

# UTAH STATE BULLETIN

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

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

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 801-957-7110. 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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## NOTICES OF PROPOSED RULES

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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 February 15, 2025, 12:00 a.m., and February 28, 2025, 11:59 p.m. are included in this, the March 15, 2025, 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 April 14, 2025. The agency may accept comment beyond this date and will indicate the last day the agency will accept comment in the **RULE ANALYSIS**. The agency may also hold public hearings. Additionally, citizens or organizations may request the agency hold a hearing on a specific **PROPOSED RULE**. Section 63G-3-302 requires that a hearing request be received by the agency proposing the rule "in writing not more than 15 days after the publication date of the proposed rule."

From the end of the public comment period through July 15, 2025, 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** or 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.

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**The Proposed Rules Begin on the Following Page**

**NOTICE OF SUBSTANTIVE CHANGE**

**TYPE OF FILING:** Amendment

**Rule or Section Number:**

**R671-311**

**Filing ID: 57053**

**Agency Information**

<b>1. Title catchline:</b>	Pardons (Board of), Administration	
<b>Street address:</b>	448 E Winchester St, #300	
<b>City, state:</b>	Murray, UT 84107	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Jennifer Yim	801-261-6464	jmyim@agutah.gov
Amanda Montague	801-440-0545	amontague@agutah.gov
Zarah Borja	385-910-3215	zborja@agutah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule or section catchline:</b>
R671-311. Special Attention Reviews, Hearings, and Decisions
<b>3. Purpose of the new rule or reason for the change:</b>
This rule amendment clarifies who may file a special attention review to the Board of Pardons and Parole (Board).
<b>4. Summary of the new rule or change:</b>
This rule amendment clarifies the Special Attention Review process administered by the Board.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
There is no anticipated cost or savings to the state budget, as this rule change is clerical in nature and will have no impact on how the Board functions.
<b>B) Local governments:</b>
There is no expected fiscal impact on local governments, as this rule change is clerical and clarifying in nature and will have no impact local governments.
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):
This rule does not affect small businesses and so has no expected fiscal impact, as this rule change is clerical and clarifying in nature and will have no impact on small businesses.
<b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):
This rule change has no effect on non-small businesses and so has no expected financial impact, as this rule change is clerical and clarifying in nature and will have no impact on non-small businesses.
<b>E) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):
This rule amendment will have no fiscal impact on persons other than small businesses, non-small businesses, or state or local government entities, as this rule change is clerical and clarifying in nature and will have no impact on other persons mentioned above.

**F) Compliance costs for affected persons** (How much will it cost an impacted entity to adhere to this rule or its changes?):

This rule change entails no compliance costs for affected persons, as this rule change is clerical and clarifying in nature and will have no impact on affected persons.

**G) Regulatory Impact Summary Table** (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 will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Fiscal Benefits	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**H) Department head comments on fiscal impact and approval of regulatory impact analysis:**

The Director of Administrative Services of the Board of Pardons and Parole, Jennifer Yim, has reviewed and approved this regulatory impact analysis.

**Citation Information**

**6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Article VII, Section 12	Section 64-13-7.5	Section 77-27-5.4
Subsection 63G-3-201(3)	Section 64-13-25	Section 77-27-7
Section 64-13-1	Section 77-27-1	Section 77-27-5
Section 77-27-6	Subsection 77-27-9(4)(a)	Subsection 77-27-10(2)(b)
Section 77-27-11		

**Public Notice Information**

**8. The public may submit written or oral comments to the agency identified in box 1.** (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

**A) Comments will be accepted until:** 04/14/2025

**B) A public hearing (optional) will be held:**

Date:	Time:	Place (physical address or URL):
04/09/2025	03:00 PM	448 E Winchester, Suite 300, Murray, UT

**9. This rule change MAY become effective on:** 04/21/2025

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	J. Scott Stephenson, Chair	<b>Date:</b>	02/24/2025
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**R671. Pardons (Board of), Administration.**

**R671-311. Special Attention Reviews, Hearings, and Decisions.**

**R671-311-1. Special Attention Reviews and Decisions.**

(1) The Board may use special attention reviews or hearings to adjust parole conditions, review earlier Board decisions, and change earlier decisions when exceptional circumstances exist.

(2) Special attention reviews shall be initiated by Board staff when necessary to correct clerical or other errors in Board orders, or upon the receipt of a written request explaining the exceptional circumstances for which modification is sought.

(3) Exceptional circumstances which may result in a special attention review and decision may include:

- (a) clerical errors in an earlier order;
- (b) changes to the conditions of parole requested by the Department of Corrections (Department);
- (c) determination of restitution obligations;
- (d) payment of restitution obligations before release;
- (e) reinstatement of a rescinded release before a rescission hearing;
- (f) modification of an earlier decision due to changes in credit for time served as calculated by the Board;
- (g) modification of an earlier decision due to changes in applicable guidelines as calculated by the Board;
- (h) considering continuation of parole that may include modification or addition of new conditions of parole in lieu of revocation for

parole violations;

- (i) imposing parole violation sanctions pursuant to a request from the Department and a waiver from the offender;
- (j) granting incentives and parole condition changes pursuant to a request from the Department;
- (k) exceptional performance or progress in a correctional facility;
- (l) Case Action Plan (CAP) completion or compliance over a significant period;
- (m) earned time adjustments made pursuant to Section R671-311-3;
- (n) exceptional circumstances not previously considered by the Board; or
- (o) review of new and significant information not previously considered by the Board.

(4)(a) A request for special attention review may be made by:

- (i) the offender;
- (ii) a representative of the offender, including counsel;
- (iii) a victim;
- (iv) a victim representative;
- (v) Board staff;
- (vi) the Department;
- (vii) DHHS; or
- (viii) a prosecutor from the office that prosecuted the offender requesting earlier release.

(b) Unless the request for a special attention review is made by the Department or Board staff, the Board may request that the Department review the request and make a recommendation.

(5) Special attention requests that are repetitive, frivolous, or lacking in substantial merit shall be summarily denied and placed in the offender's file without formal action or response.

(6) Unless otherwise ordered by the Board, special attention reviews shall be processed administratively based on written or electronic reports supplied to the Board without the personal appearance of the offender.

**R671-311-2. Special Attention Hearing.**

(1) The Board may schedule a special attention hearing if it determines that a personal appearance hearing will assist in making a decision regarding a special attention request.

(2) A special attention hearing shall be scheduled if an alternative parole violation sanction is to be imposed and the offender requests a hearing.

**R671-311-3. Earned Time Adjustments.**

(1) As required in Section 77-27-5.4, earned time adjustments shall reduce the current period of incarceration for offenders who have been granted a release from prison and who successfully complete CAP priorities identified during the current period of incarceration. Earned time adjustment:

- (a) means a reduction of an offender's current period of incarceration when a release date has been ordered by the Board; and
  - (b) has the same meaning as "credit" as used in Section 77-27-5.4.
- (2) Earned time adjustments.

(a) an offender shall earn an adjustment of four months for the successful completion of a program identified by the Department as pertaining to, satisfying, or applying within an offender's CAP.

(b) an offender shall earn an adjustment of four months for successful completion of one additional program as identified by the Department in the offender's CAP.

(c) the earned time adjustment shall change the previously ordered release date, resulting in a reduction in the length of incarceration.



(d) the Board, in its discretion, may grant additional time adjustments for offenders who have already earned mandatory time adjustments based on other programming performance or achievement.

(e) the Board, in its discretion, may grant a time adjustment for an offender who has not completed CAP priority programming, when the Board determines there is good cause to do so.

(3) The Board may order the forfeiture of earned time credits under Section R671-311-3 if it determines that a rescission hearing is necessary due to a major disciplinary violation, new criminal conviction, new criminal activity, or other similar action committed by the offender.

(4) Exclusions:

(a) offenders whose previously ordered release date does not provide enough time, including time for transition services, for the adjustment may not be granted a full earned time adjustment, but may receive a partial adjustment if the previously ordered release date allows for the same.

(b) earned time adjustments may not be used to change an offender's original hearing as scheduled by the Board.

(c) offenders who have been sentenced to life without parole are ineligible for earned time adjustments.

(d) offenders who have been ordered by the Board to serve a life sentence to expiration are ineligible for earned time adjustments.

(e) earned time adjustments may not be granted for a second or subsequent completion of the same classes, programs, or CAP priorities during the same term of incarceration without an intervening release.

(f) offenders who do not have a current release date are not eligible for the earned time adjustment according to Subsection 77-27-5.4(3)(d); however, the Board shall consider the program completion when making subsequent release decisions.

(g) offenders who have not met a contingency requirement for release ordered by the Board are ineligible for an earned time adjustment.

(5) The Department shall notify the Board within 30 days of an offender's successful completion of a CAP program that is eligible for an earned time adjustment.

**KEY: parole, inmates, sentences, earned time, earned time adjustment**

**Date of Last Change: 2025[June 9, 2022]**

**Notice of Continuation: November 10, 2021**

**Authorizing, and Implemented or Interpreted Law: Art. VII, Sec. 12; 63G-3-201(3); 64-13-1; 64-13-7.5; 64-13-25; 77-27-1 et seq.; 77-27-5.4; 77-27-7; 77-27-5; 77-27-6; 77-27-9(4)(a); 77-27-10(2)(b); 77-27-11**

<b>NOTICE OF SUBSTANTIVE CHANGE</b>		
<b>TYPE OF FILING:</b> Amendment		
<b>Rule or Section Number:</b>	<b>R671-522</b>	<b>Filing ID: 57054</b>

**Agency Information**

<b>1. Title catchline:</b>	Pardons (Board of), Administration	
<b>Street address:</b>	448 E Winchester St, #300	
<b>City, state:</b>	Murray, UT 84107	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Jennifer Yim	801-261-6464	jmyim@agutah.gov
Amanda Montague	801-440-0545	amontague@agutah.gov
Zarah Borja	385-910-3215	zborja@agutah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule or section catchline:</b>
R671-522. Continuances Due to Pending Criminal Charges
<b>3. Purpose of the new rule or reason for the change:</b>
This rule amendment complies with Subsection 77-27-7(1)(d)(ii) enacted by S.B. 63 in the 2024 General Session of the Utah Legislature.
<b>4. Summary of the new rule or change:</b>
This rule amendment outlines a continuance process, in compliance with S.B. 63 (2024).

**Fiscal Information**

**5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:**

**A) State budget:**

There is no anticipated cost or savings to the state budget, as this rule change is clerical in nature and will have no impact on how the Board of Pardons (Board) functions.

**B) Local governments:**

There is no expected fiscal impact on local governments, as this rule change is clerical and clarifying in nature and will have no impact on local governments.

**C) Small businesses ("small business" means a business employing 1-49 persons):**

This rule does not affect small businesses and so has no expected fiscal impact, as this rule change is clerical and clarifying in nature and will have no impact on small businesses.

**D) Non-small businesses ("non-small business" means a business employing 50 or more persons):**

This rule change has no effect on non-small businesses and so has no expected financial impact, as this rule change is clerical and clarifying in nature and will have no impact on non-small businesses.

**E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an *agency*):**

This rule amendment will have no fiscal impact on persons other than small businesses, non-small businesses, or state or local government entities, as this rule change is clerical and clarifying in nature and will have no impact on other persons mentioned above.

**F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):**

This rule change entails no compliance costs for affected persons, as this rule change is clerical and clarifying in nature and will have no impact on affected persons.

**G) Regulatory Impact Summary Table (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 will be included in narratives above.)**

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2025</b>	<b>FY2026</b>	<b>FY2027</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2025</b>	<b>FY2026</b>	<b>FY2027</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**H) Department head comments on fiscal impact and approval of regulatory impact analysis:**  
 The Director of Administrative Services at the Board of Pardons and Parole, Jennifer Yim, has reviewed and approved this regulatory impact analysis.

**Citation Information**

**6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Section 77-27-5	Section 77-27-9	Section 77-27-11
Section 77-27-7		

**Public Notice Information**

**8. The public may submit written or oral comments to the agency identified in box 1.** (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

<b>A) Comments will be accepted until:</b>	04/14/2025	
<b>B) A public hearing (optional) will be held:</b>		
<b>Date:</b>	<b>Time:</b>	<b>Place</b> (physical address or URL):
04/09/2025	3:00 PM	448 E Winchester, Suite 300, Murray, UT

**9. This rule change MAY become effective on:** 04/21/2025  
 NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	J. Scott Stephenson, Chair	<b>Date:</b>	02/25/2025
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**R671. Pardons (Board of), Administration.**

**R671-522. Continuances Due to Pending Criminal Charges.**

**R671-522-1. Continuances Due to Pending Criminal Charges.**

(1) The [b]Board may, in its discretion, and in accordance with statute, continue hearings and scheduling reviews to allow for adjudication of new pending criminal charges.

(2)(a) The Board may delay the scheduling review process if, at the time of commitment, an offender has a pending criminal case.

(b) A pending criminal case means:

(i) charged conduct that has not reached a resolution; or

(ii) uncharged conduct that is being screened for prosecution, unless one year has passed since the day on which the Board was notified of the screening and no charge has been filed within that time period.

(c) If the Board delays the scheduling review process due to charged conduct that has not reached a resolution under Subsection (2)(b)(i), the Board shall schedule a paper review not later than six months from the date of the offender's commitment to prison, noting the pending case numbers awaiting resolution.

(d) At the time of the paper review, Board staff shall review the status of the pending case numbers and route the file to the Board for a decision.

(i) If the pending cases have resolved, the Board shall continue with the scheduling review process as outlined in Subsection R671-201-1(1)(a).

(ii) If the pending cases have not resolved, the Board may schedule another paper review within six months.

(e) If the Board delays the scheduling review process due to uncharged conduct being screened for prosecution under Subsection (2)(b)(ii), the Board shall issue a decision within six months of the offender's commitment to prison noting the date the Board was made aware of the uncharged conduct and, if possible, the entity that informed the Board of the uncharged conduct. The Board shall set a paper review not later than six months from the date of the decision.

(f) Board staff shall monitor the status of the uncharged conduct. In advance of the paper review, Board staff shall summarize the status of the uncharged conduct, including whether charges have been filed, and route the file to the Board for a decision.

(i) If no case has been filed in connection with the uncharged conduct one year since the day on which the Board was notified of the screening, the Board shall continue with the scheduling review process as outlined in Subsection R671-201.

(ii) If a case has been filed in connection with the previously uncharged conduct, the Board may schedule a paper review in accordance with Subsection (c).

NOTICES OF PROPOSED RULES

**R671-522-2. Notification and Verification.**

If the Board determines that pending charges warrant a continuance of a hearing, the Board will notify the offender in writing and the reasons for doing so. When the Board receives verification that the criminal charges have been resolved, the hearing will be rescheduled as soon as practical.

**KEY: parole, continuing, hearings**

**Date of Last Change: 2025[October 10, 2007]**

**Notice of Continuation: October 4, 2022**

**Authorizing, and Implemented or Interpreted Law: 77-27-5; 77-27-7; 77-27-9; 77-27-11**

**NOTICE OF SUBSTANTIVE CHANGE**

**TYPE OF FILING:** New

**Rule or Section Number:**

**R940-11**

**Filing ID: 57056**

**Agency Information**

<b>1. Title catchline:</b>	Transportation Commission, Administration	
<b>Building:</b>	Calvin Rampton	
<b>Street address:</b>	4501 S 2700 W	
<b>City, state:</b>	Taylorsville, UT 84129	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Leif Elder	801-580-8296	lelder@utah.gov
Marlene Galindo	801-965-4026	Mgalindo1@utah.gov
James Godin	801-573-7181	jamesjgodin@agutah.gov
Lori Edwards	385-341-3414	loriedwards@agutah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule or section catchline:</b>
R940-11. Guidelines for Partnering with Local Governments
<b>3. Purpose of the new rule or reason for the change:</b>
S.B. 195, passed in the 2025 General Session, requires the Transportation Commission (Commission) to effectuate this rule.  The repealed version of this rule, R926-8, allows the Commission to consider "local matching dollars" as a potential financing option.  The change required by S.B. 185 (2025) allows the Commission to consider as a financing option "agreements regarding new revenue a county or municipality expects will be generated as a result of the construction of a state highway improvement project." Rule R926-8 is being repealed and its language is being included in this new rule because Section 72-2-123 requires the Commission, not the Department of Transportation (Department), to make this rule.  The other changes are for clarity and conformance with the Rulewriting Manual for Utah.
<b>4. Summary of the new rule or change:</b>
Because Section 72-2-123 requires the Commission to make this rule rather than the Department, the Department needs to repeal Rule R926-8 but include the language from that rule into this new rule, R940-11.  This rule also substantially clarifies the language set forth in the repealed Rule R926-8 by making grammatical corrections, replacing certain terms with more specific language, and reorganizing certain provisions to make them more readable.  Section R940-11-9 specifies the notice period for the Commission hearing a local government's request for partnering. This rule also expands certain requirements set forth in the repealed Rule R926-8, including local government's responsibilities under this

rule (Subsection R940-11-3(2)) and the required terms in an interlocal partnership agreement between a local government and the Department (Subsection R940-11-5(2)).

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
There is no anticipated cost or savings to the state budget, as this rule sets forth the procedural and clerical aspects of the Department partnering with local governments.
<b>B) Local governments:</b>
There is no anticipated cost or savings to local governments, as this rule sets forth the procedural and clerical aspects of local governments partnering with the Department.
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):
This rule will not have a fiscal impact on small businesses. This rule only affects the Department and local governments.
<b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):
This rule does not have a fiscal impact on non-small businesses, nor will a service be required of them to implement this rule.
<b>E) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):
This rule does not have an impact on persons because it pertains only to local governments and their partnerships with the Department.
<b>F) Compliance costs for affected persons</b> (How much will it cost an impacted entity to adhere to this rule or its changes?):
There are no compliance costs for affected persons.
<b>G) Regulatory Impact Summary Table</b> (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 will be included in narratives above.)

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2025</b>	<b>FY2026</b>	<b>FY2027</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2025</b>	<b>FY2026</b>	<b>FY2027</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>H) Department head comments on fiscal impact and approval of regulatory impact analysis:</b>
The Executive Director of the Department of Transportation, Carlos M. Braceras, PE, has reviewed and approved this regulatory impact analysis.

**Citation Information**

<b>6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:</b>		
Title 63G, Chapter 3	Section 72-1-303	Section 72-2-123

**Public Notice Information**

<b>8. The public may submit written or oral comments to the agency identified in box 1.</b> (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)
<b>A) Comments will be accepted until:</b> 04/14/2025

<b>9. This rule change MAY become effective on:</b> 04/21/2025
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

**Agency Authorization Information**

<b>Agency head or designee and title:</b> Carlos M. Braceras, PE, Executive Director, UDOT	<b>Date:</b> 02/26/2025
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**R940. Transportation Commission, Administration.**

**R940-11. Guidelines for Partnering with Local Governments.**

**R940-11-1. Purpose and Authority.**

The purpose of this rule is to increase the department's and commission's ability to carry out improvements on state highways by allowing local governments to provide local matching dollars or participate through other methods, such as providing right-of-way. This rule is required by Subsection 72-2-123(1) and is enacted under the authority of Title 63G, Chapter 3, Utah Administrative Rulemaking Act and Section 72-1-303.

**R940-11-2. Definitions.**

- (1) "Commission" means the Transportation Commission created in Section 72-1-301.
- (2) "Department" means the Department of Transportation created in Section 72-1-201.
- (3) "Local government" means a municipality or county.
- (4) "Long-range transportation plan" means any one of the five plans developed by the department and the state's four Metropolitan Planning Organizations that forecast the state's transportation needs for the next 20-plus years and may also be known as a regional transportation plan.

**R940-11-3. Process for Submitting and Accepting Proposals--Department Recommendation--Notification.**

- (1)(a) If a local government is seeking to partner on, then the local government shall notify the department and the commission, in writing, at the earliest available opportunity and provide the information listed in Subsection (2).
- (b) The local government is encouraged to work with the department in formulating and developing the necessary information.
- (2)(a) When making the notification described in Subsection (1)(a), the local government shall provide the following information:
  - (i) A written description of the state highway project, including a cost estimate and any engineering or technical information that may have been prepared.
  - (ii) A statement indicating whether the state highway project has already been programmed into the Statewide Transportation Improvement Program (STIP) or Transportation Improvement Program (TIP) and, if not, whether it is in the long-range transportation plan and the phase of the long-range transportation plan.
  - (iii) A statement indicating whether any environmental or other federal clearances or permits will be necessary and, if so, the status of any federal applications.
  - (iv) A description of how the local government plans to partner with the department on the state highway project, including the source of any local matching funding.
  - (v) A written description of why the project is needed at this time and the benefit that the project will bring to the state highway system and the local government.
- (b) If the proposal includes local matching dollars described in Subsection (4)(d), then the local government shall also provide an economic impact analysis that includes the estimated economic impact to the local government and the state and the projected tax revenue impact that will likely occur as a result of the project being completed.
- (3) The department and commission may only accept a local government proposal if:

- (a) environmental clearances are completed or highly probable;
- (b) the proposal complies with this rule, is complete, and is feasible; and
- (c)(i) the project is already programmed in the Statewide Transportation Improvement Program (STIP) or the Transportation Improvement Program (TIP); or
- (ii) the project is part of the long-range transportation plan and the commission determines that advancing the project will not defer other projects that are already prioritized and programmed in the Statewide Transportation Improvement Program (STIP) or Transportation Improvement Program (TIP).
- (4)(a) The commission may not consider local matching dollars unless the state provides an equal opportunity to raise local matching dollars for state highway projects within each county, as required by Subsection 72-1-304(3)(b).
- (b) Local matching dollars cannot be funded by federal funds, except with:
  - (i) Federal transportation highway formula funds, normally programmed by local entities, including funds programmed by a Metropolitan Planning Organization; or
  - (ii) Federal discretionary funds with prior joint agreement by UDOT and the local government.
- (c) Private sources or contributions may be considered part of local matching dollars if they pass through the local government.
- (d) Local matching dollars may include new revenue a local government expects will be generated as a result of the construction of the state highway project.
- (5) The department shall:
  - (a) notify the commission at a public meeting of any partnering requests that meet the requirements of Subsection (3);
  - (b) evaluate each proposal and accompanying information to verify whether the proposal complies with this rule, is complete, and is feasible;
  - (c) calculate an independent cost estimate for the project; and
  - (d) make a recommendation to the commission at a public meeting regarding each proposal that meets the requirements described in Subsection (3), including the reasons for recommending denial or approval of the proposal based on the criteria in this rule.
- (8) At any time in this process, the department may contact the local government for additional information and may incorporate amendments requested by the local government into the local government's proposal.
- (9) The department shall provide at least 30-days written notice to the local government of the date, time, and location of the commission meeting at which the commission will hear the request for partnering.

**R940-11-4. Factors Used to Consider Proposals.**

- (1) In deciding whether to approve a local government's request for partnering, the commission shall evaluate the proposal with the following factors in mind:
  - (a) whether the requested project is part of the Statewide Transportation Improvement Program (STIP), the Transportation Improvement Program (TIP), or the long-range transportation plan and, if part of the long-range transportation plan, will not delay any of the projects already included in the STIP or TIP;
  - (b) the benefits of the project to the state highway system and the local government;
  - (c) the costs of the project;
  - (d) the level of local commitment, based on the amount or percentage of local matching funding proposed;
  - (e) whether the proposed project was subject to a local or regional planning initiative;
  - (f) whether the project will alleviate significant existing or future congestion or hazards to the traveling public or provide other substantial improvements to the transportation system;
  - (g) whether the proposal has the potential to extend department resources to other needs;
  - (h) land use considerations;
  - (i) potential incremental revenue generation if the project is completed; and
  - (ii) whether the proposed project fulfills a need widely recognized by the public, elected officials, and transportation planners.
- (2)(a) If a proposed project is to a surface street that approaches an interchange or ramp or for a new interchange or ramp and is being undertaken primarily for economic development, then the local government shall provide at least 50% local match. Economic development may include such things as employment growth, employment retention, retail sales, tourism growth, freight movements, tax base increase, and traveler or user cost savings as compared to construction costs.
- (b) If a proposed project is to a surface street that approaches an interchange or ramp or for a new interchange or ramp and is being undertaken to relieve traffic congestion or to improve safety, the local match, if any, may be determined based on the benefit derived by the local entity.

**R940-11-5. Record of Proposal and Interlocal Agreements.**

- (1) The department shall maintain a record of each request for partnering. Except for individual records in the file that may be classified as private or protected, the contents of the file shall otherwise be public.
- (2) If the commission agrees to the request for partnering, then the department shall develop an interlocal agreement with the local government that will set forth the proposal, the method of participation, the work that will be done, and projected timelines.
- (3) An agreement described in Subsection (2) shall include:
  - (a) adequate security to the department of receiving the local matching funding proposed by the local government;
  - (b) a statement indicating that the agreement does not preclude the department from requiring other agreements related to the proposed project;
  - (c) a statement indicating that the agreement does not include the work terms for the project;

NOTICES OF PROPOSED RULES

- (d) any indemnification clause determined necessary by the department; and
- (e) a statement that incorporates the proposal that was approved by the commission.

**KEY: transportation, local governments, partnering, highways**

**Date of Last Change: 2025**

**Authorizing, and Implemented or Interpreted Law: 72-2-123**

**End of the Notices of Proposed Rules Section**



## NOTICES OF 120-DAY (EMERGENCY) RULES

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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.

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NOTICE OF EMERGENCY (120-DAY) RULE		
Rule or Section Number:	R501-23	Filing ID: 57052
Effective Date:	02/18/2025	

### Agency Information

1. Title catchline:	Health and Human Services, Human Services Program Licensing	
Building:	Multi-Agency State Office Building	
Street address:	195 N 1950 W	
City, state	Salt Lake City, UT 84116	
Contact persons:		
Name:	Phone:	Email:
Janice Weinman	385-321-5586	jweinman@utah.gov
Mariah Noble	385-214-1150	mariahnoble@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

### General Information

2. Rule or section catchline:	R501-23. Division of Services for People with Disabilities Certification	
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<b>3. Purpose of the new rule or reason for the change:</b>
This filing is necessary to create a rule governing the oversight of the health and safety standards in settings contracted by the Department of Health and Human Services (DHHS) to serve clients under the Division of Services for People with Disabilities (DSPD).
<b>4. Summary of the new rule or change:</b>
This filing creates a rule that governs DSPD certifications.
This rule allows the Office of Licensing (OL) to have the ability to continually enforce health and safety requirements in DSPD certified settings that are not governed by existing licensing rules.
<b>5A) The agency finds that regular rulemaking would:</b>
<input checked="" type="checkbox"/> cause an imminent peril to the public health, safety, or welfare;
<input type="checkbox"/> cause an imminent budget reduction because of budget restraints or federal requirements; or
<input type="checkbox"/> place the agency in violation of federal or state law.
<b>B) Specific reasons and justifications for this finding:</b>
OL is the entity under DHHS tasked with certifying providers and homes for serving clients under DSPD's care. While the DHHS contracts require compliance with best practice standards, without this rule there is no means to monitor or enforce the health and safety standards in these settings.
The Office of Licensing (OL) receives complaints and concerns regarding these settings and needs a rule that structures how these complaints and concerns are handled and outlines what the minimum health and safety standards are for providing contracted, certified care under the DHHS umbrella.
This rule filing provides standards for providers to follow to meet the health and safety needs of the clients in their care.

**Fiscal Information**

<b>6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
OL has had a set of requirements for initial and renewal certifications and has informally been enforcing them pending this rule filing.
There is no anticipated cost or savings to the state budget by making these requirements a rule, since OL staff are already incorporating them into the certification and re-certification process.
<b>B) Local governments:</b>
The providers affected by this rule are regulated by DHHS and not local governments.
There is no anticipated impact to local business licensing or any other process with which local government is involved.
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>
There is no anticipated cost or savings to small businesses as a result of this rule filing, as OL has been informally certifying DSPD providers under the requirements listed in this proposed rule.
<b>D) Persons other than small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):</b>
There is no anticipated cost or savings to persons other than small businesses, state, or local government entities as a result of this rule filing, as OL has been informally certifying DSPD providers under the requirements listed in this proposed rule.
<b>E) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):</b>
There is no anticipated compliance cost to providers as a result of this rule filing, as DSPD certified providers have already been complying with the requirements listed in this rule for certification and re-certification with OL.

**F) Comments by the department head on the fiscal impact this rule may have on businesses** (Include the name and title of the department head):

I have reviewed and approved the fiscal impact on businesses, acknowledging that there is no anticipated impact on businesses.  
Tracy S. Gruber, Executive Director

**Citation Information**

**7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Subsection 26B-2-104(1)(a)	Subsection 26B-2-703(14)	
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**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy S. Gruber, Executive Director	<b>Date:</b>	02/18/2025
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**R501. Health and Human Services, Human Services Program Licensing.**

**R501-23. Division of Services for People with Disabilities Certification.**

**R501-23-1. Authority and Purpose.**

(1)(a) Subsection 26B-2-104(1)(a) authorizes OL to establish procedures and standards to protect DSPD clients' basic health and safety in settings certified as a lower level of licensure.

(b) Subsection 26B-2-703(14) authorizes OL to establish enforcement practices relating to penalties and sanctions.

(2) This rule provides the minimum health and safety standards for DSPD certified providers and the enforcement actions OL may take in response to noncompliance.

**R501-23-2. Definitions.**

Terms used in this rule are defined in Sections 26B-2-101 and 26B-2-701. Additionally:

(1) "Abuse" means the same as defined in Sections 26B-6-201 and 80-1-102.

(2) "Applicant" means the same as defined in Section 26B-2-120.

(3) "Associated" means affiliated with the certification, contract, or licensee as a:

- (a) department contractor;
- (b) direct care staff member;
- (c) director;
- (d) employee;
- (e) human services program owner;
- (f) individual with direct access as defined in Section 26B-2-101;
- (g) intern;
- (h) member of the governing body;
- (i) provider of care; or
- (j) volunteer.

(4) "Certification" means the same as defined in Section 26B-2-101.

(5) "Client" means the same as defined in Section 26B-2-101 and includes any individual for whom the provider receives compensation for care.

(6) "Compliance" means adherence to contract requirements, governing rule, and statute with no current penalty actions or pending resolution of noncompliance.

(7) "Critical incident" means an event out of the range of normal experience including:

- (a) a death of a minor;
- (b) a death related to an adverse event;
- (c) a loss or impairment of a bodily member, organ, or mental faculty or significant disfigurement;
- (d) a medication error resulting in a telephone call to or a consultation with a poison control center, an emergency department, an urgent care visit, or hospitalization;
- (e) a missing client;
- (f) an allegation or confirmation of abuse, neglect, or exploitation;
- (g) an allegation or confirmation of waste, fraud, or abuse of Medicaid funds;
- (h) any medical emergency requiring treatment beyond first aid;
- (i) any prohibited practice as described in Section 26B-2-123, including misuse or unauthorized use of restrictive interventions, seclusion, or body cavity search;
- (j) any property damage or infestation that jeopardizes services; or
- (k) any significant criminal activity.

(8) "DACS" or "Direct Access Clearance System" means the online system used by OBP for processing and monitoring background checks for any individual with direct access to a client in a health or human services program.

NOTICES OF 120-DAY (EMERGENCY) RULES

- (9) "Day support certification setting" means a human services program that provides non-residential services to a total of three or fewer individuals regardless of whether the individuals receive services at the same time, site, or in the same groups.
- (10) "Department" means the Department of Health and Human Services, including its offices, divisions, and institutions.
- (11) "Direct access" means the same as defined in Section 26B-2-101.
- (12) "Direct care staff" means staff working directly with the clients.
- (13) "Directly supervised" means the same as defined in Section 26B-2-101.
- (14) "DSPD" means the Division of Services for People with Disabilities;
- (15) "Eligible" means an OBP determination of:
- (a) direct access qualified for a human services program, in accordance with Section 26B-2-120;
- (b) certification for direct patient access in a health care facility, in accordance with Section 26B-2-240; or
- (c) no findings in an individual's background check that would prohibit that individual from being involved in child care, as outlined in rules under Titles R381 and R430.
- (16) "Exploitation" means:
- (a) the use of a client's property, labor, or resources without the client's consent or in a manner that is contrary to the client's best interests or for the gain of a person other than the client, including spending a client's funds for the benefit of another;
- (b) using the labor of a client without paying the client a fair wage or without providing the client with just or equivalent nonmonetary compensation, where such use is inconsistent with therapeutic practices;
- (c) engaging or involving a client in any sexual conduct; or
- (d) sexual exploitation of a minor as described in Section 76-5b-201, sexual exploitation of a vulnerable adult as described in Section 76-5b-202, or abuse of a vulnerable adult as described in Subsection 76-5-111(2).
- (17)(a) "Fraud" means a false or deceptive statement, act, or omission that causes, or attempts to cause, property or financial damages or for personal gain.
- (b) Fraud also means any offenses identified as fraud in Title 76, Chapter 6, Offenses Against Property.
- (18) "Good standing" means in compliance as defined in Subsection (6).
- (19) "Inspection" means an announced or unannounced visit to monitor ongoing compliance at the provider's site.
- (20) "Investigation" means an announced or unannounced inquiry into an internal or external complaint or a reported incident that alleges noncompliance to determine compliance with rule or contract requirements.
- (21)(a) "Neglect" means abandonment or the failure to provide necessary care, including bedding, clothing, education, health care, hygiene, nutrition, protection from harm, shelter, sleep, supervision, or treatment.
- (b) Neglect also means the same as defined in Sections 26B-6-201, 76-5-110, and 80-1-102.
- (22) "OBP" means the Office of Background Processing in the Division of Licensing and Background Checks under the Department of Health and Human Services.
- (23) "OL" means the Office of Licensing in the Division of Licensing and Background Checks under the Department of Health and Human Services
- (24) "OL penalty" means the denial of a certification or the placement of a condition on, suspension of, or revocation of a certification due to the provider's noncompliance with statute or administrative rule.
- (25) "Provider" means the license or certificate holder or the legally responsible individual or individuals providing services regulated by OL.
- (26) "Residential support certification" means certification to operate a residential facility that serves three or fewer clients in a setting that is integrated in the community.
- (27) "Settings rule" means 42 CFR, 430, 431, 435, 436, 440, 441, and 447 that impacts Medicaid funding in settings that serve disabled populations.
- (28) "Significant criminal activity" means any unlawful activity by or against a client, provider, or on-duty staff that poses a serious threat to a client or on-duty staff's health, safety, or wellbeing, including:
- (a) any criminal activity that involves law enforcement;
- (b) illegal physical or sexual misconduct or assault;
- (c) riot;
- (d) suspected exploitation; or
- (e) suspected fraud.
- (29) "Site" means a human services program location that serves up to three individuals in either a residential support certification or day support certification setting.

**R501-23-3. Scope.**

- (1) Each provider shall comply with:
- (a) each department contract requirement; and
- (b) any applicable federal, state, or local law, administrative rule, or ordinance, including:
- (i) Rule R380-80;
- (ii) Rule R501-14; and
- (iii) this rule.
- (2) If there is a conflict between any administrative rule requirement and the settings rule, the settings rule shall prevail.

**R501-23-4. Certification Required.**

- (1) Certification is required for a provider to enter into a department contract to provide residential or day support certification services.
- (2)(a) For a site-based certification, the provider may not serve more than three clients at each site, as serving four or more clients requires a day treatment or residential support license in accordance with Section 26B-2-101.
- (b) For a community-based certification, the provider may not serve more than three clients in total, as serving four or more clients requires an OL day treatment license in accordance with Subsection 26B-2-101(12).
- (3)(a) A DSPD certification is for a provider and is specific only to an approved site.
- (b) A DSPD certification is not assignable or transferable.
- (c) A new DSPD certification is required for each different provider or for each different site.
- (4) If the department places a condition, suspension, or sanction status on a DSPD provider's certification, the provider must comply with each condition before a certification, contract, or license in good standing is granted by the department.
- (5) In addition to complying with this rule, a DSPD provider must be in good standing with the department to:
- (a) renew or to enter into a new contract with the department;
- (b) renew or start a new certification; or
- (c) have any sanction removed, including a conditional, suspension, or contractual sanction status issued by the department.
- (6) OL may not issue an initial or renewal DSPD certification when:
- (a) an applicant's background check status is determined as not eligible;
- (b) OL finds that an applicant or provider maintains association with any individual with a certification, contract, or license revoked by the department if the application is submitted within five years from the time of the revocation;
- (c) the provider does not complete the background check process within 60 calendar days of submitting the initial application;
- (d) the provider is not present for the site inspection;
- (e) the provider does not show compliance with rule and requirements within 60 calendar days of submitting the initial application;
- (f) the provider is found in noncompliance with any inspection by the required date outlined in Subsection R501-23-6(2);
- (g) there is another active department license or certification at the same address; or
- (h) the provider fails to cooperate with any inspection.
- (7) If OL does not issue a certification for a reason listed in Subsection (6), the provider may not reapply for certification for at least three months.

**R501-23-5. Initial and Renewal Certification and Certification Changes.**

- (1) To receive an initial OL DSPD certification, the provider must:
- (a) submit a completed DSPD certification application for each site needing certification;
- (b) submit, adhere to, and maintain the applicable residential or non-residential attestation agreement and self-assessment forms that may be found on the OL website;
- (c) ensure compliance with background checks as outlined in Section R501-23-8;
- (d) certify the provider understands and will comply with rule and contract requirements;
- (e) demonstrate compliance with this rule; and
- (f) schedule, participate, and successfully demonstrate compliance with an OL site inspection.
- (2) To receive a renewed DSPD certification, the provider must:
- (a) submit a renewal request in the licensing provider portal at least 30 days before the expiration date of the current certification;
- (b) participate in a site inspection; and
- (c) demonstrate compliance with each rule before the expiration date of the current certification.
- (3) For initial or renewal certification or a certification change, the provider shall:
- (a) notify OL of any change of email address, name, or telephone number when the change is made; and
- (b) submit a complete DSPD certification application for any change of site before the change is made.
- (4)(a) If the provider receives a department revocation notice, the provider shall:
- (i) notify the client and their legal guardian, if applicable, of the action within five calendar days of receiving the notice; and
- (ii) post the notice on the provider website and leave the notice posted for as long as the notice remains in effect.
- (b) If the department contract is terminated, any corresponding OL DSPD certifications are revoked and become inactive on the same date and may only be reinstated if the contract is reinstated or a new contract is approved.

**R501-23-6. Inspections and Investigations.**

- (1)(a) OL shall conduct a site inspection for each initial and renewal site certification.
- (b) OL may conduct a site investigation as needed to determine compliance or noncompliance with any rule or requirement.
- (2) When noncompliance to any rule or requirement is found during an OL site inspection or investigation, OL shall issue a written notice and notify the provider of the date that the provider is required to come into compliance with each requirement.
- (3) The provider and any staff shall ensure that the integrity of OL's information gathering process is not compromised by withholding or manipulating information or influencing any specific response of staff or clients to any department personnel.
- (4) The provider shall ensure department-authorized personnel have unrestricted access to:
- (a) any unaltered on- and off-site provider or client records;
- (b) each site subject to certification; and
- (c) each staff member and client.

**R501-23-7. Administration.**

- (1) The provider shall:
  - (a) be at least 18 years old; and
  - (b) know and comply with each applicable federal, state, and local law, ordinance, and administrative rule.
- (2) The provider:
  - (a) shall accommodate each client's needs;
  - (b) shall take reasonable measures to protect the safety of each client; and
  - (c) may not engage in or allow conduct that endangers a client or is aversive to the health, safety, or welfare of a client.
- (3) The provider shall ensure compliance with every certification requirement, unless any deviation is approved in writing from the department.
- (4) The provider shall disclose any community-based services and ensure that community-based services are provided safely and in consideration of weather, transportation, emergencies, and overall client needs for food, medicine, and any other assistance necessary for safe participation in the human services program.

**R501-23-8. Background Checks.**

- (1) OBP shall conduct human services program background checks in accordance with Rule R501-14 and Section 26B-2-120.
- (2) The provider shall designate an individual who is responsible for:
  - (a) ensuring each individual associated with the certification has an eligible background check determination before being unsupervised with a client;
  - (b) ensuring each individual providing services or residing at the site has an application submitted in DACS within 14 days of becoming associated with the licensee;
  - (c) documenting how each individual with direct access is directly supervised for the entirety of their supervised employment term before receiving the eligible determination from OBP;
  - (e) initiating, monitoring, and maintaining background checks in DACS for each individual with direct access;
  - (f) maintaining compliance with Rule R501-14;
  - (g) managing communications with OBP and OL;
  - (h) monitoring DACS and taking necessary actions when eligibility status changes for anyone associated with the certification; and
  - (i) separating anyone in DACS within five calendar days when the individual:
    - (i) is no longer associated with the certification; or
    - (ii) has an ineligible determination status from OBP on a background check with no pending appeal.

**R501-23-9. Physical Site, Safety, and Injury Prevention.**

- (1) The provider shall ensure that any appliance, electrical, HVAC, and plumbing system is maintained in operating order.
- (2)(a) The provider shall maintain the site in a clean and safe manner that is free from hazards, excrement, grime, infestation, trash, and anything that could pose a risk to a client's health and safety.
  - (b) The provider shall keep furnishings and finishes clean and in good repair.
  - (c) The provider shall maintain the home, outdoor area, and equipment in a safe manner to prevent injury to a client.
- (3) The provider shall ensure:
  - (a) any chemicals are stored in consideration of the safety and risk level of the clients served;
  - (b) any set of three or more stairs is equipped with secured handrails;
  - (c) each bathroom has at least:
    - (i) a way to provide privacy to the user;
    - (ii) a working tub or shower; and
    - (iii) toilet paper and soap;
  - (d) emergency numbers, including at least 911, are near the telephone or in an area clearly visible to anyone needing the information;
  - (e) no animal that has a history of dangerous, attacking, or aggressive behavior is accessible to a client;
  - (f) the proper handling, storage, and disposal of hazardous materials and bio-contaminants;
  - (g) the site's street address number is visible from the street;
  - (h) the water heater is maintained at a low setting and does not exceed 120 degrees Fahrenheit;
  - (i) there are at least two ways of egress on each level of the site;
  - (j) there is a working telephone on-site that is accessible to each client for emergency calls; and
  - (k) when there is any firearm on the premises, that each firearm is not loaded and is in a cabinet, safe, or area that is locked with a key, combination, or fingerprint lock, unless the firearm's use is in accordance with Title 53, Chapter 5, Part 7, Concealed Firearm Act.
- (4) The residential support certification provider shall additionally ensure:
  - (a) each client bedroom on the ground floor has a minimum of one window that may be used to evacuate the room if there is a fire;
  - (b) each client bedroom that is not on the ground floor has a minimum of two exits, at least one of which shall exit directly to outside of the building that may be used to evacuate the room if there is a fire;
  - (c) there is a kitchen that is equipped with at least:
    - (i) a working stove;
    - (ii) a working sink; and
    - (iii) a working refrigerator;

- (d) there is at least one toilet and hand washing sink that each client can easily access without going through the private room of any other individual; and
- (e) there is a working tub or shower for client access.

**R501-23-10. Client Guidance and Interaction.**

- (1)(a) The provider shall ensure each client is treated with dignity and respect and not subjected to any form of abuse, neglect, or exploitation while in care.
- (b) The provider shall follow the reporting requirements if the provider witnesses or suspects abuse, neglect, or exploitation in accordance with Section R380-80-4.
- (2) The provider may not:
  - (a) confine a client in any area or space including a closet, locked room, or other enclosure;
  - (b) force or withhold food, medication, rest, or toileting;
  - (c) inflict any form of abuse, neglect, or exploitation;
  - (d) restrain a client's movement by binding, tying, or another form of restraint;
  - (e) shout at or use any practice intended to intimidate or humiliate a client;
  - (f) use any form of corporal punishment that produces pain or discomfort such as biting, hitting, pinching, shaking, or spanking; or
  - (g) violate the department Code of Conduct and Client Rights as outlined in Rule R380-80.

**R501-23-11. Emergency Preparedness and Response.**

- (1) The provider shall maintain a fully supplied first aid kit on-site and in each vehicle used to transport a client.
- (2) The provider shall have a working fire extinguisher type 2A:10B:C or of larger capacity on each floor of the site.
- (3) The provider shall ensure:
  - (a) there is a working carbon monoxide monitor on each level of the site; and
  - (b) there is a working smoke detector on each level of the site.
- (4) When a critical incident occurs under the direct responsibility and supervision of the provider, the provider shall:
  - (a) submit a report of the critical incident to the DSPD online provider system within one business day of the critical incident occurrence;
  - (b) ensure any incident of abuse, neglect, or exploitation of a client is made known to the Division of Child and Family Services for a minor client or Adult Protective Services for an adult client and law enforcement as appropriate;
  - (c) notify the parent or legal guardian of each involved client within a 24-hour period from the time of the incident; and
  - (d) notify each department entity involved with the client's care, payment, or provider contract immediately.

**R501-23-12. Transportation.**

- (1) While transporting a client, the provider shall ensure that individual safety restraints are used in accordance with Section 41-6a-1803.
- (2) The provider may not leave a client unattended in a vehicle.

**R501-23-13. Penalties.**

- (1)(a) Any action taken by the department on a contract will result in a sanction against the provider's DSPD certification.
- (b) Any action taken by OL on a certification will result in a report to the Office of Service Review and the applicable department division.
- (2) Any provider who violates this rule may be subject to an OL penalty as authorized in Subsection 26B-2-703(2).

**KEY: licensing, human services, Division of Services for People with Disabilities, DSPD certified****Date of Last Change: February 18, 2025****Authorizing, and Implemented or Interpreted Law: 26B-2-104; 26B-2-703****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 [adminrules.utah.gov](http://adminrules.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.

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

<b>Rule Number:</b>	R152-1	<b>Filing ID:</b> 50235
<b>Effective Date:</b>	02/19/2025	

### Agency Information

<b>1. Title catchline:</b>	Commerce, Consumer Protection	
<b>Building:</b>	Heber Wells	
<b>Street address:</b>	160 E 300 S	
<b>City, state</b>	Salt Lake City, UT	
<b>Mailing address:</b>	PO Box 146704	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6704	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Daniel Larsen	801-530-6601	dcprules@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

### General Information

<b>2. Rule catchline:</b>	R152-1. Division of Consumer Protection Buyer Beware List Rule	
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>		
The Division of Consumer Protection (Division) recently filed to repeal and reenact this rule (OAR ID 57051, published in the March 1, 2025, Bulletin: 2025-05, page 2).		
The reenacted rule is enacted in accordance with Subsection 13-2-1(3), which empowers the Division to make a public list of people who violate laws enforced by the Division or engage in other specified acts, and with Subsection 13-2-5(1), which describes the Division's general rulemaking authority.		



**4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:**

The Division is not aware of any comments supporting or opposing this rule.

**5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:**

The current text is still effective until the reenacted version of this rule (OAR ID 57051) can be made effective because it allows the Division to inform the public of deceptive practices and people who commit deceptive practices. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Daniel Larsen, Managing Analyst	<b>Date:</b>	02/19/2025
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**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R380-40</b>	<b>Filing ID: 55995</b>
<b>Effective Date:</b>	<b>02/18/2025</b>	

**Agency Information**

<b>1. Title catchline:</b>	Health and Human Services, Administration	
<b>Building:</b>	Cannon Health Building	
<b>Street address:</b>	288 N 1460 W	
<b>City, state</b>	Salt Lake City, UT	
<b>Mailing address:</b>	PO Box 142100	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-2100	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Janae Duncan	385-280-0312	janaeduncan@utah.gov
Mariah Noble	385-214-1150	mariahnoble@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule catchline:</b>
R380-40. Local Health Department Minimum Performance Standards
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Subsection 26A-1-106(1)(c) authorizes the Department of Health and Human Services (Department) to establish by rule minimum performance standards for basic programs of public health administration, personal health, laboratory services, health resources, and other preventative health programs not in conflict with state law as necessary or desirable for the protection of the public health.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
The Department did not receive any written comments in support of or opposition to this rule since the rule's last five-year review.

**5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:**

This rule is necessary for statutory compliance and to establish minimum performance standards for local health department services, regardless of funding sources. Therefore, this rule should be continued.

As there were no comments in opposition to this rule, the Department did not respond to any such comments.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy S. Gruber, Executive Director	<b>Date:</b>	02/18/2025
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**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R392-702</b>	<b>Filing ID: 55954</b>
<b>Effective Date:</b>	<b>02/25/2025</b>	

**Agency Information**

<b>1. Title catchline:</b>	Health and Human Services, Population Health, Environmental Health		
<b>Building:</b>	Cannon Health Building		
<b>Street address:</b>	288 N 1460 W		
<b>City, state</b>	Salt Lake City, UT		
<b>Mailing address:</b>	288 N 1460 W		
<b>City, state and zip:</b>	Salt Lake City, UT 84116		
<b>Contact persons:</b>			
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>	
Karl Hartman	801-538-6675	kheartman@utah.gov	
Mariah Noble	385-214-1150	mariahnoble@utah.gov	
<b>Please address questions regarding information on this notice to the persons listed above.</b>			

**General Information**

<b>2. Rule catchline:</b>
R392-702. Cosmetology Facility Sanitation
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Section 26B-1-202 authorizes the Department of Health and Human Services (Department) to adopt rules necessary or desirable for providing health and social services to people in Utah.
Section 26B-7-402 requires the Department to establish and enforce or provide for the enforcement of minimum rules of sanitation necessary to protect the public health.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
The Department has not received any comments in support of or opposition to this rule since this rule was first made effective five years ago.

**5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:**

This rule establishes minimum standards for the sanitation, operation, and maintenance of a cosmetology facility, as defined by this rule, and provides for the prevention and control of health hazards associated with a cosmetology facility that are likely to affect public health including risk factors contributing to injury, sickness, death, and disability. This rule is necessary for statutory compliance and public safety. Therefore, this rule should be continued.

As there were no comments in opposition to this rule, the Department has not responded to any such comments.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy S. Gruber, Executive Director	<b>Date:</b>	02/25/2025
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**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R398-30</b>	<b>Filing ID: 56062</b>
<b>Effective Date:</b>	<b>02/18/2025</b>	

**Agency Information**

<b>1. Title catchline:</b>	Health and Human Services, Family Health, Children with Special Health Care Needs	
<b>Building:</b>	Multi-Agency State Office Building	
<b>Street address:</b>	195 N 1950 W	
<b>City, state</b>	Salt Lake City, UT	
<b>Mailing address:</b>	PO Box 144610	
<b>City, state and zip:</b>	Salt Lake City, UT 84116-4610	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Colin Kingsbury	385-310-5238	ckingsbury@utah.gov
Alexis Weight	801-273-2956	abweight@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule catchline:</b>
R398-30. Children's Organ Transplants
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Section 26B-1-213 authorizes the Department of Health and Human Services (Department) to adopt rules necessary to provide health and social services to the people of the state, including managing the fund established in Section 26B-1-311 for the Kurt Oscarson Children's Organ Transplant Account.
This rule sets forth the process and criteria to determine eligibility for and the awarding of financial assistance to children who need organ transplants.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
The Department has not received any written comments supporting or opposing this rule since the rule's last five-year review.

**5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:**

This rule is necessary for statutory compliance and oversight of appropriations from the fund for children's organ transplants. This rule is also necessary to continue outlining the process and criteria to determine eligibility for and the awarding of financial assistance to children who need organ transplants. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy S. Gruber, Executive Director	<b>Date:</b>	02/18/2025
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**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R414-33D</b>	<b>Filing ID: 55973</b>
<b>Effective Date:</b>	<b>02/18/2025</b>	

**Agency Information**

<b>1. Title catchline:</b>	Health and Human Services, Integrated Healthcare	
<b>Building:</b>	Cannon Health Building	
<b>Street address:</b>	288 N 1460 W	
<b>City, state</b>	Salt Lake City, UT	
<b>Mailing address:</b>	288 N 1460 W	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Craig Devashrayee	801-538-6641	cdevashrayee@utah.gov
Mariah Noble	385-214-1150	mariahnoble@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule catchline:</b>
R414-33D. Targeted Case Management for Individuals with Serious Mental Illness
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Section 26B-3-108 requires the Department of Health and Human Services (Department) to implement Medicaid through administrative rules, and Section 26B-1-213 grants the Department the authority to adopt, amend, or rescind these rules.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
The Department has not received any written comments in support of or opposition to this rule since its last five-year review.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
This rule is necessary because it provides targeted case management coverage for members with serious mental illness. Therefore, this rule should be continued.
As the Department did not receive any comments in opposition to this rule, it did not respond to any such comments.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy S. Gruber, Executive Director	<b>Date:</b>	02/18/2025
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**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R501-19</b>	<b>Filing ID: 56869</b>
<b>Effective Date:</b>	<b>02/28/2025</b>	

**Agency Information**

<b>1. Title catchline:</b>	Health and Human Services, Human Services Program Licensing	
<b>Building:</b>	Multi-Agency State Office Building	
<b>Street address:</b>	195 N 1950 W	
<b>City, state</b>	Salt Lake City, UT	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Janice Weinman	385-321-5586	jweinman@utah.gov
Mariah Noble	385-214-1150	mariahnoble@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule catchline:</b>
R501-19. Residential Treatment Programs
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Section 26B-2-104 authorizes the Office of Licensing to write and enforce rules to govern licensure of human services programs in Utah.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
The Department of Health and Human Services (Department) has not received any comments in support of, or opposition to this rule since the rule's last five-year review.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
This rule is necessary to comply with the statute and to ensure there is no lapse in oversight of residential treatment programs in Utah. Therefore, this rule should be continued.
It is anticipated that all rules under Title R501, Health and Human Services, Human Services Program Licensing, will undergo a restructuring in the coming year, but it is necessary that these rules remain in continual effect for statutory compliance.
As there were no comments in opposition to this rule, the Department has not responded to any such comments.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy S. Gruber, Executive Director	<b>Date:</b>	02/28/2025
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**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R501-20</b>	<b>Filing ID: 55611</b>
<b>Effective Date:</b>	<b>02/28/2025</b>	

**Agency Information**

<b>1. Title catchline:</b>	Health and Human Services, Human Services Program Licensing	
<b>Building:</b>	Multi-Agency State Office Building	
<b>Street address:</b>	195 N 1950 W	
<b>City, state</b>	Salt Lake City, UT	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Janice Weinman	385-321-5586	jweinman@utah.gov
Mariah Noble	385-214-1150	mariahnoble@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule catchline:</b>
R501-20. Day Treatment Programs
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Section 26B-2-104 requires the Division of Licensing and Background Checks to make rules to establish basic health and safety standards and administrative oversight for licensed facilities.  Section 26B-2-117 requires the Office of Licensing to make rules that establish categories of residential treatment and recovery residence licenses and that relate to those programs and licenses.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
The Department of Health and Human Services (Department) has not received any comments in support of or opposition to this rule since the rule's last five-year review.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
This rule is necessary to comply with the statute and to ensure there is no lapse in oversight of licensed day treatment programs in Utah. Therefore, this rule should be continued.  It is anticipated that all rules under Title R501, Health and Human Services, Human Services Program Licensing, will undergo a restructuring in the coming year, but it is necessary that these rules remain in continual effect for statutory compliance.  As there were no comments in opposition to this rule, the Department has not responded to any such comments.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy S. Gruber, Executive Director	<b>Date:</b>	02/25/2025
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**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R501-21</b>	<b>Filing ID: 55926</b>
<b>Effective Date:</b>	<b>02/28/2025</b>	

**Agency Information**

<b>1. Title catchline:</b>	Health and Human Services, Human Services Program Licensing	
<b>Building:</b>	Multi-Agency State Office Building	
<b>Street address:</b>	195 N 1950 W	

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

<b>City, state</b>	Salt Lake City, UT	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Janice Weinman	385-321-5586	jweinman@utah.gov
Mariah Noble	385-214-1150	mariahnoble@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule catchline:</b>
R501-21. Outpatient Treatment Programs
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Section 26B-2-104 authorizes the Office of Licensing to write and enforce rules to govern licensure of human services programs in Utah.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
The Department of Health and Human Services (Department) has not received any comments in support of or opposition to this rule since the rule's last five-year review.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
This rule is necessary to comply with the statute and to ensure there is no lapse in oversight of outpatient treatment programs in Utah. Therefore, this rule should be continued.
It is anticipated that all rules under Title R501, Health and Human Services, Human Services Program Licensing, will undergo a restructuring in the coming year, but it is necessary that these rules remain in continual effect for statutory compliance.
As there were no comments in opposition to this rule, the Department has not responded to any such comments.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy S. Gruber, Executive Director	<b>Date:</b>	02/28/2025
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**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	R501-22	<b>Filing ID:</b>	55927
<b>Effective Date:</b>	02/28/2025		

**Agency Information**

<b>1. Title catchline:</b>	Health and Human Services, Human Services Program Licensing	
<b>Building:</b>	Multi-Agency State Office Building	
<b>Street address:</b>	195 N 1950 W	
<b>City, state</b>	Salt Lake City, UT	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Janice Weinman	385-321-5586	jweinman@utah.gov
Mariah Noble	385-214-1150	mariahnoble@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule catchline:</b>
R501-22. Residential Support Programs
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Section 26B-2-104 authorizes the Office of Licensing to write and enforce rules to govern licensure of human services programs in Utah.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
The Department of Health and Human Services (Department) has not received any comments in support of or opposition to this rule since the rule's last five-year review.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
<p>This rule is necessary to comply with the statute and to ensure there is no lapse in oversight of residential support programs in Utah. Therefore, this rule should be continued.</p> <p>It is anticipated that all rules under Title R501, Health and Human Services, Human Services Program Licensing, will undergo a restructuring in the coming year, but it is necessary that these rules remain in continual effect for statutory compliance.</p> <p>As there were no comments in opposition to this rule, the Department has not responded to any such comments.</p>

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy S. Gruber, Executive Director	<b>Date:</b>	02/25/2025
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**End of the Five-Year Notices of Review and Statements of Continuation Section**



## NOTICES OF FIVE-YEAR REVIEW EXTENSIONS

Rulewriting agencies are required by law to review each of their administrative rules within five years of the date of the rule's original enactment or the date of last review (Section 63G-3-305). If the agency finds that it will not meet the deadline for review of the rule (the five-year anniversary date), it may file a **NOTICE OF FIVE-YEAR REVIEW EXTENSION (EXTENSION)** with the Office of Administrative Rules. The **EXTENSION** permits the agency to file the review up to 120 days beyond the anniversary date.

Agencies have filed **EXTENSIONS** for the rules listed below. The "Extended Due Date" is 120 days after the anniversary date.

**EXTENSIONS** are governed by Subsection 63G-3-305(6).

### NOTICE OF FIVE-YEAR REVIEW EXTENSION

<b>Rule Number:</b>	R384-300	<b>Filing ID:</b> 56040
<b>New Deadline Date:</b>	06/20/2025	

#### Agency Information

<b>1. Title catchline:</b>	Health and Human Services, Population Health, Health Promotion and Prevention	
<b>Building:</b>	Cannon Health Building	
<b>Street address:</b>	288 N 1460 W	
<b>City, state</b>	Salt Lake City, UT	
<b>Mailing address:</b>	PO Box 142102	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-2102	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Nichole Shepard	385-315-2000	nshepard@utah.gov
Mariah Noble	385-214-1150	mariahnoble@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

#### General Information

<b>2. Rule catchline:</b>	R384-300. Parkinson's Disease Reporting Rule	
<b>3. Reason for requesting the extension:</b>		
The Department Health and Human Services (Department) has begun its standard internal process of reviewing this rule but requires more time to complete the review.		
The Department is evaluating this rule's relevance and necessity, and even if the Department determines this rule is unnecessary, allowing it to expire, rather than repealing it through a substantive change filing, would prevent the public from weighing in on any change to or repeal of this rule and is counterintuitive.		

#### Agency Authorization Information

<b>Agency head or designee and title:</b>	Tracy S. Gruber, Executive Director	<b>Date:</b>	02/18/2025
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**End of the Notices of Five-Year Review Extensions Section**

## NOTICES OF RULE EFFECTIVE DATES

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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.

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### Agriculture and Food

#### Medical Cannabis and Industrial Hemp

No. 56965 (New Rule) R66-10: Closed-Door Medical Cannabis Pharmacy

Published: 12/15/2024

Effective: 02/24/2025

No. 56965 (Change in Proposed Rule) R66-10: Closed-Door Medical Cannabis Pharmacy

Published: 01/15/2025

Effective: 02/24/2025

### Commerce

#### Professional Licensing

No. 56997 (Amendment) R156-37: Utah Controlled Substances Act Rule

Published: 01/15/2025

Effective: 02/24/2025

#### Real Estate

No. 56995 (Amendment) R162-2g: Real Estate Appraiser Licensing and Certification Administrative Rules

Published: 01/15/2025

Effective: 02/26/2025

### Education

#### Administration

No. 57020 (Amendment) R277-404: Requirements for Assessments of Student Achievement

Published: 02/01/2025

Effective: 03/10/2025

No. 57021 (Repeal) R277-489: Kindergarten Programs and Assessment

Published: 02/01/2025

Effective: 03/10/2025

No. 57022 (Amendment) R277-606: Dropout Prevention and Recovery Program

Published: 02/01/2025

Effective: 03/10/2025

No. 57023 (Amendment) R277-607: Absenteeism and Truancy Prevention

Published: 02/01/2025

Effective: 03/10/2025

No. 57024 (Amendment) R277-608: Prohibition of Corporal Punishment in Utah's Public Schools  
Published: 02/01/2025  
Effective: 03/10/2025

No. 57025 (Amendment) R277-623: School Climate Survey  
Published: 02/01/2025  
Effective: 03/10/2025

No. 57026 (Amendment) R277-631: Student Toilet Training Requirements  
Published: 02/01/2025  
Effective: 03/10/2025

No. 57027 (New Rule) R277-725: Statewide Online Education Program Contractor Requirements  
Published: 02/01/2025  
Effective: 03/10/2025

Environmental Quality

Air Quality

No. 56935 (Amendment) R307-401: Permit: New and Modified Sources  
Published: 12/01/2024  
Effective: 03/05/2025

Governor

Economic Opportunity

No. 56967 (Repeal) R357-15a: Targeted Business Tax Credit  
Published: 12/15/2024  
Effective: 03/03/2025

Health and Human Services

Population Health, Environmental Health

No. 56884 (New Rule) R392-701: Body Art Facility Sanitation  
Published: 11/15/2024  
Effective: 03/13/2025

No. 56884 (Change in Proposed Rule) R392-701: Body Art Facility Sanitation  
Published: 01/15/2025  
Effective: 03/13/2025

Integrated Healthcare

No. 56920 (Amendment) R414-1-1: Introduction and Authority  
Published: 11/15/2024  
Effective: 02/18/2025

No. 56919 (Amendment) R414-1-32: Prior Authorization from Primary Payers First  
Published: 11/15/2024  
Effective: 02/18/2025

No. 56915 (Amendment) R414-40-3: Program Access Requirements  
Published: 11/15/2024  
Effective: 02/18/2025

Health Care Facility Licensing

No. 56868 (Amendment) R432-31: Provider Order for Life Sustaining Treatment  
Published: 11/15/2024  
Effective: 02/18/2025

No. 56891 (Amendment) R432-35: Background Screening -- Health Facilities  
Published: 11/15/2024  
Effective: 02/18/2025

## NOTICES OF RULE EFFECTIVE DATES

No. 56892 (Amendment) R432-150: Nursing Care Facility  
Published: 11/15/2024  
Effective: 02/18/2025

No. 56921 (Amendment) R432-750: Hospice Rule  
Published: 11/15/2024  
Effective: 02/18/2025

Data, Systems and Evaluation, Vital Records and Statistics  
No. 56962 (Amendment) R436-7: Death Registration  
Published: 12/15/2024  
Effective: 02/18/2025

No. 56963 (Repeal) R436-10: Death Registration  
Published: 12/15/2024  
Effective: 02/18/2025

### Recovery Services

No. 56964 (Amendment) R527-36: Collection of Child Support After a Termination of Parental Rights or Adoption  
Published: 12/15/2024  
Effective: 02/18/2025

### Services for People with Disabilities

No. 57000 (Repeal and Reenact) R539-1: Eligibility  
Published: 01/15/2025  
Effective: 03/03/2025

No. 57001 (Repeal and Reenact) R539-5: Self-Administered Services  
Published: 01/15/2025  
Effective: 03/03/2025

No. 57002 (New Rule) R539-16: Caregiver Compensation  
Published: 01/15/2025  
Effective: 03/03/2025

### Labor Commission

#### Occupational Safety and Health

No. 56996 (Amendment) R614-6-7: Hot Metallurgical Operations  
Published: 01/15/2025  
Effective: 02/21/2025

### Natural Resources

#### Oil, Gas and Mining Board

No. 56976 (Amendment) R641-109-300: Notice  
Published: 01/01/2025  
Effective: 03/01/2025

#### Oil, Gas and Mining; Oil and Gas

No. 56977 (Amendment) R649-1-1: Definitions  
Published: 01/01/2025  
Effective: 02/26/2025

No. 56978 (Amendment) R649-9: Waste Management and Disposal  
Published: 01/01/2025  
Effective: 02/26/2025

#### Forestry, Fire and State Lands

No. 57028 (Amendment) R652-20: Mineral Resources  
Published: 02/01/2025  
Effective: 03/10/2025

Wildlife Resources

No. 57009 (Amendment) R657-5: Taking Big Game

Published: 02/01/2025

Effective: 03/11/2025

No. 57010 (Amendment) R657-6: Taking Upland Game

Published: 02/01/2025

Effective: 03/11/2025

No. 57011 (Amendment) R657-9: Taking Waterfowl, Snipe and Coot

Published: 02/01/2025

Effective: 03/11/2025

No. 57012 (Amendment) R657-10: Taking Cougar

Published: 02/01/2025

Effective: 03/11/2025

No. 57013 (Amendment) R657-11: Taking Furbearers and Trapping

Published: 02/01/2025

Effective: 03/11/2025

No. 57014 (Repeal) R657-15: Closure of Gunnison, Cub and Hat Islands

Published: 02/01/2025

Effective: 03/11/2025

No. 57015 (Amendment) R657-20: Reporting Requirements

Published: 02/01/2025

Effective: 03/11/2025

No. 57016 (Amendment) R657-33: Taking Bear

Published: 02/01/2025

Effective: 03/11/2025

No. 57017 (Amendment) R657-64: Predator Control Incentives

Published: 02/01/2025

Effective: 03/11/2025

**End of the Notices of Rule Effective Dates Section**