

UTAH STATE BULLETIN

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

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The Portable Document Format (PDF) version of the *Bulletin* is the official version. The PDF version of this issue is available at <https://rules.utah.gov/>. Any discrepancy between the PDF version and other versions will be resolved in favor of the PDF version.

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 July 2018 Medicaid Rate Changes

Effective July 1, 2018, Utah Medicaid will adjust its rates consistent with legislative intent and appropriations. Rate adjustments include new codes priced consistent with approved Medicaid methodologies as well as potential adjustments to existing codes. Nursing home rate changes will include adjustments to the flat rate, fair rental value and 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.

Wildland Fire Management, Utah Exec. Order No. 2018-3

EXECUTIVE ORDER

Wildland Fire Management

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

WHEREAS, current Spring precipitation in Utah is contributing to high fuel loads of wildland vegetation; and

WHEREAS, wildfires are currently burning in some areas of the State;

WHEREAS, fire restrictions and wildfire warnings are in place for all of Southern Utah;

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

WHEREAS, immediate action will be 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;

WHEREAS, these conditions do 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, effective for the month of June 2018, requiring 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 June 2018.

(State Seal)

Gary R. Herbert
Governor

Attest:

Spencer J. Cox
Lieutenant Governor

2018/003/EO

End of the Executive Documents Section

NOTICES OF PROPOSED RULES

A state agency may file a **PROPOSED RULE** when it determines the need for a substantive change to an existing rule. With a **NOTICE OF PROPOSED RULE**, an agency may create a new rule, amend an existing rule, repeal an existing rule, or repeal an existing rule and reenact a new rule. Filings received between May 16, 2018, 12:00 a.m., and June 01, 2018, 11:59 p.m. are included in this, the June 15, 2018, 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 July 16, 2018. 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 October 13, 2018, 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

Administrative Services, Purchasing and General Services

R33-7

Request for Proposals

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 42932

FILED: 05/24/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The request for proposals (RFPs) standard procurement process shall be conducted in accordance with the requirements set forth in the Utah Procurement Code, Title 63G, Chapter 6a, Part 7. The RFP process may be used by a procurement unit to select the proposal that provides the best value, or is the most advantageous to the procurement unit. This proposed rule change is to provide additional requirements and procedures, and must be used in conjunction with the Procurement Code.

SUMMARY OF THE RULE OR CHANGE: These amendments clarify the scoring of evaluation criteria, other than cost, for proposals in the RFP process.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 63G, Chapter 6a

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There are no anticipated costs or savings that these rule changes will have on the state budget. These amendments clarify the scoring of evaluation criteria, other than cost, for proposals in the RFP process.

◆ **LOCAL GOVERNMENTS:** There are no anticipated costs or savings that these rule changes will have on local governments. These amendments clarify the scoring of evaluation criteria, other than cost, for proposals in the RFP process.

◆ **SMALL BUSINESSES:** There are no anticipated costs or savings that these rule changes will have on small businesses. These amendments clarify the scoring of evaluation criteria, other than cost, for proposals in the RFP process.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no anticipated costs or savings that these rule changes will have on persons other than small businesses, businesses, or local government entities. These amendments clarify the scoring of evaluation criteria, other than cost, for proposals in the RFP process.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no anticipated compliance costs for affected persons.

These amendments clarify the scoring of evaluation criteria, other than cost, for proposals in the RFP process.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no anticipated fiscal impacts that these rule changes may have on businesses. These amendments clarify the scoring of evaluation criteria, other than cost, for proposals in the RFP process.

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

ADMINISTRATIVE SERVICES
PURCHASING AND GENERAL SERVICES
ROOM 3150 STATE OFFICE BLDG
450 N STATE ST
SALT LAKE CITY, UT 84114-1201
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Jared Gardner by phone at 385-646-4561, or by Internet E-mail at jbgardner@graniteschools.org

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/16/2018

THIS RULE MAY BECOME EFFECTIVE ON: 07/23/2018

AUTHORIZED BY: Jared Gardner, Chair, Procurement Policy Board

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Person	\$0	\$0	\$0
Total Fiscal Costs:	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0

Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits:	\$0	\$0	\$0
Net Fiscal Benefits:	\$0	\$0	\$0

*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described above. Inestimable impacts for Non-Small Businesses are described below.

Appendix 2: Regulatory Impact to Non-Small Businesses
 There are no anticipated regulatory or fiscal impact that these changes will have on non-small businesses. These amendments clarify the scoring of evaluation criteria, other than cost, for proposals in the RFP process.

R33. Administrative Services, Purchasing and General Services.

R33-7. Request for Proposals.

R33-7-101. Conducting the Request for Proposals Standard Procurement Process.

The request for proposals standard procurement process shall be conducted in accordance with the requirements set forth in, Utah Procurement Code 63G-6a, Part 7. The request for proposal process may be used by a procurement unit to select the proposal that provides the best value or is the most advantageous to the procurement unit. All definitions in the Utah Procurement Code shall apply to this Rule unless otherwise specified in this Rule. This administrative rule provides additional requirements and procedures and must be used in conjunction with the Procurement Code.

R33-7-102. Content of the Request for Proposals.

(1) In addition to the requirements set forth under Section 63G-6a-703, the request for proposals solicitation shall include:

- (a) a description of the format that offerors are to use when submitting a proposal including any required forms; and
 - (b) instructions for submitting price.
- (2) The conducting procurement unit is responsible for all content contained in the request for proposals solicitation documents, including:
- (a) reviewing all schedules, dates, and timeframes;
 - (b) approving content of attachments;
 - (c) providing the issuing procurement unit with redacted documents, as applicable;
 - (d) assuring that information contained in the solicitation documents is public information; and
 - (e) understanding the scope of work, all evaluation criteria, requirements, factors, and formulas to be used in determining the scoring of proposals; and

(f) for executive branch procurement units the requirements of Section 63G-6a-110(6).

R33-7-103. Multiple Stage RFP Process.

(1) In addition to the requirements set forth under Section 63G-6a-710, the multiple stage request for proposals solicitation shall include:

- (a) a description of the stages and the criteria and scoring that will be used to evaluate proposals at each stage; and
- (b) the methodology used to determine which proposals shall be disqualified from additional stages.

R33-7-103a. Multiple Stage Cost Qualification RFP Process.

In accordance with Section 63G-6a-710, a procurement unit may use a multiple stage RFP process to assist the procurement unit in selecting the proposal that provides the best value or is the most advantageous to the procurement unit. This Rule sets forth the process for issuing a multiple stage RFP process where cost is evaluated prior to the technical requirements. The concept behind this "multiple stage cost qualification RFP process" is that for certain types of procurements, a procurement unit may not want to spend time evaluating the technical responses of proposals with cost estimates that exceed the stated budget or significantly exceed the lowest cost proposal. Statute does not restrict the number of stages that may occur in a multiple stage RFP, the number or type of criteria that may be used to evaluate proposals or the sequencing of when evaluation criteria must be evaluated. However, statute does place restrictions on procedures such as separating cost, when the evaluation committee can and cannot change scores, issuing a justification statement and, if applicable, conducting a cost-benefit analysis, and so on. The instructions contained in this multiple stage cost qualification RFP process comply with all provisions set forth in Utah Code Title 63G-6a, Part 7 and associated Rule R33-7.

(1) Definitions:

(a) "Multiple stage cost qualification RFP process" means a multiple stage RFP process in which cost proposals are evaluated prior to the evaluation of technical criteria and are used to reject offerors based on established cost criteria.

(b) "Maximum cost differential percentage threshold" is a cost ceiling that is established by the conducting procurement unit that an offeror's cost proposal must not exceed or the offeror's proposal will be rejected and the offeror will not be allowed to proceed to a subsequent stage. The maximum cost differential percentage threshold may be based on the following:

- (i) The lowest cost proposal submitted;
- (ii) The conducting procurement's stated budget; or
- (iii) A combination of (i) and (ii).

(2) The chief procurement officer or head of procurement unit with independent procurement authority may issue a multiple stage RFP where cost is used to qualify offerors for subsequent stages or to narrow the number of offerors that will move on to subsequent stages in accordance with the requirements set forth in Utah Code 63G-6a, Part 7 and Rule R33-7.

(3) When using the multiple stage cost qualification RFP process the conducting procurement unit shall establish and include in the RFP:

- (a) The minimum mandatory pass or fail requirements that proposals must meet in stage one in order to move on to stage two;

(b) The maximum cost differential percentage threshold that proposals must not exceed in stage two in order to move on to stage three;

(c) The technical criteria and a score threshold that proposals must meet in stage three in order to be eligible to move on to stage four; and

(d) If applicable, the total combined score threshold in stage four that proposals must meet to determine best value and be eligible for contract award.

(4) Except as provided in Section 63G-6a-707, the following process shall be used to evaluate proposals and award a contract under this multiple stage process:

(a) During stage one, an individual assigned by the conducting procurement unit shall evaluate each offeror's proposal in response to the minimum mandatory pass or fail requirements set forth in the RFP:

(i) Offerors with proposals that do not meet the mandatory minimum pass or fail requirements shall be rejected and are not allowed to move on to subsequent stages and are not eligible to receive a contract award;

(ii) Offerors with proposals that meet the mandatory minimum pass or fail requirements shall be deemed qualified to move on to stage two;

(b) During stage two, the issuing procurement unit shall assign an individual, who is not a member of the evaluation committee, to evaluate the cost proposals of offerors qualified in stage one in response to the cost criteria and maximum cost differential percentage threshold set forth in the RFP.

(i) The individual assigned by the issuing procurement unit to evaluate cost proposals shall do so outside the presence of the evaluation committee and shall not share the cost proposals or the results of the cost proposal evaluations with the evaluation committee until all technical scoring is completed in stage three;

(ii) Offerors with cost proposals that exceed the maximum cost differential percentage threshold shall be rejected, not allowed to move on to subsequent stages, and not eligible to receive a contract award;

(iii) Offerors with cost proposals that do not exceed the maximum cost differential percentage threshold shall be deemed qualified to move on to stage three;

(iv) Cost shall be evaluated in accordance with Section 63G-6a-707; and

(v) A cost score shall be calculated based on the cost formula set forth in the RFP for each proposal identified in Subsection (3)(b)(iii) of this Rule;

(c) During stage three, the evaluation committee shall score the proposal of each offeror qualified in stage two, in response to the technical evaluation criteria set forth in the RFP, without having access to any information relating to the cost or the scoring of the cost. Technical criteria shall be scored in accordance with Section R33-7-704 or rules established by the applicable rulemaking authority;

(d) During stage four, the individual assigned by the issuing procurement unit, who is not a member of the evaluation committee, shall add the cost scores to the evaluation committee's final recommended technical scores to derive the total combined score for each proposal in accordance with the process set forth in Section 63G-6a-707;

(e) In order to determine best value to the procurement unit, the evaluation committee shall prepare a justification statement and, if applicable, a cost-benefit analysis, in accordance with Section 63G-6a-708 and 709; and

(f) A contract may be awarded to the offeror with the proposal having the highest total combined score, or multiple contracts may be awarded to offerors with proposals meeting the total combined score threshold set forth in the RFP, in accordance with Section 63G-6a-709.

(5) Maximum cost differential percentage thresholds include the following examples:

(a) Lowest Cost Proposal Example: The maximum cost differential percentage threshold is within 10% above the lowest cost proposal:

(i) Offerors with cost proposals that exceed 10% above the proposal with the lowest cost will be rejected. Offerors with cost proposals that do not exceed 10% above the proposal with the lowest cost will move on to the subsequent stage;

(b) Stated Budget Example: The maximum cost differential percentage threshold is within 5% above the conducting procurement unit's stated project budget:

(i) Offerors with cost proposals that exceed 5% above the stated budget will be rejected. Offerors with cost proposals that do not exceed 5% above the stated budget will move on to the subsequent stage; and

(a) Combination Lowest Cost Proposal and Stated Budget Example: the maximum cost differential percentage threshold is within 8% above the lowest cost proposal and within 2% above the conducting procurement unit's stated project budget:

(i) Offerors with cost proposals that exceed 8% above the proposal with the lowest cost will be rejected and offerors with cost proposals that exceed 2% above the stated budget will be rejected. Offerors with cost proposals that do not exceed 8% above the proposal with the lowest cost and do not exceed 2% above the stated budget will move on to the subsequent stage.

(6) Additional multiple stage RFP processes may be developed and used to cover the wide range of different procurements that public entities encounter, provided the processes comply with the requirements set forth in the Utah Procurement Code and Title R33.

R33-7-104. Exceptions to Terms and Conditions Published in the RFP.

(1) Offerors requesting exceptions and/or additions to the Standard Terms and Conditions published in the RFP must include the exceptions and/or additions with the proposal response.

(2) Exceptions and/or additions submitted after the date and time for receipt of proposals will not be considered unless there is only one offeror that responds to the RFP, the exceptions and/or additions have been approved by the Attorney General's Office or other applicable legal counsel, and it is determined by the head of the issuing procurement unit that it is not beneficial to the procurement unit to republish the solicitation.

(3) Offerors may not submit requests for exceptions and/or additions by reference to a vendor's website or URL.

(4) A procurement unit may refuse to negotiate exceptions and/or additions:

- (a) that are determined to be excessive;
 - (b) that are inconsistent with similar contracts of the procurement unit;
 - (c) to warranties, insurance, indemnification provisions that are necessary to protect the procurement unit after consultation with the Attorney General's Office or other applicable legal counsel;
 - (d) where the solicitation specifically prohibits exceptions and/or additions; or
 - (e) that are not in the best interest of the procurement unit.
- (5) If negotiations are permitted, a procurement unit may negotiate exceptions and/or additions with offerors, beginning in order with the offeror submitting the fewest exceptions and/or additions to the offeror submitting the greatest number of exceptions and/or additions. Contracts may become effective as negotiations are completed.
- (6) If, in the negotiations of exceptions and/or additions with a particular offeror, an agreement is not reached, after a reasonable amount of time, as determined by the procurement unit, the negotiations may be terminated and a contract not awarded to that offeror and the procurement unit may move to the next eligible offeror.

R33-7-105. Protected Records.

- (1)(a) The following are protected records and may be redacted by the vendor subject to the procedures described below in accordance with the Governmental Records Access and Management Act (GRAMA) Title 63G, Chapter 2 of the Utah Code. (a) Trade Secrets, as defined in Section 13-24-2 of the Utah Code.
- (b) Commercial information or non-individual financial information subject to the provisions of Section 63G-2-305(2).
- (c) Other Protected Records under GRAMA.
- (2) Process For Requesting Non-Disclosure. Any person requesting that a record be protected shall include with the proposal or submitted document:
- (a) a written indication of which provisions of the proposal or submitted document are claimed to be considered for business confidentiality or protected (including trade secrets or other reasons for non-disclosure under GRAMA); and
 - (b) a concise statement of the reasons supporting each claimed provision of business confidentiality or protected.

R33-7-106. Notification.

- (1) A person who complies with Section R33-7-105 shall be notified by the procurement unit prior to the public release of any information for which a claim of confidentiality has been asserted.
- (2) Except as provided by court order, the procurement unit to whom the request for a record is made under GRAMA, may not disclose a record claimed to be protected under Section R33-7-105 but which the procurement unit or State Records Committee determines should be disclosed until the period in which to bring an appeal expires or the end of the appeals process, including judicial appeal, is reached. Section R33-7-106 does not apply where the claimant, after notice, has waived the claim by not appealing or intervening before the State Records Committee. To the extent allowed by law, the parties to a dispute regarding the release of a record may agree in writing to an alternative dispute resolution process.
- (3) Any allowed disclosure of public records submitted in the request for proposal process will be made only after the selection of the successful offeror(s) has been made public in compliance with Section 63G-6a-709.5.

R33-7-107. Process for Submitting Proposals with Protected Business Confidential Information.

- (1) If an offeror submits a proposal that contains information claimed to be business confidential or protected information, the offeror must submit two separate proposals:
- (a) One redacted version for public release, with all protected business confidential information either blacked-out or removed, clearly marked as "Redacted Version"; and
 - (b) One non-redacted version for evaluation purposes clearly marked as "Protected Business Confidential."
- (i) Pricing may not be classified as business confidential and will be considered public information.
- (ii) An entire proposal may not be designated as "PROTECTED", "CONFIDENTIAL" or "PROPRIETARY" and shall be considered non-responsive unless the offeror removes the designation.

R33-7-201. Pre-Proposal Conferences and Site Visits.

- (1) Mandatory pre-proposal conferences and site visits may be held to explain the procurement requirements in accordance with the following:
- (a) Except as authorized in writing by the chief procurement officer or the head of a procurement unit with independent procurement authority, pre-proposal conferences and site visits must require mandatory attendance by all offerors.
 - (b) Except as authorized in writing by the chief procurement officer or the head of a procurement unit with independent procurement authority, pre-proposal conferences and site visits allowing optional attendance by offerors are not permitted.
 - (c) A pre-proposal conference may be attended via the following:
 - (i) attendance in person;
 - (ii) teleconference participation;
 - (iii) webinar participation;
 - (iv) participation through other electronic media approved by the chief procurement officer or head of a procurement unit with independent procurement authority.
 - (d) Mandatory site visits must be attended in person.
 - (e) All pre-proposal conferences and site visits must be attended by an authorized representative of the person or vendor submitting a proposal and as may be further specified in the procurement documents.
 - (f) The solicitation must state that failure to attend a mandatory pre-proposal conference shall result in the disqualification of any offeror that does not have an authorized representative attend the entire duration of the mandatory pre-proposal conference.
 - (g) The solicitation must state that failure to attend a mandatory site visit shall result in the disqualification of any offeror that does not have an authorized representative attend the entire duration of the mandatory site visit.
 - (h) At the discretion of the conducting procurement unit, audio or video recordings of pre-proposal conferences and site visits may be used.
 - (i) Listening to or viewing audio or video recordings of a mandatory pre-proposal conference or site visit may not be substituted for attendance. If the chief procurement officer or the head of a procurement unit with independent procurement authority grants an exception to the mandatory requirement in writing, the procurement unit may require all offerors that do not have an authorize

representative in attendance for the entire pre-proposal conference or site visit to review any audio or video recording made.

(2)(a) If a pre-proposal conference or site visit is held, the conducting procurement unit shall maintain:

(i) an attendance log including the name of each attendee, the entity the attendee is representing, and the attendee's contact information;

(ii) minutes of the pre-proposal conference or site visit; and

(iii) copies of any documents distributed by the conducting procurement unit to the attendees at the pre-proposal conference or site visit.

(b) The issuing procurement unit shall publish as an addendum to the solicitation:

(i) the attendance log;

(ii) minutes of the pre-proposal conference or site visit;

(iii) copies of any documents distributed to attendees at the pre-proposal conference or site visit; and

(iv) any verbal modifications made to any of the solicitation documents. All verbal modifications to the solicitation documents shall be reduced to writing.

R33-7-301. Addenda to Request for Proposals.

(1) Addenda to the Request for Proposals may be made for the purpose of:

(a) making changes to:

(i) the scope of work;

(ii) the schedule;

(iii) the qualification requirements;

(iv) the criteria;

(v) the weighting; or

(vi) other requirements of the Request for Proposal.

(b) Addenda shall be published within a reasonable time prior to the deadline that proposals are due, to allow prospective offerors to consider the addenda in preparing proposals. Publication at least 5 calendar days prior to the deadline that proposals are due shall be deemed a reasonable time. Minor addenda and urgent circumstances may require a shorter period of time.

(2) After the due date and time for submitting a response to Request for Proposals, at the discretion of the chief procurement officer or head of a procurement unit with independent procurement authority, addenda to the Request for Proposals may be limited to offerors that have submitted proposals, provided the addenda does not make a substantial change to the Request for Proposals that, in the opinion of the chief procurement officer or head of a procurement unit with independent procurement authority likely would have impacted the number of Offerors responding to the original publication of the Request for Proposals.

R33-7-402. Rejection of Late Proposals -- Delivery and Time Requirements.

(1) Except as provided in Subsection (4), an issuing procurement unit may not accept a proposal after the deadline for receipt of solicitation responses to a request for proposals has passed as set forth in Section 63G-6a-704(2).

(2) When submitting a proposal electronically, offerors must allow sufficient time to complete the online forms and upload documents. The solicitation will end at the closing time posted in the electronic system. If an offeror is in the middle of uploading a

proposal when the closing time arrives, the procurement unit will stop the process and the proposal will not be accepted.

(3) When submitting a proposal by physical delivery (U.S. Mail, courier service, hand-delivery, or other physical means) offerors are solely responsible for meeting the deadline. Delays caused by a delivery service or other physical means will not be considered as an acceptable reason for a proposal being late.

(a) All proposals received by physical delivery will be date and time stamped by the procurement unit.

(4) To the extent that an error on the part of the procurement unit or an employee of a procurement unit results in a proposal not being received by the established due date and time, the proposal shall be accepted as being on time.

R33-7-501. Evaluation of Proposals.

(1) The evaluation of proposals shall be conducted in accordance with Part 7 of the Utah Procurement Code.

(2) An evaluation committee may ask questions of offerors to clarify proposals provided the questions are submitted and answered in writing. The record of questions and answers shall be maintained in the file.

(3)(a) The evaluation of cost in an RFP shall be based on the entire term of the contract, excluding renewal periods.

(b) Unless an exception is authorized in writing by the chief procurement officer or head of a procurement unit with independent procurement authority, cost should not be divided or evaluated on any other basis than the entire term of the contract, excluding renewal periods.

(c) Whenever practicable, the evaluation of cost should include maintenance and service agreements, system upgrades, apparatuses, and other components associated with the procurement item.

R33-7-501.5. Minimum Score Thresholds.

(1) A procurement unit may establish minimum score thresholds to advance proposals from one stage in the RFP process to the next, including contract award.

(2) If used, minimum score thresholds must be set forth in the RFP and clearly describe the minimum score threshold that proposals must achieve in order to advance to the next stage in the RFP process or to be awarded a contract.

(3)(a) Thresholds may be based on:

(i) Minimum scores for each evaluation category;

(ii) The total of each minimum score in each evaluation category based on the total points available; or

(iii) A combination of (i) and (ii).

(b) Thresholds may not be based on:

(i) A natural break in scores that was not defined and set forth in the RFP; or

(ii) A predetermined number of offerors.

R33-7-502. Voluntary Withdrawal of a Proposal.

An offeror may voluntarily withdraw a proposal at any time before a contract is awarded with respect to the RFP for which the proposal was submitted provided the offeror is not engaged in any type of bid rigging, collusion or other anticompetitive practice made unlawful under other applicable law.

R33-7-601. Best and Final Offers.

Best and Final Offers shall be conducted in accordance with the requirements set forth in Section 63G-6a-707.5 of the Utah Procurement Code. Rule R33-7 provides additional requirements and procedures and must be used in conjunction with the Procurement Code.

(1) The best and final offers (BAFO) process is an optional step in the evaluation phase of the request for proposals process in which offerors are requested to modify their proposals.

(2) The best and final offers process may not be conducted as part of the contract negotiation process. It may only be conducted during the evaluation phase of the RFP process.

(3) A procurement unit may not use the best and final offers process to allow offerors a second opportunity to respond to the entire request for proposals.

R33-7-701. Cost-benefit Analysis Exception: CM/GC.

(1) A cost-benefit analysis is not required if the contract is awarded solely on the qualifications of the construction manager/general contractor and the management fee described in Section 63G-6a-708 provided:

(a) a competitive process is maintained by the issuance of a request for proposals that requires the offeror to provide , at a minimum:

- (i) a management plan;
 - (ii) references;
 - (iii) statements of qualifications; and
 - (iv) a management fee.
- (b) the management fee contains only the following:
- (i) preconstruction phase services;
 - (ii) monthly supervision fees for the construction phase; and
 - (iii) overhead and profit for the construction phase.

(c) the evaluation committee may, as described in the solicitation, weight and score the management fee as a fixed rate or a fixed percentage of the estimated contract value.

(d) the contract awarded must be in the best interest of the procurement unit.

R33-7-701.1. Cost-Benefit Analysis.

(1) A cost-benefit analysis conducted under Utah Code 63G-6a-708 shall be based on the entire term of the contract, excluding any renewal periods.

R33-7-702. Only One Proposal Received.

(1) If only one proposal is received in response to a request for proposals, the evaluation committee shall score the proposal and:

- (a) conduct a review to determine if:
 - (i) the proposal meets the minimum requirements;
 - (ii) pricing and terms are reasonable as set forth in R33-12-603 and R33-12-604; and
 - (iii) the proposal is in the best interest of the procurement unit.

(b) if the evaluation committee determines the proposal meets the minimum requirements, pricing and terms are reasonable, and the proposal is in the best interest of the procurement unit, the procurement unit shall issue a justification statement as set forth in 63G-6a-708 and may make an award.

(c) If an award is not made, the procurement unit may either cancel the procurement or resolicit for the purpose of obtaining additional proposals.

R33-7-703. Evaluation Committee Procedures for Scoring Non-Priced Technical Criteria.

Evaluation committee members, employees of procurement units, and any other person involved in an RFP evaluation process are required to review Utah Code Title 63G-6a, Parts 7 and 24; and Section R33-7-703 prior to participating in the evaluation process.

(1)(a) In accordance with Section 63G-6a-704, the conducting procurement unit may conduct a review of proposals to determine if:

- (i) the person submitting the proposal is responsible;
- (ii) the proposal is responsive; and
- (iii) the proposal meets the mandatory minimum requirements set forth in the RFP.

(b) An evaluation committee may not evaluate proposals deemed non-responsive or not meeting the mandatory minimum requirements of the RFP, or vendors determined to be not responsible.

(2)(a) Prior to the evaluation and scoring of proposals, an employee from the issuing procurement unit will meet with the evaluation committee, staff members of the conducting procurement unit, and any other person involved in the procurement process that may have access to the proposals to:

- (i) Explain the evaluation and scoring process;
- (ii) Discuss requirements and prohibitions pertaining to:
 - (A) socialization with vendors as set forth in Section R33-24-104;

(B) financial conflicts of interest as set forth in Section R33-24-105;

(C) personal relationships, favoritism, or bias as set forth in Section R33-24-106;

(D) disclosing confidential information contained in proposals or the deliberations and scoring of the evaluation committee; and

(E) ethical standards for an employee of a procurement unit involved in the procurement process as set forth in Section R33-24-108.

(iii) review the scoring sheet and evaluation criteria set forth in the RFP; and

(iv) provide a copy of Section R33-7-703 to the evaluation committee, employees of the procurement unit involved in the procurement, and any other person that will have access to the proposals.

(b) Prior to participating in any phase of the RFP process, all members of the evaluation committee must sign a written statement certifying that they do not have a conflict of interest as set forth in Section 63G-6a-707 and Section R33-24-107.

(i) At each stage of the procurement process, the conducting procurement unit is required to ensure that evaluation committee members, employees of the procurement unit and any other person participating in the procurement process:

(A) do not have a conflict of interest with any of the offerors;

(B) do not contact or communicate with an offeror concerning the procurement outside the official procurement process; and

(C) conduct or participate in the procurement process in a manner that ensures a fair and competitive process and avoids the appearance of impropriety.

(3) Unless an exception is authorized by the head of the issuing procurement unit, the evaluation committee is prohibited from knowing, or having access to, any information relating to the cost, or the scoring of the cost, of a proposal until after the evaluation committee has finalized its scoring of non-price technical criteria for each proposal and submitted those scores to the issuing procurement unit as set forth in Section 63G-6a-707.

(4)(a) In accordance with Section 63G-6a-707, the conducting procurement unit shall appoint an evaluation committee to evaluate each responsive proposal submitted by a responsible offeror that has not been rejected from consideration under the provisions of the Utah Procurement Code, using the criteria described in the RFP.

(b) Using the provisions set forth in Section R33-7-705, the evaluation committee shall exercise independent judgement in the evaluation and scoring of the non-priced technical criteria in each proposal.

(c) Proposals must be evaluated solely on the criteria listed in the RFP. The evaluation committee shall assess each proposal's completeness, accuracy, and capability of meeting the technical criteria listed in the RFP.

(d) The evaluation committee may receive assistance from an expert or consultant authorized by the conducting procurement unit in accordance with the provisions set forth in Section 63G-6a-707(4).

(e) The evaluation committee may enter into discussions, conduct interviews with, or attend presentations by responsible offerors with responsive proposals that meet the mandatory minimum requirements of the RFP for the purpose of clarifying information contained in proposals in accordance with the provisions set forth in Section 63G-6a-707(5).

(5) After each proposal has been independently evaluated by each member of the evaluation committee, each committee member independently shall assign a preliminary draft score for each proposal for each of the non-priced technical criteria listed in the RFP.

(a) After completing the preliminary draft scoring of the non-priced technical criteria for each proposal, the evaluation committee shall enter into deliberations to:

(i) review each evaluation committee member's preliminary draft scores;

(ii) resolve any factual disagreements;

(iii) modify their preliminary draft scores based on their updated understanding of the facts; and

(iv) derive the committee's final recommended consensus score for the non-priced technical criteria of each proposal.

(b) During the evaluation process, the evaluation committee may make a recommendation to the conducting procurement unit that:

(i) a proposal be rejected for;

(A) being non-responsive,

(B) not meeting the mandatory minimum requirements, or

(C) not meeting any applicable minimum score threshold,

or

(ii) an offeror be rejected for not being responsible.

(c) If an evaluation committee member does not attend an evaluation committee meeting, the meeting may be canceled and rescheduled.

(d) In order to score proposals fairly, an evaluation committee member must be present at all evaluation committee

meetings and must review all proposals, including if applicable oral presentations. If an evaluation committee member fails to attend an evaluation committee meeting or leaves a meeting early or fails for any reason to fulfill the duties and obligations of a committee member, that committee member shall be removed from the committee. The remainder of the evaluation committee members may proceed with the evaluation, provided there are at least three evaluation committee members remaining.

(i) Attendance or participation on an evaluation committee via electronic means such as a conference call, a webcam, an online business application, or other electronic means is permissible.

(6)(a) The evaluation committee shall derive its final recommended consensus score for the non-priced technical criteria of each proposal using the following methods:

(i) the total of each individual evaluation committee member's scores for each proposal shall be the consensus score for the evaluation committee; or

(ii) an average of each individual evaluation committee member's scores for each proposal shall be the consensus score for the evaluation committee.

(b) The evaluation committee shall submit its final score sheet, signed and dated by each committee member, to the issuing procurement unit for review.

(7) The evaluation committee may not change its consensus final recommended scores of the non-priced technical criteria for each proposal after the scores have been submitted to the issuing procurement unit, unless the issuing procurement unit authorizes that a best and final offer process to be conducted under the provisions set forth in Section 63G-6a-707.5 and Section R33-7-601.

(8) In accordance with Section 63G-6a-707, the issuing procurement unit shall:

(a) review the evaluation committee's final recommended scores for each proposal's non-priced technical criteria and correct any errors, scoring inconsistencies, and reported noncompliance with this chapter or cancel the solicitation in accordance with Sections 63G-6a-106(4) or 63G-6a-303(3).

(b) score the cost of each proposal based on the applicable scoring formula; and

(c) calculate the total combined score for each proposal.

(9) The evaluation committee may, with approval from the issuing procurement unit, request best and final offers from responsible offerors who have submitted responsive proposals that meet the minimum qualifications, evaluation criteria, or applicable score thresholds identified in the RFP, under the circumstances set forth in Section 63G-6a-707.5 and Section R33-7-601.

(10) The evaluation committee and the conducting procurement unit shall prepare a justification statement and any applicable cost-benefit analysis in accordance with Section 63G-6a-708.

(11) The issuing procurement unit's role as a non-scoring member of the evaluation committee will be to facilitate the evaluation process within the guidelines of the Utah Procurement Code and applicable Rules.

(12)(a) The head of the issuing procurement unit may remove a member of an evaluation committee for:

(i) having a conflict of interest or the appearance of a conflict of interest with a person responding to a solicitation;

(ii) having an unlawful bias or the appearance of unlawful bias for or against a person responding to a solicitation;

- (iii) having a pattern of arbitrary, capricious, or clearly erroneous scores that are unexplainable or unjustifiable;
 - (iv) having inappropriate contact or communication with a person responding to a solicitation;
 - (v) socializing inappropriately with a person responding to a solicitation;
 - (vi) engaging in any other action or having any other association that causes the head of the issuing procurement unit to conclude that the individual cannot fairly evaluate a solicitation response; or
 - (vii) any other violation of a law, rule, or policy.
- (b) The head of the issuing procurement unit may reconstitute an evaluation committee in any way deemed appropriate to correct an impropriety described in Subsection (12)(a). If an impropriety cannot be cured by replacing a member, the head of the issuing procurement unit may appoint a new evaluation committee, cancel the procurement or cancel and reissue the procurement.

R33-7-704. Scoring of Evaluation Criteria, Other Than Cost, for Proposals in the RFP Process.

~~[(1) The scoring of evaluation criteria, other than cost, for proposals in the RFP process shall be:~~

- ~~(a) based on a one through five point scoring system;~~
- ~~(b) used to determine which proposals meet mandatory minimum requirements or score thresholds set forth in the RFP for proposals to move on to a subsequent stage in the RFP process; and~~
- ~~(c) used to assist the procurement unit in selecting which proposal provides the best value or is the most advantageous to the procurement unit.]~~

(1) Scoring shall be based upon

(2) Points shall be awarded to each applicable evaluation criteria as set forth in the RFP, and may include~~ing~~ but is not limited to:

- (a) Technical specifications;
- (b) Qualifications and experience;
- (c) Programming;
- (d) Design;
- (e) Time, manner, or schedule of delivery;
- (f) Quality or suitability for a particular purpose;
- (g) Financial solvency;
- (h) Management and methodological plan; and
- (i) Performance ratings or references~~;~~ and
- ~~(j) Other requirements specified in the RFP].~~

(2) The standard scoring methodology is:~~(3) Scoring Methodology:]~~

- (a) Five points (Excellent): The proposal addresses and exceeds all of the requirements or criteria described in the RFP;
- (b) Four points (Good): The proposal addresses all of the requirements or criteria described in the RFP and, in some respects, exceeds them;
- (c) Three points (Satisfactory): The proposal addresses all of the requirements or criteria described in the RFP in a minimum satisfactory manner;
- (d) Two points (Unsatisfactory): The proposal addresses the requirements or criteria described in the RFP in an unsatisfactory manner; or
- (e) One point (~~Fail~~Poor): The proposal ~~[fails to]~~inadequately addresses the requirements or criteria described in the RFP or cannot be assessed due to incomplete information; or~~]~~

- ~~(i) address some or all of the requirements or criteria described in the RFP;~~
 - ~~(ii) accurately addresses some or all of the requirements or criteria described in the RFP; or~~
 - ~~(iii) Demonstrate that the vendor can perform the scope of work or supply the procurement items.]~~
 - (f) Zero (Fail): The proposal fails to address the requirements or criteria described in the RFP or cannot be assessed due to missing information.
- (3) A procurement unit may select another scoring methodology to score proposals, as long as:
- (i) the scoring methodology is published in the RFP; and
 - (ii) the scoring methodology allows for competition and is reasonable.

R33-7-705. Evaluation Committee Members Required to Exercise Independent Judgment.

(1)(a) Evaluators are required to exercise independent judgment in a manner that is not dependent on anyone else's opinions or wishes.

(b) Evaluators must not allow their scoring to be inappropriately influenced by another person's wishes that additional or fewer points be awarded to a particular offeror.

(c) Evaluators may seek to increase their knowledge before scoring by asking questions and seeking appropriate information from the conducting procurement unit or issuing procurement unit. Otherwise, evaluators should not discuss proposals or the scoring of proposals with other persons not on the evaluation committee.

(2)(a) The exercise of independent judgment applies not only to possible inappropriate influences from outside the evaluation committee, but also to inappropriate influences from within the committee. It is acceptable for there to be discussion and debate within the committee regarding how well a proposal meets the evaluation criteria. However, open discussion and debate may not lead to coercion or intimidation on the part of one committee member to influence the scoring of another committee member.

(b) Evaluators may not act on their own or in concert with another evaluation committee member to inappropriately steer an award to a favored vendor or to disfavor a particular vendor.

(c) Evaluators are required to report any attempts by others to improperly influence their scoring to favor or disfavor a particular offeror.

(d) If an evaluator feels that the evaluator's independence has been compromised, the evaluator must recuse himself or herself from the evaluation process.

R33-7-802. Publicizing Awards.

(1) In addition to the requirements of Section 63G-6a-709.5, the following shall be disclosed after receipt of a GRAMA request and payment of any lawfully enacted and applicable fees:

(a) the contract(s) entered into as a result of the selection and the successful proposal(s), except for those portions that are to be non-disclosed under Section R33-7-105;

(b) the unsuccessful proposals, except for those portions that are to be non-disclosed under Section R33-7-105;

(c) the rankings of the proposals;

(d) the names of the members of any selection committee (reviewing authority);

(e) the final scores used by the selection committee to make the selection, except that the names of the individual scorers shall not be associated with their individual scores or rankings.

(f) the written justification statement supporting the selection, except for those portions that are to be non-disclosed under Section R33-7-105.

(2) After due consideration and public input, the following has been determined by the Procurement Policy Board to impair governmental procurement proceedings or give an unfair advantage to any person proposing to enter into a contract or agreement with a governmental entity, and will not be disclosed by the governmental entity at any time to the public including under any GRAMA request:

(a) the names of individual scorers/evaluators in relation to their individual scores or rankings;

(b) any individual scorer's/evaluator's notes, drafts, and working documents;

(c) non-public financial statements; and

(d) past performance and reference information, which is not provided by the offeror and which is obtained as a result of the efforts of the governmental entity. To the extent such past performance or reference information is included in the written justification statement, it is subject to public disclosure.

R33-7-900. Public-Private Partnerships.

(1) Except as provided in Section 63G-6a-802, a procurement unit shall award a contract for a public-private partnership, as defined in Section 63G-6a-103, by the request for proposals standard procurement process set forth in Section 63G-6a, Part 7.

KEY: government purchasing, request for proposals, standard procurement process

Date of Enactment or Last Substantive Amendment: [~~June 21, 2017~~2018]

Notice of Continuation: July 8, 2014

Authorizing, and Implemented or Interpreted Law: 63G-6a

Health, Health Care Financing, Coverage and Reimbursement Policy

R414-61-2

Incorporation by Reference

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 42936

FILED: 05/25/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to incorporate by reference updates to the Waiver for Technology Dependent/Medically Fragile Individuals, effective 07/01/2018.

SUMMARY OF THE RULE OR CHANGE: This renewal incorporates by reference updates to the Waiver for Technology Dependent/Medically Fragile Individuals, effective 07/01/2018. These updates include: the addition of High-flow Nasal Cannula dependence as an equivalent therapy to Bi-level Positive Airway Pressure and Continuous Positive Airway Pressure dependence as a qualifying technology to meet target group criteria; Removal of Family-Directed Support as a distinct service as this support will be provided through the scope of Financial Management Services and Waiver Case Management; and quality improvement performance measures were revised to better align with waiver assurances and sub-assurances.

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

MATERIALS INCORPORATED BY REFERENCE:

- ◆ Updates Waiver for Technology Dependent/Medically Fragile Individuals, published by Centers for Medicare & Medicaid Services, 07/01/2018

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There is no impact to the state budget because these waiver updates do not provide new services, and ongoing services are within previous allocations.

◆ **LOCAL GOVERNMENTS:** There is no impact to local governments because they neither fund nor provide waiver services for Medicaid recipients.

◆ **SMALL BUSINESSES:** There is no impact to small businesses because these waiver updates do not provide new services, and ongoing services are within previous allocations.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no impact to Medicaid providers or to Medicaid recipients because these waiver updates do not provide new services, and ongoing services are within previous allocations.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs to a single Medicaid provider or to a Medicaid recipient because these waiver updates do not provide new services, and ongoing services are within previous allocations.

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 change will not result in a fiscal impact to businesses.

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

HEALTH
HEALTH CARE FINANCING,
COVERAGE AND REIMBURSEMENT POLICY
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY, UT 84116-3231
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Craig Devashrayee by phone at 801-538-6641, by FAX at 801-538-6099, or by Internet E-mail at cdevashrayee@utah.gov or mail at PO BOX 143102, SALT LAKE CITY, UT 84114-3102

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/16/2018

THIS RULE MAY BECOME EFFECTIVE ON: 07/23/2018

AUTHORIZED BY: Joseph Miner, MD, Executive Director

Net Fiscal Benefits:	\$0	\$0	\$0

*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.

Appendix 2: Regulatory Impact to Non-Small Businesses

There are neither costs nor revenue to the 182 Medicaid home and community-based service providers, as these waiver updates do not provide new services, and ongoing services are within previous allocations.

The Executive Director of the Department of Health, Joseph K. Miner, MD, has reviewed and approved this fiscal analysis.

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

R414-61. Home and Community-Based Services Waivers.

R414-61-2. Incorporation by Reference.

The Department incorporates by reference the following home and community-based services waivers:

- (1) Waiver for Technology Dependent/Medically Fragile Individuals, effective July 1, 201[3]8;
- (2) Waiver for Individuals Age 65 or Older, effective July 1, 2015;
- (3) Waiver for Individuals with Acquired Brain Injuries, effective July 1, 2014;
- (4) Waiver for Individuals with Physical Disabilities, effective July 1, 2016;
- (5) Community Supports Waiver for Individuals with Intellectual Disabilities and Other Related Conditions, effective July 1, 2015;
- (6) New Choices Waiver, effective July 1, 2015;
- (7) Medicaid Autism Waiver, effective October 1, 2015; and
- (8) Medically Complex Children's Waiver, effective October 1, 2015.

These documents are available for public inspection during business hours at the Utah Department of Health, Division of Medicaid and Health Financing, located at 288 North 1460 West, Salt Lake City, UT, 84114-3102.

KEY: Medicaid

Date of Enactment or Last Substantive Amendment: [~~April 20, 2017~~2018

Notice of Continuation: October 30, 2014

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

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Person	\$0	\$0	\$0
Total Fiscal Costs:	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits:	\$0	\$0	\$0

**Health, Health Care Financing,
Coverage and Reimbursement Policy
R414-510
Intermediate Care Facility for Persons
with Intellectual Disabilities Transition
Program**

NOTICE OF PROPOSED RULE

(Repeal and Reenact)
DAR FILE NO.: 42941
FILED: 05/31/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this change is to improve the education and participant selection process for the Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/ID) Transition Program, in response to feedback the Department of Health (Department) received through conducting a series of stakeholder meetings on program improvement.

SUMMARY OF THE RULE OR CHANGE: The repealed rule requires individuals to submit an application to show interest in participating in the ICF/ID Transition Program. It also contains a provision that requires the state to contact potentially eligible individuals annually, even if the individual or guardian has informed state staff that they are not interested in participation. The selection process also enrolls an individual evenly from two lists based on length of stay in an ICF/ID and by random selection, and does not require onsite education. Conversely, the reenacted rule no longer requires individuals to submit an application to show interest in program participation, and individuals may "opt-out" of being contacted by the state for a three-year period. The new selection process also enrolls 70% of individuals on the weighted list based on the number of times they apply for the program, their presence on the Division of Services for People with Disabilities (DSPD) waiting list, and their length of stay in an ICF/ID. 30% of individuals will come from a random selection list. Finally, the new rule requires an onsite meeting to educate individuals and their guardians about the program.

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

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There is no impact to the state budget because this change only updates and clarifies the purpose and operation of the ICF/ID Transition Program, which operates on available funding from previous allocations by the Legislature.

◆ **LOCAL GOVERNMENTS:** There is no impact to local governments because they do not participate in the operation of the ICF/ID Transition Program.

◆ **SMALL BUSINESSES:** Some small businesses may see a potential gain or loss of revenue when individuals move from facility-based services to home and community-based services. Nevertheless, there is not sufficient cost effective data to estimate an amount.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Medicaid providers may see a potential gain or loss of revenue when individuals move from facility-based services to home and community-based services, but there is not sufficient cost effective data to estimate an amount. There is no fiscal impact to Medicaid members as there is no change in ongoing waiver services.

COMPLIANCE COSTS FOR AFFECTED PERSONS: A single Medicaid provider or individual business may see a potential loss of revenue when individuals move from facility-based services to home and community-based services, but there is not sufficient cost effective data to estimate an amount.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Some businesses may see a potential gain or loss of revenue when individuals move from facility-based services to home and community-based services. Nevertheless, there is not sufficient cost effective data to estimate an amount.

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

HEALTH
HEALTH CARE FINANCING,
COVERAGE AND REIMBURSEMENT POLICY
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY, UT 84116-3231
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Craig Devashrayee by phone at 801-538-6641, by FAX at 801-538-6099, or by Internet E-mail at cdevashrayee@utah.gov or mail at PO BOX 143102, SALT LAKE CITY, UT 84114-3102

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/16/2018

THIS RULE MAY BECOME EFFECTIVE ON: 07/23/2018

AUTHORIZED BY: Joseph Miner, MD, Executive Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Person	\$0	\$0	\$0
Total Fiscal Costs:	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits:	\$0	\$0	\$0
Net Fiscal Benefits:	\$0	\$0	\$0

*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.

Appendix 2: Regulatory Impact to Non-Small Businesses
Some of the 17 Intermediate Care Facilities for Persons with Intellectual Disabilities (ICFs/ID) may see a potential gain or loss of revenue, but there are not sufficient cost effective data to estimate an amount.

R414. Health, Health Care Financing, Coverage and Reimbursement Policy.
~~[R414-510. Intermediate Care Facility for Persons with Intellectual Disabilities Transition Program.~~
R414-510-1. Introduction and Authority.

(1) This rule implements the Intermediate Care Facility for Persons with Intellectual Disabilities (ICF/ID) Transition Program. Program participation is voluntary and allows an individual to

transition out of an ICF/ID into the Community Supports Waiver for Individuals with Intellectual Disabilities and Other Related Conditions.
~~(2) This rule is authorized by Section 26-18-3. Waiver services are optional and provided in accordance with 42 CFR 440.225.~~

R414-510-2. Definitions.

- ~~(1) The term "Intermediate Care Facility for the Mentally Retarded" (ICF/MR) has been replaced with the term "Intermediate Care Facility for Persons with Intellectual Disabilities" (ICF/ID). ICF/ID is equivalent to ICF/MR as described under federal law.~~
- ~~(2) "Program" means the Intermediate Care Facility for Persons with Intellectual Disabilities Transition Program.~~
- ~~(3) "Program applicant" means an individual who meets eligibility requirements and submits an application to the Department during the open application period.~~
- ~~(4) "Slot" refers to the funding available for one individual to participate in the Program.~~
- ~~(5) "Representative" means a parent or guardian who assists a potential Program participant.~~
- ~~(6) "Waiver" means the Community Supports Waiver for Individuals with Intellectual Disabilities and Other Related Conditions.~~

R414-510-3. Eligibility Requirements.

- ~~Waiver services are potentially available to an individual who:~~
 - ~~(1) receives ICF/ID benefits under the Medicaid State Plan;~~
 - ~~(2) has been diagnosed with an intellectual disability or a related condition;~~
 - ~~(3) meets ICF/ID level of care criteria defined in Section R414-502-8;~~
 - ~~(4) meets state funding eligibility criteria for the Division of Services for People with Disabilities (DSPD) found in Subsection 62A-5-102(4); and~~
 - ~~(5) has resided in any Medicaid-certified, privately-owned ICF/ID located in Utah for at least 12 consecutive months.~~

R414-510-4. Program Access Requirements.

- ~~(1) Each fiscal year, the Department shall determine whether there are sufficient funds available to open slots in the Program. The Department shall stipulate to the amount of funds that it dedicates to the Program if funds are available.~~
- ~~(2) Based on funds dedicated to the Program, the Department shall estimate the number of slots available. The Department estimates the number of slots available by dividing the total amount of funds dedicated to the Program in a fiscal year by the state portion of the average daily ICF/ID rate.~~
- ~~(3) At its discretion, the Department may reserve a number of slots for individuals:~~
 - ~~(a) who meet the eligibility requirements of Section R414-510-3;~~
 - ~~(b) who receive a discharge notice from the ICF/ID in which they reside;~~
 - ~~(c) who have no viable option for alternative ICF/ID placement; and~~
 - ~~(d) who DSPD accepts for ICF/ID placement.~~
- ~~(4) During a fiscal year in which the Program receives funding for new applicants, the Department shall announce an open~~

application period. The Department shall publicize the availability of the Transition Program in the following manner:

(a) The Department shall provide a letter to the administrator of each privately-owned ICF/ID, each ICF/ID resident and to the representative of each ICF/ID resident. The letter shall:

(i) describe the purpose and operation of the Program, including availability of funding;

(ii) identify the selection process utilized for the Program;

(iii) state that Program participation is voluntary; and

(iv) provide Program contact information.

(b) The Department shall post information about Program availability on the Utah Medicaid website.

(c) The Department shall hold at least one open and public meeting to introduce the Program and send notice of the meeting via letter to the administrator of each privately-owned ICF/ID, each ICF/ID resident and to the representative of each ICF/ID resident. The meeting must:

(i) cover the purpose of the Program;

(ii) cover how the Program operates with available funds;

(iii) cover how residents or guardians may apply for the Program; and

(iv) allow a time period for questions and answers.

(5) After the open application period, the Department places the name of each Program applicant on both a longevity list and a random list. On the longevity list, the Department ranks each Program applicant according to length of consecutive stay in any ICF/ID in the state of Utah. On the random list, the Department randomly ranks each Program applicant based on a computerized random selection.

(6) The Department then selects evenly first from the longevity list and then from the random list for placement in the Waiver until the amount of funding allocated to the Program is disbursed to care for the admitted individuals.

(7) The Department conducts a periodic alternate selection process as follows:

(a) The Department shall place the names of all ICF/ID residents who meet the eligibility requirements in Section R414-510-3 on both a longevity list and a random list. The use of longevity and random lists shall follow the same process as identified in Subsection R414-510-4(5) through (6), except that all eligible individuals are considered.

(b) The Department shall send a letter to each selected resident and their representative. The letter must comply with requirements noted in Subsection R414-510-4(4)(a)(i) through (iv), and describe how Department staff will contact the individual or representative by phone or in person for the purpose of answering questions to allow the individual or representative to make an informed choice about participation in the Program.

(c) The Department shall make follow-up phone calls or in-person visits to each individual or representative to provide information that reiterates the requirements described in Subsection R414-510-4(a)(i) through (iv).

(d) In cases where a selected individual does not have or require a representative, a DSPD Transition Program coordinator will visit the selected individual in-person at the ICF/ID to verify if program participation is desired.

(e) When an individual or representative voluntarily confirms a desire to participate in the Program, the Department shall provide a letter to the ICF/ID administrator to inform the administrator

of the choice of the individual or representative to participate in the Program.

(8) If an individual is selected for the Program and has a spouse who also resides in a Utah ICF/ID and who meets the eligibility criteria in Section R414-510-3, the Department shall provide an additional slot for the spouse to participate in the Program without affecting the number of available slots from the longevity and random lists.

(9) Based on available funding, the Department shall continue to select eligible individuals through the aforementioned process until the Department exhausts the amount of funds committed to the Program.

(10) The Department shall keep the longevity list and random lists open for the sole purpose of filling slots vacated through Program attrition. If a Waiver participant who is admitted through the Program leaves the Waiver program for any reason, the Department shall contact and enroll the next person on the list who is interested in moving through the Program.

(11) The Department shall create new lists in accordance with Subsection R414-510-4(4) through (6) or (7) when there is funding available to open new Program slots.

R414-510-5. Service Coverage.

Services and limitations of the Program may be found in the Waiver State Implementation Plan.

R414-510-6. Reimbursement Methodology.

The Department of Human Services (DHS) contracts with the Department to set rates for Waiver-covered services. The DHS rate-setting process is designed to comply with the requirements of Subsection 1915(e) of the Social Security Act and other applicable Medicaid rules. Medicaid requires that rates for services not exceed customary charges.]

R414-510. Intermediate Care Facility for Persons with Intellectual Disabilities Transition Program.

R414-510-1. Introduction and Authority.

(1) This rule implements the Intermediate Care Facility for Persons with Intellectual Disabilities (ICF/ID) Transition Program. Program participation is voluntary and allows an individual to transition from an ICF/ID to the Community Supports Waiver for Individuals with Intellectual Disabilities and Other Related Conditions.

(2) This rule is authorized by Section 26-18-3. Waiver services are optional and provided in accordance with 42 CFR 440.225.

R414-510-2. Definitions.

(1) "Division of Services for People with Disabilities (DSPD)" means the entity within the Department of Human Services that has responsibility to plan and deliver an appropriate array of services and supports to persons with disabilities in accordance with Section 62a-5-102.

(2) "Guardian" means an individual who is legally authorized to make decisions on an individual's behalf.

(3) "Interested individual" means an individual who meets eligibility requirements and expresses interest, either directly or through a guardian, in participating in the Transition Program.

(4) "Length of stay" means the length of time an individual has continuously resided in ICFs in the state of Utah. The Department

considers a continuous stay to include a stay in which an individual has a temporary break in stay of no more than 31 days due to inpatient hospitalization, admission to a nursing facility, or a temporary leave of absence.

(5) "Representative" means an individual, who is not a guardian, and does not have decision-making authority, but is identified as an individual who assists a potential Transition Program participant.

(6) "State staff" means employees of the Division of Medicaid and Health Financing or the Division of Services for People with Disabilities.

(7) "Transition Program" means the Intermediate Care Facility for Persons with Intellectual Disabilities Transition Program.

(8) "Waiver" means the Community Supports Waiver for Individuals with Intellectual Disabilities and Other Related Conditions (CSW).

R414-510-3. Eligibility Requirements for the Transition Program.

Waiver services are potentially available to an individual who:

- (1) receives ICF/ID benefits under the Medicaid State Plan;
- (2) has been diagnosed with an intellectual disability or a related condition;
- (3) meets ICF/ID level of care criteria defined in Section R414-502-8;
- (4) meets state funding eligibility criteria for the Division of Services for People with Disabilities (DSPD) found in Subsection 62A-5-102(4); and
- (5) has at least a 12-month length of stay in any Medicaid-certified, privately-owned ICF/ID located in Utah.

R414-510-4. Transition Program Access.

(1) Each fiscal year, the Utah Department of Health (Department) shall determine if there are sufficient funds available to initiate the Transition Program and identify the amount of funds available for the Transition Program.

(2) Based on the funds available for the Transition Program, the Department shall enroll individuals into the CSW through the Transition Program until available funds are exhausted.

(3) If the Department has initiated the Transition Program in a given year, the Department shall make direct contact with potentially eligible ICF/ID residents by phone or in person to determine interest in participating in the Transition Program.

(4) If the Department has initiated the Transition Program in a given year, the Department shall publicize the availability of the Transition Program in the following manner:

(a) The Department shall provide a letter to each potentially eligible ICF/ID resident (or to the guardian or other identified representative, if the individual has a guardian or other identified representative). The letter shall, at a minimum:

- (i) describe the purpose and operation of the Transition Program, including the availability of funding;
- (ii) identify the enrollment method to be used for the Transition Program in the given year;
- (iii) state that Transition Program participation is voluntary; and
- (iv) provide the phone number and other contact information for state staff who are available to answer questions about the Transition Program.

(b) The Department shall notify the administrator of each privately-owned ICF/ID.

(c) The Department shall post information about the Transition Program on the Utah Medicaid website and the DSPD website.

(5) To introduce and provide general education about the Transition Program in a given year, state staff shall hold at least one meeting at each private ICF/ID. The Department will send notice of the meeting via letter to each eligible ICF/ID resident (or to the guardian or other identified representative, if the individual has a guardian or other identified representative). The Department shall notify the administrator of each privately-owned ICF/ID of the date and time of the meeting. The meeting shall provide detailed education about the Transition Program to allow the individual or their guardian, the freedom to make an informed choice regarding the setting for receiving services. Meeting elements shall include:

- (a) a description of the purpose of the Transition Program;
- (b) a provision of materials and detailed information regarding how individuals' needs can be met in home and community based services or in the ICF/ID where the individual currently resides;
- (c) a description of how the Transition Program operates with available funds;
- (d) a description of how residents or guardians can express interest in participating in the Transition Program;
- (e) a time period for questions and answers;
- (f) the opportunity for state staff to schedule more detailed individual meetings with interested individuals, and their guardians or representatives; and
- (g) the phone number and other contact information for state staff who are available to answer questions about the Transition Program.

(6) At the time of the meeting, individuals or their guardians may inform state staff of their choice regarding participation in the Transition Program.

(7) For individuals who express a choice at this time, state staff will document the choice in writing.

(8) Using a method described below in Subsection R414-510-4(8)(a) or (b), the Department will place the name of each potentially interested individual on both a weighted-score list and a random list.

(a) On the weighted-score list, the Department will rank each individual, from highest to lowest score. Scores shall be based on:

- (i) the number of times the person has applied to participate in the Transition Program since Fiscal Year 2013;
- (ii) whether the applicant has applied for home and community based services and is currently on the DSPD waiting list; and
- (iii) length of consecutive stay in an ICF/ID in the state of Utah.

(A) If there are multiple individuals on the weighted-score list with the same score, the Department will rank individuals based on greatest length of stay.

(b) On the random list, the Department ranks each interested individual based on a computerized random selection.

(c) At least 70 percent of the individuals selected to participate in the Transition Program in a given year will be selected based on their ranking in the weighted-score list.

(9) Except for individuals who have made their preferences known as per Subsection R414-510-4(6) and (7), state staff will contact individuals on the two lists to provide detailed education about the Transition Program in order to allow the individual or their guardian the freedom to make an informed choice regarding the setting to receive services. The contact will also be used to determine if additional education is needed or wanted.

(a) For individuals without guardians, state staff will contact the individual and will provide Transition Program education. Upon completion of the education process, state staff will ask the individual to express their preference regarding whether they want to participate in the Transition Program. State staff will document and act upon the individual's decision.

(b) For individuals with guardians, state staff will contact the guardian and will rely on the decision rendered by the guardian regarding whether they want additional Transition Program education.

(i) If more in-depth, individualized training is requested by the guardian, state staff will schedule the training, and will document the guardian's choice regarding an individual's participation in the Transition Program.

(ii) If additional, training is not requested, state staff will document and act upon the guardian's decision.

(10) For individuals who express a desire to participate in the Transition Program, state staff will:

(a) work with the individual or their guardian, if the individual has a guardian, to schedule a meeting to conduct a service needs assessment and develop the individual's support plan and a timeline for anticipated transition;

(b) inform the ICF/ID administration of the individual's intent to transition, including information about the likely transition timeline;

(c) facilitate collaboration between the ICF/ID and home and community-based services providers to assist the individual in a safe and orderly transition.

(11) If an individual is selected for the Transition Program and has a spouse who also resides in a Utah ICF/ID and who meets the eligibility criteria in Section R414-510-3, the Department shall include the spouse in the Transition Program.

(12) Based on available funding, the Department shall continue to select eligible individuals through the aforementioned process until the Department exhausts the amount of funds committed to the Transition Program.

R414-510-5. Service Coverage.

Services and limitations of the Transition Program may be found in the Waiver State Implementation Plan.

R414-510-6. Reimbursement Methodology.

The Department of Human Services (DHS) contracts with the Department to set rates for waiver-covered services. The DHS rate-setting process is designed to comply with the requirements of Subsection 1915(c) of the Social Security Act and other applicable Medicaid rules. Medicaid requires that rates for services not exceed customary charges.

KEY: Medicaid

Date of Enactment or Last Substantive Amendment: [September 29, 2015]2018

Notice of Continuation: October 12, 2016

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

Health, Family Health and Preparedness, Licensing **R432-6-16** Parking

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 42937

FILED: 05/25/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of these amendments are to allow several different options for disabled parking requirements for assisted living facilities. The Health Facility Committee reviewed and approved these rule amendments on 02/14/2018.

SUMMARY OF THE RULE OR CHANGE: These rule amendments allow several different options for disabled parking requirements for health care facilities.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 21

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The state government assisted living facility licensing process was thoroughly reviewed. These proposed rule amendments should not change how many total assisted living facilities may be licensed in Utah, therefore, these proposed rule changes are not expected to impact state revenues or expenditures.

◆ **LOCAL GOVERNMENTS:** Local government city business licensing requirements were considered. These proposed rule amendments should not change how many assisted living facilities can be licensed in Utah, therefore, these proposed rule changes are not expected to impact local government revenues or expenditures.

◆ **SMALL BUSINESSES:** After conducting a thorough analysis, it was determined that these rule amendments could lead to benefits for small business assisted living facilities as it may provide greater flexibility for the placement of disabled parking spaces, however, with all the variables this is an inestimable benefit.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** These rule amendments could lead to benefits for assisted living facilities as it may provide greater flexibility for the placement of disabled parking spaces, however, with all the variables this is an inestimable benefit.

COMPLIANCE COSTS FOR AFFECTED PERSONS: After conducting a thorough analysis, it was determined that these proposed rule changes will not result in a fiscal impact to affected persons because these amendments decrease compliance rules and therefore would not add cost.

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

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 07/16/2018

THIS RULE MAY BECOME EFFECTIVE ON: 07/23/2018

AUTHORIZED BY: Joseph Miner, MD, Executive Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Person	\$0	\$0	\$0
Total Fiscal Costs:	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0

Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits:	\$0	\$0	\$0
Net Fiscal Benefits:	\$0	\$0	\$0

*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described above. Inestimable impacts for Non-Small Businesses are described below.

Appendix 2: Regulatory Impact to Non-Small Businesses

These rule amendments could lead to benefit for assisted living facilities as it may provide greater flexibility for the placement of disabled parking spaces, however, with all the variables this is an inestimable benefit.

The Department of Health's Executive Director Joseph K. Miner, MD, has reviewed and approved this fiscal analysis.

R432. Health, Family Health and Preparedness, Licensing.

R432-6. Assisted Living Facility General Construction.

R432-6-16. Parking.

(1) Parking requirements must comply with local zoning ordinances.

(2) Parking spaces for persons with disabilities shall be as level as practical and conform to requirements for disabled parking access as required by ADA/ABA-AG.

(a) The extra width required for disabled parking may be used as part of a common walkway.

(b) Parking spaces for ~~the~~ disabled persons shall be directly accessible to the facility without requiring the disabled person to:

- (i) go behind parked cars; or
- (ii) cross vehicle traffic lanes, unless the accessible route is clearly marked, and with signage to designate a crossing zone.

KEY: health care facilities

Date of Enactment or Last Substantive Amendment: [February 21, 2012]2018

Notice of Continuation: January 29, 2018

Authorizing, and Implemented or Interpreted Law: 26-21-5; 26-21-16

**Natural Resources; Forestry, Fire and
State Lands
R652-123
Wildland Fire Suppression Cost
Recovery Procedure**

NOTICE OF PROPOSED RULE
(New Rule)
DAR FILE NO.: 42928
FILED: 05/17/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to establish a procedure for recovery of the Division of Forestry, Fire and State Land's (Division) costs for suppressing wildland fire as provided in Section 65A-3-4.

SUMMARY OF THE RULE OR CHANGE: This rule establishes a procedure for recovery of the Division's costs for suppressing wildland fire as provided in Section 65A-3-4.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 65A-3-4

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** This rule establishes a procedure through which the Division can attempt to recover funds for human caused fires from a responsible party, which would reimburse the state for dollars spent on fire suppression. After conducting an analysis it has been determined that this proposed rule could have a fiscal impact on state government revenues or expenditures, but any fiscal costs or benefit is inestimable at the time because further studies and analysis must be completed. In addition, any fiscal costs or benefit would be contingent on a human caused wildfire occurring, the Division seeking recovery of funds for said fire and the Division receiving reimbursement for dollars spent on suppression.

◆ **LOCAL GOVERNMENTS:** After conducting an analysis it has been determined that this proposed rule will not have any fiscal impacts on local governments revenues or expenditures because this rule does not apply to local governments.

◆ **SMALL BUSINESSES:** This rule does not affect small businesses, therefore there is no anticipated costs or savings.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** After conducting an analysis it has been determined that this proposed rule will not have any direct impact on other persons because this rule does not apply directly to individuals, unless they are found to be responsible for the cause of a wildfire and those costs would be inestimable.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no compliance cost for affected persons with regard to this

rule, unless through an investigation they are found to be responsible for a wildfire.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule does not apply to businesses and therefore has no fiscal impact on businesses.

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

NATURAL RESOURCES
FORESTRY, FIRE AND STATE LANDS
1594 W NORTH TEMPLE STE 3520
SALT LAKE CITY, UT 84116-3154
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Jamie Phillips-Barnes by phone at 801-538-5421, by FAX at 801-533-4111, or by Internet E-mail at jamiebarnes@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/16/2018

THIS RULE MAY BECOME EFFECTIVE ON: 07/23/2018

AUTHORIZED BY: Brian Cottam, Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Person	\$0	\$0	\$0
Total Fiscal Costs:	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0

Other Persons	\$0	\$0	\$0
Total Fiscal Benefits:	\$0	\$0	\$0
Net Fiscal Benefits:	\$0	\$0	\$0

*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.

Appendix 2: Regulatory Impact to Non-Small Businesses

This proposed rule is not expected to have any fiscal impacts on non-small businesses because this rule does not apply to non-small businesses in any way that would create a fiscal impact.

The Department Head of the Natural Resources, Michael Styler, and the agency head of the Division of Forestry, Fire and State Lands, Brian L. Cottam have reviewed and approve this fiscal analysis.

R652. Natural Resources; Forestry, Fire and State Lands.
R652-123. Wildland Fire Suppression Cost Recovery Procedure.
R652-123-100. Authority and Purpose.

This rule establishes a procedure for recovery of the Division's costs for suppressing wildland fire as provided in Section 65A-3-4.

R652-123-200. Procedure to Collect for Wildland Fire Suppression Costs.

(1) The Division shall track the costs it incurs to suppress all wildland fires, including those suspected to be ignited by human activity.

(2) All fires suspected to be human-caused should be investigated as thoroughly as possible.

(3) If an investigation reasonably shows that a person or persons started a fire by acting in a negligent, reckless or intentional manner, the person(s) deemed responsible may be sent an invoice and a request for payment by the Division to pursue wildfire cost recovery.

(4) If cost recovery is pursued, the person(s) deemed responsible shall be contacted by certified mail/return receipt and be given Notice of Intent to Collect. The notice shall also include an invitation to meet with staff within 30 days and present any new evidence or to dispute the case.

(5) At the end of the 30 days after the notice is received, a Demand for Payment Letter and invoice may be sent by the Division stating that the Division demands payment for the costs as authorized by the Utah Code, Section 65A-3-4.

(6) If payment is not received by the Division within 90 days of the date of the invoice, the Division may pursue payment by one of the following means:

(a) collection of a delinquent account in accordance with Sections 63A-3-301 through 63A-3-310, Accounts Receivable Collection; or

(b) by tendering the account to a collection agency for immediate collection.

7. In cases where undue financial hardship would be caused by full payment of an invoice, the responsible party may negotiate with the Division to make alternate arrangements, including installment payments to satisfy the debt.

R652-123-300. Eligible Recovery Costs.

(1) The State Office or the appropriate Area Office may seek recovery of all costs associated with a wildfire caused by negligent, reckless or willful acts, including suppression, rehabilitation, and damage to state property.

R652-123-400. Appeals and/or Settlements.

1. The Division's intent is to secure full recovery from the person(s) deemed responsible based on the actual cost of wildfire suppression including all indirect costs associated with or resulting from the wildfire. Indirect costs may include investigations, scene security, managing firefighter well-being etc.

2. The Division may at its discretion accept settlement based on the responsible person's ability to pay or any other factor the Division deems relevant.

3. Settlements shall conform to the requirements of the State Settlement Agreements Act, Sections 63G-10-101 through 503.

4. The Division may submit to the Attorney General any claim for recovery, which is in dispute, requesting legal action be taken to recover the State's costs and settle such claims based on the laws of liability or as directed by the courts.

KEY: cost recovery, collections, wildland fires, wildfires
Date of Enactment or Last Substantive Amendment: 2018
Authorizing, and Implemented or Interpreted Law: 65A-3-4

**Workforce Services, Employment
 Development
 R986-100
 Employment Support Programs**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 42927

FILED: 05/17/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of these proposed rule changes is to revise the procedures for administrative disqualification hearings (ADHs) in the context of the Supplemental Nutrition Assistance Program (SNAP) in response to federal audit findings, and to clarify existing procedural provisions to bring them better into line with Department of Workforce Services (Department) policy and practice.

SUMMARY OF THE RULE OR CHANGE: In accordance with Sections 35A-1-103 and 35A-3-103, the Department

administers SNAP in accordance with federal statutes (7 U.S.C. 2011 et seq.) and regulations (including, the most relevant for these proposed rule changes, 7 CFR Part 273). The Department's responsibility for SNAP administration includes determining applicant eligibility, assessing overpayments and disqualifications from SNAP, and providing appeal hearings related to these matters. On, or about, 08/24/2017, the United States Department of Agriculture's Food and Nutrition Service (FNS), which regulates the state agencies that administer SNAP, issued findings stating that the Department's hearing procedures for persons facing potential disqualification from SNAP due to an intentional program violation (IPV) were not in compliance with federal requirements. Specifically, FNS determined that the Department is required to hold a live ADH for each person accused of an IPV prior to imposing a disqualification from SNAP, regardless of whether the person has requested a hearing. These proposed rule changes address the FNS findings by creating separate hearing procedures for ADHs and making clear that, unlike other types of public assistance hearings, a live ADH is held for every IPV, even if the person accused of the IPV does not request it. In connection with reviewing and amending the hearing procedures to address the FNS findings, the Department has undertaken a broader review of the general public assistance hearing rules with an eye toward simplifying hearing procedures for clients, Department personnel, and other affected persons. Accordingly, these proposed rule changes contain various technical changes intended to clarify existing hearing procedures and remove redundancies and unnecessary matters. The Department has specific authority to make rules to implement these changes under Sections 35A-1-104, 35A-1-302, 35A-1-303, 35A-1-306, 35A-3-103, 35A-3-111, 35A-3-302, 35A-3-603, and 35A-3-604.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: 7 CFR Part 273 and 7 U.S.C. 2011 et seq. and Section 35A-1-103 and Section 35A-3-103

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** Because of the need to hold separate ADHs, these proposed rule changes are expected to increase the Department's administrative workload. Accordingly, the Department has hired three new employees, resulting in a total added cost of approximately \$107,000 annually. No other aspect of these proposed rule changes is expected to cause costs or savings to the state budget because the remaining changes merely clarify and formalize existing Department practices and procedures.
- ◆ **LOCAL GOVERNMENTS:** No costs or savings are anticipated to local governments because SNAP and the other public assistance programs affected by these proposed rule changes are state-level programs that do not rely on local governments for their funding, administration, or enforcement.
- ◆ **SMALL BUSINESSES:** No costs or savings are anticipated to small businesses because these proposed rule changes do not make substantive changes to any provisions relevant to types of hearings involving small businesses. The

Department has considered whether these proposed rule changes will have a measurable negative fiscal impact on small businesses and has determined that these proposed rule changes will not have a negative fiscal impact.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** No costs or savings to persons other than small businesses, businesses, or local government entities are anticipated from these proposed rule changes because the changes in hearing procedures will not substantively affect the legal standards governing a claimant's eligibility for public assistance, the imposition of overpayments or other sanctions, or any other aspect of an applicant's ability to receive public assistance.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No compliance costs are expected for any affected persons because these proposed rule changes do not change any compliance or reporting requirements for applicants for public assistance.

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

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 07/16/2018

THIS RULE MAY BECOME EFFECTIVE ON: 07/23/2018

AUTHORIZED BY: Jon Pierpont, Executive Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
State Government	\$107,000	\$107,000	\$107,000
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0

Other Persons	\$0	\$0	\$0
Total Fiscal Costs:	\$107,000	\$107,000	\$107,000
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits:	\$0	\$0	\$0
Net Fiscal Benefits:			
	-\$107,000	-\$107,000	-\$107,000

*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described above. Inestimable impacts for Non-Small Businesses are described below.

Appendix 2: Regulatory Impact to Non-Small Businesses
 After a thorough analysis, it was determined that this proposed rule will not result in a fiscal impact to businesses.

R986. Workforce Services, Employment Development.

R986-100. Employment Support Programs.

R986-100-101. Authority.

(1) The legal authority for these rules and for the Department of Workforce Services to carry out its responsibilities is found in Sections 35A-1-104, 35A-1-302, 35A-1-303, 35A-1-306, ~~and~~ 35A-3-103, 35A-3-111, 35A-3-302, 35A-3-603, and 35A-3-604.

(2) If any applicable federal law or regulation conflicts with these rules, the federal law or regulation is controlling.

R986-100-102. Scope.

(1) These rules establish standards for the administration of the following programs, for the collection of overpayments as defined in 35A-3-602(7) and/or disqualifications from any public assistance program provided under a state or federally funded benefit program;

- (a) Supplemental Nutrition Assistance Program (SNAP)
- (b) Family Employment Program (FEP)
- (c) Family Employment Program Two Parent (FEPTP)
- (d) Refugee Resettlement Program (RRP)
- (e) Working Toward Employment (WTE)

- (f) General Assistance (GA)
- (g) Child Care Assistance (CC)
- (h) Emergency Assistance Program (EA)
- (i) Adoption Assistance Program (AA)
- (j) Activities funded with TANF monies

(2) The rules in the 100 section (R986-100 et seq.) apply to all programs listed above unless a more specific rule applies. Additional rules which apply to each specific program can be found in the section number assigned for that program. Nothing in R986 et seq. is intended to apply to Unemployment Insurance.

R986-100-116. Overpayments.

(1) A client is responsible for repaying any overpayment for any program listed in R986-100-102 regardless of who was at fault in creating the overpayment.

(2) Underpayments may be used to offset an overpayment for the same program.

(3) If a change is not reported as required by R986-100-113 it may result in an overpayment.

(4) The Department will collect overpayments for all programs listed in R986-100-102 as provided by federal regulation for SNAP unless otherwise noted in this rule or inconsistent with federal regulations specific to those other programs.

(5) This rule and R986-100-117 to -135~~will~~ apply to overpayments determined under contract with the Department of Health unless a Department of Health rule states otherwise.

(6) If an obligor has more than one overpayment account and does not tell the Department which account to credit, the Department will make that determination.

R986-100-117. Disqualification Periods And Civil Penalties For [Fraud-(Intentional Program Violations)-or] (IPVs).

(1) ~~[Any person, including a child care provider, who is at fault in obtaining or attempting to obtain, an overpayment of assistance, as defined in Section 35A-3-602 from any of the programs listed in R986-100-102 or otherwise intentionally breaches any program rule either personally or through a representative is guilty of an intentional program violation (IPV)]~~ An Intentional Program Violation (IPV) occurs when a person, either personally or through a representative, intentionally, knowingly, or recklessly (as those terms are defined in Utah Code Ann. Section 76-2-103 and as shown by clear and convincing evidence) violates a program rule, or helps another person violate a program rule, in an attempt to obtain, maintain, increase, or prevent the decrease or termination of public assistance payment(s) from any of the programs listed in R986-100-102. Acts which may constitute an IPV include but are not limited to:

- (a) ~~knowingly~~ making false or misleading statements;
- (b) misrepresenting, concealing, or withholding facts or information;
- (c) posing as someone else;
- (d) ~~knowingly~~ taking, using or accepting a public assistance payment the ~~party~~ person knew ~~or should have known~~ they were not eligible to receive or not reporting the receipt of a public assistance payment the ~~individual~~ person knew ~~or should have known~~ they were not eligible to receive;
- (e) not reporting a material change as required by and in accordance with these rules;
- (f) committing an act intended to mislead, misrepresent, conceal or withhold facts or propound a falsity;~~or~~

(g) accessing TANF public assistance funds through an electronic benefit transfer, including through an automated teller machine or point-of-sale device, in an establishment in the state that;

- (i) exclusively or primarily sells intoxicating liquor,
- (ii) allows gambling or gaming, or

(iii) provides adult-oriented entertainment where performers disrobe or perform unclothed; or[-]

~~(h) committing any act that constitutes a violation of federal or state law for the purpose of using, presenting, transferring, acquiring, receiving, possessing, or trafficking SNAP or EBT cards.~~

~~(2) [An IPV occurs when a person commits any of the above acts in an attempt to obtain, maintain, increase or prevent the decrease or termination of any public assistance payment(s).]~~

~~(3) When the Department determines or receives notice from a court that fraud or an IPV has occurred, the client is disqualified from receiving assistance of the same type for the time period as set forth in rule, statute or federal regulation. When an IPV is alleged, the Department may:~~

~~(a) Refer the case for criminal prosecution;~~

~~(b) In SNAP cases, refer the case for an administrative disqualification hearing (ADH); or~~

~~(c) In non-SNAP cases, issue an initial decision finding the person committed an IPV, which the person may appeal via the fair hearing process set forth in R986-100-123 to -135.~~

~~(3) The Department may not disqualify a person from SNAP unless an ADH has been held or the person has been criminally convicted. The Department may not make concurrent referrals for an ADH and criminal prosecution. If a SNAP case referred for criminal prosecution is dismissed or referred back to the Department without prosecution, the Department may refer the case for an ADH.~~

~~(4) A person who is found liable for committing an IPV in either an administrative or criminal proceeding shall:~~

~~(a) In the case of any program other than SNAP, be assessed a civil penalty of 10% of the amount of the overpayment; and~~

~~(b) In the case of any program other than Medicaid, be disqualified from receiving assistance from the program(s) at issue for a period of:~~

~~(i) 12 months for a first offense;~~

~~(ii) 24 months for a second offense; and~~

~~(iii) Permanently for a third offense.~~

~~([4]c) Disqualifications run concurrently.~~

~~(d) A disqualification applies only to the person(s) found to have committed an IPV. However, all adult members of the relevant household at the time the overpayment occurred shall be responsible for repaying the overpayment.~~

~~(e) Notwithstanding the foregoing, if a more specific provision of federal or state law provides for different sanctions for committing an act that constitutes an IPV, that provision is controlling.~~

~~(5) All income and assets of a person who has been disqualified from assistance for an IPV continue to be counted and affect the eligibility and assistance amount of the household assistance unit in which the person resides.~~

~~(6) If an individual has been disqualified in another state, the disqualification period for the IPV in that state will apply in Utah provided the act which resulted in the disqualification would have resulted in a disqualification had it occurred in Utah. If the individual has been disqualified in another state for an act which would have led to disqualification had it occurred in Utah and is found to have committed an IPV in Utah, the prior periods of disqualification in any~~

other state count toward determining the length of disqualification in Utah.

~~(7) The [client]person being disqualified will be notified that a disqualification period has been determined. The disqualification period shall begin no later than the second month which follows the date the [client]person being disqualified receives written notice of the disqualification and continues in consecutive months until the disqualification period has expired. The Department will also provide written notice to any remaining household members informing them of the allotment they will receive during the disqualification period.~~

~~(8) Nothing in these rules is intended to limit or prevent a criminal prosecution for fraud based on the same facts used to determine the IPV.~~

R986-100-118. Additional [Penalty for a Client Who Intentionally Misrepresents Residence]Disqualification Penalties.

~~(1) A person found to have made a fraudulent statement or representation with respect to the identity or place of residence of an individual in order to receive multiple SNAP benefits simultaneously shall be ineligible to participate in SNAP for a period of ten years.~~

~~(2) A person found by a federal, state, or local court to have used or received SNAP benefits in a transaction involving the sale of firearms, ammunition, or explosives shall be permanently ineligible to participate in SNAP.~~

~~(3) A person convicted in federal, state, or local court of having trafficked SNAP benefits in an aggregate amount of \$500 or more shall be permanently ineligible to participate in SNAP.~~

~~(4) In all other cases involving SNAP or TANF funds, a[A] person who has been convicted in federal or state court of having made a fraudulent statement or representation with respect to the place of residence in order to receive assistance simultaneously from two or more states is disqualified from receiving assistance for any and all programs listed in R986-100-102 above, for a period of 10 years. This applies even if Utah was not one of the states involved in the original fraudulent misrepresentation.~~

[R986-100-118a. Improper Access of Public Assistance Benefits.

~~(1) A client may not access assistance payments through an electronic benefit transfer, including through an automated teller machine or point of sale device, in an establishment in the state that;~~

~~(a) exclusively or primarily sells intoxicating liquor,~~

~~(b) allows gambling or gaming, or~~

~~(c) provides adult-oriented entertainment where performers disrobe or perform unclothed.~~

~~(2) Violation of the provisions of subsection (1) of this section will result in:~~

~~(a) a warning letter for the first offense,~~

~~(b) a one month disqualification for the second offense, and~~

~~(c) a three month disqualification for the third and all subsequent offenses.~~

R986-100-121. Agency Conferences.

~~(1) Agency conferences are used to resolve disputes between the client and Department staff only in cases involving denial of expedited SNAP assistance.~~

~~(2) [Clients or Department staff may request an agency conference at any time to resolve a dispute regarding a denial or reduction of assistance.~~

—(3)—]Clients may have an authorized representative attend the agency conference.

(3[4]) An agency conference will be attended by the client's employment counselor and the counselor's supervisor unless the client or the supervisor request that the employment counselor not attend the conference.

(4[5]) If an agency conference has previously been held on the same dispute, the Department may decline to hold the requested conference if, in the judgment of the employment counselor's supervisor, it will not result in the resolution of the dispute.

(5[6]) If the Department requests the agency conference and the client fails to respond, attend or otherwise cooperate in this process, documentation in the case file of attempts by the staff to follow these steps will be considered as compliance with the requirement to attempt to resolve the dispute.

(6[7]) An agency conference may be held after a client has made a request for hearing in an effort to resolve the dispute. If so, the client must be notified that failure to participate or failure to resolve the dispute at the agency conference will not affect the client's right to proceed with the hearing.

R986-100-122. Advance Notice of Department Action.

(1) Except as provided in (2) below or otherwise set forth by rule, [clients]interested persons will be notified in writing when a decision concerning eligibility, amount of assistance payment or action on the part of the Department which affects the [clients]interested person's eligibility or amount of assistance has been made. Notice will be sent prior to the effective date of any action to reduce or terminate assistance payments. The Department will send advance notice of its intent to collect overpayments or to disqualify ~~[a household member]~~an interested person.

(2) Except for overpayments, advance notice is not required when:

(a) the [client]interested person requests in writing that the case be closed;

(b) ~~[the]~~a client has been admitted to an institution under governmental administrative supervision;

(c) ~~[the]~~a client has been placed in skilled nursing care, intermediate care, or long-term hospitalization;

(d) the [clients]interested person's whereabouts are unknown and mail sent to the [client]interested person has been returned by the post office with no forwarding address;

(e) it has been determined the [client]interested person is receiving public assistance in another state;

(f) a child in ~~[the]~~a household has been removed from the home by court order or by voluntary relinquishment;

(g) a special allowance provided for a specific period is ended and the [client]interested person was informed in writing at the time the allowance began that it would terminate at the end of the specified period;

(h) a household member has been disqualified for an IPV in accordance with 7 CFR 273.16, or the benefits of the remaining household members are reduced or terminated to reflect the disqualification of that household member;

(i) the Department has received factual information confirming the death of ~~[a client or payee]~~the interested person if there is no other relative able to serve as a new payee;

(j) the [clients]relevant certification period has expired;

(k) the action to terminate assistance is based on the expiration of the time limits imposed by the program;

(l) the [client]interested person has provided information to the Department, or the Department has information obtained from another reliable source, that the [client]interested person is not eligible or that payment should be reduced or terminated;

(m) the Department determines that the [client]interested person willfully withheld information or;

(n) when payment of financial assistance is made after performance under R986-200-215 and R986-400-454 no advance notice is needed when performance requirements are not met.

(3) For SNAP recipients and recipients of assistance under R986-300, no action will be taken until ten days after notice was sent unless one of the exceptions in (2)(a) through (k) above apply.

(4) Notice is complete if sent to the [clients]interested person's last known address. If notice is sent to the [clients]interested person's last known address and the notice is returned by the post office or electronically with no forwarding address, the notice will be considered to have been properly served. If ~~[a client]~~an interested person elects to receive correspondence electronically, notice is complete when sent to the [clients]interested person's last known email address ~~[and]~~or posted to the [clients]interested person's Department sponsored web page.

R986-100-123. The Right To a Hearing and How to Request a Hearing.

(1) ~~[A client]~~An interested person has the right to a review of an adverse Department action by requesting a fair hearing before an ALJ.

(2) In cases where the Department sends notice of its intent to take action to collect an alleged overpayment but there is no alleged SNAP overpayment, the [client]interested person must request a hearing in writing or orally within 30 days of the date of notice of agency action. In all other cases, the [client]interested person must request a hearing in writing or orally within 90 days of the date of the notice of agency action with which the [client]interested person disagrees.

(3) Only a clear expression by the [client]interested person, whether orally or in writing, to the effect that the [client]interested person wants an opportunity to present his or her case is required.

(4) The request for a hearing can be made ~~[at the local office or the Division of Adjudication]~~by contacting the Department.

(5) If the [client]interested person disagrees with the level of SNAP benefits paid or payable, the [client]interested person can request a hearing within the certification period, even if that is longer than 90 days.

(6) If a request for restoration of lost SNAP benefits is made within one year of the loss of benefits ~~[a client]~~an interested person may request a hearing within 90 days of the date of the denial of restoration.

(7) ~~[In the case of an overpayment and/or IPV the obligor]~~An interested person may contact the ~~[presiding officer]~~Department and attempt to resolve the dispute. If the dispute cannot be resolved, the ~~[obligor]~~interested person may still request a hearing provided it is filed within the time limit provided in the notice of agency action.

(8) In cases not involving an overpayment or disqualification, if the interested person does not submit a timely appeal, the Department decision is final.

R986-100-124. How Hearings Are Conducted.

(1) Hearings are held at the state level and not at the local level.

(2) Where not inconsistent with federal law or regulation governing hearing procedure, the Department will follow the Utah Administrative Procedures Act.

(3) Hearings for all programs listed in R986-100-102 and for overpayments and IPVs in Section 35A-3-601 et seq. are declared to be informal.

(4) Hearings are conducted by an ALJ or a Hearing Officer in the Division of Adjudication. A Hearing Officer has all of the same rights, duties, powers and responsibilities as an ALJ under these rules and the terms are interchangeable.

(5) Hearings are scheduled as telephone hearings. Every party wishing to participate in the telephone hearing must call the Division of Adjudication ~~[before the hearing and provide a telephone number where the party can be reached]~~ at the time of the hearing. If the [client]party fails to call in ~~[-advance,]~~ as required by the notice of hearing, the appeal will be dismissed. If a party wishes to have the ALJ call them at the start of the hearing, the party must call the Department and make arrangements to that effect prior to the hearing.

(6) If a [client]party requires an in-person hearing, the [client]party must contact an ALJ and request that the hearing be scheduled as an in-person hearing. The request should be made sufficiently in advance of the hearing so that all other parties may be given notice of the change in hearing type and the opportunity to appear in person also. Requests will only be granted if the [client]party can show that an in-person hearing is necessary to accommodate a special need or if the ALJ deems an in-person hearing is necessary to ensure an orderly and fair hearing which meets due process requirements. If the ALJ grants the request, all parties will be informed that the hearing will be conducted in person. Even if the hearing is scheduled as an in-person hearing, a party may elect to participate by telephone. In-person hearings are held in the office of the ~~[Appeals Unit]~~ Division of Adjudication unless the ALJ determines that another location is more appropriate. A ~~[client can]~~ [client]party or witness may participate from the local Employment Center.

(7) the Department is not responsible for any travel costs incurred by ~~[the client]~~ any party or witness in attending an in-person hearing.

(8) the Division of Adjudication will permit collect calls from parties and their witnesses participating in telephone hearings.

R986-100-125. When a [Client]Party or Witness Needs an Interpreter at the Hearing.

(1) If a [client]party or witness notifies the Department that an interpreter is needed at the time the request for hearing is made, the Department will arrange for an interpreter at no cost to the [client]party or witness.

(2) If an interpreter is needed at the hearing ~~[by a client or the client's witness(es)],~~ the [client]party may arrange for an interpreter to be present at the hearing who is an adult with fluent ability to understand and speak English and the language of the person testifying, or notify the Division of Adjudication at the time the appeal is filed that assistance is required in arranging for an interpreter.

R986-100-126. Procedure For Use of an Interpreter.

(1) The ALJ will be assured that the interpreter:

(a) understands the English language; and

(b) understands the language of the [client]party or witness for whom the interpreter will interpret.

(2) The ALJ will instruct the interpreter to interpret, word for word, and not summarize, add, change, or delete any of the testimony or questions.

(3) The interpreter will be sworn to truthfully and accurately translate all statements made, all questions asked, and all answers given.

(4) The interpreter will be instructed to translate to the [client]party the explanation of the hearing procedures as provided by the ALJ.

R986-100-127. Notice of Hearing.

(1) All interested ~~[parties]~~ will be notified by mail at least 10 days prior to the hearing.

(2) Advance written notice of the hearing can be waived if the [client]party and Department agree.

(3) The notice shall contain:

(a) the time, date, and place, or conditions of the hearing. If the hearing is to be by telephone, the notice will provide the number for the [client]party to call and a notice that the [client]party can call the number collect;

(b) the legal issues or reason for the hearing;

(c) the consequences of not appearing;

(d) the procedures and limitations for requesting rescheduling; and

(e) notification that the [client]party can examine the case file prior to the hearing.

(4) If a [client]party has designated a person or professional organization as the ~~[client's]~~ [client]party's agent, notice of the hearing will be sent to that agent. It will be considered that the [client]party has been given notice when notice is sent to the agent.

(5) When a new issue arises during the hearing or under other unusual circumstances, advance written notice may be waived, if the Department and ~~[the client]~~ all parties agree, after a full verbal explanation of the issues and potential results.

(6) ~~[The client]~~ Each party must notify any representatives, including counsel and witnesses, of the time and place of the hearing and make necessary arrangements for their participation.

(7) The notice of hearing will be translated, either in writing or verbally, for certain clients participating in the RRP program in accordance with RRP regulations.

R986-100-128. Hearing Procedure.

(1) Hearings are not open to the public.

(2) A [client]party may be represented at the hearing. The [client]party may also invite friends or relatives to attend as space permits and consistent with the orderly progress of the hearing.

(3) Representatives from the Department or other state agencies may be present.

(4) All hearings will be conducted informally and in such manner as to protect the rights of the parties. The hearing may be recorded.

(5) All issues relevant to the appeal will be considered and decided upon.

(6) The decision of the ALJ will be based solely on the testimony and evidence presented at the hearing.

(7) All parties may testify, present evidence or comment on the issues.

(8) All testimony of the parties and witnesses will be given under oath or affirmation.

(9) Any party to an appeal will be given an adequate opportunity to be heard and present any pertinent evidence of probative value and to know and rebut by cross-examination or otherwise any other evidence submitted.

(10) The ALJ will direct the order of testimony and rule on the admissibility of evidence.

(11) Oral or written evidence of any nature, whether or not conforming to the legal rules of evidence including hearsay, may be accepted and will be given its proper weight.

(12) Official records of the Department, including reports submitted in connection with any program administered by the Department or other State agency may be included in the record.

(13) The ALJ may request the presentation of and may take such additional evidence as the ALJ deems necessary.

(14) The parties, with consent of the ALJ, may stipulate to the facts involved. The ALJ may decide the issues on the basis of such facts or may set the matter for hearing and take such further evidence as deemed necessary to determine the issues.

(15) The ALJ may require portions of the evidence be transcribed as necessary for rendering a decision.

(16) Unless ~~the client~~ an interested person requests a continuance, the decision of the ALJ will be issued within 60 days of the date on which the ~~client~~ interested person requests a hearing.

(17) A decision of the ALJ which results in a reversal of the Department decision shall be complied with within 10 days of the issuance of the decision.

R986-100-129. Rescheduling or Continuance of Hearing.

(1) The ALJ may adjourn, reschedule, continue or reopen a hearing on the ALJ's own motion or on the motion of ~~the client or the Department~~ any party. A continuance shall be for no more than 30 days.

(2) If a party knows in advance of the hearing that they will be unable to proceed with or participate in the hearing on the date or time scheduled, the party must request that the hearing be rescheduled or continued to another day or time.

(a) The request must be received prior to the hearing.

(b) The request must be made orally or in writing to the ~~ALJ who is scheduled to hear the case~~ Division of Adjudication. If the request is not received prior to the hearing, the party must show cause for failing to make a timely request.

(c) After a party has already had one hearing rescheduled, ~~[F]~~ the party making the request must show cause for the request.

(d) Normally, a party will not be granted more than one request for a continuance.

(3) The rescheduled hearing must be held within 30 days of the original hearing date.

R986-100-130. Default Order ~~or Dismissal~~ for Failure to Participate.

(1) ~~[The Department will issue a default order if an obligor in an IPV or IPV overpayment case]~~ Except in cases of SNAP IPV as stated in R986-100-136, if a person assessed an overpayment or other sanction fails to participate in the administrative process, the Department shall issue a default order confirming the overpayment and any other sanctions and shall move to collect any overpayment by all legal means. Participation ~~[for an obligor]~~ means:

(a) signing and returning to the Department an approved stipulation for repayment and making all of the payments as agreed,

(b) requesting and participating in a hearing, or

(c) paying the overpayment in full.

(2) If a hearing has been scheduled at the request of ~~a client or an obligor in a case not involving an IPV~~ an interested person and the ~~client or obligor~~ interested person fails to appear at or participate in the hearing, either ~~in person~~ personally or through a representative, the ALJ will, unless a continuance or rescheduling has been requested, issue a default order dismissing the request for a fair hearing. A default order has the effect of upholding the initial Department decision.

(3) A default order will be based on the record and best evidence available at the time of the order.

R986-100-131. Setting Aside A Default or ~~Dismissal and/or~~ Reopening the Hearing After the Hearing Has Been Concluded.

(1) ~~[Any party who fails to participate personally or by authorized representative as defined in R986-100-130]~~ If a default order is issued, an adversely affected party may request that the default order ~~or dismissal~~ be set aside and a hearing or a new hearing be scheduled. If a party failed to participate in a hearing but no decision has yet been issued, the party may request that the hearing be reopened.

(2) The request ~~[must be in writing, must set forth the reason for the request and must be mailed, faxed or delivered to the ALJ or presiding officer who issued the default order or dismissal within ten days of the issuance of the default or dismissal]~~ may be made orally or in writing as set forth in R986-100-123. A request to set aside a default order must be made within thirty days of the issuance of the default order. A request to reopen must be made within thirty days of the hearing date. If a request to reopen is made after a decision is issued, it shall be treated as a request to set aside a default order. If the request is made after the expiration of the [ten-day] relevant time limit, the requesting party [requesting reopening] must show good cause for not making [the] a timely request [within ten days]. Good cause is defined as a showing that the delay was due to circumstances beyond the party's control, or that the delay was due to circumstances that were compelling and reasonable. Ordinary illness, lack of transportation, and temporary absence do not generally constitute good cause.

~~—————(3) The ALJ has the discretion to schedule a hearing to determine if a party requesting that a default order or dismissal be set aside or a reopening satisfied the requirements of this rule or may grant or deny the request on the basis of the record in the case.~~

~~—————(4) If a presiding officer issued the default or dismissal, the officer shall forward the request to the Division of Adjudication. The request will be assigned to an ALJ who will then determine if the party requesting that the default or dismissal be set aside or that the hearing be reopened has satisfied the requirements of this rule.]~~

(~~[5]~~3) The ALJ may, on his or her own motion, set aside a default order or reschedule, continue, or reopen a [case] hearing if it appears necessary to take continuing jurisdiction based on a mistake as to facts or a change in conditions, or if the denial of a hearing would be an affront to fairness. A presiding officer may, on his or her own motion, agree on behalf of the Department to set aside a default [or dismissal] order on the same grounds.

(4) If a default order is not set aside or a hearing is not reopened under Subsection (3) above, the request to set aside or reopen

shall be forwarded to the Division of Adjudication for assignment to an ALJ. The ALJ shall hold a hearing to determine whether to set aside the default order or reopen the prior hearing unless it is clear from the record before the ALJ that the person seeking to set aside the default order or reopen the hearing cannot meet the applicable standards set forth in this rule or R986-100-132.

~~(6)~~⁵ If a request to set aside the default order or ~~[dismissal or a request for reopening]~~reopen the hearing is not granted, the ALJ will issue a decision denying the request~~[to reopen]~~. A copy of the decision will be given or mailed to each party, with a clear statement of the right of appeal or judicial review. A ~~[defaulted-]~~party may appeal ~~[a]the denial [of a request to set aside a default or dismissal-]~~by following the procedure in R986-100-135. The appeal can only contest the denial of the request to set aside ~~[the default]~~or reopen and not the underlying merits of the case. If the ~~[default or dismissal is set aside]~~denial is reversed on appeal, the Executive Director or designee may rule on the merits or remand the case to an ALJ for a ruling on the merits on an additional hearing if necessary.

R986-100-132. What Constitutes Grounds to Set Aside a Default Order or ~~[Dismissal]~~Reopen a Hearing.

(1) A request to reopen a hearing or set aside a default order for failure to participate:

(a) will be granted if the party was prevented from participating and/or appearing at the hearing due to circumstances beyond the party's control;

(b) may be granted upon such terms as are just for any of the following reasons: mistake, inadvertence, surprise, excusable neglect or any other reason justifying relief from the operation of the decision. The determination of what sorts of neglect will be considered excusable is an equitable one, taking into account all of the relevant circumstances~~[including:~~

~~———— (i) the danger that the party not requesting reopening will be harmed by reopening;~~

~~———— (ii) the length of the delay caused by the party's failure to participate including the length of time to request reopening;~~

~~———— (iii) the reason for the request including whether it was within the reasonable control of the party requesting reopening;~~

~~———— (iv) whether the party requesting reopening acted in good faith, and~~

~~———— (v) whether the party was represented by another at the time of the hearing. Because they are required to know and understand Department rules, attorneys and professional representatives are held to a higher standard, and~~

~~———— (vi) whether based on the evidence of record and the parties arguments or statements, setting aside the default and taking additional evidence might effect the outcome of the case].~~

(2) Requests to reopen or set aside are remedial in nature and thus must be liberally construed in favor of providing parties with an opportunity to be heard and present their case. Any doubt must be resolved in favor of granting reopening.

R986-100-133. Canceling an Appeal and Hearing.

~~[When a client notifies the Division of Adjudication or the ALJ that the client wants to cancel the hearing and not proceed with the appeal, a decision dismissing the appeal will be issued. This decision will have the effect of upholding the Department decision. The client will have ten days in which to reinstate the appeal by filing a written request for reinstatement with the Division of Adjudication.](1)~~

A person who has filed an appeal and requested a fair hearing may withdraw the request either orally or in writing by contacting the Division of Adjudication. The request to withdraw will be granted unless granting the request would impair the due process rights of another interested person. If the request to withdraw is granted, the Department shall issue a written decision dismissing the request. The granting of a withdrawal has the effect of upholding the initial Department decision.

(2) A person may reinstate a previously withdrawn appeal by making a request (either orally or in writing) to the Division of Adjudication that the appeal be reinstated. A request to reinstate must be made within ten days of the date the person receives the withdrawal decision. For purposes of this section, the withdrawal decision is considered to have been received three days after the mailing date on the decision letter. If the request to reinstate is made after the expiration of the ten-day time limit, the person must show good cause (as defined in R986-100-131) for not making the request within ten days.

R986-100-134. Payments of Assistance Pending the Hearing.

(1) A client is entitled to receive continued assistance pending a hearing contesting a Department decision to reduce or terminate SNAP or RRP financial assistance if the client's request for a hearing is received no later than 10 days after the date of the notice of the reduction, or termination. The assistance will continue unless the certification period expires until a decision is issued by the ALJ. If the certification period expires while the hearing or decision is pending, assistance will be terminated. If a client becomes ineligible or the assistance amount is reduced for another reason pending a hearing, assistance will be terminated or reduced for the new reason unless a hearing is requested on the new action.

(2) If the client can show good cause for not requesting the hearing within 10 days of the notice, assistance may be continued if the client can show good cause (as defined in R986-100-131) for failing to file in a timely fashion.~~[Good cause in this paragraph means that the delay in filing was due to circumstances beyond the client's control or for circumstances which were compelling and reasonable. Because the Department allows a client to request a hearing by telephone or mail, good cause does not mean illness, lack of transportation or temporary absence.]~~

(3) A client affected by Subsection (1) can request that payment of assistance not be continued pending a hearing but the request must be in writing.

(4) If payments are continued pending a hearing, ~~[the]~~a client affected by Subsection (1) is responsible for any overpayment in the event of an adverse decision.

(5) If the decision of the ALJ is adverse to ~~[the]~~a client affected by Subsection (1), the client is not eligible for continued assistance pending any appeal of that decision.

(6) If a decision favorable to ~~[the]~~a client affected by Subsection (1) is rendered after a hearing, and payments were not made pending the decision, retroactive payment will be paid back to the date of the adverse action if the client is otherwise eligible.

(7) Financial assistance payments under FEP, FEPTP, GA or WTE, and CC subsidies will not continue during the hearing process regardless of when the appeal is filed.

(8) Financial assistance under the RRP will not extend for longer than the eight-month time limit for that program under any circumstances.

(9) Assistance is not allowed pending a hearing from a denial of an application for assistance.

R986-100-135. Further Appeal From the Decision of the ALJ or Presiding Officer.

Either party has the option of appealing the decision of the ALJ or presiding officer to either the Executive Director or person designated by the Executive Director or to the District Court. The appeal must be filed, in writing, within 30 days of the issuance of the decision of the ALJ or presiding officer. ~~[If a request for a fair hearing is not timely filed under R986-100-123, there are no further appeal rights.]~~

R986-100-136. SNAP Administrative Disqualification Hearing (ADH) Procedures.

(1) For alleged IPV's involving SNAP, an ADH will be held unless the client formally waives the right to an ADH in writing. If the client does not participate in the hearing, the ALJ will make a decision based solely on the evidence before the ALJ.

(2) The hearing procedures set forth in R986-100-123 through R986-100-135 apply to ADHs unless otherwise specified or inconsistent with this section.

(3) The Division of Adjudication will schedule all ADHs.

(a) A pending ADH has no effect on a household's eligibility or benefit level.

(b) The Department may withdraw a request for an ADH at any time prior to the scheduled hearing by sending written notice to the Division of Adjudication and all parties.

(4) A client may waive the right to an ADH by completing, signing, and returning the waiver form prepared by the Department.

(a) A completed, signed, and submitted waiver constitutes an agreement by the client to forego the ADH and accept the prescribed disqualification period.

(b) If the client accused of the IPV is not the head of household, the waiver must be signed by both the client accused of the IPV and the head of household to be effective. Waiver of the right to an ADH shall result in the client accused of the IPV and all other adult household members being held responsible to repay any overpayment.

(c) A client may rescind a waiver of the right to an ADH by submitting a written statement to the Division of Adjudication requesting that the waiver be rescinded. The written statement must be submitted within 30 days of the date the waiver was submitted, or before the start of the disqualification period, whichever is earlier. Once a valid written statement rescinding the waiver is received, the Division of Adjudication will schedule an ADH.

(5) The notice of hearing shall contain, in addition to the items described in R986-100-127, the following:

(a) The charges against the client;

(b) A summary of the evidence, and how and where it can be examined;

(c) A statement that the client will, upon receipt of the notice, have 10 days from the date of the hearing to present good cause for failure to appear in order to receive a new hearing;

(d) A warning that a determination of IPV will result in a specific disqualification period, and a statement of which penalty the Department believes is applicable to the case;

(e) A listing of the client's rights as outlined in R986-100-128;

~~(f) A statement that the hearing does not preclude the State or Federal government from prosecuting the client for the IPV in a civil or criminal court action, or from collecting any overissuance(s); and~~

~~(g) A statement informing the client about what free legal services are available.~~

~~(6) The Division of Adjudication may combine a fair hearing and an ADH into a single hearing if the relevant factual issues arise out of the same or related circumstances.~~

~~(a) The notice of hearing shall inform the parties of whether a fair hearing and an ADH will be combined into a single hearing.~~

~~(b) If the hearings are combined, the applicable filing and hearing deadlines and timeframes are those contained in this section to the extent of any conflict.~~

~~(c) If the client fails to appear or participate in the combined hearing, the fair hearing will be dismissed but the ADH will still be held.~~

~~(7) The ALJ shall advise the parties that they have the right to refuse to answer questions during the hearing, and that the ALJ may draw reasonable adverse inferences based on a party's refusal to answer questions during the hearing.~~

~~(8) A qualified employee of the Department shall represent the Department at the ADH.~~

~~(9) Within 90 days of the date the notice of hearing is issued, the ALJ shall conduct the hearing, arrive at a decision, and issue written notice of the decision to the Department and all parties. If the ADH is postponed for any reason, the 90-day time limit will be extended by as many days as the ADH is postponed.~~

~~(10) If any party fails to participate in the hearing and disagrees with the hearing decision, the party may request reopening of the hearing as set forth in R986-100-131.~~

~~(11) If the ALJ determines the client did not commit an IPV, no disqualification shall be assessed. Any party, including the Department, may utilize the administrative review process set forth in R986-100-135.~~

KEY: employment support procedures, SNAP, public assistance, hearing procedures

Date of Enactment or Last Substantive Amendment: [~~October 1, 2016~~]2018

Notice of Continuation: September 2, 2015

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

Workforce Services, Housing and
Community Development
R990-102

Homeless Shelter Cities Mitigation
Restricted Account

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 42939

FILED: 05/31/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this proposed new rule is to set forth procedures for determining whether there is sufficient revenue to operate a grant program for grant eligible entities in a given fiscal year, for notifying grant eligible entities of available grants, and for determining the timeline for funding such grants within a given fiscal year.

SUMMARY OF THE RULE OR CHANGE: During the 2018 General Session, the Legislature passed, and the Governor then signed, S.B. 235, Homeless Shelter Funding Amendments. The bill creates the Homeless Shelter Cities Mitigation Restricted Account (Account) and sets forth how the Department of Workforce Services (Department) is to administer the Account. Under the bill, there are two categories of governmental entities that are eligible to receive funding from the Account for homeless shelter mitigation efforts: "eligible municipalities", which are given funding priority, and "grant eligible entities". Section 35A-8-608 specifically instructs the Department to make rules regarding the circumstances in which there is sufficient revenue in the Account for grant eligible entities to receive a grant from the Account, how grant eligible entities will be notified of grant availability, and the timeline for how grants may be issued. This proposed new rule sets forth these procedural requirements.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 35A-8-608

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** This proposed new rule is not expected to cause any costs or savings to the state budget because this proposed new rule simply sets forth the procedures for determining when a grant eligible entity may receive a grant from the Account. Nothing in this proposed new rule affects the amount of funding in the Account or otherwise requires changes in state budget expenditures.

◆ **LOCAL GOVERNMENTS:** This proposed new rule is not expected to cause any costs or savings to local governments because this proposed new rule simply sets forth the procedures for determining when a grant eligible entity may receive a grant from the Account, including the timelines for grant funding. Nothing in this proposed new rule affects the amount of funding in the Account, a local governmental entity's substantive eligibility for Account funds, or any other matter that would cause a change to local governments.

◆ **SMALL BUSINESSES:** This proposed new rule is not expected to cause any costs or savings to small businesses because this proposed new rule simply sets forth the procedures for determining when a grant eligible entity may receive a grant from the Account, including the timelines for grant funding. Nothing in this proposed new rule affects the substance of any Account funds that may be spent by a grant eligible entity at, or with, a small business or otherwise causes a fiscal impact to any small business. The Department has considered whether this proposed new rule will have a measurable negative fiscal impact on small

businesses and has determined that this proposed new rule will not have a negative fiscal impact.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This proposed new rule is not expected to cause any costs or savings to persons other than small businesses, businesses, or local government entities because this proposed new rule simply sets forth the procedures for determining when a grant eligible entity may receive a grant from the Account, including the timelines for grant funding. Nothing in this proposed new rule affects the substance of any Account funds that may be allocated to a grant eligible entity and in turn spent in ways that would affect a person other than a small business, business, or local government entity.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This proposed new rule is not expect to cause any compliance costs for affected persons because the proposed new rule simply specifies when and how requests for Account funds may be made, and does not impose any new eligibility, reporting, or enforcement requirements.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: After 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:
 WORKFORCE SERVICES
 HOUSING AND COMMUNITY DEVELOPMENT
 140 E BROADWAY
 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 07/16/2018

THIS RULE MAY BECOME EFFECTIVE ON: 07/23/2018

AUTHORIZED BY: Jon Pierpont, Executive Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0

Other Persons	\$0	\$0	\$0
Total Fiscal Costs:	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits:	\$0	\$0	\$0
Net Fiscal Benefits:	\$0	\$0	\$0

*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described above. Inestimable impacts for Non-Small Businesses are described below.

Appendix 2: Regulatory Impact to Non-Small Businesses
 After a thorough analysis, it was determined that this proposed rule will not result in a fiscal impact to businesses.

R990. Workforce Services, Housing and Community Development.

R990-102. Homeless Shelter Cities Mitigation Restricted Account.

R990-102-1. Authority.

This rule is authorized under Utah Code Ann. Section 35A-8-608, which directs the Department to make rules governing the

process for determining whether there is sufficient revenue to operate a grant program for grant eligible entities, the process for notifying grant eligible entities of available grants, and the process for the Department to determine the timeline within the fiscal year for funding such grants.

R990-102-2. Definitions.

Terms used in this rule have the meanings given them in Utah Code Ann. Section 35A-8-601 et seq.

R990-102-3. Availability of Account Funds; Process for Accepting Requests.

(1) In determining whether there is sufficient revenue to the account to offer a grant program for the next fiscal year, the committee shall consider the following:

(a) the amount of account funds allocated to eligible municipalities for the current fiscal year;

(b) any changes anticipated to the amount of account funds allocated to eligible municipalities for the next fiscal year; and

(c) any other considerations identified by the committee.

(3) The Department shall announce whether there is sufficient revenue to the account to offer a grant program for the next fiscal year no later than August 31 of each year. The announcement shall be made at meetings of the committee and on the Division of Housing and Community Development website.

(4) If the committee determines there is sufficient revenue to the account to offer a grant program for the next fiscal year, the committee shall set aside time on the agenda of the committee meeting held in November of each year to allow grant eligible entities to present requests for account funds for the next fiscal year.

R990-102-4. Process for Funding Requests.

(1) A grant eligible entity that is approved to receive account funds under Utah Code Ann. Section 63J-1-802 shall submit an invoice of the grant eligible entity's expenses, with supporting documentation, to the Department monthly for reimbursement.

(2) Each month, the Department shall disburse the revenue in the account to reimburse a grant eligible entity that submits the information described in Subsection (1) for the amount on the invoice or contract.

KEY: grants, Homeless Shelter Cities Mitigation Restricted Account

Date of Enactment or Last Substantive Amendment: 2018

Authorizing, and Implemented or Interpreted Law: 35A-8-608

End of the Notices of Proposed Rules Section

NOTICES OF CHANGES IN PROPOSED RULES

After an agency has published a **PROPOSED RULE** in the *Utah State Bulletin*, it may receive comment that requires the **PROPOSED RULE** to be altered before it goes into effect. A **CHANGE IN PROPOSED RULE** allows an agency to respond to comments it receives.

As with a **PROPOSED RULE**, a **CHANGE IN PROPOSED RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **CHANGE IN PROPOSED RULE** including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

While the law does not designate a comment period for a **CHANGE IN PROPOSED RULE**, it does provide for a 30-day waiting period. An agency may accept additional comments during this period and, at its option, may designate a comment period or may hold a public hearing. The 30-day waiting period for **CHANGES IN PROPOSED RULES** published in this issue of the *Utah State Bulletin* ends July 16, 2018.

Following the **RULE ANALYSIS**, the text of the **CHANGE IN PROPOSED RULE** is usually printed. The text shows only those changes made since the **PROPOSED RULE** was published in an earlier edition of the *Utah State Bulletin*. Additions made to the rule appear underlined (*example*). Deletions made to the rule appear struck out with brackets surrounding them (~~example~~). A row of dots in the text between paragraphs (.) indicates that unaffected text, either whole sections or subsections, was removed to conserve space. If a **CHANGE IN PROPOSED RULE** is too long to print, the Office of Administrative Rules may include only the **RULE ANALYSIS**. A copy of rules that are too long to print is available from the agency or from the Office of Administrative Rules.

From the end of the 30-day waiting period through October 13, 2018, an agency may notify the Office of Administrative Rules that it wants to make the **CHANGE IN PROPOSED RULE** effective. When an agency submits a **NOTICE OF EFFECTIVE DATE** for a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** as amended by the **CHANGE IN PROPOSED RULE** becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of the **CHANGE IN PROPOSED RULE**. If the agency designates a public comment period, the effective date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date. Alternatively, the agency may file another **CHANGE IN PROPOSED RULE** in response to additional comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or another **CHANGE IN PROPOSED RULE** by the end of the 120-day period after publication, the **CHANGE IN PROPOSED RULE** filing, along with its associated **PROPOSED RULE**, lapses.

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

The Changes in Proposed Rules Begin on the Following Page

**Career Service Review Office,
Administration
R137-1
Grievance Procedure Rules**

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 42844
FILED: 05/25/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The deadline for filing is changed to 30 working days. This change was made by H.B. 383 in the 2018 General Session.

SUMMARY OF THE RULE OR CHANGE: The deadline is changed to 30 working days. (EDITOR'S NOTE: The original proposed amendment upon which this change in proposed rule (CPR) was based was published in the May 15, 2018, issue of the Utah State Bulletin, on page 15. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 67-19a-101 through 67-19a-501

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: This proposed change has no impact on the state budget.
- ◆ LOCAL GOVERNMENTS: This proposed change has no impact on local governments.
- ◆ SMALL BUSINESSES: This rule change applies only to executive branch state employees and has no budget impact on small businesses.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: This rule change applies only to executive branch state employees and has no budget impact on other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No compliance costs are imposed by this change.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule applies only to executive branch state employees and has no impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
CAREER SERVICE REVIEW OFFICE
ADMINISTRATION

ROOM 1120 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:

◆ Akiko Kawamura by phone at 801-538-3047, by FAX at 801-538-3139, or by Internet E-mail at akawamura@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/16/2018

THIS RULE MAY BECOME EFFECTIVE ON: 07/23/2018

AUTHORIZED BY: Akiko Kawamura, Administrator

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2018	FY 2019	FY 2020
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Person	\$0	\$0	\$0
Total Fiscal Costs:	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits:	\$0	\$0	\$0
Net Fiscal Benefits:			
Net Fiscal Benefits:	\$0	\$0	\$0

*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses

and Other Persons are described above. Inestimable impacts for Non-Small Businesses are described below.

Appendix 2: Regulatory Impact to Non-Small Businesses

This change is not expected to have any fiscal impact on any large businesses revenues or expenditures because this rule governs procedure in administrative actions exclusively pertaining to state employees and employer agencies. This rule does not have any impact on other entities. The administrator of the Career Service Review office has reviewed and approved this fiscal analysis.

**R137. Career Service Review Office, Administration.
R137-1. Grievance Procedure Rules.**

.....

R137-1-15. Procedure for Appealing Disciplinary Action Imposed by Department Head.

(1) An aggrieved employee who has been demoted or dismissed by their respective department head (i.e., executive director or commissioner) may appeal the department head's action directly to the CSRO at the evidentiary step 4 level.

(a) An appeal from discipline imposed by the department head is distinguishable from a grievance.

(b) A grievance is filed at step 1 and proceeds through steps 2 and 3.

(c) When an appeal from discipline imposed by a department head occurs at the step 3 level, it may be appealed directly to the CSRO.

(2) When appealed to the CSRO, the appeal must be filed within ~~20~~30 working days from the date an aggrieved employee receives written notification from the department head who imposed the disciplinary action.

.....

KEY: grievance procedures, reconsiderations
Date of Enactment or Last Substantive Amendment: 2018
Notice of Continuation: July 11, 2016
Authorizing, and Implemented or Interpreted Law: 34A-5-106; 67-19-16; 67-19-30; 67-19-31; 67-19-32; 67-19a et seq.; 63G-4 et seq.

End of the Notices of Changes in Proposed Rules Section

NOTICES OF 120-DAY (EMERGENCY) RULES

An agency may file a **120-DAY (EMERGENCY) RULE** when it finds that regular rulemaking procedures would:

- (a) cause an imminent peril to the public health, safety, or welfare;
- (b) cause an imminent budget reduction because of budget restraints or federal requirements; or
- (c) place the agency in violation of federal or state law (Subsection 63G-3-304(1)).

As with a **PROPOSED RULE**, a **120-DAY RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **120-DAY RULE** including the name of a contact person, justification for filing a **120-DAY RULE**, anticipated cost impact of the rule, and legal cross-references.

Following the **RULE ANALYSIS**, the text of the **120-DAY RULE** is printed. New text is underlined (example) and text to be deleted is struck out with brackets surrounding the deleted text ([example]). An emergency rule that is new is entirely underlined. Likewise, an emergency rule that repeals an existing rule shows the text completely struck out. A row of dots in the text (.) indicates that unaffected text was removed to conserve space.

A **120-DAY RULE** is effective when filed with the Office of Administrative Rules, or on a later date designated by the agency. A **120-DAY RULE** is effective for 120 days or until it is superseded by a permanent rule. Because of its temporary nature, a **120-DAY RULE** is not codified as part of the *Utah Administrative Code*.

The law does not require a public comment period for **120-DAY RULES**. However, when an agency files a **120-DAY RULE**, it may file a **PROPOSED RULE** at the same time, to make the requirements permanent.

Emergency or **120-DAY RULES** are governed by Section 63G-3-304, and Section R15-4-8.

Administrative Services, Risk Management

R37-4

Adjusted Utah Governmental Immunity Act Limitations on Judgments

NOTICE OF 120-DAY (EMERGENCY) RULE

DAR FILE NO.: 42934

FILED: 05/25/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being revised to implement recent legislative amendments (S.B. 98 enacted in the 2017 General Session) to Section 63G-7-605.

SUMMARY OF THE RULE OR CHANGE: This amendment will increase the limitations of judgments against governmental entities or employees as follows: 1) the per person limit for personal injury will increase from \$717,100 to \$745,200; 2) the aggregate per occurrence limit will increase from \$2,455,900 to \$2,552,000; and 3) the per occurrence property damage limit will increase from \$286,900 to \$295,000.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63G-7-604 and Section 63G-7-605

EMERGENCY RULE REASON AND JUSTIFICATION:

REGULAR RULEMAKING PROCEDURES WOULD place the agency in violation of federal or state law.

JUSTIFICATION: When the Legislative Fiscal Analyst communicated its adjustments to the Risk Manager on 04/24/2018, it had discovered ambiguities created by S.B. 98, enacted in the 2017 General Session. On 05/11/2018, the Risk Manager first learned that those ambiguities created the potential for variable adjustments and were being considered for clarification in a special session. On 05/22/2018, the Legislative Fiscal Analyst reported to the Risk Manager that the adjustments sent on 04/24/2018 reflect their interpretation of the Legislature's intent under current law and authorized the Risk Manager to proceed with rulemaking, noting that the ambiguities will be addressed by the legislature at the next opportunity. Given the ambiguities in the extended process, and the clarifying information received by the Risk Manager as late as 05/22/2018, regular rulemaking was not feasible and is now impossible.

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** This revised rule will increase financial exposure to the State Risk Fund, which insures all state agencies, public institutions of higher education, school

districts, and many of the charter schools. That increased exposure will be reflected in the form of higher payments to plaintiffs for significant liability claims and will likely have the effect of increased liability premiums to be appropriated from the general fund; however, because the impact will be based upon the nature and severity of future claims, it is impossible to project the anticipated costs of this revision to the state budget.

◆ **LOCAL GOVERNMENTS:** This revised rule will increase financial exposure to all political subdivisions of the state. That increased exposure will be reflected in the form of higher payments to plaintiffs for significant liability claims and will likely have the effect of increased liability premiums; however, because the impact will be based upon the nature and severity of future claims, it is impossible to project the anticipated costs of this revision to local governments.

◆ **SMALL BUSINESSES:** This revised rule will impact small business owners that experience personal injuries or property damage from government entities in that they may receive increased damage awards and settlements; however, this impact is impossible to project with any certainty because it is based upon the nature and severity of future claims.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This revised rule will impact persons that experience personal injuries or property damage from government entities in that they may receive increased damage awards and settlements; however, this impact is impossible to project with any certainty because it is based upon the nature and severity of future claims. As indicated under the state budget and local governments sections above, all governmental entities within the state of Utah are subject to these judgment limit increases, irrespective of their size.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Compliance costs will only be experienced by governmental entities in the state of Utah, and will only be experienced if they, or their employees, cause injury or damage to third parties. It is impossible to project compliance costs for all affected governmental entities because they will be based upon the nature and severity of future claims.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Ken Hansen has reviewed and approved the above fiscal impact analyses on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 ADMINISTRATIVE SERVICES
 RISK MANAGEMENT
 ROOM 5120 STATE OFFICE BLDG
 450 N STATE ST
 SALT LAKE CITY, UT 84114-1201
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ◆ Brian Nelson by phone at 801-538-9576, by FAX at 801-538-9597, or by Internet E-mail at benelson@utah.gov

◆ Darin Dennis by phone at 801-538-9572, or by Internet E-mail at darindennis@utah.gov
 ◆ Kenneth Hansen by phone at 801-538-3777, by FAX at 801-538-3844, or by Internet E-mail at khansen@utah.gov

EFFECTIVE: 07/01/2018

AUTHORIZED BY: Kenneth Hansen, Deputy Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Person	\$0	\$0	\$0
Total Fiscal Costs:	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits:	\$0	\$0	\$0
Net Fiscal Benefits:	\$0	\$0	\$0

*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.

Appendix 2: Regulatory Impact to Non-Small Businesses
 The revised rule will positively impact non-small businesses that experience personal injuries or property damage from government entities in that they may receive

increased damage awards and settlements; however, this impact is impossible to project with any certainty because it is based upon the nature and severity of future claims.

Ken Hansen, Deputy Director of the Department of Administrative Services, has reviewed and approved this fiscal analysis.

R37. Administrative Services, Risk Management.

R37-4. Adjusted Utah Governmental Immunity Act Limitations on Judgments.

R37-4-1. Authority and Calculation Process.

Pursuant to UCA 63G-7-60[4]5(4) the Risk Manager hereby establishes ~~[a—]new limitations of judgments, based upon the adjustments communicated by the Legislative Fiscal Analyst.~~

~~Accordingly, the Risk Manager has calculated the consumer price index (CPI) for calendar years 2013 and 2015 using the standards provided in Sections 1(f)(4) and 1 (f)(5) of the Internal Revenue Code. Section 1(f)(4) has defined the CPI for any calendar year to mean the average of the consumer price index as of the close of the 12-month period ending on August 31 of such calendar year. Section 1(f)(5) has defined "consumer price index" to mean the index used for all urban consumers published by the Department of Labor. By applying these standards, the consumer price index for the calendar year 2013 is calculated to be 232.02 and the index for 2015 is 236.75. The percentage difference between the 2013 index and the 2015 index was then computed to be 2.0%.~~

R37-4-2. New Limitation of Judgment Amounts.

~~[As a result of the above required calculations, t]~~The new limitation of judgment amounts currently required by UCA 63G-7-604(3)[(1)] ~~[has been]~~are increased as follows, pursuant to UCA 63G-7-605, and ~~[is]~~are effective July 1, 2018[6] for claims occurring on or after that date:

1) The limit for damages for personal injury against a governmental entity, or an employee who a governmental entity has a duty to indemnify, is ~~[\$717,100]~~\$745,200 for one person in any one occurrence, and ~~[\$2,455,900]~~\$2,552,000 aggregate amount of individual awards that be may awarded in relation to a single occurrence; and

2) The limit for property damages (excluding damages awarded as compensation when a governmental entity has taken or damaged private property for public use without just compensation) against a governmental entity, or an employee whom a governmental entity has a duty to indemnify is ~~[\$286,900]~~\$295,000 in any one occurrence.

R37-4-3. Limitations of Judgments by Calendar Date.

The limitations on judgments are established by the date of the occurrence. The dates and dollar amounts are as follows:

1) Incident(s) occurring before July 1, 2001 - \$250,000 for one person in an occurrence, \$500,000 aggregate for two or more persons in an occurrence; and \$100,000 for property damage for any one occurrence~~[as explained in R37-4-2(2)].~~

2) Incident(s) occurring on or after July 1, 2001 - \$500,000 for one person in an occurrence, \$1,000,000 aggregate for two or more persons in an occurrence; and \$200,000 for property damage for any one occurrence~~[as explained in R37-4-2(2)].~~

3) Incident(s) occurring on or after July 1, 2002 - \$532,500 for one person in an occurrence, \$1,065,000 aggregate for two or more persons in an occurrence; and \$213,000 for property damage for any one occurrence~~[as explained in R37-4-2(2)].~~

4) Incident(s) occurring on or after July 1, 2004 - \$553,500 for one person in an occurrence, \$1,107,000 aggregate for two or more persons in an occurrence, and \$221,400 for property damage for any one occurrence~~[as explained in R37-4-2(2)].~~

5) Incident(s) occurring on or after July 1, 2006 - \$583,900 for one person in an occurrence, \$1,167,900 aggregate for two or more persons in an occurrence, and \$233,600 for property damage for any one occurrence~~[as explained in R37-4-2(2)].~~

6) Incident(s) occurring on or after July 1, 2007 - \$583,900 for one person in an occurrence, \$2,000,000 aggregate for two or more persons in an occurrence, and \$233,600 for property damage for any one occurrence~~[as explained in R37-4-2(2)].~~

7) Incident(s) occurring on or after July 1, 2008 - \$620,700 for one person in an occurrence, \$2,126,000 aggregate for two or more persons in an occurrence, and \$248,300 for property damage for any one occurrence~~[as explained in R37-4-2(2)].~~

8) Incident(s) occurring on or after July 1, 2010 - \$648,700 for one person in an occurrence, \$2,221,700 aggregate for two or more persons in an occurrence, and \$259,500 for property damage for any one occurrence~~[as explained in R37-4-2(2)].~~

9) Incident(s) occurring on or after July 1, 2012 - \$674,000 for one person in an occurrence, \$2,308,400 aggregate for two or more persons in an occurrence, and \$269,700 for property damage for any one occurrence~~[as explained in R37-4-2(2)].~~

10) Incident(s) occurring on or after July 1, 2014 - \$703,000 for one person in an occurrence, \$2,407,700 aggregate for two or more persons in an occurrence, and \$281,300 for property damage for any one occurrence~~[as explained in R37-4-2(2)].~~

11) Incident(s) occurring on or after July 1, 2016 - \$717,100 for one person in an occurrence, \$2,455,900 aggregate for two or more persons in an occurrence, and \$286,900 for property damage for any one occurrence~~[as explained in R37-4-2(2)].~~

12) Incident(s) occurring on or after July 1, 2018 - \$745,200 for one person in an occurrence, \$2,552,000 aggregate for two or more persons in an occurrence, and \$295,000 for property damage for any one occurrence as explained in R37-4-2.

KEY: limitation on judgments, risk management, Governmental Immunity Act caps

Date of Enactment or Last Substantive Amendment: July 1, 2018

Notice of Continuation: May 5, 2017

Authorizing, and Implemented or Interpreted Law: 63G-7-604(4)

End of the Notices of 120-Day (Emergency) Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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

A **REVIEW** is not followed by the rule text. The rule text that is being continued may be found in the online edition of the *Utah Administrative Code* available at <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.

Agriculture and Food, Conservation Commission

R64-2

Conservation Commission Electronic Meetings

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**
DAR FILE NO.: 42944
FILED: 06/01/2018

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 52-4-207 requires any public body that convenes or conducts an electronic meeting to establish written procedures for such meetings. Section 4-18-105 creates the Utah Conservation Commission which has meetings, and as it has representatives from various parts of the state holds regular electronic meetings for the approval of Agriculture Rural Development Loans and the transaction of other business.

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 of Agriculture and Food (Department) has not received any comments on this rule since the last five-year review.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is necessary to facilitate the quick

and efficient approval of loans through the Agriculture Rural Development Loans. Electronic meetings are used up to twice a month and gathering the Board together every two weeks would be costly. Therefore, this rule should be continued.

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Melissa Ure by phone at 801-538-4976, or by Internet E-mail at mure@utah.gov
- ◆ RJ Spencer by phone at 801-538-7171, or by Internet E-mail at rjspencer@utah.gov
- ◆ Scott Ericson by phone at 801-538-7102, by FAX at 801-538-7126, or by Internet E-mail at sericson@utah.gov

AUTHORIZED BY: LuAnn Adams, Commissioner

EFFECTIVE: 06/01/2018

Agriculture and Food, Plant Industry

R68-9

Utah Noxious Weed Act

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**
DAR FILE NO.: 42943
FILED: 06/01/2018

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 4-17-103 mandates that the Commissioner of Agriculture and Food establish a list of noxious weeds and take steps to prevent the spread of these weeds in the state of Utah. This rule establishes the list and categories of noxious weed in the state.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The Department of Agriculture and Food (Department) received comments asking to include more plants on the list of noxious weeds.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is necessary to prevent the spread and establishment of noxious weeds in the state which could cause economic and environmental damage. The Department continues to update this list with new plants as new species continue to enter the state via interstate commerce. Therefore, this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Bracken Davis by phone at 801-538-7188, or by Internet E-mail at brackendavis@utah.gov
- ◆ Melissa Ure by phone at 801-538-4976, or by Internet E-mail at mure@utah.gov
- ◆ Robert Hougaard by phone at 801-538-7187, by FAX at 801-538-7189, or by Internet E-mail at rhougaard@utah.gov

AUTHORIZED BY: LuAnn Adams, Commissioner

EFFECTIVE: 06/01/2018

Agriculture and Food, Plant Industry
R68-16

Quarantine Pertaining to Pine Shoot Beetle, Tomicus piniperda

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 42930
 FILED: 05/23/2018

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 4-35-109 allows the Department of Agriculture and Food (Department) to establish rules to prevent insect infestations in the state of Utah. Pine Shoot Beetle has effected many regions outside of the state of Utah and the rules are enacted to prevent the spread of the invasive species in the state of Utah.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The Department has received no comments since the last five-year review.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Pine Shoot Beetle poses a significant threat to both urban trees and the native forests of Utah. If an infestation is established in the state, it will cost thousands of dollars to try and eradicate the invasive species. This rule is in place to prevent the Pine Shoot Beetle from entering the state. Therefore, this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Bracken Davis by phone at 801-538-7188, or by Internet E-mail at brackendavis@utah.gov
- ◆ Melissa Ure by phone at 801-538-4976, or by Internet E-mail at mure@utah.gov

AUTHORIZED BY: LuAnn Adams, Commissioner

EFFECTIVE: 05/23/2018

Alcoholic Beverage Control, Administration

R81-10
Off-Premise Beer Retailers

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

DAR FILE NO.: 42931
FILED: 05/23/2018

**NOTICE OF REVIEW AND STATEMENT OF
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is pursuant to Subsection 32B-7-202(6) that requires an off-premise beer retailer to display beer sold by the retailer in a location that is a display cabinet, cooler, aisle, floor display, or room and to prominently post in the location where beer is sold, an easily readable sign that reads, in print that is no smaller than 0.5 inches, bold type, "These beverages contain alcohol. Please read the label carefully," and requires the Alcohol Beverage Commission to define, by rule, the format of the sign.

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 are no records of written comments received during the five-year review period.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule will need to be modified to address changes to the law passed in the 2017 and 2018 General Sessions. However, this rule is still necessary to define the format of the signage. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ALCOHOLIC BEVERAGE CONTROL
ADMINISTRATION
1625 S 900 W
SALT LAKE CITY, UT 84104-1630
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Nina McDermott by phone at 801-977-6805, by FAX at 801-977-6888, or by Internet E-mail at nmcdermott@utah.gov
♦ Vickie Ashby by phone at 801-977-6801, by FAX at 801-977-6889, or by Internet E-mail at vickieashby@utah.gov

AUTHORIZED BY: Sal Petilos, Executive Director

EFFECTIVE: 05/23/2018

Commerce, Consumer Protection

R152-32a

Pawnshop and Secondhand
Merchandise Transaction Information
Act Rule

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

DAR FILE NO.: 42929
FILED: 05/17/2018

**NOTICE OF REVIEW AND STATEMENT OF
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is promulgated under Section 13-2-5 and Sections 13-32a-102.5(1) and 13-32a-112.5(1). Section 13-2-5 authorizes the Division of Consumer Protection (Division) Director to issue rules to enforce, among other statutes, Section 13-32a. Subsection 13-32a-102.5(1) requires the Division to administer and enforce the chapter in accordance with the authority granted by Title 13, Chapter 32a. Finally, Subsection 13-32a-112.5(1) expressly grants the Division authority to exempt specific classes of businesses from regulation under Title 13, Chapter 32a, through rulemaking. This rule at issue here solely address those exemptions.

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 is unaware of any written 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: This rule at issue allows the Division, with the assistance of the Secondhand Merchandise Advisory Board, to quickly and efficiently identify classes of businesses that should not be subject to the requirements of Title 13, Chapter 32a. This rule allows the Division to reduce the regulatory burden on businesses that are considered low risk in the context of the pawn and secondhand merchandise industry. By reducing the regulation applied to low risk businesses, the Division is better able to focus its limited resources on higher-risk pawnbrokers and secondhand merchandise dealers. Therefore, this rule should be continued.

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

COMMERCE
CONSUMER PROTECTION
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:

♦ Daniel Larsen by phone at 801-530-6145, or by Internet E-mail at dblarsen@utah.gov

AUTHORIZED BY: Daniel O'Bannon, Director

EFFECTIVE: 05/17/2018

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

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

DAR FILE NO.: 42935
FILED: 05/25/2018

**NOTICE OF REVIEW AND STATEMENT OF
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 26-1-5 grants the

Department of Health (Department) the power to adopt, amend, or rescind rules, and Section 26-18-505 sets forth licensed-bed transfer requirements for nursing care facility programs.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: 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 bed transfer requirements in accordance with state law.

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

HEALTH
HEALTH CARE FINANCING,
COVERAGE AND REIMBURSEMENT POLICY
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY, UT 84116-3231
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Craig Devashrayee by phone at 801-538-6641, by FAX at 801-538-6099, or by Internet E-mail at cdevashrayee@utah.gov

AUTHORIZED BY: Joseph Miner, MD, Executive Director

EFFECTIVE: 05/25/2018

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

NOTICES OF FIVE-YEAR EXPIRATIONS

Rulewriting agencies are required by law to review each of their administrative rules within five years of the date of the rule's original enactment or the date of last review (Section 63G-3-305). The Office of Administrative Rules (Office) is required to notify agencies of rules due for review at least 180 days prior to the anniversary date. 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 EXTENSION (EXTENSION)** with the Office. However, if the agency fails to file either the **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION** or the **EXTENSION** by the date provide by the Office, the rule expires.

Upon expiration of the rule, the Office files a **NOTICE OF FIVE-YEAR EXPIRATION (EXPIRATION)** to document the action. The Office is required to remove the rule from the *Utah Administrative Code*. The agency may no longer enforce the rule and it must follow regular rulemaking procedures to replace the rule if it is still needed.

The Office has filed **EXPIRATIONS** for each of the rules listed below which were not reviewed in accordance with Section 63G-3-305. These rules have expired and have been removed from the *Utah Administrative Code*.

The expiration of administrative rules for failure to comply with the five-year review requirement is governed by Subsection 63G-3-305(8).

Governor, Economic Development

R357-3

Economic Development Tax Increment

Financing Tax Credit

FIVE-YEAR REVIEW EXPIRATION

DAR FILE NO.: 42940

FILED: 05/31/2018

SUMMARY: The five-year review and notice of continuation was not filed by the deadline so this rule has expired and been removed from the *Utah Administrative Code* as of 05/31/2018.

EFFECTIVE: 05/31/2018

End of the Notices of Notices of Five Year Expirations 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

Administrative Services

Inspector General of Medicaid Services (Office of)
No. 42658 (REP): R30-1. Office of Inspector General of Medicaid Services
Published: 04/01/2018
Effective: 06/01/2018

No. 42694 (NEW): R30-1. Office Procedures
Published: 04/01/2018
Effective: 06/01/2018

No. 42695 (NEW): R30-2. Adjudicative Procedures
Published: 04/01/2018
Effective: 06/01/2018

No. 42696 (NEW): R30-3. Declaratory Orders
Published: 04/01/2018
Effective: 06/01/2018

Environmental Quality

Air Quality

No. 42433 (AMD): R307-101-3. Version of Code of Federal Regulations Incorporated by Reference
Published: 02/01/2018
Effective: 05/23/2018

No. 42434 (AMD): R307-210. Standards of Performance for New Stationary Sources
Published: 02/01/2018
Effective: 05/23/2018

No. 42435 (AMD): R307-214. National Emission Standards for Hazardous Air Pollutants
Published: 02/01/2018
Effective: 05/23/2018

Water Quality

No. 42692 (AMD): R317-1-7. TMDLs
Published: 04/01/2018
Effective: 05/24/2018

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Disease Control and Prevention, Environmental Services
No. 42684 (AMD): R392-100. Food Service Sanitation
Published: 04/01/2018
Effective: 05/18/2018

No. 42685 (NEW): R392-102. Food Truck Sanitation
Published: 04/01/2018
Effective: 05/18/2018

No. 42732 (AMD): R392-200. Design, Construction, Operation, Sanitation, and Safety of Schools
Published: 04/15/2018
Effective: 05/31/2018

No. 42744 (AMD): R392-302. Design, Construction and Operation of Public Pools
Published: 04/15/2018
Effective: 05/24/2018

No. 42731 (R&R): R392-402. Mobile Home Park Sanitation
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Effective: 05/29/2018

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Effective: 05/30/2018

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Published: 04/15/2018
Effective: 05/22/2018

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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, 2018 through June 01, 2018. 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

<p>AMD = Amendment (Proposed Rule) CPR = Change in Proposed Rule EMR = 120-Day (Emergency) Rule EXD = Expired Rule EXP = Expedited Rule EXT = Five-Year Review Extension GEX = Governor's Extension</p>	<p>LNR = Legislative Nonreauthorization NEW = New Rule (Proposed Rule) NSC = Nonsubstantive Rule Change R&R = Repeal and Reenact (Proposed Rule) REP = Repeal (Proposed Rule) 5YR = Five-Year Notice of Review and Statement of Continuation</p>
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R307-509	Oil and Gas Industry: Leak Detection and Repair Requirements	42114	CPR	03/05/2018	2018-3/63
R307-510	Oil and Gas Industry: Natural Gas Engine Requirements	42115	NEW	03/05/2018	2017-19/81
R307-510	Oil and Gas Industry: Natural Gas Engine Requirements	42115	CPR	03/05/2018	2018-3/65
R307-510	Oil and Gas Industry: Natural Gas Engine Requirements	42858	NSC	05/14/2018	Not Printed
R307-801	Utah Asbestos Rule	42551	EXT	01/31/2018	2018-4/115
R307-801	Utah Asbestos Rule	42669	5YR	03/08/2018	2018-7/179
<u>Waste Management and Radiation Control, Radiation</u>					
R313-25	License Requirements for Land Disposal of Radioactive Waste – General Provisions	42204	AMD	04/09/2018	2017-21/83
R313-25	License Requirements for Land Disposal of Radioactive Waste – General Provisions	42204	CPR	04/16/2018	2018-5/128
<u>Waste Management and Radiation Control, Waste Management</u>					
R315-15	Standards for the Management of Used Oil	42451	AMD	04/19/2018	2018-3/35
R315-15-5	Standards for Used Oil Processors and Re-Refiners	42615	NSC	03/14/2018	Not Printed

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R315-262-17	General -- Conditions for Exemption for a Large Quantity Generator that Accumulates Hazardous Waste	42672	NSC	03/30/2018	Not Printed
R315-262-17	General -- Conditions for Exemption for a Large Quantity Generator that Accumulates Hazardous Waste	42824	NSC	05/03/2018	Not Printed
R315-301	Solid Waste Authority; Definitions, and General Requirements	42452	5YR	01/12/2018	2018-3/71
R315-302	Solid Waste Facility Location Standards, General Facility Requirements, and Closure Requirements	42453	5YR	01/12/2018	2018-3/72
R315-303	Landfilling Standards	42454	5YR	01/12/2018	2018-3/72
R315-304	Industrial Solid Waste Landfill Requirements	42455	5YR	01/12/2018	2018-3/73
R315-305	Class IV and VI Landfill Requirements	42456	5YR	01/12/2018	2018-3/74
R315-306	Incinerator Standards	42457	5YR	01/12/2018	2018-3/74
R315-307	Landtreatment Disposal Standards	42458	5YR	01/12/2018	2018-3/75
R315-308	Ground Water Monitoring Requirements	42459	5YR	01/12/2018	2018-3/75
R315-309	Financial Assurance	42460	5YR	01/12/2018	2018-3/76
R315-310	Permit Requirements for Solid Waste Facilities	42461	5YR	01/12/2018	2018-3/77
R315-311	Permit Approval For Solid Waste Disposal, Waste Tire Storage, Energy Recovery, And Incinerator Facilities	42462	5YR	01/12/2018	2018-3/77
R315-312	Recycling and Composting Facility Standards	42463	5YR	01/12/2018	2018-3/78
R315-313	Transfer Stations and Drop Box Facilities	42464	5YR	01/12/2018	2018-3/79
R315-314	Facility Standards for Piles Used for Storage and Treatment	42465	5YR	01/12/2018	2018-3/79
R315-315	Special Waste Requirements	42466	5YR	01/12/2018	2018-3/80
R315-316	Infectious Waste Requirements	42467	5YR	01/12/2018	2018-3/80
R315-317	Other Processes, Variances, Violations, and Petition for Rule Change	42468	5YR	01/12/2018	2018-3/81
R315-318	Permit by Rule	42469	5YR	01/12/2018	2018-3/82
R315-320	Waste Tire Transporter and Recycler Requirements	42470	5YR	01/12/2018	2018-3/82
<u>Water Quality</u>					
R317-1-7	TMDLs	42692	AMD	05/24/2018	2018-7/56
R317-9	Administrative Procedures	42509	5YR	01/24/2018	2018-4/95
R317-10-10	Examination	42274	AMD	01/24/2018	2017-22/29
R317-13	Approvals and Permits for a Water Reuse Project	42510	5YR	01/24/2018	2018-4/96
R317-14	Approval of Change in Point of Discharge of POTW	42511	5YR	01/24/2018	2018-4/96
R317-101	Utah Wastewater Project Assistance Program	42705	5YR	03/20/2018	2018-8/147
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<u>Criminal and Juvenile Justice (State Commission on)</u>					
R356-2-10	Evaluation Criteria	42337	AMD	04/02/2018	2017-24/13
R356-4	Juvenile Confinement	42055	NEW	01/02/2018	2017-18/26
<u>Criminal and Juvenile Justice (State Commission on), Indigent Defense Commission</u>					
R364-1	Conflicts of Interest for Indigent Defense Commission Members	42351	NEW	01/29/2018	2017-24/14
<u>Economic Development</u>					
R357-3	Economic Development Tax Increment Financing Tax Credit	42940	EXD	05/31/2018	Not Printed
R357-16	Utah Outdoor Recreation Infrastructure Grant	42332	AMD	01/17/2018	2017-23/25
R357-16	Utah Outdoor Recreation Infrastructure Grant	42633	NSC	03/14/2018	Not Printed
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<u>Administration</u>					
R380-250	HIPAA Privacy Rule Implementation	42784	5YR	04/10/2018	2018-9/69
<u>Center for Health Data, Health Care Statistics</u>					
R428-1	Health Data Plan and Incorporated Documents	42728	AMD	05/25/2018	2018-8/104

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R436-2	Infants of Unknown Parentage; Foundling Registration	42706	5YR	03/20/2018	2018-8/149
R436-3	Amendment of Vital Records	42707	5YR	03/20/2018	2018-8/150
R436-4	Delayed Registration of Birth	42708	5YR	03/20/2018	2018-8/150
R436-6	Delayed Registration of Birth or Death	42339	REP	04/03/2018	2017-24/20
R436-7	Death Registration	42713	5YR	03/21/2018	2018-8/151
R436-8	Authorization for Final Disposition of Deceased Persons	42709	5YR	03/20/2018	2018-8/151
R436-9	Persons and Institutions Required to Keep Monthly Listings of Vital Statistics Events	42712	5YR	03/21/2018	2018-8/152
R436-10	Birth and Death Certificates	42710	5YR	03/20/2018	2018-8/152
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R436-13	Disclosure of Records	42715	5YR	03/21/2018	2018-8/153
R436-14	Copies of Data From Vital Records	42716	5YR	03/21/2018	2018-8/154
R436-15	Fees	42717	5YR	03/21/2018	2018-8/154
R436-16	Violation of Rules	42718	5YR	03/21/2018	2018-8/155
R436-17	Review and Approval of Research Requests	42719	5YR	03/21/2018	2018-8/155

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R382-10	Eligibility	42791	5YR	04/11/2018	2018-9/70

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R392-100	Food Service Sanitation	42684	AMD	05/18/2018	2018-7/93
R392-102	Food Truck Sanitation	42685	NEW	05/18/2018	2018-7/97
R392-200	Design, Construction, Operation, Sanitation, and Safety of Schools	42732	AMD	05/31/2018	2018-8/51
R392-300	Recreation Camp Sanitation	42516	R&R	03/26/2018	2018-4/4
R392-302	Design, Construction and Operation of Public Pools	42744	AMD	05/24/2018	2018-8/66
R392-401	Roadway Rest Stop Sanitation	42514	R&R	03/26/2018	2018-4/27
R392-402	Mobile Home Park Sanitation	42731	R&R	05/24/2018	2018-8/89
R392-502	Hotel, Motel and Resort Sanitation	42515	R&R	03/26/2018	2018-4/31
R392-700	Indoor Tanning Bed Sanitation	42491	5YR	01/19/2018	2018-4/97

Disease Control and Prevention, Epidemiology

R386-702	Communicable Disease Rule	42285	AMD	01/02/2018	2017-22/31
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Disease Control and Prevention, Health Promotion

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Disease Control and Prevention, Laboratory Services

R438-15	Newborn Screening	42282	NEW	01/29/2018	2017-22/60
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R430-50	Residential Certificate Child Care	42877	5YR	05/09/2018	2018-11/58
R430-90	Licensed Family Child Care	42876	5YR	05/09/2018	2018-11/59

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R426-2	Emergency Medical Services Provider Designations for Pre-Hospital Providers, Critical Incident Stress Management and Quality Assurance Reviews	42555	AMD	04/19/2018	2018-4/46
R426-3	Licensure	42556	AMD	04/19/2018	2018-4/50
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R432-2-13	New License Required	42396	AMD	03/22/2018	2018-2/11
R432-3	General Health Care Facility Rules Inspection and Enforcement	42522	5YR	01/29/2018	2018-4/99
R432-4	General Construction	42523	5YR	01/29/2018	2018-4/99
R432-5	Nursing Facility Construction	42524	5YR	01/29/2018	2018-4/100
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R432-16	Hospice Inpatient Facility Construction	42518	5YR	01/29/2018	2018-4/101
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R432-150-8	Administrator	42201	AMD	01/11/2018	2017-21/108
R432-270-19	Medication Administration	42200	AMD	01/11/2018	2017-21/109

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R434-150	Adverse Events from the Administration of Sedation or Anesthesia; Recording and Reporting	42334	NEW	04/14/2018	2017-24/18
R434-150	Adverse Events from the Administration of Sedation or Anesthesia; Recording and Reporting	42671	NSC	04/14/2018	Not Printed

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R410-14	Administrative Hearing Procedures	42746	AMD	05/29/2018	2018-8/95

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R414-1-5	Incorporations by Reference	42631	AMD	05/08/2018	2018-6/6
R414-2A-7	Limitations	42625	AMD	05/08/2018	2018-6/11
R414-3A	Outpatient Hospital Services	42180	AMD	03/05/2018	2017-20/26
R414-3A	Outpatient Hospital Services	42180	CPR	03/05/2018	2018-2/42
R414-3A-5	Services	42594	AMD	05/08/2018	2018-5/42
R414-4x	Policy Statement on Denial of Payment to Medicaid Provider When Client Fails to Keep Scheduled Appointment	42306	REP	01/19/2018	2017-23/49
R414-27	Medicaid Enrollment Process for Nursing Care Facilities	42427	5YR	01/02/2018	2018-2/54
R414-52	Optometry Services	42782	5YR	04/10/2018	2018-9/71
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R414-302	Eligibility Requirements	42441	5YR	01/08/2018	2018-3/84
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R414-304	Income and Budgeting	42443	5YR	01/08/2018	2018-3/85
R414-305	Resources	42444	5YR	01/08/2018	2018-3/85
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R414-308	Application, Eligibility Determinations and Improper Medical Assistance	42446	5YR	01/08/2018	2018-3/86
R414-308-3	Application and Signature	42488	EMR	01/19/2018	2018-4/87
R414-308-3	Application and Signature	42628	AMD	05/08/2018	2018-6/17
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R414-311	Targeted Adult Medicaid	42629	NEW	05/08/2018	2018-6/20
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R414-509	Medicaid Autism Waiver Open Enrollment Process	42490	REP	04/11/2018	2018-4/41
R414-517	Inpatient Hospital Provider Assessments	42353	AMD	01/29/2018	2017-24/16
R414-519	Settings for Home and Community-Based Services	42635	NEW	05/25/2018	2018-7/112

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Administration

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R495-885	Employee Background Screenings	42417	AMD	02/23/2018	2018-2/13
R495-885	Employee Background Screenings	42845	EMR	04/23/2018	2018-10/149
<u>Administration, Administrative Services, Licensing</u>					
R501-1	General Provisions for Licensing	42216	AMD	02/23/2018	2017-21/111
R501-7	Child Placing Adoption Agencies	42317	R&R	05/02/2018	2017-23/50
R501-7	Child Placing Adoption Agencies	42317	CPR	05/02/2018	2018-6/34
R501-12	Foster Care Services	42217	AMD	02/23/2018	2017-21/120
R501-14	Human Service Program Background Screening	42233	AMD	02/23/2018	2017-21/130
R501-18	Recovery Residence Services	42234	AMD	02/07/2018	2017-21/136
<u>Aging and Adult Services</u>					
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R510-200	Long-Term Care Ombudsman Program Policy	42636	R&R	05/30/2018	2018-7/114
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R512-200	Child Protective Services, Intake Services	42597	5YR	02/15/2018	2018-5/143
R512-201	Child Protective Services, Investigation Services	42598	5YR	02/15/2018	2018-5/144
R512-202	Child Protective Services, General Allegation Categories	42599	5YR	02/15/2018	2018-5/144
R512-300	Out-of-Home Services	42600	5YR	02/15/2018	2018-5/145
R512-301	Out-of-Home Services, Responsibilities Pertaining to a Parent or Guardian	42601	5YR	02/15/2018	2018-5/145
R512-302	Out-of-Home Services, Responsibilities Pertaining to an Out-of-Home Caregiver	42602	5YR	02/15/2018	2018-5/146
R512-305	Out-of-Home Services, Transition to Adult Living Services	42603	5YR	02/15/2018	2018-5/146
R512-309	Out-of-Home Services, Foster Parent Reimbursement of Motor Vehicle Insurance Coverage for Youth in Foster Care	42604	5YR	02/15/2018	2018-5/147
R512-500	Kinship Services, Placement and Background Screening	42605	5YR	02/15/2018	2018-5/147
<u>Recovery Services</u>					
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R527-920	Mandatory Disbursement to Obligee Through Electronic Funds Transfer	42720	5YR	03/23/2018	2018-8/156
<u>Services for People with Disabilities</u>					
R539-1	Eligibility	42560	NSC	03/01/2018	Not Printed
R539-1	Eligibility	42926	NSC	06/01/2018	Not Printed
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R525-3	Medication Treatment of Patients	42474	5YR	01/16/2018	2018-3/87
R525-3	Medication Treatment of Patients	42558	NSC	03/01/2018	Not Printed
R525-4	Visitors	42475	5YR	01/16/2018	2018-3/88
R525-5	Background Checks	42476	5YR	01/16/2018	2018-3/88
R525-6	Prohibited Items and Devices	42477	5YR	01/16/2018	2018-3/89
R525-6	Prohibited Items and Devices	42557	NSC	03/01/2018	Not Printed
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R590-94	Rule Permitting Smoker/Nonsmoker Mortality Tables For Use in Determining Minimum Reserve Liabilities and Nonforfeiture Benefits	42686	5YR	03/14/2018	2018-7/179
R590-102	Insurance Department Fee Payment Rule	42395	AMD	02/08/2018	2018-1/11
R590-154	Unfair Marketing Practices Rule; Misleading Names	42687	5YR	03/14/2018	2018-7/180
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R590-243	Commercial Motor Vehicle Insurance Coverage	42436	5YR	01/04/2018	2018-3/91
R590-266-1	Authority	42319	AMD	01/10/2018	2017-23/66
R590-266-4	Utah Essential Health Benefits	42856	NSC	05/14/2018	Not Printed
R590-276	Record Retention for Foreign, Alien, Commercially Domiciled, Foreign Title and Foreign Fraternal	42214	NEW	04/23/2018	2017-21/165
R590-276	Record Retention for Foreign, Alien, Commercially Domiciled, Foreign Title and Foreign Fraternal	42214	CPR	04/23/2018	2018-6/44

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Administration

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LABOR COMMISSION

Administration

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R616-3-3	Safety Codes for Elevators	42566	AMD	04/09/2018	2018-5/51

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R612-200	Workers' Compensation Rules - Filing and Paying Claims	42562	5YR	02/08/2018	2018-5/149
R612-300	Workers' Compensation Rules - Medical Care	42563	5YR	02/08/2018	2018-5/149
R612-300-4	General Method for Computing Medical Fees	42567	AMD	04/09/2018	2018-5/46
R612-400	Workers' Compensation Insurance, Self-Insurance and Waivers	42564	5YR	02/08/2018	2018-5/150

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R634-3	Compensatory Mitigation Program	42309	CPR	03/26/2018	2018-4/71

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R645-102	Exemption for Coal Extraction Incident to Government-Financed Highway or Other Construction	42497	5YR	01/24/2018	2018-4/103
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R647-2	Exploration	42501	5YR	01/24/2018	2018-4/105
R647-3	Small Mining Operations	42502	5YR	01/24/2018	2018-4/106
R647-4	Large Mining Operations	42503	5YR	01/24/2018	2018-4/106
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R647-6	Inspection and Enforcement: Division Authority and Procedures	42505	5YR	01/24/2018	2018-4/108

R647-7	Inspection and Enforcement: Civil Penalties	42506	5YR	01/24/2018	2018-4/108
R647-8	Inspection and Enforcement: Individual Civil Penalties	42507	5YR	01/24/2018	2018-4/109

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R649-6	Gas Processing and Waste Crude Oil Treatment	42508	5YR	01/24/2018	2018-4/109
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R651-103	Electronic Meetings	42723	NEW	05/22/2018	2018-8/142
R651-406	Off-Highway Vehicle Registration Fees	42431	AMD	02/21/2018	2018-2/16
R651-407	Off-Highway Vehicle Advisory Council	42682	5YR	03/13/2018	2018-7/181

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R655-4	Water Wells	42607	R&R	04/09/2018	2018-5/67

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R657-9	Taking Waterfowl, Wilson's Snipe and Coot	42376	AMD	02/07/2018	2018-1/33
R657-12	Hunting and Fishing Accommodations for People With Disabilities	42375	NSC	02/13/2018	Not Printed
R657-19	Taking Nongame Mammals	42377	AMD	02/07/2018	2018-1/35
R657-33	Taking Bear	42492	AMD	03/26/2018	2018-4/55
R657-34	Procedures for Confirmation of Ordinances on Hunting Closures	42796	5YR	04/12/2018	2018-9/72
R657-37	Cooperative Wildlife Management Units for Big Game or Turkey	42795	5YR	04/12/2018	2018-9/72
R657-41	Conservation and Sportsman Permits	42379	AMD	02/07/2018	2018-1/38
R657-42	Fees, Exchanges, Surrenders, Refunds and Reallocation of Wildlife Documents	42794	5YR	04/12/2018	2018-9/73
R657-45	Wildlife License, Permit, and Certificate of Registration Forms and Terms	42793	5YR	04/12/2018	2018-9/73
R657-53	Amphibian and Reptile Collection, Importation, Transportation and Possession	42792	5YR	04/12/2018	2018-9/74
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R657-62	Drawing Application Procedures	42493	AMD	03/26/2018	2018-4/57
R657-67	Utah Hunter Mentoring Program	42372	AMD	02/07/2018	2018-1/44
R657-70	Taking Utah Prairie Dogs	42378	REP	02/07/2018	2018-1/46
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R671-203	Victim Input and Notification	42297	AMD	01/08/2018	2017-22/78
R671-205	Credit for Time Served	42227	AMD	01/08/2018	2017-21/169
R671-206	Competency of Offenders	42296	NEW	01/08/2018	2017-22/81
R671-304	Hearing Record	42231	AMD	01/08/2018	2017-21/171
R671-312	Commutation Hearings for Death Penalty Cases	42575	5YR	02/13/2018	2018-5/150
R671-312A	Commutation Procedures Applicable to Persons Sentenced to Death Before April 26, 1992	42905	5YR	05/11/2018	2018-11/61
R671-312B	Commutation Procedures Applicable to Persons Sentenced to Death After April 26, 1992	42906	5YR	05/11/2018	2018-11/62
R671-509	Parole Progress/Violation Reports	42576	5YR	02/13/2018	2018-5/151

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R671-512	Execution of the Warrant	42578	5YR	02/13/2018	2018-5/152
R671-513	Expedited Determination of Parolee Challenge to Probable Cause	42579	5YR	02/13/2018	2018-5/152
R671-514	Waiver and Pleas of Guilt	42580	5YR	02/13/2018	2018-5/153
R671-515	Timeliness of Parole Revocation Hearings	42581	5YR	02/13/2018	2018-5/153
R671-516	Parole Revocation Hearings	42583	5YR	02/13/2018	2018-5/154
R671-517	Evidentiary Hearings and Proceedings	42584	5YR	02/13/2018	2018-5/154
R671-518	Conduct of Proceedings When a Criminal Charge Results in Conviction	42585	5YR	02/13/2018	2018-5/155
R671-519	Proceedings When Criminal Charges Result in Acquittal	42586	5YR	02/13/2018	2018-5/155
R671-520	Treatment of Confidential Testimony	42587	5YR	02/13/2018	2018-5/156
R671-522	Continuances Due to Pending Criminal Charges	42588	5YR	02/13/2018	2018-5/156

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R698-11	Submission and Testing of Sexual Assault Kits	42269	NEW	01/10/2018	2017-22/82

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R722-300	Concealed Firearm Permit and Instructor Rule	42258	AMD	01/10/2018	2017-22/89
R722-350	Certificate of Eligibility	42259	AMD	01/10/2018	2017-22/94
R722-350	Certificate of Eligibility	42912	NSC	05/17/2018	Not Printed
R722-380	Firearm Background Check Information	42260	AMD	01/10/2018	2017-22/96

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R708-30	Motorcycle Rider Training Schools	42825	5YR	04/19/2018	2018-10/157

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R746-8	Utah Universal Public Telecommunications Service Support Fund (UUSF)	42424	NEW	02/21/2018	2018-2/18
R746-8-403	Lifeline Support	42632	AMD	04/24/2018	2018-6/26
R746-110	Uncontested Matters to be Adjudicated Informally	42768	5YR	04/05/2018	2018-9/75
R746-210	Utility Service Rules Applicable Only to Electric Utilities	42767	5YR	04/05/2018	2018-9/75
R746-240	Telecommunication Service Rules	42769	5YR	04/05/2018	2018-9/76
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R746-332	Depreciation Rates for Water Utilities	42593	5YR	02/14/2018	2018-5/157
R746-340	Service Quality for Telecommunications Corporations	42770	5YR	04/05/2018	2018-9/77
R746-341	Lifeline Rule	42423	REP	02/21/2018	2018-2/24
R746-343	Rule for Deaf, Severely Hearing or Speech Impaired Person	42425	REP	02/21/2018	2018-2/28
R746-347	Extended Area Service (EAS)	42589	5YR	02/14/2018	2018-5/158
R746-360	Universal Public Telecommunications Service Support Fund	42426	REP	02/21/2018	2018-2/31
R746-402	Rules Governing Reports of Accidents by Electric, Gas, Telephone, and Water Utilities	42592	5YR	02/14/2018	2018-5/158
R746-405	Filing of Tariffs for Gas, Electric, Telephone, and Water Utilities	42591	5YR	02/14/2018	2018-5/159
R746-409-1	General Provisions	42331	AMD	01/09/2018	2017-23/75

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R765-254	Secure Area Hearing Rooms	42867	EXD	05/01/2018	2018-10/159
R765-555	Policy on Colleges and Universities Providing Facilities, Goods and Services in Competition with Private Enterprise	42868	EXD	05/01/2018	2018-10/159
R765-605	Higher Education Success Stipend Program	42789	5YR	04/11/2018	2018-9/77
R765-605	Higher Education Success Stipend Program	42722	NSC	04/12/2018	Not Printed

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R805-1	Operating Regulations for Bicycles, Skateboards, Rollerskates and Scooters (Non-Motorized Riding Devices)	42617	5YR	02/22/2018	2018-6/50
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R810-8	Vendor Regulations	42513	NEW	04/05/2018	2018-4/62

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R856-2	USTAR University-Industry Partnership Program Grants	42357	R&R	01/23/2018	2017-24/28
R856-3	USTAR University Technology Acceleration Grants	42359	R&R	01/23/2018	2017-24/36
R856-4	USTAR Science Technology Initiation Grant	42358	R&R	01/23/2018	2017-24/41
R856-5	Utah Science, Technology, and Research (USTAR) Energy Research Triangle Professors (ERT-P) Grant	42356	R&R	01/23/2018	2017-24/48
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R895-12	Telecommunications Services and Requirements	42529	EMR	01/30/2018	2018-4/92

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R909-19	Safety Regulations for Tow Truck Operations - Tow Truck Requirements for Equipment, Operation, and Certification	42336	AMD	01/24/2018	2017-24/60

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R918-6	Maintenance Responsibility at Intersections, Overcrossings, and Interchanges between Class A Roads and Class B or Class C Roads	42392	AMD	02/07/2018	2018-1/53
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R994-202	Employing Units	42736	5YR	03/29/2018	2018-8/157
R994-208	Wages	42737	5YR	03/29/2018	2018-8/158
R994-306	Charging Benefit Costs to Employers	42738	5YR	03/29/2018	2018-8/158
R994-307	Social Costs -- Relief of Charges	42739	5YR	03/29/2018	2018-8/159
R994-315	Centralized New Hire Registry Reporting	42740	5YR	03/29/2018	2018-8/159
R994-403	Claim for Benefits	42741	5YR	03/29/2018	2018-8/160
R994-405	Ineligibility for Benefits	42742	5YR	03/29/2018	2018-8/161
R994-508	Appeal Procedures	42743	5YR	03/29/2018	2018-8/161

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ABBREVIATIONS

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

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>accountability</u> Education, Administration	42755	R277-109	NSC	04/12/2018	Not Printed
<u>accreditation</u> Education, Administration	42885	R277-410	NSC	05/17/2018	Not Printed
<u>acquit</u> Pardons (Board Of), Administration	42586	R671-519	5YR	02/13/2018	2018-5/155
<u>acupuncture</u> Commerce, Occupational and Professional Licensing	42338	R156-72	AMD	01/23/2018	2017-24/11
<u>ADAP</u> Health, Disease Control and Prevention; HIV/AIDS, Tuberculosis Control/Refugee Health	42328	R388-805	AMD	02/01/2018	2017-23/28
<u>adhesives</u> Environmental Quality, Air Quality	42653	R307-342	5YR	03/08/2018	2018-7/170

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<u>adjudicative proceedings</u>						
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Public Safety, Driver License	42865	R708-14-9	LNR	05/01/2018	2018-10/161	
<u>administrative necessary proceedings</u>						
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<u>administrative procedures</u>						
Commerce, Consumer Protection	42830	R152-6	NSC	04/26/2018	Not Printed	
Commerce, Occupational and Professional Licensing	42428	R156-46b-401	NSC	01/18/2018	Not Printed	
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School and Institutional Trust Lands, Administration	42678	R850-40	AMD	05/08/2018	2018-7/137	
	42677	R850-50	AMD	05/08/2018	2018-7/139	
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<u>adult education</u>						
Education, Administration	42394	R277-705	AMD	02/28/2018	2018-1/5	
<u>advertising</u>						
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<u>aerospace</u>						
Environmental Quality, Air Quality	42549	R307-355	EXT	01/31/2018	2018-4/115	
	42666	R307-355	5YR	03/08/2018	2018-7/177	
	42370	R307-355-3	AMD	03/08/2018	2018-1/10	
<u>affordable base rate</u>						
Public Service Commission, Administration	42426	R746-360	REP	02/21/2018	2018-2/31	
<u>aggregate</u>						
Environmental Quality, Air Quality	42536	R307-312	EXT	01/31/2018	2018-4/113	
	42652	R307-312	5YR	03/08/2018	2018-7/169	
<u>air pollution</u>						
Environmental Quality, Air Quality	42433	R307-101-3	AMD	05/23/2018	2018-3/28	
	42546	R307-102	EXT	01/31/2018	2018-4/111	
	42639	R307-102	5YR	03/08/2018	2018-7/161	
	42640	R307-107	5YR	03/08/2018	2018-7/162	
	42548	R307-115	EXT	01/31/2018	2018-4/111	
	42641	R307-115	5YR	03/08/2018	2018-7/163	
	42642	R307-123	5YR	03/08/2018	2018-7/163	
	42107	R307-150	AMD	03/05/2018	2017-19/55	
	42107	R307-150	CPR	03/05/2018	2018-3/46	
	42550	R307-170	EXT	01/31/2018	2018-4/111	
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	42644	R307-208	5YR	03/08/2018	2018-7/164	
	42434	R307-210	AMD	05/23/2018	2018-3/29	
	42435	R307-214	AMD	05/23/2018	2018-3/30	
	42553	R307-220	EXT	01/31/2018	2018-4/111	
	42645	R307-220	5YR	03/08/2018	2018-7/165	
	42552	R307-221	EXT	01/31/2018	2018-4/112	
	42646	R307-221	5YR	03/08/2018	2018-7/166	
	42532	R307-222	EXT	01/31/2018	2018-4/112	
	42647	R307-222	5YR	03/08/2018	2018-7/166	
	42533	R307-223	EXT	01/31/2018	2018-4/112	
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42536	R307-312	EXT	01/31/2018	2018-4/113	
42652	R307-312	5YR	03/08/2018	2018-7/169	
42653	R307-342	5YR	03/08/2018	2018-7/170	
42538	R307-345	EXT	01/31/2018	2018-4/113	
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42656	R307-346	5YR	03/08/2018	2018-7/171	
42541	R307-347	EXT	01/31/2018	2018-4/114	
42657	R307-347	5YR	03/08/2018	2018-7/172	
42543	R307-348	EXT	01/31/2018	2018-4/114	
42659	R307-348	5YR	03/08/2018	2018-7/172	
42540	R307-349	EXT	01/31/2018	2018-4/114	
42660	R307-349	5YR	03/08/2018	2018-7/173	
42542	R307-350	EXT	01/31/2018	2018-4/114	
42661	R307-350	5YR	03/08/2018	2018-7/174	
42544	R307-351	EXT	01/31/2018	2018-4/115	
42662	R307-351	5YR	03/08/2018	2018-7/174	
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42663	R307-352	5YR	03/08/2018	2018-7/175	
42664	R307-353	5YR	03/08/2018	2018-7/176	
42547	R307-354	EXT	01/31/2018	2018-4/115	
42665	R307-354	5YR	03/08/2018	2018-7/176	
42549	R307-355	EXT	01/31/2018	2018-4/115	
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42370	R307-355-3	AMD	03/08/2018	2018-1/10	
42668	R307-357	5YR	03/08/2018	2018-7/178	
42108	R307-401	AMD	03/05/2018	2017-19/58	
42108	R307-401	CPR	03/05/2018	2018-3/49	
42574	R307-401	NSC	03/05/2018	Not Printed	
42109	R307-504	AMD	03/05/2018	2017-19/70	
42109	R307-504	CPR	03/05/2018	2018-3/56	
42110	R307-505	NEW	01/26/2018	2017-19/71	
42111	R307-506	NEW	03/05/2018	2017-19/73	
42111	R307-506	CPR	03/05/2018	2018-3/58	
42112	R307-507	NEW	03/05/2018	2017-19/75	
42112	R307-507	CPR	03/05/2018	2018-3/60	
42113	R307-508	NEW	03/05/2018	2017-19/77	
42113	R307-508	CPR	03/05/2018	2018-3/62	
42114	R307-509	NEW	03/05/2018	2017-19/79	
42114	R307-509	CPR	03/05/2018	2018-3/63	
42115	R307-510	NEW	03/05/2018	2017-19/81	
42115	R307-510	CPR	03/05/2018	2018-3/65	
42858	R307-510	NSC	05/14/2018	Not Printed	
42551	R307-801	EXT	01/31/2018	2018-4/115	
42669	R307-801	5YR	03/08/2018	2018-7/179	
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	42671	R434-150	NSC	04/14/2018	Not Printed	
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<u>APCD</u>						
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	42574	R307-401	NSC	03/05/2018	Not Printed	
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Commerce, Occupational and Professional Licensing	42924	R156-63b	5YR	05/15/2018	2018-11/56	
<u>armored car security officers</u>						
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	42481	R277-490	AMD	03/14/2018	2018-3/13	
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	42425	R746-343	REP	02/21/2018	2018-2/28	
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<u>automobiles</u>						
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	42845	R495-885	EMR	04/23/2018	2018-10/149	
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	42629	R414-311	NEW	05/08/2018	2018-6/20	
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	42661	R307-350	5YR	03/08/2018	2018-7/174	
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Environmental Quality, Air Quality	42532	R307-222	EXT	01/31/2018	2018-4/112	
	42647	R307-222	5YR	03/08/2018	2018-7/166	
<u>initiatives</u>						
Education, Administration	42880	R277-402	NSC	05/17/2018	Not Printed	
<u>inmates</u>						
Pardons (Board Of), Administration	42295	R671-201	AMD	01/08/2018	2017-22/75	
	42294	R671-202	AMD	01/08/2018	2017-22/77	
<u>inspections</u>						
Agriculture and Food, Plant Industry	42530	R68-5	5YR	01/30/2018	2018-4/95	
	42531	R68-5	NSC	02/27/2018	Not Printed	
Agriculture and Food, Regulatory Services	42422	R70-940	R&R	02/22/2018	2018-2/6	
<u>instructional materials</u>						
Education, Administration	42322	R277-469	AMD	01/09/2018	2017-23/4	
<u>insurance</u>						
Insurance, Administration	42687	R590-154	5YR	03/14/2018	2018-7/180	
	42875	R590-219	5YR	05/04/2018	2018-11/59	
	42874	R590-222	5YR	05/04/2018	2018-11/60	
	42856	R590-266-4	NSC	05/14/2018	Not Printed	
	42214	R590-276	NEW	04/23/2018	2017-21/165	
	42214	R590-276	CPR	04/23/2018	2018-6/44	
Labor Commission, Industrial Accidents	42564	R612-400	5YR	02/08/2018	2018-5/150	
<u>insurance discretion clauses</u>						
Insurance, Administration	42437	R590-218	5YR	01/04/2018	2018-3/90	
<u>insurance fee</u>						
Insurance, Administration	42438	R590-157	5YR	01/04/2018	2018-3/90	
<u>insurance fees</u>						
Insurance, Administration	42395	R590-102	AMD	02/08/2018	2018-1/11	
<u>insurance law</u>						
Insurance, Administration	42686	R590-94	5YR	03/14/2018	2018-7/179	
<u>insurance reserves and nonforfeitures</u>						
Insurance, Administration	42873	R590-223	5YR	05/04/2018	2018-11/60	
<u>interchanges</u>						
Transportation, Operations, Maintenance	42392	R918-6	AMD	02/07/2018	2018-1/53	
<u>Internet ratings</u>						
Commerce, Consumer Protection	42828	R152-1a	NSC	04/26/2018	Not Printed	
<u>intersections</u>						
Transportation, Operations, Maintenance	42392	R918-6	AMD	02/07/2018	2018-1/53	
<u>inventories</u>						
Environmental Quality, Air Quality	42107	R307-150	AMD	03/05/2018	2017-19/55	
	42107	R307-150	CPR	03/05/2018	2018-3/46	
<u>jobs</u>						
Governor, Economic Development	42940	R357-3	EXD	05/31/2018	Not Printed	

<u>judges</u>						
Governor, Criminal and Juvenile Justice (State Commission on)	42337	R356-2-10	AMD	04/02/2018	2017-24/13	
<u>judicial nominating commissions</u>						
Governor, Criminal and Juvenile Justice (State Commission on)	42337	R356-2-10	AMD	04/02/2018	2017-24/13	
<u>juvenile confinement in adult jails</u>						
Governor, Criminal and Juvenile Justice (State Commission on)	42055	R356-4	NEW	01/02/2018	2017-18/26	
<u>juvenile confinement in lockups</u>						
Governor, Criminal and Juvenile Justice (State Commission on)	42055	R356-4	NEW	01/02/2018	2017-18/26	
<u>juvenile courts</u>						
Education, Administration	42619	R277-709	5YR	02/26/2018	2018-6/48	
	42613	R277-709	AMD	04/09/2018	2018-5/34	
<u>juvenile detention in adult jails</u>						
Governor, Criminal and Juvenile Justice (State Commission on)	42055	R356-4	NEW	01/02/2018	2017-18/26	
<u>juvenile detention in lockups</u>						
Governor, Criminal and Juvenile Justice (State Commission on)	42055	R356-4	NEW	01/02/2018	2017-18/26	
<u>kinship</u>						
Human Services, Child and Family Services	42605	R512-500	5YR	02/15/2018	2018-5/147	
<u>Labor Commission</u>						
Labor Commission, Administration	42622	R600-1	5YR	02/26/2018	2018-6/49	
<u>landfills</u>						
Environmental Quality, Air Quality	42553	R307-220	EXT	01/31/2018	2018-4/111	
	42645	R307-220	5YR	03/08/2018	2018-7/165	
<u>language proficiency</u>						
Regents (Board Of), Administration	42866	R765-136	EXD	05/01/2018	2018-10/159	
<u>large appliance</u>						
Environmental Quality, Air Quality	42541	R307-347	EXT	01/31/2018	2018-4/114	
	42657	R307-347	5YR	03/08/2018	2018-7/172	
<u>leadership</u>						
Education, Administration	42439	R277-530-3	NSC	01/25/2018	Not Printed	
<u>license</u>						
Natural Resources, Wildlife Resources	42793	R657-45	5YR	04/12/2018	2018-9/73	
<u>license surrender</u>						
Education, Administration	42777	R277-216	NSC	04/13/2018	Not Printed	
<u>licensed family child care</u>						
Health, Family Health and Preparedness, Child Care Licensing	42876	R430-90	5YR	05/09/2018	2018-11/59	
<u>licensing</u>						
Commerce, Occupational and Professional Licensing	42582	R156-1	AMD	04/09/2018	2018-5/7	
	42869	R156-5a	5YR	05/01/2018	2018-10/155	
	42623	R156-24b-102	NSC	03/14/2018	Not Printed	
	42448	R156-31b	5YR	01/08/2018	2018-3/69	
	42848	R156-37c	5YR	04/24/2018	2018-10/155	
	42429	R156-55b-102	NSC	01/18/2018	Not Printed	
	42925	R156-63a	5YR	05/15/2018	2018-11/55	
	42924	R156-63b	5YR	05/15/2018	2018-11/56	

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	42447	R156-68	5YR	01/08/2018	2018-3/70
	42338	R156-72	AMD	01/23/2018	2017-24/11
	42847	R156-74	5YR	04/24/2018	2018-10/156
	42243	R156-78-502	AMD	01/02/2018	2017-22/28
Education, Administration	42760	R277-120	NSC	04/12/2018	Not Printed
Human Services, Administration, Administrative Services, Licensing	42216	R501-1	AMD	02/23/2018	2017-21/111
	42317	R501-7	R&R	05/02/2018	2017-23/50
	42317	R501-7	CPR	05/02/2018	2018-6/34
	42217	R501-12	AMD	02/23/2018	2017-21/120
	42233	R501-14	AMD	02/23/2018	2017-21/130
	42234	R501-18	AMD	02/07/2018	2017-21/136
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Education, Administration	42774	R277-213	NSC	04/13/2018	Not Printed
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Insurance, Administration	42874	R590-222	5YR	05/04/2018	2018-11/60
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Public Service Commission, Administration	42423	R746-341	REP	02/21/2018	2018-2/24
<u>lifeline support</u>					
Public Service Commission, Administration	42632	R746-8-403	AMD	04/24/2018	2018-6/26
<u>loans</u>					
Agriculture and Food, Administration	42559	R51-5	NEW	05/02/2018	2018-5/4
Environmental Quality, Water Quality	42705	R317-101	5YR	03/20/2018	2018-8/147
<u>local government</u>					
Health, Center for Health Data, Vital Records and Statistics	42710	R436-10	5YR	03/20/2018	2018-8/152
	42714	R436-12	5YR	03/21/2018	2018-8/153
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Education, Administration	42754	R277-108	NSC	04/12/2018	Not Printed
<u>long-term care</u>					
Corrections, Administration	42637	R251-114	5YR	03/07/2018	2018-7/161
<u>LTCO</u>					
Human Services, Aging and Adult Services	42636	R510-200	R&R	05/30/2018	2018-7/114
<u>MACT</u>					
Environmental Quality, Air Quality	42435	R307-214	AMD	05/23/2018	2018-3/30
<u>MAGI-based</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	42442	R414-303	5YR	01/08/2018	2018-3/84
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Environmental Quality, Air Quality	42543	R307-348	EXT	01/31/2018	2018-4/114
	42659	R307-348	5YR	03/08/2018	2018-7/172
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Transportation, Operations, Maintenance	42392	R918-6	AMD	02/07/2018	2018-1/53
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School and Institutional Trust Lands, Administration	42678	R850-40	AMD	05/08/2018	2018-7/137
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Health, Disease Control and Prevention, Environmental Services	42731	R392-402	R&R	05/24/2018	2018-8/89
<u>manufactured homes</u>					
Health, Disease Control and Prevention, Environmental Services	42731	R392-402	R&R	05/24/2018	2018-8/89

<u>market trading program</u>					
Environmental Quality, Air Quality	42535	R307-250	EXT	01/31/2018	2018-4/113
	42650	R307-250	5YR	03/08/2018	2018-7/168
<u>marketing</u>					
Commerce, Consumer Protection	42832	R152-15	NSC	04/26/2018	Not Printed
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Education, Administration	42760	R277-120	NSC	04/12/2018	Not Printed
<u>Medicaid</u>					
Health, Health Care Financing	42517	R410-14	EMR	01/29/2018	2018-4/81
	42746	R410-14	AMD	05/29/2018	2018-8/95
Health, Health Care Financing, Coverage and Reimbursement Policy	42631	R414-1-5	AMD	05/08/2018	2018-6/6
	42625	R414-2A-7	AMD	05/08/2018	2018-6/11
	42180	R414-3A	AMD	03/05/2018	2017-20/26
	42180	R414-3A	CPR	03/05/2018	2018-2/42
	42594	R414-3A-5	AMD	05/08/2018	2018-5/42
	42306	R414-4x	REP	01/19/2018	2017-23/49
	42427	R414-27	5YR	01/02/2018	2018-2/54
	42782	R414-52	5YR	04/10/2018	2018-9/71
	42783	R414-53	5YR	04/10/2018	2018-9/71
	42626	R414-60	AMD	05/01/2018	2018-6/13
	42440	R414-301	5YR	01/08/2018	2018-3/83
	42441	R414-302	5YR	01/08/2018	2018-3/84
	42487	R414-302-6	EMR	01/19/2018	2018-4/85
	42627	R414-302-6	AMD	05/08/2018	2018-6/15
	42444	R414-305	5YR	01/08/2018	2018-3/85
	42446	R414-308	5YR	01/08/2018	2018-3/86
	42488	R414-308-3	EMR	01/19/2018	2018-4/87
	42628	R414-308-3	AMD	05/08/2018	2018-6/17
	42489	R414-311	EMR	01/19/2018	2018-4/90
	42629	R414-311	NEW	05/08/2018	2018-6/20
	42935	R414-508	5YR	05/25/2018	Not Printed
	42490	R414-509	REP	04/11/2018	2018-4/41
	42353	R414-517	AMD	01/29/2018	2017-24/16
	42635	R414-519	NEW	05/25/2018	2018-7/112
<u>Medicaid abuse</u>					
Administrative Services, Inspector General of Medicaid Services (Office of)	42658	R30-1	REP	06/01/2018	2018-7/6
	42694	R30-1	NEW	06/01/2018	2018-7/10
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Administrative Services, Inspector General of Medicaid Services (Office of)	42658	R30-1	REP	06/01/2018	2018-7/6
	42694	R30-1	NEW	06/01/2018	2018-7/10
<u>Medicaid waste</u>					
Administrative Services, Inspector General of Medicaid Services (Office of)	42658	R30-1	REP	06/01/2018	2018-7/6
	42694	R30-1	NEW	06/01/2018	2018-7/10
<u>medical incinerator</u>					
Environmental Quality, Air Quality	42532	R307-222	EXT	01/31/2018	2018-4/112
	42647	R307-222	5YR	03/08/2018	2018-7/166
<u>medical practitioners</u>					
Labor Commission, Industrial Accidents	42563	R612-300	5YR	02/08/2018	2018-5/149
	42567	R612-300-4	AMD	04/09/2018	2018-5/46
<u>medical transportation</u>					
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<u>memberships</u>						
Education, Administration	42884	R277-409	NSC	05/17/2018	Not Printed	
<u>mercury</u>						
Environmental Quality, Air Quality	42534	R307-224	EXT	01/31/2018	2018-4/112	
	42649	R307-224	5YR	03/08/2018	2018-7/167	
<u>metal containers</u>						
Environmental Quality, Air Quality	42545	R307-352	EXT	01/31/2018	2018-4/115	
	42663	R307-352	5YR	03/08/2018	2018-7/175	
<u>metal furniture</u>						
Environmental Quality, Air Quality	42539	R307-346	EXT	01/31/2018	2018-4/114	
	42656	R307-346	5YR	03/08/2018	2018-7/171	
<u>migratory birds</u>						
Natural Resources, Wildlife Resources	42376	R657-9	AMD	02/07/2018	2018-1/33	
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Natural Resources, Oil, Gas and Mining; Non-Coal	42500	R647-1	5YR	01/24/2018	2018-4/105	
	42501	R647-2	5YR	01/24/2018	2018-4/105	
	42502	R647-3	5YR	01/24/2018	2018-4/106	
	42503	R647-4	5YR	01/24/2018	2018-4/106	
	42504	R647-5	5YR	01/24/2018	2018-4/107	
	42505	R647-6	5YR	01/24/2018	2018-4/108	
	42506	R647-7	5YR	01/24/2018	2018-4/108	
	42507	R647-8	5YR	01/24/2018	2018-4/109	
<u>minors</u>						
Commerce, Consumer Protection	42841	R152-39	NSC	04/26/2018	Not Printed	
<u>miscellaneous metal parts</u>						
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	42661	R307-350	5YR	03/08/2018	2018-7/174	
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Natural Resources, Administration	42309	R634-3	NEW	03/26/2018	2017-23/67	
	42309	R634-3	CPR	03/26/2018	2018-4/71	
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Health, Disease Control and Prevention, Environmental Services	42685	R392-102	NEW	05/18/2018	2018-7/97	
<u>mobile homes</u>						
Health, Disease Control and Prevention, Environmental Services	42731	R392-402	R&R	05/24/2018	2018-8/89	
<u>monitoring</u>						
Environmental Quality, Air Quality	42550	R307-170	EXT	01/31/2018	2018-4/111	
	42643	R307-170	5YR	03/08/2018	2018-7/164	
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Health, Disease Control and Prevention, Environmental Services	42515	R392-502	R&R	03/26/2018	2018-4/31	
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Health, Center for Health Data, Vital Records and Statistics	42707	R436-3	5YR	03/20/2018	2018-8/150	

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Agriculture and Food, Regulatory Services	42422	R70-940	R&R	02/22/2018	2018-2/6	
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Commerce, Consumer Protection	42833	R152-20	NSC	04/26/2018	Not Printed	
Environmental Quality, Air Quality	42642	R307-123	5YR	03/08/2018	2018-7/163	
<u>motorcycle rider training schools</u>						
Public Safety, Driver License	42825	R708-30	5YR	04/19/2018	2018-10/157	
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	42646	R307-221	5YR	03/08/2018	2018-7/166	
<u>municipal waste incinerator</u>						
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	42648	R307-223	5YR	03/08/2018	2018-7/167	
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School and Institutional Trust Lands, Administration	42678	R850-40	AMD	05/08/2018	2018-7/137	
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Transportation, Administration	42688	R907-80	AMD	05/09/2018	2018-7/142	
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Transportation, Administration	42688	R907-80	AMD	05/09/2018	2018-7/142	
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Workforce Services, Unemployment Insurance	42740	R994-315	5YR	03/29/2018	2018-8/159	
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Health, Disease Control and Prevention, Laboratory Services	42282	R438-15	NEW	01/29/2018	2017-22/60	
Health, Family Health and Preparedness, Children with Special Health Care Needs	42279	R398-1	REP	01/29/2018	2017-22/46	
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	42700	R277-532	AMD	05/08/2018	2018-7/29	
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Education, Administration	42885	R277-410	NSC	05/17/2018	Not Printed	
<u>nontraditional learning programs</u>						
Education, Administration	42888	R277-418	NSC	05/17/2018	Not Printed	
<u>noxious weeds</u>						
Agriculture and Food, Plant Industry	42943	R68-9	5YR	06/01/2018	Not Printed	
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Labor Commission, Industrial Accidents	42563	R612-300	5YR	02/08/2018	2018-5/149	
	42567	R612-300-4	AMD	04/09/2018	2018-5/46	
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Commerce, Occupational and Professional Licensing	42428	R156-46b-401	NSC	01/18/2018	Not Printed
	42429	R156-55b-102	NSC	01/18/2018	Not Printed
<u>off-highway vehicles</u>					
Natural Resources, Parks and Recreation	42431	R651-406	AMD	02/21/2018	2018-2/16
	42682	R651-407	5YR	03/13/2018	2018-7/181
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Administrative Services, Inspector General of Medicaid Services (Office of)	42658	R30-1	REP	06/01/2018	2018-7/6
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	42695	R30-2	NEW	06/01/2018	2018-7/14
	42696	R30-3	NEW	06/01/2018	2018-7/17
<u>oil</u>					
Environmental Quality, Air Quality	42109	R307-504	AMD	03/05/2018	2017-19/70
	42109	R307-504	CPR	03/05/2018	2018-3/56
	42110	R307-505	NEW	01/26/2018	2017-19/71
	42111	R307-506	NEW	03/05/2018	2017-19/73
	42111	R307-506	CPR	03/05/2018	2018-3/58
	42112	R307-507	NEW	03/05/2018	2017-19/75
	42112	R307-507	CPR	03/05/2018	2018-3/60
	42113	R307-508	NEW	03/05/2018	2017-19/77
	42113	R307-508	CPR	03/05/2018	2018-3/62
	42114	R307-509	NEW	03/05/2018	2017-19/79
	42114	R307-509	CPR	03/05/2018	2018-3/63
	42115	R307-510	NEW	03/05/2018	2017-19/81
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	42858	R307-510	NSC	05/14/2018	Not Printed
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<u>Outdoor Recreation Infrastructure Grant</u>					
Governor, Economic Development	42332	R357-16	AMD	01/17/2018	2017-23/25
	42633	R357-16	NSC	03/14/2018	Not Printed
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Environmental Quality, Air Quality	42644	R307-208	5YR	03/08/2018	2018-7/164
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Environmental Quality, Air Quality	42537	R307-344	EXT	01/31/2018	2018-4/113
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	42513	R810-8	NEW	04/05/2018	2018-4/62
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	42577	R671-510	5YR	02/13/2018	2018-5/151
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	42579	R671-513	5YR	02/13/2018	2018-5/152
	42580	R671-514	5YR	02/13/2018	2018-5/153
	42581	R671-515	5YR	02/13/2018	2018-5/153
	42583	R671-516	5YR	02/13/2018	2018-5/154
	42584	R671-517	5YR	02/13/2018	2018-5/154
	42585	R671-518	5YR	02/13/2018	2018-5/155
	42586	R671-519	5YR	02/13/2018	2018-5/155
	42587	R671-520	5YR	02/13/2018	2018-5/156
	42588	R671-522	5YR	02/13/2018	2018-5/156
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Human Services, Substance Abuse and Mental Health, State Hospital	42473	R525-2	5YR	01/16/2018	2018-3/87
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Commerce, Consumer Protection	42838	R152-32a	NSC	04/26/2018	Not Printed
	42929	R152-32a	5YR	05/17/2018	Not Printed
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	42572	R25-7	5YR	02/08/2018	2018-5/142
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	42374	R657-62	AMD	02/07/2018	2018-1/41
	42493	R657-62	AMD	03/26/2018	2018-4/57
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<u>physical therapist assistant</u>					
Commerce, Occupational and Professional Licensing	42623	R156-24b-102	NSC	03/14/2018	Not Printed
<u>physical therapy</u>					
Commerce, Occupational and Professional Licensing	42623	R156-24b-102	NSC	03/14/2018	Not Printed
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	42667	R307-356	5YR	03/08/2018	2018-7/177
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Commerce, Occupational and Professional Licensing	42869	R156-5a	5YR	05/01/2018	2018-10/155
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Commerce, Occupational and Professional Licensing	42869	R156-5a	5YR	05/01/2018	2018-10/155
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	42897	R277-438	NSC	05/17/2018	Not Printed	
	42903	R277-462	NSC	05/17/2018	Not Printed	
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	42902	R277-460	NSC	05/17/2018	Not Printed	
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	42593	R746-332	5YR	02/14/2018	2018-5/157	
	42589	R746-347	5YR	02/14/2018	2018-5/158	
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	42498	R645-104	5YR	01/24/2018	2018-4/104
	42499	R645-401	5YR	01/24/2018	2018-4/104
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Regents (Board Of), University of Utah, Administration	42617	R805-1	5YR	02/22/2018	2018-6/50
<u>SNAP</u>					
Workforce Services, Employment Development	42693	R986-600	AMD	05/08/2018	2018-7/154
<u>snow</u>					
Transportation, Operations, Traffic and Safety	42689	R920-6	AMD	05/08/2018	2018-7/151
<u>sober living</u>					
Human Services, Administration, Administrative Services, Licensing	42234	R501-18	AMD	02/07/2018	2017-21/136
<u>social security numbers</u>					
Human Services, Services for People with Disabilities	42560	R539-1	NSC	03/01/2018	Not Printed
	42926	R539-1	NSC	06/01/2018	Not Printed
<u>social services</u>					
Human Services, Child and Family Services	42597	R512-200	5YR	02/15/2018	2018-5/143
	42598	R512-201	5YR	02/15/2018	2018-5/144
	42599	R512-202	5YR	02/15/2018	2018-5/144
	42600	R512-300	5YR	02/15/2018	2018-5/145
	42601	R512-301	5YR	02/15/2018	2018-5/145
	42603	R512-305	5YR	02/15/2018	2018-5/146
<u>solicitations</u>					
Commerce, Consumer Protection	42835	R152-22	NSC	04/26/2018	Not Printed
<u>solid waste disposal</u>					
Environmental Quality, Waste Management and Radiation Control, Waste Management	42452	R315-301	5YR	01/12/2018	2018-3/71
	42455	R315-304	5YR	01/12/2018	2018-3/73
	42456	R315-305	5YR	01/12/2018	2018-3/74
<u>solid waste management</u>					
Environmental Quality, Waste Management and Radiation Control, Waste Management	42452	R315-301	5YR	01/12/2018	2018-3/71
	42453	R315-302	5YR	01/12/2018	2018-3/72
	42454	R315-303	5YR	01/12/2018	2018-3/72
	42455	R315-304	5YR	01/12/2018	2018-3/73
	42456	R315-305	5YR	01/12/2018	2018-3/74

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	42460	R315-309	5YR	01/12/2018	2018-3/76
	42461	R315-310	5YR	01/12/2018	2018-3/77
	42462	R315-311	5YR	01/12/2018	2018-3/77
	42463	R315-312	5YR	01/12/2018	2018-3/78
	42464	R315-313	5YR	01/12/2018	2018-3/79
	42465	R315-314	5YR	01/12/2018	2018-3/79
	42466	R315-315	5YR	01/12/2018	2018-3/80
	42467	R315-316	5YR	01/12/2018	2018-3/80
	42468	R315-317	5YR	01/12/2018	2018-3/81
	42469	R315-318	5YR	01/12/2018	2018-3/82
	42470	R315-320	5YR	01/12/2018	2018-3/82
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Environmental Quality, Waste Management and Radiation Control, Waste Management	42453	R315-302	5YR	01/12/2018	2018-3/72
<u>spas</u>					
Health, Disease Control and Prevention, Environmental Services	42744	R392-302	AMD	05/24/2018	2018-8/66
<u>speech/hearing assistance</u>					
Public Service Commission, Administration	42425	R746-343	REP	02/21/2018	2018-2/28
<u>speech/hearing challenges</u>					
Public Service Commission, Administration	42424	R746-8	NEW	02/21/2018	2018-2/18
<u>sportsmen</u>					
Natural Resources, Wildlife Resources	42379	R657-41	AMD	02/07/2018	2018-1/38
<u>standards</u>					
Education, Administration	42324	R277-515	AMD	01/09/2018	2017-23/11
	42439	R277-530-3	NSC	01/25/2018	Not Printed
	42482	R277-700	AMD	03/14/2018	2018-3/16
Health, Center for Health Data, Vital Records and Statistics	42704	R436-1	5YR	03/19/2018	2018-8/149
	42710	R436-10	5YR	03/20/2018	2018-8/152
	42714	R436-12	5YR	03/21/2018	2018-8/153
	42715	R436-13	5YR	03/21/2018	2018-8/153
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<u>State Capitol visits</u>					
Education, Administration	42886	R277-412	NSC	05/17/2018	Not Printed
<u>state employees</u>					
Administrative Services, Finance	42570	R25-5	5YR	02/08/2018	2018-5/141
	42572	R25-7	5YR	02/08/2018	2018-5/142
	42573	R25-8	5YR	02/08/2018	2018-5/142
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Human Services, Substance Abuse and Mental Health, State Hospital	42477	R525-6	5YR	01/16/2018	2018-3/89
	42557	R525-6	NSC	03/01/2018	Not Printed
<u>state residency</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	42441	R414-302	5YR	01/08/2018	2018-3/84
	42487	R414-302-6	EMR	01/19/2018	2018-4/85
	42627	R414-302-6	AMD	05/08/2018	2018-6/15
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Environmental Quality, Air Quality	42434	R307-210	AMD	05/23/2018	2018-3/29

<u>stoves</u>						
Environmental Quality, Air Quality	42430	R307-356	EXT	01/02/2018	2018-2/59	
	42667	R307-356	5YR	03/08/2018	2018-7/177	
<u>structures</u>						
Transportation, Operations, Maintenance	42392	R918-6	AMD	02/07/2018	2018-1/53	
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Education, Administration	42888	R277-418	NSC	05/17/2018	Not Printed	
<u>student achievements</u>						
Education, Administration	42479	R277-404	AMD	03/14/2018	2018-3/5	
<u>student eligibility</u>						
Workforce Services, Unemployment Insurance	42741	R994-403	5YR	03/29/2018	2018-8/160	
<u>students</u>						
Education, Administration	42879	R277-401	NSC	05/17/2018	Not Printed	
	42881	R277-403	NSC	05/17/2018	Not Printed	
	42887	R277-417	NSC	05/17/2018	Not Printed	
	42326	R277-621	NEW	01/09/2018	2017-23/17	
	42619	R277-709	5YR	02/26/2018	2018-6/48	
	42613	R277-709	AMD	04/09/2018	2018-5/34	
	42484	R277-717	AMD	03/14/2018	2018-3/26	
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Human Services, Substance Abuse and Mental Health, State Hospital	42478	R525-7	5YR	01/16/2018	2018-3/89	
<u>sulfur dioxide</u>						
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	42650	R307-250	5YR	03/08/2018	2018-7/168	
<u>supervision</u>						
Commerce, Occupational and Professional Licensing	42582	R156-1	AMD	04/09/2018	2018-5/7	
<u>supplies</u>						
Education, Administration	42901	R277-459	NSC	05/17/2018	Not Printed	
<u>surcharges and disbursements</u>						
Public Service Commission, Administration	42424	R746-8	NEW	02/21/2018	2018-2/18	
<u>surface coating</u>						
Environmental Quality, Air Quality	42539	R307-346	EXT	01/31/2018	2018-4/114	
	42656	R307-346	5YR	03/08/2018	2018-7/171	
	42541	R307-347	EXT	01/31/2018	2018-4/114	
	42657	R307-347	5YR	03/08/2018	2018-7/172	
	42543	R307-348	EXT	01/31/2018	2018-4/114	
	42659	R307-348	5YR	03/08/2018	2018-7/172	
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Transportation, Administration	42688	R907-80	AMD	05/09/2018	2018-7/142	
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Health, Disease Control and Prevention, Environmental Services	42744	R392-302	AMD	05/24/2018	2018-8/66	
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Insurance, Administration	42438	R590-157	5YR	01/04/2018	2018-3/90
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Education, Administration	42325	R277-519	AMD	01/09/2018	2017-23/16
<u>teacher licensing</u>					
Education, Administration	42772	R277-211	NSC	04/13/2018	Not Printed
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Education, Administration	42901	R277-459	NSC	05/17/2018	Not Printed
	42762	R277-508	5YR	04/02/2018	2018-8/145
	42698	R277-508	AMD	05/08/2018	2018-7/24
<u>Technology Acceleration Program (TAP) grants</u>					
Science Technology and Research Governing Authority, Administration	42360	R856-1	R&R	01/23/2018	2017-24/22
<u>technology readiness level (TRL)</u>					
Science Technology and Research Governing Authority, Administration	42360	R856-1	R&R	01/23/2018	2017-24/22
	42357	R856-2	R&R	01/23/2018	2017-24/28
	42359	R856-3	R&R	01/23/2018	2017-24/36
	42358	R856-4	R&R	01/23/2018	2017-24/41
	42356	R856-5	R&R	01/23/2018	2017-24/48
	42355	R856-6	R&R	01/23/2018	2017-24/54
<u>telecommunications</u>					
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	42770	R746-340	5YR	04/05/2018	2018-9/77
	42423	R746-341	REP	02/21/2018	2018-2/24
	42425	R746-343	REP	02/21/2018	2018-2/28
	42589	R746-347	5YR	02/14/2018	2018-5/158
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Education, Administration	42895	R277-433	NSC	05/17/2018	Not Printed
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	42487	R414-302-6	EMR	01/19/2018	2018-4/85

	42627	R414-302-6	AMD	05/08/2018	2018-6/15
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Labor Commission, Industrial Accidents	42562	R612-200	5YR	02/08/2018	2018-5/149
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Transportation, Motor Carrier	42336	R909-19	AMD	01/24/2018	2017-24/60
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Transportation, Motor Carrier	42494	R909-1	AMD	03/28/2018	2018-4/63
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Health, Disease Control and Prevention, Environmental Services	42491	R392-700	5YR	01/19/2018	2018-4/97
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	42737	R994-208	5YR	03/29/2018	2018-8/158
	42738	R994-306	5YR	03/29/2018	2018-8/158
	42739	R994-307	5YR	03/29/2018	2018-8/159
	42741	R994-403	5YR	03/29/2018	2018-8/160
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<u>UPPAC</u> Education, Administration	42777	R277-216	NSC	04/13/2018	Not Printed
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	42615	R315-15-5	NSC	03/14/2018	Not Printed
<u>Utah Data Research Center</u> Workforce Services, Administration	42421	R982-800	NEW	03/01/2018	2018-2/38
<u>Utah Indigent Defense Commission</u> Governor, Criminal and Juvenile Justice (State Commission on), Indigent Defense Commission	42351	R364-1	NEW	01/29/2018	2017-24/14
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	42357	R856-2	R&R	01/23/2018	2017-24/28
	42359	R856-3	R&R	01/23/2018	2017-24/36
	42358	R856-4	R&R	01/23/2018	2017-24/41
	42356	R856-5	R&R	01/23/2018	2017-24/48
	42355	R856-6	R&R	01/23/2018	2017-24/54
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<u>Utah universal service fund</u> Public Service Commission, Administration	42424	R746-8	NEW	02/21/2018	2018-2/18
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	42639	R307-102	5YR	03/08/2018	2018-7/161
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	42614	R277-719	AMD	04/09/2018	2018-5/39
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	42707	R436-3	5YR	03/20/2018	2018-8/150
	42708	R436-4	5YR	03/20/2018	2018-8/150
	42713	R436-7	5YR	03/21/2018	2018-8/151
	42709	R436-8	5YR	03/20/2018	2018-8/151
	42712	R436-9	5YR	03/21/2018	2018-8/152
	42710	R436-10	5YR	03/20/2018	2018-8/152
	42714	R436-12	5YR	03/21/2018	2018-8/153
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	42719	R436-17	5YR	03/21/2018	2018-8/155

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	42662	R307-351	5YR	03/08/2018	2018-7/174
	42547	R307-354	EXT	01/31/2018	2018-4/115
	42665	R307-354	5YR	03/08/2018	2018-7/176

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	42654	R307-344	5YR	03/08/2018	2018-7/170

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	42464	R315-313	5YR	01/12/2018	2018-3/79
	42465	R315-314	5YR	01/12/2018	2018-3/79
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	42469	R315-318	5YR	01/12/2018	2018-3/82
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Health, Disease Control and Prevention, Environmental Services	42744	R392-302	AMD	05/24/2018	2018-8/66	
Public Service Commission, Administration	42590	R746-330	5YR	02/14/2018	2018-5/157	
	42593	R746-332	5YR	02/14/2018	2018-5/157	
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Environmental Quality, Water Quality	42692	R317-1-7	AMD	05/24/2018	2018-7/56	
	42274	R317-10-10	AMD	01/24/2018	2017-22/29	
	42510	R317-13	5YR	01/24/2018	2018-4/96	
<u>water quality</u>						
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Natural Resources, Wildlife Resources	42624	R657-3	5YR	02/27/2018	2018-6/49	
	42371	R657-5	AMD	02/07/2018	2018-1/19	
	42376	R657-9	AMD	02/07/2018	2018-1/33	
	42375	R657-12	NSC	02/13/2018	Not Printed	
	42377	R657-19	AMD	02/07/2018	2018-1/35	
	42492	R657-33	AMD	03/26/2018	2018-4/55	
	42796	R657-34	5YR	04/12/2018	2018-9/72	
	42795	R657-37	5YR	04/12/2018	2018-9/72	
	42379	R657-41	AMD	02/07/2018	2018-1/38	
	42794	R657-42	5YR	04/12/2018	2018-9/73	
	42792	R657-53	5YR	04/12/2018	2018-9/74	
	42449	R657-58	5YR	01/09/2018	2018-3/91	
	42374	R657-62	AMD	02/07/2018	2018-1/41	
	42493	R657-62	AMD	03/26/2018	2018-4/57	
	42372	R657-67	AMD	02/07/2018	2018-1/44	
	42378	R657-70	REP	02/07/2018	2018-1/46	
	42373	R657-71	NEW	02/07/2018	2018-1/52	
<u>wildlife law</u>						
Natural Resources, Wildlife Resources	42375	R657-12	NSC	02/13/2018	Not Printed	
	42449	R657-58	5YR	01/09/2018	2018-3/91	
<u>wildlife permits</u>						
Natural Resources, Wildlife Resources	42379	R657-41	AMD	02/07/2018	2018-1/38	

<u>WIOA</u>					
Workforce Services, Employment Development	42693	R986-600	AMD	05/08/2018	2018-7/154
<u>workers' compensation</u>					
Labor Commission, Industrial Accidents	42561	R612-100	5YR	02/08/2018	2018-5/148
	42562	R612-200	5YR	02/08/2018	2018-5/149
	42563	R612-300	5YR	02/08/2018	2018-5/149
	42567	R612-300-4	AMD	04/09/2018	2018-5/46
	42564	R612-400	5YR	02/08/2018	2018-5/150
<u>Workforce Innovation and Opportunity Act</u>					
Workforce Services, Employment Development	42693	R986-600	AMD	05/08/2018	2018-7/154
<u>zoning</u>					
Administrative Services, Facilities Construction and Management	42348	R23-9	AMD	01/23/2018	2017-24/9
<u>zoological animals</u>					
Natural Resources, Wildlife Resources	42624	R657-3	5YR	02/27/2018	2018-6/49