budget because the rule change simply codifies and clarifies existing Department policy. Allowing providers to appeal a decision to remove them from approved provider status will not impact the state budget because no provider has ever sought to appeal removal from approved status, because any appeal would have had to be heard previously in any event because of Utah Administrative Procedure Act requirements, and because the Department's experience is that providers that lose their approved status but are not disqualified primarily direct their efforts toward regaining approved status by coming into compliance with Department rules and policies rather than protesting the Department's decision to remove them from approved status. The removal of the Department's authority to exempt covered individuals working in child care centers from exclusion due to missing or disqualifying background check results will not impact the state budget because the Department had never used this authority and had no intention of using it in the future. The change to background check requirements for license-exempt child care programs will not impact the state budget because the cost of the background check is passed on to the provider requesting the check. The following changes may impact the state budget: The minimum requirement of eight hours of care per month for child care eligibility is expected to impact the state budget. The Department expects to save subsidies of approximately \$3,000 per month for children who would no longer be eligible for child care subsidy under the new rule because they fall under the eight-hour threshold. The denial of child care

subsidy payments to clients who watch their own children in other than temporary or emergency circumstances is expected impact the state budget. The Department expects to save subsidies of approximately \$10,000 per month for children who would no longer be eligible for child care subsidy under the new rule because they are regularly cared for by their parents. The changes to client reporting requirements may impact the state budget because of a possible change in the number of overpayments assessed due to the failure of clients to report additional changes in their circumstances as required by the new rules. However, the Department does not anticipate a change in the number of overpayments caused by the new reporting requirements because previous changes to client reporting requirements in 2005 do not appear to have resulted in a change in the number of overpayments. The requirement that allowable temporary changes be reported may impact the state budget because of a possible change in the number of overpayments assessed due to the failure of clients to report additional changes in their circumstances as required by the new rules. However, the Department does not anticipate a change in the number of overpayments caused by the new reporting requirements because there does not appear to have been a change in the number of overpayments caused by the de facto removal of the reporting requirement for temporary change child care when the program was instituted in October 2016. The changes in provider reporting timeframes may have an impact on the state budget because the Department anticipates having fewer overpayments to process with reporting occurring on the 25th as opposed to the 15th of the month. The Department anticipates savings to the state budget but cannot provide an estimate of the anticipated savings on account of the difficulty in determining whether and to what extent providers will report in a timelier manner with a more forgiving reporting deadline. No longer assessing an overpayment when a client meets the eight-hour requirement after the 25th of the month, so long as the provider is timely in its reporting to the Department, may have an impact on the state budget. The Department anticipates potential savings to the state budget in an as-yet-undetermined amount from administering fewer overpayments. Implementing the requirement that providers certify, on a monthly basis, the attendance of children for whom child care subsidies are being received is expected to result in costs of approximately \$400 to the Department to implement the software to be used for the certification program. No meaningful costs are anticipated from provider education efforts or notification to providers of noncompliance with certification requirements, since those tasks will be integrated into the existing pattern of communication with providers without additional cost.

♦ **LOCAL GOVERNMENTS:** There are no anticipated costs or savings to local governments because the child care program is administered at the state level and does not rely on local government administration or enforcement.

♦ **SMALL BUSINESSES:** Most if not all child care providers in the state meet the definition of small businesses, and the impacts or lack of impacts to them from the rule changes are described below. No other category of small business is

expected to experience an impact from the rule changes because providers are the only category of small business subject to the child care rules. The following changes are not expected to impact small businesses: The minimum requirement of eight hours of care per month for child care eligibility will not impact small businesses because providers were already subject to an overpayment under Section R986-700-715 for clients who received less than eight hours of care per month. The change in client reporting requirements for changed circumstances will not impact small businesses because a change in what clients have to report does not affect the provider reporting burden. The requirement that allowable temporary changes be reported by clients will not impact small businesses because the change impacts only what clients have to report, not what providers have to report. Defining allowable temporary changes by rule will not impact small businesses because allowable temporary changes are already being approved for child care clients as per existing department policy, consistent with the 2016 amendments to 45 CFR 98.21. The changes to the qualification procedure for temporary change child care will not impact small businesses because the changes merely formalize and clarify existing department procedures for qualifying for and receiving temporary change child care. The criteria for when a subsidy payment may be made to two providers in one month will not impact small businesses because the criteria represent existing department policy and are simply being clarified. The removal of approval for hourly child care centers to receive child care payments will not impact small businesses because no hourly centers are approved currently, and hourly centers are not eligible to be licensed by the Office of Child Care Licensing. Directing provider appeals of child care licensing-related issues to the Office of Child Care Licensing will not impact small businesses because no hearings have been previously held, and because changing which office administers any future hearing will not affect the cost of such hearing. The changes in timeframes for provider reporting will not impact small businesses because the change in timeframes allows additional time for providers to report each month, and because no additional reporting burden is being imposed on providers beyond what they are already required to report to the department. Providing specific enforcement authority for the three-year provider record-keeping requirement will not impact small businesses because providers were already required to keep records for three years under Section R986-700-706. Allowing for removal of a provider from approved status for failure to provide an Employer Identification Number or other tax ID number will not impact small businesses because, per existing department policy, providers were already subject to removal from approved provider status if they failed to provide this information. Allowing providers to appeal a decision to remove them from approved provider status will not impact small businesses because no provider has ever sought to appeal removal from approved status, because any appeal would have had to be heard previously in any event because of Utah Administrative Procedure Act requirements, and because the department's experience is that providers that lose their approved status but are not disqualified primarily

direct their efforts toward regaining approved status by coming into compliance with department rules and policies rather than protesting the department's decision to remove them from approved status. The removal of the department's authority to exempt covered individuals working in child care centers from exclusion due to missing or disqualifying background check results will not impact small businesses because the department had never used this authority and has no intention of using it in the future. The following changes may impact small businesses: The denial of child care subsidy payments to clients who watch their own children in other than temporary or emergency circumstances may impact small businesses because providers for these clients will no longer receive subsidies on behalf of these clients' children. The average cost of these lost subsidies is expected to be approximately \$8 per provider per month, although that average is skewed by the fact that many providers have no cases that would be affected while those with affected cases would have higher costs. The changes in provider reporting timeframes are expected to result in savings to small businesses, specifically, to providers that will now have additional time to timely report to the department and therefore avoid overpayment assessment. The amount of savings cannot be determined until the department observes how providers respond to having more time to report. No longer assessing an overpayment when a client meets the eight-hour requirement after the 25th of the month, so long as the provider is timely in its reporting to the department, may affect small businesses. Specifically, providers may save an as-yet-undetermined amount from receiving fewer overpayments due to children meeting the eight-hour threshold late in the month. The requirement that providers certify the attendance of all children receiving subsidies on a monthly basis may impact small businesses because providers who fail to certify for three months out of any six-month period will be disqualified from receiving child care subsidies. The department is unable to anticipate how many providers will be disqualified due to this requirement but believes its provider outreach efforts will sufficiently inform providers of the certification requirement and prevent disqualification for all providers except those that willfully fail to engage in the certification process. Previous changes to reporting requirements have not resulted in a substantial increase in disqualifications or other adverse actions against providers. Further, the certification requirement does not take effect immediately, so providers will have time to become accustomed to it before any negative consequences take effect. The certification process will not require any additional record-keeping costs beyond those already imposed by the existing rules. The certification process will be electronic and is expected to take approximately one minute per month; this cost is so minimal that the Department is unable to meaningfully calculate it. The change to background check requirements for license-exempt child care programs is expected to impact the approximately 130 license-exempt child care providers receiving child care subsidies from the department. Per Federal Register guidance (81 FR 67554), the typical license-exempt provider is estimated to have approximately 11 employees who would be subject to the

background check requirements, and the cost of a background check is estimated to be \$55. The same Federal Register guidance also estimates the annual turnover rate for license-exempt child care providers to be approximately 13.5%. Based on these estimates, the estimated initial cost to a typical license-exempt provider will be approximately \$600, with annual costs of approximately \$80 for background checks for new staff members and ongoing costs of approximately \$120 per year to renew background checks as required every five years. These costs will be higher or lower depending on the number of employees a provider has. This is a cost imposed by changes to federal regulations governing the background check requirements of the child care program (45 CFR 98.43). The department has considered methods of reducing the negative fiscal impact of the rule on small businesses in accordance with Subsection 63G-3-301(6) but cannot establish less stringent requirements, schedules, or deadlines; simplify compliance or reporting requirements; replace design standards with performance standards; or exempt small businesses from the proposed rule. This is because aspects of the rule are required by federal law as a condition of receiving CCDF funding, without which the child care program could not function. Those aspects of the rule that are not mandated by federal law must be applied to small businesses because most if not all of the state's child care providers meet the definition of a small business, and a rule that did not apply to them would not effect the department's goals in a meaningful way. The department has taken steps to reduce the potential impact on small businesses by placing the burden for notifying a client of the client's potential eligibility for temporary change child care on the department, and by delaying the effective date of the provider attendance certification requirement until 02/01/2018 so that providers will have time to become educated on the certification requirement and how to certify.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The following changes are not expected to affect persons other than small businesses, businesses, or local government entities ("other affected persons"): Defining allowable temporary changes by rule will not impact other affected persons because allowable temporary changes are already being approved for child care clients as per existing department policy, consistent with the 2016 amendments to 45 CFR 98.21. The changes to the qualification procedure for temporary change child care will not impact other affected persons because the changes merely formalize and clarify existing department procedures for qualifying for and receiving temporary change child care. The criteria for when a subsidy payment may be made to two providers in one month will not impact other affected persons because the criteria represent existing department policy and are simply being clarified. The removal of approval for hourly child care centers to receive child care payments will not impact other affected persons because no hourly centers are approved currently, and hourly centers are not eligible to be licensed by the Office of Child Care Licensing. Directing provider appeals of child care licensing-related issues to the Office of Child

Care Licensing will not impact other affected persons because no hearings have been previously held, and because changing which office administers any future hearing will not affect the cost of such hearing. The changes in timeframes for provider reporting will not impact other affected persons because the change applies only to provider reporting, not client reporting. Providing specific enforcement authority for the three-year provider record-keeping requirement will not impact other affected persons because the record-keeping requirement applies only to providers, not clients. The requirement that providers certify child attendance on a monthly basis will not impact other affected persons because only providers and not clients are required to certify in the manner being prescribed by the rule. Allowing for removal of a provider from approved status for failure to provide an Employer Identification Number or other tax ID number will not impact other affected persons because the rule change simply codifies and clarifies existing department policy. Allowing providers to appeal a decision to remove them from approved provider status will not impact other affected persons because clients are not parties to provider appeals. The change to background check requirements for license-exempt child care programs will not impact other affected persons because clients are not covered by the background check requirements. The removal of the department's authority to exempt covered individuals working in child care centers from exclusion due to missing or disqualifying background check results will not impact other affected persons because the department had never used this authority and had no intention of using it in the future. The following changes may impact other affected persons: The changes to the changed circumstances a client is required to report to the department may impact other affected persons because clients who fail to follow these requirements may be assessed an overpayment by the department. However, previous changes to reporting requirements in 2005 do not appear to have resulted in an increased number of overpayments, so the department does not anticipate an increase in the number of overpayments from the proposed change. The department does not anticipate any impact from the reporting process itself because clients are already required to regularly report changes in circumstances to the department. The requirement that allowable temporary changes be reported may impact other affected persons because clients who fail to follow these requirements may be assessed an overpayment by the department. However, the department does not anticipate a change in the number of overpayments caused by the new reporting requirements because there does not appear to have been a change in the number of overpayments caused by the de facto removal of the reporting requirement for temporary change child care when the program was instituted in October 2016.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The compliance costs consist of the provider certification process. This process will be electronic and is expected to take approximately one minute per month; this cost is so minimal that the Department is unable to meaningfully calculate it.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:

I. WHETHER A FISCAL IMPACT TO BUSINESS IS EXPECTED AS A RESULT OF THE PROPOSED RULE AND, IF SO, A DESCRIPTION OF WHY: The proposed rule may result in a fiscal impact to some businesses. Child care providers whose clients currently receive subsidy payments to watch their own children may lose business as a result of that subsidy no longer being available. Providers are expected to save money as a result of the changes to the Department's reporting timeframes because there may be fewer overpayments assessed against providers who report timely. Providers will see at least some minimal impact from the requirement that they certify attendance for subsidized children on a monthly basis. License-exempt providers will be impacted by the requirement to obtain background checks for all employees and household members.

II. AN ESTIMATE OF THE TOTAL NUMBER OF BUSINESS ESTABLISHMENTS IN UTAH EXPECTED TO BE IMPACTED: The number of businesses that are impacted by the proposed rule is difficult to predict because some of the potential impacts are not certain to occur. There are approximately 130 license-exempt providers that will now have to obtain background checks as a condition of receiving CCDF funding. The Department estimates, at most, approximately 70 to 80 providers will be impacted by the loss of subsidy on behalf of clients who will no longer be eligible under the proposed rule.

III. AN ESTIMATE OF THE SMALL BUSINESS ESTABLISHMENTS IN UTAH EXPECTED TO BE IMPACTED: The proposed rule will likely only have a fiscal impact on small businesses because small businesses constitute most if not all the child care providers in the state.

IV. A DESCRIPTION OF THE SOURCES OF COST OR SAVINGS AS WELL AS THE EXPECTED NET SAVINGS OR COST TO BUSINESS ESTABLISHMENTS AND SMALL BUSINESS ESTABLISHMENTS AS A RESULT OF THE PROPOSED RULE OVER A ONE-YEAR PERIOD, IDENTIFYING ONE-TIME AND ONGOING COSTS: The background check requirement is expected to cost the typical license-exempt provider approximately \$600 as a fixed cost for background checks for existing employees, and approximately \$200 per year to renew background checks or provide checks for new employees. The denial of child care subsidy payments to clients who watch their own children in other than temporary or emergency circumstances is expected to cost affected providers approximately \$100 per month until the child care slot vacated by a lost client is filled. Any savings from the absence of overpayments due to changes in the reporting timeframes are expected to be ongoing, although as noted above any such savings cannot be determined at this point.

V. DEPARTMENT HEAD'S COMMENTS ON THE ANALYSIS: The primary cost of the rule is expected to come in the form of the background check requirement for license-exempt providers, which is a federally imposed requirement over which the Department has no control. The Department expects that costs from the loss of no-longer-subsidized child care clients will be minor and limited in duration because child care providers are typically able to fill vacated slots with other clients.

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Nathan White by phone at 801-526-9647, or by Internet E-mail at nwhite@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 09/14/2017

THIS RULE MAY BECOME EFFECTIVE ON: 09/21/2017

AUTHORIZED BY: Jon Pierpont, Executive Director

R986. Workforce Services, Employment Development.

R986-700. Child Care Assistance.

R986-700-702. General Provisions.

(1) CC is provided to support employment for U.S. citizens and qualified aliens authorized to work in the U.S. Child care for approved education and training activities, ~~and~~ job search, or for an approved temporary change as defined in R986-700-703 may be authorized in accordance with rule.

(2) CC is available, as funding permits, to the following clients who are employed or are participating in activities that lead to employment:

- (a) parents;
- (b) specified relatives; or

(c) clients who have been awarded custody or appointed guardian of the child by court order and both parents are absent from the home. If there is no court order, an exception can be made on a case by case basis in unusual circumstances by the Department program specialist.

(3) Child care is provided only for children living in the home and only during hours when neither parent is available to provide care for the children. To be eligible, the child must have a need for at least eight hours of child care per month as determined by the Department.

(4) If a client is eligible to receive CC, the following children, living in the household unit, are eligible:

- (a) children under the age of 13; and
- (b) children up to the age of 18 years if the child;
 - (i) meets the requirements of rule R986-700-717, and/or
 - (ii) is under court supervision.

(5) Clients who qualify for child care services will be paid if and as funding is available. When the child care needs of eligible applicants exceed available funding, applicants will be placed on a waiting list. Eligible applicants on the list will be served as funding becomes available. Special needs children, homeless children and FEP or FEPTP eligible children will be prioritized at the top of the list and will be served first. "Special needs child" is defined in rule R986-700-717.

(6) Payments are issued monthly based on a client's eligibility for services in that month. The amount of CC might not cover the entire cost of care.

(7) A client is only eligible for CC if the client has no other options available for child care. The client is encouraged to obtain child care at no cost from a parent, sibling, relative, or other suitable provider. If suitable child care is available to the client at no cost from another source, CC cannot be provided.

(8) CC can only be provided by an eligible provider approved by the Department and will not be provided for illegal or unsafe child care. Illegal child care is care provided by any person or facility required to be licensed or certified but where the provider has not fulfilled the requirements necessary to obtain the license or certification.

(9) CC will not be paid to a client for the care of his or her own child(ren) when the client is working in a residential setting. CC may be approved where the client is working for an approved child care center, does not regularly watch[es] his or her own children [other than her own] at the center, and does not have an ownership interest in the child care center. CC will not be paid to a client for the care of his or her own child(ren) if the client is a stockholder, officer, director, partner, manager or member of a corporation, partnership, limited liability partnership or company or similar legal entity providing the CC.

(10) Neither the Department nor the state of Utah is liable for injuries that may occur when a child is placed in child care even if the parent receives a subsidy from the Department.

(11) Foster care parents receiving payment from the Department of Human Services are not eligible to receive CC for the foster children.

(12) Once eligibility for CC has been established, eligibility must be reviewed once every twelve months. The review is not complete until the client has completed, signed and returned all necessary review forms to the local office. All requested verifications must be provided at the time of the review. If the Department has reason to believe the client's circumstances have changed, affecting either eligibility or payment amount, the Department may reduce or terminate CC even if the certification period has not expired.

R986-700-703. Client Rights and Responsibilities.

In addition to the client rights and responsibilities found in R986-100, the following client rights and responsibilities apply:

(1) A client has the right to select the type of child care which best meets the family's needs.

(2) If a client requests help in selecting a provider, the Department will refer the client to the local Care About Child Care agency.

(3) A client is responsible for monitoring the child care provider. The Department will not monitor the provider.

(4) A client is responsible to pay all costs of care charged by the provider. If the child care assistance payment provided by the Department is less than the amount charged by the provider, the client is responsible for paying the provider the difference.

(5) The only changes a client must report to the Department within ten days of the change occurring are:

(a) that the household's gross monthly income exceeds the percentage of the state median income as determined by the Department in R986-700-710(3);

(b) that the client is no longer in an approved training or educational program;

(c) if the client's schedule changes so that child care is no longer needed during the hours of approved employment and/or training activities;

(d) that the client does not meet the minimum work requirements of an average of 15 hours per week or 15 and 30 hours per week when two parents are in the household and it is expected to continue;

(e) the client is separated from his or her employment;

(f) a change of address;

(g) any of the following changes in household composition; a parent, stepparent, spouse, or former spouse moves into the home, a child receiving child care moves out of the home, or the client gets married;[-or]

(h) a change in the child care provider, including when care is provided at no cost;[-]

(i) when the child has stopped attending child care or has not attended child care for at least eight hours during the month for which CC was authorized;

(j) a change in child custody, visitation, or parent-time, including any regular periods of extended change in visitation or parent-time such as extended holidays or vacations with a non-custodial parent;

(k) a change in the total cost of care for a client that is based on a change in a person(s) paying some or all of the total cost of care; and

(l) any other changes that would affect a client's eligibility for ESCC as described in rule R986-700-709.

~~(6) [A client is not required to report certain allowable temporary changes, as defined in Department policy.]~~ Certain reportable changes are considered allowable temporary changes when the circumstances are expected to last three months or less.

(a) The following are allowable temporary changes:

(i) Time-limited absences from work due to medical or other emergency, such as maternity leave, bed rest, or temporary medical issues of the client or an immediate family member living in the client's home if the client is responsible for the immediate family member's care;

(ii) Temporary fluctuations in earnings or hours, such as summer break for teachers or seasonal hours changes for IRS employees, that would otherwise have the effect of causing the client to fail to meet the minimum work requirements for eligibility;

(iii) Scheduled holidays or breaks in a client's educational training schedule.

~~(b) [However, temporary changes will be acted upon when they are known to the Department. Temporary changes lasting more than three months must be reported to the Department following general reporting requirement time frames.]~~ A client must have received an ESCC payment [and met the work requirement for a minimum of 30 days] in the month prior to or the month of the temporary change before receiving a temporary change payment or a subsequent temporary change payment. The Department shall inform a client whose eligibility for ESCC ends due to a change in circumstances of the client's possible eligibility for temporary change child care. To receive temporary change child care, the client must request such child care within ten days of receiving a notification of possible eligibility from the Department, comply with Department

procedures regarding eligibility verification, and continue to use child care during the temporary change period. Temporary change child care may not be received for more than three consecutive months.

(7) If a material change which would result in a decrease in the amount of the CC payment is reported within 10 days, the decrease will be made effective beginning the next month and sums received in the month in which the change occurred will not be treated as an overpayment. If it is too late to make the change to the next month's CC payment, the client is responsible for repayment even if the 10 days for reporting the change has not expired. If the client fails to report the change within 10 days, the decrease will occur as soon as the Department learns of the change and the overpayment will be assessed back to the date of the change.

(8) If an overpayment is established and it is determined that the client was at fault in the creation of the overpayment, the client must repay the overpayment to the Department. In some situations, the client and provider may be jointly liable. In the case of joint liability, both parties can be held liable for the entire overpayment.

(9) The Department is authorized to release the following information to the designated provider:

(a) limited information regarding the status of a CC payment including that no payment was issued or services were denied;

(b) the date the child care subsidy was issued;

(c) the subsidy amount for that provider;

(d) the copayment amount;

(e) information available in the Department Provider Portal.

The Provider Portal provides a provider with computer access to limited, secure information;

(f) the month the client is scheduled for review;

(g) the date the client's application was received; and

(h) general information about what additional information and/or verification is needed to approve CC such as the client's work schedule and income.

(10) If a client uses a child care provider at least eight hours ~~[by the 15th of]~~ in the calendar month, and that provider has been paid for that month, the Department will not pay another provider for child care for the rest of that month, even if the client changed providers. ~~However, if it is the provider that decided not to provide care and the client is required to change providers, the Department may pay that second provider for a portion of that same month.~~ unless the maximum subsidy payment amount for the month will not be exceeded by paying the second provider and one of the following exceptions also applies:

(a) The initial provider is no longer providing child care, is no longer an approved provider, or has been disqualified by the Department;

(b) The client relocates his or her residence and it is no longer reasonably feasible to continue using the initial provider due to travel time or distance;

(c) There is a substantial change in the days or times of day when child care is needed, such as a change in the timing of the shifts the client is working, that cannot be accommodated by the initial provider; or

(d) The Department determines a change in child care providers is necessary due to an endangerment finding for the child. The Department may, in its discretion, approve payment to a second provider due to an endangerment finding even if the maximum subsidy payment amount would be exceeded.

R986-700-705. Eligible Providers and Provider Settings.

(1) The Department will only pay CC to clients who select eligible providers. All eligible providers, including providers who receive CC grants from the Department, must meet all Child Care Development Fund (CCDF) requirements. The only eligible providers are:

(a) providers regulated through Department of Health Child Care Licensing (CCL):

(i) licensed homes;

(ii) licensed child care centers, except hourly centers; and

(iii) homes with a residential certificate.

(b) license exempt providers who are not required by law to be licensed and are either;

(i) license exempt centers as defined in R430-8-3. Programs or centers must have a current letter of exempt status from CCL; or

(ii) DWS Family, Friend and Neighbor providers (FFN) as approved by CCL. The requirements for FFN approval are provided in subsection (3) of this section and in Department policy.

(2) The following providers are not eligible for receipt of a CC payment:

(a) a provider living in the same home as the parent client unless the provider is caring for a child who has special needs who cannot be otherwise accommodated;

(b) a sibling of the child living in the home can never be approved, even for a special needs child;

(c) a parent, foster care parent, stepparent or former stepparent, even if living in another residence;

(d) undocumented aliens;

(e) persons under age 18;

(f) a provider providing care for the child in another state;

(g) a sponsor of a qualified alien client applying for child care assistance;

(h) a provider who has committed an IPV as a provider, or as a recipient of any funds from the Office of Child Care including subsidy and grant payments, as determined by the Department or by a court. The disqualification for an IPV will remain in effect until the IPV disqualification period has run, any resulting overpayment has been satisfied, and the provider is otherwise eligible;

(i) any provider disqualified under R986-700-718;

(j) a provider who does not provide necessary information or cooperate with a Department investigation or audit or is not an approved provider; or

(k) a provider whose child care subsidies are being taken pursuant to an IRS levy or garnishment.

(3) FFN providers must comply with all CCDF and Department requirements and will not be approved for a CC subsidy payment unless all of the following requirements have been successfully completed and verification has been provided to CCL:

(a) complete, sign and submit an application to CCL;

(b) provide a copy of a certificate of completion of New Provider orientation and agree to comply with Department requirements and policy, including ongoing training, as explained in the orientation;

(c) pass a home inspection as provided in Department policy;

(d) complete an infant/child CPR training;

(e) complete first aid training; and,

(f) the provider and all individuals 12 years old or older living in the home where care is provided must submit to and pass a background check as provided in R986-700-751 et seq.

(4) A FFN provider must also comply with all Department policy including abiding by the ratio requirements.

(5) FFN approval must be renewed annually. Renewal information is found in Department or CCL policy. The FFN CC Provider must complete an announced inspection and show compliance with all regulations at least 30 calendar days before the expiration date of the current approval.

(6) FFN CCL provider approval is for the provider and the location(s) and is not assignable or transferable.

(7) ~~[A FFN provider or applicant has a right to file an appeal when an adverse action has been taken against him or her in regards to FFN approval status or health and safety compliance. Prior to filing an appeal, the provider or applicant must request a review with the CCL manager. If unresolved after that review, the provider may file an appeal by requesting a fair hearing with DWS in accordance with R986-100-123 et seq.]~~ If a program or provider is not subject to licensing requirements, and the program or provider receives or wishes to receive CCDF funds but has had adverse action taken against it by CCL regarding DWS approval status or health and safety compliance, the program or provider's appeal shall be made to CCL according to CCL's procedures. An appeal based on adverse action by the Department shall be made to the Department in accordance with R986-100-123 et seq.

R986-700-706. Provider Rights and Responsibilities.

(1) Providers assume the responsibility to collect copayments and any other fees for child care services rendered. Neither the Department nor the state of Utah assumes responsibility for payment to providers.

(2) A provider may not charge clients receiving a CC subsidy a higher rate than their customers who do not receive a CC subsidy.

(3) Providers may retain the full monthly subsidy payment so long as at least eight hours of care were provided ~~[by the 15th of]~~ during the month and the provider is otherwise in compliance with Department rules and policies. The subsidy payment is to support an eligible client's monthly employment and training activities and allows for temporary absences and unforeseen circumstances. Having a child only attend one day per month or sporadically to receive a child care payment is a misuse of funds and will result in an overpayment and possible child care disqualification. Additionally, the subsidy payment is intended to be used to cover the provider's business expenses during the month for reserving the slot(s) and shall not be used to cover the client's out of pocket expenses, copayments, or carried forward for future months of service. Providers who choose not to apply the funds as required will be subject to an overpayment and possible child care disqualification.

(4) Providers must keep accurate records of subsidized child care payments, and time and attendance. The Department has the right to investigate child care providers and audit their records. Audits and investigations may be performed by a person or entity under contract with the Department. Time and attendance records for all subsidized clients must be kept for at least three years.

(5) Providers must provide initial verification information to determine eligibility. Providers must also cooperate with an investigation or audit to determine ongoing eligibility or if eligibility

was correctly determined. Cooperation includes providing information and verification and returning telephone calls or responding to emails from Department employees or other persons authorized by the Department to obtain information such as an employee of ORS in a timely manner. "A timely manner" is usually considered to be ten business days for written documentation and two business days to return a phone call or email request. Providing incomplete or incorrect information will be treated the same as a failure to provide information if the incorrect or insufficient information results in an improper decision with regard to the eligibility. Failure to disclose a material fact that might affect the eligibility determination can also lead to criminal prosecution. If a provider fails to cooperate with an investigation or audit, provide any and all information or verification requested, or fails to keep records for ~~[one year]~~ three years without good cause, the provider will no longer be an approved provider. Good cause is limited to circumstances where the provider can show that the reasons for the delay in filing were due to circumstances beyond the provider's control or were compelling and reasonable. The period the provider will not be an approved provider will be from the date the information or verification was due until when it is received by the Department.

(6) If a provider accepts payment from funds provided by the Department for services which were not provided, the provider is responsible for repayment of the resulting overpayment and there may be a disqualification period and/or criminal prosecution.

(7) CCL will keep a list of all providers that have been disqualified as a provider or against whom a referral or complaint is received.

(8) All providers, except FFN providers as defined in R986-700-705(1)(b)(ii), are required to report their monthly, full-time child care rates to the local Care About Child Care agency. All providers must also report the rate for each individual child to the Department if the amount is less than the rate reported to Care About Child Care. Failure to report reduced rates may result in an overpayment.

(9) Providers are required to access the Provider Portal at jobs.utah.gov/childcare and:

- (a) submit and manage bank account information;
- (b) read and agree to the terms and conditions contained in the Provider Guide and in the Portal;
- (c) view child care payment information;
- (d) manage Provider Portal user access to ensure only those users with authority to make changes can do so. The provider is liable for all changes made and information provided through the Provider Portal;

(e) report the following changes within 10 days, or by the 25th of the month, whichever is sooner:

(i) a reduced or part-time rate for an individual child in care, as applicable. This includes reporting any rate changes or updates that occur for each child once a rate has been submitted in the portal;

(ii) a child is no longer in child care;

(iii) a child ~~[was not]~~ is not expected to be in child care ~~[during that]~~ the following month;

(iv) that the provider received a greater subsidy payment amount than what was charged to the client for the month of service. Excess subsidy funds cannot be used to cover outstanding balances, copayments, or future services. The provider should notify the Department and the difference will either be deducted from the next month's subsidy payment or the funds must be returned to the Department;

(v) that a child has not attended for ~~[less than]~~ at least eight hours by the ~~[+]~~25th of the month, ~~[payment for the month was received and the child is not expected to return]~~ regardless of whether the child attends or is expected to attend for at least eight hours following the 25th of the month; [or] and

(vi) a change in financial institution account information for direct deposit.

(f) Effective February 1, 2018, between the 25th of each month and the end of the month, a licensed provider shall certify, in a manner specified by the Department, that the licensed provider has reviewed each child's attendance and reported any reportable changes in each child's attendance, including future changes known or expected by the provider.

(10) Providers must submit a W-9 Form, Federal Employer Identification Number (EIN) or Social Security Number via the DWS Provider Portal, if required by the Department, and a 1099 will be issued annually. The Federal EIN or Social Security Number must be provided within 30 days of receipt of the first subsidy payment from the Department. Failure to submit this information shall result in the provider being removed from approved provider status.

(11) A provider who provides services for any part of a month and then terminates services with the client/child during the month, must reimburse the Department for the days when care was not provided. However, if it was necessary to remove the child from care because the child or others were endangered, and the incident was reported to CCL or local authorities, the Department may waive repayment.

R986-700-715. Overpayments.

(1) An overpayment occurs when a client or provider received CC for which they were not eligible including when a provider accepts payment but does not provide care. If the Department fails to establish one or more of the eligibility criteria and through no fault of the client, payments are made, it will not be considered to have been an overpayment if the client would have been eligible and the amount of the subsidy would not have been affected.

(2) Even if CC funds are authorized by the Department, a CC provider cannot receive and retain funds for any month during which no CC services were provided. If authorized or unauthorized subsidy funds received and retained by a provider but no CC services were provided during the month, the provider will be required to reimburse the Department for the excess funds and may be disqualified from receipt of further CC subsidy funds as provided in R986-700-718. A provider is considered to have retained subsidy funds if the provider knew or should have known the child would not receive services that month and fails to notify the Department within ten days, or if the provider does not notify the Department [within ten days of the end] by the 25th of the month when the child was not in care at least eight hours that month. If the client does not use at least eight hours of child care by the ~~[+]~~25th of the month but uses at least eight hours of child care after the ~~[+]~~25th of the month, it may result in a partial overpayment for that month. The partial overpayment may not be assessed if the provider reports by the 25th of the month that a child was not in care during that month or stopped attending care during that month and the child then attends for eight hours that month after the change has been reported.

(3) In the event that excess funds were issued for the month of service, the payment cannot be used to cover the client's out of pocket expenses, copayments, or carried forward for future months of

service with a provider. The payment must be returned to the Department or, if possible, the payment for the following month may be reduced to offset the over-issuance. An overpayment may also occur when a provider receives a greater subsidy payment amount than the client was charged for the month of service.

(4) All CC overpayments must be repaid to the Department.

(a) Client overpayments may be deducted from ongoing CC payments for clients who are receiving CC. If the Department is at fault in the creation of an overpayment, the Department will deduct \$10 from each month's CC payment unless the client requests a larger amount.

(b) Provider overpayments. If a provider does not repay any outstanding overpayment within 30 days of notice of the overpayment, the Department will commence collection procedures which may include recouping the overpayment by deducting a portion of the overpayment from ongoing child care subsidies from the Department. This is true even if the child or client no longer receives child care from the provider. The decision whether to recoup the overpayment from ongoing child care payments or to commence collection procedures lies with the Department and not the provider or client/s.

(i) If the Department elects to recoup the overpayment from ongoing child care payments, and the overpayment is less than \$1,000, the Department will recoup the full amount within 90 days. If the overpayment is more than \$1,000 the Department will recoup the amount within six months. If the recoupment presents a hardship because it is more than 50% of the provider's ongoing monthly subsidy amount, the provider can contact the Department to discuss alternative arrangements for repayment.

(ii) If a provider stops providing care and has a balance due on an overpayment, and seeks approval to become a provider at a later date, approval cannot be granted until the overpayment is paid in full even if any disqualification period has expired.

(5) CC will be terminated if a client fails to cooperate with the Department's efforts to investigate alleged overpayments.

(6) If the Department has reason to believe an overpayment has occurred and it is likely that the client will be determined to be disqualified or ineligible as a result of the overpayment, payment of future CC may be withheld, at the discretion of the Department, to offset any overpayment which may be determined.

(7) A CC provider may appeal an overpayment as provided for public assistance appeals in rule R986-100. Any appeal must be filed in writing within 30 days of the date of the notice of agency action establishing the overpayment.

(8) If a provider or individual facility fails to enter into a payment plan to repay the overpayment or abide by the terms of the payment plan for 12 consecutive months, the provider will be taken off the approved provider list until all overpayments are paid in full or the arrearage on the payment plan is brought current. This is true even if there is only one overpayment.

R986-700-718. Provider Disqualification; Removal From Approved Provider Status.

(1) If a parent or provider commits an IPV, as defined in R986-100-117, the parent or provider will be responsible for repayment of the overpayment, if there is one, and will be disqualified from receipt of any funds from the Office of Child Care, including subsidy funds, grants and funds as a provider or as a parent:

(a) for a period of one year for the first IPV;

- (b) for a period of two years for the second IPV; and
- (c) for life for the third IPV.

(2) If the overpayment resulted from parent or provider fault not amounting to fraud or an agency error, the client and or provider will be responsible for repayment of the overpayment. There is no disqualification or ineligibility period for a fault overpayment.

(3) Effective February 1, 2018, a licensed provider that, in any six-month period, fails three times to timely certify attendance during the monthly certification period as required in rule R986-700-706(9)(f) shall be disqualified.

(4) A CC provider may appeal an overpayment, removal from approved provider status, or disqualification as provided for public assistance appeals in rule R986-100. Any appeal must be filed in writing within 30 days of the date of the notice of agency action establishing the overpayment or disqualification. A provider who has been disqualified or removed from approved provider status may not continue to receive CC subsidy funds pending appeal ~~until a decision is issued by the ALJ~~. The disqualification period will take effect even if the provider files an appeal of the decision issued by the ALJ. If the provider fails to file an appeal within 30 days of the date of the notice of agency action and the Department issues a default decision, and the provider files a request to set aside the default, CC subsidy funds will not continue unless or until the default is set aside by the ALJ. If the request to set aside the default is denied, the provider will be disqualified pending appeal of the denial to set aside the default.

(5) A provider is ineligible for CC subsidy funds after a disqualification until all overpayments established in conjunction with the disqualification have been paid in full even if the disqualification period has ended.

(6) A provider that intentionally breaches any program rule as provided in R986-100-117, except as provided in subsection (1) of this section, or violates CC rule R986-700-706(2) through (5) or who assumes a client's identity in order to gain access to client information or payment of Department funds will be disqualified for one year for the first offense, two years for the second offense and for life for the third offense.

(7) All disqualification periods run concurrently.

(8) A disqualification issued to a provider, including a child care center, under this subsection will follow both the provider, the principal provider, and any successor center or provider.

(a) A "successor" provider, including a child care center, that acquires the business or acquires substantially all of the assets of the provider or child care center. This includes a provider who changes from one status to another like a provider who was disqualified as a licensed family provider who then changes to be a license exempt provider.

(b) "Acquired" means to come into possession of, obtain control of, or obtain the right to use the assets of a business by any legal means including a gift, lease, repossession or purchase. For purposes of succession, a purchase through bankruptcy court proceedings where assets are being liquidated is not considered an acquisition, if the court places restrictions on the transfer of liabilities to the purchaser. It is not necessary to purchase the assets in order to have acquired the right to their use, nor is it necessary for the predecessor to have actually owned the assets for the successor to have acquired them. The right to the use of the asset is the determining factor.

(c) "Assets" are commonly defined to include any property, tangible or intangible, which has value. Assets may also include the

acquisition of the name of the business, customers, accounts receivable, patent rights, goodwill, employees, or an agreement by the predecessor not to compete.

(d) "Substantially all" means acquisition of 90 percent or more of all of the predecessor's assets.

(f) A "principal" is the individual or individuals who were responsible for the day to day business of the child care center provided that individual had an ownership interest in the center. An ownership interest includes a shareholder, director or officer of a corporation and a partner, member or manager of a limited liability partnership or company.

R986-700-751. Background Checks.

(1) Sections R986-700-751 through 756 apply to child care providers identified in Utah Code Section 35A-3-310.5(1) and license-exempt providers and other programs not subject to CCL requirements that wish to receive CCDF funds.

~~(2) [The provider and each person age 12 years old or older living in the household where the child care is provided must submit to a background check.]~~ The following persons must submit to a background check:

(a) The provider;

(b) Each person age 12 years old or older who is living in the household where the child care is provided; and

(c) Each person who is employed or volunteering at the facility where the child care is provided, if the person's activities involve care or supervision of children or unsupervised access to children.

(3) If child care is provided in the child's home, a background check must be done on each person age 12 years old or older living in the child's home who is not on the client's child care case.

(4) A client is not eligible for a subsidy if the client chooses a provider and ~~[the provider or any person age 12 years old or older living in the household where the child care is provided]~~ any person described in Subsection (2) above has:

(a) a supported finding of severe abuse or neglect by the Department of Human Services, a substantiated finding by a Juvenile court under Subsection 78-3a-320 or a criminal conviction related to neglect, physical abuse, or sexual abuse of any person; or

(b) a conviction for an offense as identified in R986-700-754; or

(c) an adjudication in juvenile court of an act which if committed by an adult would be an offense identified in R986-700-754.

R986-700-752. Definitions.

Terms used in the section R986-700-751 through 756 are defined as followed:

(1) "Convicted" includes a conviction by a jury or court, a guilty plea or a plea of no contest, an adjudication in juvenile court or an individual who is currently subjected to a deferred judgment and sentence agreement, a deferred prosecution agreement, a deferred adjudication agreement, or a plea in abeyance.

(2) "Covered Individual" means:

(a) each person providing child care;

(b) all individuals 12 years old or older residing in a residence where child care is provided;

(c) each person who is employed or volunteering at the facility where the child care is provided, if the person's activities involve care or supervision of children or unsupervised access to children.

(3) "Supported" means a finding by the Utah Department of Human Services (DHS), at the completion of an investigation by DHS, that there is a reasonable basis to conclude that one or more of the following severe types of abuse or neglect has occurred:

- (a) if committed by a person 18 years of age or older;
 - (i) severe or chronic physical abuse;
 - (ii) sexual abuse;
 - (iii) sexual exploitation;
 - (iv) abandonment;
 - (v) medical neglect resulting in death, disability, or serious illness;
 - (vi) chronic or severe neglect; or
 - (vii) chronic or severe emotional abuse
- (b) if committed by a person under the age of 18:
 - (i) serious physical injury, as defined in Subsection 76-5-109(1)(f) to another child which indicates a significant risk to other children, or
 - (ii) sexual behavior with or upon another child which indicates a significant risk to other children.

R986-700-754. Exclusion from Child Care Due to Criminal Convictions.

(1) As required by Utah Code Subsection 35A-3-310.5(4), if the criminal conviction was a felony, or is a misdemeanor that is not excluded under paragraphs (2) or (3) below, the covered individual may not provide child care or reside in a home where child care is provided.

(2) As allowed by Utah Code Subsection 35A-3-310.5(5), the Department hereby excludes the following misdemeanors and determines that a misdemeanor conviction listed below does not disqualify a covered individual from providing child care:

- (a) any class B or C misdemeanor offense under Title 32A, Alcoholic Beverage Control Act, except for 32A-12-203, Unlawful sale or furnishing to minors;
- (b) any class B or C misdemeanor offense under Title 41, Chapter 6a, Traffic Code except for 41-6a-502, Driving under the influence of alcohol, drugs, or a combination of both or with specified or unsafe blood alcohol concentration, when the individual had a child in the car at the time of the offense;
- (c) any class B or C misdemeanor offense under Title 58, Chapter 37, Utah Controlled Substances Act;
- (d) any Class B or C misdemeanor offense under Title 58, Chapter 37a, Utah Drug Paraphernalia Act;
- (e) any class B or C misdemeanor offense under Title 58, Chapter 37b, Imitation Controlled Substances Act;
- (f) any class B or C misdemeanor offense under Title 76, Chapter 4, Inchoate Offenses, except for 76-4-401, Enticing a Minor;
- (g) any class B or C conviction under Chapter 6, Title 76, Offenses Against Property, Utah Criminal Code;
- (h) any class B or C conviction under Chapter 6a, Title 76, Pyramid Schemes, Utah Criminal Code;
- (i) any class B or C misdemeanor offense under Title 76, Chapter 7, Subsection 103, Adultery, and 104, Fornication;
- (j) any class B or C conviction under Chapter 8, Title 76, Offenses Against the Administration of Government, Utah Criminal

Code except 76-8-1201 through 1207, Public Assistance Fraud; and 76-8-1301 False statements regarding unemployment compensation;

(k) any class B or C conviction under Chapter 9, Title 76, Offenses Against Public Order and Decency, Utah Criminal Code, except for:

- (i) 76-9-301, Cruelty to Animals;
- (ii) 76-9-301.1, Dog Fighting;
- (iii) 76-9-301.8, Bestiality;
- (iv) 76-9-702, Lewdness;
- (v) 76-9-702.5, Lewdness Involving Child; and
- (vi) 76-9-702.7, Voyeurism; and
- (l) any class B or C conviction under Chapter 10, Title 76, Offenses Against Public Health, Welfare, Safety and Morals, Utah Criminal Code, except for:
 - (i) 76-10-509.5, Providing Certain Weapons to a Minor;
 - (ii) 76-10-509.6, Parent or guardian providing firearm to violent minor;
 - (iii) 76-10-509.7, Parent or Guardian Knowing of a Minor's Possession of a Dangerous Weapon;
 - (iv) 76-10-1201 to 1229.5, Pornographic Material or Performance;
 - (v) 76-10-1301 to 1314, Prostitution; and
 - (vi) 76-10-2301, Contributing to the Delinquency of a Minor and
 - (m) any class A misdemeanor where the conviction occurred more than ten years ago and the offense would be an excludable offense listed in this section.

~~[(3) The Executive Director or designee may consider and approve individual cases where a covered individual will be allowed to provide child care who would otherwise be excluded by this section.]~~

[(4)3] The Department will rely on the criminal background screening as conclusive evidence of the conviction and the Department may revoke or deny approval for a provider based on that evidence.

[(5)4] If a covered individual causes a provider to be disqualified as a provider based upon the criminal background screening and the covered individual disagrees with the information provided by BCI, the covered individual may challenge the information by contacting BCI directly. If the information causing the disqualification came from a Utah court, the covered individual must contact that court or seek an expungement as provided in Utah Code Ann. Sections 77-18-10 through 77-18-15.

[(6)5] All child care providers must report all felony and misdemeanor arrests, charges or convictions of covered individuals to DOH within 48 hours of the arrest, notice of the charge, or conviction. All child care providers must also report a person aged 12 or older moving into the home where child care is provided within ten calendar days of that person moving in. A release for a background check must also be provided for that person within the time requested by the Department or DOH.

KEY: child care

Date of Enactment or Last Substantive Amendment: [April 1, 2017]

Notice of Continuation: September 3, 2015

Authorizing, and Implemented or Interpreted Law: 35A-3-310; 53A-1b-110

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 <https://rules.utah.gov/>. 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.

Education, Administration **R277-110** Legislative Supplemental Salary Adjustment

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 41932
FILED: 07/19/2017

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 53A-1-401 allows the Utah State Board of Education (Board) to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and Subsection 53A-17a-153(5) allows the Board to make rules to administer the educator salary adjustment 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: No written comment has been received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule continues to be necessary because it provides procedures to ensure consistency when administering the legislative supplemental salary adjustment. Therefore, this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Angela Stallings by phone at 801-538-7656, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

AUTHORIZED BY: Angela Stallings, Deputy Superintendent, Policy and Communication

EFFECTIVE: 07/19/2017

Education, Administration **R277-401** Child Abuse-Neglect Reporting by Education Personnel

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 41933
FILED: 07/19/2017

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 53A-1-401 allows the Utah State Board of Education (Board) to make rules to

execute the Board's duties and responsibilities under the Utah Constitution and state law.

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

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule continues to be necessary because it provides guidance to local education agencies in developing and adopting policies regarding child abuse and neglect. Therefore, this rule should be continued.

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Angela Stallings by phone at 801-538-7656, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

AUTHORIZED BY: Angela Stallings, Deputy Superintendent, Policy and Communication

EFFECTIVE: 07/19/2017

**Education, Administration
 R277-407
 School Fees**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
 OF CONTINUATION**
 DAR FILE NO.: 41934
 FILED: 07/19/2017

**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 53A-1-401 allows the Utah State Board of Education (Board) to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; Subsection 53A-12-102(2) authorizes the Board to adopt rules regarding fees; and Permanent Injunction Order, Civil No. 920903376 provides additional requirements provided for in 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 comment has been received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule continues to be necessary because it provides standards, procedures, and guidance for local education agencies when developing and administering policies on school fees and school fee waivers. Therefore, this rule should be continued.

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Angela Stallings by phone at 801-538-7656, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

AUTHORIZED BY: Angela Stallings, Deputy Superintendent, Policy and Communication

EFFECTIVE: 07/19/2017

**Education, Administration
 R277-433
 Disposal of Textbooks in the Public
 Schools**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
 OF CONTINUATION**
 DAR FILE NO.: 41935
 FILED: 07/19/2017

**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 53A-1-401 allows the Utah State Board of Education (Board) to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and Section 53A-12-207 requires the Board to make rules providing for the disposal or reuse of useable textbooks in the public schools.

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

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule continues to be necessary because it provides procedures for local education agency policies for the reuse or disposal of textbooks in the public schools. Therefore, this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Angela Stallings by phone at 801-538-7656, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

AUTHORIZED BY: Angela Stallings, Deputy Superintendent, Policy and Communication

EFFECTIVE: 07/19/2017

Education, Administration
R277-445
Classifying Small Schools as
Necessarily Existent

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

DAR FILE NO.: 41936
FILED: 07/19/2017

**NOTICE OF REVIEW AND STATEMENT OF
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 53A-17a-109(3) requires the Utah State Board of Education (Board) to adopt rules and govern the approval of necessarily existent small schools consistent with state law; and Section 53A-1-401 allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.

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

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule continues to be necessary because it specifies the standards by which the Board classifies schools as necessarily existent, which qualifies the schools for additional funding. Therefore, this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Angela Stallings by phone at 801-538-7656, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

AUTHORIZED BY: Angela Stallings, Deputy Superintendent, Policy and Communication

EFFECTIVE: 07/19/2017

Education, Administration
R277-502
Educator Licensing and Data Retention

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

DAR FILE NO.: 41937
FILED: 07/19/2017

**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 53A-1-401 allows the Utah State Board of Education (Board) to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; Section 53A-6-104 allows the Board to issue or require licenses for certain individuals to work in the public education system.

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

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule continues to be necessary because it provides a process and criteria for an individual to obtain an educator license which is required for employment as a licensed educator in the public schools in Utah. Therefore, this rule should be continued.

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Angela Stallings by phone at 801-538-7656, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

AUTHORIZED BY: Angela Stallings, Deputy Superintendent, Policy and Communication

EFFECTIVE: 07/19/2017

**Education, Administration
 R277-516**

**Background Check Policies and
 Required Reports of Arrests for
 Licensed Educators, Volunteers, Non-
 licensed Employees, and Charter
 School Governing Board Members**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
 OF CONTINUATION**
 DAR FILE NO.: 41938
 FILED: 07/19/2017

**NOTICE OF REVIEW AND STATEMENT OF
 CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE

OR REQUIRE THE RULE: Subsections 53A-1-402(1)(a) and (ii) direct the Utah State Board of Education (Board) to establish rules and minimum standards for the public schools regarding qualification and certification of educators and ancillary personnel who provide direct student services and the evaluation of instruction personnel; and Title 53A, Chapter 15, Part 15, directs the Board to require educator license applicants to submit to background checks and provide ongoing monitoring of licensed educators.

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

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule continues to be necessary because it provides professional standards and training requirements for public school teachers and employees to ensure the safety of public school students. Therefore, this rule should be continued.

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Angela Stallings by phone at 801-538-7656, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

AUTHORIZED BY: Angela Stallings, Deputy Superintendent, Policy and Communication

EFFECTIVE: 07/19/2017

**Education, Administration
 R277-608**

**Prohibition of Corporal Punishment in
 Utah's Public Schools**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
 OF CONTINUATION**
 DAR FILE NO.: 41939
 FILED: 07/19/2017

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 53A-1-401 allows the Utah State Board of Education (Board) to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and Sections 53A-11-801 through 53A-11-805 provide guidelines for the use of reasonable and necessary physical restraint or force in educational settings.

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

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule continues to be necessary because it provides requirements and procedures for local education agencies to have policies in place that prohibit corporal punishment consistent with the law. Therefore, this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Angela Stallings by phone at 801-538-7656, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

AUTHORIZED BY: Angela Stallings, Deputy Superintendent, Policy and Communication

EFFECTIVE: 07/19/2017

Education, Administration
R277-713

Concurrent Enrollment of High School Students in College Courses

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 41940
FILED: 07/19/2017

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 53A-1-401 allows the Utah State Board of Education (Board) to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and Section 53A-15-1707 directs the Board to provide for the distribution of concurrent enrollment dollars in 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 comment has been received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule continues to be necessary because it provides standards and procedures for concurrent enrollment courses and the criteria for funding appropriate concurrent enrollment expenditures. Therefore, this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Angela Stallings by phone at 801-538-7656, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

AUTHORIZED BY: Angela Stallings, Deputy Superintendent, Policy and Communication

EFFECTIVE: 07/19/2017

Education, Administration
R277-800

Utah Schools for the Deaf and the Blind

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 41941
FILED: 07/19/2017

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 53A-25b-201 authorizes the Utah State Board of Education (Board) to make rules regarding the administration of the Utah Schools for the Deaf and the Blind (USDB); Section 53A-25b-302 directs the Board to establish entrance policies and procedures for student placement recommendations at the USDB; and Section 53A-1-401 allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.

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

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule continues to be necessary because it provides standards and procedures for the operation of the USDB and the USDB outreach programs and services. Therefore, this rule should be continued.

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Angela Stallings by phone at 801-538-7656, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

AUTHORIZED BY: Angela Stallings, Deputy Superintendent, Policy and Communication

EFFECTIVE: 07/19/2017

Financial Institutions, Administration
R331-5
Rule Governing Sale of Securities by Persons Issuing Securities, Who Are Under the Jurisdiction of the Department of Financial Institutions

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 41943
 FILED: 07/20/2017

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 7-1-503 authorizes the Commissioner of Financial Institutions to regulate the sale by financial institutions of securities including the solicitation of deposit accounts which is restricted. Subsection 7-1-301(13) allows the Commissioner to regulate the issuance, advertising, offer for sale, and sale of a security to the extent authorized by Section 7-1-503.

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 supporting or opposing written comments have been received by the agency 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: The rule is necessary because it covers registration with the department, offering circular requirements, securities sale report, limitations on resale of "restricted securities", remuneration paid for solicitation or for sales, manipulative and deceptive devices, waivers, and penalties for violation. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 FINANCIAL INSTITUTIONS
 ADMINISTRATION
 ROOM 201
 324 S STATE ST
 SALT LAKE CITY, UT 84111-2393
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Paul Allred by phone at 801-538-8854, by FAX at 801-538-8894, or by Internet E-mail at pallred@utah.gov

AUTHORIZED BY: Edward Leary, Commissioner

EFFECTIVE: 07/20/2017

Financial Institutions, Administration
R331-7
 Rule Governing Leasing Transactions
 by Depository Institutions Subject to the
 Jurisdiction of the Department of
 Financial Institutions

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

DAR FILE NO.: 41944
 FILED: 07/20/2017

**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 7-1-501 lists the persons and institutions subject to the jurisdiction of the Department of Financial Institutions, and those under the jurisdiction of the Department who must comply with supervision and examination including, as the rule states, "acceptable employment of deposits and other funds involved in leasing or leasing transactions."

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 supporting or opposing written comments have been received by the agency 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: The rule clearly defines acceptable leases and leasing transactions, residual dependence restrictions, salvage powers, sales-type capital lease restrictions, sale-leaseback restrictions, leveraged lease restrictions, and account requirements. Therefore, this rule should be continued.

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

FINANCIAL INSTITUTIONS
 ADMINISTRATION
 ROOM 201
 324 S STATE ST
 SALT LAKE CITY, UT 84111-2393
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Paul Allred by phone at 801-538-8854, by FAX at 801-538-8894, or by Internet E-mail at pallred@utah.gov

AUTHORIZED BY: Edward Leary, Commissioner

EFFECTIVE: 07/20/2017

Financial Institutions, Administration
R331-9
 Rule Prescribing Rules of Procedure
 for Hearings Before the Commissioner
 of Financial Institutions of the State of
 Utah

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

DAR FILE NO.: 41945
 FILED: 07/20/2017

**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 7-1-309 expressly authorizes the Commissioner of Financial Institutions to conduct hearings relating to matters within his supervisory jurisdiction.

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 supporting or opposing written comments have been received by the agency 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: Section 7-1-301 affords the Commissioner the functions, powers, duties, and responsibilities with respect to institutions, persons, or businesses subject to the jurisdiction of the department. The rule lists the types of hearings the Commissioner may call in connection with any matter pending before the Department and how those hearings should commence. It also covers confidential proceedings, pleadings, discovery, and subpoenas. Therefore, this rule should be continued.

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

FINANCIAL INSTITUTIONS
 ADMINISTRATION
 ROOM 201
 324 S STATE ST
 SALT LAKE CITY, UT 84111-2393
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Paul Allred by phone at 801-538-8854, by FAX at 801-538-8894, or by Internet E-mail at pallred@utah.gov

AUTHORIZED BY: Edward Leary, Commissioner

EFFECTIVE: 07/20/2017

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Paul Allred by phone at 801-538-8854, by FAX at 801-538-8894, or by Internet E-mail at pallred@utah.gov

AUTHORIZED BY: Edward Leary, Commissioner

EFFECTIVE: 07/20/2017

**Financial Institutions, Administration
 R331-10**

**Schedule for Retention or Destruction
 of Records of Financial Institutions
 Under the Jurisdiction of the
 Department of Financial Institutions**

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

DAR FILE NO.: 41946
 FILED: 07/20/2017

**NOTICE OF REVIEW AND STATEMENT OF
 CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 7-1-301(7) authorizes the Commissioner to adopt rules for the retention and destruction of financial institution records under the Department's jurisdiction that are consistent with federal laws and regulations.

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 supporting or opposing written comments have been received since the last notice of continuation.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: No other state rule establishes the schedule of retention and destruction of records for financial institutions under the department's jurisdiction. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 FINANCIAL INSTITUTIONS
 ADMINISTRATION
 ROOM 201
 324 S STATE ST
 SALT LAKE CITY, UT 84111-2393
 or at the Office of Administrative Rules.

**Financial Institutions, Administration
 R331-12**

**Guidelines Governing the Purchase
 and Sale of Loans and Participations in
 Loans by all State Chartered Financial
 Institutions**

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

DAR FILE NO.: 41947
 FILED: 07/20/2017

**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 7-1-301 authorizes the Commissioner to establish guidelines for the purchase and sale of loans and participations in loans by state-chartered financial institutions.

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 supporting or opposing written comments have been received since the last notice of continuation.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: No other state rule establishes the guidelines for the purchase and sale of loans and participations in loans by state-chartered financial institutions. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 FINANCIAL INSTITUTIONS
 ADMINISTRATION
 ROOM 201
 324 S STATE ST
 SALT LAKE CITY, UT 84111-2393
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Paul Allred by phone at 801-538-8854, by FAX at 801-538-8894, or by Internet E-mail at pallred@utah.gov

AUTHORIZED BY: Edward Leary, Commissioner

EFFECTIVE: 07/20/2017

Financial Institutions, Administration
R331-22
 Rule Governing Reimbursement of
 Costs of Financial Institutions for
 Production of Records

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

DAR FILE NO.: 41948
 FILED: 07/20/2017

**NOTICE OF REVIEW AND STATEMENT OF
 CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 7-1-301(6) and Section 7-1-1004 expressly authorize the Commissioner of Financial Institutions to promulgate rules establishing rates and conditions under which financial institutions that supply information to requesting agencies may seek reimbursement of costs.

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 supporting or opposing written comments have been received since the last notice of continuation.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: No other rule establishes cost-reimbursement guidelines for financial institutions that provide information to requesting agencies. Section 7-1-1004 requires the Commissioner to have a rule establishing the cost-reimbursement guidelines. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 FINANCIAL INSTITUTIONS
 ADMINISTRATION
 ROOM 201
 324 S STATE ST
 SALT LAKE CITY, UT 84111-2393

or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Paul Allred by phone at 801-538-8854, by FAX at 801-538-8894, or by Internet E-mail at pallred@utah.gov

AUTHORIZED BY: Edward Leary, Commissioner

EFFECTIVE: 07/20/2017

Health, Children's Health Insurance
 Program
R382-2
 Electronic Personal Medical Records
 for the Children's Health Insurance
 Program

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

DAR FILE NO.: 41962
 FILED: 07/31/2017

**NOTICE OF REVIEW AND STATEMENT OF
 CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 26-40-103 sets forth member rights and requirements in the electronic exchange of information under the Children's Health Insurance Program (CHIP). In addition, 42 CFR 457.348 requires CHIP to implement a secure, electronic interface with other medical assistance programs to make eligibility determinations.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The Department did not receive any written or oral comments regarding this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The Department will continue this rule because it implements the requirement to enroll a CHIP member in an electronic health information exchange and specifies the member's right to opt out.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 HEALTH
 CHILDREN'S HEALTH INSURANCE PROGRAM
 CANNON HEALTH BLDG
 288 N 1460 W

SALT LAKE CITY, UT 84116-3231
 or at the Office of Administrative Rules.

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Craig Devashrayee by phone at 801-538-6641, by FAX at 801-538-6099, or by Internet E-mail at cdevashrayee@utah.gov

AUTHORIZED BY: Joseph Miner, MD, Executive Director

AUTHORIZED BY: Joseph Miner, MD, Executive Director

EFFECTIVE: 07/31/2017

EFFECTIVE: 07/28/2017

**Health, Health Care Financing,
 Coverage and Reimbursement Policy
 R414-8
 Electronic Personal Medical Records
 for the Medicaid Program**

**Health, Family Health and
 Preparedness, Child Care Licensing
 R430-1
 General Licensing, Certificate, and
 Enforcement Provisions, Child Care
 Facilities**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
 OF CONTINUATION**
 DAR FILE NO.: 41954
 FILED: 07/28/2017

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
 OF CONTINUATION**
 DAR FILE NO.: 41995
 FILED: 08/01/2017

**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: Section 26-18-3 sets forth member rights and requirements in the electronic exchange of information under the Medicaid program. In addition, 42 CFR 435.1200 requires Medicaid to implement a secure, electronic interface with other medical assistance programs to make eligibility determinations.

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 26-39-104(1)(a) allows the Department of Health to "make and enforce rules to implement this chapter and, as necessary to protect children's common needs for a safe and healthy environment..."

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The Department did not receive any written or oral comments regarding this rule.

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. However, this rule is being rewritten and will be repealed soon as the result of our revision of all the program rules.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The Department will continue this rule because it implements the requirement to enroll a Medicaid member in an electronic health information exchange and specifies the member's right to opt out.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The continuation of this rule is necessary in order for the Department of Health to continue to fulfill its statutory responsibility to regulate child care programs in order to protect the health and safety of the children in these programs.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 HEALTH
 HEALTH CARE FINANCING,
 COVERAGE AND REIMBURSEMENT POLICY

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

HEALTH
 FAMILY HEALTH AND PREPAREDNESS,
 CHILD CARE LICENSING
 3760 S HIGHLAND DR
 SALT LAKE CITY, UT 84106
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Simon Bolivar by phone at 801-803-4618, by FAX at 801-237-0786, or by Internet E-mail at sbolivar@utah.gov

AUTHORIZED BY: Joseph Miner, MD, Executive Director

EFFECTIVE: 08/01/2017

Health, Family Health and
 Preparedness, Child Care Licensing
R430-6
 Background Screening

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

DAR FILE NO.: 41990
 FILED: 08/01/2017

**NOTICE OF REVIEW AND STATEMENT OF
 CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 26-39-104(1)(a) allows the Department of Health to "make and enforce rules to implement this chapter and, as necessary to protect children's common needs for a safe and healthy environment..."

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. However, this rule is being rewritten and will be repealed soon as the result of our revision of all the program rules.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The continuation of this rule is necessary in order for the Department of Health to continue to fulfill its statutory responsibility to regulate child care programs in order to protect the health and safety of the children in these programs. This rule allows the Child Care Licensing Program to run background checks for child care facilities.

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

HEALTH
 FAMILY HEALTH AND PREPAREDNESS,
 CHILD CARE LICENSING
 3760 S HIGHLAND DR
 SALT LAKE CITY, UT 84106
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Simon Bolivar by phone at 801-803-4618, by FAX at 801-237-0786, or by Internet E-mail at sbolivar@utah.gov

AUTHORIZED BY: Joseph Miner, MD, Executive Director

EFFECTIVE: 08/01/2017

Natural Resources, Wildlife Resources
R657-28
 Use of Division Lands

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

DAR FILE NO.: 41958
 FILED: 07/31/2017

**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 23-14-8 authorizes the director of the Division of Wildlife Resources (DWR) full control of all property acquired and held for the purposes specified in this title.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The DWR and the Wildlife Board have not received written comments, either in support or opposition to Rule R657-28 since the last five-year review in August 2012.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Continuation of Rule R657-28 is necessary to provide the application procedures and administration of rights-of-way, leases, and special use permits on division land.

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.

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Staci Coons by phone at 801-538-4718, by FAX at 801-538-4709, or by Internet E-mail at stacicoons@utah.gov

AUTHORIZED BY: Mike Fowlks, Deputy Director

AUTHORIZED BY: Mike Fowlks, Deputy Director

EFFECTIVE: 07/31/2017

EFFECTIVE: 07/31/2017

**Natural Resources, Wildlife Resources
R657-64
Predator Control Incentives**

**Public Service Commission,
Administration
R746-101
Statement of Rule for the Filing and
Disposition of Petitions for Declaratory
Rulings**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**
DAR FILE NO.: 41957
FILED: 07/31/2017

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**
DAR FILE NO.: 41968
FILED: 07/31/2017

**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: Under Sections 23-14-18 and 23-14-19, the Wildlife Board is authorized and required to regulate and prescribe the means by which wildlife may be taken.

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 pursuant to Section 54-1-1 which requires the commission to exercise its rulemaking powers. Subsection 63G-4-503(2) requires each agency to issue rules defining procedure for filing petitions for declaratory rulings.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The Division of Wildlife Resources has not received any written comments regarding this rule. Any comments received in opposition to the rule are resolved using existing policies and procedures or the issue is placed on the Regional Advisory Council's and Wildlife Board's agenda for review and discussion during the process for taking public input. The public is welcome to view the Regional Advisory Council minutes, Wildlife Board minutes, and administrative record for this rule at the Division.

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

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This purpose of this rule is to allow the division flexibility with participants in the Targeted Predator Control Program for effectively controlling coyotes in a targeted area that are detrimental to mule deer production. 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: Rule R746-101 should be continued because it is required by Subsection 63G-4-503(2). It identifies and sets forth the procedure for filing a Petition for Declaratory Ruling, the format of a petition, and the procedure of review and disposition of the petition. This rule makes it clear to the public what is expected from a petitioner and what they can expect from the commission when they need an explanation of rights, status, interests, or other legal relationships under a statute, rule, or order.

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

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

PUBLIC SERVICE COMMISSION
ADMINISTRATION
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY, UT 84111-2316
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Melanie Reif by phone at 801-530-6709, by FAX at 801-530-6796, or by Internet E-mail at mreif@utah.gov
- ◆ Sheri Bintz by phone at 801-530-6714, by FAX at 801-530-6796, or by Internet E-mail at sbintz@utah.gov

AUTHORIZED BY: Melanie Reif, Legal Counsel

EFFECTIVE: 07/31/2017

**Public Service Commission,
Administration
R746-310**

**Uniform Rules Governing Electricity
Service by Electric Utilities**

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

DAR FILE NO.: 41931
FILED: 07/19/2017

**NOTICE OF REVIEW AND STATEMENT OF
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 54-1-1 requires the Public Service Commission to exercise its rulemaking powers. Section 54-4-1 authorizes the Commission to regulate every public utility in Utah. Section 54-4-7 requires the Commission provide rules to ensure that utility service and equipment are just, reasonable, safe, proper, adequate, and sufficient. Section 54-4-14 authorizes the Commission to promulgate rules to require utilities to conduct business in such a way as to safeguard the health and safety of its employees, customers, and the public. Section 54-4-23 authorizes the Commission to prescribe a system of accounts to be kept by public utilities subject to Commission jurisdiction.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The rule was amended in October 2016 and made effective 10/24/2016. The October 2016 amendment was to: 1) update versions of the referenced

National Electrical Safety Code to the 2017 edition; 2) update the version of the referenced American National Standards for Electricity Metering to the 2014 edition; and 3) update the version of the reference American National Standard for Electric Power Systems and Equipment Voltage Ratings to the 2011 edition. No comments were received as a result of the 2016 amendment.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R746-310 establishes guidelines for customer relations; meters and meter testing; station instruments, voltage and frequency restrictions, and station equipment; design, construction, and operation of facilities; line extensions, accounting; billing adjustments; overbilling; and preservation of records. This rule is necessary because the commission is required to regulate every public utility in Utah, including electric utilities. It also provides rules to ensure that utility service and equipment are just, safe, reasonable, proper, and adequate. Therefore, this rule should be continued.

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

PUBLIC SERVICE COMMISSION
ADMINISTRATION
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY, UT 84111-2316
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Melanie Reif by phone at 801-530-6709, by FAX at 801-530-6796, or by Internet E-mail at mreif@utah.gov
- ◆ Sheri Bintz by phone at 801-530-6714, by FAX at 801-530-6796, or by Internet E-mail at sbintz@utah.gov

AUTHORIZED BY: Melanie Reif, Legal Counsel

EFFECTIVE: 07/19/2017

**Transportation, Operations,
Maintenance
R918-6**

**Maintenance Responsibility at
Intersections, Overcrossings, and
Interchanges between Class A Roads
and Class B or Class C Roads**

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

DAR FILE NO.: 41942
FILED: 07/19/2017

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 72-1-201 assigns the Utah Department of Transportation (UDOT) general responsibility for the maintenance of the state transportation system, and directs UDOT to make policy and rules governing the same, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act. Sections 72-3-102, 72-3-103, and 72-3-104 assign maintenance responsibility for Class A Roads (state roads), Class B Roads (county roads), and Class C Roads (city streets), to the state, counties, and municipalities, respectively. Section 72-1-208 directs UDOT to cooperate with counties and municipalities in the maintenance of highways and allows UDOT to provide maintenance services to them under terms mutually agreed upon. Section 72-3-109 delineates the division of responsibilities for state highways within cities and towns. Section 72-6-105 provides that UDOT may enter into written agreements with counties and municipalities for the maintenance of any highway. This rule assigns maintenance responsibilities between UDOT and the local government entities for roadway and roadside features at the intersection of state and local roads, including grade-separated interchanges, overcrossings, undercrossings, and at-grade intersections.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: UDOT has not received any written

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

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The statutory provisions that this rule is enacted under are still effective, and the road maintenance responsibilities this rule delegates between UDOT and local governments are still needed. Therefore, this rule must be continued for the foreseeable future.

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

TRANSPORTATION
OPERATIONS, MAINTENANCE
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

AUTHORIZED BY: Carlos Braceras, Executive Director

EFFECTIVE: 07/19/2017

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

**NOTICES OF
FIVE-YEAR REVIEW EXTENSIONS**

Rulewriting agencies are required by law to review each of their administrative rules within five years of the date of the rule's original enactment or the date of last review (Section 63G-3-305). If the agency finds that it will not meet the deadline for review of the rule (the five-year anniversary date), it may file a **NOTICE OF FIVE-YEAR REVIEW EXTENSION (EXTENSION)** with the Office of Administrative Rules. The **EXTENSION** permits the agency to file the review up to 120 days beyond the anniversary date.

Agencies have filed **EXTENSIONS** for the rules listed below. The "Extended Due Date" is 120 days after the anniversary date.

EXTENSIONS are governed by Subsection 63G-3-305(6).

Corrections, Administration
R251-115
Contract County Jail Programming
Payment

FIVE-YEAR REVIEW EXTENSION
DAR FILE NO.: 41988
FILED: 08/01/2017

EXTENSION REASON AND NEW DEADLINE: Significant revisions are still in the process of being established which cannot be done by the five-year review deadline. New deadline is 11/29/2017.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Lucy Ramirez by phone at 801-545-5616, or by Internet E-mail at lramirez@utah.gov

AUTHORIZED BY: Rollin Cook, Executive Director

EFFECTIVE: 08/01/2017

Treasurer, Unclaimed Property
R966-1
Requirements for Claims where no
Proof of Stock Ownership Exists

FIVE-YEAR REVIEW EXTENSION
DAR FILE NO.: 41930
FILED: 07/18/2017

EXTENSION REASON AND NEW DEADLINE: The agency needs additional time to complete this five-year review. The new filing deadline is 11/15/2017.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Dennis Johnston by phone at 801-715-3321, or by Internet E-mail at dljohnston@utah.gov

AUTHORIZED BY: David Damschen, State Treasurer

EFFECTIVE: 07/18/2017

End of the Notices of Five-Year Review Extensions 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

Commerce

Occupational and Professional Licensing

No. 41705 (AMD): R156-40. Recreational Therapy Practice

Act Rule

Published: 06/15/2017

Effective: 07/25/2017

Human Services

Administration, Administrative Services, Licensing

No. 41482 (REP): R501-17. Adult Foster Care

Published: 05/15/2017

Effective: 07/28/2017

Substance Abuse and Mental Health

No. 41607 (AMD): R523-5. Adult Peer Support Specialist

Training and Certification

Published: 06/01/2017

Effective: 08/01/2017

Juvenile Justice Services

No. 41710 (AMD): R547-13. Guidelines for Admission to

Secure Youth Detention Facilities

Published: 06/15/2017

Effective: 08/01/2017

Natural Resources

Parks and Recreation

No. 41717 (AMD): R651-603. Animals

Published: 06/15/2017

Effective: 07/25/2017

No. 41716 (AMD): R651-606. Camping

Published: 06/15/2017

Effective: 07/25/2017

No. 41715 (AMD): R651-633-2. General Closures or Restrictions

Published: 06/15/2017

Effective: 07/25/2017

Public Safety

Administration

No. 41586 (NEW): R698-10. Electronic Meetings

Published: 06/01/2017

Effective: 07/18/2017

Public Service Commission

Administration

No. 41704 (AMD): R746-360-6. Eligibility for Fund

Distributions

Published: 06/15/2017

Effective: 07/31/2017

Tax Commission

Administration

No. 41699 (AMD): R861-1A-20. Time of Appeal Pursuant to Utah Code Ann. Sections 59-1-301, 59-1-501, 59-1-1410, 59-2-1007, 59-7-517, 59-12-114, 59-13-210, 63G-4-201, 63G-4-401, 68-3-7, and 68-3-8.5

Published: 06/15/2017

Effective: 07/27/2017

No. 41700 (AMD): R861-1A-42. Waiver of Penalty and Interest for Reasonable Cause Pursuant to Utah Code Ann. Section 59-1-401

Published: 06/15/2017

Effective: 07/27/2017

Auditing

No. 41701 (AMD): R865-9I-54. Renewable Energy Credit Amount Pursuant to Utah Code Ann. Sections 59-10-1014 and 59-10-1106

Published: 06/15/2017

Effective: 07/27/2017

Motor Vehicle

No. 41702 (AMD): R873-22M-2. Documentation Required and Procedures to Follow to Register or Title Certain Vehicles Pursuant to Utah Code Ann. Sections 41-1a-104 and 41-1a-108

Published: 06/15/2017

Effective: 07/27/2017

No. 41703 (AMD): R873-22M-16. Authorization to Issue a Certificate of Title Pursuant to Utah Code Ann. Section 41-1a-104

Published: 06/15/2017

Effective: 07/27/2017

Technology Services

Administration

No. 41459 (AMD): R895-3. Computer Software Licensing, Copyright, Control, Retention, and Transfer

Published: 05/01/2017

Effective: 07/28/2017

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, 2017 through August 01, 2017. 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 (<https://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>Debt Collection</u> | | | | | |
| R21-1 | Transfer of Collection Responsibility of State Agencies | 41374 | NSC | 04/10/2017 | Not Printed |
| R21-1 | Transfer of Collection Responsibility of State Agencies | 41743 | 5YR | 06/07/2017 | 2017-13/229 |
| R21-2 | Office of State Debt Collection Administrative Procedures | 41376 | 5YR | 03/17/2017 | 2017-8/59 |
| R21-3 | Debt Collection Through Administrative Offset | 41377 | 5YR | 03/17/2017 | 2017-8/59 |
| <u>Facilities Construction and Management</u> | | | | | |
| R23-1 | Procurement Rules with Numbering Related to the Procurement Code | 41266 | 5YR | 02/01/2017 | 2017-4/57 |
| R23-3 | Planning, Programming, Request for Capital Development Projects and Operation and Maintenance Reporting | 40947 | AMD | 01/20/2017 | 2016-23/6 |
| R23-3 | Planning, Programming, Request for Capital Development Projects and Operation and Maintenance Reporting for State Owned Facilities | 41578 | AMD | 07/12/2017 | 2017-11/6 |
| R23-3-4 | Authorization of Programs | 41666 | NSC | 07/19/2017 | Not Printed |
| R23-19 | Facility Use Rules | 41267 | 5YR | 02/01/2017 | 2017-4/57 |
| R23-20 | Free Speech Activities | 41268 | 5YR | 02/01/2017 | 2017-4/58 |
| R23-30 | State Facility Energy Efficiency Fund | 40946 | AMD | 01/20/2017 | 2016-23/11 |
| <u>Finance</u> | | | | | |
| R25-5 | Payment of Per Diem to Boards | 41796 | NSC | 06/29/2017 | Not Printed |
| R25-7 | Travel-Related Reimbursements for State Employees | 41127 | EMR | 01/06/2017 | 2017-3/71 |
| R25-7 | Travel-Related Reimbursements for State Employees | 41147 | AMD | 03/10/2017 | 2017-3/2 |
| R25-7 | Travel-Related Reimbursements for State Employees | 41797 | EMR | 07/01/2017 | 2017-13/221 |
| R25-14 | Payment of Attorney's Fees in Death Penalty Cases | 41124 | 5YR | 01/06/2017 | 2017-3/79 |
| R25-20 | Indigent Defense Funds Board, Procedures for Electronic Meetings | 41327 | 5YR | 02/21/2017 | 2017-6/29 |
| <u>Fleet Operations</u> | | | | | |
| R27-1 | Definitions | 41105 | AMD | 02/21/2017 | 2017-2/4 |
| R27-3 | Vehicle Use Standards | 41106 | AMD | 02/21/2017 | 2017-2/6 |
| R27-4 | Vehicle Replacement and Expansion of State Fleet | 41107 | AMD | 02/21/2017 | 2017-2/12 |
| R27-7 | Safety and Loss Prevention of State Vehicles | 41609 | AMD | 07/11/2017 | 2017-11/11 |

Inspector General of Medicaid Services (Office of)

R30-1 Office of Inspector General of Medicaid Services 41487 5YR 04/21/2017 2017-10/163

Purchasing and General Services

R33-1 Utah Procurement Rule, General Procurement Provisions 41534 AMD 06/21/2017 2017-10/4

R33-4 Supplemental Procurement Procedures 41535 AMD 06/21/2017 2017-10/7

R33-4-101b Vendors with Exclusive Authorization to Bid 41292 NSC 03/06/2017 Not Printed

R33-5 Other Standard Procurement Processes 41536 AMD 06/21/2017 2017-10/10

R33-5 Other Standard Procurement Processes 41665 NSC 06/26/2017 Not Printed

R33-6 Bidding 41539 AMD 06/21/2017 2017-10/15

R33-7 Request for Proposals 41540 AMD 06/21/2017 2017-10/18

R33-8 Exceptions to Standard Procurement Process 41544 AMD 06/21/2017 2017-10/27

R33-8-102 Adding Additional Funds to a Contract 41023 AMD 02/02/2017 2016-24/4

R33-9 Cancellations, Rejections, and Debarment 41545 AMD 06/21/2017 2017-10/31

R33-11 Form of Bonds 41546 AMD 06/21/2017 2017-10/35

R33-12 Terms and Conditions, Contracts, Change Orders and Costs 41547 AMD 06/21/2017 2017-10/37

R33-13 General Construction Provisions 41548 AMD 06/21/2017 2017-10/43

R33-15 Procurement of Design Profession Services 41549 AMD 06/21/2017 2017-10/47

R33-16 Protests 40898 AMD 01/20/2017 2016-22/10

R33-16 Protests 41550 AMD 06/21/2017 2017-10/48

R33-17 Procurement Appeals Board 41551 AMD 06/21/2017 2017-10/51

R33-18 Appeals to Court and Court Proceedings 41552 AMD 06/21/2017 2017-10/54

R33-19-101 Encouraged to Obtain Legal Advice From Legal Counsel 41553 AMD 06/21/2017 2017-10/55

R33-21-201e Division May Charge Administrative Fees on State Cooperative Contracts - Prohibition Against Other Procurement Units Charging Fees on State Contracts 41554 AMD 06/21/2017 2017-10/56

R33-25 Executive Branch Insurance Procurement 41555 AMD 06/21/2017 2017-10/57

Records Committee

R35-1-2 Procedures for Appeal Hearings 41478 AMD 06/22/2017 2017-9/2

R35-2-2 Declining Requests for Hearings 41479 AMD 06/22/2017 2017-9/4

Risk Management

R37-1 Risk Management General Rules 41601 5YR 05/05/2017 2017-11/209

R37-2 Risk Management State Workers' Compensation Insurance Administration 41602 5YR 05/05/2017 2017-11/210

R37-3 Risk Management Adjudicative Proceedings 41603 5YR 05/05/2017 2017-11/210

R37-4 Adjusted Utah Governmental Immunity Act Limitations on Judgments 41604 5YR 05/05/2017 2017-11/211

AGRICULTURE AND FOOD

Administration

R51-2 Administrative Procedures for Informal Proceedings Before the Utah Department of Agriculture and Food 41120 5YR 01/03/2017 2017-2/45

Animal Industry

R58-1 Admission, Identification, and Inspection of Livestock, Poultry, and Other Animals 41168 5YR 01/12/2017 2017-3/79

R58-3 Brucellosis Vaccination Requirements 41164 5YR 01/12/2017 2017-3/80

R58-6 Poultry 41165 5YR 01/12/2017 2017-3/80

R58-11 Slaughter of Livestock and Poultry 40951 AMD 01/12/2017 2016-23/16

R58-11 Slaughter of Livestock and Poultry 41372 NSC 04/05/2017 Not Printed

R58-11 Slaughter of Livestock and Poultry 41467 NSC 05/15/2017 Not Printed

R58-18 Elk Farming 41162 5YR 01/12/2017 2017-3/81

R58-19 Compliance Procedures 41194 5YR 01/18/2017 2017-4/58

R58-21 Trichomoniasis 41471 AMD 06/14/2017 2017-9/5

R58-22 Equine Infectious Anemia (EIA) 41163 5YR 01/12/2017 2017-3/81

R58-23 Equine Viral Arteritis (EVA) 41167 5YR 01/12/2017 2017-3/82

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R52-7 Horse Racing 41102 AMD 03/06/2017 2017-1/4

Marketing and Development

R65-5 Utah Red Tart and Sour Cherry Marketing Order 41860 5YR 06/29/2017 2017-14/53
 R65-11 Utah Sheep Marketing Order 41859 5YR 06/29/2017 2017-14/53

Plant Industry

R68-19 Compliance Procedures 41195 5YR 01/18/2017 2017-4/59

Regulatory Services

R70-101 Bedding, Upholstered Furniture and Quilted Clothing 40918 AMD 01/26/2017 2016-22/12
 R70-101 Bedding, Upholstered Furniture and Quilted Clothing 41371 NSC 04/05/2017 Not Printed
 R70-201 Compliance Procedures 41160 5YR 01/12/2017 2017-3/82
 R70-320 Minimum Standards for Milk for Manufacturing Purposes, Its Production and Processing 41166 5YR 01/12/2017 2017-3/83
 R70-350 Ice Cream and Frozen Dairy Food Standards 41159 5YR 01/12/2017 2017-3/83
 R70-360 Procedure for Obtaining a License to Test Milk for Payment 41161 5YR 01/12/2017 2017-3/84
 R70-520 Standard of Identity and Labeling Requirements for Honey 41861 5YR 06/29/2017 2017-14/54
 R70-530 Food Protection 41344 5YR 03/06/2017 2017-7/81
 R70-530 Food Protection 41370 NSC 04/05/2017 Not Printed
 R70-550 Utah Inland Shellfish Safety Program 41158 5YR 01/12/2017 2017-3/84
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R81-3-14 Type 5 Package Agencies 40922 AMD 01/03/2017 2016-22/16
 R81-4 Retail Licenses 40924 NEW 01/03/2017 2016-22/17
 R81-8 Manufacturer Licenses (Distillery, Winery, Brewery) 40923 AMD 01/03/2017 2016-22/19

ATTORNEY GENERAL

Administration

R105-1 Attorney General's Selection of Outside Counsel, Expert Witnesses and Other Litigation Support Services 40950 AMD 01/20/2017 2016-23/19
 R105-1 Attorney General's Selection of Outside Counsel, Expert Witnesses and Other Litigation Support Services 41466 5YR 04/10/2017 2017-9/41
 R105-1-6 Small Purchases 41295 NSC 03/06/2017 Not Printed

AUDITOR

Administration

R123-3 State Auditor Adjudicative Proceedings 41764 5YR 06/07/2017 2017-13/230
 R123-4 Public Petitions for Declaratory Orders 41765 5YR 06/07/2017 2017-13/230
 R123-5 Audit Requirements for Audits of Political Subdivisions and Nonprofit Organizations 41766 5YR 06/07/2017 2017-13/231

CAPITOL PRESERVATION BOARD (STATE)

Administration

R131-3 Use of Magnetometers on Capitol Hill 41573 5YR 05/02/2017 2017-11/211

COMMERCE

Consumer Protection

R152-6 Utah Administrative Procedures Act Rules 40920 AMD 01/09/2017 2016-22/21
 R152-34 Postsecondary Proprietary School Act Rules 41610 5YR 05/08/2017 2017-11/212

Occupational and Professional Licensing

| | | | | | |
|---------------|--|-------|-----|------------|-------------|
| R156-1 | General Rule of the Division of Occupational and Professional Licensing | 41299 | AMD | 04/11/2017 | 2017-5/8 |
| R156-5a | Podiatric Physician Licensing Act Rule | 41047 | AMD | 02/07/2017 | 2017-1/11 |
| R156-11a | Barber, Cosmetologist/Barber, Esthetician, Electrologist, and Nail Technician Licensing Act Rule | 41198 | 5YR | 01/19/2017 | 2017-4/59 |
| R156-11a | Barber, Cosmetologist/Barber, Esthetician, Electrologist, and Nail Technician Licensing Act Rule | 41260 | AMD | 03/27/2017 | 2017-4/4 |
| R156-16a | Optometry Practice Act Rule | 41275 | 5YR | 02/02/2017 | 2017-5/61 |
| R156-16a-304 | Continuing Education | 41110 | AMD | 02/21/2017 | 2017-2/18 |
| R156-22 | Professional Engineers and Professional Land Surveyors Licensing Act Rule | 41706 | 5YR | 05/30/2017 | 2017-12/35 |
| R156-22-302c | Qualifications for Licensure - Experience Requirements | 41286 | NSC | 03/06/2017 | Not Printed |
| R156-24b-102 | Definitions | 41474 | AMD | 06/08/2017 | 2017-9/8 |
| R156-31b-502 | Unprofessional Conduct | 41308 | NSC | 03/06/2017 | Not Printed |
| R156-31b-703b | Scope of Nursing Practice Implementation | 41113 | NSC | 01/18/2017 | Not Printed |
| R156-37 | Utah Controlled Substances Act Rule | 41289 | 5YR | 02/06/2017 | 2017-5/61 |
| R156-37f-301 | Access to Database Information | 41339 | NSC | 04/05/2017 | Not Printed |
| R156-37f-303 | Access to Opioid Prescription Information Via an Electronic Data System | 41265 | NSC | 02/23/2017 | Not Printed |
| R156-38b | State Construction Registry Rule | 41349 | AMD | 05/08/2017 | 2017-7/4 |
| R156-40 | Recreational Therapy Practice Act Rule | 41705 | AMD | 07/25/2017 | 2017-12/10 |
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| R414-3A-6 | Services | 41497 | AMD | 07/01/2017 | 2017-10/78 |
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| R414-10 | Physician Services | 41567 | AMD | 07/01/2017 | 2017-10/79 |
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| R501-17 | Adult Foster Care | 41482 | REP | 07/28/2017 | 2017-10/136 |
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| R510-106 | Minimum Percentages of Older Americans Act, Title III Part B: State and Supportive Services Funds | 41875 | 5YR | 06/30/2017 | 2017-14/58 |
| R510-107 | Title V Senior Community Service Employment Program Standards and Procedures | 41876 | 5YR | 06/30/2017 | 2017-14/58 |
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| R510-109 | Definition of Significant Population of Older Native Americans | 41878 | 5YR | 06/30/2017 | 2017-14/59 |
| R510-110 | Policy Regarding Contractual Involvements of Area Agencies on Aging for Private Eldercare and Case Management Services | 41879 | 5YR | 06/30/2017 | 2017-14/60 |
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| R590-262 | Health Data Authority Health Insurance Claims Reporting | 41172 | AMD | 03/10/2017 | 2017-3/36 |
| R590-262-2 | Purpose and Scope | 41378 | NSC | 04/10/2017 | Not Printed |
| R590-264 | Property and Casualty Actuarial Opinion Rule | 41921 | 5YR | 07/12/2017 | 2017-15/34 |
| R590-273 | Continuing Care Provider Rule | 40953 | NEW | 04/07/2017 | 2016-23/94 |
| R590-273 | Continuing Care Provider Rule | 40953 | CPR | 04/07/2017 | 2017-5/58 |

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| R592-14 | Delay or Failure to Record Documents and the Insuring of Properties with the False Appearance of Unmarketability as Unfair Title Insurance Practices | 41141 | 5YR | 01/09/2017 | 2017-3/99 |
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JUDICIAL PERFORMANCE EVALUATION COMMISSION

Administration

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| R597-2-2 | Disclosure, Recusal, and Disqualification | 41620 | AMD | 07/10/2017 | 2017-11/165 |
| R597-3-1 | Evaluation Cycles | 41623 | AMD | 07/10/2017 | 2017-11/167 |
| R597-3-3 | Courtroom Observation | 41624 | AMD | 07/10/2017 | 2017-11/168 |
| R597-3-5 | Public Comments | 41625 | AMD | 07/10/2017 | 2017-11/170 |
| R597-3-8 | Judicial Written Statements | 41026 | AMD | 02/17/2017 | 2016-24/35 |
| R597-3-9 | Judicial Discipline | 41027 | AMD | 02/17/2017 | 2016-24/35 |

LABOR COMMISSION

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| R602-1 | General Provisions | 41605 | 5YR | 05/08/2017 | 2017-11/221 |
| R602-1 | General Provisions | 41635 | NSC | 05/25/2017 | Not Printed |
| R602-2 | Adjudication of Workers' Compensation and Occupational Disease Claims | 41612 | 5YR | 05/09/2017 | 2017-11/222 |
| R602-2 | Adjudication of Workers' Compensation and Occupational Disease Claims | 41633 | NSC | 06/01/2017 | Not Printed |

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| R600-2 | Operations | 41587 | 5YR | 05/05/2017 | 2017-11/221 |
| R600-2-1 | Business Hours | 41637 | NSC | 05/31/2017 | Not Printed |

MONEY MANAGEMENT COUNCIL

Administration

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| R628-2 | Investment of Funds of Public Education Foundations Established Under Section 53A-4-205 or Funds Acquired by Gift, Devise or Bequest | 41919 | EXD | 07/12/2017 | 2017-15/47 |
| R628-17 | Limitations on Commercial Paper and Corporate Notes | 41424 | 5YR | 03/30/2017 | 2017-8/75 |

NATURAL RESOURCES

Forestry, Fire and State Lands

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| R652-1 | Definition of Terms | 41012 | AMD | 01/10/2017 | 2016-23/97 |
| R652-1 | Definition of Terms | 41407 | 5YR | 03/28/2017 | 2017-8/76 |
| R652-3 | Applicant Qualifications and Application Forms | 41408 | 5YR | 03/28/2017 | 2017-8/77 |
| R652-4 | Application Fees and Assessments | 41409 | 5YR | 03/28/2017 | 2017-8/77 |
| R652-5 | Payments, Royalties, Audits, and Reinstatements | 41411 | 5YR | 03/29/2017 | 2017-8/78 |
| R652-6 | Government Records Access and Management | 41412 | 5YR | 03/29/2017 | 2017-8/78 |
| R652-20 | Mineral Resources | 41413 | 5YR | 03/29/2017 | 2017-8/79 |
| R652-30 | Special Use Leases | 41414 | 5YR | 03/29/2017 | 2017-8/79 |
| R652-40 | Easements | 41415 | 5YR | 03/29/2017 | 2017-8/80 |
| R652-50 | Range Management | 41416 | 5YR | 03/29/2017 | 2017-8/80 |
| R652-60 | Cultural Resources | 41417 | 5YR | 03/29/2017 | 2017-8/81 |
| R652-70 | Sovereign Lands | 41418 | 5YR | 03/29/2017 | 2017-8/81 |
| R652-90 | Sovereign Land Management Planning | 41419 | 5YR | 03/29/2017 | 2017-8/82 |
| R652-100 | Materials Permits | 41420 | 5YR | 03/29/2017 | 2017-8/82 |
| R652-120 | Wildland Fire | 41011 | AMD | 01/10/2017 | 2016-23/99 |
| R652-121 | Wildland Fire Suppression Fund | 41013 | AMD | 01/10/2017 | 2016-23/102 |
| R652-122 | County Cooperative Agreements with State for Fire Protection | 41014 | AMD | 01/10/2017 | 2016-23/105 |
| R652-123 | Exemptions to Wildland Fire Suppression Fund | 41015 | REP | 01/10/2017 | 2016-23/111 |
| R652-140 | Utah Forest Practices Act | 41143 | 5YR | 01/10/2017 | 2017-3/99 |

Oil, Gas and Mining Board

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| R641-100 | General Provisions | 41744 | 5YR | 06/07/2017 | 2017-13/246 |
| R641-101 | Parties | 41745 | 5YR | 06/07/2017 | 2017-13/246 |
| R641-102 | Appearances and Representations | 41746 | 5YR | 06/07/2017 | 2017-13/247 |
| R641-103 | Intervention | 41747 | 5YR | 06/07/2017 | 2017-13/247 |
| R641-104 | Pleadings | 41748 | 5YR | 06/07/2017 | 2017-13/248 |
| R641-105 | Filing and Service | 41749 | 5YR | 06/07/2017 | 2017-13/248 |
| R641-106 | Notice and Service | 41750 | 5YR | 06/07/2017 | 2017-13/249 |
| R641-107 | Prehearing Conference | 41751 | 5YR | 06/07/2017 | 2017-13/249 |
| R641-108 | Conduct of Hearings | 41752 | 5YR | 06/07/2017 | 2017-13/250 |
| R641-109 | Decisions and Orders | 41753 | 5YR | 06/07/2017 | 2017-13/250 |
| R641-110 | Rehearing and Modification of Existing Orders | 41754 | 5YR | 06/07/2017 | 2017-13/251 |
| R641-111 | Declaratory Rulings | 41755 | 5YR | 06/07/2017 | 2017-13/251 |
| R641-112 | Rulemaking | 41756 | 5YR | 06/07/2017 | 2017-13/252 |
| R641-113 | Hearing Examiners | 41757 | 5YR | 06/07/2017 | 2017-13/252 |
| R641-114 | Exhaustion of Administrative Remedies | 41758 | 5YR | 06/07/2017 | 2017-13/253 |
| R641-115 | Deadline for Judicial Review | 41759 | 5YR | 06/07/2017 | 2017-13/253 |
| R641-116 | Judicial Review of Formal Adjudicative Proceedings | 41760 | 5YR | 06/07/2017 | 2017-13/254 |
| R641-117 | Civil Enforcement | 41761 | 5YR | 06/07/2017 | 2017-13/254 |
| R641-118 | Waivers | 41762 | 5YR | 06/07/2017 | 2017-13/255 |
| R641-119 | Severability | 41763 | 5YR | 06/07/2017 | 2017-13/255 |

Oil, Gas and Mining: Oil and Gas

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| R649-2-9 | Refusal to Agree | 41614 | EMR | 05/09/2017 | 2017-11/207 |
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| R651-102 | Government Records Access Management Act | 41382 | 5YR | 03/23/2017 | 2017-8/75 |
| R651-215-8 | River Throw Bag in Lieu of Type IV PFD | 41154 | AMD | 03/10/2017 | 2017-3/38 |
| R651-301 | State Recreation Fiscal Assistance Programs | 41383 | 5YR | 03/23/2017 | 2017-8/76 |
| R651-410 | Off-Highway Vehicle Safety Equipment | 41347 | 5YR | 03/07/2017 | 2017-7/87 |
| R651-411 | OHV Use in State Parks | 41043 | AMD | 02/16/2017 | 2016-24/36 |

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| R651-603 | Animals | 41717 | AMD | 07/25/2017 | 2017-12/22 |
| R651-606 | Camping | 41716 | AMD | 07/25/2017 | 2017-12/23 |
| R651-614-5 | Hunting with Firearms | 41042 | AMD | 02/16/2017 | 2016-24/37 |
| R651-633 | Special Closures or Restrictions | 41044 | AMD | 02/16/2017 | 2016-24/38 |
| R651-633-2 | General Closures or Restrictions | 41715 | AMD | 07/25/2017 | 2017-12/24 |

Water Rights

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| R655-1 | Wells Used for the Discovery and Production of Geothermal Energy in the State of Utah | 41593 | 5YR | 05/05/2017 | 2017-11/223 |
| R655-6 | Administrative Procedures for Informal Proceedings Before the Division of Water Rights | 41592 | 5YR | 05/05/2017 | 2017-11/223 |
| R655-15 | Administrative Procedures for Distribution Systems and Water Commissioners | 41591 | 5YR | 05/05/2017 | 2017-11/224 |

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| R657-2 | Adjudicative Proceedings | 41580 | 5YR | 05/03/2017 | 2017-11/224 |
| R657-4 | Possession of Live Game Birds | 41583 | 5YR | 05/03/2017 | 2017-11/225 |
| R657-9 | Taking Waterfowl, Wilson's Snipe and Coot | 41153 | AMD | 03/13/2017 | 2017-3/39 |
| R657-14 | Commercial Harvesting of Protected Aquatic Wildlife | 41834 | 5YR | 06/15/2017 | 2017-13/256 |
| R657-16 | Aquaculture and Fish Stocking | 41149 | REP | 03/13/2017 | 2017-3/40 |
| R657-22 | Commercial Hunting Areas | 41581 | 5YR | 05/03/2017 | 2017-11/225 |
| R657-27 | License Agent Procedures | 41353 | 5YR | 03/13/2017 | 2017-7/87 |
| R657-28 | Use of Division Lands | 41958 | 5YR | 07/31/2017 | Not Printed |
| R657-29 | Government Records Access Management Act | 41579 | EXD | 05/03/2017 | 2017-11/231 |
| R657-29 | Government Records Access Management Act | 41585 | NEW | 07/10/2017 | 2017-11/175 |
| R657-30 | Fishing License for the Terminally Ill | 41582 | 5YR | 05/03/2017 | 2017-11/226 |
| R657-38 | Dedicated Hunter Program | 41148 | AMD | 03/13/2017 | 2017-3/44 |
| R657-43 | Landowner Permits | 41330 | 5YR | 02/27/2017 | 2017-6/30 |
| R657-44 | Big Game Depredation | 41668 | 5YR | 05/18/2017 | 2017-12/38 |
| R657-50 | Error Remedy | 41352 | 5YR | 03/13/2017 | 2017-7/88 |
| R657-59 | Private Fish Ponds | 41150 | AMD | 03/13/2017 | 2017-3/49 |
| R657-60 | Aquatic Invasive Species Interdiction | 41151 | AMD | 03/13/2017 | 2017-3/61 |
| R657-62 | Drawing Application Procedures | 41098 | AMD | 02/07/2017 | 2017-1/82 |
| R657-62 | Drawing Application Procedures | 41152 | AMD | 03/13/2017 | 2017-3/67 |
| R657-64 | Predator Control Incentives | 41957 | 5YR | 07/31/2017 | Not Printed |

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| R661-3 | Utah Navajo Trust Fund Residency Policy | 40892 | AMD | 03/14/2017 | 2016-22/90 |
| R661-6 | Utah Navajo Trust Fund Higher Education Financial Assistance and Scholarship Program | 40893 | AMD | 03/14/2017 | 2016-22/92 |

PARDONS (BOARD OF)

Administration

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| R671-101 | Rules | 41122 | 5YR | 01/05/2017 | 2017-3/100 |
| R671-202 | Notification of Hearings | 41241 | 5YR | 01/30/2017 | 2017-4/78 |
| R671-203 | Victim Input and Notification | 41242 | 5YR | 01/30/2017 | 2017-4/78 |
| R671-205 | Credit for Time Served | 41243 | 5YR | 01/30/2017 | 2017-4/79 |
| R671-206 | Competency of Offenders | 41269 | EXD | 02/02/2017 | 2017-5/79 |
| R671-207 | Mentally Ill and Deteriorated Offender Custody Transfer | 41244 | 5YR | 01/30/2017 | 2017-4/79 |
| R671-301 | Personal Appearance | 41245 | 5YR | 01/30/2017 | 2017-4/80 |
| R671-302 | News Media and Public Access to Hearings | 41246 | 5YR | 01/30/2017 | 2017-4/80 |
| R671-303 | Information Received, Maintained or Used by the Board | 41240 | 5YR | 01/30/2017 | 2017-4/81 |
| R671-304 | Hearing Record | 41247 | 5YR | 01/30/2017 | 2017-4/81 |
| R671-305 | Board Decisions and Orders | 41239 | 5YR | 01/30/2017 | 2017-4/82 |
| R671-308 | Offender Hearing Assistance | 41248 | 5YR | 01/30/2017 | 2017-4/82 |
| R671-310 | Rescission Hearings | 41249 | 5YR | 01/30/2017 | 2017-4/83 |
| R671-311 | Special Attention Reviews, Hearings, and Decisions | 41250 | 5YR | 01/30/2017 | 2017-4/83 |
| R671-311-3 | Earned Time Adjustments | 41081 | AMD | 02/15/2017 | 2017-1/83 |
| R671-315 | Pardons | 41251 | 5YR | 01/30/2017 | 2017-4/84 |

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| R671-316 | Redetermination | 41238 | 5YR | 01/30/2017 | 2017-4/84 |
| R671-402 | Special Conditions of Parole | 41176 | 5YR | 01/17/2017 | 2017-3/100 |
| R671-402 | Special Conditions of Parole | 41252 | 5YR | 01/30/2017 | 2017-4/85 |
| R671-403 | Restitution | 41121 | 5YR | 01/05/2017 | 2017-3/101 |
| R671-405 | Parole Termination | 41253 | 5YR | 01/30/2017 | 2017-4/85 |

PUBLIC LANDS POLICY COORDINATING OFFICE

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| R694-1 | Archaeology Permits | 41444 | 5YR | 04/04/2017 | 2017-9/51 |
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PUBLIC SAFETY

Administration

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| R698-8 | Local Public Safety and Firefighter Surviving Spouse Trust Fund | 41373 | AMD | 06/07/2017 | 2017-8/42 |
| R698-9 | Utah Law Enforcement Memorial Support Restricted Account | 41369 | NEW | 06/07/2017 | 2017-7/32 |
| R698-10 | Electronic Meetings | 41586 | NEW | 07/18/2017 | 2017-11/178 |

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| R708-2 | Commercial Driver Training Schools | 41203 | 5YR | 01/20/2017 | 2017-4/86 |
| R708-3 | Driver License Point System Administration | 41128 | 5YR | 01/08/2017 | 2017-3/101 |
| R708-7 | Functional Ability in Driving: Guidelines for Physicians | 41133 | 5YR | 01/08/2017 | 2017-3/102 |
| R708-8 | Review Process: Driver License Medical Review Section | 41129 | 5YR | 01/08/2017 | 2017-3/102 |
| R708-14 | Adjudicative Proceedings for Driver License Actions Involving Alcohol and Drugs | 41130 | 5YR | 01/08/2017 | 2017-3/103 |
| R708-21 | Third-Party Testing | 41204 | 5YR | 01/20/2017 | 2017-4/86 |
| R708-25 | Commercial Driver License Applicant Fitness Certification | 41200 | REP | 03/27/2017 | 2017-4/41 |
| R708-27 | Certification of Driver Education Teachers in the Public Schools to Administer Knowledge and Driving Skills Tests | 41202 | 5YR | 01/20/2017 | 2017-4/87 |
| R708-34 | Medical Waivers for Intrastate Commercial Driving Privileges | 41132 | 5YR | 01/08/2017 | 2017-3/104 |
| R708-35 | Adjudicative Proceedings for Driver License Offenses Not Involving Alcohol or Drug Actions | 41131 | 5YR | 01/08/2017 | 2017-3/104 |
| R708-39 | Physical and Mental Fitness Testing | 41205 | 5YR | 01/20/2017 | 2017-4/87 |

Emergency Management

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| R704-2 | Statewide Mutual Aid Act Activation | 41380 | AMD | 06/09/2017 | 2017-8/44 |
| R704-3 | Local Government Emergency Response Loan Program | 40956 | NEW | 01/12/2017 | 2016-23/112 |
| R704-3 | Local Government Emergency Response Loan Program | 41358 | AMD | 06/07/2017 | 2017-7/33 |

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| R710-1 | Concerns Servicing Portable Fire Extinguishers | 41571 | 5YR | 05/02/2017 | 2017-11/226 |
| R710-2 | Rules Pursuant to the Utah Fireworks Act | 41572 | 5YR | 05/02/2017 | 2017-11/227 |
| R710-2 | Rules Pursuant to the Utah Fireworks Act | 41692 | NSC | 06/13/2017 | Not Printed |
| R710-3 | Assisted Living Facilities | 41574 | 5YR | 05/03/2017 | 2017-11/227 |
| R710-3-3 | Definitions | 41693 | NSC | 06/13/2017 | Not Printed |
| R710-4 | Buildings Under the Jurisdiction of the State Fire Prevention Board | 41575 | 5YR | 05/03/2017 | 2017-11/228 |
| R710-7 | Concerns Servicing Automatic Fire Suppression Systems | 41584 | 5YR | 05/04/2017 | 2017-11/228 |
| R710-7-8 | Requirements For All Approved Systems | 41694 | NSC | 06/13/2017 | Not Printed |
| R710-8 | Day Care Rules | 41343 | 5YR | 03/06/2017 | 2017-7/88 |
| R710-9 | Rules Pursuant to the Utah Fire Prevention and Safety Act | 41577 | 5YR | 05/03/2017 | 2017-11/229 |

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| R714-110 | Permit to Operate a Motor Vehicle in Violation of Equipment Laws | 41835 | 5YR | 06/19/2017 | 2017-14/62 |
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| R714-158 | Vehicle Safety Inspection Program Requirements | 41836 | 5YR | 06/19/2017 | 2017-14/63 |
| R714-159 | Vehicle Safety Inspection Apprenticeship Program Guidelines | 41837 | 5YR | 06/19/2017 | 2017-14/63 |
| R714-162 | Equipment Standards for Heavy Vehicle, Trailer and Bus Safety Inspections | 41359 | R&R | 07/18/2017 | 2017-7/35 |
| R714-200 | Standards for Vehicle Lights and Illuminating Devices | 41838 | 5YR | 06/19/2017 | 2017-14/64 |
| R714-210 | Standards for Motor Vehicle Air Conditioning Equipment | 41839 | 5YR | 06/19/2017 | 2017-14/65 |
| R714-300 | Standards for Motor Vehicle Braking Systems | 41840 | 5YR | 06/19/2017 | 2017-14/65 |
| R714-550 | Rule for Spending Fees Provided under Section 53-1-117 | 41841 | 5YR | 06/19/2017 | 2017-14/66 |

PUBLIC SERVICE COMMISSION

Administration

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| R746-1 | Public Service Commission Administrative Procedures Act Rule | 41116 | NEW | 03/06/2017 | 2017-2/27 |
| R746-100 | Practice and Procedures Governing Formal Hearings | 41115 | REP | 03/06/2017 | 2017-2/33 |
| R746-101 | Statement of Rule for the Filing and Disposition of Petitions for Declaratory Rulings | 41968 | 5YR | 07/31/2017 | Not Printed |
| R746-101-1 | Definitions | 41669 | NSC | 06/05/2017 | Not Printed |
| R746-110-3 | Rate Increases | 41670 | NSC | 06/05/2017 | Not Printed |
| R746-200-7 | Termination of Service | 41337 | AMD | 05/15/2017 | 2017-7/59 |
| R746-240-1 | General Provisions | 41671 | NSC | 06/05/2017 | Not Printed |
| R746-310 | Uniform Rules Governing Electricity Service by Electric Utilities | 41672 | NSC | 06/05/2017 | Not Printed |
| R746-310 | Uniform Rules Governing Electricity Service by Electric Utilities | 41931 | 5YR | 07/19/2017 | Not Printed |
| R746-312 | Electrical Interconnection | 41673 | NSC | 06/05/2017 | Not Printed |
| R746-313 | Electric Service Reliability | 41514 | 5YR | 04/27/2017 | 2017-10/175 |
| R746-313 | Electrical Service Reliability | 41674 | NSC | 06/05/2017 | Not Printed |
| R746-320 | Uniform Rules Governing Natural Gas Service | 41667 | 5YR | 05/17/2017 | 2017-12/38 |
| R746-320 | Uniform Rules Governing Natural Gas Service | 41676 | NSC | 06/13/2017 | Not Printed |
| R746-340-1 | General | 41677 | NSC | 06/13/2017 | Not Printed |
| R746-341 | Lifeline Rule | 41031 | AMD | 03/24/2017 | 2016-24/40 |
| R746-341 | Lifeline Rule | 41031 | CPR | 03/24/2017 | 2017-4/54 |
| R746-343-15 | Surcharge | 41645 | AMD | 07/10/2017 | 2017-11/179 |
| R746-344-3 | Hearing Process | 41678 | NSC | 06/13/2017 | Not Printed |
| R746-345-1 | Authorization | 41679 | NSC | 06/13/2017 | Not Printed |
| R746-349 | Competitive Entry and Reporting Requirements | 41262 | 5YR | 01/31/2017 | 2017-4/88 |
| R746-349-3 | Filing Requirements | 41680 | NSC | 06/13/2017 | Not Printed |
| R746-351 | Pricing Flexibility | 41263 | 5YR | 01/31/2017 | 2017-4/89 |
| R746-360-6 | Eligibility for Fund Distributions | 41704 | AMD | 07/31/2017 | 2017-12/25 |
| R746-365 | Intercarrier Service Quality | 41681 | NSC | 06/13/2017 | Not Printed |
| R746-400 | Public Utility Reports | 41513 | 5YR | 04/27/2017 | 2017-10/176 |
| R746-400-4 | Reports to the Commission | 41682 | NSC | 06/13/2017 | Not Printed |
| R746-401-1 | Applicability | 41683 | NSC | 06/13/2017 | Not Printed |
| R746-409-6 | Remedies | 41684 | NSC | 06/13/2017 | Not Printed |
| R746-420 | Requests for Approval of a Solicitation Process | 41393 | 5YR | 03/27/2017 | 2017-8/83 |
| R746-430 | Procedural and Informational Requirements for Action Plans, for an Approval of a Significant Energy Resource, for Determination of Whether to Proceed, and for Waivers of a Solicitation Process or of an Approval of a Significant Energy Resource | 41392 | 5YR | 03/27/2017 | 2017-8/83 |
| R746-440 | Voluntary Resource Decision | 41264 | 5YR | 01/31/2017 | 2017-4/89 |
| R746-700 | Complete Filings for General Rate Case and Major Plant Addition Applications | 41685 | NSC | 06/13/2017 | Not Printed |

REGENTS (BOARD OF)

Administration

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| R765-606 | Utah Leveraging Educational Assistance Partnership Program | 40915 | REP | 03/14/2017 | 2016-22/109 |
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University of Utah, Commuter Services

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| R810-2 | Parking Meters and Other Pay Parking Spaces | 41302 | 5YR | 02/13/2017 | 2017-5/69 |
| R810-5 | Permit Types and Eligibility | 41303 | 5YR | 02/13/2017 | 2017-5/70 |
| R810-6 | Permit Prices and Refunds | 41304 | 5YR | 02/13/2017 | 2017-5/70 |
| R810-9 | Contractors and Their Employees | 41305 | 5YR | 02/13/2017 | 2017-5/71 |
| R810-9 | Contractors and Their Employees | 41328 | NSC | 03/14/2017 | Not Printed |
| R810-10 | Enforcement System | 41306 | 5YR | 02/13/2017 | 2017-5/71 |
| R810-11 | Appeals System | 41307 | 5YR | 02/13/2017 | 2017-5/72 |

SCHOOL AND INSTITUTIONAL TRUST LANDS

Administration

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| R850-1 | Definition of Terms | 41697 | 5YR | 05/23/2017 | 2017-12/39 |
| R850-2 | Trust Land Management Objectives | 41696 | 5YR | 05/23/2017 | 2017-12/39 |
| R850-3 | Applicant Qualifications, Application Forms, and Application Processing | 41695 | 5YR | 05/23/2017 | 2017-12/40 |
| R850-4 | Application Fees and Assessments | 41845 | 5YR | 06/27/2017 | 2017-14/67 |
| R850-5 | Payments, Royalties, Audits, and Reinstatements | 41846 | 5YR | 06/27/2017 | 2017-14/67 |
| R850-6 | Government Records Access and Management | 41847 | 5YR | 06/27/2017 | 2017-14/68 |
| R850-11 | Procurement | 41489 | 5YR | 04/24/2017 | 2017-10/176 |
| R850-30 | Special Use Leases | 41848 | 5YR | 06/27/2017 | 2017-14/68 |
| R850-40 | Easements | 41849 | 5YR | 06/27/2017 | 2017-14/69 |
| R850-41 | Rights of Entry | 41291 | 5YR | 02/07/2017 | 2017-5/72 |
| R850-50 | Range Management | 41850 | 5YR | 06/27/2017 | 2017-14/69 |
| R850-60 | Cultural Resources | 41851 | 5YR | 06/27/2017 | 2017-14/70 |
| R850-80 | Sale of Trust Lands | 41852 | 5YR | 06/27/2017 | 2017-14/70 |
| R850-90 | Land Exchanges | 41155 | 5YR | 01/12/2017 | 2017-3/105 |
| R850-120 | Beneficiary Use of Institutional Trust Land | 41156 | 5YR | 01/12/2017 | 2017-3/105 |
| R850-160 | Withdrawal of Trust Lands from Public Target Shooting | 41558 | NEW | 06/21/2017 | 2017-10/139 |

SCIENCE TECHNOLOGY AND RESEARCH GOVERNING AUTHORITY

Administration

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| R856-4 | USTAR Science Technology Initiation Grant | 41095 | NEW | 03/22/2017 | 2017-1/85 |
| R856-5 | USTAR Energy Research Triangle Professors Grant | 41096 | NEW | 03/22/2017 | 2017-1/88 |
| R856-6 | USTAR Energy Research Triangle Scholars Grant | 41097 | NEW | 03/22/2017 | 2017-1/92 |

TAX COMMISSION

Administration

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| R861-1A-16 | Utah State Tax Commission Management Plan Pursuant to Utah Code Ann. Section 59-1-207 | 41468 | AMD | 06/08/2017 | 2017-9/28 |
| R861-1A-20 | Time of Appeal Pursuant to Utah Code Ann. Sections 59-1-301, 59-1-501, 59-1-1410, 59-2-1007, 59-7-517, 59-12-114, 59-13-210, 63G-4-201, 63G-4-401, 68-3-7, and 68-3-8.5 | 41699 | AMD | 07/27/2017 | 2017-12/27 |
| R861-1A-42 | Waiver of Penalty and Interest for Reasonable Cause Pursuant to Utah Code Ann. Section 59-1-401 | 41700 | AMD | 07/27/2017 | 2017-12/28 |

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| R865-9I-54 | Renewable Energy Credit Amount Pursuant to Utah Code Ann. Sections 59-10-1014 and 59-10-1106 | 41701 | AMD | 07/27/2017 | 2017-12/31 |
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| R873-22M-2 | Documentation Required and Procedures to Follow to Register or Title Certain Vehicles Pursuant to Utah Code Ann. Sections 41-1a-104 and 41-1a-108 | 41702 | AMD | 07/27/2017 | 2017-12/31 |
| R873-22M-16 | Authorization to Issue a Certificate of Title Pursuant to Utah Code Ann. Section 41-1a-104 | 41703 | AMD | 07/27/2017 | 2017-12/34 |

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| R884-24P-24 | Form for Notice of Property Valuation and Tax Changes Pursuant to Utah Code Ann. Sections 59-2-918.5 through 59-2-924 | 41469 | AMD | 06/08/2017 | 2017-9/30 |
| R884-24P-57 | Judgment Levies Pursuant to Utah Code Ann. Sections 59-2-918.5, 59-2-924, 59-2-1328, and 59-2-1330 | 41455 | NSC | 06/01/2017 | Not Printed |

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Administration

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| R895-3 | Computer Software Licensing, Copyright, Control, Retention, and Transfer | 41454 | 5YR | 04/06/2017 | 2017-9/52 |
| R895-3 | Computer Software Licensing, Copyright, Control, Retention, and Transfer | 41459 | AMD | 07/28/2017 | 2017-9/32 |

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Administration

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| R907-80 | Disposition of Surplus Land | 41384 | NEW | 05/22/2017 | 2017-8/48 |
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| R914-3 | Aircraft Registration Enforcement | 40937 | NEW | 01/18/2017 | 2016-23/114 |
| R914-3 | Aircraft Registration Enforcement | 41421 | AMD | 05/22/2017 | 2017-8/53 |

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| R918-3 | Snow Removal | 41913 | 5YR | 07/07/2017 | 2017-15/34 |
| R918-6 | Maintenance Responsibility at Intersections, Overcrossings, and Interchanges between Class A Roads and Class B or Class C Roads | 41942 | 5YR | 07/19/2017 | Not Printed |

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| R920-1 | Utah Manual on Uniform Traffic Control Devices | 41910 | 5YR | 07/07/2017 | 2017-15/35 |
| R920-2 | Rural Conventional Road Definition | 41925 | 5YR | 07/12/2017 | 2017-15/35 |
| R920-4 | Special Road Use or Event | 41767 | 5YR | 06/08/2017 | 2017-13/256 |
| R920-4 | Special Road Use or Event | 41924 | 5YR | 07/12/2017 | 2017-15/36 |
| R920-6 | Snow Tire and Chain Requirements | 41911 | 5YR | 07/07/2017 | 2017-15/37 |
| R920-50 | Ropeway Operation Safety | 41476 | EXT | 04/13/2017 | 2017-9/53 |
| R920-50 | Ropeway Operation Safety | 41907 | 5YR | 07/06/2017 | 2017-15/37 |
| R920-51 | Safety Regulations for Railroads | 41912 | EXT | 07/07/2017 | 2017-15/45 |

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| R930-9 | Detection and Elimination of Unauthorized Discharges into Drainage Systems, Enforcement of Water Laws, Sanctions for Violation, and Permitting | 41485 | NEW | 06/30/2017 | 2017-10/147 |
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| R926-4 | Establishing and Defining a Functional Classification of Highways in the State of Utah | 41375 | 5YR | 03/17/2017 | 2017-8/84 |
| R926-13-4 | Highways Within the State That Are Designated as State Scenic Byways | 41053 | AMD | 02/07/2017 | 2017-1/95 |
| R926-15-5 | Highways Within the State That Are Designated as State Scenic Backways | 41329 | NSC | 03/14/2017 | Not Printed |

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Unclaimed Property

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| R966-1 | Requirements for Claims where no Proof of Stock Ownership Exists | 41930 | EXT | 07/18/2017 | Not Printed |
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VETERANS' AND MILITARY AFFAIRS

Administration

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| R978-1 | Rule Governing Veterans' Affairs | 41335 | 5YR | 03/01/2017 | 2017-6/31 |
| R978-1 | Rule Governing Veterans' Affairs | 41351 | AMD | 05/09/2017 | 2017-7/63 |

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Administration

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| R982-201 | Government Records Access and Management Act | 41712 | 5YR | 05/31/2017 | 2017-12/41 |
| R982-301 | Councils | 41713 | 5YR | 05/31/2017 | 2017-12/41 |
| R982-401 | Energy Assistance: General Provisions | 41905 | 5YR | 07/06/2017 | 2017-15/38 |
| R982-402 | Energy Assistance Programs Standards | 41856 | 5YR | 06/28/2017 | 2017-14/71 |
| R982-403 | Energy Assistance Income Standards, Income Eligibility, and Payment Determination | 41857 | 5YR | 06/28/2017 | 2017-14/71 |
| R982-403-5 | Income Exclusions | 41594 | NSC | 05/23/2017 | Not Printed |
| R982-404 | Energy Assistance: Asset Standards | 41858 | 5YR | 06/28/2017 | 2017-14/72 |
| R982-405 | Energy Assistance: Program Benefits | 41894 | 5YR | 07/06/2017 | 2017-15/38 |
| R982-406 | Energy Assistance: Eligibility Determination | 41895 | 5YR | 07/06/2017 | 2017-15/39 |
| R982-407 | Energy Assistance: Records and Benefit Management | 41896 | 5YR | 07/06/2017 | 2017-15/39 |
| R982-408 | Energy Assistance: Special State Programs | 41897 | 5YR | 07/06/2017 | 2017-15/40 |
| R982-501 | Olene Walker Housing Loan Fund (OWHLF) | 41898 | 5YR | 07/06/2017 | 2017-15/40 |
| R982-601 | Provider Code of Conduct | 41714 | 5YR | 05/31/2017 | 2017-12/42 |

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| R986-100 | Employment Support Programs | 41595 | NSC | 05/23/2017 | Not Printed |
| R986-200 | Family Employment Program | 41596 | NSC | 05/23/2017 | Not Printed |
| R986-300-305 | Failure to Comply with an Employment Plan | 41597 | NSC | 05/23/2017 | Not Printed |
| R986-400-401 | Authority for General Assistance (GA) and Applicable Rules | 41598 | NSC | 05/23/2017 | Not Printed |
| R986-600 | Workforce Investment Act | 41336 | AMD | 05/01/2017 | 2017-6/18 |
| R986-600 | Workforce Innovation and Opportunity Act | 41599 | NSC | 05/23/2017 | Not Printed |
| R986-700-706 | Provider Rights and Responsibilities | 41171 | AMD | 04/01/2017 | 2017-3/68 |
| R986-900 | Food Stamps | 41600 | NSC | 05/23/2017 | Not Printed |

Housing and Community Development

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| R990-8 | Permanent Community Impact Fund Board Review and Approval of Applications for Funding Assistance | 41899 | 5YR | 07/06/2017 | 2017-15/41 |
| R990-9 | Policy Concerning Enforceability and Taxability of Bonds Purchased | 41903 | 5YR | 07/06/2017 | 2017-15/41 |
| R990-10 | Procedures in Case of Inability to Formulate Contract for Alleviation of Impact | 41900 | 5YR | 07/06/2017 | 2017-15/42 |
| R990-11 | Community Development Block Grants (CDBG) | 41901 | 5YR | 07/06/2017 | 2017-15/42 |
| R990-100 | Community Services Block Grant Rules | 41904 | 5YR | 07/06/2017 | 2017-15/43 |
| R990-101 | Qualified Emergency Food Agencies Fund (QEFAF) | 41902 | 5YR | 07/06/2017 | 2017-15/43 |
| R990-101 | Qualified Emergency Food Agencies Fund (QEFAF) | 41611 | AMD | 07/10/2017 | 2017-11/184 |

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| R993-300 | Certification Requirements for Interpreters for the Hearing Impaired | 41616 | AMD | 07/10/2017 | 2017-11/187 |
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| R994-102 | Employment Security Act, Public Policy and Authority | 41520 | NEW | 06/21/2017 | 2017-10/149 |
| R994-106 | Combined Wage Claims | 41516 | EXD | 04/27/2017 | 2017-10/179 |
| R994-106 | Combined Wage Claims | 41521 | NEW | 06/21/2017 | 2017-10/150 |
| R994-303 | Contribution Rates | 41517 | EXD | 04/27/2017 | 2017-10/179 |
| R994-303 | Contribution Rates | 41522 | NEW | 06/21/2017 | 2017-10/152 |

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| R994-401 | Payment of Benefits | 41518 | EXD | 04/27/2017 | 2017-10/180 |
| R994-401 | Payment of Benefits | 41523 | NEW | 06/21/2017 | 2017-10/155 |
| R994-402 | Extended Benefits (EB) | 41519 | EXD | 04/27/2017 | 2017-10/180 |
| R994-402 | Extended Benefits (EB) | 41525 | NEW | 06/21/2017 | 2017-10/159 |
| R994-403-202 | Qualifying Elements for Approval of Training | 41427 | AMD | 05/30/2017 | 2017-8/54 |
| R994-404 | Payment Following Workers' Compensation | 41686 | 5YR | 05/19/2017 | 2017-12/42 |
| R994-405-2 | Separations from a Temporary Help Company (THC) | 41103 | AMD | 03/01/2017 | 2017-1/97 |
| R994-406 | Fraud, Fault and Nonfault Overpayments | 41687 | 5YR | 05/19/2017 | 2017-12/43 |
| R994-508 | Appeal Procedures | 41426 | AMD | 05/30/2017 | 2017-8/56 |

RULES INDEX - BY KEYWORD (SUBJECT)

ABBREVIATIONS

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

| KEYWORD AGENCY | FILE NUMBER | CODE REFERENCE | ACTION | EFFECTIVE DATE | BULLETIN ISSUE/PAGE |
|--|----------------------------------|----------------------------------|--------------------------|--|--|
| <u>abusive conduct</u> Human Resource Management, Administration | 41512 | R477-16 | AMD | 07/01/2017 | 2017-10/135 |
| <u>accident law</u> Health, Disease Control and Prevention, Laboratory Services | 40868 | R438-10 | REP | 01/11/2017 | 2016-21/46 |
| <u>accidents</u> Administrative Services, Fleet Operations | 41609 | R27-7 | AMD | 07/11/2017 | 2017-11/11 |
| <u>accounts receivable</u> Administrative Services, Debt Collection | 41374 41743 41376 41377 | R21-1 R21-1 R21-2 R21-3 | NSC 5YR 5YR 5YR | 04/10/2017 06/07/2017 03/17/2017 03/17/2017 | Not Printed 2017-13/229 2017-8/59 2017-8/59 |
| <u>accreditation</u> Education, Administration | 41733 | R277-410 | 5YR | 06/06/2017 | 2017-13/235 |
| <u>acid rain</u> Environmental Quality, Air Quality | 41640 | R307-417 | 5YR | 05/15/2017 | 2017-11/217 |
| <u>action plan</u> Public Service Commission, Administration | 41392 | R746-430 | 5YR | 03/27/2017 | 2017-8/83 |
| <u>ADA</u> Insurance, Administration | 41729 | R590-149 | 5YR | 06/05/2017 | 2017-13/244 |
| <u>adjudicative procedures</u> Commerce, Securities Heritage and Arts, Library | 41889 41708 | R164-18 R458-1 | 5YR 5YR | 07/03/2017 05/31/2017 | 2017-15/29 2017-12/37 |
| <u>adjudicative proceedings</u> Environmental Quality, Environmental Response and Remediation Environmental Quality, Water Quality | 41404 41431 | R311-210 R317-9 | 5YR NSC | 03/27/2017 05/15/2017 | 2017-8/67 Not Printed |

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| Heritage and Arts, History | 41341 | R455-1 | 5YR | 03/02/2017 | 2017-7/85 |
| Public Safety, Driver License | 41130 | R708-14 | 5YR | 01/08/2017 | 2017-3/103 |
| | 41131 | R708-35 | 5YR | 01/08/2017 | 2017-3/104 |
| <u>adjudicative process</u> | | | | | |
| Administrative Services, Debt Collection | 41376 | R21-2 | 5YR | 03/17/2017 | 2017-8/59 |
| <u>administrative offset</u> | | | | | |
| Administrative Services, Debt Collection | 41377 | R21-3 | 5YR | 03/17/2017 | 2017-8/59 |
| <u>administrative procedures</u> | | | | | |
| Auditor, Administration | 41764 | R123-3 | 5YR | 06/07/2017 | 2017-13/230 |
| Commerce, Consumer Protection | 40920 | R152-6 | AMD | 01/09/2017 | 2016-22/21 |
| Commerce, Occupational and Professional Licensing | 41169 | R156-46b-202 | AMD | 03/13/2017 | 2017-3/8 |
| | 41354 | R156-46b-202 | NSC | 04/05/2017 | Not Printed |
| Health, Administration | 41434 | R380-1 | 5YR | 04/03/2017 | 2017-9/46 |
| | 41435 | R380-5 | 5YR | 04/03/2017 | 2017-9/47 |
| | 41488 | R380-10 | 5YR | 04/21/2017 | 2017-10/165 |
| Heritage and Arts, History | 41341 | R455-1 | 5YR | 03/02/2017 | 2017-7/85 |
| Heritage and Arts, Library | 41708 | R458-1 | 5YR | 05/31/2017 | 2017-12/37 |
| Human Resource Management, Administration | 41272 | R477-3 | EXT | 02/02/2017 | 2017-5/75 |
| | 41527 | R477-3 | 5YR | 04/27/2017 | 2017-10/168 |
| | 41283 | R477-12 | EXT | 02/02/2017 | 2017-5/77 |
| | 41541 | R477-12 | 5YR | 04/27/2017 | 2017-10/173 |
| | 41509 | R477-12 | AMD | 07/01/2017 | 2017-10/129 |
| | 41285 | R477-15 | EXT | 02/02/2017 | 2017-5/78 |
| | 41543 | R477-15 | 5YR | 04/27/2017 | 2017-10/174 |
| | 41511 | R477-15 | AMD | 07/01/2017 | 2017-10/133 |
| | 41512 | R477-16 | AMD | 07/01/2017 | 2017-10/135 |
| Human Services, Administration, Administrative Hearings | 41057 | R497-100 | AMD | 02/07/2017 | 2017-1/78 |
| Labor Commission, Adjudication | 41605 | R602-1 | 5YR | 05/08/2017 | 2017-11/221 |
| | 41635 | R602-1 | NSC | 05/25/2017 | Not Printed |
| | 41612 | R602-2 | 5YR | 05/09/2017 | 2017-11/222 |
| | 41633 | R602-2 | NSC | 06/01/2017 | Not Printed |
| Natural Resources, Forestry, Fire and State Lands | 41012 | R652-1 | AMD | 01/10/2017 | 2016-23/97 |
| | 41407 | R652-1 | 5YR | 03/28/2017 | 2017-8/76 |
| | 41408 | R652-3 | 5YR | 03/28/2017 | 2017-8/77 |
| | 41409 | R652-4 | 5YR | 03/28/2017 | 2017-8/77 |
| | 41411 | R652-5 | 5YR | 03/29/2017 | 2017-8/78 |
| | 41413 | R652-20 | 5YR | 03/29/2017 | 2017-8/79 |
| | 41414 | R652-30 | 5YR | 03/29/2017 | 2017-8/79 |
| | 41415 | R652-40 | 5YR | 03/29/2017 | 2017-8/80 |
| | 41416 | R652-50 | 5YR | 03/29/2017 | 2017-8/80 |
| | 41418 | R652-70 | 5YR | 03/29/2017 | 2017-8/81 |
| | 41420 | R652-100 | 5YR | 03/29/2017 | 2017-8/82 |
| | 41011 | R652-120 | AMD | 01/10/2017 | 2016-23/99 |
| | 41013 | R652-121 | AMD | 01/10/2017 | 2016-23/102 |
| | 41015 | R652-123 | REP | 01/10/2017 | 2016-23/111 |
| Natural Resources, Oil, Gas and Mining Board | 41744 | R641-100 | 5YR | 06/07/2017 | 2017-13/246 |
| | 41745 | R641-101 | 5YR | 06/07/2017 | 2017-13/246 |
| | 41746 | R641-102 | 5YR | 06/07/2017 | 2017-13/247 |
| | 41747 | R641-103 | 5YR | 06/07/2017 | 2017-13/247 |
| | 41748 | R641-104 | 5YR | 06/07/2017 | 2017-13/248 |
| | 41749 | R641-105 | 5YR | 06/07/2017 | 2017-13/248 |
| | 41750 | R641-106 | 5YR | 06/07/2017 | 2017-13/249 |
| | 41751 | R641-107 | 5YR | 06/07/2017 | 2017-13/249 |
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| | 41753 | R641-109 | 5YR | 06/07/2017 | 2017-13/250 |
| | 41754 | R641-110 | 5YR | 06/07/2017 | 2017-13/251 |
| | 41755 | R641-111 | 5YR | 06/07/2017 | 2017-13/251 |
| | 41756 | R641-112 | 5YR | 06/07/2017 | 2017-13/252 |
| | 41757 | R641-113 | 5YR | 06/07/2017 | 2017-13/252 |
| | 41758 | R641-114 | 5YR | 06/07/2017 | 2017-13/253 |
| | 41759 | R641-115 | 5YR | 06/07/2017 | 2017-13/253 |
| | 41760 | R641-116 | 5YR | 06/07/2017 | 2017-13/254 |
| | 41761 | R641-117 | 5YR | 06/07/2017 | 2017-13/254 |

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| | 41763 | R641-119 | 5YR | 06/07/2017 | 2017-13/255 |
| Natural Resources, Water Rights | 41592 | R655-6 | 5YR | 05/05/2017 | 2017-11/223 |
| Natural Resources, Wildlife Resources | 41580 | R657-2 | 5YR | 05/03/2017 | 2017-11/224 |
| Public Safety, Driver License | 41133 | R708-7 | 5YR | 01/08/2017 | 2017-3/102 |
| | 41129 | R708-8 | 5YR | 01/08/2017 | 2017-3/102 |
| School and Institutional Trust Lands, Administration | 41697 | R850-1 | 5YR | 05/23/2017 | 2017-12/39 |
| | 41695 | R850-3 | 5YR | 05/23/2017 | 2017-12/40 |
| | 41845 | R850-4 | 5YR | 06/27/2017 | 2017-14/67 |
| | 41846 | R850-5 | 5YR | 06/27/2017 | 2017-14/67 |
| | 41848 | R850-30 | 5YR | 06/27/2017 | 2017-14/68 |
| | 41849 | R850-40 | 5YR | 06/27/2017 | 2017-14/69 |
| | 41291 | R850-41 | 5YR | 02/07/2017 | 2017-5/72 |
| | 41850 | R850-50 | 5YR | 06/27/2017 | 2017-14/69 |
| | 41852 | R850-80 | 5YR | 06/27/2017 | 2017-14/70 |
| | 41155 | R850-90 | 5YR | 01/12/2017 | 2017-3/105 |
| | 41156 | R850-120 | 5YR | 01/12/2017 | 2017-3/105 |
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| | 41404 | R311-210 | 5YR | 03/27/2017 | 2017-8/67 |
| Environmental Quality, Water Quality | 41431 | R317-9 | NSC | 05/15/2017 | Not Printed |
| Public Service Commission, Administration | 41116 | R746-1 | NEW | 03/06/2017 | 2017-2/27 |
| <u>administrative responsibility</u> | | | | | |
| Human Resource Management, Administration | 41271 | R477-2 | EXT | 02/02/2017 | 2017-5/75 |
| | 41526 | R477-2 | 5YR | 04/27/2017 | 2017-10/168 |
| | 41501 | R477-2 | AMD | 07/01/2017 | 2017-10/100 |
| <u>administrative rules</u> | | | | | |
| Human Resource Management, Administration | 41284 | R477-13 | EXT | 02/02/2017 | 2017-5/77 |
| | 41542 | R477-13 | 5YR | 04/27/2017 | 2017-10/173 |
| <u>admission guidelines</u> | | | | | |
| Human Services, Juvenile Justice Services | 41390 | R547-13 | 5YR | 03/27/2017 | 2017-8/74 |
| | 41710 | R547-13 | AMD | 08/01/2017 | 2017-12/19 |
| <u>adult education</u> | | | | | |
| Education, Administration | 41186 | R277-702 | 5YR | 01/17/2017 | 2017-3/87 |
| | 41190 | R277-702 | AMD | 03/14/2017 | 2017-3/15 |
| | 41740 | R277-733 | 5YR | 06/06/2017 | 2017-13/239 |
| <u>adult foster care</u> | | | | | |
| Human Services, Administration, Administrative Services, Licensing | 41482 | R501-17 | REP | 07/28/2017 | 2017-10/136 |
| <u>adult protective services investigation</u> | | | | | |
| Human Services, Aging and Adult Services | 41883 | R510-302 | 5YR | 06/30/2017 | 2017-14/61 |
| <u>affidavit of merit</u> | | | | | |
| Commerce, Occupational and Professional Licensing | 41146 | R156-78B | 5YR | 01/10/2017 | 2017-3/87 |
| <u>affordable base rate</u> | | | | | |
| Public Service Commission, Administration | 41704 | R746-360-6 | AMD | 07/31/2017 | 2017-12/25 |
| <u>affordable housing</u> | | | | | |
| Workforce Services, Administration | 41898 | R982-501 | 5YR | 07/06/2017 | 2017-15/40 |
| <u>agencies</u> | | | | | |
| Administrative Services, Facilities Construction and Management | 40946 | R23-30 | AMD | 01/20/2017 | 2016-23/11 |
| <u>aging</u> | | | | | |
| Human Services, Aging and Adult Services | 41880 | R510-111 | 5YR | 06/30/2017 | 2017-14/60 |

agricultural law

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| Agriculture and Food, Plant Industry | 41195 | R68-19 | 5YR | 01/18/2017 | 2017-4/59 |
| Agriculture and Food, Regulatory Services | 41160 | R70-201 | 5YR | 01/12/2017 | 2017-3/82 |

air conditioning

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| Public Safety, Highway Patrol | 41839 | R714-210 | 5YR | 06/19/2017 | 2017-14/65 |
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| Environmental Quality, Air Quality | 41355 | R307-101-3 | AMD | 06/08/2017 | 2017-7/25 |
| | 41629 | R307-105 | 5YR | 05/15/2017 | 2017-11/212 |
| | 41231 | R307-110 | 5YR | 01/27/2017 | 2017-4/61 |
| | 41230 | R307-120 | 5YR | 01/27/2017 | 2017-4/61 |
| | 41229 | R307-130 | 5YR | 01/27/2017 | 2017-4/62 |
| | 41228 | R307-135 | 5YR | 01/27/2017 | 2017-4/62 |
| | 41356 | R307-210 | AMD | 06/08/2017 | 2017-7/26 |
| | 41630 | R307-214 | 5YR | 05/15/2017 | 2017-11/213 |
| | 41357 | R307-214 | AMD | 06/08/2017 | 2017-7/27 |
| | 40773 | R307-302 | AMD | 02/01/2017 | 2016-19/38 |
| | 40773 | R307-302 | CPR | 02/01/2017 | 2017-1/102 |
| | 41226 | R307-320 | 5YR | 01/27/2017 | 2017-4/64 |
| | 41225 | R307-325 | 5YR | 01/27/2017 | 2017-4/64 |
| | 41223 | R307-326 | 5YR | 01/27/2017 | 2017-4/65 |
| | 41222 | R307-327 | 5YR | 01/27/2017 | 2017-4/65 |
| | 41221 | R307-328 | 5YR | 01/27/2017 | 2017-4/66 |
| | 41220 | R307-335 | 5YR | 01/27/2017 | 2017-4/66 |
| | 41219 | R307-341 | 5YR | 01/27/2017 | 2017-4/67 |
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| | 41636 | R307-410 | 5YR | 05/15/2017 | 2017-11/215 |
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| | 41639 | R307-415 | 5YR | 05/15/2017 | 2017-11/216 |
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| | 41533 | R477-9 | 5YR | 04/27/2017 | 2017-10/171 | |
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| Judicial Performance Evaluation Commission, Administration | 41620 | R597-2-2 | AMD | 07/10/2017 | 2017-11/165 | |
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| Human Services, Aging and Adult Services | 41869 | R510-104 | 5YR | 06/30/2017 | 2017-14/57 | |
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| Administrative Services, Purchasing and General Services | 41548 | R33-13 | AMD | 06/21/2017 | 2017-10/43 | |
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| Commerce, Consumer Protection | 40920 | R152-6 | AMD | 01/09/2017 | 2016-22/21 | |
| | 41610 | R152-34 | 5YR | 05/08/2017 | 2017-11/212 | |
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| | 40953 | R590-273 | CPR | 04/07/2017 | 2017-5/58 | |
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| Commerce, Occupational and Professional Licensing | 41348 | R156-55a | AMD | 05/08/2017 | 2017-7/6 | |
| | 41261 | R156-55b-102 | AMD | 03/27/2017 | 2017-4/5 | |
| | 41917 | R156-55b-302a | NSC | 08/01/2017 | Not Printed | |
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| Administrative Services, Purchasing and General Services | 41547 | R33-12 | AMD | 06/21/2017 | 2017-10/37 | |
| Public Service Commission, Administration | 41683 | R746-401-1 | NSC | 06/13/2017 | Not Printed | |
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| | 41265 | R156-37f-303 | NSC | 02/23/2017 | Not Printed | |
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| Commerce, Occupational and Professional Licensing | 41289 | R156-37 | 5YR | 02/06/2017 | 2017-5/61 | |

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| | 41550 | R33-16 | AMD | 06/21/2017 | 2017-10/48 | |
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| Administrative Services, Purchasing and General Services | 41554 | R33-21-201e | AMD | 06/21/2017 | 2017-10/56 | |
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| | 41459 | R895-3 | AMD | 07/28/2017 | 2017-9/32 | |
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| Corrections, Administration | 41456 | R251-107 | 5YR | 04/06/2017 | 2017-9/42 | |
| | 41495 | R251-107 | NSC | 05/15/2017 | Not Printed | |
| | 41447 | R251-305 | 5YR | 04/05/2017 | 2017-9/43 | |
| | 41451 | R251-306 | 5YR | 04/05/2017 | 2017-9/43 | |
| | 41450 | R251-703 | 5YR | 04/05/2017 | 2017-9/43 | |
| | 41461 | R251-703 | NSC | 05/15/2017 | Not Printed | |
| | 41448 | R251-705 | 5YR | 04/05/2017 | 2017-9/44 | |
| | 41621 | R251-705 | NSC | 05/31/2017 | Not Printed | |
| | 41457 | R251-706 | 5YR | 04/06/2017 | 2017-9/45 | |
| | 41463 | R251-707 | 5YR | 04/07/2017 | 2017-9/45 | |
| | 41622 | R251-707 | NSC | 05/31/2017 | Not Printed | |
| | 41453 | R251-710 | 5YR | 04/05/2017 | 2017-9/46 | |
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| | 41691 | R527-330 | NSC | 06/13/2017 | Not Printed | |
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| Administrative Services, Purchasing and General Services | 41534 | R33-1 | AMD | 06/21/2017 | 2017-10/4 | |
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| | 41213 | R414-310-13 | AMD | 03/28/2017 | 2017-4/28 |
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| | 41578 | R23-3 | AMD | 07/12/2017 | 2017-11/6 |
| | 41666 | R23-3-4 | NSC | 07/19/2017 | Not Printed |
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| | 41699 | R861-1A-20 | AMD | 07/27/2017 | 2017-12/27 |
| | 41700 | R861-1A-42 | AMD | 07/27/2017 | 2017-12/28 |
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| | 41358 | R704-3 | AMD | 06/07/2017 | 2017-7/33 |
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| | 41508 | R477-11 | AMD | 07/01/2017 | 2017-10/127 |
| | 41510 | R477-14 | AMD | 07/01/2017 | 2017-10/131 |
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| | 41699 | R861-1A-20 | AMD | 07/27/2017 | 2017-12/27 |
| | 41700 | R861-1A-42 | AMD | 07/27/2017 | 2017-12/28 |
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| | 41165 | R58-6 | 5YR | 01/12/2017 | 2017-3/80 |
| | 41471 | R58-21 | AMD | 06/14/2017 | 2017-9/5 |
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| Commerce, Securities | 41888 | R164-6 | 5YR | 07/03/2017 | 2017-15/28 |
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| | 40769 | R309-535-5 | CPR | 03/07/2017 | 2016-24/44 | |
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| | 41202 | R708-27 | 5YR | 01/20/2017 | 2017-4/87 | |
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| Administrative Services, Fleet Operations | 41609 | R27-7 | AMD | 07/11/2017 | 2017-11/11 | |
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| | 41532 | R477-8 | 5YR | 04/27/2017 | 2017-10/171 | |
| | 41506 | R477-8 | AMD | 07/01/2017 | 2017-10/120 | |
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| | 40961 | R357-19 | NEW | 02/22/2017 | 2016-23/55 | |
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| | 40995 | R317-1 | CPR | 03/27/2017 | 2017-4/44 |
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| <u>emergency medical services</u> | | | | | |
| Health, Family Health and Preparedness, Emergency Medical Services | 41332 | R426-5 | AMD | 04/26/2017 | 2017-6/7 |
| | 41617 | R426-8 | AMD | 07/10/2017 | 2017-11/159 |
| | 41029 | R426-9 | AMD | 02/01/2017 | 2016-24/30 |
| <u>emergency medical services rates</u> | | | | | |
| Health, Family Health and Preparedness, Emergency Medical Services | 41908 | R426-8 | NSC | 08/01/2017 | Not Printed |
| <u>emergency powers</u> | | | | | |
| Environmental Quality, Air Quality | 41629 | R307-105 | 5YR | 05/15/2017 | 2017-11/212 |
| <u>emergency procurements</u> | | | | | |
| Administrative Services, Purchasing and General Services | 41544 | R33-8 | AMD | 06/21/2017 | 2017-10/27 |
| | 41023 | R33-8-102 | AMD | 02/02/2017 | 2016-24/4 |
| <u>emission controls</u> | | | | | |
| Environmental Quality, Air Quality | 41225 | R307-325 | 5YR | 01/27/2017 | 2017-4/64 |
| | 41219 | R307-341 | 5YR | 01/27/2017 | 2017-4/67 |

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| Environmental Quality, Air Quality | 41639 | R307-415 | 5YR | 05/15/2017 | 2017-11/216 | |
| <u>employee benefit plans</u> | | | | | | |
| Human Resource Management, Administration | 41276 | R477-6 | EXT | 02/02/2017 | 2017-5/76 | |
| | 41530 | R477-6 | 5YR | 04/27/2017 | 2017-10/170 | |
| | 41503 | R477-6 | AMD | 07/01/2017 | 2017-10/108 | |
| <u>employee performance evaluations</u> | | | | | | |
| Human Resource Management, Administration | 41281 | R477-10 | EXT | 02/02/2017 | 2017-5/77 | |
| | 41537 | R477-10 | 5YR | 04/27/2017 | 2017-10/172 | |
| | 41507 | R477-10 | AMD | 07/01/2017 | 2017-10/125 | |
| <u>employee productivity</u> | | | | | | |
| Human Resource Management, Administration | 41281 | R477-10 | EXT | 02/02/2017 | 2017-5/77 | |
| | 41537 | R477-10 | 5YR | 04/27/2017 | 2017-10/172 | |
| | 41507 | R477-10 | AMD | 07/01/2017 | 2017-10/125 | |
| <u>employee recruitment</u> | | | | | | |
| Workforce Services, Unemployment Insurance | 41519 | R994-402 | EXD | 04/27/2017 | 2017-10/180 | |
| | 41525 | R994-402 | NEW | 06/21/2017 | 2017-10/159 | |
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| Workforce Services, Unemployment Insurance | 41103 | R994-405-2 | AMD | 03/01/2017 | 2017-1/97 | |
| <u>employee's rights</u> | | | | | | |
| Human Resource Management, Administration | 41541 | R477-12 | 5YR | 04/27/2017 | 2017-10/173 | |
| Workforce Services, Unemployment Insurance | 41103 | R994-405-2 | AMD | 03/01/2017 | 2017-1/97 | |
| <u>employees</u> | | | | | | |
| Human Services, Administration | 41114 | R495-885 | AMD | 02/23/2017 | 2017-2/23 | |
| <u>employees' rights</u> | | | | | | |
| Human Resource Management, Administration | 41283 | R477-12 | EXT | 02/02/2017 | 2017-5/77 | |
| | 41509 | R477-12 | AMD | 07/01/2017 | 2017-10/129 | |
| <u>employment</u> | | | | | | |
| Human Resource Management, Administration | 41273 | R477-4 | EXT | 02/02/2017 | 2017-5/75 | |
| | 41528 | R477-4 | 5YR | 04/27/2017 | 2017-10/169 | |
| | 41502 | R477-4 | AMD | 07/01/2017 | 2017-10/103 | |
| | 41274 | R477-5 | EXT | 02/02/2017 | 2017-5/76 | |
| | 41529 | R477-5 | 5YR | 04/27/2017 | 2017-10/169 | |
| | 41504 | R477-5 | AMD | 07/01/2017 | 2017-10/106 | |
| Workforce Services, Unemployment Insurance | 41103 | R994-405-2 | AMD | 03/01/2017 | 2017-1/97 | |
| <u>employment support procedures</u> | | | | | | |
| Workforce Services, Employment Development | 41595 | R986-100 | NSC | 05/23/2017 | Not Printed | |
| <u>endangered species</u> | | | | | | |
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| <u>energy assistance</u> | | | | | | |
| Workforce Services, Administration | 41856 | R982-402 | 5YR | 06/28/2017 | 2017-14/71 | |
| | 41857 | R982-403 | 5YR | 06/28/2017 | 2017-14/71 | |
| | 41594 | R982-403-5 | NSC | 05/23/2017 | Not Printed | |
| | 41858 | R982-404 | 5YR | 06/28/2017 | 2017-14/72 | |
| | 41894 | R982-405 | 5YR | 07/06/2017 | 2017-15/38 | |
| | 41895 | R982-406 | 5YR | 07/06/2017 | 2017-15/39 | |
| | 41896 | R982-407 | 5YR | 07/06/2017 | 2017-15/39 | |
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| <u>engineering</u> | | | | | | |
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| | 41736 | R277-485 | 5YR | 06/06/2017 | 2017-13/237 | |
| | 41361 | R277-612 | 5YR | 03/15/2017 | 2017-7/82 | |
| | 41365 | R277-612 | AMD | 05/10/2017 | 2017-7/22 | |
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| <u>environmental assessment</u> | | | | | | |
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| <u>ERT Professors Grant</u> | | | | | | |
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| | 41680 | R746-349-3 | NSC | 06/13/2017 | Not Printed | |
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| | 41624 | R597-3-3 | AMD | 07/10/2017 | 2017-11/168 | |
| | 41625 | R597-3-5 | AMD | 07/10/2017 | 2017-11/170 | |
| | 41026 | R597-3-8 | AMD | 02/17/2017 | 2016-24/35 | |
| | 41027 | R597-3-9 | AMD | 02/17/2017 | 2016-24/35 | |
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| | 41010 | R277-533 | AMD | 01/10/2017 | 2016-23/45 | |

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| Administrative Services, Purchasing and General Services | 41544 | R33-8 | AMD | 06/21/2017 | 2017-10/27 | |
| | 41023 | R33-8-102 | AMD | 02/02/2017 | 2016-24/4 | |
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| Corrections, Administration | 41456 | R251-107 | 5YR | 04/06/2017 | 2017-9/42 | |
| | 41495 | R251-107 | NSC | 05/15/2017 | Not Printed | |
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| | 41466 | R105-1 | 5YR | 04/10/2017 | 2017-9/41 | |
| | 41295 | R105-1-6 | NSC | 03/06/2017 | Not Printed | |
| <u>extended benefits</u> | | | | | | |
| Workforce Services, Unemployment Insurance | 41519 | R994-402 | EXD | 04/27/2017 | 2017-10/180 | |
| | 41525 | R994-402 | NEW | 06/21/2017 | 2017-10/159 | |
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| | 41501 | R477-2 | AMD | 07/01/2017 | 2017-10/100 | |
| | 41273 | R477-4 | EXT | 02/02/2017 | 2017-5/75 | |
| | 41528 | R477-4 | 5YR | 04/27/2017 | 2017-10/169 | |
| | 41502 | R477-4 | AMD | 07/01/2017 | 2017-10/103 | |
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| | 40755 | R311-203 | CPR | 01/03/2017 | 2016-23/118 |
| | 41397 | R311-203 | 5YR | 03/27/2017 | 2017-8/62 |
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| | 41635 | R602-1 | NSC | 05/25/2017 | Not Printed |
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| | 41264 | R746-440 | 5YR | 01/31/2017 | 2017-4/89 |
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| Public Service Commission, Administration | 41685 | R746-700 | NSC | 06/13/2017 | Not Printed |
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| | 40998 | R414-304-5 | AMD | 01/17/2017 | 2016-23/63 |
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| Financial Institutions, Administration | 41943 | R331-5 | 5YR | 07/20/2017 | Not Printed |
| | 41944 | R331-7 | 5YR | 07/20/2017 | Not Printed |
| | 41945 | R331-9 | 5YR | 07/20/2017 | Not Printed |
| | 41608 | R331-10 | AMD | 07/10/2017 | 2017-11/155 |
| | 41946 | R331-10 | 5YR | 07/20/2017 | Not Printed |
| | 41947 | R331-12 | 5YR | 07/20/2017 | Not Printed |
| | 41948 | R331-22 | 5YR | 07/20/2017 | Not Printed |
| Financial Institutions, Credit Unions | 41197 | R337-10 | 5YR | 01/18/2017 | 2017-4/68 |
| Financial Institutions, Nondepository Lenders | 41123 | R343-1 | 5YR | 01/06/2017 | 2017-3/93 |
| | 41480 | R343-11 | NEW | 06/21/2017 | 2017-10/61 |
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| | 41173 | R501-14 | AMD | 03/21/2017 | 2017-3/28 |
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| | 41584 | R710-7 | 5YR | 05/04/2017 | 2017-11/228 |
| | 41694 | R710-7-8 | NSC | 06/13/2017 | Not Printed |
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| | 40773 | R307-302 | CPR | 02/01/2017 | 2017-1/102 | |
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| | 41692 | R710-2 | NSC | 06/13/2017 | Not Printed | |
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| | 41150 | R657-59 | AMD | 03/13/2017 | 2017-3/49 | |
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| | 41370 | R70-530 | NSC | 04/05/2017 | Not Printed | |
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| | 41467 | R58-11 | NSC | 05/15/2017 | Not Printed | |
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| | 41365 | R277-612 | AMD | 05/10/2017 | 2017-7/22 | |
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| | 41535 | R33-4 | AMD | 06/21/2017 | 2017-10/7 | |
| | 41292 | R33-4-101b | NSC | 03/06/2017 | Not Printed | |
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| Public Service Commission, Administration | 41673 | R746-312 | NSC | 06/05/2017 | Not Printed | |
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| Commerce, Occupational and Professional Licensing | 41279 | R156-76 | 5YR | 02/02/2017 | 2017-5/62 | |
| | 41346 | R156-76-501 | AMD | 05/08/2017 | 2017-7/14 | |
| | 41606 | R156-76-501 | NSC | 05/23/2017 | Not Printed | |

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| Administrative Services, Records Committee | 41478 | R35-1-2 | AMD | 06/22/2017 | 2017-9/2 | |
| | 41479 | R35-2-2 | AMD | 06/22/2017 | 2017-9/4 | |
| Environmental Quality, Administration | 41301 | R305-1 | 5YR | 02/13/2017 | 2017-5/64 | |
| Health, Administration | 41433 | R380-20 | 5YR | 04/03/2017 | 2017-9/47 | |
| Heritage and Arts, Administration | 41288 | R450-1 | 5YR | 02/03/2017 | 2017-5/69 | |
| Natural Resources, Forestry, Fire and State Lands | 41412 | R652-6 | 5YR | 03/29/2017 | 2017-8/78 | |
| Natural Resources, Parks and Recreation | 41382 | R651-102 | 5YR | 03/23/2017 | 2017-8/75 | |
| Natural Resources, Wildlife Resources | 41579 | R657-29 | EXD | 05/03/2017 | 2017-11/231 | |
| | 41585 | R657-29 | NEW | 07/10/2017 | 2017-11/175 | |
| School and Institutional Trust Lands, Administration | 41847 | R850-6 | 5YR | 06/27/2017 | 2017-14/68 | |
| Workforce Services, Administration | 41896 | R982-407 | 5YR | 07/06/2017 | 2017-15/39 | |
| <u>government ethics</u> | | | | | | |
| Human Resource Management, Administration | 41280 | R477-9 | EXT | 02/02/2017 | 2017-5/77 | |
| | 41533 | R477-9 | 5YR | 04/27/2017 | 2017-10/171 | |
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| Agriculture and Food, Administration | 41120 | R51-2 | 5YR | 01/03/2017 | 2017-2/45 | |
| Commerce, Consumer Protection | 40920 | R152-6 | AMD | 01/09/2017 | 2016-22/21 | |
| Commerce, Occupational and Professional Licensing | 41169 | R156-46b-202 | AMD | 03/13/2017 | 2017-3/8 | |
| | 41354 | R156-46b-202 | NSC | 04/05/2017 | Not Printed | |
| Financial Institutions, Administration | 41945 | R331-9 | 5YR | 07/20/2017 | Not Printed | |
| Human Resource Management, Administration | 41282 | R477-11 | EXT | 02/02/2017 | 2017-5/77 | |
| | 41538 | R477-11 | 5YR | 04/27/2017 | 2017-10/172 | |
| | 41508 | R477-11 | AMD | 07/01/2017 | 2017-10/127 | |
| Pardons (Board Of), Administration | 41247 | R671-304 | 5YR | 01/30/2017 | 2017-4/81 | |
| | 41239 | R671-305 | 5YR | 01/30/2017 | 2017-4/82 | |
| | 41121 | R671-403 | 5YR | 01/05/2017 | 2017-3/101 | |
| Public Service Commission, Administration | 41115 | R746-100 | REP | 03/06/2017 | 2017-2/33 | |
| | 41968 | R746-101 | 5YR | 07/31/2017 | Not Printed | |
| | 41669 | R746-101-1 | NSC | 06/05/2017 | Not Printed | |
| <u>government purchasing</u> | | | | | | |
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| | 41535 | R33-4 | AMD | 06/21/2017 | 2017-10/7 | |
| | 41292 | R33-4-101b | NSC | 03/06/2017 | Not Printed | |
| | 41536 | R33-5 | AMD | 06/21/2017 | 2017-10/10 | |
| | 41665 | R33-5 | NSC | 06/26/2017 | Not Printed | |
| | 41539 | R33-6 | AMD | 06/21/2017 | 2017-10/15 | |
| | 41540 | R33-7 | AMD | 06/21/2017 | 2017-10/18 | |
| | 41544 | R33-8 | AMD | 06/21/2017 | 2017-10/27 | |
| | 41023 | R33-8-102 | AMD | 02/02/2017 | 2016-24/4 | |
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| | 41549 | R33-15 | AMD | 06/21/2017 | 2017-10/47 | |
| | 40898 | R33-16 | AMD | 01/20/2017 | 2016-22/10 | |
| | 41550 | R33-16 | AMD | 06/21/2017 | 2017-10/48 | |
| | 41555 | R33-25 | AMD | 06/21/2017 | 2017-10/57 | |
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| Workforce Services, Housing and Community Development | 41903 | R990-9 | 5YR | 07/06/2017 | 2017-15/41 |
| | 41901 | R990-11 | 5YR | 07/06/2017 | 2017-15/42 |
| | 41904 | R990-100 | 5YR | 07/06/2017 | 2017-15/43 |
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| Health, Administration | 41490 | R380-100 | 5YR | 04/24/2017 | 2017-10/165 |
| Tax Commission, Administration | 41468 | R861-1A-16 | AMD | 06/08/2017 | 2017-9/28 |
| | 41699 | R861-1A-20 | AMD | 07/27/2017 | 2017-12/27 |
| | 41700 | R861-1A-42 | AMD | 07/27/2017 | 2017-12/28 |
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| | 41527 | R477-3 | 5YR | 04/27/2017 | 2017-10/168 |
| | 41282 | R477-11 | EXT | 02/02/2017 | 2017-5/77 |
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| | 41508 | R477-11 | AMD | 07/01/2017 | 2017-10/127 |
| | 41283 | R477-12 | EXT | 02/02/2017 | 2017-5/77 |
| | 41541 | R477-12 | 5YR | 04/27/2017 | 2017-10/173 |
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| | 41396 | R311-202 | 5YR | 03/27/2017 | 2017-8/61 |
| | 40755 | R311-203 | AMD | 01/03/2017 | 2016-19/60 |
| | 40755 | R311-203 | CPR | 01/03/2017 | 2016-23/118 |
| | 41397 | R311-203 | 5YR | 03/27/2017 | 2017-8/62 |
| | 41398 | R311-204 | 5YR | 03/27/2017 | 2017-8/63 |
| | 41400 | R311-206 | 5YR | 03/27/2017 | 2017-8/64 |
| | 41406 | R311-212 | 5YR | 03/27/2017 | 2017-8/69 |
| | 41206 | R311-401 | 5YR | 01/20/2017 | 2017-4/68 |
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| | 41055 | R380-77 | NSC | 02/01/2017 | Not Printed | |
| <u>health administration</u> | | | | | | |
| Health, Administration | 41488 | R380-10 | 5YR | 04/21/2017 | 2017-10/165 | |
| <u>health care facilities</u> | | | | | | |
| Health, Family Health and Preparedness, Licensing | 41309 | R432-40 | 5YR | 02/13/2017 | 2017-5/66 | |
| | 41324 | R432-100 | AMD | 05/16/2017 | 2017-5/25 | |
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| | 41325 | R432-150 | AMD | 05/16/2017 | 2017-5/31 | |
| | 41312 | R432-151 | 5YR | 02/13/2017 | 2017-5/67 | |
| | 41313 | R432-152 | 5YR | 02/13/2017 | 2017-5/68 | |
| | 41314 | R432-201 | 5YR | 02/13/2017 | 2017-5/68 | |
| | 41056 | R432-270 | AMD | 02/13/2017 | 2017-1/74 | |
| | 41323 | R432-700 | AMD | 05/15/2017 | 2017-5/38 | |
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| | 41172 | R590-262 | AMD | 03/10/2017 | 2017-3/36 | |
| | 41378 | R590-262-2 | NSC | 04/10/2017 | Not Printed | |
| <u>health insurance exemption</u> | | | | | | |
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| Administrative Services, Purchasing and General Services | 41551 | R33-17 | AMD | 06/21/2017 | 2017-10/51 | |
| Education, Administration | 41088 | R277-211-6 | AMD | 02/07/2017 | 2017-1/28 | |
| | 41363 | R277-211-6 | AMD | 05/10/2017 | 2017-7/18 | |
| | 41089 | R277-212 | AMD | 02/07/2017 | 2017-1/30 | |
| Environmental Quality, Environmental Response and Remediation | 41404 | R311-210 | 5YR | 03/27/2017 | 2017-8/67 | |
| Environmental Quality, Water Quality | 41431 | R317-9 | NSC | 05/15/2017 | Not Printed | |
| Labor Commission, Adjudication | 41612 | R602-2 | 5YR | 05/09/2017 | 2017-11/222 | |
| | 41633 | R602-2 | NSC | 06/01/2017 | Not Printed | |
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| | 41329 | R926-15-5 | NSC | 03/14/2017 | Not Printed |

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| Human Resource Management, Administration | 41273 | R477-4 | EXT | 02/02/2017 | 2017-5/75 |
| | 41528 | R477-4 | 5YR | 04/27/2017 | 2017-10/169 |
| | 41502 | R477-4 | AMD | 07/01/2017 | 2017-10/103 |

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| | 41531 | R477-7 | 5YR | 04/27/2017 | 2017-10/170 |
| | 41505 | R477-7 | AMD | 07/01/2017 | 2017-10/113 |

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| Human Resource Management, Administration | 41285 | R477-15 | EXT | 02/02/2017 | 2017-5/78 |
| | 41543 | R477-15 | 5YR | 04/27/2017 | 2017-10/174 |
| | 41511 | R477-15 | AMD | 07/01/2017 | 2017-10/133 |
| | 41512 | R477-16 | AMD | 07/01/2017 | 2017-10/135 |

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| Labor Commission, Administration | 41587 | R600-2 | 5YR | 05/05/2017 | 2017-11/221 |
| | 41637 | R600-2-1 | NSC | 05/31/2017 | Not Printed |

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| Workforce Services, Administration | 41898 | R982-501 | 5YR | 07/06/2017 | 2017-15/40 |
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| Human Services, Administration, Administrative Services, Licensing | 40929 | R501-1 | R&R | 01/17/2017 | 2016-22/67 |
| | 41117 | R501-1 | NSC | 01/18/2017 | Not Printed |
| | 40931 | R501-14 | AMD | 01/17/2017 | 2016-22/77 |
| | 40930 | R501-21 | R&R | 03/24/2017 | 2016-22/83 |
| | 40930 | R501-21 | CPR | 03/24/2017 | 2017-4/49 |

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| | 41055 | R380-77 | NSC | 02/01/2017 | Not Printed |

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| | 41674 | R746-313 | NSC | 06/05/2017 | Not Printed |
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| <u>imputation</u> | | | | | |
| Public Service Commission, Administration | 41262 | R746-349 | 5YR | 01/31/2017 | 2017-4/88 |
| | 41680 | R746-349-3 | NSC | 06/13/2017 | Not Printed |
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| Education, Administration | 41188 | R277-417 | AMD | 03/14/2017 | 2017-3/12 |
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| | 40998 | R414-304-5 | AMD | 01/17/2017 | 2016-23/63 |
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| Workforce Services, Administration | 41857 | R982-403 | 5YR | 06/28/2017 | 2017-14/71 |
| | 41594 | R982-403-5 | NSC | 05/23/2017 | Not Printed |
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| | 41256 | R406-201 | 5YR | 01/30/2017 | 2017-4/70 |
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| | 41245 | R671-301 | 5YR | 01/30/2017 | 2017-4/80 |
| | 41240 | R671-303 | 5YR | 01/30/2017 | 2017-4/81 |
| | 41248 | R671-308 | 5YR | 01/30/2017 | 2017-4/82 |
| | 41249 | R671-310 | 5YR | 01/30/2017 | 2017-4/83 |
| | 41250 | R671-311 | 5YR | 01/30/2017 | 2017-4/83 |
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| | 41163 | R58-22 | 5YR | 01/12/2017 | 2017-3/81 |
| | 41167 | R58-23 | 5YR | 01/12/2017 | 2017-3/82 |
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| | 41371 | R70-101 | NSC | 04/05/2017 | Not Printed |
| | 41344 | R70-530 | 5YR | 03/06/2017 | 2017-7/81 |
| | 41370 | R70-530 | NSC | 04/05/2017 | Not Printed |
| | 41157 | R70-560 | 5YR | 01/12/2017 | 2017-3/85 |
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| Human Resource Management, Administration | 41276 | R477-6 | EXT | 02/02/2017 | 2017-5/76 |
| | 41530 | R477-6 | 5YR | 04/27/2017 | 2017-10/170 |
| | 41503 | R477-6 | AMD | 07/01/2017 | 2017-10/108 |
| Insurance, Administration | 41136 | R590-114 | 5YR | 01/09/2017 | 2017-3/96 |
| | 41441 | R590-146 | 5YR | 04/04/2017 | 2017-9/50 |
| | 41139 | R590-147 | 5YR | 01/09/2017 | 2017-3/98 |
| | 41922 | R590-148 | 5YR | 07/12/2017 | 2017-15/32 |
| | 41729 | R590-149 | 5YR | 06/05/2017 | 2017-13/244 |
| | 40955 | R590-173 | AMD | 01/10/2017 | 2016-23/83 |
| | 41730 | R590-173 | 5YR | 06/05/2017 | 2017-13/245 |
| | 41440 | R590-203 | 5YR | 04/04/2017 | 2017-9/50 |
| | 41322 | R590-248-4 | AMD | 04/07/2017 | 2017-5/55 |
| | 40953 | R590-273 | NEW | 04/07/2017 | 2016-23/94 |
| | 40953 | R590-273 | CPR | 04/07/2017 | 2017-5/58 |

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| Insurance, Administration | 41443 | R590-108 | 5YR | 04/04/2017 | 2017-9/49 |
| | 41215 | R590-116 | 5YR | 01/26/2017 | 2017-4/76 |
| | 41216 | R590-117 | 5YR | 01/26/2017 | 2017-4/77 |
| | 41140 | R590-150 | 5YR | 01/09/2017 | 2017-3/98 |

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| Insurance, Administration | 41137 | R590-142 | 5YR | 01/09/2017 | 2017-3/96 |
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| Insurance, Administration | 41259 | R590-102 | AMD | 03/24/2017 | 2017-4/34 |
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| | 41134 | R590-70 | 5YR | 01/09/2017 | 2017-3/95 |
| | 40954 | R590-70 | R&R | 01/10/2017 | 2016-23/77 |
| | 41439 | R590-85 | 5YR | 04/04/2017 | 2017-9/48 |
| | 41135 | R590-95 | 5YR | 01/09/2017 | 2017-3/95 |
| | 41731 | R590-122 | 5YR | 06/05/2017 | 2017-13/243 |
| | 41138 | R590-143 | 5YR | 01/09/2017 | 2017-3/97 |
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| <u>insurance rule</u> Insurance, Administration | 41437 | R590-120 | 5YR | 04/04/2017 | 2017-9/49 |
| <u>intensive services fund</u> Education, Administration | 41076 | R277-752 | NEW | 02/07/2017 | 2017-1/45 |
| <u>interchanges</u> Transportation, Operations, Maintenance | 41942 | R918-6 | 5YR | 07/19/2017 | Not Printed |
| <u>interconnection</u> Public Service Commission, Administration | 41673 41681 | R746-312 R746-365 | NSC NSC | 06/05/2017 06/13/2017 | Not Printed Not Printed |
| <u>intern programs</u> Education, Administration | 41094 | R277-915 | AMD | 02/07/2017 | 2017-1/46 |
| <u>internal operating procedures</u> Judicial Performance Evaluation Commission, Administration | 41620 | R597-2-2 | AMD | 07/10/2017 | 2017-11/165 |
| <u>interpreters</u> Workforce Services, Rehabilitation | 41616 | R993-300 | AMD | 07/10/2017 | 2017-11/187 |
| <u>intersections</u> Transportation, Operations, Maintenance | 41942 | R918-6 | 5YR | 07/19/2017 | Not Printed |
| <u>interstate compacts</u> Workforce Services, Unemployment Insurance | 41516 41521 | R994-106 R994-106 | EXD NEW | 04/27/2017 06/21/2017 | 2017-10/179 2017-10/150 |
| <u>interstate shell fish safety</u> Agriculture and Food, Regulatory Services | 41158 | R70-550 | 5YR | 01/12/2017 | 2017-3/84 |
| <u>intrastate driver license waivers</u> Public Safety, Driver License | 41132 | R708-34 | 5YR | 01/08/2017 | 2017-3/104 |
| <u>investment advisers</u> Commerce, Securities | 41886 | R164-4 | 5YR | 07/03/2017 | 2017-15/27 |
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| <u>jail programming</u> Corrections, Administration | 41988 | R251-115 | EXT | 08/01/2017 | Not Printed |
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| | 41624 | R597-3-3 | AMD | 07/10/2017 | 2017-11/168 | |
| | 41625 | R597-3-5 | AMD | 07/10/2017 | 2017-11/170 | |
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| | 41027 | R597-3-9 | AMD | 02/17/2017 | 2016-24/35 | |
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| | 41710 | R547-13 | AMD | 08/01/2017 | 2017-12/19 | |
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| | 41637 | R600-2-1 | NSC | 05/31/2017 | Not Printed | |
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| | 41100 | R307-841 | CPR | 05/09/2017 | 2017-7/68 | |
| | 41101 | R307-842 | AMD | 05/09/2017 | 2017-1/53 | |
| | 41101 | R307-842 | CPR | 05/09/2017 | 2017-7/70 | |
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| | 41101 | R307-842 | CPR | 05/09/2017 | 2017-7/70 | |
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| | 41100 | R307-841 | CPR | 05/09/2017 | 2017-7/68 | |
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| | 41622 | R251-707 | NSC | 05/31/2017 | Not Printed | |
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| | 41474 | R156-24b-102 | AMD | 06/08/2017 | 2017-9/8 | |
| | 41308 | R156-31b-502 | NSC | 03/06/2017 | Not Printed | |
| | 41113 | R156-31b-703b | NSC | 01/18/2017 | Not Printed | |
| | 41289 | R156-37 | 5YR | 02/06/2017 | 2017-5/61 | |
| | 41339 | R156-37f-301 | NSC | 04/05/2017 | Not Printed | |
| | 41265 | R156-37f-303 | NSC | 02/23/2017 | Not Printed | |
| | 41705 | R156-40 | AMD | 07/25/2017 | 2017-12/10 | |
| | 41473 | R156-42a-304 | AMD | 06/08/2017 | 2017-9/9 | |
| | 41340 | R156-44a-601 | NSC | 04/05/2017 | Not Printed | |
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| | 41348 | R156-55a | AMD | 05/08/2017 | 2017-7/6 | |
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| | 41144 | R156-56 | 5YR | 01/10/2017 | 2017-3/85 |
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| | 41111 | R156-67 | AMD | 02/21/2017 | 2017-2/20 |
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| | 41606 | R156-76-501 | NSC | 05/23/2017 | Not Printed |
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| | 41117 | R501-1 | NSC | 01/18/2017 | Not Printed |
| | 40931 | R501-14 | AMD | 01/17/2017 | 2016-22/77 |
| | 41173 | R501-14 | AMD | 03/21/2017 | 2017-3/28 |
| | 41482 | R501-17 | REP | 07/28/2017 | 2017-10/136 |
| | 40930 | R501-21 | R&R | 03/24/2017 | 2016-22/83 |
| | 40930 | R501-21 | CPR | 03/24/2017 | 2017-4/49 |
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| | 41031 | R746-341 | CPR | 03/24/2017 | 2017-4/54 |
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| | 41372 | R58-11 | NSC | 04/05/2017 | Not Printed |
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| 41559 | R414-2A-7 | AMD | 07/01/2017 | 2017-10/77 | |
| 41497 | R414-3A-6 | AMD | 07/01/2017 | 2017-10/78 | |
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| 41811 | R414-60B | 5YR | 06/14/2017 | 2017-13/241 | |
| 41290 | R414-61-2 | AMD | 04/20/2017 | 2017-5/24 | |
| 41565 | R414-70 | AMD | 07/01/2017 | 2017-10/89 | |
| 41588 | R414-100 | 5YR | 05/05/2017 | 2017-11/219 | |
| 41589 | R414-200 | 5YR | 05/05/2017 | 2017-11/220 | |
| 41070 | R414-302-6 | AMD | 02/15/2017 | 2017-1/72 | |
| 41428 | R414-305-7 | AMD | 06/01/2017 | 2017-8/32 | |
| 41212 | R414-308-7 | AMD | 03/28/2017 | 2017-4/26 | |
| 41689 | R414-310 | 5YR | 05/22/2017 | 2017-12/36 | |
| 41213 | R414-310-13 | AMD | 03/28/2017 | 2017-4/28 | |
| 41560 | R414-401-3 | AMD | 07/01/2017 | 2017-10/93 | |
| 41054 | R414-504 | AMD | 02/15/2017 | 2017-1/73 | |
| 41561 | R414-514 | NEW | 07/01/2017 | 2017-10/94 | |
| <u>Medicaid abuse</u> | | | | | |
| Administrative Services, Inspector General of Medicaid Services (Office of) | 41487 | R30-1 | 5YR | 04/21/2017 | 2017-10/163 |
| <u>Medicaid fraud</u> | | | | | |
| Administrative Services, Inspector General of Medicaid Services (Office of) | 41487 | R30-1 | 5YR | 04/21/2017 | 2017-10/163 |
| <u>Medicaid waste</u> | | | | | |
| Administrative Services, Inspector General of Medicaid Services (Office of) | 41487 | R30-1 | 5YR | 04/21/2017 | 2017-10/163 |
| <u>medical laboratories</u> | | | | | |
| Health, Disease Control and Prevention, Laboratory Improvement | 41000 | R444-11 | REP | 01/20/2017 | 2016-23/64 |
| <u>medical malpractice</u> | | | | | |
| Commerce, Occupational and Professional Licensing | 41146 | R156-78B | 5YR | 01/10/2017 | 2017-3/87 |
| <u>medical supplies</u> | | | | | |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 41565 | R414-70 | AMD | 07/01/2017 | 2017-10/89 |
| <u>mercury</u> | | | | | |
| Environmental Quality, Air Quality | 41432 | R307-424 | EXT | 04/03/2017 | 2017-9/53 |
| | 41643 | R307-424 | 5YR | 05/15/2017 | 2017-11/218 |
| <u>methamphetamine</u> | | | | | |
| Health, Disease Control and Prevention, Environmental Services | 41486 | R392-600 | AMD | 06/21/2017 | 2017-10/63 |

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| <u>midwifery</u> | | | | | | |
| Commerce, Occupational and Professional Licensing | 41340 | R156-44a-601 | NSC | 04/05/2017 | Not Printed | |
| <u>migratory birds</u> | | | | | | |
| Natural Resources, Wildlife Resources | 41153 | R657-9 | AMD | 03/13/2017 | 2017-3/39 | |
| <u>mineral leases</u> | | | | | | |
| Workforce Services, Housing and Community Development | 41899 | R990-8 | 5YR | 07/06/2017 | 2017-15/41 | |
| <u>minimum standards</u> | | | | | | |
| Natural Resources, Forestry, Fire and State Lands | 41014 | R652-122 | AMD | 01/10/2017 | 2016-23/105 | |
| <u>miscellaneous treatment</u> | | | | | | |
| Environmental Quality, Drinking Water | 40769 | R309-535-5 | AMD | 03/07/2017 | 2016-19/43 | |
| | 40769 | R309-535-5 | CPR | 03/07/2017 | 2016-24/44 | |
| <u>modeling</u> | | | | | | |
| Environmental Quality, Air Quality | 41636 | R307-410 | 5YR | 05/15/2017 | 2017-11/215 | |
| <u>motels</u> | | | | | | |
| Health, Disease Control and Prevention, Environmental Services | 41367 | R392-502 | 5YR | 03/15/2017 | 2017-7/83 | |
| <u>motor vehicle safety</u> | | | | | | |
| Public Safety, Driver License | 41204 | R708-21 | 5YR | 01/20/2017 | 2017-4/86 | |
| Public Safety, Highway Patrol | 41836 | R714-158 | 5YR | 06/19/2017 | 2017-14/63 | |
| | 41359 | R714-162 | R&R | 07/18/2017 | 2017-7/35 | |
| | 41838 | R714-200 | 5YR | 06/19/2017 | 2017-14/64 | |
| | 41839 | R714-210 | 5YR | 06/19/2017 | 2017-14/65 | |
| | 41840 | R714-300 | 5YR | 06/19/2017 | 2017-14/65 | |
| <u>motor vehicles</u> | | | | | | |
| Environmental Quality, Air Quality | 41227 | R307-301 | 5YR | 01/27/2017 | 2017-4/63 | |
| | 41226 | R307-320 | 5YR | 01/27/2017 | 2017-4/64 | |
| Public Safety, Highway Patrol | 41837 | R714-159 | 5YR | 06/19/2017 | 2017-14/63 | |
| Tax Commission, Motor Vehicle | 41702 | R873-22M-2 | AMD | 07/27/2017 | 2017-12/31 | |
| | 41703 | R873-22M-16 | AMD | 07/27/2017 | 2017-12/34 | |
| <u>multiple stage bidding</u> | | | | | | |
| Administrative Services, Purchasing and General Services | 41539 | R33-6 | AMD | 06/21/2017 | 2017-10/15 | |
| <u>mutual funds</u> | | | | | | |
| Commerce, Securities | 41723 | R164-15 | 5YR | 06/02/2017 | 2017-13/233 | |
| | 41470 | R164-15-4 | AMD | 06/30/2017 | 2017-9/13 | |
| <u>nail technicians</u> | | | | | | |
| Commerce, Occupational and Professional Licensing | 41198 | R156-11a | 5YR | 01/19/2017 | 2017-4/59 | |
| | 41260 | R156-11a | AMD | 03/27/2017 | 2017-4/4 | |
| <u>National Board certification</u> | | | | | | |
| Education, Administration | 41075 | R277-521 | NEW | 02/07/2017 | 2017-1/38 | |
| <u>National Senior Service Corps</u> | | | | | | |
| Human Services, Aging and Adult Services | 41880 | R510-111 | 5YR | 06/30/2017 | 2017-14/60 | |
| <u>native americans</u> | | | | | | |
| Human Services, Aging and Adult Services | 41878 | R510-109 | 5YR | 06/30/2017 | 2017-14/59 | |
| <u>natural resources</u> | | | | | | |
| Natural Resources, Forestry, Fire and State Lands | 41415 | R652-40 | 5YR | 03/29/2017 | 2017-8/80 | |
| School and Institutional Trust Lands, Administration | 41849 | R850-40 | 5YR | 06/27/2017 | 2017-14/69 | |
| | 41291 | R850-41 | 5YR | 02/07/2017 | 2017-5/72 | |
| <u>negotiated exchanges</u> | | | | | | |
| Transportation, Administration | 41384 | R907-80 | NEW | 05/22/2017 | 2017-8/48 | |

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| | 41357 | R307-214 | AMD | 06/08/2017 | 2017-7/27 | |
| <u>new source review</u> | | | | | | |
| Environmental Quality, Air Quality | 41356 | R307-210 | AMD | 06/08/2017 | 2017-7/26 | |
| <u>news agencies</u> | | | | | | |
| Pardons (Board Of), Administration | 41246 | R671-302 | 5YR | 01/30/2017 | 2017-4/80 | |
| <u>non-profit organizations</u> | | | | | | |
| Auditor, Administration | 41766 | R123-5 | 5YR | 06/07/2017 | 2017-13/231 | |
| <u>non-traditional</u> | | | | | | |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 41589 | R414-200 | 5YR | 05/05/2017 | 2017-11/220 | |
| <u>nonattainment</u> | | | | | | |
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| Education, Administration | 41074 | R277-114 | AMD | 02/07/2017 | 2017-1/22 | |
| <u>nonpublic schools</u> | | | | | | |
| Education, Administration | 41733 | R277-410 | 5YR | 06/06/2017 | 2017-13/235 | |
| <u>notice of commencement</u> | | | | | | |
| Commerce, Occupational and Professional Licensing | 41349 | R156-38b | AMD | 05/08/2017 | 2017-7/4 | |
| <u>notice of completion</u> | | | | | | |
| Commerce, Occupational and Professional Licensing | 41349 | R156-38b | AMD | 05/08/2017 | 2017-7/4 | |
| <u>notification</u> | | | | | | |
| Natural Resources, Forestry, Fire and State Lands | 41143 | R652-140 | 5YR | 01/10/2017 | 2017-3/99 | |
| <u>notification requirements</u> | | | | | | |
| Commerce, Real Estate | 40952 | R162-2f | AMD | 01/19/2017 | 2016-23/26 | |
| | 41350 | R162-2f | AMD | 05/10/2017 | 2017-7/15 | |
| <u>NPIP</u> | | | | | | |
| Agriculture and Food, Animal Industry | 41165 | R58-6 | 5YR | 01/12/2017 | 2017-3/80 | |
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| Commerce, Occupational and Professional Licensing | 41308 | R156-31b-502 | NSC | 03/06/2017 | Not Printed | |
| | 41113 | R156-31b-703b | NSC | 01/18/2017 | Not Printed | |
| <u>nursing facility</u> | | | | | | |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 41560 | R414-401-3 | AMD | 07/01/2017 | 2017-10/93 | |
| <u>nursing homes</u> | | | | | | |
| Human Services, Aging and Adult Services | 41874 | R510-103 | 5YR | 06/30/2017 | 2017-14/57 | |
| <u>nutrient limits</u> | | | | | | |
| Environmental Quality, Water Quality | 40995 | R317-1 | AMD | 03/27/2017 | 2016-23/49 | |
| | 40995 | R317-1 | CPR | 03/27/2017 | 2017-4/44 | |
| | 40987 | R317-1-7 | AMD | 01/30/2017 | 2016-23/54 | |
| <u>nutrition</u> | | | | | | |
| Health, Family Health and Preparedness, WIC Services | 41254 | R406-100 | 5YR | 01/30/2017 | 2017-4/69 | |
| | 41255 | R406-200 | 5YR | 01/30/2017 | 2017-4/70 | |
| | 41256 | R406-201 | 5YR | 01/30/2017 | 2017-4/70 | |

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| | 41257 | R406-202 | 5YR | 01/30/2017 | 2017-4/71 |
| | 41258 | R406-301 | 5YR | 01/30/2017 | 2017-4/71 |
| <u>occupational licensing</u> | | | | | |
| Commerce, Occupational and Professional Licensing | 41169 | R156-46b-202 | AMD | 03/13/2017 | 2017-3/8 |
| | 41354 | R156-46b-202 | NSC | 04/05/2017 | Not Printed |
| | 41348 | R156-55a | AMD | 05/08/2017 | 2017-7/6 |
| | 41261 | R156-55b-102 | AMD | 03/27/2017 | 2017-4/5 |
| | 41917 | R156-55b-302a | NSC | 08/01/2017 | Not Printed |
| | 41298 | R156-55c | AMD | 04/10/2017 | 2017-5/12 |
| | 41918 | R156-55c-302a | NSC | 08/01/2017 | Not Printed |
| <u>occupational therapy</u> | | | | | |
| Commerce, Occupational and Professional Licensing | 41473 | R156-42a-304 | AMD | 06/08/2017 | 2017-9/9 |
| <u>off-highway vehicles</u> | | | | | |
| Natural Resources, Parks and Recreation | 41347 | R651-410 | 5YR | 03/07/2017 | 2017-7/87 |
| | 41043 | R651-411 | AMD | 02/16/2017 | 2016-24/36 |
| <u>offender substance abuse assessments</u> | | | | | |
| Human Services, Substance Abuse and Mental Health | 40934 | R523-4 | AMD | 01/17/2017 | 2016-23/68 |
| <u>offender substance abuse education series</u> | | | | | |
| Human Services, Substance Abuse and Mental Health | 40934 | R523-4 | AMD | 01/17/2017 | 2016-23/68 |
| <u>offender substance abuse screenings</u> | | | | | |
| Human Services, Substance Abuse and Mental Health | 40934 | R523-4 | AMD | 01/17/2017 | 2016-23/68 |
| <u>offender substance abuse treatments</u> | | | | | |
| Human Services, Substance Abuse and Mental Health | 40934 | R523-4 | AMD | 01/17/2017 | 2016-23/68 |
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| Corrections, Administration | 41707 | R251-401 | 5YR | 05/31/2017 | 2017-12/36 |
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| Environmental Quality, Air Quality | 41632 | R307-403 | 5YR | 05/15/2017 | 2017-11/214 |
| | 41641 | R307-420 | 5YR | 05/15/2017 | 2017-11/217 |
| | 41642 | R307-421 | 5YR | 05/15/2017 | 2017-11/218 |
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| Natural Resources, Oil, Gas and Mining; Oil and Gas | 41614 | R649-2-9 | EMR | 05/09/2017 | 2017-11/207 |
| <u>Older Americans Act</u> | | | | | |
| Human Services, Aging and Adult Services | 41870 | R510-1 | 5YR | 06/30/2017 | 2017-14/55 |
| <u>Olene Walker Housing Loan Fund</u> | | | | | |
| Workforce Services, Administration | 41898 | R982-501 | 5YR | 07/06/2017 | 2017-15/40 |
| <u>ombudsman</u> | | | | | |
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| | 41640 | R307-417 | 5YR | 05/15/2017 | 2017-11/217 |
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| Commerce, Real Estate | 40952 | R162-2f | AMD | 01/19/2017 | 2016-23/26 |
| | 41350 | R162-2f | AMD | 05/10/2017 | 2017-7/15 |
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| | 41110 | R156-16a-304 | AMD | 02/21/2017 | 2017-2/18 |
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| Public Service Commission, Administration | 41393 | R746-420 | 5YR | 03/27/2017 | 2017-8/83 |
| | 41392 | R746-430 | 5YR | 03/27/2017 | 2017-8/83 |
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| Commerce, Occupational and Professional Licensing | 41112 | R156-68-304 | AMD | 02/21/2017 | 2017-2/22 |
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| Commerce, Occupational and Professional Licensing | 41112 | R156-68-304 | AMD | 02/21/2017 | 2017-2/22 |
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| Human Services, Administration, Administrative Services, Licensing | 40930 | R501-21 | R&R | 03/24/2017 | 2016-22/83 |
| | 40930 | R501-21 | CPR | 03/24/2017 | 2017-4/49 |
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| | 41466 | R105-1 | 5YR | 04/10/2017 | 2017-9/41 |
| | 41295 | R105-1-6 | NSC | 03/06/2017 | Not Printed |
| <u>overpayments</u> | | | | | |
| Workforce Services, Unemployment Insurance | 41687 | R994-406 | 5YR | 05/19/2017 | 2017-12/43 |
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| Human Resource Management, Administration | 41278 | R477-8 | EXT | 02/02/2017 | 2017-5/76 |
| | 41532 | R477-8 | 5YR | 04/27/2017 | 2017-10/171 |
| | 41506 | R477-8 | AMD | 07/01/2017 | 2017-10/120 |
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| Environmental Quality, Air Quality | 41231 | R307-110 | 5YR | 01/27/2017 | 2017-4/61 |
| | 41225 | R307-325 | 5YR | 01/27/2017 | 2017-4/64 |
| | 41223 | R307-326 | 5YR | 01/27/2017 | 2017-4/65 |
| | 41222 | R307-327 | 5YR | 01/27/2017 | 2017-4/65 |
| | 41221 | R307-328 | 5YR | 01/27/2017 | 2017-4/66 |
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| Environmental Quality, Air Quality | 41100 | R307-841 | AMD | 05/09/2017 | 2017-1/50 |
| | 41100 | R307-841 | CPR | 05/09/2017 | 2017-7/68 |
| | 41101 | R307-842 | AMD | 05/09/2017 | 2017-1/53 |
| | 41101 | R307-842 | CPR | 05/09/2017 | 2017-7/70 |
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| | 41924 | R920-4 | 5YR | 07/12/2017 | 2017-15/36 |

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| | 41303 | R810-5 | 5YR | 02/13/2017 | 2017-5/70 | |
| | 41304 | R810-6 | 5YR | 02/13/2017 | 2017-5/70 | |
| | 41305 | R810-9 | 5YR | 02/13/2017 | 2017-5/71 | |
| | 41328 | R810-9 | NSC | 03/14/2017 | Not Printed | |
| | 41306 | R810-10 | 5YR | 02/13/2017 | 2017-5/71 | |
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| | 41347 | R651-410 | 5YR | 03/07/2017 | 2017-7/87 | |
| | 41717 | R651-603 | AMD | 07/25/2017 | 2017-12/22 | |
| | 41716 | R651-606 | AMD | 07/25/2017 | 2017-12/23 | |
| | 41042 | R651-614-5 | AMD | 02/16/2017 | 2016-24/37 | |
| | 41044 | R651-633 | AMD | 02/16/2017 | 2016-24/38 | |
| | 41715 | R651-633-2 | AMD | 07/25/2017 | 2017-12/24 | |
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| | 41243 | R671-205 | 5YR | 01/30/2017 | 2017-4/79 | |
| | 41245 | R671-301 | 5YR | 01/30/2017 | 2017-4/80 | |
| | 41240 | R671-303 | 5YR | 01/30/2017 | 2017-4/81 | |
| | 41248 | R671-308 | 5YR | 01/30/2017 | 2017-4/82 | |
| | 41249 | R671-310 | 5YR | 01/30/2017 | 2017-4/83 | |
| | 41250 | R671-311 | 5YR | 01/30/2017 | 2017-4/83 | |
| | 41081 | R671-311-3 | AMD | 02/15/2017 | 2017-1/83 | |
| | 41238 | R671-316 | 5YR | 01/30/2017 | 2017-4/84 | |
| | 41176 | R671-402 | 5YR | 01/17/2017 | 2017-3/100 | |
| | 41252 | R671-402 | 5YR | 01/30/2017 | 2017-4/85 | |
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| | 41253 | R671-405 | 5YR | 01/30/2017 | 2017-4/85 | |
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| | 41420 | R652-100 | 5YR | 03/29/2017 | 2017-8/82 | |
| | 41011 | R652-120 | AMD | 01/10/2017 | 2016-23/99 | |
| Natural Resources, Wildlife Resources | 41352 | R657-50 | 5YR | 03/13/2017 | 2017-7/88 | |
| | 41098 | R657-62 | AMD | 02/07/2017 | 2017-1/82 | |
| | 41152 | R657-62 | AMD | 03/13/2017 | 2017-3/67 | |
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| | 41924 | R920-4 | 5YR | 07/12/2017 | 2017-15/36 | |
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| Education, Administration | 41364 | R277-483 | REP | 05/10/2017 | 2017-7/19 | |
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| Tax Commission, Property Tax | 41469 | R884-24P-24 | AMD | 06/08/2017 | 2017-9/30 | |
| | 41455 | R884-24P-57 | NSC | 06/01/2017 | Not Printed | |
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| Human Resource Management, Administration | 41270 | R477-1 | EXT | 02/02/2017 | 2017-5/75 | |
| | 41524 | R477-1 | 5YR | 04/27/2017 | 2017-10/167 | |
| | 41499 | R477-1 | AMD | 07/01/2017 | 2017-10/95 | |
| | 41274 | R477-5 | EXT | 02/02/2017 | 2017-5/76 | |
| | 41529 | R477-5 | 5YR | 04/27/2017 | 2017-10/169 | |
| | 41504 | R477-5 | AMD | 07/01/2017 | 2017-10/106 | |
| | 41276 | R477-6 | EXT | 02/02/2017 | 2017-5/76 | |
| | 41530 | R477-6 | 5YR | 04/27/2017 | 2017-10/170 | |
| | 41503 | R477-6 | AMD | 07/01/2017 | 2017-10/108 | |
| | 41280 | R477-9 | EXT | 02/02/2017 | 2017-5/77 | |
| | 41533 | R477-9 | 5YR | 04/27/2017 | 2017-10/171 | |
| | 41284 | R477-13 | EXT | 02/02/2017 | 2017-5/77 | |
| | 41542 | R477-13 | 5YR | 04/27/2017 | 2017-10/173 | |
| | 41510 | R477-14 | AMD | 07/01/2017 | 2017-10/131 | |
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| | 41222 | R307-327 | 5YR | 01/27/2017 | 2017-4/65 | |
| Environmental Quality, Environmental Response and Remediation | 41394 | R311-200 | 5YR | 03/27/2017 | 2017-8/60 | |
| | 41396 | R311-202 | 5YR | 03/27/2017 | 2017-8/61 | |
| | 40755 | R311-203 | AMD | 01/03/2017 | 2016-19/60 | |
| | 40755 | R311-203 | CPR | 01/03/2017 | 2016-23/118 | |
| | 41397 | R311-203 | 5YR | 03/27/2017 | 2017-8/62 | |

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| | 41399 | R311-205 | 5YR | 03/27/2017 | 2017-8/64 |
| | 41400 | R311-206 | 5YR | 03/27/2017 | 2017-8/64 |
| | 41401 | R311-207 | 5YR | 03/27/2017 | 2017-8/65 |
| | 41402 | R311-208 | 5YR | 03/27/2017 | 2017-8/66 |
| | 41403 | R311-209 | 5YR | 03/27/2017 | 2017-8/66 |
| | 41405 | R311-211 | 5YR | 03/27/2017 | 2017-8/68 |
| | 41406 | R311-212 | 5YR | 03/27/2017 | 2017-8/69 |
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| Public Safety, Driver License | 41200 | R708-25 | REP | 03/27/2017 | 2017-4/41 |
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| Commerce, Occupational and Professional Licensing | 41474 | R156-24b-102 | AMD | 06/08/2017 | 2017-9/8 |
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| Commerce, Occupational and Professional Licensing | 41474 | R156-24b-102 | AMD | 06/08/2017 | 2017-9/8 |
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| Commerce, Occupational and Professional Licensing | 41111 | R156-67 | AMD | 02/21/2017 | 2017-2/20 |
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| | 41578 | R23-3 | AMD | 07/12/2017 | 2017-11/6 |
| | 41666 | R23-3-4 | NSC | 07/19/2017 | Not Printed |
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| Commerce, Occupational and Professional Licensing | 41298 | R156-55c | AMD | 04/10/2017 | 2017-5/12 |
| | 41918 | R156-55c-302a | NSC | 08/01/2017 | Not Printed |
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| Commerce, Occupational and Professional Licensing | 41298 | R156-55c | AMD | 04/10/2017 | 2017-5/12 |
| | 41918 | R156-55c-302a | NSC | 08/01/2017 | Not Printed |
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| | 41642 | R307-421 | 5YR | 05/15/2017 | 2017-11/218 |
| <u>PM2.5</u> | | | | | |
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| | 41642 | R307-421 | 5YR | 05/15/2017 | 2017-11/218 |
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| | 41372 | R58-11 | NSC | 04/05/2017 | Not Printed | |
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| | 41461 | R251-703 | NSC | 05/15/2017 | Not Printed |
| | 41448 | R251-705 | 5YR | 04/05/2017 | 2017-9/44 |
| | 41621 | R251-705 | NSC | 05/31/2017 | Not Printed |
| | 41457 | R251-706 | 5YR | 04/06/2017 | 2017-9/45 |
| | 41463 | R251-707 | 5YR | 04/07/2017 | 2017-9/45 |
| | 41622 | R251-707 | NSC | 05/31/2017 | Not Printed |
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| | 41677 | R746-340-1 | NSC | 06/13/2017 | Not Printed |
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| | 41578 | R23-3 | AMD | 07/12/2017 | 2017-11/6 |
| | 41666 | R23-3-4 | NSC | 07/19/2017 | Not Printed |
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| | 41315 | R277-106 | NSC | 03/06/2017 | Not Printed |
| | 41937 | R277-502 | 5YR | 07/19/2017 | Not Printed |
| | 41316 | R277-519 | 5YR | 02/14/2017 | 2017-5/63 |
| | 41318 | R277-519 | AMD | 04/10/2017 | 2017-5/15 |
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| | 41286 | R156-22-302c | NSC | 03/06/2017 | Not Printed |
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| | 41315 | R277-106 | NSC | 03/06/2017 | Not Printed | |
| | 41087 | R277-210 | AMD | 02/07/2017 | 2017-1/24 | |
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| | 41455 | R884-24P-57 | NSC | 06/01/2017 | Not Printed | |
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| | 41691 | R527-330 | NSC | 06/13/2017 | Not Printed | |
| | 41727 | R527-928 | 5YR | 06/02/2017 | 2017-13/243 | |
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| | 41267 | R23-19 | 5YR | 02/01/2017 | 2017-4/57 |
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| | 41585 | R657-29 | NEW | 07/10/2017 | 2017-11/175 |
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| Health, Disease Control and Prevention, Epidemiology | 41038 | R386-702 | AMD | 01/27/2017 | 2016-24/12 |
| <u>RACT</u> | | | | | |
| Environmental Quality, Air Quality | 41225 | R307-325 | 5YR | 01/27/2017 | 2017-4/64 |
| <u>radiation</u> | | | | | |
| Environmental Quality, Waste Management and Radiation Control, Radiation | 41180 | R313-30 | 5YR | 01/17/2017 | 2017-3/90 |
| | 41181 | R313-34 | 5YR | 01/17/2017 | 2017-3/90 |
| <u>radiation safety</u> | | | | | |
| Environmental Quality, Waste Management and Radiation Control, Radiation | 41180 | R313-30 | 5YR | 01/17/2017 | 2017-3/90 |
| | 41181 | R313-34 | 5YR | 01/17/2017 | 2017-3/90 |
| <u>radioactive materials</u> | | | | | |
| Environmental Quality, Waste Management and Radiation Control, Radiation | 41177 | R313-15 | 5YR | 01/17/2017 | 2017-3/88 |
| | 41178 | R313-21 | 5YR | 01/17/2017 | 2017-3/88 |
| | 41184 | R313-37 | 5YR | 01/17/2017 | 2017-3/91 |
| | 41185 | R313-38 | 5YR | 01/17/2017 | 2017-3/92 |
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| Transportation, Operations, Traffic and Safety | 41912 | R920-51 | EXT | 07/07/2017 | 2017-15/45 |
| <u>rally</u> | | | | | |
| Administrative Services, Facilities Construction and Management | 41268 | R23-20 | 5YR | 02/01/2017 | 2017-4/58 |
| <u>range management</u> | | | | | |
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| School and Institutional Trust Lands, Administration | 41850 | R850-50 | 5YR | 06/27/2017 | 2017-14/69 |
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| Administrative Services, Finance | 41796 | R25-5 | NSC | 06/29/2017 | Not Printed |
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| Natural Resources, Forestry, Fire and State Lands | 41409 | R652-4 | 5YR | 03/28/2017 | 2017-8/77 |
| School and Institutional Trust Lands, Administration | 41845 | R850-4 | 5YR | 06/27/2017 | 2017-14/67 |
| Workforce Services, Unemployment Insurance | 41517 | R994-303 | EXD | 04/27/2017 | 2017-10/179 |
| | 41522 | R994-303 | NEW | 06/21/2017 | 2017-10/152 |
| <u>raw milk</u> | | | | | |
| Agriculture and Food, Regulatory Services | 41166 | R70-320 | 5YR | 01/12/2017 | 2017-3/83 |
| <u>real estate business</u> | | | | | |
| Commerce, Real Estate | 40952 | R162-2f | AMD | 01/19/2017 | 2016-23/26 |
| | 41350 | R162-2f | AMD | 05/10/2017 | 2017-7/15 |
| <u>rebates</u> | | | | | |
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| <u>recordkeeping</u> | | | | | |
| Commerce, Securities | 41887 | R164-5 | 5YR | 07/03/2017 | 2017-15/28 |
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| Pardons (Board Of), Administration | 41240 | R671-303 | 5YR | 01/30/2017 | 2017-4/81 |
| Workforce Services, Administration | 41712 | R982-201 | 5YR | 05/31/2017 | 2017-12/41 |
| <u>records appeal hearings</u> | | | | | |
| Administrative Services, Records Committee | 41478 | R35-1-2 | AMD | 06/22/2017 | 2017-9/2 |
| | 41479 | R35-2-2 | AMD | 06/22/2017 | 2017-9/4 |
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| Commerce, Occupational and Professional Licensing | 41705 | R156-40 | AMD | 07/25/2017 | 2017-12/10 |
| <u>recreational therapy</u> | | | | | |
| Commerce, Occupational and Professional Licensing | 41705 | R156-40 | AMD | 07/25/2017 | 2017-12/10 |
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| <u>refugee resettlement program</u> | | | | | |
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| <u>registration</u> | | | | | |
| Agriculture and Food, Regulatory Services | 40918 | R70-101 | AMD | 01/26/2017 | 2016-22/12 |
| | 41371 | R70-101 | NSC | 04/05/2017 | Not Printed |
| Natural Resources, Forestry, Fire and State Lands | 41143 | R652-140 | 5YR | 01/10/2017 | 2017-3/99 |
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| <u>reimbursements</u> | | | | | |
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| | 41541 | R477-12 | 5YR | 04/27/2017 | 2017-10/173 |
| | 41509 | R477-12 | AMD | 07/01/2017 | 2017-10/129 |

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| | 41603 | R37-3 | 5YR | 05/05/2017 | 2017-11/210 | |
| | 41604 | R37-4 | 5YR | 05/05/2017 | 2017-11/211 | |
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| | 41924 | R920-4 | 5YR | 07/12/2017 | 2017-15/36 | |
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| | 41435 | R380-5 | 5YR | 04/03/2017 | 2017-9/47 | |
| Health, Disease Control and Prevention, Epidemiology | 41038 | R386-702 | AMD | 01/27/2017 | 2016-24/12 | |
| Human Resource Management, Administration | 41270 | R477-1 | EXT | 02/02/2017 | 2017-5/75 | |
| | 41524 | R477-1 | 5YR | 04/27/2017 | 2017-10/167 | |
| | 41499 | R477-1 | AMD | 07/01/2017 | 2017-10/95 | |
| | 41284 | R477-13 | EXT | 02/02/2017 | 2017-5/77 | |
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| | 41968 | R746-101 | 5YR | 07/31/2017 | Not Printed | |
| | 41669 | R746-101-1 | NSC | 06/05/2017 | Not Printed | |
| | 41670 | R746-110-3 | NSC | 06/05/2017 | Not Printed | |
| | 41667 | R746-320 | 5YR | 05/17/2017 | 2017-12/38 | |
| | 41676 | R746-320 | NSC | 06/13/2017 | Not Printed | |
| | 41031 | R746-341 | AMD | 03/24/2017 | 2016-24/40 | |
| | 41031 | R746-341 | CPR | 03/24/2017 | 2017-4/54 | |
| | 41678 | R746-344-3 | NSC | 06/13/2017 | Not Printed | |
| | 41679 | R746-345-1 | NSC | 06/13/2017 | Not Printed | |
| | 41513 | R746-400 | 5YR | 04/27/2017 | 2017-10/176 | |
| | 41682 | R746-400-4 | NSC | 06/13/2017 | Not Printed | |
| | 41683 | R746-401-1 | NSC | 06/13/2017 | Not Printed | |
| | 41684 | R746-409-6 | NSC | 06/13/2017 | Not Printed | |
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| | 41674 | R746-313 | NSC | 06/05/2017 | Not Printed | |
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| Transportation, Program Development | 41329 | R926-15-5 | NSC | 03/14/2017 | Not Printed | |
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| Transportation, Program Development | 41053 | R926-13-4 | AMD | 02/07/2017 | 2017-1/95 | |
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| | 40755 | R311-203 | AMD | 01/03/2017 | 2016-19/60 |
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| | 41519 | R994-402 | EXD | 04/27/2017 | 2017-10/180 | |
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