

# 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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# EXECUTIVE DOCUMENTS

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

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

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## PROCLAMATION

**WHEREAS**, since the close of the 2025 General Session of the 66th Legislature of the state of Utah, certain matters have arisen which require immediate legislative attention; and

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

**NOW, THEREFORE**, I, Spencer J. Cox, governor of the state of Utah, by virtue of the authority vested in me by the Constitution and Laws of the state of Utah, do by this Proclamation call the Senate only of the 66th Legislature of the state of Utah into the First Extraordinary Session at the Utah State Capitol in Salt Lake City, Utah, on the 15th day of April 2025, at 4:00 p.m., for the following purpose:

For the Senate to consent to appointments made by the Governor to positions within state government of the state of Utah since the close of the 2025 General Session of the Legislature of the state of Utah.

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the state of Utah. Done at the Utah State Capitol in Salt Lake City, Utah, this 14th day of April 2025.

(State Seal)

Spencer J. Cox  
Governor

ATTEST:

Deidre M. Henderson  
Lieutenant Governor

2025-01E

**End of the Executive Documents Section**

## 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 April 02, 2025, 12:00 a.m., and April 15, 2025, 11:59 p.m. are included in this, the May 01, 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 June 02, 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 August 29, 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:**

**R25-7**

**Filing ID: 57094**

**Agency Information**

<b>1. Title catchline:</b>	Government Operations, Finance	
<b>Building:</b>	Taylorsville State Office Building	
<b>Street address:</b>	4315 S 2700 W, Floor 3	
<b>City, state:</b>	Taylorsville, UT	
<b>Mailing address:</b>	PO Box 141031	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-1031	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Van Christensen	801-808-0698	vhchristensen@utah.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>
R25-7. Travel-Related Reimbursements for State Travelers
<b>3. Purpose of the new rule or reason for the change:</b>
As approved by the agency's executive director, the Department of Government Operations' Division of Finance (Division) is amending this rule to align the travel policy with the telework policy, which uses a 50-mile threshold. By aligning these policies an employee will not have to remember when a 75-mile requirement applies as opposed to a 50-mile requirement.  Our hope is that this consistency will simplify employee understanding of travel reimbursement guidelines and improve compliance.
<b>4. Summary of the new rule or change:</b>
With this amendment, the required travel distance for an employee to be reimbursed for lodging will be changed from 75 miles to 50 miles to match Governor Cox's 50-mile or more commute requirement to qualify as a remote employee.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
This rule change may affect the state's budget, though the exact fiscal cost is impossible to calculate as there is no way for the Division to know in advance how many state employees will require reimbursement for lodging or how many traveling employees will be affected by the 25 mile decrease in the current 75-mile reimbursement requirement.
<b>B) Local governments:</b>
This rule change is not expected to have a fiscal impact on local governments' revenues or expenditures. The changes do not affect local government budgets because they only apply to state agencies' lodging reimbursement requirements.
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):
This rule change is not expected to have a fiscal impact on small businesses' revenues or expenditures. The changes do not affect small businesses' because they only apply to state agencies' lodging reimbursement requirements.

Small lodging businesses will receive the same amount of money regardless of whether the employee is reimbursed or not.

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

This rule change is not expected to have a fiscal impact on local non-small businesses' revenues or expenditures. The changes do not affect non-small businesses' because they only apply to state agencies' lodging reimbursement requirements.

Non-small lodging businesses will receive the same amount of money regardless of whether the employee is reimbursed or not.

**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 change is not expected to have a fiscal impact on persons other than small businesses, businesses, or local government entities. The changes do not affect other persons because they only apply to state agencies' lodging reimbursement requirements.

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

Because this amendment only applies to state agencies' lodging reimbursement requirements, this rule change is not expected to create compliance costs for any entity other than, potentially, the state's budget. It's possible that more state employees will qualify for lodging reimbursement with the 25 mile decrease in the required travel distance, so there is a potential for extra costs in the state's budget.

However, it is impossible to predict the amount of those costs because the Division cannot predict how many state employees will require reimbursement for lodging or how far they will need to travel from their personal residence for state business.

**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**

<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 Executive Director of the Department of Government Operations, Marvin Dodge, 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 63A-3-107		
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**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>	06/02/2025
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<b>9. This rule change MAY become effective on:</b>	06/09/2025
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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>	Marvin Dodge, Executive Director	<b>Date:</b>	04/05/2025
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**R25. Government Operations, Finance.****R25-7. Travel-Related Reimbursements for State Travelers.****R25-7-1. Purpose.**

The purpose of this rule is to establish procedures to pay travel-related reimbursements to travelers of an agency or board that is subject to this rule.

**R25-7-2. Authority.**

This rule is established under Section 63A-3-107, which authorizes the Division of Finance to make rules governing in-state and out-of-state travel expenses.

**R25-7-3. Definitions.**

- (1) "Actual cost" means the total amount of money that was paid for an expense.
- (2)(a) "Agency" means any department, division, bureau, office, or other administrative subunit of state government under the executive branch.
- (b) "Agency" includes any board subject to this rule.
- (3) "Board" means a board, commission, council, committee, task force, or similar body established to perform a governmental function.
- (4) "Conference hotel" means the hotel designated by the conference host, as specified in the conference materials.
- (5) "Department" means an executive department of state government.
- (6)(a) "Designee" means the person who has written permission from the executive director to act on the executive director's behalf.
- (b) The executive director is responsible for selecting a designee who has the knowledge, skills, and experience to make decisions in the best interest of the agency.
- (7) "Executive director" means a department executive director, department commissioner, chief of staff, or equivalent of a chief executive officer.
- (8) "Fleet vehicle" means a vehicle owned or leased by an agency. This also includes vehicles rented for use as motor pool vehicles by an agency.
- (9)(a) "Ground transportation" means the use of taxi, rideshare, shuttle, or public transportation for state business.
- (b) "Ground transportation" does not include the use of taxi, rideshare, shuttle, or public transportation for a commute to and from a traveler's home and regular place of work.
- (10)(a) "Hotel" means an establishment that provides lodging for travelers.
- (b) "Hotel" does not include a vacation rental.
- (11)(a) "International travel" means travel outside the 48 contiguous states.
- (b) "International travel" includes travel to Alaska, Hawaii, and US Territories and Possessions.
- (12) "Out-of-state travel" means travel outside Utah but within the contiguous United States.
- (13) "Per diem" means the reimbursement rates established for travel by the following agencies:
  - (a) the US General Services Administration for the contiguous United States as set forth in 41 CFR 301-11.6 (2004), which is incorporated by reference;
  - (b) the Department of Defense for Alaska, Hawaii, and US Territories and Possessions as set forth in 41 CFR 301-11.6 (2004); and
  - (c) the Department of State for foreign travel as set forth in 41 CFR 301-11.6 (2004).
- (14) "Rate" means an amount of money.
- (15) "Reimbursement" means money paid to compensate a traveler for money spent.
- (16) "Sufficient documentation" means the documents that show the merchant, amount paid, method of payment, date incurred, and description of the item purchased or service received. A combination of supporting documents may be needed to verify each element of the expense. Sufficient documentation includes the following official evidence of transaction:
  - (a) itemized receipts;
  - (b) invoices;
  - (c) cash register tape receipts;
  - (d) canceled checks or other documents reflecting proof of payment or electronic funds transferred;

## NOTICES OF PROPOSED RULES

- (e) account statements; and
- (f) credit card statements.
- (17)(a) "Traveler" means any person who is traveling for state business for an agency.
- (b) This includes employees, board members, elected officials, vendors, volunteers, and grant recipients or award beneficiaries.

### **R25-7-4. Limitation on Travel-Related Reimbursements.**

- (1) Nothing in this rule may be construed to apply to a person's relocation expenses.
- (2) Reimbursement for relocation expenses is covered by policy.

### **R25-7-5. Eligible Expenses.**

- (1) Reimbursements are intended to cover ordinary travel-related expenses that are reasonable under the circumstances.
- (2) Alcoholic beverages may not be reimbursed.

### **R25-7-6. Requirements for Requesting to Travel.**

- (1)(a) State business travel, whether reimbursed or not, must be approved by the appropriate authority before a traveler departs.
- (b) This includes non-employees when the agency pays for the travel expenses.
- (c) In-state travel must be approved by the traveler's supervisor.
- (d) Out-of-state travel must be approved by the traveler's executive director.
- (e) International travel must be approved by the traveler's executive director and the governor's chief of staff.
- (2)(a) A traveler shall use the state's travel system to request approval to travel if:
  - (i) traveling outside Utah; or
  - (ii) requesting a cash advance.
- (b) If a traveler leaves for an unexpected, urgent out-of-state trip without using the state's travel system to get approval, the agency's executive director or designee may approve the trip after the traveler departs. The traveler shall explain in writing why the trip was urgent.
- (c) If a traveler cannot use the state's travel system, the traveler shall use the FI 5 travel request form or an alternative process that includes the same information required by the form.
- (d) A traveler shall include each expected travel expense when requesting approval to travel. Estimates for expenses shall be reasonable and reflect realistic costs.
- (3) A traveler is not required to use the state's travel system to request approval for in-state travel, but in-state travel must still be approved by the traveler's supervisor.

### **R25-7-7. Requirements for Requesting Reimbursement.**

- (1) To be reimbursed according to the rates in this rule, a traveler must comply with this rule.
- (a) If a traveler does not comply and does not have an approved exception, the executive director or designee shall be notified.
- (b) The executive director or designee shall take appropriate corrective action and decide whether the traveler is reimbursed for the expense.
- (c) If the executive director or designee approves reimbursement, the approval shall be included with the sufficient documentation needed for the expense as explained in Subsection R25-7-7(3)(c).
- (2) Reimbursement for state travel shall be approved by the traveler's division director or the agency equivalent of a division director.
- (3)(a) A traveler shall use the state's travel system to request reimbursement.
- (b) If a traveler cannot use the state's travel system, the traveler shall use the FI 51 reimbursement request form or an alternative process that includes the same information required by the form. If the reimbursement request is for mileage only, the traveler shall use the FI 40 mileage reimbursement request form or an alternative process that includes the same information required by the form.
- (c) A reimbursement request shall include sufficient documentation for each travel expense, except for expenses for which there is a flat allowance amount.

### **R25-7-8. Reimbursement for Meals.**

- (1) A traveler may be reimbursed for meals.
- (2) A traveler is reimbursed per diem for meals as explained in 41 CFR 301-11.6, 301-11.17 301-11.18, 301-11.101 (2004).
- (3) A provided meal, such as a meal included in a registration cost, is deducted from the per diem.

### **R25-7-9. Reimbursement for Incidental Expenses.**

- (1) A traveler may be reimbursed for incidental expenses.
- (2) A traveler is reimbursed per diem for incidental expenses as explained in 41 CFR 301-11.6 and 301-11.101 (2004).
- (3) The following are considered incidental expenses and are included in the incidental expenses per diem rate:
  - (a) laundry expenses; and
  - (b) fees and tips given to porters, baggage carriers, and hotel staff.

### **R25-7-10. Booking a Hotel.**

- (1)(a) If staying at a conference hotel, a traveler shall book a conference hotel room either directly through the hotel or through the contracted travel agency by using the state's travel system or the State Travel Office. The room rate must be the best available rate within 300% of the per diem.

(b) If the conference hotel rate is more than 300% of the per diem, the traveler shall book a non-conference hotel according to Subsection R25-7-10(2).

(2) If staying at a non-conference hotel, a traveler shall book a room through the contracted travel agency by using the state's travel system or the State Travel Office. The room rate must be within the per diem.

(a) If there are no hotels in the area that have rooms within the per diem, the traveler shall book the hotel that has the best available rate within 300% of the per diem.

(b) If there are no hotels in the area that have rooms within 300% of the per diem, the traveler shall contact the State Travel Office to book a hotel room.

**R25-7-11. Booking Other Types of Lodging.**

- (1) A traveler may book a vacation rental site if:
  - (a) the vacation rental site is in the best interest of the state; and
  - (b) the cost per person is within per diem.
- (2) A traveler may stay with a friend or relative.
- (3) A traveler may stay in a personal camper or trailer home.

**R25-7-12. Reimbursement for Lodging.**

- (1) A traveler may be reimbursed for lodging.
- (2) The destination must be ~~[75]~~50 miles or more from the traveler's personal residence.
- (3)(a) The executive director or designee may approve lodging that is less than ~~[75]~~50 miles from the traveler's personal residence if:
  - (i) there is an unusual circumstance, such as the traveler is required to work at the destination after work hours or there are safety issues; and
  - (ii) the traveler requests the exception before the trip.
- (b) The request for the exception and the approval shall be included with the sufficient documentation needed for the expense as explained in Subsection R25-7-7(3)(c).
- (4)(a) For a conference hotel, a traveler is reimbursed the actual cost up to 300% of the per diem.
- (b) The traveler shall include the conference registration materials when requesting reimbursement.
- (5) For a non-conference hotel, a traveler is reimbursed the actual cost of the hotel.
- (6) For a vacation rental site, the traveler who paid for the vacation rental site is reimbursed the actual cost up to the per diem per person.
- (7) For staying with a family member or friend, a traveler may receive a taxable allowance of \$25 per night.
- (8) For staying in a personal camper or trailer home, a traveler may be reimbursed:
  - (a) the actual cost up to the per diem if the traveler has sufficient documentation from the facility; or
  - (b) a taxable allowance of \$25 per night if the traveler does not have sufficient documentation.

**R25-7-13. Booking Air Travel.**

- (1) A traveler shall book airfare through the contracted travel agency by using the state's travel system or the State Travel Office.
- (2) A traveler shall use a contracted airline unless:
  - (a) the airline cannot meet the business needs of the traveler; or
  - (b) a non-contracted airline offers a lower fare.
- (3) A traveler shall book economy or main cabin fares.
- (4) Airline tickets and service fees shall be charged directly to the state-operated account designated for airfare.
- (5)(a) If a traveler needs to change a flight, the traveler shall request approval from the division director or the agency equivalent of the division director.
- (b) In the request, the traveler shall explain in writing why changing the flight is necessary.
- (c) The request for the flight change and the approval shall be included with the sufficient documentation needed for the expense as explained in Subsection R25-7-7(3)(c).
- (d) A traveler shall contact the State Travel Office to change a flight.
- (e) If a change fee is \$75 or less, a traveler can change a flight the day of departure without getting approval or contacting the State Travel Office.

**R25-7-14. Reimbursement for Expenses Related to Air Travel.**

- (1)(a) A traveler may be reimbursed mileage for driving to and from the airport. See Subsection R25-7-16(2) for the reimbursement rate.
- (b) A traveler who is driven to the airport by a friend or family member is reimbursed for two round trips to and from the airport.
- (2)(a) A traveler may be reimbursed for airport parking.
- (b) A traveler is reimbursed the actual cost up to the airport's lowest daily parking rate for each day of parking.
- (3) A traveler may be reimbursed for taking ground transportation to and from the airport. See Section R25-7-15.
- (4) A traveler is not reimbursed for priority seating or seat upgrades, except for rare circumstances.
- (a) A request for a seat upgrade must be approved in writing by the executive director or designee before the traveler departs.
- (b) In the request, the traveler shall explain in writing why a seat upgrade is necessary.

## NOTICES OF PROPOSED RULES

(c) The request for the seat upgrade and the approval shall be included with the sufficient documentation needed for the expense as explained in Subsection R25-7-7(3)(c).

### **R25-7-15. Reimbursement for Ground Transportation.**

- (1) A traveler may be reimbursed for using ground transportation.
- (2) If a traveler takes a rideshare for in-state travel, the traveler shall use a contracted rideshare company unless traveling to and from an airport for a flight.
- (3) A traveler is reimbursed the actual cost of ground transportation that is related to state business travel, such as transportation to and from the airport.
- (4) A traveler is not reimbursed for personal use of ground transportation, such as transportation to a restaurant or movie theater.
- (5) A traveler is not reimbursed for an upgrade to a rideshare unless there is a documented business purpose.
- (6) A traveler may be reimbursed for tips for ground transportation if a tip is shown on an original, itemized receipt.
- (7)(a) A traveler is reimbursed the actual cost of tips up to 20% of the total fare, including taxes and fees.
- (b) If a 20% tip results in an amount less than \$5, a traveler may tip up to \$5. The traveler is reimbursed the actual cost of the tip up to \$5.

### **R25-7-16. Reimbursement for Mileage.**

- (1) A traveler may be reimbursed for mileage when using a private vehicle.
- (2) A traveler is reimbursed a calculated mileage rate rounded to the nearest cent based on the average of the two federal mileage automobile rates as explained in 41 CFR 301-10.303 (2004).
- (3) A traveler is not reimbursed for mileage that is for:
  - (a) personal use, such as driving to a restaurant or movie theater; or
  - (b) commuting to and from the traveler's home and regular place of work.
- (4)(a) A traveler shall use the state's travel system to calculate mileage.
- (b) If unable to use the state's travel system, the traveler may calculate mileage using a generally accepted route planning website. The traveler is reimbursed based on the most commonly traveled route.
- (5) Only the owner of the vehicle may be reimbursed for mileage regardless of the number of people in the vehicle.
- (6)(a) A traveler may choose to drive their personal vehicle instead of taking a flight if the request is approved in writing by the executive director or designee before the traveler departs.
- (b) The executive director or designee shall consider whether the reimbursement cost for the traveler's mileage and time driving is more than the cost of flying and whether the benefit of driving justifies those costs.

### **R25-7-17. Booking Rental Vehicles.**

- (1) A traveler may rent a vehicle if approved in writing before the traveler departs. See Subsections R25-7-6(1)(c) through R25-7-6(1)(e) for who shall approve a rental vehicle.
- (2) A vehicle shall be rented in the traveler's own name.
- (3)(a) A traveler shall book a rental vehicle through a contracted rental company by using the state's travel system or the State Travel Office.
- (b) A traveler shall use a vehicle rented through a state contract only for business travel days.
- (4) When booking a vehicle, a traveler shall reserve the type of vehicle based on business needs.
- (5) A traveler may not rent a vehicle if staying at a conference hotel, except for rare circumstances.
  - (a) A request for a rental vehicle at a conference hotel must be approved in writing by the executive director or designee before the traveler departs.
  - (b) In the request, the traveler shall explain in writing why renting a vehicle is necessary.
- (c) The request for a rental and the approval shall be included with the sufficient documentation needed for the expense as explained in Subsection R25-7-7(3)(c).

### **R25-7-18. Billing and Reimbursement for Rental Vehicles.**

- (1) For in-state rentals, an agency is billed directly for the rental vehicle.
- (2) For out-of-state rentals, a traveler is reimbursed the actual cost of the rental.
- (3) A traveler is reimbursed the actual cost of fuel unless the traveler chooses the prepaid fuel option when picking up the rental vehicle. A traveler is not reimbursed for fuel purchased from the rental company.
- (4) A traveler is not reimbursed for upgrades in size or model made when picking up the rental vehicle.

### **R25-7-19. Reimbursement for Parking.**

- (1) A traveler is reimbursed the actual cost of parking if:
  - (a) parking is necessary for official business; and
  - (b) the use of a private or rental vehicle is approved before the traveler departs.
- (2) A traveler is not reimbursed for parking that is related to personal use, such as parking at a restaurant.

**KEY: air travel, per diem allowances, state travelers, transportation**

**Date of Last Change: 2025[~~September 3, 2024~~]**

Notice of Continuation: February 8, 2018  
 Authorizing, and Implemented or Interpreted Law: 63A-3-107

**NOTICE OF SUBSTANTIVE CHANGE**

<b>TYPE OF FILING:</b> Amendment		
<b>Rule or Section Number:</b>	<b>R64-6</b>	<b>Filing ID:</b> 57098

**Agency Information**

<b>1. Title catchline:</b>	Agriculture and Food, Conservation Commission	
<b>Building:</b>	Taylorsville State Office Building, South Building, Floor 2	
<b>Street address:</b>	4315 S 2700 W	
<b>City, state:</b>	Taylorsville, UT	
<b>Mailing address:</b>	PO Box 146500	
<b>City, state and zip:</b>	Salt Lake City, UT 84114	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Amber Brown	385-245-5222	ambermbrown@utah.gov
Jim Bowcutt	435-232-4017	jdbowcutt@utah.gov
Kelly Pehrson	385-977-2147	kwpehrson@utah.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>
R64-6. Agriculture Voluntary Incentives Program
<b>3. Purpose of the new rule or reason for the change:</b>
Changes are needed to this rule to expand the Agriculture Voluntary Incentives Program (AgVIP) and the purposes of the program to promote and incentivize conservation practices beyond just nutrient management plants.  This change is consistent with statute regarding Utah Conservation Commission grant programs under Section 4-18-108.
<b>4. Summary of the new rule or change:</b>
Section R64-6-3 has been updated to expand the purposes of the program add references to conservation best management practices and the development of conservation plans.  Requirements for conservation plans are also added to Section R64-6-7.  Finally, language is added to Section R64-6-6 to specify that individuals that are in default or not making payments on a Department of Agriculture and Food (Department) loan could be ineligible to receive incentives under AgVIP.

**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 impact on the state budget. The purposes of the program are expanding but costs to manage the program is not changing.
<b>B) Local governments:</b>
Local governments do not participate in the program and will not be impacted by the rule changes.

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

There should be no impact to small businesses.

While producers may implement additional conservation practices that could carry additional costs, the Department's incentive structure is not changing.

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

There should be no impact to non-small businesses.

While producers may implement additional conservation practices that could carry additional costs, the Department's incentive structure is not changing.

**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**):

Other persons do not participate in AgVIP and will not be impacted by the rule changes.

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

There are no compliance requirements associated with the program.

**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 Interim Commissioner of the Utah Department of Agriculture and Food, Kelly Pehrson, 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 4-18-108		
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**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>	06/02/2025
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<b>9. This rule change MAY become effective on:</b>	06/09/2025
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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>	Kelly Pehrson, Interim Commissioner	<b>Date:</b>	04/11/2025
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**R64. Agriculture and Food, Conservation Commission.****R64-6. Agriculture Voluntary Incentives Program.****R64-6-1. Authority.**

This rule is enacted pursuant to Subsection 4-18-108(1) which allows the Utah Conservation Commission (UCC) to award grants to eligible entities that are designated in department rule. Through the Agriculture Voluntary Incentives Program (AgVIP), the UCC may award grants for the costs of plans or projects to address environmental issues on a farm or ranch operation, pursuant to Subsection 4-18-108(1)(b) and improve water quality pursuant to Subsection 4-18-108(1)(c).

**R64-6-2. Definitions.**

- (1) "Advisory board" means a board appointed by the UCC to oversee the AgVIP and rank applications.
- (2) "Commission" or "UCC" means the Utah Conservation Commission created by Section 4-18-104, chaired by the Commissioner of the Utah Department of Agriculture and Food.
- (3) "CNMP" means a comprehensive nutrient management plan.
- (4) "Department" or "UDAF" means the Utah Department of Agriculture and Food.
- (5) "Grantee" means a person who has received funding through the AgVIP.
- (6) "Nutrients" means dry or liquid commercial fertilizer, manure, compost, soil amendments, or liquid waste.
- (7) "Program Manager" means a department employee assigned to oversee the day-to-day activities of the AgVIP, or their staff.

**R64-6-3. Purpose- Agriculture Voluntary Incentives Program.**

The purpose of the AgVIP is to help agricultural producers implement comprehensive nutrient management plans and other supporting best management practices that can increase crop yields, improve soil health, and add value to operations while improving water quality using the following methods:

- (1) Using a field evaluation to establish a baseline level of conservation that is occurring on a participant's operation;
  - (2) Developing a conservation plan to identify new practices a participant wants to try, which may include a comprehensive nutrient management plan, and the necessary implementation logistics;
  - (3) Reevaluating a field's conservation status on a yearly basis; and
  - (4) Keeping annual management records to verify practices implemented, including nutrient application records if a CNMP is being implemented.
- [~~(1) implementing CNMPs;~~  
~~(2) taking soil tests on an annual basis to determine nutrient loading in soils;~~  
~~(3) keeping annual nutrient application records; and~~  
~~(4) taking manure or compost tests to determine nutrient availability.]~~

**R64-6-4. Application Requirements.**

- (1) The UCC will oversee the AgVIP.
- (2) Each program funding cycle may have specified information for that cycle including:
  - (a) an application period;
  - (b) required information needed for each application; and
  - (c) ranking criteria.
- (3) Ranking criteria will be used to evaluate funding potential for each application submitted.
- (4)(a) The UCC may apply total contract payment limitations based on available funding for the program each year.
- (b) Small acreage payments may be utilized at amounts determined reasonable by the UCC.
- (5) Applications and personal information will be protected under Title 63G, Chapter 2, Government Records Access and Management Act (GRAMA)

**R64-6-5. AgVIP Advisory Board.**

- (1) Pursuant to Subsection 4-18-108(4), the UCC shall assign an advisory board to oversee the program and rank applications.
- (2) The advisory board may include one representative from each of the following groups:

NOTICES OF PROPOSED RULES

- (a) Utah Association of Conservation Districts;
  - (b) Natural Resources Conservation Service;
  - (c) Utah State University Extension;
  - (d) ~~[F]~~the department;
  - (e) Utah Division of Water Quality (DWQ); and
  - (f) Utah Farm Bureau.
- (3) The advisory board shall include at least three representatives who are agricultural producers within the state.
- (4) Day-to-day activities of the program will be directed by a program manager.
- (5) Advisory board representatives will have four-year terms.

**R64-6-6. Criteria for Awarding Grants.**

- (1) Applications submitted during each funding cycle shall be evaluated and ranked by the advisory board.
- (2) Previously determined ranking criteria will be followed for each funding cycle.
- (3) Applications that are recommended for funding by the advisory board shall receive final approval from the before contracting.
- (4) Pursuant to Subsection 4-18-108(2)(a), in considering applications, the UCC shall consider the following criteria in addition to any published ranking criteria:
  - (a) the ability of the grantee to pay for the costs of proposed plans or projects;
  - ~~(i) applicants who are in default on a department loan are not eligible to participate in the program; and~~
  - ~~(ii) applicants who have failed to make timely payments on a department loan or do not cooperate in good faith regarding repayment of a department loan may be ineligible to participate in the program;~~
  - (b) the availability of matching funds provided by the grantee or another source or the availability of material, labor, or other items in value provided in lieu of money by the grantee or another source; and
  - (c) the benefits that accrue to the ~~[general]~~public by the awarding of a grant.
  - (5) The AgVIP may designate priority areas or application types based on specific water quality and other resource concerns.

**R64-6-7. Contracting and Project Requirements.**

- (1) Contracts will last for three years.
- (2) Funded applications are required to have a ~~[comprehensive nutrient management]~~conservation plan in place within the first 12 months of the contract.
  - ~~[(a) Once the CNMP is in place, the producer will be responsible for implementing the plan, as written, for the rest of the contract period.~~
  - ~~[(b) CNMPs may be revised and updated by the department as needed throughout the contract period to reflect operational or management changes that may occur.]~~
  - ~~(a) Plans may be revised and updated by the department as needed throughout the contact period to reflect operational or management changes that may occur.~~
  - ~~(b) Each plan must include at least one new conservation practice.~~
  - (3) At the end of each calendar year, a UDAF conservation planner will meet with the producer to review the plan, reevaluate the conservation status of each field and [CNMP] and collect ~~[nutrient application records]~~verification documentation for all implemented practices.
  - (4) At the discretion of the program manager, monetary and regulatory incentives may be awarded to the producer on an annual basis so long as the producer can successfully:
    - ~~(a) agree to trying at least one new conservation practice within the three-year contract, which may include a CNMP;~~
    - ~~(b) evaluate a fields conservation status annually; and~~
    - ~~(c) provide the required practice verification documents.~~
    - ~~[(a) implement the nutrient management plan;~~
    - ~~(b) provide appropriate nutrient application records;~~
    - ~~(c) provide the required soil tests; and~~
    - ~~(d) provide the required manure or compost tests.]~~

**R64-6-8. Reporting Requirements.**

- (1) Program information may be shared as needed with DWQ in accordance with guidelines agreed upon in the most current UDAF-DWQ Memorandum of Understanding.
- (2) AgVIP participants shall submit annual ~~[manure, compost, and commercial fertilizer application]~~practice verification records.
  - ~~[(3)(a) Any fields enrolled in AgVIP shall have at least one soil test completed during the 3-year contract]~~(3) Ag VIP participants shall evaluate a field's conservation status on an annual basis.
  - ~~[(b) One manure or compost test shall be completed for each type of organic nutrient applied during the 3-year contract.]~~
  - (4) Annual field evaluations and record keeping following the 3-year AgVIP contract period is encouraged[;] but not required.
  - (5) The AgVIP shall gather the following information related to program participants:
    - ~~(a) annual [nutrient application records]~~field evaluation results;
    - ~~(b) number of acres enrolled;~~
    - ~~(c) which practices are being implemented on each field; and~~
    - ~~[(b) soil tests;~~
    - ~~(c) manure or compost tests as applicable;~~



- (d) ~~number of acres under current CNMPs; and~~
- ([e]d) other relevant information as needed.
- (6) Information gathered shall be presented as aggregated data to protect individual private information.

**KEY: AgVIP, nutrient management plan, water quality**  
**Date of Last Change: ~~June 24, 2024~~2025**  
**Authorizing, and Implemented or Interpreted Law: 4-18-108**

NOTICE OF SUBSTANTIVE CHANGE		
<b>TYPE OF FILING:</b> Amendment		
<b>Rule or Section Number:</b>	R277-121	<b>Filing ID: 57107</b>

**Agency Information**

<b>1. Title catchline:</b>	Education, Administration	
<b>Building:</b>	Board of Education	
<b>Street address:</b>	250 E 500 S	
<b>City, state:</b>	Salt Lake City, UT 84111	
<b>Mailing address:</b>	PO Box 144200	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4200	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Elisse Newey	801-538-7550	elisse.newey@schools.utah.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>
R277-121. Board Waiver of Administrative Rules
<b>3. Purpose of the new rule or reason for the change:</b>
This rule is being amended to add more detail to our waiver process for schools and Local Education Agencies (LEAs) applying for a waiver from Board of Education (Board) rule.
<b>4. Summary of the new rule or change:</b>
The amendments update several of the procedures and requirements for LEAs requesting waivers from Board rule.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
This rule change is not expected to have fiscal impact on state government revenues or expenditures. This rule change does not add costs for the Utah State Board of Education (USBE) or other state entities as it clarifies the board rule waiver process for Local Education Agencies (LEAs).
<b>B) Local governments:</b>
This rule change is not expected to have fiscal impact on local government revenues or expenditures. LEAs requesting a waiver will now need to hold two public meetings separately from regular board meetings. These meetings can be held electronically.
While these meetings may add to LEA administrative staff time, there is no quantifiable cost for LEAs as they have the staff and systems in place to hold meetings as described in this rule.

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

This rule change is not expected to have fiscal impact on small business revenues or expenditures. This only affects USBE and LEAs.

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

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for 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 change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. This only affects USBE and LEAs.

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

There are no compliance costs for affected persons. LEAs requesting a waiver will now need to hold two public meetings separately from regular board meetings. These meetings can be held electronically.

While these meetings may add to LEA administrative staff time, there is no quantifiable cost for LEAs as they have the staff and systems in place to hold meetings as described in this rule.

**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**

<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 State Superintendent of the Utah State Board of Education, Sydnee Dickson, 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 X, Section 3

Subsection 53E-3-401(4)

## 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:**

06/02/2025

**9. This rule change MAY become effective on:**

06/09/2025

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

**Agency head or designee and title:**

Elisse Newey, Deputy Superintendent of Policy

**Date:**

04/15/2025

**R277. Education, Administration.****R277-121. Board Waiver of Administrative Rules.****R277-121-1. Authority and Purpose.**

(1) This rule is authorized by:

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

(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and

(c) Section 53G-7-202, which allows the Board to grant an LEA's request for a waiver from a Board rule.

(2) The purpose of this rule is to establish procedures for an LEA to request a waiver from a Board rule.

**R277-121-2. Procedures for Waiver Requests.**

(1) ~~(a)~~ An LEA board may request a waiver from a Board rule by filing a written request with the Superintendent.

(2) An LEA board may not request a waiver from a Board rule that is required by or adopts criteria from a federal statute, federal regulation, or state law.

(3) An LEA's written waiver request shall include how the waiver will support the learning environment and lead to educational excellence, and;

(4) Any other additional information that the LEA believes the Board would find helpful to make an informed decision regarding the waiver.

~~(b)~~(5) Except for a request for a waiver due to snow, inclement weather, or other emergency school closure described in Section R277-121-5, a written request under Subsection (1)(a) shall include:

~~(i)~~(a) verification that the LEA board voted to request the waiver in an open meeting~~;~~, with the results of the waiver request.

~~(ii)~~(b) data, if applicable, that support the requested waiver, which ~~may~~ shall include:

~~(A)~~(i) student achievement data;

~~(B)~~(ii) community, staff, ~~or~~ and student survey data;

~~(C)~~(iii) student enrollment data;~~or~~

~~(D)~~(iv) data demonstrating the cost effectiveness of the waiver request;

~~(iii)~~(c) a proposed agreement with the Board that includes:

~~(A)~~(i) a proposed effective date;

~~(B)~~(ii) provisions for public review and accountability;

~~(C)~~(iii) data gathering and reporting timelines; and

~~(D)~~(iv) a sunset date; and

~~(iv)~~(d) in the case of a charter school, a recommendation from the board of the school's authorizer.

(6) If an LEA seeks a waiver as outlined in Section R277-121-2 for a 4-day school week, the LEA shall:

(a) hold at least two open and public meetings, held separately from regular board meetings, to engage with stakeholders regarding the waiver request.

(i) At least one of the meetings shall be held before a vote is taken to apply for the waiver, during which the LEA or public school shall:

(A) explain the rationale for seeking the waiver; and

(B) listen to stakeholder concerns; and

(ii) At least one of the meetings shall be held after the decision to apply for the waiver but before the submission of the application, during which the LEA or public school shall:

(A) explain the waiver process; and

NOTICES OF PROPOSED RULES

- ~~\_\_\_\_\_ (B) describe plans to address stakeholder concerns.~~
- ~~\_\_\_\_\_ (iii) Meetings described in this section may be held electronically.~~
- ~~\_\_\_\_\_ (b) Certify that the LEA or public school notified affected school community councils and principals about the potential waiver before holding a vote to apply for the waiver.~~
- ~~\_\_\_\_\_ (6) An LEA or public school applying for a waiver shall submit the waiver or waiver renewal, as described in Subsection R277-121-4(1), for the 4-day school week to the Board by April 10 of the school year prior to the proposed change.~~
- ~~[\_\_\_\_\_ (2) An LEA board may not request a waiver from a Board rule:~~
- ~~\_\_\_\_\_ (a) that is required by or adopts criteria from a federal statute, federal regulation, or state law;~~
- ~~\_\_\_\_\_ (b) that would negatively affect the health, safety, or welfare of public education students;~~
- ~~\_\_\_\_\_ (c) that could reasonably result in discrimination or harassment of public school students or employees;~~
- ~~\_\_\_\_\_ (d) that would benefit one element of the public education system to the detriment of another; or~~
- ~~\_\_\_\_\_ (e) when the concerns giving rise to an LEA board's request could be addressed through means other than waiver of Board rules.]~~

**R277-121-3. Board Review of Waiver Requests.**

- (1) The Superintendent shall:
  - (a) review an LEA's waiver request; and
  - (b) may provide a recommendation to the Board.
- (2) The Board Executive Committee may assign a waiver request made under this Rule R277-121 to a Board standing committee.
- (3) The standing committee assigned in accordance with Subsection (2):
  - (a) may solicit additional information or testimony;
  - (b) shall review the request in an open meeting; and
  - (c) shall make a recommendation for consideration by the full Board.
- (4) The Board Executive Committee may consolidate consideration of duplicate or similar requests.
- (5) The Board shall consider available data in evaluating an LEA waiver request and shall make data driven decisions.

**R277-121-4. Annual Review of Approved Waivers.**

- (1) The Board may request an LEA that receives a waiver from Board rule in accordance with this Rule R277-121 for more than one year to report the following to a Board committee:
  - (a) data that supports continuation of the requested waiver; and
  - (b) data related to the data the LEA presented as part of the LEA's request for waiver.
- (2) During a review described in Subsection (1), the Board may, with notice to the LEA, move to rescind or modify the waiver, unless the waiver agreement explicitly states otherwise.

**R277-121-5. Snow, Inclement Weather, or Other Emergency School Closure Days.**

- (1) An LEA may seek a waiver directly from the Superintendent from the 180 day requirement described in Subsection R277-419-4(1) if:
  - (a) the LEA closes a school due to excessive snow, inclement weather, or an other emergency; and
  - (b) the school closure will result in the LEA not meeting the 180 day requirement described in Section R277-419-4.
- (2) The Superintendent may grant a waiver due to excessive snow, inclement weather, or other emergency without Board approval if the LEA has provided contingency school days and hours into the LEA's calendar as required in Subsection R277-419-4(5), or has another plan in place to minimize the negative impact on the educational process caused by the waiver.
- (3)(a) An LEA may request the Superintendent to waive the school day and hour requirement [~~pursuant to a directive from the Utah State Health Department or a local health department, that results in the closure of a school~~] in the event of a [~~pandemic or other~~] public health emergency.
- (b) A waiver described in this Subsection (3) may be for a designated time period, for a specific area, or for a specific LEA in the state, as determined by the health department directive.
- (c) A waiver may allow an LEA to continue to receive state funds for pupil services and reimbursements.
- (d) A waiver granted by the Superintendent as described in this Subsection (3) shall direct an LEA to provide as much notice to students and parents of the suspension of school services, as is reasonably possible.
- (e) A waiver granted as described in this Subsection (3) shall direct an LEA to comply with health department directives, but to continue to provide any services to students that are not inconsistent with the directive.
- (f) The Superintendent may encourage an LEA to provide electronic or distance learning services to affected students for the period of the pandemic or other public health emergency to the extent of personnel and funds available.
- ~~\_\_\_\_\_ (g) Any waiver request granted pursuant to Subsection (3) shall be subject to Board approval no later than 45 days after it is granted.~~
- (4) An LEA request for a waiver due to snow, inclement weather, or other emergency school closure described in this section is not required to include the information described in Subsections R277-121-2(1)(b)(ii) through (iv) unless requested by the Superintendent.
- (5) If the Superintendent denies an LEA's request described in this section, the LEA may appeal the Superintendent's decision by making the request of the full Board.

**KEY: Utah State Board of Education, waivers, administrative rules**

**Date of Last Change: 2025[~~October 11, 2022~~]**

Notice of Continuation: August 14, 2022

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4)

### NOTICE OF SUBSTANTIVE CHANGE

**TYPE OF FILING:** Amendment

**Rule or Section Number:**

**R277-123**

**Filing ID: 57110**

#### Agency Information

<b>1. Title catchline:</b>	Education, Administration	
<b>Building:</b>	Board of Education	
<b>Street address:</b>	250 E 500 S	
<b>City, state:</b>	Salt Lake City, UT 84111	
<b>Mailing address:</b>	PO Box 144200	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4200	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Elisse Newey	801-538-7550	elisse.newey@schools.utah.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>
R277-123. Process for Members of the Public to Report Violations of Statute and Board Rule
<b>3. Purpose of the new rule or reason for the change:</b>
This rule is being amended to clarify the processes the Utah State Board of Education's (USBE) Internal Audit Department will follow after receiving hotline complaints.
<b>4. Summary of the new rule or change:</b>
The amendments remove outdated language in Sections R277-123-5 and R277-123-6, and renumber remaining sections accordingly.

#### Fiscal Information

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
This rule change is not expected to have fiscal impact on state government revenues or expenditures.
The amendments simply remove outdated language in two of the rule's sections. The USBE believes the rule amendments do not add any additional costs for USBE or Local Education Agencies (LEAs).
<b>B) Local governments:</b>
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures.
The amendments simply remove outdated language in two of the rule's sections. The USBE believes the rule amendments do not add any additional costs for USBE or LEAs.
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):
This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This only applies to USBE and LEAs.

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

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for 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 change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. This only applies to USBE and LEAs.

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

There are no compliance costs for affected persons. This only applies to USBE and LEAs.

**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 State Superintendent of the Utah State Board of Education, Sydnee Dickson, 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 X, Section 3	Subsections 53E-3-401(4) and (8)	
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**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>	06/02/2025
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<b>9. This rule change MAY become effective on:</b>	06/09/2025
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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>	Elisse Newey, Deputy Superintendent of Policy	<b>Date:</b>	04/15/2025
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#### **R277. Education, Administration.**

#### **R277-123. Process for Members of the Public to Report Violations of Statute and Board Rule.**

##### **R277-123-1. Authority, Purpose, and Oversight Category.**

- (1) This rule is authorized by:
  - (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;
  - (b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law;
  - (c) Subsection 53E-3-401(8)(a), which allows the Board to take corrective action, withhold funds, issue penalties, and require reimbursement of funds;
  - (d) Subsection 53E-3-401(8)(c), which directs the Board to make rules related to violations of the public education code or board rule;
  - (e) Subsection 53E-3-401(8)(d), which allows the Board to establish a process in rule for an individual to bring a violation of statute or board rule to the attention of the Board;
  - (f) Subsections 53G-2-103(8), 53G-2-104(5), and 53G-2-105(6), which allow a report of violations of these subsections to the Board in accordance with Section 53E-3-401; and
  - (g) Subsection 53G-10-103(8), which requires the Board to establish a process to allow an individual to report violations of that subsection by an LEA to the Board.
- (2) The purpose of this rule is to establish a process for an individual to bring an alleged violation of statute or board rule to the attention of the Board.
- (3)(a) Sections R277-123-4 and R277-123-5, insofar as they create requirements for LEAs, are categorized as Category 2 as described in Rule R277-111.
- (b) The remainder of the rule is categorized as exempt as described in Rule R277-111.

##### **R277-123-2. Definitions.**

- (1)(a) "Alleged violation" means an alleged violation of statute or Board rule raised consistent with Subsection 53E-3-401(8)(d).
- (b) An "alleged violation" does not include a violation of a local school or LEA policy or procedure, except for purposes of Section R277-123-6.
- (2) "Complainant" means an individual who submits a hotline complaint to the public education hotline.
- (3) "Hotline complaint" means a complaint that includes an alleged violation or other concern submitted to the Board's public education hotline directly or forwarded to the IAD by an individual, entity, or agency, or submitted to a local education hotline.
- (4) "IAD" means the Board's Internal Audit Department.
- (5) "Individual with standing" means, for purposes of Section R277-123-6 an individual described in Subsection 53G-10-103(3)(a).
- (6) "Other concern" means a hotline complaint or concern that does not meet the requirement of Subsection 53E-3-401(8)(d).
- (7) "Local education hotline" means the process maintained by an LEA where an individual may report a hotline complaint to the LEA.
- (8) "Public education hotline" means the process maintained by the IAD where an individual may report a hotline complaint.
- (9)(a) "Resolved" means that an investigation has been completed and the findings reported to a complainant.
- (b) "Resolved" does not mean or require that the findings are satisfactory to the complainant.

##### **R277-123-3. Reports of Hotline Complaints to the Public Education Hotline -- Internal Audit Department Responsibilities.**

- (1) Anyone may report an alleged violation to the public education hotline.
- (2) The IAD shall review all hotline complaints and may request additional information from the individual.
- (3) If after two attempts to obtain information from a complainant as described in Subsection (2), the complainant does not respond to IAD within 14 calendar days, the IAD shall close the hotline complaint and notify the complainant of closure.
- (4) Upon receipt of a hotline complaint, the IAD shall conduct a high-level screening of the complaint to consider criteria related to the hotline complaint and to make referrals to those individuals and entities with potential authority to investigate and resolve the complaint.
- (5) The IAD shall make one or more referrals to:
  - (a) the Complainant;
  - (b) Board leadership and the Board member representing the district;
  - (c) the applicable LEA, USBE section, charter authorizer, and other entity or organization responsible to receive, investigate or resolve a hotline complaint.

NOTICES OF PROPOSED RULES

- (d) appropriate USBE special education staff for a hotline related to special education, for review and resolution in accordance with Rule R277-750;
- (e) the Utah Professional Practices Advisory Commission for hotline complaints with allegations of educator misconduct, for review and resolution in accordance with Rules R277-210 through R277-217 and Title 53E, Chapter 6, Part 6, License Denial and Discipline.
- (6)(a) When the IAD makes a referral to an LEA, the referral shall be sent to at least two members of LEA leadership.
- (b) The IAD may also send the referral to an individual designated by the LEA to receive hotline complaints.
- (c) If a referral includes allegations about a particular individual, the IAD shall exclude that individual from the referral.
- (7) The IAD may make referrals with limited or missing information, and may reopen a closed hotline complaint if a complainant provides additional information or may take other action as permitted by statute or rule, including recommending corrective action.
- (8) If a response is requested by a complainant, the IAD shall respond to the complainant within three business days or as soon as possible.
- (9) The IAD may provide additional related resources and information to a complainant, where appropriate.
- (10) The IAD shall provide training and informational materials for use by an LEA governing board and administration in maintaining a hotline and investigating alleged violations.

**R277-123-4. Reports of Alleged Violations to a Local Education Hotline and Referrals to LEAs -- LEA Responsibilities.**

- (1) The presiding officer of an LEA governing board shall ensure that members of the governing board and LEA administration are provided with training on the requirements of this rule as part of the member or employee on-boarding process.
- (2) The training described in Subsection (1) shall:
  - (a) comply with Title 63G, Chapter 22, State Training and Certification Requirements; and
  - (b) use the online training and information materials provided by the IAD in accordance with Subsection R277-123-3(9).
- (3)(a) An LEA governing board shall allow individuals to report alleged violations consistent with Subsection R277-123-3(1) by providing on its LEA website and each school's website:
  - (i) a readily accessible local education hotline; or
  - (ii) a link to the state public education hotline.
- (4) An LEA that displays information for the public education hotline on its websites shall include a notice that hotline complaints go directly to the USBE Internal Audit Department.
- (5) An LEA governing board shall have a policy outlining how the LEA will respond to and resolve hotline complaints, regardless of whether the LEA receives the hotline complaint via referral from the IAD or a direct submission to a local education hotline.
- (6) An LEA receiving a referral from the IAD shall disclose information concerning the allegations only as necessary to investigate the hotline complaint in accordance with the LEA's policy adopted in accordance with Subsection (4).
- (7) An LEA receiving a referral from the IAD shall provide an update or summary to the IAD of the status of an alleged violation that was referred within 45 days of the referral.
- (8) Nothing in this rule shall require the disclosure of information that is considered protected or private under federal or state law.

~~**[R277-123-5. Resubmitted Alleged Violations of Statute or Board Rule.**~~

- ~~(1) An individual whose alleged violation is referred to an LEA, state agency, or other entity for resolution, may resubmit the alleged violation to the public education hotline if:
 
  - ~~(a) the alleged violation is not resolved by the LEA, state agency or other entity; and~~
  - ~~(b) the alleged violation is within the jurisdiction or authority of the Board to resolve.~~~~
- ~~(2) Staff who receive a resubmitted alleged violation described in Subsection (1) may:
 
  - ~~(a) request information from the LEA, state agency, or other entity; and~~
  - ~~(b) conduct a preliminary investigation of the issue.~~~~

~~**R277-123-6. Substantiated Allegations of Violations of Statute or Board Rule.**~~

- ~~(1) If an alleged violation is substantiated or significant risk is identified, internal audit may recommend:
 
  - ~~(a) that the Board's Audit Committee recommend prioritization of an audit to the full Board; or~~
  - ~~(b) that Superintendent implement corrective or other action in accordance with Rule R277-114.~~~~
- ~~(2) If an alleged violation is not substantiated, staff shall notify the individual who submitted the alleged violation.]~~

**R277-123-[7]5. Resubmitted Complaints.**

- (1) A complainant whose alleged violation is referred to another entity, may resubmit the alleged violation to the public education hotline.
- (2) Upon receiving a resubmitted alleged violation, the IAD may complete a risk assessment and submit its assessment to the Board Audit Committee.
- (3) At the direction of the Board Audit Committee, the IAD may conduct an investigation of the alleged violation, using standards and methodologies similar to those used when conducting audits under Rule R277-116.
- (4) If the IAD conducts an investigation of a hotline complaint, the Section R277-116-4 apply to the entity at issue in the hotline complaint.
- (5) After an investigation, if the IAD determines an alleged violation is substantiated or a significant risk is identified, the IAD may recommend:
  - (a) the Board Audit Committee recommend prioritization of an audit to the full Board;



- (b) the Superintendent implement corrective or other action in accordance with Rule R277-114; or
- (c) other appropriate action given the risks identified.
- (6) If a complainant provided contact information, the IAD shall:
  - (a) notify the complainant in a timely manner if the resubmission was investigated or not; and
  - (b) if the resubmission was investigated, provide a summary of the resolution.

**R277-123-[8]6. Board Review of Appeals on LEA Sensitive Materials Decisions.**

- (1) An individual with standing may request the Board review an LEA determination on a sensitive materials appeal by filing a request on a form provided by the Board's legal counsel within 30 days of the LEA's final decision.
- (2) The Board's legal counsel shall review an appeal submitted under Subsection (1) to determine if the request presents an allegation that the LEA violated the procedure outlined in the LEA's sensitive materials appeal policy.
- (3)(a) If the Board's legal counsel determines that an appeal presents a question appropriate for Board review, the Board's legal counsel shall refer the appeal to Board leadership to place on a standing committee agenda.
  - (b) A standing committee shall make a recommendation to the Board for final action.
  - (c) The Board shall take action on an appeal within 60 days of the Board's legal counsel referring the matter to the Board.
- (4) The Board may review an appeal of an LEA decision only to determine if the LEA appeals process violated the procedure outlined in the LEA's sensitive materials policy.
- (5)(a) If the Board determines that an LEA did not correctly follow the procedure outlined in the LEA's sensitive materials review policy, the Board shall return the appeal to the LEA with an order stating:
  - (i) the reasons for the Board's determination;
  - (ii) recommendations to the LEA, which may include a request to include a governing board review as part of the sensitive materials policy; and
  - (iii) a requirement that the LEA repeat its review process in compliance with the LEA's policy.
- (b) An LEA shall post an order issued under Subsection (5)(a) on its website.

**KEY: hotline, report, and violations**

**Date of Last Change:** ~~February 18,~~ 2025

**Authorizing, and Implemented or Interpreted Law:** Art X Sec 3; 53E-3-401(4) and (8)

NOTICE OF SUBSTANTIVE CHANGE		
<b>TYPE OF FILING:</b> Amendment		
<b>Rule or Section Number:</b>	R277-317	<b>Filing ID:</b> 57108

**Agency Information**

<b>1. Title catchline:</b>	Education, Administration	
<b>Building:</b>	Board of Education	
<b>Street address:</b>	250 E 500 S	
<b>City, state:</b>	Salt Lake City, UT 84111	
<b>Mailing address:</b>	PO Box 144200	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4200	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Elisse Newey	801-538-7550	elisse.newey@schools.utah.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>
R277-317. Incentive for National Board Certification
<b>3. Purpose of the new rule or reason for the change:</b>
This rule is being amended in order to create a new system for the National Board Certification bonus payments due to the sunseting of the Teacher Salary Supplement Program (TSSP) next year.

**4. Summary of the new rule or change:**

The amendments specify that this rule is exempt from the oversight category framework.

In addition, the amendments change the Board-certified salary supplement application deadline to March 31st, and the appeal deadline to April 30th.

**Fiscal Information**

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

**A) State budget:**

This rule change is not expected to have fiscal impact on state government revenues or expenditures. S.B. 173 passed in the 2024 General Session eliminated the TSSP. The National Board Certification bonus payments used the same system as the TSSP and this rule change allows the Utah State Board of Education (USBE) to continue making the payments to eligible educators.

This rule does not add any costs for USBE. The deadline changes better match the National Board certification process and do not impact the payments themselves for USBE or educators.

**B) Local governments:**

This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. S.B. 173 (2024) eliminated the TSSP. The National Board Certification bonus payments used the same system as the TSSP and this rule change allows USBE to continue making the payments to eligible educators.

This rule does not add any costs for USBE. The deadline changes better match the National Board certification process and do not impact the payments themselves for USBE or educators. As these payments are directed towards individual educators, there is no impact to Local Education Agency (LEA).

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

This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This only affects USBE, LEAs, and educators.

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

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for 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 change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. This only impacts USBE, LEAs, and educators.

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

There are no compliance costs for affected persons. S.B. 173 (2024) eliminated the TSSP. The National Board Certification bonus payments used the same system as the TSSP and this rule change allows USBE to continue making the payments to eligible educators.

This rule does not add any costs for USBE. The deadline changes better match the National Board certification process and do not impact the payments themselves for USBE or educators.

**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 State Superintendent of the Utah State Board of Education, Sydnee Dickson, 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 X, Section 3	Subsection 53E-3-401(4)	Subsection 53E-6-201(1)(d)
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**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:** 06/02/2025

**9. This rule change MAY become effective on:** 06/09/2025

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>	Elisse Newey, Deputy Superintendent of Policy	<b>Date:</b>	04/15/2025
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**R277. Education, Administration.**

**R277-317. Incentives for National Board Certification.**

**R277-317-1. Authority, [and] Purpose, and Oversight Category.**

- (1) This rule is authorized by:
  - (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;
  - (b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law;
  - (c) Section 53F-5-202, which requires the Board to make rules to specify procedures and timelines for reimbursing educators for the cost to attain or renew a National Board certification; and
  - (d) Section 53F-2-523, which requires the Board to implement a salary supplement for eligible educators.
- (2) The purpose of this rule is to specify procedures and timelines for:
  - (a) reimbursements to educators under Section 53F-5-202; and

NOTICES OF PROPOSED RULES

(b) applications for the salary supplement under Section 53F-2-523.

(3) This Rule R277-317 is categorized as exempt from the framework outlined in Rule R277-111 because the rule's requirements apply to the Superintendent and not LEAs.

**R277-317-2. Definitions.**

(1) "Eligible educator" means an educator who holds a current professional license and current National Board certification attained or renewed:

- (a) after July 1, 2016; and
- (b) while employed as an educator by an LEA in Utah.
- (2) "Local education agency" or "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf and the Blind.
- (3) "National Board certification" means the same as that term is defined in Section 53E-6-102.

**R277-317-3. Salary Supplement for Eligible Educators.**

(1) The Superintendent shall allocate funds for salary supplements to eligible educators in accordance with Subsection 53F-2-523(3).

(2) The Superintendent shall maintain an online application system for eligible educators and make it available to educators no later than October 1 each school year.

(3) An applicant for the Board-certified salary supplement shall apply to the Superintendent by ~~April 30~~ March 31.

~~(4)(a) If an applicant is denied funds under this rule, the applicant may submit a written appeal to the Superintendent prior to June 4]April 30.~~

(b) An appeal under Subsection (4)(a) is limited to the following issues:

- (i) whether the applicant is an eligible educator;
- (ii) whether the applicant was assigned to teach at a Title I school during the school year at issue;~~[-or]~~
- (iii) whether the Superintendent's initial denial was inconsistent with Section 53F-2-523 or this Rule R277-317; or
- (iv) whether the Superintendent's initial denial was based on inaccurate or missing information.

(c) The Superintendent may designate a panel of at least two Board staff members to review an appeal made under Subsection (4)(a) and make a recommendation to the Superintendent[-

~~(i) A panel designated in accordance with Subsection (5)(c) shall make a recommendation in accordance with the provisions of Section 53F-2-504 or this Rule R277-318.~~

~~(ii) The panel shall make a recommendation on an appeal] within 30 days of receipt of the written appeal.~~

(5) The Superintendent shall issue a ruling on an appeal within 15 days of receipt of the panel's recommendation.

(6) The decision of the Superintendent on an appeal is the final Board administrative action.

**R277-317-4. Grants for National Board Certification.**

(1) The Superintendent shall establish and maintain an online application system through which an educator may apply for a grant to pay for fees and costs to pursue or renew a National Board certification.

(2) An applicant for a grant under Subsection (1) shall pay a registration fee to the National Board for Professional Teaching Standards or "NBPTS" prior to submitting the application.

(3) The Superintendent shall pay a grant under Subsection (1) directly to NBPTS.

(4)(a) To receive a grant under Subsection (1), an educator shall submit an application through the application system, including all information required by Section 53F-5-202.

(b) The Superintendent shall accept applications from July 1 through January 31 annually.

~~[-(e) The Superintendent shall establish an expedited process for educators seeking to begin the National Board certification program in 2020.]~~

(5) The Superintendent may not award a grant under this [S]section to an educator with a currently suspended license.

(6)(a) The Superintendent shall annually determine the number of new grant awards available based on:

- (i) legislative appropriations;
- (ii) estimated costs under Section R277-317-3;
- (iii) encumbered costs for grants previously awarded under this section; and
- (iv) costs associated with obtaining National Board Certification.

(b) The Superintendent shall publish the number of new grants available by October 15 annually.

(c) If the number of applicants exceeds the number of available grant awards, the Superintendent shall randomly choose grant recipients from all complete applications.

(7) In order for an educator to receive a grant under this section, the Superintendent shall require the educator to attest that the educator will not accept payment of National Board certification costs covered under the grant from any other party.

(8) A grant recipient shall notify the Superintendent as soon as possible if:

- (a) the individual discontinues pursuit of National Board Certification;
- (b) the individual becomes ineligible to receive a grant under this section;
- (c) the individual becomes ineligible to pursue National Board Certification under rules established by the National Board for Professional Teaching Standards; or
- (d) the individual requests approval for an amendment to the individual's application plan.

**KEY:** national board certification, grants, salary supplements

Date of Last Change: ~~2025~~ February 8, 2023

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53F-5-202; 53F-2-523

### NOTICE OF SUBSTANTIVE CHANGE

**TYPE OF FILING:** Amendment

**Rule or Section Number:**

**R277-801**

**Filing ID: 57109**

#### Agency Information

<b>1. Title catchline:</b>	Education, Administration	
<b>Building:</b>	Board of Education	
<b>Street address:</b>	250 E 500 S	
<b>City, state:</b>	Salt Lake City, UT 84111	
<b>Mailing address:</b>	PO Box 144200	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4200	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Elisse Newey	801-538-7550	elisse.newey@schools.utah.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>
R277-801. Services for Students who are Deaf, Hard of Hearing, Blind, Visually Impaired, and Deaf-Blind
<b>3. Purpose of the new rule or reason for the change:</b>
This rule is being amended to allow the Utah Schools of the Deaf and Blind (USDB) to charge fees for services provided to LEAs.
<b>4. Summary of the new rule or change:</b>
The amendments specifically update and clarify the responsibilities of Local Education Agencies (LEAs), as well as the services for qualifying students.

#### Fiscal Information

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
This rule change is not expected to have fiscal impact on state government revenues or expenditures. This rule allows the USDB to charge for services provided to all Local Education Agencies (LEAs), not just those with greater than 3% of the statewide student population. This may result in increased revenue for USDB, and require less supplemental appropriation from the legislature.
The Utah State Board of Education (USBE) is unable to quantify the potential revenues as this simply allows LEAs the option to contract with USDB for services and does not force them to choose USDB as a provider for services.
<b>B) Local governments:</b>
This rule change allows all LEAs to contract with USDB for outreach services. There will be no changes for LEAs with over 3% of the statewide student population.
Smaller LEAs now have the option to contract with USDB to be provided with outreach services. USDB had been obligated to provide the services to smaller LEAs in the past, but legislative appropriations did not allow USDB to continue this practice without supplemental appropriations. LEAs may be impacted when they have student needing outreach services. USBE is unable to quantify the impact to each LEA as it is dependent upon number of students qualifying for services, level of services needed,

Individual Education Plans (IEPs), and many other factors. USBE does not estimate that this will cause major fiscal impacts for any LEAs.

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

This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This only impacts USBE and LEAs.

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

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for 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 change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. This only impacts USBE and LEAs.

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

There are no compliance costs for affected persons. This rule change allows all LEAs to contract with USDB for outreach services. There will be no changes for LEAs with over 3% of the statewide student population.

Smaller LEAs now have the option to contract with USDB to be provided with outreach services. USDB had been obligated to provide the services to smaller LEAs in the past, but legislative appropriations did not allow USDB to continue this practice without supplemental appropriations.

LEAs may be impacted when they have student needing outreach services. USBE is unable to quantify the impact to each LEA as it is dependent upon number of students qualifying for services, level of services needed, Individual Education Plans (IEPs), and many other factors. USBE does not estimate that this will cause major fiscal impacts for any LEAs.

**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 State Superintendent of the Utah State Board of Education, Sydnee Dickson, 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 X, Section 3	Subsection 53E-3-401(4)	Section 53E-8-401
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**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>	06/02/2025
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<b>9. This rule change MAY become effective on:</b>	06/09/2025
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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>	Elisse Newey, Deputy Superintendent of Policy	<b>Date:</b>	04/15/2025
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**R277. Education, Administration.****R277-801. Services for Students who are Deaf, Hard of Hearing, Blind, Visually Impaired, and Deaf-Blind.****R277-801-1. Authority and Purpose.**

(1) This rule is authorized by:

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

(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and

(c) Section 53E-8-201, which creates USDB, and authorizes USDB to provide services to qualifying students.

(2) The purpose of this rule is to establish rules for LEAs and USDB to provide services to students who are deaf, hard of hearing, blind, visually impaired, and deaf-blind.

**R277-801-2. Definitions.**

(1) "504 plan" means a plan required by Section 504, which is designed to accommodate an individual who has been determined, as a result of an evaluation, to have a physical or mental impairment that substantially limits one or more major life activities.

(2)(a) "Intensive services" means services requiring vision, deaf-blind, or hearing services:

(i) in excess of 180 minutes a day for k-12 or post-high school students; or

(ii) in excess of 90 minutes a day for pre-school students.

(b) "Intensive services" does not include services that are not vision, deaf-blind, or hearing specific.

(3) "Intervener" means a specially trained paraprofessional who provides access to information and communication and facilitates the development of social and emotional well-being for children who are deaf-blind.

(4) "Medicaid time study" means the primary mechanism for identifying and categorizing Medicaid administrative activities performed by an LEA's staff, which serves as the basis for developing claims for the costs of administrative activities that may be properly reimbursed under Medicaid.

(5) "Minimum school program" or "MSP" means the same as that term is defined in Section 53F-2-102.

(6) "Qualifying student" means a student who is deaf, hard of hearing, blind, visually impaired, or deaf-blind who qualifies for services in accordance with Subsection 53E-8-401(1).

(7) "Section 504" means Section 504 of the Rehabilitation Act of 1973, codified at 29 USC 701, et seq.

(8) "Utah eTranscript and Record Exchange" or "UTREx" means a system that allows individual detailed student records to be exchanged electronically among LEAs and the Board, and allows electronic transcripts to be sent to any post-secondary institution, private or public, in-state or out-of-state, that participates in the e-transcript service.

(9) "Weighted pupil unit" or "WPU" means the basic per pupil unit used to calculate the amount of state funds for which a school district is eligible.

**R277-801-3. Responsibilities of LEAs.**

(1)(a) An LEA is the single point of entry for USDB services for qualifying students.

(b) A qualifying student may not enroll in a USDB program without a referral from an LEA.

## NOTICES OF PROPOSED RULES

- (c) When evaluating services for a qualifying student, an LEA and the USDB shall consider:
  - (i) primary disabilities;
  - (ii) secondary disabilities; and
  - (iii) other factors, including:
    - (A) transportation needs; and
    - (B) length of time the student would spend in transport daily.
- (2) Notwithstanding Subsection (1), a qualifying student may enroll directly in USDB if:
  - (a) the student's previous primary instruction was in American Sign Language; and
  - (b) USDB's program most closely matches the qualifying student's prior program of instruction.
- (3) A qualifying student may receive services under:
  - (a) IDEA;
  - (b) Section 504; or
  - (c) a USDB preschool services plan.
- (4) An LEA shall annually provide to the Superintendent the name and contact information for any student with vision loss or hearing loss, even if it isn't the student's primary disability.
- (5)(a) An LEA has the responsibility for the design and implementation of an IEP or Section 504 plan for qualifying students.
- (b) Specific details of required intensive services for a student shall be defined within the student's IEP.
- (c) A qualifying student who enrolls in a Utah school district or charter school may be eligible to receive intensive services from sensory specialists employed by USDB, if appropriately designated as specialized instruction or a related services as part of an IEP or Section 504 plan.
- (6)(a) An LEA [~~with greater than 3% of the student population statewide~~] may elect to contract with USDB to provide outreach services.
  - (b) An LEA may employ their own sensory specialists to meet the IEP or 504 plan needs of qualifying students.
- (7)(a) An LEA is responsible for the development of a qualifying student's IEP, including any assessments necessary for initial placement.
  - (b) Notwithstanding Subsection (7)(a), an LEA may not commit USDB to provide services to qualifying students unless USDB has participated in the IEP.
  - (c)(i) An LEA and USDB shall consider least restrictive environment, as well as intensive services needs of a qualifying student in determining an appropriate placement.
  - (ii) In the case of deaf or hard of hearing students, an IEP team should consider the opportunity for a student to have direct communication with teachers and peers.
- (8) Notwithstanding Subsection (7), if a qualifying student enrolls directly with USDB in accordance with Subsection (2), USDB shall develop the student's IEP, including any assessments necessary for initial placement.
- (9) If an LEA is working with USDB staff:
  - (a) the LEA shall provide internet access and technical support to permit USDB staff to access the internet through technology and hardware;
  - (b) the LEA and USDB technology staff will jointly determine procedures to ensure access to LEA technology systems; and
  - (c) USDB shall provide and maintain all needed hardware and software provided to USDB staff.
- (10) An LEA shall provide an assistive technology device a student if the assistive technology device is required for the implementation of the student's IEP.

### **R277-801-4. Designation of USDB as an LEA.**

- (1)(a) In order to meet the educational needs of qualifying students, an IEP team may enroll a qualifying student in a USDB program and may designate USDB as the LEA for the qualifying student.
- (b) If USDB is designated as the LEA under Subsection (1)(a), the USDB program shall be treated as a placement option within the LEA continuum, and the referring LEA staff shall continue to attend IEP meetings.
- (2)(a) If USDB is designated as a qualifying student's LEA, USDB is responsible from that point on for the design and implementation of the student's IEP, 504 Plan, or USDB preschool service plan.
  - (b) USDB shall provide all special education and related services and costs documented in an IEP for a qualifying student described in Subsection (2)(a).
  - (c) USDB may request consultation from the referring LEA for the design of services that are required by the student beyond the student's sensory needs.

### **R277-801-5. Correlation of Responsibilities.**

- (1) For qualifying students currently enrolled with an LEA and receiving services through USDB outreach programs, an LEA will provide a list of students and their IEP due dates for the upcoming school year to USDB no later than June 30 annually.
- (2) An LEA shall invite USDB staff to attend IEP or 504 plan meetings for qualifying students, including meetings for:
  - (a) students transitioning from Part C to Part B;
  - (b) students moving from out-of-state; and
  - (c) students transferring between LEAs.
- (3)(a) For qualifying students enrolled in an LEA and receiving no services from USDB, an LEA shall invite USDB to attend any meeting where USDB services may be considered for that student.



(b) If a change of placement is considered, both the referring LEA and USDB will participate and establish a timeline to ensure a successful transition for the student.

(4) IEP or 504 plan meetings shall be at a mutually agreed upon time and location, with appropriate notification to all parties.

(5)(a) The Board and USDB shall provide ongoing interpreter training toward certification and mentoring for all interpreters, as requested by individual LEAs.

(b) Training provided under Subsection (5)(a) shall provide certified interpreters with the opportunity to improve skills and move up to a higher level of certification.

(c) An LEA may contract with USDB to provide interpreter services for students attending the LEA or an LEA school where a USDB extension classroom is located.

(6)(a) Each LEA, including USDB as the designated LEA, is responsible for ensuring the timely provision of textbooks and material as required by the IDEA.

(b) The Board shall annually provide information to LEAs regarding the costs of accessible materials in the state.

**R277-801-6. Services for Qualifying Students.**

(1) If a qualifying student is enrolled with USDB as the designated LEA:

(a) USDB shall include the qualifying student in all Board-required enrollment reports including:

- (i) fall enrollment counts;
- (ii) the child count of students with disabilities; and
- (iii) the end-of-year enrollment report;

(b) Any agreements between the referring LEA and USDB shall be documented as part of a written agreement, which shall be reviewed at least annually;

(c)(i) A qualifying student's IEP team shall determine the student's transportation needs;

(ii) USDB shall provide transportation as a related service in an IEP or if required to implement a 504 plan; and

(iii) A referring LEA shall combine resources with USDB, when possible, to provide within-LEA transportation;

(d)(i) USDB shall annually administer all Board-required assessments.

(ii) USDB may provide alternate tests in accordance with a student's IEP and state law; and

(e) USDB shall develop and implement all programs, policies, and procedures required of an LEA by the Board and state law.

(2) If a qualifying student attends USDB extension classrooms located within an LEA:

(a) the student shall be enrolled in the general education program of the LEA school the student is attending;

(b) the LEA school shall be designated as the "school of record" for the student;

(c) the student shall be included by the LEA school or district in all required reports and uploads to UTREx;

(d) the student shall be counted in the LEA school or district total enrollment, and will be included in the calculation of all funding formulas, including Weighted Pupil Units and Minimum School Program;

(e) the student shall receive access to LEA programs and services consistent with their IEP or 504 plan, consistent with services available to other students enrolled in the student's school;

(f) the student may not be enrolled in the special education program of the LEA school the student is attending;

(g) USDB shall ensure the student receives a free appropriate public education;

(h) USDB shall ensure the student receives all special education and related services, including interpreting services, as required on the student's IEP or 504 plan;

(i) the LEA school shall generate general education funding or WPU for the student;

(j) USDB shall receive federal IDEA funding in accordance with USDB's legislative line item funding;

(k) the LEA school shall receive no state or federal special education funding for the student;

(l)(i) USDB shall provide transportation for the student as a related service when it is included in an IEP.

(ii) an LEA school shall combine resources with USDB, when possible, to provide within-LEA transportation; and

(m) an LEA school and USDB shall jointly ensure that any portable classrooms have access to intercom and phone service.

(3) If a qualifying student receives USDB outreach or consulting services:

(a) the student shall be enrolled in the general and special education programs of the LEA school the student attends;

(b) the LEA shall include the student in the calculation of state special education and IDEA funds for the school district or charter school; and

(c) USDB may not submit the students to UTREx and may not receive state or federal special education funding.

(4) USDB shall provide the following services free of charge to every LEA, regardless of size, exclusive of additional related services:

(a) Educational Resource Center resources, including loaner equipment;

(b) USIMAC materials;

(c) interpreter training;

(d) professional development;

(e) expanded core curriculum;

(f) enrichment programs and activities;

(g) consultations;

(h) psychological assessments for the deaf and the blind;

(i) speech assessments for deaf students;

(j) behavioral intervention and supports;

(k) deaf-blind specialists; and

NOTICES OF PROPOSED RULES

- (1) deaf-blind interveners.
- (5) USDB may offer to provide the following other services to LEAs for deaf, blind, and deaf-blind qualifying students, exclusive of additional related services:
  - (a) Teachers of the Blind and Visually Impaired or "TVI;"
  - (b) Orientation and Mobility or "O&M;"
  - (c) educational and assistive technology;
  - (d) vision screenings;
  - (e) low vision support and evaluations;
  - (f) extended school year services in accordance with Rule R277-751;
  - (g) teachers for the deaf and hard of hearing;
  - (h) audiological services; and
  - (i) American Sign Language-English interpreters.
- ~~[(6) USDB shall provide all funded outreach services at no cost for qualifying students within an LEA with less than 3% of the student population statewide.~~
- ~~[(7) An LEA with greater than 3% of the student population statewide shall provide services for qualifying students.]~~
- ~~[(a)](6) An LEA may contract with USDB to provide services for students[if an LEA has greater than 3% of the student population statewide].~~
- ~~[(+)](a) An LEA and USDB shall sign contracts before initiation of services.~~
- ~~[(+)](b) An LEA shall make payments in two installments, in January and June.~~
- ~~[(+)](c) The Board may assist USDB in collection of outstanding balances upon request.~~
- ~~[(b) An LEA with greater than 3% of the student population statewide may opt out and transfer responsibilities for providing services to USDB subject to legislative appropriation of funds.~~
- ~~[(8) The Superintendent shall provide a list of LEAs that exceed the 3% threshold by December 15 for the upcoming school year.]~~
- ~~[(9)](7) An LEA and USDB may contract for services beyond those specified in this Rule R277-801.~~
- ~~[(10)](8) Notwithstanding this Section R277-801-6, USDB shall maintain all funded outreach services offered to each LEA, as of the [2017-18]2024-2025 school year.~~
- ~~[(+)](9)(a) USDB may participate in Medicaid time studies for services provided directly by USDB.~~
- (b) An LEA may not include services provided directly by USDB in the LEA's Medicaid time studies.
- (c) If an LEA contracts with USDB for payable services, an LEA shall include those services in the LEA's Medicaid time study.

**KEY: deaf, blind, students, services**

Date of Last Change: ~~2025~~**June 2, 2022**

Notice of Continuation: **March 12, 2022**

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-8-401

NOTICE OF SUBSTANTIVE CHANGE		
<b>TYPE OF FILING:</b> Amendment		
<b>Rule or Section Number:</b>	R357-29	<b>Filing ID:</b> 57102
<b>Agency Information</b>		
<b>1. Title catchline:</b>	Governor, Economic Opportunity	
<b>Building:</b>	World Trade Center	
<b>Street address:</b>	60 E South Temple, Suite 300	
<b>City, state:</b>	Salt Lake City, UT	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Greg Jeffs	801-368-1957	gjeffs@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		
<b>General Information</b>		
<b>2. Rule or section catchline:</b>		
R357-29. Rural County Grant Rule		
<b>3. Purpose of the new rule or reason for the change:</b>		
The purpose of this change is to clarify ambiguous wording and add necessary content for applications.		

**4. Summary of the new rule or change:**

This change specifies that the project description must include a scope of work, the list of board members must include terms of appointments, the budget must be line-item, and the application will be available on or before July 1.

It also adds the requirement of a budget narrative describing proposed fund usage.

**Fiscal Information**

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

**A) State budget:**

The only potential cost of these rule changes is staff time.

However, these changes do not increase or decrease staff time because it mostly clarifies what staff are already doing. The one additional requirement will add a negligible amount to staff time.

**B) Local governments:**

These rule changes do not affect local governments.

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

Applying is optional, therefore the rule change does not necessarily affect small businesses.

Additionally, these rule changes mostly clarify what small businesses are already required to do if they choose to apply.

Finally, for the new requirements, these will only add a negligible, if any, time-cost to businesses that choose to apply.

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

Applying is optional, therefore the rule change does not necessarily affect non-small businesses.

Additionally, these rule changes mostly clarify what businesses are already required to do if they choose to apply.

Finally, for the new requirements, these will only add a negligible, if any, time-cost to businesses that choose to apply.

**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*):**

These rule changes do not affect this category.

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

Applying is optional, therefore the rule change does not necessarily affect any persons.

Additionally, these rule changes mostly clarify what people are already required to do if they choose to apply.

Finally, for the new requirements, these will only add a negligible, if any, time-cost to persons who choose to apply.

**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

NOTICES OF PROPOSED RULES

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 Executive Director of the Governor's Office of Economic Opportunity, Ryan Starks, 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 63N-4-802		
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**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:** 06/02/2025

**9. This rule change MAY become effective on:** 06/09/2025

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>	Ryan Starks, Executive Director	<b>Date:</b>	04/14/2025
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**R357. Governor, Economic Opportunity.**

**R357-29. Rural County Grant Rule.**

**R357-29-101. Title.**

This rule is known as the "Rural County Grant Rule."

**R357-29-102. Definitions.**

The following terms are defined as follows:

- (1) "CEO board" means a County Economic Opportunity Advisory Board defined under Section 63N-4-801.
- (2) "GOEO" means the Governor's Office of Economic Opportunity.

**R357-29-103. Authority.**

This rule is adopted by the office under the authority of Section 63N-4-802.

**R357-29-104. Content of Applications.**

- (1) The following content shall, at a minimum, be included in each application:
  - (a) name of applying county;
  - (b) tax ID;
  - (c) name of fiscal agent;
  - (d) amount of grant funding requested; and
  - (e) responsible contact's:
    - (i) name;
    - (ii) full mailing address;

- (iii) telephone number; and
- (iv) email address;
- (f) a scope of work with descriptions of projects and activities for which funds will be used;
- (g) a description of expected deliverables and outcomes;
- (h) a budget narrative describing proposed fund usage; and
- ~~(h)~~(i) any other information requested by the office.

(2) The following documentation shall, at a minimum, be included in each application for a Rural County Grant:

- (a) the entity's W9 form, or the county's state vendor number if the county is currently a state vendor;
- (b) a letter of support from the CEO board; and
- (c) a list of CEO board members including:
  - (i) names;
  - (ii) titles;
  - (iii) organization each member represents;
  - (iv) terms of appointments; and
  - ~~(iv)~~(v) contact information; and
- (d) a line-item budget describing proposed uses of grant funds.

**R357-29-105. Grant Administration and Reporting.**

(1) The application for the Rural County Grant will become available to counties:

- (a) on or before July 1; and
- (b) after approval of the previous year's annual report.

(2) The application will close:

- (a) at the discretion of the office; and
- (b) no later than October 1.

(3) Each grant recipient shall submit an annual report for the previous year containing:

- (a) a description of the projects for which the grant funding was used or encumbered;
- (b) the effectiveness of the award in improving economic development in the county;
- (c) how much matching money was utilized by the county;
- (d) an explanation for why funding was not used or encumbered;
- (e) where unused funds are being held;
- (f) a letter from the CEO board attesting that:
  - (i) it participated in advising the county's governing body throughout the year;
  - (ii) it approves of the content submitted in the annual report; and
  - (iii) it helped prepare the annual report;
- (g) minutes from each meeting of the CEO board where the Rural County Grant was discussed; and
- (h) any other information requested by the office.

(4) Failure to expend or encumber funding from this grant program during the fiscal year for which it was awarded may result in the withholding or denial of future funding.

**R357-29-106. Funding Distribution.**

After GOEO approval of a Rural County Grant the county may receive up to 100% of the total grant amount.

**KEY: Rural County Grant, economic development**

**Date of Last Change: 2025[November 29, 2023]**

**Authorizing, and Implemented or Interpreted Law: [17-54-103; -]63N-4-802; 63N-4-104**

**NOTICE OF SUBSTANTIVE CHANGE**

**TYPE OF FILING:** Amendment

**Rule or Section Number:**

**R357-46**

**Filing ID: 57103**

**Agency Information**

<b>1. Title catchline:</b>	Governor, Economic Opportunity
<b>Building:</b>	World Trade Center
<b>Street address:</b>	60 E South Temple, Suite 300
<b>City, state:</b>	Salt Lake City, UT

<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Greg Jeffs	801-368-1957	gjeffs@utah.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>
R357-46. Rural Communities Opportunity Grant Rule
<b>3. Purpose of the new rule or reason for the change:</b>
The purpose of this change is to clarify definitions and meanings.
<b>4. Summary of the new rule or change:</b>
The changes in this rule better align definitions and phrases with statute, clarify documentation that must be included in applications, and whether counties of the second class qualify.

**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 are no anticipated costs or savings because these changes do not change anything, the simply clarify what is already being done.								
<b>B) Local governments:</b>								
There are no anticipated costs or savings because these changes do not change anything, the simply clarify what is already being done.								
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):								
There are no anticipated costs or savings because these changes do not change anything, the simply clarify what is already being done.								
<b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):								
There are no anticipated costs or savings because these changes do not change anything, the simply clarify what is already being done.								
<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> ):								
There are no anticipated costs or savings because these changes do not change anything, the simply clarify what is already being done.								
<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 anticipated costs or savings because these changes do not change anything, the simply clarify what is already being done.								
<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.)								
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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
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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 Executive Director of the Governor’s Office of Economic Opportunity, Ryan Starks, 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 63N-4-802

**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:** 06/02/2025

**9. This rule change MAY become effective on:** 06/09/2025

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>	Ryan Starks, Executive Director	<b>Date:</b>	04/14/2025
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**R357. Governor, Economic Opportunity.**

**R357-46. Rural Communities Opportunity Grant Rule.**

**R357-46-101. Title.**

This rule is known as the Rural Communities Opportunity Grant rule.

**R357-46-102. Authority.**

This rule is adopted by the office under the authority of Section 63N-4-802.

**R357-46-103. Definitions.**

(1) "Association of governments" means the same as defined under Section 63N-4-801.

(2) "Rural Communities Opportunity Grant" means the same as the additional use of grant money described under Subsection 63N-4-802(4)(b).

(3) "Rural Community" means [a rural county, a rural municipality as defined in subsection 63N-4-801(10), or an association of governments]the same as defined under Section 63N-4-801.

(4) "Competitive Application" means an application that is subject to review, scoring, and comparing against other applications to determine grant awardees against a limited pool of funding.

(5) "County Economic Opportunity Advisory Board" or "CEO Board" means the same as defined under Section 63N-4-801.

(6) "County of the second class" means the same as defined in Section 17-50-501. A county of the second class is not a rural county.

NOTICES OF PROPOSED RULES

- (7~~[5]~~) "County of the third class" means the same as defined in Section 17-50-501.
- (8~~[6]~~) "County of the fourth class" means the same as defined in Section 17-50-501.
- (9~~[7]~~) "County of the fifth class" means the same as defined in Section 17-50-501.
- (10~~[8]~~) "County of the sixth class" means the same as defined in Section 17-50-501.
- (11~~[9]~~) "Municipality of the third class" means the same as defined in Section 10-2-301.
- (12~~[10]~~) "Municipality of the fourth class" means the same as defined in Section 10-2-301.
- (13~~[11]~~) "Municipality of the fifth class" means the same as defined in Section 10-2-301.
- (14) "Town" means the same as defined in Section 10-2-301.

**R357-46-104. Content of Application and Approval Process.**

(1) The following content shall, at a minimum, be included in each application for a Rural Communities Opportunity Grant:

- (a) name of applying community;
- (b) tax ID;
- (c) name of fiscal agent;
- (d) amount of grant funding requested;
- (e) responsible contacts:
  - (i) name;
  - (ii) full mailing address;
  - (iii) telephone number; and
  - (iv) email address;
- (f) a scope of work describing the ~~[ation of]~~ projects and activities the funds will be used for;
- (g) a description of expected deliverables and outcomes;
- (h) a description of matching funds:
  - (i) provided by any one or combination of:
    - (A) a community reinvestment agency;
    - (B) a redevelopment agency;
    - (C) a community development and renewal agency;
    - (D) a private sector entity;
    - (E) a nonprofit entity;
    - (F) a federal matching grant;
    - (G) county or municipality general fund match; and
    - (H) any other funding source approved by the office; and
  - (ii) totaling at least:
    - (A) a 10% match for a county of the sixth class;
    - (B) a 20% match for a county of the fifth class;
    - (C) a 30% match for a county of the fourth class;
    - (D) a 40% match for a county of the third class;
    - (E) a 10% match for a town in any rural county classification and in a county of the second class;
    - (F) a 20% match for a municipality of the fifth class in any rural county classification and in a county of the second class;
    - (G) a 30% match for a municipality of the fourth class in any rural county classification and in a county of the second class;
    - (H) a 40% match for a municipality of the third class in any rural county classification and in a county of the second class; and
    - (I) a 40% match for an association of governments; and
  - (j) any other information requested by the office.

(2) The following documentation shall, at a minimum, be included in each application for a Rural Communities Opportunity Grant:

- (a)(i) the entity's W9 form; or
- (ii) the county's state vendor number if the county is currently a state vendor;
- (b) budget describing proposed uses of grant funds;
- (c) letters of support from:
  - (i) key stakeholders;
  - (ii) project participants;
  - (iii) local governments;
  - (iv)(A) the CEO Board for rural counties;
  - (B) the planning and zoning commission or municipal economic opportunity advisory board or commission for rural municipalities;

or

- (C) the General Board for associations of governments; and
- (v) any other entity receiving sub-grant funding from Rural Communities Opportunity Grant funds; and
- (d) any other documentation requested by the office.

(3) Associations of governments must also submit letters of support from each of its member counties indicating their support of the application.

(4) The office may choose not to fund applicants who have not complied with the reporting requirements for all previous years the community received a Rural County Grant or Rural Communities Opportunity Grant.



**R357-46-105. Funding Distribution and Reporting.**

- (1) After GOEO approval of a Rural Communities Opportunity Grant:
  - (a) no more than 90% of grant funds will be disbursed to a community after:
    - (i) application approval;
    - (ii) a contract between the community and the state is entered; and
    - (iii) the community invoices the office for the funds; and
  - (b) the remaining funds may be disbursed to a community upon submission of a final report including satisfactory evidence of benchmark achievements toward completion of economic development projects and activities recorded in the grant contract.
- (2) The maximum amount of funding a rural community or an association of governments can receive through this grant is \$600,000.
- (3) Each grant recipient shall submit an annual report containing:
  - (a) a description of the project, or projects, for which the grant funding is being used or encumbered;
  - (b) the effectiveness of the award in improving economic development in the community;
  - (c) how much matching money is being utilized by the community;
  - (d) a letter from the CEO board or equivalent attesting that:
    - (i) it is participating in advising the rural community or an association of governments [s] governing body throughout the year;
    - (ii) it approves of the content submitted in the annual report;
    - (iii) it helped prepare the annual report; and
  - (iv) minutes from each meeting of the CEO board where the Rural Communities Opportunity [County]-Grant was discussed; and
  - (e) any other information requested by the office.
- (4) Grant recipients shall submit a final report and reimbursement request by the contract termination date including:
  - (a) a description of the completed project;
  - (b) a report on whether the recipient met the goals and benchmarks detailed in the contract;
  - (c) a letter from the CEO board or equivalent attesting that:
    - (i) it participated in advising the county's governing body throughout the year;
    - (ii) it approves of the content submitted in the annual report; and
    - (iii) it helped prepare the annual report;
  - (d) an invoice for the outstanding amount of awarded funding; and
  - (e) any other information requested by the office.

**R357-46-106. CEO Board Equivalents.**

- (1) Rural municipalities shall use a functioning planning and zoning commission or an organized municipal economic opportunity advisory board or commission to fulfill the same advisory requirements of a CEO board.
- (2) Associations of governments shall use their Governing Board to fulfill the same advisory requirements of a CEO board.

**KEY: Rural Community Opportunity Grant, RCOG, economic development**

**Date of Last Change: 2025[November 29, 2023]**

**Authorizing, and Implemented or Interpreted Law: 63N-4-802**

NOTICE OF SUBSTANTIVE CHANGE		
<b>TYPE OF FILING:</b> Amendment		
<b>Rule or Section Number:</b>	<b>R392-100</b>	<b>Filing ID: 57111</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 1450 W	
<b>City, state:</b>	Salt Lake City, UT	
<b>Mailing address:</b>	PO Box 142104	
<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>
Karl Hartman	801-538-6191	khartman@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 or section catchline:</b>
R392-100. Food Service Sanitation
<b>3. Purpose of the new rule or reason for the change:</b>
The FDA released a supplement to the Food Code that makes changes, deletions, additions, and format modifications to the 2022 FDA Food Code, which is already incorporated by reference in this rule.
<b>4. Summary of the new rule or change:</b>
This rule filing amends the rule to incorporate by reference the December 2024 version of the Supplement to the 2022 Food Code.  It additionally uncapitalizes the word "the" in one instance in accordance with the Rulewriting Manual for Utah.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>												
<b>A) State budget:</b>												
This amendment to the rule is not anticipated to result in a cost or benefit to the state budget because the incorporated supplement does not require a change to state operations or programs, and it does not include requirements for the payment of fines or fees to the state.												
<b>B) Local governments:</b>												
This amendment to the rule is not anticipated to result in a cost or benefit to a local health jurisdiction because the incorporated supplement does not require a change to local government operations or programs, and it does not include requirements for the payment of fines or fees to the local health department.												
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):												
This amendment to the rule is not anticipated to result in a cost or benefit to a small business because the incorporated supplement does not require a change in business operations or procedures.												
<b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):												
This amendment to the rule is not anticipated to result in a cost or benefit to a non-small business because the incorporated supplement does not require a change in business operations or procedures.												
<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> ):												
There is no anticipated impact, fiscally or otherwise, to any other person as defined, as this rule does not affect other persons.												
<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 anticipated compliance costs as a result of this proposed rule amendment, as this rule is not anticipated to result in any fiscal impact to the Department of Health and Human Services at the state level, any of the 13 local health departments, or any of the applicable small and non-small businesses already operating.												
<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>												
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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 Executive Director of the Department of Health and Human Services, Tracy S. Gruber, 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 26B-1-202	Section 26B-7-402	
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**Incorporations by Reference Information**

**7. Incorporations by Reference:**

**A) This rule adds or updates the following title of materials incorporated by references:**

<b>Official Title of Materials Incorporated (from title page)</b>	Supplement to the 2022 Food Code
<b>Publisher</b>	Food and Drug Administration (FDA)
<b>Issue Date</b>	December 2024
<b>Issue or Version</b>	2024

**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:** 06/02/2025

**9. This rule change MAY become effective on:** 06/09/2025

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>	Tracy S. Gruber, Executive Director	<b>Date:</b>	04/14/2025
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**R392. Health and Human Services, Population Health, Environmental Health.**

**R392-100. Food Service Sanitation.**

**R392-100-1. Authority and Purpose.**

(1) Sections 26B-1-202, and 26B-7-402 authorize this rule.

(2) The purpose of this rule is to safeguard public health and provide consumers with food that is safe, unadulterated, and honestly presented by:

(a) setting standards for management, personnel, food operations, equipment, and facilities; and

NOTICES OF PROPOSED RULES

- (b) providing conditions for food establishment plan review, permit issuance, inspection, employee health, and permit enforcement.

**R392-100-2. Definitions.**

- (1) "Agritourism food establishment" has the same meaning as defined in Section 26B-7-401.
- (2) "Department" means the Department of Health and Human Services.
- (3) "FDA Food Code" or "Food Code" means the version of U.S. Public Health Service, Food and Drug Administration, Model Food Code as incorporated by reference with exceptions and amendments in this rule.
- (4) "Local health department" has the same meaning as defined in Section 26A-1-102.
- (5) "Microenterprise home kitchen" has the same meaning as defined in Section 26B-7-401.
- (6) "Mobile food business" means a food truck or food cart as defined in Rule R392-102.
- (7) "Plumbing Code" means International Plumbing Code as incorporated and amended in Title 15A, State Construction and Fire Codes Act.
- (8) "Recovery residence" has the same meaning as defined in Subsection 26B-2-101(36).
- (9) "Residential support program" has the same meaning as defined in Subsection 26B-2-101(38).
- (10) "Residential treatment" has the same meaning as defined in Subsection 26B-2-101(39).

**R392-100-3. General Requirements.**

- (1) The following food service establishments are exempt from the requirements of this rule:
  - (a) a mobile food business;
  - (b) a certified or licensed child care facility, including a residence, that provides care for 16 or fewer children;
  - (c) a residential treatment program, residential support program, or recovery residence, as defined in this rule and in Rule R392-110, that provides a 24-hour group living environment for between four and 16 individuals unrelated to the owner or provider;
  - (d) an agritourism food establishment; and
  - (e) a microenterprise home kitchen.
- (2) A mobile food business operator shall comply with Rule R392-102.
- (3) The following shall comply with Rule R392-110:
  - (a) certified or licensed childcare facilities, including residences, that provide care for 16 or fewer children;
  - (b) residential treatment programs;
  - (c) residential support programs; and
  - (d) recovery residences providing a 24-hour group living environment for between four and 16 individuals unrelated to the owner or provider.
- (4) An agritourism food establishment operator shall comply with Rule R392-105.
- (5) A microenterprise home kitchen shall comply with Rule R392-106.

**R392-100-4. Incorporation by Reference.**

- (1) The department incorporates by reference the following:
  - (a) Section 402 of the Federal Food, Drug and Cosmetic Act, 21 U.S.C. 342; and
  - (b) [F]the 2022 version of the U.S. Food and Drug Administration Food Code (Food Code), Chapters 1 through 8, Annex 1 Parts 8-6 through 8-9 and the December 2024 version of the Supplement to the 2022 Food Code, with the stated exceptions and amendments as established in Subsections R392-100-4(2) and R392-100-4(3).
- (2) The following provisions of the Food Code are not incorporated into this rule:
  - (a) Paragraph 5-203.15(B);
  - (b) Paragraphs 5-402.11(B), (C) and (D);
  - (c) Section 8-302.14;
  - (d) Paragraph 8-304.11(K);
  - (e) Annex 1, Section 8-909-20; and
  - (f) Annex 1, Paragraph 8-911.10(B).
- (3)(a) This rule incorporates by reference Paragraph 1-201.10(B) of the Food Code with the following amendments:
  - (i) "Core Item(1)" is amended to read, "'Core Item' also referred to as "non-critical" means a provision in the Food Code that is not designated as a Priority Item or a Priority Foundation Item;
  - (ii) "Food Establishment(2)" is amended to add Subparagraph (c) to read:

"(2)(c) A catering operation that is a licensed business entity that operates from a permitted food establishment that contracts with a client for food service to be provided to a client, or the client's guests or customers at a different location. A catering operation may cook or perform final preparation of food at the service location. A catering operation does not include routine services offered at the same location or a meal that is individually purchased with the exception of cash bars."
  - (iii) "Food Establishment(3)" is amended to add Subparagraph (h), (i), (j), (k), (l), (m), and (n) to read:

"(3)(h) an agritourism food establishment

    - (3)(i) a mobile food business;
    - (3)(j) a microenterprise home kitchen
    - (3)(k) a certified or licensed childcare facility, including a residence, that provides care for 16 or fewer children;
    - (3)(l) a residential treatment program;
    - (3)(m) a residential support program; and

(3)(n) a recovery residence providing a 24-hour group living environment for between four and 16 individuals unrelated to the owner or provider."

(iv) "Person in charge" is amended to read:

"Person in charge" means:

(1) the certified food safety manager; or

(2) a designated individual who is:

(a) knowledgeable in:

(i) day-to-day operations of the food establishment;

(ii) foodborne disease prevention principles; and

(iii) the requirements of this rule;

(b) responsible for monitoring and managing food safety operations; and

(c) authorized to take appropriate preventive and corrective actions to ensure compliance with this rule."

(v) A definition of "potentially hazardous food" is added to read:

"Potentially hazardous food" means the same as "time/temperature control for safety food."

(vi) "Priority Item(1)" is amended to read:

"Priority item", also referred to as "critical 1", means a provision in the Food Code that contributes directly to the elimination, prevention, or reduction to an acceptable level, hazards associated with foodborne illness or injury and there is no other provision that more directly controls the hazard."

(vii) "Priority Foundation Item(1)" is amended to read:

"Priority foundation item", also referred to as "critical 2", means a provision in the Food Code that supports, facilitates, or enables one or more Priority Items."

(viii) A definition of "small producer" is added to read:

"Small producer" has the same meaning as provided in Subsection 4-4-103(11)."

(b) Paragraph 2-102.12(A) of the Food Code is amended to read:

"(A) At least one employee who has supervisory and management responsibility and the authority to direct and control food preparation and service shall be a certified food safety manager who has completed training and obtained certification as required under Section 26B-7-412 and Rule R392-101."

(c) After Section 2-102.12 of the Food Code, a new section is added to read:

"2-102.13 Food Employee Training. Food employees shall complete training in food safety as required under Section 26B-7-413 and Rule R392-103."

(d) Paragraph 3-201.16(A) of the Food Code is amended to read:

"Except as specified in Paragraph (B), mushroom species picked in the wild shall not be offered for sale or service by a food establishment."

(e) Section 3-202.13 of the Food Code is amended to read:

"(A) Shell eggs shall be received in a clean and sound condition.

(B) Except for shell eggs that are purchased from a small producer, shell eggs may not exceed the restricted egg tolerances for U.S. Consumer Grade B as specified by Rule R70-410.

(C) Shell eggs may not be addled or moldy, and may not contain any:

(1) black spot;

(2) black rot;

(3) white rot;

(4) blood ring;

(5) adherent yolk; or

(6) bloody or green albumen."

(f) Section 5-101.12 of the Food Code is amended to read:

"A drinking water system shall be flushed and disinfected before being placed in service after construction, repair, or modification and after an emergency situation, such as a flood, that may introduce contaminants to the system. This process shall be completed in accordance with the American National Standards Institute (ANSI) and American Water Works Association (AWWA) C651-14 (February 1, 2015) for disinfection and testing."

(g) Section 5-202.13 of the Food Code is amended to label the existing paragraph "(A)" and include Paragraph (B) to read:

"(B) Where the horizontal distance from the water supply inlet to an adjacent single wall or obstruction is less than three times the diameter of the inlet, or less than four times for intersecting walls, an air gap between the water supply inlet and the flood level rim of the plumbing fixture, equipment, or nonfood equipment shall be at least three times the diameter of the water supply inlet and may not be less than 38 millimeters (1.5 inches)."

(h) Section 5-202.14 of the Food Code is amended to read:

"A backflow or backsiphonage prevention device shall be constructed, installed, and tested according to the requirements in Plumbing Code. Each backflow or backsiphonage prevention device shall be maintained in good working order."

(i) Section 5-203.14 of the Food Code is amended to read:

"(A) A plumbing system shall be installed to preclude backflow of a solid, liquid, or gas contaminant into the water supply system at each point of use at the food establishment, including on a hose bibb if a hose is attached or on a hose bibb if a hose is not attached, by:

(1) providing an air gap as specified under Section 5-202.13; or

(2) installing an approved backflow prevention device as specified under Section 5-202.14; and

## NOTICES OF PROPOSED RULES

(B) Each chemical dispenser shall connect to a separate dedicated water supply line, and not downstream of an atmospheric vacuum breaker."

(j) Paragraph 5-203.15(A) of the Food Code is amended to read:

"(A) If not provided with an air gap as specified under Section 5-202.13, an American Society of Safety Engineers (ASSE) 1022 dual check valve with an intermediate vent shall be installed downstream from any copper in the water supply and upstream from any:

- (i) carbonated beverage dispenser;
- (ii) coffee machine; or
- (iii) noncarbonated beverage dispenser."

(k) Paragraph 5-402.11(A) of the Food Code is amended to read:

"(A) A direct connection may not exist between the sewage system and a drain originating from equipment in which food, portable equipment, or utensils are placed."

(l) Section 6-202.14 of the Food Code is amended to read:

"A toilet room shall be completely enclosed and provided with a solid self-closing door, except where a toilet room:

- (A) is located outside a food establishment;
- (B) does not open directly into the food establishment such as a toilet room that is provided in a shopping mall; or
- (C) does not open directly into the food preparation area, food service area, or a hallway leading directly into a food preparation or food service area."

(m) Paragraph 6-501.115(B) is amended to read:

"(B) Live animals may be allowed in the following situations if the contamination of food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles can not result:

(1) edible fish or decorative fish in aquariums, shellfish or crustacea on ice or under refrigeration, and shellfish and crustacea in display tank systems;

(2) patrol dogs accompanying police or security officers in offices and dining, sales, and storage areas, and sentry dogs running loose in outside fenced areas;

(3) in areas that are not used for food preparation and that are usually open for customers, such as dining and sales areas, service animals that are controlled by the disabled employee or person, if a health or safety hazard will not result from the presence or activities of the service animal;

(4) pets in the common dining areas of institutional care facilities such as nursing homes, assisted living facilities, group homes, or residential care facilities at times other than during meals if:

(a) effective partitioning and self-closing doors separate the common dining areas from food storage or food preparation areas;

(b) condiments, equipment, and utensils are stored in enclosed cabinets or removed from the common dining areas when pets are present; and

(c) dining areas including tables, countertops, and similar surfaces are effectively cleaned before the next meal service.

(5) in areas that are not used for food preparation, storage, sales, display, or dining, in which there are caged animals or animals that are similarly confined, such as in a variety store that sells pets or a tourist park that displays animals; and

(6) dogs other than service animals or patrol dogs in the outdoor patio areas of a food establishment if:

(a) a separate entrance is provided from the outside of the food establishment to the outdoor patio to ensure that a dog will have direct access to the patio without entering the interior food preparation, storage, sales, display, or dining areas of the food establishment;

(b) a dog is not allowed within eight feet of any entrance to an interior area of the food establishment, except as necessary to enter or exit the patio;

(c) signs that meet the following criteria are conspicuously posted at the entrance of the food establishment and patio to notify patrons that dogs may be on the premises;

(i) state: "Notice to patrons, dogs may be on the premises but are restricted to the outdoor patio. Dog owners are responsible for keeping their animal under control at all times."; and

(ii) are at least 8 inches by 10 inches in size with lettering that is high contrast and at least 5/8 of an inch in height;

(d) doors equipped with self-closing devices are provided at each door to the outdoor patio from the interior of the food establishment;

(e) no food preparation is done in the outdoor patio area, except that a beverage glass may be filled on the patio from a pitcher or other container that has been filled or otherwise prepared inside the food establishment;

(f) the outdoor patio area is continuously maintained free of visible dog hair and other dog related wastes or debris;

(g) while on duty, wait staff, servers, or food employees do not care for or handle a dog that may be present;

(h) the dog is kept on a leash and remains in the control of the patron while on the outdoor patio;

(i) the dog is wearing a collar or harness with a rabies vaccination tag attached to it;

(j) the dog is not allowed on a chair, table, countertop, or similar surface in the outdoor patio area; and

(k) the dog does not have contact with any of the food establishment's condiments, equipment, or reusable utensils."

(n) Section 8-103.10 of the Food Code is amended to label the existing paragraph "(A)" and include Paragraph (B) to read:

"(B) A food establishment seeking a variance from Food Code requirements that has a retail food facility location in more than one local health department jurisdiction in the state shall submit a variance request, as described in Subsection R392-100-4(3)(o), to the department."

(o) Section 8-103.11 of the Food Code is amended to read:

"Before a variance from a requirement of this code is approved, the person requesting the variance shall provide the following information, which shall be retained in the regulatory authority's file on the food establishment:

(a) the name of the business for which the variance is being requested;

- (b) a designated point of contact and contact information of the business for which the variance is being requested;
- (c) the location of the facility or establishment for which the variance is being requested;
- (d) the citation of each Food Code section or paragraph for which the variance is being requested;
- (e) a statement as to why the applicant cannot comply with the Food Code section or subsection for which the variance is being requested;
- (f) the nature and duration of the variance being requested;
- (g) a statement of how the intent of the code will be met and the reasons why the public health or safety, or the environment, would not be endangered or jeopardized if the variance were to be granted;
- (h) technical justification or a detailed explanation of the variance conditions that provide the protection of public health and safety, and the environment, for each applicable Food Code section or paragraph;
- (i) a full description of any policies, procedures, active managerial controls, or equipment that the applicant proposes to use to rectify any potential increase in health or safety risks created by granting the variance; and
- (j) operation and maintenance requirements of the variance condition including a HACCP plan if required as specified under Paragraph 8-201.13(A) that includes the information specified under Section 8-201.14 as it is relevant to the variance requested."
- (p) Section 8-302.14 of the Food Code is amended to read:
  - (i) "The application, in conjunction with any supplemental risk assessment documents, shall include:
    - (A) the name, mailing address, email address if applicable, telephone number, and signature of the person applying for the permit and the name, mailing address, and location of the food establishment;"
    - (ii) Paragraphs 8-302.14(B), 8-302.14(C), 8-302.14(D), 8-302.14(E), 8-302.14(F), 8-302.14(G), and 8-302.14(H) of the Food Code are not amended.
    - (q) Paragraph 8-304.10(A) is amended to read:
      - "(A) At the time a permit is first issued, the local health department shall provide to the permit holder a notice or a referral regarding how to access a copy of FDA Food Code adopted in Rule R392-100, according to the policy of the local health department."
      - (r) Subparagraph 8-401.10(B)(2) is amended to read:
        - "(2) The food establishment is assigned a less frequent inspection frequency based on a written risk-based inspection schedule that is being uniformly applied throughout the jurisdiction."
        - (s) Section 8-501.10 is amended to add Paragraph (C) to read:
          - "(C) Complying with reporting requirements specified in Rule R386-702 and Rule R386-703."
          - (t) Annex 1, Section 8-601.10 is amended to read:
            - "Due process and equal protection shall be afforded as required by law in all enforcement and regulatory actions."
            - (u) Annex 1, Section 8-801.30 is amended to read:
              - "(A) Service is effective when the notice is served or when service is made as specified in Paragraph 8-801-20(B).
              - (B) A local health department may establish its own service and notice procedures in accordance with Utah Code and constitutional requirements to supersede the requirements in Paragraph 8-801.30(A)."
              - (v) Annex 1, Section 8-903.10 is amended to add Paragraph (C) to read:
                - "(C) A local health department is authorized to impound adulterated food products as provided by Section 26B-7-414."
                - (w) Annex 1, Section 8-903.60 is amended to read:
                  - "A local health department may examine, sample, and test food to determine its compliance with the Food Code."
                  - (x) Annex 1, Paragraph 8-905.10(A) is amended to read:
                    - "(A) A person who receives a notice of hearing shall file a response within ten calendar days from the date of service. Failure to respond may result in license suspension, license revocation, or other administrative penalties."
                    - (y) Annex 1, Paragraph 8-905.10 is amended to add Paragraph (E) to read:
                      - "(E) A local health department may establish its own administrative hearing basis and time for response requirements in accordance with Utah Code and constitutional requirements to supersede the requirements in Paragraphs 8-905.10(A), 8-905.10(B), 8-905.10(C), and 8-905.10(D)."
                      - (z) Annex 1, Paragraph 8-905.20 is amended to add Paragraph (D) to read:
                        - "(D) A local health department may establish its own response form and contents requirements in accordance with Utah Code and constitutional requirements to supersede the requirements in Paragraphs 8-905.20(A), 8-905.20(B), and 8-905.20(C)."
                        - (aa) Annex 1, Subparagraph 8-905.50(A)(1) is amended to read:
                          - "(1) Except as provided in Paragraph (B) of this section, within five calendar days after receiving a written request for an appeal hearing from:"
                          - (bb) Annex 1, Subparagraph 8-905.50(A)(2) is amended to read:
                            - "(2) Within 30 calendar days after the service of a hearing notice to consider administrative remedies for other matters as specified in Paragraph 8-905.10(C) or for matters as determined necessary by the local health department."
                            - (cc) Annex 1, Paragraph 8-905.50 is amended to add Paragraph (C) to read:
                              - "(C) A local health department may establish its own appeal proceeding procedures in accordance with Utah Code and constitutional requirements to supersede the requirements in Paragraphs 8-905.50(A) and 8-905.50(B)."
                              - (dd) Annex 1, Paragraph 8-905.60 is amended to add Paragraph (B) to read:
                                - "(B) A local health department may establish its own hearing notice requirements in accordance with Utah Code and constitutional requirements to supersede the requirements in Paragraph 8-905.60."
                                - (ee) Annex 1, Paragraph 8-905.90(A) is amended to read:

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"(A) Hearings will be open to the public except under compelling circumstances, such as the need to discuss a person's medical or mental health condition, a food establishment's trade secrets, or any other privacy matter that is protected under federal or state law."  
 (ff) Annex 1, Paragraph 8-905.90 is amended to add Paragraph (C) to read:  
 "(C) A local health department may establish its own hearing confidentiality policy in accordance with Utah Code and constitutional requirements to supersede the requirements in Paragraphs 8-905.90(A) and 8-905.90(B)."  
 (gg) Annex 1, Paragraph 8-906.30(B) is amended to read:  
 "(B) Unless a party appeals to the local health officer within ten calendar days of the hearing or a lesser number of days specified by the hearing officer:"  
 (hh) Annex 1, Paragraph 8-906.30 is amended to add Paragraph (C) to read:  
 "(C) A local health department may establish its own hearing officer powers in accordance with Utah Code and constitutional requirements to supersede the requirements in Paragraphs 8-906.30(A) and 8-906.30(B)."  
 (ii) Annex 1, Paragraph 8-907.60 is amended to label the existing paragraph (A) and include Paragraph (B) to read:  
 "(B) A local health department may establish its own documentary evidence policy in accordance with Utah Code and constitutional requirements to supersede the requirements in Paragraph 8-907.60(A)."  
 (jj) Annex 1, Section 8-908.20 is amended to read:  
 "Respondents accepting a consent agreement waive their right to a hearing on the matter, including judicial review."  
 (kk) Annex 1, Paragraph 8-911.10(B) is amended to read:  
 "(B) Any person who violates this rule may be assessed a civil penalty as provided in Section 26B-1-224."  
 (ll) Annex 1, Paragraph 8-913.10(B) is amended to read:  
 "In addition to any criminal fines and sentences imposed as specified in Section 8-911.10, or to being enjoined as specified in Section 8-912.10, a person who violates a provision of this code, any rule or regulation adopted in accordance with law related to food establishments within the scope of this code, or to any term, condition, or limitation of a permit issued as specified in Sections 8-303.10 and 8-303.20 is subject to a civil penalty not exceeding \$5,000."  
 (mm) Annex 1, Section 8-913.10 is amended to add Paragraph (D) to read:  
 "(D) The adjudicative body, upon proper findings, shall assess violators a fee for each day the violation remains in contempt of its order."

**R392-100-5. Construction Standards.**

The food establishment shall be designed, constructed, maintained, and operated to meet the requirements of Title 15A, State Construction and Fire Codes Act.

**KEY: public health, food services, sanitation, food safety**

**Date of Last Change: ~~May 8, 2024~~ 2025**

**Notice of Continuation: November 1, 2021**

**Authorizing, and Implemented or Interpreted Law: 26B-1-202; 26B-7-402**

| NOTICE OF SUBSTANTIVE CHANGE   |                |                         |
|--------------------------------|----------------|-------------------------|
| <b>TYPE OF FILING:</b> New     |                |                         |
| <b>Rule or Section Number:</b> | <b>R501-23</b> | <b>Filing ID: 57105</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 84116                                    |                      |
| <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  | mariahmoble@utah.gov |
| <b>Please address questions regarding information on this notice to the persons listed above.</b> |   |                      |

**General Information**

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|--|
| <b>2. Rule or section catchline:</b>                                     |
| R501-23. Division of Services for People with Disabilities Certification |



|  |
|--|
| <p><b>3. Purpose of the new rule or reason for the change:</b></p> <p>Following internal review, the Department of Health and Human Services (Department) determined this filing is necessary to create a rule governing the oversight of the health and safety standards in settings contracted by the Department to serve clients under the Division of Services for People with Disabilities (DSPD).</p>  |
| <p><b>4. Summary of the new rule or change:</b></p> <p>This filing creates a rule that governs DSPD certifications. This rule provides the minimum health and safety standards for DSPD-certified providers and the enforcement actions that the Office of Licensing (OL) may take in response to noncompliance.</p> <p>Additionally, this rule provides definitions related to DSPD certification, identifies when and which certification is required, and provides information on certification changes, OL inspections and investigations, background check requirements, and penalties.</p> |

**Fiscal Information**

|  |
|--|
| <p><b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b></p>  |
| <p><b>A) State budget:</b></p> <p>There is no anticipated cost or savings to the state budget as a result of this new rule, as the provisions in this rule are part of OL's existing process for certification and certification renewal.</p> <p>However, creation of this new rule is necessary to provide clarification of this process to the public.</p>   |
| <p><b>B) Local governments:</b></p> <p>There is no anticipated fiscal impact to local governments, as this rule will not add to, modify, or remove requirements for local business licensing or any other process with which local government is involved. The providers affected by this rule are regulated by the Department, rather than by local governments.</p>  |
| <p><b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):</p> <p>There is no anticipated cost or savings to small businesses as a result of this rule filing, as DSPD-certified providers have already been complying with this rule's requirements as part of OL's existing process.</p>  |
| <p><b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):</p> <p>There is no anticipated cost or savings to non-small businesses as a result of this rule filing, as DSPD-certified providers have already been complying with this rule's requirements as part of OL's existing process.</p>  |
| <p><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>):</p> <p>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 DSPD-certified providers have already been complying with this rule's requirements as part of OL's existing process.</p> |
| <p><b>F) Compliance costs for affected persons</b> (How much will it cost an impacted entity to adhere to this rule or its changes?):</p> <p>There is no anticipated compliance cost to identified affected persons, including providers and the state, as a result of this rule filing, as DSPD-certified providers have already been complying with this rule's requirements for certification and re-certification as part of OL's existing process.</p>  |
| <p><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.)</p>   |

| <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           |

NOTICES OF PROPOSED RULES

|                              |               |               |               |
|------------------------------|---------------|---------------|---------------|
| 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 Executive Director of the Department of Health and Human Services, Tracy S. Gruber, 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:**  
 Subsection 26B-1-202(1)

**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:** 06/02/2025

**9. This rule change MAY become effective on:** 06/09/2025  
 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> | Tracy S. Gruber, Executive Director | <b>Date:</b> | 04/14/2025 |
|---|-------------------------------------|--------------|------------|

**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) Subsection 26B-1-202(1) authorizes this rule.
- (2) This rule provides the minimum health and safety standards for OL 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 OL DSPD 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 a site or program that serves up to three people in either a residential support certification or day support certification setting.
- (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:
- (i) a telephone call to or a consultation with a poison control center or an emergency department;
- (ii) an urgent care visit; or
- (iii) 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 cruel, severe, unusual, or unnecessary 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) "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.
- (9) "Department" means the Department of Health and Human Services.
- (10) "Direct Access Clearance System" or "DACCS" 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.
- (11) "Direct care staff" means staff working directly with the clients.
- (12) "DSPD" means the Division of Services for People with Disabilities;
- (13) "Eligible" means an OBP determination of:
- (a) direct access qualified for a human services program, in accordance with Section 26B-2-120;
- (b) OL DSPD 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.
- (14) "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)(i) sexual exploitation of a minor, as described in Section 76-5b-201;
- (ii) sexual exploitation of a vulnerable adult, as described in Section 76-5b-202; or
- (iii) abuse of a vulnerable adult, as described in Subsection 76-5-111(2).
- (15)(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.
- (16) "Good standing" means in compliance, as defined in Subsection (6).
- (17) "Inspection" means an announced or unannounced visit to monitor ongoing compliance at the provider's site.
- (18) "Investigation" means an announced or unannounced inquiry into an internal or external complaint or a reported incident that alleges noncompliance to determine compliance with contract requirements or rule.
- (19)(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.
- (20) "OBP" means the Office of Background Processing in the Division of Licensing and Background Checks under the Department of Health and Human Services.
- (21) "OL" means the Office of Licensing in the Division of Licensing and Background Checks under the Department of Health and Human Services.
- (22) "OL penalty" means the denial of an OL DSPD certification or the placement of a condition on, suspension of, or revocation of an OL DSPD certification due to the provider's noncompliance with rule or statute.

## NOTICES OF PROPOSED RULES

(23) "Provider" means the license or OL DSPD certificate holder, or the legally responsible individual, providing services regulated by OL.

(24) "Residential support certification" means an OL DSPD certification to operate a residential facility that serves three or fewer clients in a setting that is integrated in the community.

(25) "Settings rule" means 42 CFR 430, 431, 435, 436, 440, 441, and 447 (2025) that impacts Medicaid home- and community-based services funding in settings that serve people with disabilities.

(26) "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) rioting;

(d) suspected exploitation; or

(e) suspected fraud.

(27) "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, rule, or ordinance, including:

(i) Rule R380-80;

(ii) Rule R501-14; and

(iii) this rule.

(2) If there is a conflict between any rule requirement and the settings rule, the settings rule shall prevail.

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

(1) OL DSPD 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 OL DSPD 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 OL DSPD certification, the provider may not serve more than three clients in total, as serving four or more clients requires a day treatment license in accordance with Subsection 26B-2-101(12).

(3)(a) An OL DSPD certification is for a provider and is specific only to an approved site.

(b) An OL DSPD certification is not assignable or transferable.

(c) An OL DSPD certification is required for each provider and for each site.

(4) If the department places a condition or suspension on or revokes a DSPD provider's OL DSPD certification, the provider must comply with each condition before an OL DSPD 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 contract with the department;

(b) renew or start a new OL DSPD certification; or

(c) have any sanction removed, including a conditional, suspension, or contractual sanction status issued by the department.

(6) OL may not issue or renew an OL DSPD certification when:

(a) OBP determines an applicant's background check status is not eligible;

(b) OL finds that an applicant or provider maintains association with any individual with an OL DSPD 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 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 application;

(f) OL finds that the provider is in noncompliance with any inspection by the required date outlined in Subsection R501-23-6(2);

(g) there is another active department license or OL DSPD certification at the same address; or

(h) the provider fails to cooperate with any inspection.

(7) If OL does not issue an OL DSPD certification for a reason listed in Subsection (6), the provider may not reapply for an OL DSPD certification for at least three months.

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

(1) To receive an OL DSPD certification, the provider must:

(a) submit a completed OL DSPD certification application for each site or program requiring OL DSPD certification;

(b) submit, adhere to, and maintain the applicable residential or non-residential attestation agreement and self-assessment forms that are 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 comply with an OL site inspection.
- (2) To receive a renewed OL 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 OL DSPD certification;
  - (b) participate in a site inspection; and
  - (c) demonstrate compliance with each rule before the expiration date of the current OL DSPD certification.
- (3) For any OL DSPD certification or 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 OL DSPD certification application for any change of site before the change is made.
- (4) If the provider receives a department revocation notice, the provider shall:
  - (a) notify the client and their legal guardian, if applicable, of the action within five calendar days of receiving the notice; and
  - (b) post the notice on the provider website and leave the notice posted for as long as the notice remains in effect.
- (5) If the department contract is terminated, any corresponding OL DSPD certification is revoked and becomes inactive on the same date and may only be reinstated if the contract is reinstated or a new contract is approved.

**R501-23-6. Program or Facility Changes.**

- (1) An OL DSPD certificate holder shall submit a complete program change application to amend an existing OL DSPD certification at least 30 days before:
  - (a) an increase or decrease of capacity, including any change to the amount of space used to provide services;
  - (b) a change in the name of the program or facility;
  - (c) the move of an administrative site that does not serve clients; or
  - (d) a change that transfers less than 50% ownership or controlling interest to a new owner.
- (2) A provider may proceed with a change or make the change public after the office approves the change.
- (3) A provider shall submit a complete office application for a new OL DSPD certification at least 30 days before any:
  - (a) change of location;
  - (b) change in the population served;
  - (c) change in the regulation type of the program or facility;
  - (d) additional license or OL DSPD certification category; or
  - (e) change that transfers 50% or more ownership or controlling interest to a new owner.
- (4)(a) For a change that requires a new OL DSPD certificate, the provider may not serve any new client until OL issues a new OL DSPD certificate.
- (b) Until a new OL DSPD certificate is issued, the previous OL DSPD certificate's status continues.

**R501-23-7. Inspections and Investigations.**

- (1)(a) OL shall conduct a site inspection for each OL DSPD site certification.
- (b) OL may conduct an announced or unannounced site investigation as needed to determine compliance with any rule or requirement.
- (2) When OL finds noncompliance during a 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.
- (3) The provider and any staff shall cooperate with OL and refrain from withholding or manipulating information or influencing or interfering with any specific response of staff or a client 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 area of each site subject to OL DSPD certification; and
  - (c) each staff member and client.

**R501-23-8. 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 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 each OL DSPD certification requirement, unless the department approves a deviation in writing.
- (4) The provider shall disclose any community-based services and ensure that community-based services are provided safely and in consideration of emergencies, transportation, weather, and overall client needs for food, medicine, and any other assistance necessary for safe participation in the human services program.

**R501-23-9. 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:

## NOTICES OF PROPOSED RULES

- (a) ensuring each individual associated with the OL DSPD 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 the individual's supervised employment term before receiving the eligible determination from OBP;
- (d) initiating, monitoring, and maintaining background checks in DACS for each individual with direct access;
- (e) maintaining compliance with Rule R501-14;
- (f) managing communications with OBP and OL;
- (g) monitoring DACS and taking necessary actions when eligibility status changes for anyone associated with the OL DSPD certification; and
- (h) separating anyone in DACS within five calendar days when the individual:
  - (i) is no longer associated with the OL DSPD certification; or
  - (ii) has an ineligible determination status from OBP on a background check with no pending appeal.

### **R501-23-10. Physical Site, Safety, and Injury Prevention.**

- (1) The provider shall ensure that any appliance and 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 any hazard, 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 any client 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 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 any emergency call; 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 ensure:
  - (a) each client bedroom on the ground level has a minimum of one window that may be used as egress if there is a fire;
  - (b) each client bedroom that is not on the ground level has a minimum of two exits, at least one of which shall exit directly to outside of the building that may be used as egress 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.
- (5) The provider shall document any deviation from this section as a result of client choice in the person-centered support plan.

### **R501-23-11. 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, unless used as an emergency intervention or with a documented human rights restriction;
  - (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 Rule R380-80.

**R501-23-12. 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 level 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) If a critical incident occurs under the direct responsibility and supervision of the provider, the provider shall:
  - (a) initiate a report of the incident to the DSPD online provider system within one business day of the incident;
  - (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.

**R501-23-13. Transportation.**

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

**R501-23-14. Penalties.**

- (1) Any action the department takes on a contract will result in an OL sanction against the provider's OL DSPD certification, including OL DSPD certification suspension or revocation.
- (2) Any action taken by OL on an OL DSPD certification will result in a report to the Office of Service Review and the applicable department division.

**KEY: licensing, human services, Division of Services for People with Disabilities, DSPD certified**  
**Date of Last Change: 2025**  
**Authorizing, and Implemented or Interpreted Law: 26B-1-202(1)**

**NOTICE OF SUBSTANTIVE CHANGE**

|                                  |                |                         |
|----------------------------------|----------------|-------------------------|
| <b>TYPE OF FILING:</b> Amendment |                |                         |
| <b>Rule or Section Number:</b>   | <b>R512-43</b> | <b>Filing ID: 57106</b> |

**Agency Information**

|   |  |                      |
|---|--|----------------------|
| <b>1. Title catchline:</b>  | Health and Human Services, Child and Family Services |                      |
| <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>   | 195 N 1950 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>        |
| Cosette Mills   | 385-242-5482   | cwmills@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 or section catchline:</b> |
| R512-43. Adoption Assistance         |

**3. Purpose of the new rule or reason for the change:**

As a result of an internal review, the Division of Child and Family Services (DCFS) determined it was necessary to update this rule. This rule is being changed to reflect the agency's ability to suspend an adoption subsidy payment when the agency is paying for out-of-home costs for an adoptive child as a preventive measure for entry into foster care.

DCFS will pay the full cost of this care to the provider, enabling the out-of-home providers to continue to serve these children in a fiscally sustainable way.

**4. Summary of the new rule or change:**

This proposed rule change adds language reflecting DCFS' ability to suspend an adoption subsidy while an adoptive child, not in DCFS custody, is placed in out-of-home care or in a residential facility. DCFS will pay the cost of this care.

Additionally, this amendment clarifies language and makes style and formatting changes in compliance with the Rulewriting Manual for Utah.

**Fiscal Information**

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

**A) State budget:**

The DCFS is anticipated to experience an estimated reduction of \$35,000 in Title IV-E revenue annually as a result of suspended adoption subsidy payments that may otherwise occur when adoptive children are placed in out-of-home care.

**B) Local governments:**

This filing is not anticipated to have a fiscal impact on local governments, as this rule does not apply to them. No out-of-home providers are local governments.

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

This filing may have a fiscal impact on small businesses. DCFS has identified six providers that contract with DCFS and would be affected by this filing. This could help reduce the amount of potential uncollectable accounts receivable that adoptive parents fail to pay.

The amount of uncollectable accounts receivable is inestimable as the amount changes yearly and DCFS is unable to make an accurate estimate based on information from previous years.

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

This filing is not anticipated to have a fiscal impact on non-small businesses, as this rule does not apply to them. No out-of-home providers are 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 filing may have a fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities. Families may temporarily not receive an adoption subsidy for a child placed in out-of-home care. The value of the adoption subsidy payments for out-of-home care that would previously have gone to families is inestimable as DCFS has limited data regarding the actual number of adoptive children who will be placed in out-of-home care with DCFS providing one-time post adoption supplemental support once this rule is made effective. The value of each subsidy per child varies, as does the number of children and families receiving the subsidy each year.

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

There may be a compliance cost for affected persons, but that cost is inestimable. The individualized subsidy amount would vary significantly based on each child's individual needs, and each child's post adoption support needs would also vary.



**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             | \$35,000          | \$35,000          | \$35,000          |
| 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>\$35,000</b>   | <b>\$35,000</b>   | <b>\$35,000</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>(\$35,000)</b> | <b>(\$35,000)</b> | <b>(\$35,000)</b> |

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

The Executive Director of the Department of Health and Human Services, Tracy S. Gruber, 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 80-2-301 | Section 80-2-302 | Section 80-2-806 |
| Section 80-2-807 |                  |                  |

**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:** 06/02/2025

**9. This rule change MAY become effective on:** 06/09/2025

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> | Tracy S. Gruber, Executive Director | <b>Date:</b> | 04/14/2025 |
|---|-------------------------------------|--------------|------------|

**R512. Health and Human Services, Child and Family Services.**

**R512-43. Adoption Assistance.**

**R512-43-1. Authority and Purpose [and Authority].**

(1) ~~The adoption assistance program aids an adoptive family in establishing and maintaining a permanent adoptive living arrangement for a child who qualifies for the program under state or federal law.~~

~~(2)(a) Sections 80-2-806 and 80-2-807 authorize[s] the state to provide adoption assistance and supplemental adoption assistance; and~~

~~(b) [42 USC 673]Adoption and Guardianship Assistance Program, 42 U.S.C. 673, authorizes federal adoption assistance.~~

~~(2) Section 80-2-302 authorizes this rule.~~

(3) The adoption assistance program aids an adoptive family in establishing and maintaining a permanent adoptive living arrangement for a child who qualifies for the program under state or federal law~~[This rule is authorized by Section 80-2-302].~~

**R512-43-2. Definitions.**

~~[In addition to terms]~~Terms used in this rule are defined in Section 80-2-801~~[, the following terms apply]~~. Additionally:

(1) "AFDC" means the Aid to Families with Dependent Children program that was in effect on July 16, 1996.

(2) "Child in public foster care" means:

(a) a judicially removed child whose placement resulting in adoption was immediately preceded by protective, temporary, or legal custody with a state IV-E agency, or a child who was placed with a state IV-E agency through a Voluntary Placement Agreement, or ~~[the]~~a child of a minor parent in foster care;

(b) a child ~~[or youth]~~ who was taken into protective custody and, as a result of the protective episode, was placed with a relative who was given legal custody, even if Child and Family Services no longer has an open case when adoption proceedings are initiated, as long as ~~[the]~~a child continues to reside with and is being adopted by the relative granted custody by the court as a result of the protective custody episode; or

(c) a child ~~[or youth]~~ who was taken into protective custody and placed with a relative and the court orders Child and Family Services to continue to provide Protective Supervision Services for the family in making safety and permanency decisions for ~~[the]~~a child, including placement decisions and permanency goals if ~~[the]~~a child's permanency goal becomes adoption, and if ~~[all]~~ other criteria in Section R512-43-3 are met. This may include a change in placement to another relative while the Protective Supervision Services continue to be court ordered.

(3) "Child with a previous IV-E agreement" means a child who was Title IV-E eligible in a previous adoption with a fully executed adoption assistance agreement originating in any state, and the previous adoption was legally dissolved or ended due to the death of both of the adoptive parents.

(4) "Initiation of adoption proceedings" means:

(a) the date an Intent to Adopt a Specific Child is signed with Child and Family Services; or

(b) the adoption finalization court date.

(5) "SSI" means Supplemental Security Income.

(6) "State IV-E agency" means Child and Family Services or a public agency or tribal organization with whom Child and Family Services has an agreement in effect for foster care maintenance payments in accordance with Title IV-E.

**R512-43-3. General Requirements for Adoption Assistance.**

(1) Qualification for adoption assistance is based upon ~~[the]~~a child meeting qualifying factors, not the adoptive family.

(2) A child qualifies for adoption assistance if the following are met:

(a) the state has determined that ~~[the]~~a child cannot or should not be returned home;

(b) the state can document that reasonable efforts were made to place ~~[the]~~a child for adoption without providing adoption assistance;

(c) an exception applies if ~~[the]~~a child has significant emotional ties with the adoptive family and it is not in ~~[the]~~a child's best interest to consider a different adoptive placement;

(d) the state determines ~~[the]~~a child meets the definition of a child with a special need in accordance with Section 80-2-801; and

(e) a child under age five in public foster care meets the special need definition of "a child with a physical, emotional or mental disability" when ~~[the]~~a child is at risk to develop such a condition due to specific factors identified in ~~[the]~~a child's or birth parents' health and social histories.

(3) In determining eligibility for adoption assistance, there is no income eligibility requirement or means test for the adoptive parents.

(4) A child must be a United States citizen or qualified alien to receive adoption assistance.

(5) The adoptive family shall submit an application for adoption assistance to the regional adoption assistance committee on a form provided by Child and Family Services.

(6) Application for adoption assistance, approval, and completion of the adoption assistance agreement, including signatures of an adoptive parent and a representative from Child and Family Services, are to be completed before finalization of the adoption. [-]For Title IV-E eligibility, the adoption assistance agreement is considered fully executed when signed by an adoptive parent and a representative from Child and Family Services before finalization of the adoption.

(7) Adoptive parents may request adoption assistance after an adoption is finalized by requesting a fair hearing through the Office of Administrative Hearings. [-]Adoption assistance may only be granted by the regional adoption assistance committee after finalization when the conditions stated in Section R512-43-12 are met.

(8) Adoption assistance usually begins after finalization of an adoption. [-]However, the regional adoption assistance committee may initiate adoption assistance at the time of placement if ~~[the]~~a child is legally free for adoption, the adoptive home is approved, adoption proceedings are initiated, an adoption assistance agreement is fully executed before placement, and foster care maintenance payments are not being provided for ~~[the]~~a child.

(9) The regional adoption assistance committee shall approve an adoption assistance agreement and shall have the required signatures before any payments may be made to an adoptive family or before state medical assistance may be initiated by the adoption assistance committee.

(10) A qualified child shall continue to be eligible to receive adoption assistance until a child reaches age 18 unless causes for ~~[termination]~~ending the assistance apply as stated in Section R512-43-11. [-]The regional adoption assistance committee may extend adoption assistance until a child reaches age 21 when:

(a) the regional adoption assistance committee has determined that ~~[the]~~a child has a mental or physical disability that warrants continuing assistance; or

(b) if ~~the~~a child meets the criteria for services in the Department of Health and Human Services, Division of Services for People with Disabilities.

(11) Child and Family Services is responsible for notifying a prospective adoptive family of the availability of adoption assistance when the family begins an adoptive placement of a qualified child in public foster care.

(12) The adoptive parents are responsible to notify Child and Family Services of any circumstances that may affect ~~the~~a child's eligibility for adoption assistance or eligibility for adoption assistance in a different amount.

**R512-43-4. Reimbursement of Non-Recurring Adoption Expenses.**

(1) The regional adoption assistance committee may reimburse a parent who adopts a child meeting qualifying factors for adoption assistance listed in Section R512-43-3 for non-recurring adoption expenses on behalf of ~~the~~a child.

(2) The regional adoption assistance committee may reimburse a parent up to \$2,000 per child for allowable non-recurring expenses directly related to the legal adoption of a child with a special need. [-]Reimbursement shall be limited to costs approved by the regional adoption assistance committee.

(3) Expenses may include reasonable and necessary adoption fees, court costs, adoption-related attorney fees, pre-placement adoptive evaluation, health and psychological examinations of adoptive parents, post-placement adoptive evaluation before adoption, and transportation and reasonable costs of lodging and food for ~~the~~a child and adoptive parents during the placement or adoption process.

(4) Adoptive parents are responsible to provide necessary receipts for reimbursement.

(5) Only costs that are incurred by the adoptive family in accordance with state and federal law and that have not been reimbursed from other sources or funds may be included.

(6) Non-recurring adoption expenses are reimbursable through Title IV-E adoption assistance. ~~The~~A child does not have to be determined Title IV-E eligible for the parents to receive this reimbursement.

**R512-43-5. Monthly Subsidy.**

(1) A child qualifies for a monthly subsidy when the following requirements are met:

(a) ~~the~~a child meets the qualifying factors for adoption assistance listed in Section R512-43-3;

(b) ~~the~~a child meets the definition of child in public foster care, qualifies for SSI, or ~~the~~a child had a previous IV-E agreement or state adoption assistance agreement; and

(c) ~~the~~a child's eligibility for SSI is established no later than the time adoption proceedings are initiated.

(2) The amount of monthly subsidy to be paid for a child is based on ~~the~~a child's present and long-term care and treatment needs and available resources, including the family's ability to meet the needs of ~~the~~a child. [-]A combination of the parents' resources and subsidy should cover the ordinary and special needs expenses of ~~the~~a child projected over an extended period.

(3) The amount of the monthly subsidy may not exceed the payment that would be made if ~~the~~a child was placed in a foster family home at the point in time when the agreement is being initiated or revised.

(4) The amount of monthly subsidy may increase or decrease when ~~the~~a child's level of need or the family's ability to meet those needs changes. The family or~~the~~ Child and Family Services worker may initiate a request for a change in the amount of subsidy up to two times per fiscal year, when needs or resources change.

(5) If the adoptive family is receiving post adoption services and has an open Child and Family Services case, a change in the amount of subsidy may be initiated at any time during the open case to address service needs.

(6) For a child in public foster care, the requested amount of monthly subsidy is negotiated between the adoptive parent and the Child and Family Services worker. [-]Before subsidy negotiation, the adoptive parents must have reviewed ~~the~~a child's case file information and discussed in depth with the Child and Family Services worker what will be needed after ~~the~~a child leaves state's custody.

(7) The amount of the monthly subsidy is subject to the approval of the regional adoption assistance committee. [-]If the requested amount is not granted, the adoptive parent has a right to appeal as stated in Section R512-43-12.

(8) Utilizing the level of need criteria specified in Section R512-43-5, the Child and Family Services worker and adoptive family identify ~~the~~a child's level of need.

(9) The Child and Family Services worker and adoptive family shall identify the applicable monthly subsidy payment range, according to ~~the~~a child's specified level of need, as specified in Section R512-43-5.

(10) The Child and Family Services worker and adoptive family shall negotiate the amount of monthly subsidy to be requested from the regional adoption assistance committee. [-]The requested monthly subsidy amount may not exceed the maximum amount for the specific level of need identified for ~~the~~a child nor the maximum amount that ~~the~~a child would receive if placed in a foster family home[-].

(11) The identified need level for ~~the~~a child and requested amount of monthly subsidy shall be presented to the regional adoption assistance committee for approval. [-]If the requested amount is not approved or is reduced by the committee, Child and Family Services shall send a written notice to the adoptive parents within 30 days informing them of the process to request a fair hearing.

(12) The level of need is determined by considering ~~the~~a child's age, history, physical, mental, emotional, and social functioning and needs, and any other relevant factors. [-]Frequency of occurrence, duration, severity, and number of needs or problem areas are also considered.

(13) The presence of a particular issue listed within a designated level does not mandate that ~~the~~a child be categorized at that level as ~~the~~a child's needs, taken as a whole, determine the level selected for ~~the~~a child.

(14) The level of need is classified into three categories.

(a) Level one applies to a child with a minimal number and severity of needs. It is expected that most of these issues will improve with time, and significant improvement may be anticipated over the course of the adoption.

NOTICES OF PROPOSED RULES

(i) For children ages five and under issues may include feeding problems, aggressive or self destructive behavior, victimization from sexual abuse, victimization from physical abuse; or no more than one developmental delay in fine motor, gross motor, cognitive or social and emotional domains.

(ii) For children ages six through 18, issues may include social conflict, physical aggression, minor sexual reactivity, need for education resource classes or tutoring, minor medical problems requiring ongoing monitoring, or mental health issues requiring time limited counseling.

(b) Level two applies to a child with a moderate number and severity of needs.

(i) It is expected that a number of these issues are long-term in nature and may intensify or worsen if not managed carefully, and it is also expected that the adoptive family and child will be working with them over the course of the adoption~~[-and may intensify or worsen if not managed carefully].~~

(ii) Outside provider support will probably continue to be needed during the adoption.

(iii) For children ages five and under, issues may include developmental delays in two or more areas of fine motor, gross motor, cognitive or social and emotional domains; diagnosis of failure to thrive; moderate genetic disease or physical disability condition; or physical aggression expressed several times a week, including superficial injury to self or others.

(iv) For children ages six to 18, issues may include daily social conflict or serious withdrawn behavior; moderate risk of harm to self or others due to physically aggressive behavior; emotional or psychological issues with a mental health diagnosis requiring ongoing counseling sessions over an extended period; moderate sexual reactivity or perpetration; chronic patterns of being destructive to items or property; cruelty to animals; mild cognitive disability, autism, or fetal alcohol spectrum disorder with ongoing need for special education services; and physical disabilities requiring ongoing attendant care or other caretaker support.

(c) Level three applies to a child with a significant number or high severity of needs.

(i) It is expected that these issues will not moderate and may become more severe over time.

(ii) ~~The~~A child's level of need may require personal attendant care or specialized care outside of the home, when prescribed by a professional.

(iii) For children ages five and under issues may include severe life threatening medical issues; moderate or severe cognitive disability, autism, or fetal alcohol spectrum disorder; serious developmental delays in three or more areas of fine or gross motor, cognitive or social and emotional domains; anticipated need for ongoing support for activities of daily living, such as feeding, dressing and self care; or high levels of threat for harm to self or others due to aggressive behaviors.

(iv) For children ages six to 18 issues may include moderate or severe retardation or autism; life threatening medical issues; severe physical disabilities not expected to improve over time; predatory sexual perpetration; high risk of serious injury to self or others due to aggressive behavior; serious attempts or threats of suicide; severely inhibiting diagnosed mental health disorders diagnosed within the past year that limit normal social and emotional development, such as a need for ongoing self contained or special education services.

(15) The regional adoption assistance committee must approve the level of need identified for ~~the~~a child.

(16) A child's need level may be increased in severity by one level if the adoption assistance committee determines that ~~the~~a child's permanency may be compromised due to financial barriers to ~~the~~a child's adoption and if at least one of the following circumstances apply:

(a) ~~the~~a child has been in state custody for longer than 24 months;

(b) ~~the~~a child is nine years of age or older; or

(c) ~~the~~a child is part of a sibling group of three or more children being placed together for adoption.

(17) Each level of need corresponds to a dollar range in the amount of monthly subsidy that may be paid for a child, with the specific amount based upon the individual child's needs and the family's ability to meet those needs.

(18) The monthly subsidy amount for an individual child may not exceed the maximum amount for the payment range applicable to ~~the~~a child's level of need.

(19) A family may choose to defer receipt of a monthly subsidy that a child qualifies for, with the option to initiate a monthly subsidy at a later date.

(20) A family may choose to receive a lesser amount than would be allowable for ~~the~~a child's level of need at a given point in time.

(21) Monthly subsidy payments for a child's needs categorized as level one may range from 0% to 40% of the maximum maintenance payment that could be paid for a child in a foster family home~~[-in State Fiscal Year 2023].~~

~~(22) A family may choose to receive a lesser amount than would be allowable for the child's level of need at a given point in time.~~

~~(23) Monthly subsidy payments for a child's needs categorized as level two may range from 20% to 70% of the maximum maintenance payment that could be paid for a child in a foster family home[-in State Fiscal Year 2023].~~

~~(24) Monthly subsidy payments for a child's needs categorized as level three may range from 50% to 100% of the maximum maintenance payment that could be paid for a child in a foster family home[-in State Fiscal Year 2023].~~

~~(25) For extraordinary, infrequent, or uncommon documented needs that cannot be covered by a monthly subsidy or state medical assistance, refer to supplemental adoption assistance in Section R512-43-7.~~

~~(26) The two funding sources for the monthly subsidy are Title IV-E adoption assistance and state adoption assistance funds. [The]A child's eligibility determines which funding source is used for payment.~~

~~(27) Title IV-E adoption assistance shall be considered first for the monthly subsidy. [-]To receive Title IV-E adoption assistance, a child with special needs shall meet at least one of the following federal requirements:~~

~~(a) a child is determined eligible for SSI for a disability by the Social Security Administration before the initiation of adoption proceedings;~~

~~(b) a child in foster care who meets the age criteria defined by the federal fiscal year qualifies for Title IV-E adoption assistance if other enhanced eligibility criteria is met;~~

(c) a child in foster care who has been in foster care for any previous 60 consecutive months may qualify for Title IV-E [A]adoption [A]assistance if other enhanced eligibility criteria is met;

(d) a child in foster care who is a sibling of another child in foster care who qualifies under the enhanced age criteria and is being adopted into the same family may qualify for Title IV-E adoption assistance if other enhanced eligibility criteria is met;

(e) the removal home for [the]a child in public foster care received, or would have been eligible to receive, AFDC before removal, and [the]a child was removed from the home as a result of a judicial determination that remaining in the home would be contrary to [the]a child's welfare;

(f) [the]a child was voluntarily placed for foster care with the state, and was or would have been AFDC eligible [at the time of]during voluntary placement if application had been made, [the]a child lived with a specified relative within the six months before the voluntary placement, and Title IV-E foster care maintenance payments were made on behalf of [the]a child;

(g) [the]a child's needs were met through foster care maintenance payments made to and for [the]a child's minor parents as provided by Subsection 475(4)(B)[of the], Social Security Act; or

(h) [the]a child had a previous IV-E adoption assistance agreement.

(2[8]7) The adoptive family may use state adoption assistance funds for the monthly subsidy if [the]a qualified child is not eligible for Title IV-E adoption assistance.

(2[9]8) The monthly subsidy may be used according to the parents' discretion. Examples of the uses of the monthly subsidy payment are:

(a) medical, dental, or mental health services not paid for by the state medical assistance or family insurance;

(b) special equipment for physically or mentally challenged children;

(c) respite care;

(d) child care;

(e) therapeutic equipment;

(f) minor renovation of the home to meet special needs of [the]a child;

(g) damage and repairs;

(h) speech therapy;

(i) tutoring;

(j) specialized preschool based on needs of [the]a child;

(k) private school;

(l) exceptional basic needs such as special food, clothing, and shelter;

(m) visitations with biological relatives; and

(n) cultural and heritage activities and information.

([30]29) The adoption assistance agreement will specify [the]a child's eligibility for Title XIX and Title XX services, if available.

#### **R512-43-6. State Medical Assistance.**

(1) A child qualifies for state medical assistance as a component of adoption assistance when the following requirements are met:

(a) [the]a child meets the qualifying factors for adoption assistance listed in Section R512-43-3;

(b) [the]a child meets the definition of child in public foster care, qualifies for SSI disability benefits, or [the]a child had a previous IV-E adoption assistance agreement or Utah state adoption assistance agreement;

(c) [the]a child's eligibility for SSI benefits is established no later than the time adoption proceedings are initiated; and

(d) [the]a child meets state medical assistance citizenship requirements.

(2) A qualified child may receive state medical assistance through an adoption assistance agreement without also receiving a monthly subsidy payment.

~~(3) The adoptive family must meet Medicaid requirements.~~

#### **R512-43-7. Supplemental Adoption Assistance.**

(1) A child who meets each qualifying criterion for a monthly subsidy and for whom an adoption assistance agreement for a monthly subsidy or state medical assistance is in effect may qualify for supplemental adoption assistance.

(2) The adoptive family may only use supplemental adoption assistance for extraordinary, infrequent, or uncommon documented needs not otherwise covered by a monthly subsidy, state medical assistance, or other public benefits that a child who has a special need is eligible for.

(3) Supplemental adoption assistance is not an entitlement[-] and will be granted only when justified by unique needs of [the]a child and when other resources that a child is eligible for have been exhausted.

(4) The post adoption worker shall bring supplemental adoption assistance requests to the state supplemental committee established under Section 80-2-807.

(5) The same entity that received the initial request will review a request for an amendment or extension of an existing supplemental adoption assistance agreement.

(6) Supplemental adoption assistance is subject to the availability of state funds appropriated for adoption assistance.

#### **R512-43-8. Regional Adoption Assistance Committee.**

(1) Each region shall establish at least one regional adoption assistance committee.

(2) The regional adoption assistance committee shall be comprised of at least five members, and a minimum of three members must be present for making decisions regarding adoption assistance. [-]The committee shall make decisions by consensus.

## NOTICES OF PROPOSED RULES

- (3) Members of the committee shall include the following:
  - (a) ~~a chairperson~~ chair;
  - (b) a clinical consultant or casework supervisor;
  - (c) a regional budget officer or fiscal representative;
  - (d) an allied agency representative from agencies such as a community mental health center, private adoption agency, or other agencies within the department;
  - (e) a regional administrator or other staff with relevant responsibilities; ~~and~~
  - (f) an adoptive parent; and
  - (g) a foster parent.
- (4) Responsibilities of the regional adoption assistance committee include:
  - (a) verification that a child qualifies for adoption assistance;
  - (b) approval for reimbursement of allowable, reasonable non-recurring costs;
  - (c) approval of level of need and amount of monthly subsidy for initial requests, changes, amendments, and renewals;
  - (d) extension of adoption assistance up to age 21 for a qualifying child;
  - (e) renewal of adoption assistance; and
  - (f) documentation of committee decisions.

### **R512-43-9. Adoption Assistance Review.**

The adoption assistance agreement for a monthly subsidy or state medical assistance shall continue until the month of the adopted child's 18th birthday.

### **R512-43-10. Adoption Monthly Subsidy Suspension.**

(1) The regional adoption assistance committee may temporarily suspend monthly subsidy payments in situations in which a payment is sent to a parent's home address and cannot be delivered or a direct deposit payment notice is returned to the office of Child and Family Services as unable to deliver.

(2) The regional adoption assistance committee may suspend subsidy payments until the parent contacts Child and Family Services to establish an address for the parent.

(3) The regional adoption assistance committee will ~~terminate~~ end the monthly subsidies after one year of suspended monthly subsidies.

(4) If the parent contacts Child and Family Services after ~~termination of the~~ ending the monthly subsidy, Child and Family Services will repay up to one year of monthly subsidy payments at the amount determined in the adoption assistance agreement.

(5) The regional adoption assistance committee may suspend monthly subsidy payments for a child that is in out-of-home care and receiving supplemental adoption assistance to help with the cost of that out-of-home care. This will not affect state medical assistance, Medicaid.

(a) A parent must request and be approved for supplemental adoption assistance in order for Child and Family Services to pay for a child to receive out-of-home care.

(b) The suspension will begin the month following the approval of supplemental adoption assistance for out-of-home care.

(c) The term of the suspension will be the period that supplemental adoption assistance is approved for out-of-home care.

(d) The monthly subsidy payment will resume the month after the completion of the out-of-home care and a child returns to the adoptive home.

(6) Child and Family Services will send a notice of suspension to the adoptive parent. The notice will:

(a) state the reason for the suspension;

(b) specify the timeframe for the suspension; and

(c) provide information to the adoptive parents that they have a right to a fair hearing as provided in Section R512-43-12 if they disagree with the suspension.

### **R512-43-11. ~~Termination~~Ending of Adoption Assistance.**

(1) The regional adoption assistance committee shall ~~terminate~~ end an adoption assistance agreement for a monthly subsidy or state medical assistance if any of the following occur:

(a) the terms of the adoption assistance agreement are concluded;

(b) the adoptive parents request ~~termination~~ ending the monthly subsidy;

(c) the month following ~~the~~ a child's 18th birthday, unless approval has been given by the adoption assistance committee to continue until the month following ~~the~~ a child's 21st birthday due to mental or physical disability;

(d) ~~the~~ a child dies;

(e) the adoptive parents die;

(f) the adoptive parents' legal responsibility for ~~the~~ a child ceases;

(g) the state determines that ~~the~~ a child is no longer receiving financial support from the adoptive parents;

(h) ~~the~~ a child enters the military; or

(i) ~~the~~ a child marries.

(2) ~~Termination of~~ Ending state medical assistance is subject to the policies of the Department of Health and Human Services.

(3) Supplemental adoption assistance shall ~~terminate~~ end when:

(a) an adoption assistance agreement for a monthly subsidy or state medical assistance is ~~terminated~~ ended;

(b) the terms of the agreement are concluded;

- (c) the authorizing committee determines that the services funded with supplemental funds are no longer effective or appropriate based upon an independent review by a qualified provider; or
  - (d) if lack of availability of state funding prevents continuation.
- (4) The regional adoption assistance committee shall provide written notice as described in Section R512-43-5 to the adoptive family at least 30 days before funding is discontinued due to lack of availability of state funding appropriated for adoption assistance or due to determination that services are no longer effective or appropriate.

**R512-43-12. Fair Hearings.**

- (1) The adoptive family may submit a written request for a fair hearing to the Department of Health and Human Services, Finance and Administration within ten working days after receiving a Child and Family Services decision if:
- (a) the adoption assistance application is denied;
  - (b) the adoption assistance application is not acted upon with reasonable promptness;
  - (c) the adoption assistance or supplemental adoption assistance is reduced, suspended, ~~terminated~~ended, or changed without the concurrence of the adoptive parents;
  - (d) the amount of adoption assistance or supplemental adoption assistance approved was less than the amount requested by adoptive parents; or
  - (e) the adoption assistance was not requested before finalization of the adoption and one of the criteria in Section R512-43-5 applies.
- (2) The fair hearing officer may approve appropriate state or federal adoption assistance for post finalization requests if one of the following is met:
- (a) relevant facts regarding ~~the~~a child, the biological family, or a child's background were known but not presented to adoptive parents before finalization;
  - (b) a denial of assistance was based upon a means test of the adoptive family;
  - (c) an erroneous state determination was utilized to find a child ineligible for assistance; or
  - (d) the state or adoption agency failed to advise adoptive parents of the availability of assistance.
- (3) The adoptive parents bear the burden of documenting that ~~the~~a child meets the definition of a child with a special need and that one of the criteria in Section R512-43-5 applies. [-]The state may provide corroborating facts to the family or the fair hearing officer.

**R512-43-13. Interstate Adoption Assistance.**

- (1) Child and Family Services is responsible ~~to determine~~for determining if a child in Utah public foster care qualifies for adoption assistance when ~~the~~a child is placed in an adoptive home in another state. [-]If ~~the~~a child qualifies, Child and Family Services provides adoption assistance regardless of the state of residence of the adoptive family and child.
- (2) If a child with a previous IV-E adoption assistance agreement enters public foster care because the adoption was dissolved or ended due to the result of the death of the parents, the state in which ~~the~~a child is taken into custody in public foster care is responsible to provide adoption assistance in a subsequent adoption.
- (3) If a child with a previous IV-E adoption assistance agreement does not enter public foster care when the adoption dissolved or ended due to the death of both parents, the new adoptive parent is responsible to apply for adoption assistance in the new adoptive parent's state of residence.
- (4) A parent desiring to adopt an out-of-state child who is not in public foster care but is receiving SSI disability benefits shall apply for adoption assistance in the parent's state of residence.
- (5) An adoption assistance agreement remains in effect regardless of the state of residence of the adoptive parents as long as ~~the~~a child continues to qualify for adoption assistance.
- (6) If a needed service specified in the agreement is not funded by the new state of residence, the state making the original adoption assistance payment remains financially responsible for paying for the specific service.

**KEY: adoption, child welfare, foster care**

**Date of Last Change: ~~January 11, 2024~~2025**

**Notice of Continuation: August 12, 2020**

**Authorizing, and Implemented or Interpreted Law: 80-2-301; 80-2-302; 80-2-801; 80-2-806; 80-2-807**

| <b>NOTICE OF SUBSTANTIVE CHANGE</b> |  |                         |
|-------------------------------------|--|-------------------------|
| <b>TYPE OF FILING:</b> New          |  |                         |
| <b>Rule or Section Number:</b>      | <b>R512-206</b>                                      | <b>Filing ID: 57104</b> |
| <b>Agency Information</b>           |  |                         |
| <b>1. Title catchline:</b>          | Health and Human Services, Child and Family Services |                         |
| <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>   | 195 N 1950 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>     |
| Corey Blythe  | 801-891-9068             | coblythe@utah.gov |
| Cosette Mills   | 385-242-5482             | cwmills@utah.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>   |
| R512-206. Child Protective Services, Failure to Report   |
| <b>3. Purpose of the new rule or reason for the change:</b>  |
| The purpose of this new rule is to comply with the explicit requirement for the Division of Child and Family Services (DCFS) to specify information that the DCFS shall include while filing a failure to report complaint, as required under Section 80-2-609, modified through S.B. 134 during the 2024 General Session. |
| <b>4. Summary of the new rule or change:</b>   |
| This rule specifies the requirements for filing a complaint for a person who failed to report child abuse neglect to the appropriate law enforcement agency, the Utah State Board of Education (USBE), or Division of Professional Licensing (DOPL).   |

**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 are no additional costs or savings to the state budget as a result of this rule. The existing state budget covers costs associated with this requirement and DCFS has already implemented the provisions of this rule change as policy.  |
| <b>B) Local governments:</b>   |
| There are no anticipated costs or savings for local governments, as this rule does not apply to them.  |
| <b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):   |
| There are no anticipated costs or savings for small businesses, as this rule does not apply to them.   |
| <b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):   |
| There are no anticipated costs or savings for non-small businesses, as this rule does not apply to them.   |
| <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> ):   |
| There are no estimable costs or savings to persons other than small businesses, non-small businesses, state, or local government entities. DCFS is unable to quantify what the impact may be on persons that receive the reports or persons for whom DCFS is required to file a complaint, as DCFS is not the entity that determines what action will be taken in response to the complaint. In FY 24, eight complaints were sent to DOPL, law enforcement, and USBE combined. |
| <b>F) Compliance costs for affected persons</b> (How much will it cost an impacted entity to adhere to this rule or its changes?):   |
| DCFS is unable to quantify what a compliance cost may be on a person who receives a report or a person for whom DCFS is required to file a complaint, as DCFS is not the entity that determines what action will be taken in response to a complaint.  |



**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 Executive Director of the Department of Health and Human Services, Tracy S. Gruber, 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 80-2-609 |  |  |
|------------------|--|--|

**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> | 06/02/2025 |
|--|------------|

|   |            |
|---|------------|
| <b>9. This rule change MAY become effective on:</b> | 06/09/2025 |
|---|------------|

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> | Tracy S. Gruber, Executive Director | <b>Date:</b> | 04/14/2025 |
|---|-------------------------------------|--------------|------------|

**R512. Health and Human Services, Child and Family Services.**

**R512-206. Child Protective Services, Failure to Report.**

**R512-201-1. Authority and Purpose.**

- (1) Section 80-2-609 authorizes this rule.
- (2) This rule specifies the information the Division of Child and Family Services (division) shall include when filing a complaint when there are substantial grounds to believe that a health care provider, mental health therapist, law enforcement officer, or educator knowingly failed to report suspected child abuse or neglect to the division under Sections 80-2-602 and 80-2-603.

**R512-201-2. Definitions.**

- (1) "Educator" means the same as defined in Section 53E-6-102.
- (2) "Health care provider" means the same as defined in Subsection 80-2-603(1)(a)(i).
- (3) "Law enforcement officer" means the same as defined in Section 53-13-103.

NOTICES OF PROPOSED RULES

(4) "Mental health therapist" means the same as defined in Section 58-60-102.

**R512-201-3. Filing a Complaint for Failure to Report.**

(1) When the division has substantial grounds to believe that a person knowingly failed to report suspected child abuse or neglect, the division shall file a complaint with the:

- (a) appropriate law enforcement agency, if the person is a law enforcement officer;
- (b) Division of Professional Licensing, if the person is a health care provider or mental health therapist; or
- (c) State Board of Education, if the person is an educator.

(2) The division shall provide information deemed necessary for action on the complaint, including:

- (a) a brief explanation of the circumstances leading to the conclusion of failure to report;
  - (b) a request to the agency to notify the person identified about the obligation to report child abuse or neglect or to participate in training;
  - (c) any identifying information, such as a case number, an incident number, or the child's initials;
  - (d) the agency official to whom the complaint is addressed;
  - (e) the date of complaint;
  - (f) the date of the alleged incident;
  - (g) the name and role or title of the person who failed to report;
  - (h) the organization of the person who failed to report, such as a health care organization, law enforcement agency, or school and district; and
  - (i) the organization and mailing address of the agency official.
- (3) The report shall include a statement that the information is confidential.

**KEY: social services, child welfare, child abuse**

**Date of Last Change: 2025**

**Authorizing, and Implemented or Interpreted Law: 80-2-609**

**NOTICE OF SUBSTANTIVE CHANGE**

**TYPE OF FILING:** Amendment

**Rule or Section Number:**

**R614-1-4**

**Filing ID: 57087**

**Agency Information**

|   |  |                    |
|---|--|--------------------|
| <b>1. Title catchline:</b>  | Labor Commission, Occupational Safety and Health |                    |
| <b>Building:</b>  | Heber M. Wells Building                          |                    |
| <b>Street address:</b>  | 160 E 300 S                                      |                    |
| <b>City, state:</b>   | Salt Lake City UT 84111                          |                    |
| <b>Mailing address:</b>   | PO Box 146600                                    |                    |
| <b>City, state and zip:</b>   | Salt Lake City UT 84114-6600                     |                    |
| <b>Contact persons:</b>   |  |                    |
| <b>Name:</b>  | <b>Phone:</b>                                    | <b>Email:</b>      |
| Holly Lawrence  | 801-530-6494                                     | hlawrence@utah.gov |
| Floyd Johnson   | 801-530-6898                                     | fjohnsion@utah.gov |
| Chris Hill  | 801-530-6113                                     | chill@utah.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>  |
| R614-1-4. Incorporation of Federal Standards  |
| <b>3. Purpose of the new rule or reason for the change:</b>   |
| The purposes of these amendments to Utah's Occupational Safety and Health (UOSH) rule is to update this rule to ensure UOSH is enforcing the most current 29 CFR 1926.95 – Criteria for personal protective equipment standards. Revisions to the standards would explicitly require employers to ensure personal protective equipment (PPE) fit properly for employees in the construction industry. |

**4. Summary of the new rule or change:**

The proposed amendment:

1. Federal Register Vol. 89, No. 239, Thursday, December 12, 2024, Rules and Regulations, pages 100321 to and including 100346, "Personal Protective Equipment in Construction; Final Rule" is incorporated by reference.

a. Amends the construction standard at 29 CFR 1926.95 – Criteria for Personal Protective Equipment, paragraph (c), to clarify that PPE must properly fit each employee.

**Fiscal Information****5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:****A) State budget:**

UOSH's enforcement of the proposed amendment will not result in additional costs or savings to the state budget. Changes to the standard clarify an existing requirement that PPE must properly fit each employee.

**B) Local governments:**

Local governments have no administration or enforcement obligations under the proposed amendment.

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

Changes to this rule will involve minimal costs to comply with the rule since it simply clarifies an existing requirement that PPE must fit properly. It is estimated that approximately 3,400 employees in the construction industry, in Utah, require non-standard sizes for PPE due to the size of the individual. Of these 3,400 employees, it is estimated that approximately 10%, or 340 employees, are provided with PPE that does not fit them properly.

There are approximately 2,485 small business entities in Utah that will be affected by the revisions to the PPE in construction standard; however, changes to the standard are not considered an economically significant regulatory action. Affected businesses will need to take time to familiarize themselves with the PPE in construction rule and conduct PPE research to determine if PPE properly fits employees. An estimated 10% of employees who use non-standard size PPE will need to be provided with replacement PPE. PPE that may need to be replaced includes body harnesses, chemical protective clothing, chemical protective footwear, chemical splash goggles, earmuffs, earplugs, face shields, gloves for abrasion protection, gloves for chemical protection, non-prescription safety glasses, safety goggles, safety vests, and splash aprons.

The three main types of costs that could be imposed on each affected establishment include rule familiarization (estimated at a one-time cost of \$82.84), PPE research (estimated at one-time and annual costs of \$25.92 and \$8.68, respectively), and PPE replacement (estimated at a one-time cost of \$51.33). In addition, the annual marginal costs associated with continuing to supply employees with non-standard size PPE after initial replacement, assuming varying percentages of employees needing this PPE and varying numbers of PPE items per employee, is estimated at \$14.68 per employee.

The amendment to the PPE in construction standard will result in an estimated one-time and annual cost of \$52,189.45 and \$7,615.41, respectively, for all affected small businesses, or \$160.09 and \$23.36, respectively, for each affected small business.

It is expected that clarification of the PPE in construction rule will improve compliance and thereby produce benefits to workers who were previously not receiving properly fitting PPE. However, due to lack of information about how many injuries, illnesses, and fatalities are caused by improperly fitting PPE, UOSH is unable to estimate the number of injuries, illnesses, and fatalities that may be averted by this final rule, or any cost savings that may result from adoption and implementation of this rule.

A full breakdown of costs for affected industries is available upon request from UOSH.

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

Changes to this rule will involve minimal costs to comply with the rule since it simply clarifies an existing requirement that PPE must fit properly. It is estimated that approximately 3400 employees in the construction industry, in Utah, require non-standard sizes for PPE due to the size of the individual. Of these 3400 employees, it is estimated that approximately 10%, or 340 employees, are provided with PPE that does not fit them properly.

There are approximately 108 non-small business entities in Utah that will be affected by the revisions to the PPE in construction standard; however, changes to the standard are not considered an economically significant regulatory action. Affected

businesses will need to take time to familiarize themselves with the PPE in construction rule and conduct PPE research to determine if PPE properly fits employees. An estimated 10% of employees who use non-standard size PPE will need to be provided with replacement PPE. PPE that may need to be replaced includes body harnesses, chemical protective clothing, chemical protective footwear, chemical splash goggles, earmuffs, earplugs, face shields, gloves for abrasion protection, gloves for chemical protection, non-prescription safety glasses, safety goggles, safety vests, and splash aprons.

The three main types of costs that could be imposed on each affected establishment include rule familiarization (estimated at a one-time cost of \$82.84), PPE research (estimated at one-time and annual costs of \$25.92 and \$8.68, respectively), and PPE replacement (estimated at a one-time cost of \$51.33). In addition, the annual marginal costs associated with continuing to supply employees with non-standard size PPE after initial replacement, assuming varying percentages of employees needing this PPE and varying numbers of PPE items per employee, is estimated at \$14.68 per employee.

The amendment to the PPE in construction standard will result in an estimated one-time and annual cost of \$2,230.53 and \$327.04, respectively, for all affected non-small businesses, or \$159.32 and \$23.36, respectively, for each affected non-small business.

It is expected that clarification of the PPE in construction rule will improve compliance and thereby produce benefits to workers who were previously not receiving properly fitting PPE. However, due to lack of information about how many injuries, illnesses, and fatalities are caused by improperly fitting PPE, UOSH is unable to estimate the number of injuries, illnesses, and fatalities that may be averted by this final rule, or any cost savings that may result from adoption and implementation of this rule.

A full breakdown of costs for affected industries is available upon request from UOSH.

**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**):

Changes to this rule will not result in additional costs or savings for persons other than small businesses, non-small businesses, state, or local government entities. Changes clarify an existing requirement that PPE properly fit each employee.

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

Changes to this rule will not result in additional compliance costs or savings for affected persons. Changes clarify an existing requirement that PPE properly fit each employee.

**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               | \$52,189.45          | \$7,615.41          | \$7,615.41          |
| Non-Small Businesses           | \$2,230.53           | \$327.04            | \$327.04            |
| Other Persons                  | \$0                  | \$0                 | \$0                 |
| <b>Total Fiscal Cost</b>       | <b>\$54,419.98</b>   | <b>\$7,942.45</b>   | <b>\$7,942.45</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>(\$54,419.98)</b> | <b>(\$7,942.45)</b> | <b>(\$7,942.45)</b> |

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

The Commissioner of the Utah Labor Commission, Jaceson R. Maughan, has reviewed and approved this regulatory impact analysis.

This rule will not have a significant fiscal impact on businesses. To remain at least as effective as Federal OSHA and be able to retain Utah's State-Plan status, and to keep the employees of the state safe, these changes to this rule, specifically the incorporation of Federal Register Vol. 89, No. 238, Thursday, December 12, 2024, Rules and Regulations, pages 100321 to and including 100346, "Personal Protective Equipment in Construction; Final Rule," must be adopted.

**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:**

|                      |  |  |
|----------------------|--|--|
| Title 34A, Chapter 6 |  |  |
|----------------------|--|--|

**Incorporations by Reference Information**

**7. Incorporations by Reference:**

**A) This rule adds or updates the following title of materials incorporated by references:**

|   |                                   |
|---|-----------------------------------|
| <b>Official Title of Materials Incorporated (from title page)</b> | Federal Register Vol. 89, No. 238 |
| <b>Publisher</b>  | US Government                     |
| <b>Issue Date</b>   | December 12, 2024                 |

**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> | 06/02/2025 |
|--|------------|

|   |            |
|---|------------|
| <b>9. This rule change MAY become effective on:</b> | 06/09/2025 |
|---|------------|

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> | Jaceson R. Maughan, Commissioner | <b>Date:</b> | 04/02/2025 |
|---|----------------------------------|--------------|------------|

**R614. Labor Commission, Occupational Safety and Health.****R614-1. General Provisions.****R614-1-4. Incorporation of Federal Standards.**

A. The following federal occupational safety and health standards are incorporated:

1. 29 CFR 1904, of the July 1, 2024, edition, is incorporated by reference, except 29 CFR 1904.36 and the workplace fatality, injury and illness reporting requirements found in 29 CFR 1904.1, 1904.2, 1904.7 and 1904.39. Workplace fatalities, injuries and illnesses shall be reported pursuant to the more specific Utah standards in Subsection 34A-6-301(3)(b)(ii) of the Utah OSH Act and Subsection R614-1-5(B)(1).

2. 29 CFR 1908, of the July 1, 2024, edition, is incorporated by reference.

3. 29 CFR 1910.6 and 1910.21 through the end of part 1910, of the July 1, 2024, edition, are incorporated by reference.

4. 29 CFR 1926.6 and 1926.20 through the end of part 1926, of the July 1, 2024, edition are incorporated by reference.

5. Federal Register Vol. 89, No. 98, Monday, May 20, 2024, Rules and Regulations, pages 44144 to and including 44461, "Hazard Communication Standard; Final Rule" is incorporated by reference.

6. Federal Register Vol. 89, No. 196, Wednesday, October 9, 2024, Rules and Regulations, pages 81829 to and including 81836, "Hazard Communication standard: Final Rule -- correction and technical amendment," is incorporated by reference.

7. Federal Register Vol. 89, No. 238, Thursday, December 12, 2024, Rules and Regulations, pages 100321 to and including 100346, "Personal Protective Equipment in Construction; Final Rule" is incorporated by reference.

**KEY: safety**

**Date of Last Change: [April 8,] 2025**

Notice of Continuation: June 24, 2022  
 Authorizing, and Implemented or Interpreted Law: 34A-6

**NOTICE OF SUBSTANTIVE CHANGE**

|                                  |                 |                         |
|----------------------------------|-----------------|-------------------------|
| <b>TYPE OF FILING:</b> Amendment |                 |                         |
| <b>Rule or Section Number:</b>   | <b>R714-510</b> | <b>Filing ID: 57093</b> |

**Agency Information**

|   |                               |                |
|---|-------------------------------|----------------|
| <b>1. Title catchline:</b>  | Public Safety, Highway Patrol |                |
| <b>Building:</b>  | Calvin Rampton Complex        |                |
| <b>Street address:</b>  | 4501 S 2700 W                 |                |
| <b>City, state:</b>   | Salt Lake City, UT 84119-5994 |                |
| <b>Mailing address:</b>   | PO Box 141100                 |                |
| <b>City, state and zip:</b>   | Salt Lake City, UT 84114-1100 |                |
| <b>Contact persons:</b>   |                               |                |
| <b>Name:</b>  | <b>Phone:</b>                 | <b>Email:</b>  |
| Kim Gibb  | 801-556-8198                  | kgibb@utah.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>   |
| R714-510. 24-7 Sobriety Program  |
| <b>3. Purpose of the new rule or reason for the change:</b>  |
| The purpose of this rule change is to allow the \$30 user fee for enrollment in the 24-7 sobriety program to remain with the testing program site to cover administrative costs, and to specify that the fee determined by the law enforcement agency to cover the cost for each urine or oral fluid drug test administered may not exceed \$20. |
| <b>4. Summary of the new rule or change:</b>   |
| This rule change specifies that the \$30 user fee for enrollment in the 24-7 sobriety program will remain with the testing program site and specifies that the fee determined by the law enforcement agency to cover the cost for each urine or oral fluid drug test administered shall be no more than \$20.                                    |

**Fiscal Information**

|  |
|--|
| <b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>   |
| <b>A) State budget:</b>  |
| The state will no longer collect the \$30 user fee for enrollment in the 24-7 sobriety program from local law enforcement agencies with testing program sites, this fee will remain with the local law enforcement agencies that participate in a 24-7 sobriety program to cover administrative costs associated with the program. |
| These fees have been used by the state to purchase equipment and pay for licensing fees to support the implementation of the program. Now that the program is thriving, these fees will remain with the agencies maintaining testing program sites to cover their administrative costs associated with the program.                |
| User fees for enrollment paid by program participants averages \$2,800 per month, for a total of approximately \$33,600 per year that would remain with the various local law enforcement agencies maintaining testing program sites.  |
| The state does not currently collect a portion of the urine or oral fluid drug testing fees, the change to this portion of this rule will not affect the state budget.   |

**B) Local governments:**

Local law enforcement agencies that participate in a 24-7 sobriety program will be authorized to keep the \$30 user fee for enrollment in the 24-7 sobriety program they collect for each participant enrolled through their testing program site to cover administrative costs associated with program.

In addition, they will be authorized by rule to charge a program participant up to \$20 per test to cover the cost for each urine or oral fluid drug test administered.

The local law enforcement agencies are currently limited to collecting \$6 per test through a memorandum of understanding (MOU) with the Department of Public Safety (Department), which is not currently enough to cover the costs of the tests.

By increasing the fee to a maximum of \$20 per test and incorporating the fee limit in rule, they will now be able to cover the actual costs associated with these testing apparatuses, while ensuring some consistency in the amount being charged for testing.

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

The proposed rule is not anticipated to have an impact on small businesses. There are five small businesses that sell either urine or oral swab test kits ranging in cost from \$6.23 per test to \$14.99 per test.

Although law enforcement agencies are currently limited to charging \$6 per test through an MOU with the Department, these agencies are still purchasing and utilizing these testing apparatuses in connection with the 24-7 sobriety program.

The rule change will now allow the law enforcement agencies to charge a fee of up to \$20 per test to cover the costs of administering the tests, but should not result in an increase or decrease in the number of tests currently being purchased from small businesses.

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

The proposed rule is not anticipated to have an impact on non-small businesses. There are two non-small businesses that sell urine test kits ranging in cost from \$7 per test to \$12 per test.

Although law enforcement agencies are currently limited to charging \$6 per test through an MOU with the Department, these agencies are still purchasing and utilizing these testing apparatuses in connection with the 24-7 sobriety program.

The rule change will now allow the law enforcement agencies to charge a fee of up to \$20 per test to cover the costs of administering the tests, but should not result in an increase or decrease in the number of tests currently being purchased from 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*):

The proposed rule is not expected to have any fiscal impact on persons other than small businesses, state, or local government entities because the amendment only allows for local law enforcement agencies that participate in a 24-7 sobriety program to keep the \$30 user fee collected from each participant for enrollment in the 24-7 sobriety program, and to collect up to \$20 per test for each urine or oral fluid drug test administered to cover the costs associated with testing.

**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 could result in an affected person paying up to \$20 for each urine or oral fluid drug test administered in connection with participation in a 24-7 sobriety program. The current rate is up to \$6 based on an MOU with each testing program site, which doesn't currently cover the costs associated with this type of testing.

Program participants who are participating as a result of a drug related offense are typically tested 3 to 4 times per week. These fees are comparable to the fees paid by a program participant for transdermal alcohol monitoring.

**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  | \$2,800        | \$33,600        | \$33,600        |
| 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>\$2,800</b> | <b>\$33,600</b> | <b>\$33,600</b> |
| Fiscal Benefits   | FY2025         | FY2026          | FY2027          |
| State Government  | \$0            | \$0             | \$0             |
| Local Governments   | \$2,800        | \$33,600        | \$33,600        |
| Small Businesses  | \$0            | \$0             | \$0             |
| Non-Small Businesses  | \$0            | \$0             | \$0             |
| Other Persons   | \$0            | \$0             | \$0             |
| <b>Total Fiscal Benefits</b>  | <b>\$2,800</b> | <b>\$33,600</b> | <b>\$33,600</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 Commissioner of the Department of Public Safety, Jess L. Anderson, 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> |  |  |
| Section 41-6a-515.5   |  |  |

**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>  | 06/02/2025 |

|   |            |
|---|------------|
| <b>9. This rule change MAY become effective on:</b>   | 06/09/2025 |
| 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> | Michael Rapich, Colonel Utah Highway Patrol | <b>Date:</b> | 04/07/2025 |
|---|---|--------------|------------|

**R714. Public Safety, Highway Patrol.**

**R714-510. 24-7 Sobriety Program.**

**R714-510-1. Authority.**

This rule is authorized by Subsection 41-6a-515.5(7).

**R714-510-2. Purpose.**

The purpose of this rule is to establish criteria and procedures for a law enforcement agency to participate in a 24-7 sobriety program.

**R714-510-3. Definitions.**

Definitions used in the rule are found in Sections 41-6a-102 and 41-6a-515.5.

**R714-510-4. Manner of Testing.**

(1) An individual participating in a 24-7 program for in person alcohol testing shall:

(a) appear at the designated law enforcement agency or testing site twice a day, both between the hours of 6-8 am and 6-8 pm;



- (b) submit to a portable breath test, and if the portable breath test result indicates alcohol consumption, submit to an Intoxilyzer test for a confirmation result; and
- (c) pay the required testing fee for each test administered.
- (2) An individual participating in a 24-7 program for drug testing shall:
  - (a) appear at the designated law enforcement agency or testing site on a random basis as requested;
  - (b) submit to required drug testing; and
  - (c) pay the required testing fee for each test administered.

**R714-510-5. Apparatus to be Used for Testing.**

- (1) The following apparatus are acceptable for use in a 24-7 sobriety program;
  - (a) portable breath test;
  - (b) Intoxilyzer test;
  - (c) urine test;
  - (d) oral fluid test;
  - (e) blood test; and
  - (f) transdermal alcohol monitoring.
- (2) Remote breath test monitoring may be used for an individual participating in a 24-7 sobriety program if the individual:
  - (a) would have otherwise been approved for use of transdermal alcohol monitoring; and
  - (b) provides documentation from a physician confirming that the individual has a medical condition that would prohibit the use of transdermal alcohol monitoring.

**R714-510-6. Participation and Testing Fees.**

A law enforcement agency that participates in a 24-7 sobriety program may require payment of a testing fee by a person participating in the program as follows:

- (1) \$30 user fee for enrollment in the 24-7 sobriety program, which will remain with the testing program site;
- (2) \$2 for each portable breath test or Intoxilyzer test administered, \$1 of which will remain with testing program site;
- (3) a fee as determined by the law enforcement agency to cover the cost for each urine or oral fluid drug test administered, not to exceed \$20, which will remain with the testing program site; and
- (4) \$10 per day for the use of transdermal alcohol monitoring, \$2 of which will remain with testing program site;
- (5) \$10 per day for the use of remote breath test monitoring, \$2 of which will remain with testing program site; and
- (6) a reduced fee of \$1 for each portable breath test or Intoxilyzer test administered to an individual described in Subsection R714-510-7(2), which will remain with the testing program site.

**R714-510-7. Partial Testing Fee Waiver for Indigent Individuals.**

- (1) If a court finds an individual who has been ordered to participate in a 24-7 sobriety program indigent, the court shall:
  - (a) notify the 24-7 sobriety testing program site administrator of the finding;
  - (b) review the finding after a period of 6 months to determine whether the individual is still indigent; and
  - (c) notify the 24-7 sobriety testing program site administrator of the subsequent finding related to indigency.
- (2) An individual who is found to be indigent by the court may only participate in a 24-7 sobriety program through the use of in person portable breath testing or Intoxilyzer testing as described in Subsection R714-510-4(1).
  - (a) The fee for testing shall be reduced as described in Subsection R714-510-6(6) for an indigent individual.
- (4) If the court determines the individual is no longer indigent, the individual will no longer be eligible for a reduced fee under Subsection R714-510-6(6).
- (5) An individual will no longer be eligible for a reduced fee under Subsection R714-510-6(6) if:
  - (a) the court determines the individual is no longer indigent; or
  - (b) the court fails to notify the 24-7 sobriety testing program site administrator of a subsequent finding related to indigency.

**R714-510-8. Data Management Technology Plan.**

A law enforcement agency that participates in a 24-7 sobriety program must use a data management technology plan approved by the department to manage the following:

- (1) testing;
- (2) data access;
- (3) fees;
- (4) fee payments; and
- (5) any required reports.

**R714-510-8. Sanction Schedule for Program Noncompliance.**

- (1) A person who tests positive for alcohol or drugs under a 24-7 sobriety program may be subject to the following:
  - (a) jail commitment of 8 hours for the first occurrence;
  - (b) jail commitment of 16 hours for the second occurrence;
  - (c) jail commitment of 24 hour for the third occurrence;
  - (d) appear before judge, may be removed from program for the fourth occurrence.

NOTICES OF PROPOSED RULES

- (2) A person who fails to appear for a required test may be subject to the following:
  - (a) jail commitment of 12 hours for the first occurrence;
  - (b) jail commitment of 24 hours for the second occurrence;
  - (c) jail commitment of 48 hour for the third occurrence;
  - (d) appear before judge, may be removed from program for the fourth occurrence.

**KEY: 24-7 Sobriety Program, sobriety testing**  
**Date of Last Change: [~~January 22,~~] 2025**  
**Notice of Continuation: December 12, 2022**  
**Authorizing, and Implemented or Interpreted Law: 41-6a-515.5**

| NOTICE OF SUBSTANTIVE CHANGE   |          |                         |
|--------------------------------|----------|-------------------------|
| <b>TYPE OF FILING:</b> New     |          |                         |
| <b>Rule or Section Number:</b> | R765-256 | <b>Filing ID: 57095</b> |

**Agency Information**

|   |  |                         |
|---|--|-------------------------|
| <b>1. Title catchline:</b>  | Higher Education (Utah Board of), Administration     |                         |
| <b>Building:</b>  | Utah Board of Higher Education Building, The Gateway |                         |
| <b>Street address:</b>  | 60 S 400 W   |                         |
| <b>City, state</b>  | Salt Lake City, UT 84101                             |                         |
| <b>Contact persons:</b>   |  |                         |
| <b>Name:</b>  | <b>Phone:</b>  | <b>Email:</b>           |
| Hilary Renshaw  | 801-646-4784   | Hilary.renshaw@ushe.edu |
| Alison Adams  | 801-646-4784   | Alison.adams@ushe.edu   |
| Geoffrey T. Landward  | 801-646-4784   | Glandward@ushe.edu      |
| <b>Please address questions regarding information on this notice to the persons listed above.</b> |  |                         |

**General Information**

|  |
|--|
| <b>2. Rule or section catchline:</b>   |
| R765-256. Student Disciplinary Processes   |
| <b>3. Purpose of the new rule or reason for the change:</b>  |
| <p>The purpose of this administrative rule is to provide minimum standards of due process for the Utah System of Higher Education institutions' student and student organization disciplinary processes.</p> <p>This administrative rule is being adopted based on requirements in H.B. 414 passed in the 2024 General Session. The Utah Board of Higher Education (Board) currently has Rule R765-801, Student Due Process.</p> <p>The Board will repeal Rule R765-801 in order to renumber the administrative rule and amend the rule to align with requirements in H.B. 414 (2024).</p> <p>Section 53B-27-302 authorizes this rule.</p> |
| <b>4. Summary of the new rule or change:</b>   |
| This administrative rule amends and renumbers current administrative Rule R765-801 to align with requirements in H.B. 414 (2024).  |

**Fiscal Information**

|  |
|--|
| <b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b> |
| <b>A) State budget:</b>  |
| This rule does not impact the state budget.  |

This rule does not change the requirements of any state government entity, and thus, will not impact the state budget. The fiscal note for H.B. 414 (2024), which required amendments to the current administrative Rule R765-801, states that enactment of that legislation likely will not materially impact state revenue.

**B) Local governments:**

This rule does not impact local governments.

Local governments are not impacted by the requirements in this rule and therefore, this rule will not result in direct expenditures for local governments.

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

This rule does not impact small businesses.

Small businesses are not impacted by the requirements in this rule and therefore, this rule will not result in direct expenditures for small businesses.

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

This rule does not impact non-small businesses. Non-small businesses are not impacted by the requirements in this rule and therefore, the rule will not result in direct expenditures for non-small businesses.

The fiscal note on H.B. 414 (2024) stated, "Enactment of this legislation likely will not result in direct expenditures from tax or fee changes for Utah residents and 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 does not impact persons other than small businesses, non-small businesses, state, or local government entities.

The fiscal note on H.B. 414 (2024) stated, "Enactment of this legislation likely will not result in direct expenditures from tax or fee changes for Utah residents and businesses."

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

This rule does not impose compliance costs for affected persons.

This rule renumbers and amends Rule R765-801 to align with requirements in H.B. 414 (2024) and does not impose any new compliance costs on Utah System of Higher Education institutions or any other 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        |

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|                              |            |            |            |
|------------------------------|------------|------------|------------|
| 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 Utah Commissioner of Higher Education, Geoffrey Landward, has reviewed this regulatory impact analysis and determined this to be reasonable.

**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 53B-27-302 |  |  |
|--------------------|--|--|

**Incorporations by Reference Information**

**7. Incorporations by Reference:**

**A) This rule adds or updates the following title of materials incorporated by references:**

|   |   |
|---|---|
| <b>Official Title of Materials Incorporated (from title page)</b> | Policy 533, Title IX and Protection from Sex Discrimination |
| <b>Publisher</b>  | Bridgerland Technical College                               |
| <b>Issue Date</b>   | 06/26/2023  |

**B) This rule adds or updates the following title of materials incorporated by references:**

|   |   |
|---|---|
| <b>Official Title of Materials Incorporated (from title page)</b> | Policy 535, Nondiscrimination, Equal Opportunity, and Free Expression |
| <b>Publisher</b>  | Bridgerland Technical College   |
| <b>Issue Date</b>   | 06/24/2024  |

**C) This rule adds or updates the following title of materials incorporated by references:**

|   |                               |
|---|-------------------------------|
| <b>Official Title of Materials Incorporated (from title page)</b> | Policy 608, Student Grievance |
| <b>Publisher</b>  | Bridgerland Technical College |
| <b>Issue Date</b>   | 06/24/2024                    |

**D) This rule adds or updates the following title of materials incorporated by references:**

|   |                               |
|---|-------------------------------|
| <b>Official Title of Materials Incorporated (from title page)</b> | Policy 609, Student Conduct   |
| <b>Publisher</b>  | Bridgerland Technical College |
| <b>Issue Date</b>   | 06/24/2024                    |

**E) This rule adds or updates the following title of materials incorporated by references:**

|   |                               |
|---|-------------------------------|
| <b>Official Title of Materials Incorporated (from title page)</b> | Policy 616, Academic Progress |
| <b>Publisher</b>  | Bridgerland Technical College |
| <b>Issue Date</b>   | 06/24/2024                    |

| <b>F) This rule adds or updates the following title of materials incorporated by references:</b> |   |
|--|---|
| <b>Official Title of Materials Incorporated (from title page)</b>                                | Policy 305, Discrimination Based on Protected Characteristics |
| <b>Publisher</b>   | Utah State University   |
| <b>Issue Date</b>  | 02/10/2023  |

| <b>G) This rule adds or updates the following title of materials incorporated by references:</b> |                               |
|--|-------------------------------|
| <b>Official Title of Materials Incorporated (from title page)</b>                                | Student Code Article V & VIII |
| <b>Publisher</b>   | Utah State University         |
| <b>Issue Date</b>  | 04/10/2009                    |

| <b>H) This rule adds or updates the following title of materials incorporated by references:</b> |  |
|--|--|
| <b>Official Title of Materials Incorporated (from title page)</b>                                | Policy 339: Title IX Sexual Misconduct in an Employment or Education Program or Activity |
| <b>Publisher</b>   | Utah State University  |
| <b>Issue Date</b>  | 02/10/2023   |

| <b>I) This rule adds or updates the following title of materials incorporated by references:</b> |   |
|--|---|
| <b>Official Title of Materials Incorporated (from title page)</b>                                | Policy 339A: Non-Title IX Sexual Misconduct |
| <b>Publisher</b>   | Utah State University                       |
| <b>Issue Date</b>  | 02/10/2023                                  |

| <b>J) This rule adds or updates the following title of materials incorporated by references:</b> |   |
|--|---|
| <b>Official Title of Materials Incorporated (from title page)</b>                                | Weber State University's PPM 6-22, Student Code |
| <b>Publisher</b>   | Weber State University                          |
| <b>Issue Date</b>  | 05/16/2023                                      |

| <b>K) This rule adds or updates the following title of materials incorporated by references:</b> |   |
|--|---|
| <b>Official Title of Materials Incorporated (from title page)</b>                                | Policy 6-400, Student Rights and Responsibilities |
| <b>Publisher</b>   | University of Utah                                |
| <b>Issue Date</b>  | 08/07/2024  |

| <b>L) This rule adds or updates the following title of materials incorporated by references:</b> |   |
|--|---|
| <b>Official Title of Materials Incorporated (from title page)</b>                                | Policy 6-410, Student Academic Performance, Academic Conduct, and Professional and Ethical Conduct Sections III H through N and, as they related to professional misconduct, Sections III O through Q |
| <b>Publisher</b>   | University of Utah  |

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|                   |            |
|-------------------|------------|
| <b>Issue Date</b> | 08/15/2023 |
|-------------------|------------|

**M) This rule adds or updates the following title of materials incorporated by references:**

|   |   |
|---|---|
| <b>Official Title of Materials Incorporated (from title page)</b> | University's Rule R1-012A Non-discrimination Rule |
| <b>Publisher</b>  | University of Utah                                |
| <b>Issue Date</b>   | 02/13/2025  |

**N) This rule adds or updates the following title of materials incorporated by references:**

|   |  |
|---|--|
| <b>Official Title of Materials Incorporated (from title page)</b> | University Rule R-012B, Complaint Process Rule |
| <b>Publisher</b>  | University of Utah                             |
| <b>Issue Date</b>   | 02/13/2025                                     |

**O) This rule adds or updates the following title of materials incorporated by references:**

|   |                                |
|---|--------------------------------|
| <b>Official Title of Materials Incorporated (from title page)</b> | 162 Title IX Sexual Misconduct |
| <b>Publisher</b>  | Utah Valley University         |
| <b>Issue Date</b>   | 04/25/2024                     |

**P) This rule adds or updates the following title of materials incorporated by references:**

|   |  |
|---|--|
| <b>Official Title of Materials Incorporated (from title page)</b> | 165 Discrimination, Harassment, and Affirmative Action |
| <b>Publisher</b>  | Utah Valley University                                 |
| <b>Issue Date</b>   | 04/25/2024   |

**Q) This rule adds or updates the following title of materials incorporated by references:**

|   |                             |
|---|-----------------------------|
| <b>Official Title of Materials Incorporated (from title page)</b> | 541 Student Code of Conduct |
| <b>Publisher</b>  | Utah Valley University      |
| <b>Issue Date</b>   | 01/23/2025                  |

**R) This rule adds or updates the following title of materials incorporated by references:**

|   |  |
|---|--|
| <b>Official Title of Materials Incorporated (from title page)</b> | Snow College's Student Rights and Responsibilities |
| <b>Publisher</b>  | Snow College                                       |
| <b>Issue Date</b>   | 05/31/2019   |

**S) This rule adds or updates the following title of materials incorporated by references:**

|   |   |
|---|---|
| <b>Official Title of Materials Incorporated (from title page)</b> | Southern Utah University's Policy 11.2, Student Code of Conduct |
| <b>Publisher</b>  | Southern Utah University  |

|                   |            |
|-------------------|------------|
| <b>Issue Date</b> | 12/13/2022 |
|-------------------|------------|

|  |   |
|--|---|
| <b>T) This rule adds or updates the following title of materials incorporated by references:</b> |   |
| <b>Official Title of Materials Incorporated (from title page)</b>                                | Salt Lake Community College's Code of Student Rights and Responsibilities |
| <b>Publisher</b>   | Salt Lake Community College   |
| <b>Issue Date</b>  | 02/28/2023  |

|  |   |
|--|---|
| <b>U) This rule adds or updates the following title of materials incorporated by references:</b> |   |
| <b>Official Title of Materials Incorporated (from title page)</b>                                | Davis Technical College Student Code of Conduct and Discipline Policy |
| <b>Publisher</b>   | Davis Technical College   |
| <b>Issue Date</b>  | 09/22/2022  |

|  |   |
|--|---|
| <b>V) This rule adds or updates the following title of materials incorporated by references:</b> |   |
| <b>Official Title of Materials Incorporated (from title page)</b>                                | Davis Technical College Student Grievance Policy and Procedures |
| <b>Publisher</b>   | Davis Technical College   |
| <b>Issue Date</b>  | 05/16/2024  |

|  |   |
|--|---|
| <b>W) This rule adds or updates the following title of materials incorporated by references:</b> |   |
| <b>Official Title of Materials Incorporated (from title page)</b>                                | Dixie Technical College's Student Disciplinary Rule |
| <b>Publisher</b>   | Dixie Technical College                             |
| <b>Issue Date</b>  | 05/16/2024  |

|  |  |
|--|--|
| <b>X) This rule adds or updates the following title of materials incorporated by references:</b> |  |
| <b>Official Title of Materials Incorporated (from title page)</b>                                | Mountainland Technical College's Student Grievance 600.608 |
| <b>Publisher</b>   | Mountainland Technical College                             |
| <b>Issue Date</b>  | 3/11/2024  |

|  |  |
|--|--|
| <b>Y) This rule adds or updates the following title of materials incorporated by references:</b> |  |
| <b>Official Title of Materials Incorporated (from title page)</b>                                | Ogden-Weber Technical College's Student Rights and Responsibilities, and Code of Conduct 530.4 |
| <b>Publisher</b>   | Ogden-Weber Technical College  |
| <b>Issue Date</b>  | 02/08/2024   |

|  |                             |
|--|-----------------------------|
| <b>Z) This rule adds or updates the following title of materials incorporated by references:</b> |                             |
| <b>Official Title of Materials Incorporated (from title page)</b>                                | Student Code of Conduct     |
| <b>Publisher</b>   | Southwest Technical College |

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|                   |            |
|-------------------|------------|
| <b>Issue Date</b> | 05/04/2023 |
|-------------------|------------|

**AA) This rule adds or updates the following title of materials incorporated by references:**

|   |                             |
|---|-----------------------------|
| <b>Official Title of Materials Incorporated (from title page)</b> | Grievance Policy            |
| <b>Publisher</b>  | Southwest Technical College |
| <b>Issue Date</b>   | 05/02/2024                  |

**BB) This rule adds or updates the following title of materials incorporated by references:**

|   |   |
|---|---|
| <b>Official Title of Materials Incorporated (from title page)</b> | Harassment, Nondiscrimination and Equal Opportunity |
| <b>Publisher</b>  | Southwest Technical College                         |
| <b>Issue Date</b>   | 07/21/2020  |

**CC) This rule adds or updates the following title of materials incorporated by references:**

|   |                             |
|---|-----------------------------|
| <b>Official Title of Materials Incorporated (from title page)</b> | Student Due Process         |
| <b>Publisher</b>  | Southwest Technical College |
| <b>Issue Date</b>   | 07/21/2020                  |

**DD) This rule adds or updates the following title of materials incorporated by references:**

|   |  |
|---|--|
| <b>Official Title of Materials Incorporated (from title page)</b> | Student Code of Conduct and Discipline |
| <b>Publisher</b>  | Tooele Technical College               |
| <b>Issue Date</b>   | 07/31/2019                             |

**EE) This rule adds or updates the following title of materials incorporated by references:**

|   |                           |
|---|---------------------------|
| <b>Official Title of Materials Incorporated (from title page)</b> | Student Grievances Policy |
| <b>Publisher</b>  | Tooele Technical College  |
| <b>Issue Date</b>   | 07/31/2019                |

**FF) This rule adds or updates the following title of materials incorporated by references:**

|   |   |
|---|---|
| <b>Official Title of Materials Incorporated (from title page)</b> | Uintah Basin Technical College's 705-R961-001 Student Due Process |
| <b>Publisher</b>  | Uintah Basin Technical College                                    |
| <b>Issue Date</b>   | 07/22/2019  |

**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> | 06/02/2025 |
|--|------------|



|   |            |
|---|------------|
| <b>9. This rule change MAY become effective on:</b>   | 06/09/2025 |
| 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> | Alison Adams, Board Secretary and Designee | <b>Date:</b> | 02/26/2025 |
|---|--|--------------|------------|

### R765. Higher Education (Utah Board of), Administration.

#### R765-256. Student Disciplinary Processes.

##### R765-256-1. Purpose.

The purpose of this rule is to provide minimum standards of due process for the Utah System of Higher Education institutions' student and student organization disciplinary processes.

##### R765-256-2. Authority.

Section 53B-27-302 authorizes this rule.

##### R765-256-3. Definitions.

- (1) "Academic dishonesty" means an act of dishonesty relating to a student's academic work or performance.
- (2) "Accused student" means any student who is enrolled at any institution who has allegedly violated a policy or rule, or a relevant section of a policy or rule, that if violated may result in the student's suspension of ten calendar days or more or expulsion from the institution.
- (3) "Accused student organization" means any student organization, recognized by an institution, that has allegedly violated a policy or rule, or a relevant section of a policy or rule, that if violated may result in the student organization's suspension or removal of institutional recognition of the student organization.
- (4) "Evidence" means information that is inculpatory or exculpatory as the information relates to an accusation against an accused student or accused student organization, including a complaint statement, a third-party witness statement, electronically stored information, a written communication, a post to social media, or demonstrative evidence.
- (5) "Full participation" means the opportunity in a student or student organization disciplinary proceeding to make opening and closing statements, examine and cross-examine a witness, introduce relevant evidence, and provide support, guidance, or advice to an accused student, accused student organization, or victim.
- (6) "Institution" means an institution of higher education listed in Section 53B-1-102.
- (7) "Proceeding" means an adjudicatory hearing, including an appeal, in which evidence is presented to a hearing officer or a hearing panel to determine whether a policy or rule has been violated or is required by a policy or rule, or a relevant section of a policy or rule, that if violated may result in either:
 
  - (a) a student's suspension of ten calendar days or more or expulsion from the institution; or
  - (b) a student organization's suspension or removal of institutional recognition of the student organization.
- (8) "Student disciplinary proceeding" means a proceeding initiated by an institution to determine whether an accused student has violated a policy or rule, or a relevant section of a policy or rule, that if violated may result in a student's suspension of ten calendar days or more or expulsion from the institution, except that this does not include a proceeding that solely involves a student's academic dishonesty.
- (9) "Student organization" means a club or other organization that meets during noninstructional time, is recognized by the institution at which the organization meets and has a majority of its members who are current students at the institution.
- (10) "Student organization disciplinary proceeding" means a proceeding initiated by an institution to determine whether an accused student organization has violated a rule or policy, or a relevant section of a policy or rule, that if violated may result in a student organization's suspension or removal or institutional recognition of the student organization, except that this does not include a proceeding that solely involves a student's academic dishonesty.
- (11) "USHE" means Utah System of Higher Education.
- (12) "Victim" means an individual whose rights are allegedly infringed or who is otherwise allegedly harmed by an accused student's or an accused student organization's violation of a policy or rule, or a relevant section of a policy or rule, that if violated may result in either:
 
  - (a) the student's suspension of ten calendar days or more or expulsion from the Institution; or
  - (b) the student organization's suspension or removal or institutional recognition of the student organization.

##### R765-256-4. General Provisions for Institution Responsibilities.

- (1) Each institution shall:
 
  - (a) provide each student and student organization due process, as outlined in this rule;
  - (b) enact a policy to govern proceedings in which a student has a right to legal representation or a non-attorney advocate in accordance with this rule and state law and notify a student of their right to bring a cause of action in violation of Section 53B-27-607 to the Attorney General's Office; and
  - (c) train each adjudicator, hearing officer, and appellate hearing officer on relevant evidence and nonrelevant, probative evidence.
- (2) The due process protections outlined in this rule do not apply to academic dishonesty allegations.
- (3) In academic dishonesty matters, each institution shall establish a policy and procedure that gives each student notice of institutional action that may impact the student and an opportunity for the student to respond, in accordance with applicable law.

**R765-256-5. Student Disciplinary Proceedings.**

(1) Each institution shall establish a policy that provides the following minimum standards of due process for each matter where a proceeding is initiated by an institution to determine whether an accused student has violated a policy or rule, or a relevant section of a policy or rule, that if violated may result in the student's suspension of ten calendar days or more or expulsion from the institution, except that this does not include a proceeding that involves a student's academic dishonesty:

(a) The institution shall provide the accused student and victim written notice of the accused student's and victim's rights under this rule that includes:

(i) the accused student is entitled to a student disciplinary proceeding to contest the charges against the accused student; and

(ii) notice that the accused student is entitled to a presumption of innocence that will remain until either:

(A) the accused student acknowledges responsibility for the alleged violation; or

(B) the institution has established every element of the alleged violation at a student disciplinary proceeding.

(b) The institution shall communicate the notice by any written means that the institution routinely uses for official communications with individual students.

(c) The institution shall establish a policy and procedure to ensure that the institution provides written notice of the accused student's or victim's rights as soon as practicable but no later than seven days before the student disciplinary proceeding that pertains to the accused student or victim, unless exigent circumstances reasonably justify proceeding without providing such notice.

(d) The institution shall ensure that the accused student and victim have access to any material evidence that is in the institution's possession, including both inculpatory and exculpatory evidence, unless the material is subject to a legal privilege, no later than one week before the day the proceeding begins.

(e) The institution may not rely upon evidence that is the accused student's or victim's personal medical record, mental health record, therapy note, or journal in a proceeding unless the accused student or victim consents to the use of the evidence in the proceeding.

(f) Any evidence presented in a proceeding under this rule is confidential and may not be used as evidence in a subsequent proceeding nor use or disclose it to a third-party for any other purpose other than for the proceeding.

(g) The institution may not prohibit an accused student or victim from having an advisor and being represented, at the student's expense, by legal representation or a non-attorney advocate at a student disciplinary proceeding that pertains to the accused student or victim.

(h) The institution shall allow the accused student's or victim's advisor to have full participation in the student disciplinary proceeding.

(i) The institution shall allow for the following minimum standards for an accused student's or victim's advisors in a student disciplinary proceeding:

(A) the giving of opening and closing statements;

(B) the examination and cross-examination of witnesses;

(C) the introducing of relevant evidence; and

(D) the providing of support, guidance, or advice to an accused student or victim.

(2) The institution may adopt a policy that requires an advisor to submit questions for an opposing party to the hearing officer.

(3) Each institution may require the accused student and victim to provide advance notice that they will have an advisor attend the student disciplinary proceeding.

(4) The Rules of Civil Procedure and the Rules of Evidence may not apply to student disciplinary proceedings.

(5) Nothing in this rule shall be construed to provide for formal or informal discovery beyond the exchange of evidence described in this rule.

(6) Each accused student and victim may waive any rights described in this rule.

**R765-256-6. Student Organization Disciplinary Proceedings.**

(1) Each institution shall establish a policy that provides the following minimum standards of due process for each matter where a proceeding is initiated by the institution to determine whether the accused student organization has violated a policy or rule, or a relevant section of a policy or rule, that if violated results in the accused student organization's suspension or removal of institutional recognition of the student organization, except that this does not include a proceeding that solely involves a student organization's academic dishonesty:

(a) The institution shall provide the accused student organization and victim written notice of the accused student organization's and victim's rights under this rule that includes:

(i) notice that the accused student organization is entitled to a student organization disciplinary proceeding to contest the charges against the accused student organization; and

(ii) notice that the accused student organization is entitled to a presumption of innocence that remains until either:

(A) the accused student organization acknowledges responsibility for the alleged violation; or

(B) the institution has established every element of the alleged violation at a student organization disciplinary proceeding.

(b) The institution shall establish a policy and procedure to ensure that the institution provides written notice of the accused student organization or victim's rights as soon as practicable but no later than seven days before a student organization disciplinary proceeding that pertains to the accused student organization or victim, unless exigent circumstances reasonably justify proceeding without providing notice.

(c) The institution shall ensure that an accused student organization and victim have access to all material evidence that is in the institution's possession, including both inculpatory and exculpatory evidence, unless the material is subject to a legal privilege, no later than one week before the day the proceeding begins.

(d) Any evidence presented in a proceeding under this policy is confidential and the institution may not use the evidence in a subsequent proceeding nor use or disclose it to a third-party for any other purpose other than for the proceeding.

(e) The institution may not prohibit the accused student organization or victim from having an advisor and being represented, at the accused student organization's or victim's expense, by legal representation or a non-attorney advocate at a student organization disciplinary proceeding that pertains to the accused student organization or victim.

(f) The institution shall allow the accused student organization or victim's advisor to have full participation in the student organization disciplinary proceeding.

(g) The institution shall allow for the following minimum standards for an accused student organization or victim's advisors in a student organization disciplinary proceeding:

(i) the giving of opening and closing statements;

(ii) the examination and cross-examination of witnesses;

(iii) the introducing of relevant evidence; and

(iv) the providing of support, guidance, or advice to an accused student organization or victim.

(2) The institution may adopt a policy that requires the advisor to submit questions for an opposing party to the hearing officer.

(3) Each institution may require the accused student organization and victim to provide advance notice that they will have an advisor attend the student organization disciplinary proceeding.

(4) The Rules of Civil Procedure and the Rules of Evidence may not apply to the student disciplinary proceedings.

(5) Nothing in this rule shall be construed to provide for formal or informal discovery beyond the exchange of evidence described in this rule.

(6) Each accused student organization and victim may waive any rights described in this rule.

**R765-256-7. Conflict of Interest.**

(1) Each institution shall conduct a student disciplinary proceeding or student organization disciplinary proceeding in an impartial manner free from conflicts of interests.

(2) An individual may not serve as an investigator or institutional prosecutor and an advocate for an accused student, accused student organization, or victim in the same matter.

(3) Except as provided in Section R765-256-7, each institution shall prohibit an individual employed by or otherwise representing an institution from acting as an adjudicator, hearing officer, or appellate hearing officer in a student disciplinary proceeding or student organization disciplinary proceeding if the individual has also served in one of the following roles in the same matter:

(a) an advocate or counselor for an alleged victim, accused student, or accused student organization;

(b) an investigator;

(c) an institutional prosecutor; or

(d) an advisor to a person described in Subsection 765-256-7(3)(a), (3)(b), or (3)(c).

(4) Each institution may not prohibit an accused student or victim from having an advisor and being represented, at the student's expense, by legal representation or a non-attorney advocate at a student disciplinary proceeding that pertains to the accused student or victim.

(5) If an individual employed by the institution or otherwise representing the institution serves as an investigator and an institutional prosecutor for the alleged violation of a policy or rule, the institution shall advise an accused student, accused student organization, or victim before proceeding with the investigation.

(6) Each institution shall allow the accused student, accused student organization, or victim to raise objections to issues that could potentially compromise the impartiality of the proceeding, including any potential conflicts of interest in violation of this rule.

**R765-256-8. Standard of Proof and Temporary Suspension.**

(1) Each student and student organization is entitled to a presumption of innocence that remains until either the accused student or student organization acknowledges responsibility for the alleged violation or the institution has established every element of the alleged violation or the institution has established every element of the alleged violation at a student disciplinary proceeding or student organization proceeding by a preponderance of the evidence.

(2) Each institution may have a process for temporarily suspending a student or student organization before the final outcome of a student or student organization disciplinary proceeding if necessary to protect the campus community or prevent serious disruption of the academic process provided that the institution is required to conduct the adjudicatory process following the temporary suspension as expeditiously as possible.

**R765-256-9. Institutional Right to Proceed Absent Accused, Victim, or Student or Accused Student Organization Participation.**

(1) Each student may decline to participate in any proceeding.

(2) Each institution may proceed with the student or student organization disciplinary proceeding in a timely fashion without the accused student, accused student organization, or victim if they decline to participate.

(3) Each institution may set reasonable deadlines and move forward with processes regardless of whether the accused student, accused student organization, victim, or their respective advisor can meet those deadlines.

**R765-256-10. Duty to Act in Good Faith.**

(1) Each institution shall act in good faith to determine the applicability of this rule based on facts known at the time.

(2) If any institution later becomes aware of additional facts indicating this rule governs, institutions shall act in good faith to meet the requirements of this rule when those facts become known.

**R765-256-11. Non-applicability to Law Enforcement Activities.**

This rule may not govern campus law enforcement departments or law enforcement personnel or otherwise replace or amend criminal procedures that govern law enforcement activities.

**R765-256-12. Incorporation of Institutions' Policies.**

- (1) Bridgerland Technical College's:
  - (a) Policy 533, Title IX and Protection from Sex Discrimination, June 26, 2023;
  - (b) Policy 535, Nondiscrimination, Equal Opportunity, and Free Expression, June 24, 2024;
  - (c) Policy 608, Student Grievance, June 24, 2024;
  - (d) Policy 609, Student Conduct, June 24, 2024;
  - (e) Policy 616, Academic Progress, June 24, 2024;
- (2) Utah State University's:
  - (a) Policy 305, Discrimination Based on Protected Characteristics, February 10, 2023; and
  - (b) Student Code Articles V & VIII, April 10, 2009;
  - (c) Policy 339: Title IX Sexual Misconduct in an Employment or Education Program or Activity, February 10, 2023;
  - (d) Policy 339A: Non-Title IX Sexual Misconduct, February 10, 2023;
- (3) Weber State University's PPM 6-22, Student Code, May 16, 2023;
- (4) University of Utah's:
  - (a) Policy 6-400, Student Rights and Responsibilities, August 7, 2024;
  - (b) Policy 6-410, Student Academic Performance, Academic Conduct, and Professional and Ethical Conduct Sections III.H through N and, as they related to professional misconduct, Sections III O through Q, August 15, 2023;
  - (c) University's Rule R1-012A Non-discrimination Rule, February 13, 2025;
  - (d) University Rule R1-012B, Complaint Process Rule, February 13, 2025;
- (5) Utah Valley University's:
  - (a) 162 Title IX Sexual Misconduct, April 25, 2024;
  - (b) 165 Discrimination, Harassment, and Affirmative Action, April 25, 2024;
  - (c) 541 Student Code of Conduct, January 23, 2025;
- (6) Snow College's Student Rights and Responsibilities, May 31, 2019;
- (7) Southern Utah University's Policy 11.2, Student Code of Conduct, December 13, 2022;
- (8) Salt Lake Community College's Code of Student Rights and Responsibilities, February 28, 2023;
- (9) Davis Technical College's:
  - (a) Davis Technical College Student Code of Conduct and Discipline Policy, September 22, 2022;
  - (b) Davis Technical College Student Grievance Policy and Procedures, May 16, 2024;
- (10) Dixie Technical College's Student Disciplinary Rule, May 16, 2024;
- (11) Mountainland Technical College's Student Grievance 600.608, March 11, 2024;
- (12) Ogden-Weber Technical College's Student Rights and Responsibilities, and Code of Conduct 530.4., February 8, 2024;
- (13) Southwest Technical College's:
  - (14) Student Conduct Policy, May 4, 2023;
  - (a) Grievance Policy, May 2, 2024;
  - (b) Harassment, Nondiscrimination and Equal Opportunity, July 21, 2020;
  - (c) Student Due Process, July 21, 2020; and
- (15) Tooele Technical College's:
  - (a) Student Code of Conduct and Discipline, July 31, 2019;
  - (b) Student Grievances Policy, July 31, 2019;
- (16) Uintah Basin Technical College's Administrative Rule R961, Student Due Process, July 22, 2019.

**KEY: education**

**Date of Last Change: 2025**

**Authorizing, and Implemented or Interpreted Law: 53B-27-302**

| <b>NOTICE OF SUBSTANTIVE CHANGE</b> |                 |                         |
|-------------------------------------|-----------------|-------------------------|
| <b>TYPE OF FILING:</b> Repeal       |                 |                         |
| <b>Rule or Section Number:</b>      | <b>R765-570</b> | <b>Filing ID: 57113</b> |

**Agency Information**

|                            |  |
|----------------------------|--|
| <b>1. Title catchline:</b> | Higher Education (Utah Board of), Administration     |
| <b>Building:</b>           | Utah Board of Higher Education Building, The Gateway |
| <b>Street address:</b>     | 60 S 400 W   |

|   |                          |                         |
|---|--------------------------|-------------------------|
| <b>City, state:</b>   | Salt Lake City, UT 84101 |                         |
| <b>Contact persons:</b>   |                          |                         |
| <b>Name:</b>  | <b>Phone:</b>            | <b>Email:</b>           |
| Hilary Renshaw  | 801-646-4784             | Hilary.renshaw@ushe.edu |
| Alison Adams  | 801-646-4784             | Alison.adams@ushe.edu   |
| Geoffrey T. Landward  | 801-646-4784             | Glandward@ushe.edu      |
| <b>Please address questions regarding information on this notice to the persons listed above.</b> |                          |                         |

**General Information**

|  |
|--|
| <b>2. Rule or section catchline:</b>   |
| R765-570. Higher Education Disclosures   |
| <b>3. Purpose of the new rule or reason for the change:</b>  |
| The content of this rule was moved to Rule R765-266, which was made effective as an administrative rule on 04/01/2025. Rule R765-266 codified the text of this rule with minor changes.<br><br>The changes include removing the language stating UtahFutures.org is the statewide platform used for requirements in Subsection 53B-1-112(3)(b) and editing the language to state that the Utah Board of Higher Education (Board) maintains static reports and a dashboard that are located on the Board's website to meet requirements in Subsection 53B-1-112(3)(b).<br><br>Rule R765-266 implemented the content of Rule R765-570, therefore, Rule R765-570 can now be repealed. |
| <b>4. Summary of the new rule or change:</b>   |
| This rule is being repealed in its entirety to remove duplicative and outdated information from the Administrative Code.   |

**Fiscal Information**

|   |
|---|
| <b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>  |
| <b>A) State budget:</b>   |
| This repeal does not create a fiscal impact for the state budget. The substantive content of this rule was moved to Rule R765-266.<br><br>The repeal of this rule removes duplicative content from the Administrative Code.     |
| <b>B) Local governments:</b>  |
| This repeal does not create a fiscal impact for local governments. The substantive content of this rule was moved to Rule R765-266.<br><br>The repeal of this rule removes duplicative content from the Administrative Code.    |
| <b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>  |
| This repeal does not create a fiscal impact for small businesses. The substantive content of this rule was moved to Rule R765-266.<br><br>The repeal of this rule removes duplicative content from the Administrative Code.     |
| <b>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</b>  |
| This repeal does not create a fiscal impact for non-small businesses. The substantive content of this rule was moved to Rule R765-266.<br><br>The repeal of this rule removes duplicative content from the Administrative Code. |

**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 repeal does not create a fiscal impact for persons other than small business, non-small businesses, state, or local government entities. The substantive content of this rule was moved to Rule R765-266.

The repeal of this rule removes duplicative content from the Administrative Code.

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

This repeal does not create a fiscal impact for compliance costs for affected persons. The substantive content of this rule was moved to Rule R765-266.

The repeal of this rule removes duplicative content from the Administrative Code.

**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 Utah Commissioner of Higher Education of the Utah System of Higher Education, Geoffrey Landward, 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 53B-1-112 |  |  |
|-------------------|--|--|

**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> | 06/02/2025 |
|--|------------|

|   |            |
|---|------------|
| <b>9. This rule change MAY become effective on:</b> | 06/09/2025 |
|---|------------|

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> | Alison Adams, Board Secretary and Designee | <b>Date:</b> | 04/11/2025 |
|---|--|--------------|------------|

**R765. Higher Education (Utah Board of), Administration.**~~**R765-570. Higher Education Disclosures.**~~~~**R765-570 1. Purpose.**~~

~~This rule establishes procedures whereby public institutions of higher education comply with certain disclosures required under Section 53B-1-112.~~

~~**R765-570 2. Authority.**~~

~~This rule is authorized by Subsection 53B-1-112(6).~~

~~**R765-570 3. Higher Education Disclosures.**~~

~~(1) Each institution shall publish a direct link online with the information described in Section 53B-1-112 in accordance with the requirements in Subsection 53B-1-112(2)(b). The Utah Board of Higher Education shall provide and maintain the link for use by the institutions.~~

~~(2) The Board has identified UtahFutures.org, maintained by the Utah Education and Telehealth Network, as a statewide platform to meet the requirements defined in Subsection 53B-1-112(2)(b).~~

~~(3) An institutions may use other data services if they meet the requirements defined in Section 53B-1-112.~~

~~(4) To the extent possible, data the Board collects in accordance with Subsection 53B-1-112(3) will use existing data services and partners deemed credible for purposes of this section.~~

~~(5) Every 24 months, the Board shall review the relevance and usability of data sources.~~

~~**KEY: education, disclosures**~~

~~**Date of Last Change: January 15, 2020**~~

~~**Authorizing, and Implemented or Interpreted Law: 53B-1-112**~~

## NOTICE OF SUBSTANTIVE CHANGE

**TYPE OF FILING:** New

**Rule or Section Number:**

**R849-2**

**Filing ID: 57096**

## Agency Information

|   |   |                     |
|---|---|---------------------|
| <b>1. Title catchline:</b>  | School and Institutional Trust Fund Board of Trustees, Administration |                     |
| <b>Street address:</b>  | 310 S Main Street, Suite 1250   |                     |
| <b>City, state</b>  | Salt Lake City, UT 84101  |                     |
| <b>Contact persons:</b>   |   |                     |
| <b>Name:</b>  | <b>Phone:</b>   | <b>Email:</b>       |
| Tatiana Devkota   | 801-870-1295  | tmakransky@utah.gov |
| Jess Rowe   | 385-602-1403  | sitfoadmin@utah.gov |
| Ryan Kulig  | 801-599-7460  | rkulig@utah.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>   |
| R849-2. Appeal Rule  |
| <b>3. Purpose of the new rule or reason for the change:</b>  |
| This rule is authorized by Sections 53D-1-701 and 53D-1-702, which allow for aggrieved people to petition for administrative review of an action or decision undertaken by the Director or Office.                                   |
| In addition, the sections dictate that the Board shall make rules to govern the subsequent proceedings to ensure procedural due process is maintained. The previous administrative rule expired and therefore, a new rule is needed. |

**4. Summary of the new rule or change:**  
 This rule establishes a procedural due process for when a petition for administrative review of an action or decision undertaken by the Director or Office is petitioned.

**Fiscal Information**

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

**A) State budget:**

The School and Institutional Trust Fund office (SITFO) is entirely self-funded from the earnings on its investment portfolio and operates without the use of taxpayer dollars, in accordance with Subsections 53D-1-205(5) and (6).

**B) Local governments:**

SITFO is entirely self-funded from the earnings on its investment portfolio and operates without the use of taxpayer dollars, in accordance with Subsections 53D-1-205(5) and (6).

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

SITFO is entirely self-funded from the earnings on its investment portfolio and operates without the use of taxpayer dollars, in accordance with Subsections 53D-1-205(5) and (6).

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

SITFO is entirely self-funded from the earnings on its investment portfolio and operates without the use of taxpayer dollars, in accordance with Subsections 53D-1-205(5) and (6).

**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**):

SITFO is entirely self-funded from the earnings on its investment portfolio and operates without the use of taxpayer dollars, in accordance with Subsections 53D-1-205(5) and (6).

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

SITFO is entirely self-funded from the earnings on its investment portfolio and operates without the use of taxpayer dollars, in accordance with Subsections 53D-1-205(5) and (6).

**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**

| <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>             |            |            |            |
| Chair of the SITFO Board of Trustees, Marlo Oaks 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> |                   |  |
| Section 53D-1-701   | Section 53D-1-702 |  |

**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>  | 06/02/2025 |

|   |            |
|---|------------|
| <b>9. This rule change MAY become effective on:</b>   | 06/09/2025 |
| 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> | Peter Madsen, Director | <b>Date:</b> | 04/15/2025 |
|---|------------------------|--------------|------------|

**R849. School and Institutional Trust Fund Board of Trustees, Administration.**

**R849-2. Appeal Rule.**

**R849-2-1. Introduction and Authority.**

- (1) This rule sets forth the administrative hearing procedures for the Office.
- (2) This rule is authorized by Sections 53D-1-701 and 53D-1-702.

**R849-2-2. Definitions.**

- (1) "Action" means an action by the Office that affects the legal rights of a person or group of persons, but not including rules made under the Utah Administrative Rulemaking Act, Title 63G, Chapter 3.
- (2) "Administrative Law Judge" or ALJ means the person appointed to conduct an adjudicatory proceeding.
- (3) "Ex Parte Communication" means direct or indirect communication in connection with an issue of fact or law between the ALJ and one party only.
- (4) "Order" means a ruling by an ALJ that determines the legal rights, duties, privileges, immunities, or other legal interests of one or more specific persons.
- (5) "Respondent" means any group or individual who is adversely affected by any action or inaction of the Office.
- (6) "Office" means the School and Institutional Trust Fund Office established under Section 53D-1-201.

**R849-2-3. Computation of Time.**

Unless otherwise provided in a specific section of this rule, time shall be computed in accordance with the Utah Rules of Civil Procedure.

**R849-2-4. Request for Hearing.**

- (1) An aggrieved person may file a written request for agency action pursuant to Section 63G-4-201, and in accordance with this rule.
- (2) Hearings must be requested within 30 calendar days from the date that the Office sends written notice of its intended action.
- (3) Failure to submit a timely request for a hearing constitutes a waiver of a respondent's due process rights. The request must explain why the party is seeking agency relief, and the party must submit the request on the "Request for Hearing/Agency Action" form. The party must then mail or fax the form to the address or fax number contained on the notice of agency action.
- (4) The Office considers a hearing request that a recipient sends via mail to be filed on the date of the postmark. If the postmark date is illegible, erroneous, or omitted, the Office considers the request to be filed on the date that the Office receives it, unless the sender can demonstrate through competent evidence that it was mailed before the date of receipt.

**R849-2-5. Designation of Proceedings Informal.**

- (1) All proceedings shall be considered informal hearings.

(2) Informal hearings will be conducted in accordance with Title 63G, Chapter 4, Utah Administrative Procedure Act. 1

**R849-2-6. Service.**

(1) The individual or party that files a document with the Office shall also serve the document upon all other named parties to the proceeding and file a proof of service with the Office that consists of a certificate, affidavit or acknowledgment of service.

(2) If the Office must provide notice of a hearing, the notice becomes effective on the date notification is sent.

**R849-2-7. Availability of Hearing.**

(1) All requests for Hearings/Agency Action shall be set for an initial hearing in accordance with Section R849-2-11.

(2) The ALJ will conduct an evidentiary hearing in connection with the agency action if the aggrieved person requests a hearing and there is a disputed issue of fact. If there is no disputed issue of fact, the ALJ may deny a request for an evidentiary hearing and issue a recommended decision without a hearing. There is no disputed issue of fact if the aggrieved person submits facts that do not conflict with the facts that the agency relies upon in taking action or seeking relief.

(3) The Office may deny or dismiss a request for a hearing if the aggrieved person:

(a) withdraws the request in writing;

(b) verbally withdraws the hearing request at a pre-hearing conference;

(c) fails to appear or participate in a scheduled proceeding without good cause;

(d) prolongs the hearing process without good cause;

(e) cannot be located or agency mail is returned without a forwarding address; or

(f) does not respond to any correspondence from the ALJ.

(4) If the aggrieved person objects to the hearing denial, the person may raise that objection as grounds for relief in a request for reconsideration with the Agency board in accordance with Section 63G-4-302.

**R849-2-8. Administrative Law Judge.**

(1) The Board shall appoint an impartial ALJ to conduct any hearing provided under this rules. Previous involvement in the initial determination of the action precludes an ALJ from appointment.

(2) The ALJ shall maintain order and may recess the hearing to regain order if a person engages in disrespectful, disorderly or disruptive conduct. The ALJ may remove any person, including a participant, from the hearing to maintain order. If a person shows persistent disregard for order and procedure, the ALJ may:

(a) restrict the person's participation in the hearing;

(b) strike pleadings or evidence; or

(c) issue an order of default.

**R849-2-9. Modifying Requirements of Rules.**

(1) Except as provided in this subsection, the requirements of this rules may be modified by order of the ALJ for good cause.

(2) The requirements for timely filing a Request for Hearing under Section R849-2-4 may not be modified.

**R849-2-10. Ex Parte Communications.**

(1) Ex parte communications are prohibited.

(2) The ALJ may not listen to or accept any ex parte communication. If a party attempts ex parte communication, the ALJ shall inform the offeror that any communication that the ALJ receives off the record will become part of the record and furnished to all parties.

(3) Ex parte communications do not apply to communications on the status of the hearing and uncontested procedural matters.

**R849-2-11. The Informal Hearing.**

(1) Unless otherwise provided in this section, informal hearings shall be conducted in accordance with Sections 63G-4-202 and 63G-4-203.

(2) As set forth in Section R849-2-7, all request for hearings/agency action shall be set for initial hearing within 30 days, only after at least 10-day notice of all parties.

(3) The Office shall notify the respondent and Office representative of the date, time and place of the hearing at least ten days in advance of the hearing. Continuances of scheduled hearings are not favored, but may be granted by the president officer for good cause shown. Failure by a respondent to appear at the hearing after notice has been given shall be grounds for default and shall waive both the right to contest the allegations and the right to the hearing.

(4) The respondent named in the notice of agency action and the Office shall be permitted to testify, present evidence, and comment on the issues. Formal rules of evidence may not apply.

(5) Testimony may be taken under oath at the ALJ's discretion.

(6) All hearings are open to all parties.

(7) Discovery is prohibited; informal disclosures will be ruled on at the pre-hearing conference.

(8) Subpoenas and orders to secure the attendance of witnesses or the production of evidence shall be issued by the ALJ when requested by a respondent or the Office, or may be issued by the ALJ on their own motion.

(9) A respondent shall have access to relevant information contained in the Office's files and to material gathered in the investigation of respondent to the extent permitted by law.

(10) The ALJ may cause an official record of the hearing to be made, at the Office's expense.

(11) Disposition of the ALJ's Order:

- (a) Within a reasonable time after the close of the informal proceeding, the ALJ shall issue a signed order in writing that includes the following: the decision, the reasons for the decision, the Order, a notice of any right to administrative or judicial review of the order available to aggrieved parties and the time limits applicable to any reconsideration or review.
- (b) The order shall be based on the facts appearing in the Office's files and on the facts presented in evidence at the informal hearing.
- (c) A copy of the ALJ order shall be promptly mailed to each party.

**R849-2-12. Proposed Decision and Final Agency Review.**

- (1) At the conclusion of the hearing, the ALJ shall take the matter under advisement and submit a recommended decision to the Board. The recommended decision is based on the testimony and evidence entered at the hearing and legal precedent.
- (2) The recommended decision must contain findings of fact and conclusions of law.
- (3) The Board may:
  - (a) adopt the recommended decision or any portion of the decision;
  - (b) reject the recommended decision or any portion of the decision, and make an independent determination based upon the record;
- or
- (c) remand the matter to the ALJ for further proceeding, and the ALJ thereafter shall submit to the Board a new recommended decision.
- (4) The Board's decision constitutes final administrative action and is subject to judicial review.
- (5) The Board shall send a copy of the final administrative action to each party or representative and notify them of their right to judicial review.
- (6) The parties shall comply with a final decision from the Board reversing the agency's decision within ten calendar days.

**R849-2-13. Declaratory Orders.**

- (1) Any person may file a request for Office action, requesting that the Office issue a declaratory order determine the applicability of a statute, rule, or order within the primary jurisdiction of the Office in accordance with Section 63G-4-503.
- (2) Petition Form. The petition shall:
  - (a) be clearly designated as a request for a declaratory order;
  - (b) identify the statute, rule, or order to be reviewed;
  - (c) describe the situation or circumstances giving rise to the need for the declaratory order or in which applicability of the statute, rule, or order is to be reviewed;
  - (d) describe the reason or need for the applicability review;
  - (e) identify the person or agency directly affected by the statute, rule, or order;
  - (f) include an address and telephone where the petitioner can be reached during regular work days; and
  - (g) be signed by the petitioner.
- (3) Sections 63G-4-202 through 63G-4-302 apply to declaratory proceedings.
- (4) The Office will not issue a declaratory order that deals with a question or request that the ALJ determines is:
  - (a) not within the jurisdiction and competence of the Office;
  - (b) trivial, irrelevant, or immaterial;
  - (c) not one that is ripe or appropriate for determination;
  - (d) currently pending or will be determined in an on-going judicial proceeding;
  - (e) prohibited by state or federal law; or
  - (f) challenge the validity of a federal statute or regulation.

**KEY: adjudicative proceedings; appeals; hearings**

**Date of Last Change: 2025**

**Authorizing, and Implemented or Interpreted Law: 53D-1-701; 53D-1-702**

**NOTICE OF SUBSTANTIVE CHANGE**

**TYPE OF FILING:** Repeal and Reenact

**Rule or Section Number:**

**R911-5**

**Filing ID: 57100**

**Agency Information**

|                             |   |
|-----------------------------|---|
| <b>1. Title catchline:</b>  | Public Safety, Emergency Medical Services |
| <b>Building:</b>            | Calvin Rampton Building                   |
| <b>Street address:</b>      | 4501 S 2700 W                             |
| <b>City, state:</b>         | Taylorsville, UT 84129                    |
| <b>Mailing address:</b>     | PO Box 141775                             |
| <b>City, state and zip:</b> | Salt Lake City, UT 84114-1775             |

| <b>Contact persons:</b>   |               |                   |
|---|---------------|-------------------|
| <b>Name:</b>  | <b>Phone:</b> | <b>Email:</b>     |
| Darin Bushman   | 801-608-7367  | dbushman@utah.gov |
| Kim Gibb  | 801-556-8198  | kgibb@utah.gov    |
| <b>Please address questions regarding information on this notice to the persons listed above.</b> |               |                   |

**General Information**

**2. Rule or section catchline:**  
 R911-5. Emergency Medical Services Training, Endorsement, Certification, and Licensing Standards

**3. Purpose of the new rule or reason for the change:**  
 This rule was moved from the Department of Health and Human Services to the Department of Public Safety in July 2024.  
 Upon further review of the language in the current rule, the Bureau of Emergency Medical Services (BEMS) has determined that it is not compliant with Title 63G, Chapter 4, the Administrative Procedures Act, and violates due process rights of licensees who have had action taken against their licenses.  
 In addition, this rule change ensures consistency with formatting and language throughout this rule and ensures compliance with the Rulewriting Manual for Utah guidelines.  
 An emergency rule filing was submitted on 12/04/2024.

**4. Summary of the new rule or change:**  
 Rule R911-5 is repealed and reenacted with the following changes:  
 1) clarifies the role of the Peer Review Board (PRB) in informal administrative hearings, clearly states that hearings before the PRB are informal, adds a procedure for reconsideration of the PRB's order, increases due process by designating the board as the trier of fact, removes the authority of the BEMS bureau chief to override the PRB recommendations, adds language that the PRB's decision is subject to judicial review, required licensee to be notified of hearing date when results of investigation will be presented to the PRB, makes license sanctions proceedings consistent with Utah administrative procedures act Section 63G-4-101, defines mitigating and aggravating circumstances the PRB may consider, and clarifies meaning of probation, suspension and revocation of licenses;  
 2) reorganizes licensing of CRT's into its own subsection and changes languages to be consistent throughout this rule and statute;  
 3) removes Utah specific references to convictions prohibiting licensure to increase safety by allowing BEMS to consider out of state convictions, and adds provisions allowing BEMS to deny registered sex offenders from being licensed as emergency medical personnel; and  
 4) removes redundant and outdated references to statute, expands the number of definitions applicable from the statutory definitions, adds cheating on licensure exams as a basis for license sanctions, adds language that conduct which endangers public safety regardless of criminal conviction may be basis for license sanction, and removes language allowing licensure individuals convicted of felony sex offenses and other non-expungable violent felonies after 15 years.

**Fiscal Information**

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

**A) State budget:**  
 The proposed rule is not expected to have any fiscal impact on the state budget because the amendment only addresses formatting and language inconsistencies, and resolves noncompliance issues with Title 63G, Chapter 4, with respect to due process rights of individuals who have had action taken against their EMS licenses.

**B) Local governments:**  
 The proposed rule is not expected to have any fiscal impact on local governments because the amendment only addresses formatting and language inconsistencies, and resolves noncompliance issues with Title 63G, Chapter 4, with respect to due process rights of individuals who have had action taken against their EMS licenses.

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

The proposed rule is not expected to have any fiscal impact on small businesses because the amendment only addresses formatting and language inconsistencies, and resolves noncompliance issues with Title 63G, Chapter 4, with respect to due process rights of individuals who have had action taken against their EMS licenses.

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

The proposed rule is not expected to have any fiscal impact on non-small businesses because the amendment only addresses formatting and language inconsistencies, and resolves noncompliance issues with Title 63G, Chapter 4, with respect to due process rights of individuals who have had action taken against their EMS licenses.

**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**):

The proposed rule is not expected to have any fiscal impact on persons other than small businesses, state, or local government entities because the amendment only addresses formatting and language inconsistencies, and resolves noncompliance issues with Title 63G, Chapter 4, with respect to due process rights of individuals who have had action taken against their EMS licenses.

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

The proposed rule is not expected to result in any compliance costs for affected persons because the amendment only addresses formatting and language inconsistencies, and resolves noncompliance issues with Title 63G, Chapter 4, with respect to due process rights of individuals who have had action taken against their EMS licenses.

**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 Commissioner of the Department of Public Safety, Jess L. Anderson, 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 53-2d-101.1 |  |  |
|---------------------|--|--|

**Incorporations by Reference Information**

| <b>7. Incorporations by Reference:</b>   |  |
|--|--|
| <b>A) This rule adds or updates the following title of materials incorporated by references:</b> |  |
| <b>Official Title of Materials Incorporated (from title page)</b>                                | Course Coordinator Manual  |
| <b>Publisher</b>   | Bureau of Emergency Medical Services, Utah Department of Public Safety |
| <b>Issue Date</b>  | October 15, 2024   |
| <b>Issue or Version</b>  | 2024   |

| <b>B) This rule adds or updates the following title of materials incorporated by references:</b> |  |
|--|--|
| <b>Official Title of Materials Incorporated (from title page)</b>                                | EMT Student Handbook   |
| <b>Publisher</b>   | Bureau of Emergency Medical Services, Utah Department of Public Safety |
| <b>Issue Date</b>  | October 2024   |
| <b>Issue or Version</b>  | 2024   |

| <b>C) This rule adds or updates the following title of materials incorporated by references:</b> |  |
|--|--|
| <b>Official Title of Materials Incorporated (from title page)</b>                                | National EMS Scope of Practice Model 2019      |
| <b>Publisher</b>   | National Highway Traffic Safety Administration |
| <b>Issue Date</b>  | February 2019                                  |
| <b>Issue or Version</b>  | 2019   |

| <b>D) This rule adds or updates the following title of materials incorporated by references:</b> |  |
|--|--|
| <b>Official Title of Materials Incorporated (from title page)</b>                                | EMS Recertification Guide                          |
| <b>Publisher</b>   | National Registry of Emergency Medical Technicians |
| <b>Issue Date</b>  | 2024   |
| <b>Issue or Version</b>  | Version 2024.01                                    |

| <b>E) This rule adds or updates the following title of materials incorporated by references:</b> |  |
|--|--|
| <b>Official Title of Materials Incorporated (from title page)</b>                                | Highlights of the 2020 American Heart Association Guidelines for CPR and ECC |
| <b>Publisher</b>   | American Heart Association   |
| <b>Issue Date</b>  | October 2020   |
| <b>Issue or Version</b>  | 2020   |

| <b>F) This rule adds or updates the following title of materials incorporated by references:</b> |  |
|--|--|
| <b>Official Title of Materials Incorporated (from title page)</b>                                | 2002 National Guidelines For Educating EMS Instructors   |
| <b>Publisher</b>   | National Association of EMS Educators, U.S. Department of Transportation, and U.S. Department of Health and Human Services |
| <b>Issue Date</b>  | November 2001  |

|                         |      |
|-------------------------|------|
| <b>Issue or Version</b> | 2002 |
|-------------------------|------|

**G) This rule adds or updates the following title of materials incorporated by references:**

|   |  |
|---|--|
| <b>Official Title of Materials Incorporated (from title page)</b> | Training Officer Manual  |
| <b>Publisher</b>  | Bureau of Emergency Medical Services, Utah Department of Public Safety |
| <b>Issue Date</b>   | October 2024   |
| <b>Issue or Version</b>   | 2024   |

**H) This rule adds or updates the following title of materials incorporated by references:**

|   |  |
|---|--|
| <b>Official Title of Materials Incorporated (from title page)</b> | Standards and Guidelines for the Accreditation of Educational Programs in the Emergency Medical Services Professions |
| <b>Publisher</b>  | Commission on Accreditation of Allied Health Education Programs  |
| <b>Issue Date</b>   | January 1, 2024  |

**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> | 06/02/2025 |
|--|------------|

**9. This rule change MAY become effective on:** 06/09/2025

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> | Darin Bushman, Director | <b>Date:</b> | 04/14/2025 |
|---|-------------------------|--------------|------------|

**R911. Public Safety, Emergency Medical Services.**

**R911-5. Emergency Medical Services Training, Endorsement, Certification, and Licensing Standards.**

~~**R911-5-100. Authority and Purpose.**~~

- ~~\_\_\_\_\_ (1) Authority for this rule is found in Title 53, Chapter 2d, Emergency Medical Services Act.~~
- ~~\_\_\_\_\_ (2) The purpose of this rule is to:~~
  - ~~\_\_\_\_\_ (a) describe requirements for training, certification, endorsements, and licensing of individuals who provide emergency medical services; and~~
  - ~~\_\_\_\_\_ (b) provide uniform minimum standards to be met by those providing emergency medical services within the state.~~

~~**R911-5-110. Definitions as Used in this Rule.**~~

- ~~\_\_\_\_\_ (1) "Advanced Emergency Medical Technician" (AEMT) as defined in Subsection R911-1-200(1).~~
- ~~\_\_\_\_\_ (2) "Committee" as defined in Subsection 53-2d-101(8).~~
- ~~\_\_\_\_\_ (3) "Crisis Response Technician" (CRT) is a person who provides "Behavioral Emergency Services" as defined in Subsection 53-2d-101(5)(a)(b).~~
- ~~\_\_\_\_\_ (4) "Department" as defined in Subsection R911-1-200(13).~~
- ~~\_\_\_\_\_ (5) "Emergency Medical Responder" (EMR) as defined in Subsection R911-1-200(16).~~
- ~~\_\_\_\_\_ (6) "Emergency Medical Services" (EMS) as defined in Subsection R911-1-200(20).~~
- ~~\_\_\_\_\_ (7) "Emergency Medical Technician" (EMT) as defined in Subsection R911-1-200(17).~~
- ~~\_\_\_\_\_ (8) "Paramedic" as defined in Subsection R911-1-200(41).~~
- ~~\_\_\_\_\_ (9) "Provider" as defined in Subsection R911-1-200(57).~~

~~**R911-5-200. Scope of Practice.**~~

- ~~\_\_\_\_\_ (1) The department may license an individual as an EMR, EMT, AEMT, paramedic, or CRT who meets the requirements in this rule.~~
- ~~\_\_\_\_\_ (2) The committee adopts the standard for EMR, EMT, AEMT, and paramedic training and competency as defined in the National Association of State EMS Officials' National EMS Scope of Practice Model 2019, Report No. DOT HS 812-666. Washington, DC: National Highway Traffic Safety Administration, which is incorporated by reference.~~

NOTICES OF PROPOSED RULES

- ~~\_\_\_\_\_ (3) An EMR, EMT, AEMT, paramedic, or CRT may perform the skills to their level of licensure, as adopted in this section.~~
- ~~\_\_\_\_\_ (4) A CRT may perform skills including crisis response triage, discussion of available resources, and referral to appropriate mental health professions as determined by department-approved training and local mental health authority-approved protocols in the corresponding response area.~~

**R911-5-210. Professional Conduct and Code of Ethics for EMS Personnel.**

~~\_\_\_\_\_ EMS personnel shall maintain professional conduct and follow the code of ethics from the 2023 EMT Student Handbook, incorporated by reference in this rule.~~

~~\_\_\_\_\_ (1) The following are examples of conduct, while providing patient care and transport, that may result in investigation of an EMS personnel's license or a provider's license or designation pursuant to Subsection R911-5-3300(2):~~

- ~~\_\_\_\_\_ (a) theft or inappropriate removal or possession of property;~~
- ~~\_\_\_\_\_ (b) falsification of personal or hospital records;~~
- ~~\_\_\_\_\_ (c) functioning under the influence of alcohol, illegal drugs, or medications that may impair judgment or capability;~~
- ~~\_\_\_\_\_ (d) possession, distribution, sale, transfer, or use of alcohol or illegal drugs;~~
- ~~\_\_\_\_\_ (e) fighting or threatening violence;~~
- ~~\_\_\_\_\_ (f) negligence or improper conduct leading to damage of property;~~
- ~~\_\_\_\_\_ (g) violation of safety or health rules that threatens the safety of patients receiving care;~~
- ~~\_\_\_\_\_ (h) sexual or other unlawful or unwelcome harassment;~~
- ~~\_\_\_\_\_ (i) possession of dangerous or unauthorized materials, such as explosives or illegal firearms;~~
- ~~\_\_\_\_\_ (j) unauthorized access or disclosure of confidential information;~~
- ~~\_\_\_\_\_ (k) misrepresentation of an individual's level of licensure;~~
- ~~\_\_\_\_\_ (l) performing procedures or skills beyond the level of an individual's EMS licensure or provider's licensure; and~~
- ~~\_\_\_\_\_ (m) violation of laws pertaining to medical practice, drugs, or controlled substances.~~

~~\_\_\_\_\_ (2) Complaints regarding EMS personnel's actions or behaviors, on or off duty, that can be interpreted as possible violations of this section:~~

- ~~\_\_\_\_\_ (a) must be submitted to the department in writing; and~~
- ~~\_\_\_\_\_ (b) if determined a potential violation, will be investigated pursuant to Section R911-5-3300.~~
- ~~\_\_\_\_\_ (3) Any EMS personnel who is found to have violated this section may be subject to license suspension or revocation.~~

**R911-5-300. EMS Personnel Licensure for EMRs, EMTs, AEMTs, Paramedics, and CRTs.**

~~\_\_\_\_\_ (1) The department may license an EMR, EMT, AEMT, paramedic, or CRT for a two-year period. The department may modify a license period to standardize renewal cycles.~~

~~\_\_\_\_\_ (2) An individual who wishes to become licensed as an EMR, EMT, AEMT, paramedic, or CRT shall:~~

- ~~\_\_\_\_\_ (a) successfully complete a department-approved EMR, EMT, AEMT, paramedic, or CRT course;~~
- ~~\_\_\_\_\_ (b) be able to perform the functions listed in the National EMS Education Standards referenced in Subsection R911-5-200(2) as verified by personal attestation and successful accomplishment by department-endorsed EMS instructors;~~
- ~~\_\_\_\_\_ (c) achieve a favorable recommendation from the course coordinator and course medical director stating technical competence during field and clinical training and successful completion of training requirements for an EMR, EMT, AEMT, paramedic, or CRT licensure;~~
- ~~\_\_\_\_\_ (d) submit the applicable fees and a completed application, including Social Security number, to the department;~~
- ~~\_\_\_\_\_ (e) submit to and pass a background investigation, including an FBI background investigation; and~~
- ~~\_\_\_\_\_ (f) keep documentation of having completed a department-approved cardiopulmonary resuscitation course within the prior two years that is consistent with the 2020 American Heart Association Guidelines for the Level of Adult and Pediatric Healthcare Cardiopulmonary Resuscitation and Emergency Cardiac Care Basic Life Support.~~

~~\_\_\_\_\_ (3) An individual who wishes to become licensed as a CRT shall:~~

- ~~\_\_\_\_\_ (a) successfully complete a department-approved CRT course;~~
- ~~\_\_\_\_\_ (b) be able to perform the functions as described in Subsection R911-5-200(4);~~
- ~~\_\_\_\_\_ (c) submit the applicable fees and a completed application, including Social Security number, to the department; and~~
- ~~\_\_\_\_\_ (d) submit to and pass a background investigation, including an FBI background investigation.~~

~~\_\_\_\_\_ (4) Age requirements:~~

- ~~\_\_\_\_\_ (a) EMR may be licensed at 16 years of age or older;~~
- ~~\_\_\_\_\_ (b) EMT, AEMT, and paramedic may be licensed at 18 years of age or older; and~~
- ~~\_\_\_\_\_ (c) CRT may be licensed at 21 years of age or older.~~

~~\_\_\_\_\_ (5) Within two years after the official course end date, the applicant for EMR, EMT, AEMT, paramedic, or CRT licensure shall successfully complete the department's approved National Registry of Emergency Medical Technician's written and practical EMR, EMT, AEMT, or paramedic examinations, or re-examinations, if necessary.~~

~~\_\_\_\_\_ (6) Licensed personnel shall keep and submit upon request by the department any documentation required for licensure.~~

~~\_\_\_\_\_ (7) An individual who wishes to enroll in an AEMT or paramedic course shall have as a minimum a Utah EMT license, and the license shall remain current until the new license level is obtained.~~

~~\_\_\_\_\_ (8) An individual who wishes to enroll in a CRT course shall be a licensed EMS personnel or a law enforcement officer for at least two years before enrollment or have at least two years of equivalent experience before enrollment into a CRT course or program.~~

~~\_\_\_\_\_ (9) Upon successful completion of the program, written verification of the successful candidates shall be submitted to the department for review.~~



~~(10) The department may extend time limits for an individual who has unusual circumstances or hardships.~~

**R911-5-400. Licensure at a Lower Level.**

~~An individual who completed a paramedic course, but has not been recommended for licensure, may request to become licensed at the AEMT levels if:~~

- ~~(1) the paramedic course coordinator submits to the department a favorable letter of recommendation stating that the individual has successfully obtained the knowledge and skills of the AEMT level as required by this rule; and~~
- ~~(2) the individual successfully completes other application and testing requirements for an AEMT.~~

**R911-5-500. License Challenges for EMTs or AEMTs.**

~~(1) The department may license an individual as an EMT or AEMT, in consecutive order, who has military medical training, a Utah registered nurse license, a Utah nurse practitioner license, a Utah physician assistant license, or a Utah physician license, and:~~

~~(a) can demonstrate knowledge, proficiency, and competency to perform the functions listed in the National EMS education standards as described in Subsection R911-5-200(2), as verified by personal attestation and successful demonstration to a currently certified course coordinator and an off-line medical director;~~

~~(b) has a knowledge of:~~

~~(i) medical control protocols;~~

~~(ii) state and local protocols; and~~

~~(iii) the role and responsibilities of an EMT or AEMT, respectively;~~

~~(c) maintains and submits documentation of having completed a CPR course within the prior two years that is consistent with the 2020 American Heart Association Guidelines for Cardiopulmonary Resuscitation and Emergency Cardiovascular, which is incorporated by reference; and~~

~~(d) is 18 years of age or older.~~

~~(2) To become licensed as either an EMT or AEMT, the individual shall:~~

~~(a) submit the applicable fees and a completed application, including Social Security number, signature, and proof of current Utah license as a registered nurse, a physician assistant, or a medical doctor, or military transcripts for training;~~

~~(b) successfully complete the National Registry of Emergency Medical Technicians EMT or AEMT cognitive and psychomotor examinations, or re-examinations, if necessary; and~~

~~(c) submit to and pass a background screening clearance, per Section R911-5-3200.~~

~~(3) The department may license as a CRT an individual with military mental health training, or a licensed mental health professional in Utah, who:~~

~~(a) can demonstrate knowledge, proficiency, and competency to perform the functions as verified by personal attestation and successful demonstration to a county mental health authority or designee;~~

~~(b) has a knowledge of:~~

~~(i) crisis response protocols;~~

~~(ii) state and local protocols; and~~

~~(iii) the role and responsibilities of a CRT;~~

~~(c) maintains and submits documentation of having completed a cardiopulmonary resuscitation course within the prior two years that is consistent with the 2020 American Heart Association Guidelines for Cardiopulmonary Resuscitation and Emergency Cardiovascular; and~~

~~(d) is 21 years of age or older.~~

**R911-5-510. License Challenges for CRTs.**

~~To become licensed as a CRT, the individual shall:~~

~~(1) submit the applicable fees and a completed application, including Social Security number, signature, and proof of current Utah license as a mental health professional, or military transcripts for training;~~

~~(2) successfully complete the department approved written and practical CRT examinations, or re-examinations, if necessary; and~~

~~(3) submit to and pass a background screening clearance, per Section R911-5-3200.~~

**R911-5-600. License Renewal Requirements for EMRs, EMTs, AEMTs, and Paramedics.**

~~(1) The department may renew an individual license for a two-year period. The department may modify the period for a license to standardize renewal cycles.~~

~~(2) An individual seeking license renewal shall:~~

~~(a) submit the applicable fees and a completed application, including Social Security number, to the department;~~

~~(b) submit a completed Utah EMS application to the department, no later than 30 days and no earlier than six months before the individual's current license expiration date;~~

~~(c) have a current National Registry of Emergency Medical Technicians certification for their current license level;~~

~~(d) submit to and pass a background screening clearance, per Section R911-5-3200;~~

~~(e) keep documentation and submit, upon request, proof of having completed a department approved cardiopulmonary resuscitation course within the prior two years that is consistent with the 2020 American Heart Association Guidelines for Cardiopulmonary Resuscitation and Emergency Cardiovascular;~~

~~(f) provide documentation of completion of department approved continuing medical education requirements; and~~

NOTICES OF PROPOSED RULES

- ~~\_\_\_\_\_ (g) maintain cardiopulmonary resuscitation certification during licensure period.~~
- ~~\_\_\_\_\_ (3) The EMR, EMT, AEMT, and paramedic shall complete the required continuing medical education hours, as outlined in Recertification Guide Version 4, published by the National Registry of Emergency Medical Technicians, incorporated by reference in this rule. The hours shall be completed throughout the prior two years.~~
- ~~\_\_\_\_\_ (4) An individual is responsible to complete and submit required renewal material and the recertification application to the National Registry of Emergency Medical Technicians, per the guidance provided under "Renewal License" on the department website.~~
- ~~\_\_\_\_\_ (5) A department approved entity that provides continuing medical education may compile renewal materials on behalf of an EMR, EMT, AEMT, or paramedic; however, the individual EMR, EMT, AEMT, or paramedic is responsible for a timely and complete submission.~~
- ~~\_\_\_\_\_ (6) The department may not lengthen an individual's license period to more than two years, unless the individual is a member of the National Guard or Reserve component of the Armed Forces and is on active duty when the license expires.~~

**R911-5-700. License Renewal Requirements for CRTs.**

- ~~\_\_\_\_\_ (1) A CRT applying for a renewal license shall be in good standing with the local mental health authority. The local mental health authority or designee may revoke a CRT's license upon written request to the department.~~
- ~~\_\_\_\_\_ (2) A CRT applying for a renewal license shall complete department approved continuous education requirements of no less than eight hours every two years.~~
- ~~\_\_\_\_\_ (3) An individual is responsible to complete and submit required renewal materials to the department at one time, no later than 30 days and no earlier than one year before the individual's current license expiration date. Renewal materials submitted less than 30 days before license expiration may result in license expiration. The department processes renewal material in the order received.~~
- ~~\_\_\_\_\_ (4) The department may shorten a CRT's license period.~~
- ~~\_\_\_\_\_ (5) The department may not lengthen an individual's license period to more than two years unless the individual is a member of the National Guard or Reserve component of the Armed Forces and is on active duty when the license expires.~~

**R911-5-800. Reciprocity for EMRs, EMTs, AEMTs, and Paramedics.**

- ~~\_\_\_\_\_ (1) The department may license an individual as an EMR, EMT, AEMT, or paramedic who is licensed or certified by another state or certifying body if the applicant can demonstrate the applicant's out of state training and experience requirements are equivalent to or greater than what is required in Utah.~~
- ~~\_\_\_\_\_ (2) An individual seeking reciprocity for licensure in Utah based on out of state training and experience shall:~~
  - ~~\_\_\_\_\_ (a) submit the applicable fees and a completed application, including Social Security number, to the department; and~~
  - ~~\_\_\_\_\_ (b) complete the following within two years of submitting the application:~~
    - ~~\_\_\_\_\_ (i) submit to and pass a background screening clearance, per Section R911-5-3200;~~
    - ~~\_\_\_\_\_ (ii) keep and submit upon request documentation of having completed a department approved cardiopulmonary resuscitation course within the prior two years that is consistent with the 2020 American Heart Association Guidelines for Cardiopulmonary Resuscitation and Emergency Cardiovascular;~~
    - ~~\_\_\_\_\_ (iii) successfully complete the National Registry of Emergency Medical Technician cognitive and psychomotor for EMR, EMT, AEMT, or paramedic examinations, or re-examinations, if necessary; and~~
    - ~~\_\_\_\_\_ (iv) submit a current certification or license from one of the states of the United States or its possessions, or current registration and the name of the training institution if registered with the National Registry of EMTs.~~
- ~~\_\_\_\_\_ (3) A paramedic candidate shall also keep documentation of successful completion of Advanced Care Life Support or equivalent.~~
- ~~\_\_\_\_\_ (4) AEMT and paramedic licensed personnel shall keep documentation of PEPP, PALS, or equivalent courses within the prior two years.~~

**R911-5-810. Reciprocity for CRTs.**

- ~~\_\_\_\_\_ (1) The department may license an individual as a CRT who is licensed or certified by another state or certifying body if the applicant can demonstrate the applicant's out of state training and experience requirements are equivalent to or greater than what is required in Utah.~~
- ~~\_\_\_\_\_ (2) An individual seeking reciprocity for CRT licensure in Utah based on out of state training and experience shall:~~
  - ~~\_\_\_\_\_ (a) submit the applicable fees and a completed application, including Social Security number, to the department; and~~
  - ~~\_\_\_\_\_ (b) complete the following within two years of submitting the application:~~
    - ~~\_\_\_\_\_ (i) submit to and pass a background screening clearance, per Section R911-5-3200;~~
    - ~~\_\_\_\_\_ (ii) keep documentation of having completed a CPR course within the prior two years that is consistent with the 2020 American Heart Association Guidelines for Cardiopulmonary Resuscitation and Emergency Cardiovascular; and~~
    - ~~\_\_\_\_\_ (iii) submit a current certification or license from one of the states of the United States or its possessions, or current registration and the name of the training institution.~~

**R911-5-900. Lapsed Licenses with National Registry of Emergency Medical Technician Certification.**

- ~~\_\_\_\_\_ (1) An individual whose EMR, EMT, AEMT, paramedic, or CRT license has expired for less than one year shall recertify with the National Registry of Emergency Medical Technicians.~~
- ~~\_\_\_\_\_ (2) An individual whose license for EMR, EMT, AEMT, or paramedic has expired for more than one year shall:~~
  - ~~\_\_\_\_\_ (a) comply with the recertification requirements per the guidance of the National Registry of Emergency Medical Technicians;~~
  - ~~\_\_\_\_\_ (b) pay a late licensure fee; and~~
  - ~~\_\_\_\_\_ (c) complete renewal requirements.~~

- \_\_\_\_\_ (3) If an EMR, EMT, AEMT, or paramedic license for an individual remains expired for more than a year, any new license will be issued with an expiration date two years from the previous license's expiration.
- \_\_\_\_\_ (4) An individual whose license for CRT has expired for more than one year shall:
  - \_\_\_\_\_ (a) submit a letter of recommendation including results of an oral examination, from a county mental health director or designee, verifying proficiency in behavioral health care skills at the licensure level;
  - \_\_\_\_\_ (b) successfully complete the applicable department's approved written examination; and
  - \_\_\_\_\_ (c) complete renewal requirements.
- \_\_\_\_\_ (5) If a CRT license for an individual remains expired for more than a year, any new CRT license will be issued with an expiration date two years from the completion of renewal materials.
- \_\_\_\_\_ (6) An individual whose certification or license has lapsed, is not authorized to provide care as an EMR, EMT, AEMT, paramedic, or CRT until the individual completes the renewal process.

**R911-5-1000. Emergency Medical Care During Clinical Training.**

\_\_\_\_\_ A student enrolled in a department approved training program may, under the direct supervision of the course coordinator, an instructor in the course, or a preceptor for the course, perform activities delineated within the training curriculum that otherwise require licensure to perform.

**R911-5-1100. Instructor Requirements.**

- \_\_\_\_\_ (1) The department may endorse an individual as an EMS instructor who:
  - \_\_\_\_\_ (a) meets the initial licensure requirements in Section R911-5-1200;
  - \_\_\_\_\_ (b) is currently in Utah as an EMR, EMT, AEMT, or paramedic; and
  - \_\_\_\_\_ (c) has been a licensed EMR, EMT, AEMT, or paramedic for a minimum of two years.
- \_\_\_\_\_ (2) The department adopts the United States Department of Transportation's EMS Instructor Training Program as the standard for EMS instructor training and competency in the state, which is incorporated by reference in this rule.
- \_\_\_\_\_ (3) An EMS instructor may only teach up to the license level to which the instructor is licensed.
- \_\_\_\_\_ (4) An EMS instructor shall comply with the teaching standards and procedures in the March 2023 Course Coordinator Manual as incorporated by reference in this rule.
- \_\_\_\_\_ (5) An EMS instructor shall maintain the EMS license for the level the instructor is endorsed to teach. If an individual's EMS license lapses, the instructor endorsement is invalid until the EMS license is renewed.

**R911-5-1200. Instructor Endorsement.**

- \_\_\_\_\_ (1) The department may endorse an individual who is a licensed EMR, EMT, AEMT, or paramedic as an EMS instructor for a two-year period.
- \_\_\_\_\_ (2) An individual who wishes to become endorsed as an EMS instructor shall:
  - \_\_\_\_\_ (a) submit an application and pay applicable fees;
  - \_\_\_\_\_ (b) submit one letter of recommendation regarding EMS skills and teaching abilities from a licensed or designated agency, which must be on department or agency letterhead and signed;
  - \_\_\_\_\_ (c) submit documentation of 15 hours of teaching experience with teaching experience in EMS or other related medical discipline, such as first aid or CPR, being preferred; and
  - \_\_\_\_\_ (d) successfully complete the department sponsored initial EMS instructor training course.
- \_\_\_\_\_ (3) An individual who wishes to be endorsed as an EMS instructor to teach EMR, EMT, AEMT, or paramedic courses or CME shall provide documentation of a minimum of 25 patient contacts within the prior year with a licensed or designated agency or an emergency health care facility. Documentation must be on department or agency letterhead and signed.
- \_\_\_\_\_ (4) An individual shall submit a completed and signed instructor contract to the department every two years agreeing to abide by the standards and procedures in the March 2023 Course Coordinator Manual.

**R911-5-1300. Instructor Endorsement Renewal.**

- \_\_\_\_\_ An EMS instructor who wishes to renew an endorsement as an instructor shall:
- \_\_\_\_\_ (1) maintain current EMS licensure;
  - \_\_\_\_\_ (2) attend the required department approved instructor seminar at least once in the two year endorsement renewal cycle; and
  - \_\_\_\_\_ (3) submit an application and pay applicable fees.

**R911-5-1400. Instructor Lapsed Endorsement.**

- \_\_\_\_\_ (1) An EMS instructor whose instructor endorsement expired less than one year ago may again become endorsed by:
  - \_\_\_\_\_ (a) completing endorsement requirements;
  - \_\_\_\_\_ (b) submitting an application; and
  - \_\_\_\_\_ (c) paying any associated fees.
- \_\_\_\_\_ (2) An EMS instructor whose instructor endorsement has expired for more than one year shall complete any initial instructor endorsement requirements and reapply as if there were no prior endorsement.

**R911-5-1500. Training Officer Endorsement.**

- \_\_\_\_\_ (1) The department may endorse a licensed individual who is an endorsed EMS instructor as a training officer for a two-year period.

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- ~~\_\_\_\_\_ (2) An individual who wishes to become endorsed as an EMS training officer shall:~~
  - ~~\_\_\_\_\_ (a) have completed a minimum of 30 hours of EMS instruction within the past year and have a current EMS instructor endorsement;~~
  - ~~\_\_\_\_\_ (b) successfully complete the department's course for new training officers;~~
  - ~~\_\_\_\_\_ (c) submit an application and pay applicable fees; and~~
  - ~~\_\_\_\_\_ (d) submit biennially a completed and signed training officer contract to the department agreeing to abide by the standards and procedures in the July 2023 Training Officer Manual, incorporated by reference in this rule.~~
- ~~\_\_\_\_\_ (3) A training officer shall maintain an EMS instructor endorsement.~~
- ~~\_\_\_\_\_ (4) An EMS training officer shall abide by the terms of the training officer contract and comply with the standards and procedures in the Training Officer Manual as incorporated into the respective training officer contract.~~

**R911-5-1600. Training Officer Endorsement Renewal.**

- ~~\_\_\_\_\_ A training officer who wishes to renew an endorsement as a training officer shall:~~
  - ~~\_\_\_\_\_ (1) attend a training officer seminar at least once in the two-year endorsement renewal cycle;~~
  - ~~\_\_\_\_\_ (2) maintain a current EMS instructor endorsement and EMS license;~~
  - ~~\_\_\_\_\_ (3) submit an application and pay applicable fees; and~~
  - ~~\_\_\_\_\_ (4) submit a completed and signed new training officer contract to the department agreeing to abide by the standards and procedures in the current Training Officer Manual.~~

**R911-5-1700. Training Officer Lapsed Endorsement.**

- ~~\_\_\_\_\_ (1) An individual whose training officer endorsement expired less than one year ago may again become endorsed by completing the endorsement renewal requirements and paying applicable fees. The individual's new expiration date will be two years from the old expiration date.~~
- ~~\_\_\_\_\_ (2) An individual whose training officer endorsement expired more than one year ago shall complete each initial training officer endorsement requirement and reapply as if there were no prior endorsement.~~

**R911-5-1800. Course Coordinator Endorsement.**

- ~~\_\_\_\_\_ (1) The department may endorse an individual as an EMS course coordinator for a two-year period.~~
- ~~\_\_\_\_\_ (2) An individual who wishes to become endorsed as a course coordinator shall:~~
  - ~~\_\_\_\_\_ (a) be endorsed as an EMS instructor;~~
  - ~~\_\_\_\_\_ (b) be a co-coordinator of record for one department-approved course with an endorsed course coordinator;~~
  - ~~\_\_\_\_\_ (c) co-coordinate a course equivalent to what they will be functioning as a course coordinator;~~
  - ~~\_\_\_\_\_ (d) submit a written evaluation and recommendation from the course coordinator in the co-coordinated course;~~
  - ~~\_\_\_\_\_ (e) complete endorsement requirements within one year of completion of the department's course for new course coordinators;~~
  - ~~\_\_\_\_\_ (f) submit an application and pay applicable fees;~~
  - ~~\_\_\_\_\_ (g) complete the department's course for new course coordinators;~~
  - ~~\_\_\_\_\_ (h) sign and submit the course coordinator contract to the department agreeing to abide to the standards and procedures in the March 2023 Course Coordinator Manual; and~~
  - ~~\_\_\_\_\_ (i) maintain EMS instructor endorsement.~~
- ~~\_\_\_\_\_ (3) A course coordinator may only coordinate courses up to the licensure level to which the course coordinator is licensed.~~
- ~~\_\_\_\_\_ (4) A course coordinator shall abide by the terms of the course coordinator contract and comply with the standards and procedures in the March 2023 Course Coordinator Manual as incorporated into the course coordinator contract.~~
- ~~\_\_\_\_\_ (5) A course coordinator shall maintain an EMS instructor endorsement and the EMS license for the level that the course coordinator is endorsed to coordinate. If an individual's EMS license or EMS instructor endorsement lapses, the course coordinator endorsement is invalid until EMS license or EMS instructor endorsement is renewed.~~

**R911-5-1900. Course Coordinator Endorsement Renewal.**

- ~~\_\_\_\_\_ A course coordinator who wishes to renew an endorsement as a course coordinator shall:~~
  - ~~\_\_\_\_\_ (1) maintain a current EMS instructor endorsement and EMR, EMT, AEMT, or paramedic license;~~
  - ~~\_\_\_\_\_ (2) coordinate or co-coordinate at least one department-approved course every two years;~~
  - ~~\_\_\_\_\_ (3) attend a course coordinator seminar at least once in the two-year endorsement renewal cycle;~~
  - ~~\_\_\_\_\_ (4) submit an application and pay applicable fees; and~~
  - ~~\_\_\_\_\_ (5) sign and submit a course coordinator contract to the department agreeing to abide by the policies and procedures in the March 2023 Course Coordinator Manual.~~

**R911-5-2000. Course Coordinator Lapsed Endorsement.**

- ~~\_\_\_\_\_ (1) An individual whose course coordinator endorsement expired less than one year ago may again become endorsed by completing the renewal requirements. The individual's new expiration date will be two years from the old expiration date.~~
- ~~\_\_\_\_\_ (2) An individual whose course coordinator endorsement has expired for more than one year shall complete each initial course coordinator endorsement requirement and reapply as if there were no prior endorsement. The department may waive the co-coordinator requirement if the candidate provides written verification they coordinated or co-coordinated a course within the past two years.~~

**R911-5-2100. Critical Care Paramedic Endorsement.**

- ~~\_\_\_\_\_ (1) The department may endorse an individual as a critical care paramedic for up to a four year period.~~
- ~~\_\_\_\_\_ (2) An individual who wishes to become endorsed as a critical care paramedic shall:~~
  - ~~\_\_\_\_\_ (a) be a licensed paramedic in Utah;~~
  - ~~\_\_\_\_\_ (b) be certified by the International Board of Specialty Certification as a:~~
    - ~~\_\_\_\_\_ (i) certified critical care paramedic (CCP-C); or~~
    - ~~\_\_\_\_\_ (ii) certified flight paramedic (FP-C);~~
  - ~~\_\_\_\_\_ (c) submit an application for critical care paramedic certification and pay applicable fees;~~
  - ~~\_\_\_\_\_ (d) submit proof of certification from the International Board of Specialty Certification; and~~
  - ~~\_\_\_\_\_ (e) maintain a paramedic license.~~
- ~~\_\_\_\_\_ (3) Education cannot be used in lieu of a valid and current International Board of Specialty Certification critical care or flight paramedic certification to maintain the critical care endorsement.~~

**R911-5-2200. Critical Care Paramedic Endorsement Renewal.**

- ~~\_\_\_\_\_ A critical care paramedic who wishes to renew shall:~~
  - ~~\_\_\_\_\_ (1) maintain a paramedic license;~~
  - ~~\_\_\_\_\_ (2) submit an application for critical care paramedic;~~
  - ~~\_\_\_\_\_ (3) pay applicable fees; and~~
  - ~~\_\_\_\_\_ (4) submit proof of certification from the International Board of Specialty Certification.~~

**R911-5-2300. Course Approvals.**

~~\_\_\_\_\_ A course coordinator offering EMS training to individuals who wish to become licensed as an EMR, EMT, AEMT, or paramedic shall obtain department approval before initiating an EMS training course. The department shall approve a course if:~~

- ~~\_\_\_\_\_ (1) the applicant submits the course application and fees no earlier than 90 days and no later than 30 days before commencing the course;~~
- ~~\_\_\_\_\_ (2) the applicant has sufficient equipment available for the training;~~
- ~~\_\_\_\_\_ (3) the department finds the course meets the department rules and contracts governing training;~~
- ~~\_\_\_\_\_ (4) the course coordinators and instructors hold current respective course coordinator and EMS instructor endorsements; and~~
- ~~\_\_\_\_\_ (5) the department has the capacity to offer the applicable examinations in a timely manner after the conclusion of the course.~~

**R911-5-2400. Paramedic Training Institutions Standards Compliance.**

- ~~\_\_\_\_\_ (1) A person shall be authorized by the department to provide training leading to the licensure of a paramedic.~~
- ~~\_\_\_\_\_ (2) To become authorized and maintain authorization to provide paramedic training, a person shall follow:~~
  - ~~\_\_\_\_\_ (a) the March 2023 Course Coordinator Manual; and~~
  - ~~\_\_\_\_\_ (b) the 2023 Standard and Guidelines for the Accreditation of Education Programs in the Emergency Medical Services Professions, incorporated by reference in this rule.~~

**R911-5-2500. Off-line Medical Director Requirements.**

- ~~\_\_\_\_\_ (1) The department may certify an off-line medical director for a four year period.~~
- ~~\_\_\_\_\_ (2) An off-line medical director shall be:~~
  - ~~\_\_\_\_\_ (a) a physician actively engaged in providing emergency medical care or meets this requirement at the discretion of the state EMS medical director;~~
  - ~~\_\_\_\_\_ (b) familiar with Title 53, Chapter 2b, Emergency Medical Services Act and applicable EMS administrative rules under Title R911; and~~
  - ~~\_\_\_\_\_ (c) familiar with medical equipment and medications required.~~

**R911-5-2600. Off-line Medical Director Certification.**

- ~~\_\_\_\_\_ (1) An individual who wishes to certify as an off-line medical director shall:~~
  - ~~\_\_\_\_\_ (a) complete an American College of Emergency Physicians or National Association of Emergency Medical Services Physicians medical director training course or the department's medical director training course within 12 months of becoming a medical director;~~
  - ~~\_\_\_\_\_ (b) submit an application; and~~
  - ~~\_\_\_\_\_ (c) pay applicable fees.~~
- ~~\_\_\_\_\_ (2) An individual who wishes to recertify as an off-line medical director shall:~~
  - ~~\_\_\_\_\_ (a) attend the medical directors annual workshop at least once every four years;~~
  - ~~\_\_\_\_\_ (b) submit an application; and~~
  - ~~\_\_\_\_\_ (c) pay applicable fees.~~

**R911-5-2700. Epinephrine Auto-Injector and Stock Albuterol Use.**

- ~~\_\_\_\_\_ (1)(a) Any qualified entity or qualified adult shall receive training approved by the department.~~
- ~~\_\_\_\_\_ (b) The epinephrine auto-injector training shall include:~~
  - ~~\_\_\_\_\_ (i) recognition of life-threatening symptoms of anaphylaxis;~~
  - ~~\_\_\_\_\_ (ii) appropriate administration of an epinephrine auto-injector;~~

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- ~~\_\_\_\_\_ (iii) proper storage of an epinephrine auto injector;~~
- ~~\_\_\_\_\_ (iv) disposal of an epinephrine auto injector; and~~
- ~~\_\_\_\_\_ (v) an initial and annual refresher course.~~
- ~~\_\_\_\_\_ (e) The stock albuterol training shall include:~~
  - ~~\_\_\_\_\_ (i) recognition of life threatening symptoms of an asthma emergency;~~
  - ~~\_\_\_\_\_ (ii) appropriate administration of stock albuterol;~~
  - ~~\_\_\_\_\_ (iii) proper storage of stock albuterol;~~
  - ~~\_\_\_\_\_ (iv) disposal of stock albuterol; and~~
  - ~~\_\_\_\_\_ (v) an initial and annual refresher course.~~
- ~~\_\_\_\_\_ (2) The annual refresher course requirement may be waived if:~~
  - ~~\_\_\_\_\_ (a) the qualified entities or qualified adults are currently licensed at the EMR or higher level by the state; or~~
  - ~~\_\_\_\_\_ (b) the approved training is the Red Cross Anaphylaxis and Epinephrine Auto Injector course, found within the online classes and training section of <https://redeross.org>.~~
- ~~\_\_\_\_\_ (3) Training in the school setting shall be based on approved department trainings found on <https://heal.utah.gov/SN-training/> pursuant to Sections 53-2d-207 and 53-2d-208.~~
- ~~\_\_\_\_\_ (4) To become qualified, a teacher or school employee who is 18 years of age or older shall successfully complete the training program listed in Subsection (1).~~
- ~~\_\_\_\_\_ (5) Any epinephrine auto injector and stock albuterol shall be kept in a secure unlocked location for use in an emergency.~~
- ~~\_\_\_\_\_ (6) Devices shall be disposed of following the manufacturer's specifications.~~

**~~R911-5-2800. Law Enforcement Blood Draws Authorized Individual Qualifications.~~**

- ~~\_\_\_\_\_ Individuals who are not authorized to draw blood pursuant to Subsection 41-6a-523(1)(b), or individuals who are not licensed by the department, such as AEMTs, or paramedics, shall meet one of the following requirements as a prerequisite for authorization to withdraw blood to determine its alcohol or drug content when requested to do so by a peace officer:~~
- ~~\_\_\_\_\_ (1) training in blood withdrawal procedures obtained as a defined part of a successfully completed college or university course taken for credit;~~
  - ~~\_\_\_\_\_ (2) training in blood withdrawal procedures obtained as a defined part of a successfully completed training course that prepares individuals to function in routine clinical or emergency medical situations; or~~
  - ~~\_\_\_\_\_ (3) training of no less than three weeks duration in blood withdrawal procedures under the guidance of a licensed physician.~~

**~~R911-5-2900. Permits for Blood Draws.~~**

- ~~\_\_\_\_\_ (1) The department may issue permits to withdraw blood to determine the alcohol or drug content therein, when requested by a peace officer, to qualified applicants, as determined by the department. Individuals described in Section R426-5-2800 are exempt from permit requirements.~~
- ~~\_\_\_\_\_ (2) An applicant shall submit to the department an application on forms the department provides.~~
- ~~\_\_\_\_\_ (3) When the permit holder is requested to withdraw blood for the purpose stated in Subsection (1), the permit holder shall have a valid permit card.~~
- ~~\_\_\_\_\_ (4) Permits shall be valid for a three-year period. The date the permit expires shall appear on the permit.~~
- ~~\_\_\_\_\_ (5) An individual shall submit an application to the department on department provided forms to renew permits within three months before the expiration date to ensure that it will not lapse. The permit holder shall either verify that they have been engaged in performing blood withdrawal procedures during the current permit period or submit verification signed by a physician attesting to their competence to perform blood withdrawal procedures.~~
- ~~\_\_\_\_\_ (6) Permit holders shall notify the department within 15 days of a change in name or mailing address.~~

**~~R911-5-3000. Cause for Blood Draw Permit Termination or Revocation.~~**

- ~~\_\_\_\_\_ Permits shall be subject to termination or revocation under any of the following conditions:~~
- ~~\_\_\_\_\_ (1) the permit holder has made a misrepresentation of a material fact in the application, or any other communication to the department or its representatives, which misrepresentation was material to the eligibility of the permit holder;~~
  - ~~\_\_\_\_\_ (2) the permit holder is not qualified to hold a permit;~~
  - ~~\_\_\_\_\_ (3) the permit holder after having received a permit has been convicted of a felony or of a misdemeanor that involves moral turpitude;~~
- ~~or~~
- ~~\_\_\_\_\_ (4) the permit holder does not comply with the possession requirements.~~

**~~R911-5-3100. Published List of Individuals Permitted to Draw Blood.~~**

- ~~\_\_\_\_\_ (1) The department shall make available to the public a list of individuals permitted to withdraw blood for determination of its alcohol or drug content.~~
- ~~\_\_\_\_\_ (2) The department may publish amended lists.~~

**~~R911-5-3200. Background Screening Clearance for EMS Licensure.~~**

- ~~\_\_\_\_\_ (1) The department shall conduct a background screening on each individual who seeks licensure or renewal as an EMR, EMT, AEMT, paramedic, or EMD. The department shall approve EMS licensure upon successful completion of a background screening. Background clearance indicates the individual does not pose an unacceptable risk to public health and safety.~~

- ~~(2) The individual seeking licensure or renewal shall submit the completed applications, including fees, before submission of fingerprints.~~
- ~~(3) The department may review relevant information obtained from the following sources:~~
- ~~(a) Department of Public Safety arrest, conviction, and disposition records described in Title 53, Chapter 10, Criminal Investigations and Technical Services Act, including information in state, regional, and national records files;~~
- ~~(b) juvenile court arrest, adjudication, and disposition records, as allowed under Section 78A-6-209;~~
- ~~(c) federal criminal background databases available to the state;~~
- ~~(d) the Department of Health and Human Services' Division of Child and Family Services Licensing Information System described in Section 80-2-1001;~~
- ~~(e) child abuse or neglect findings described in Section 78A-6-3a;~~
- ~~(f) the Department of Health and Human Services' Division of Aging and Adult Services vulnerable adult abuse, neglect, or exploitation database described in Section 26B-6-210; and~~
- ~~(g) licensing and certification records of individuals licensed or certified by the Division of Professional Licensing under Title 58, Occupations and Professions.~~
- ~~(4) If the department determines an individual is not eligible for licensure based upon the criminal background screening and the individual disagrees with the information provided by the Criminal Investigations and Technical Services Division or court record, the individual may challenge the information as provided in Title 77, Chapter 18a, The Appeal.~~
- ~~(5) If the department determines an individual is not eligible for licensure based upon the noncriminal background screening and the individual disagrees with the information provided, the individual may challenge the information through the appropriate agency.~~
- ~~(6) If an individual has been convicted, has pleaded no contest, is subject to a plea in abeyance, or a diversion agreement, for the following offenses within the past 15 years, they may not be approved for licensure:~~
- ~~(a) any felony or Class A misdemeanor under Title 76, Chapter 5, Offenses Against the Individual;~~
- ~~(b) any felony or Class A misdemeanor under Title 76, Chapter 9, Offenses Against Public Order and Decency, excluding Sections 76-9-103 and 76-9-108;~~
- ~~(c) any felony or Class A or B misdemeanor under the following:~~
- ~~(i) Section 76-9-301.8, Bestiality;~~
- ~~(ii) Section 76-9-702.1, Sexual battery; or~~
- ~~(iii) Section 76-9-702.5, Lewdness involving a child.~~
- ~~(7) If an individual has been convicted or has pleaded no contest for the following offenses, 15 years have passed since the last conviction, and the offense cannot be expunged, they shall be considered for licensure:~~
- ~~(a) any felony or Class A misdemeanor under Title 76, Chapter 5, Offenses Against the Individual;~~
- ~~(b) any felony or Class A misdemeanor under Title 76, Chapter 9, Offenses Against Public Order and Decency, excluding Sections 76-9-103 and 76-9-108; or~~
- ~~(c) any felony or Class A or B misdemeanor under the following:~~
- ~~(i) Section 76-9-301.8, Bestiality;~~
- ~~(ii) Section 76-9-702.1, Sexual battery; or~~
- ~~(iii) Section 76-9-702.5, Lewdness involving a child.~~
- ~~(8) If an individual has been convicted, has pleaded no contest, is subject to a plea in abeyance, or a diversion agreement, for the following offenses, they shall be considered for licensure:~~
- ~~(a) any felony or Class A misdemeanor not listed in Subsections (6)(a) through (6)(c).~~
- ~~(b) any class B or C misdemeanor under Title 76, Chapter 5, Offenses Against the Individual;~~
- ~~(c) any felony, Class A misdemeanor under Title 76, Chapter 6, Offenses Against Property;~~
- ~~(d) any felony or Class A misdemeanor under Title 76, Chapter 6a, Pyramid Scheme Act;~~
- ~~(e) any felony or Class A misdemeanor under Title 76, Chapter 8, Offenses Against the Administration of Government;~~
- ~~(f) any felony, Class A misdemeanor under Title 76, Chapter 10, Offenses Against Public Health, Safety, Welfare and Morals;~~
- ~~(g) any felony, Class A, B, or C misdemeanor under the following:~~
- ~~(i) Sections 76-10-1201 through 79-10-1229.5, Pornographic and Harmful Materials and Performances; and~~
- ~~(ii) Sections 76-10-1301 through 76-10-1314, Prostitution;~~
- ~~(iii) any felony or Class A misdemeanor under Section 76-10-2301, Contributing to the Delinquency of a Minor;~~
- ~~(h) any felony or Class A or B misdemeanor under Utah Motor Vehicles Traffic Code Sections 41-6a-502, 41-6a-502.5, and 41-6a-517.~~
- ~~(i) any felony or Class A or B misdemeanor under Title 58, Chapter 37, Utah Controlled Substances Act.~~
- ~~(j) any felony or Class A or B misdemeanor under Section 32B-4-409.~~
- ~~(k) any criminal conviction or pattern of convictions that may represent an unacceptable risk to public health and safety.~~
- ~~(9) An individual seeking licensure who has been convicted or has pleaded no contest, is subject to a plea in abeyance, a diversion agreement, a warrant for arrest, arrested or charged for any of the identified offenses in Subsection R911-5-3200(8), shall be considered for licensure.~~
- ~~(10) A licensed EMS personnel who is subject to a warrant of arrest, arrested or charged for any of the identified offenses in Subsection R911-5-3200(8), and after an investigation and peer review board process as established in Section R911-5-3400, the department may issue license, suspend or revoke a license, or place a license on probation.~~

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- ~~(11) A licensed EMS personnel who is subject to a warrant of arrest, arrested, or charged for any of the identified offenses in Subsection R911-5-3200(6) shall immediately have the individual's EMS license placed on restriction pending the outcome of a department investigation as per the process established in Section R911-5-3300.~~
- ~~(12) As required by Subsection 53-2d-410(5)(b), juvenile court records shall be reviewed if an individual is:~~
  - ~~(a) under the age of 28; or~~
  - ~~(b) over the age of 28 and has convictions or pending charges identified in Subsection R911-5-3200(6).~~
- ~~(13) Adjudications by a juvenile court may exclude the individual from licensure if the adjudications refer to an act that, if committed by an adult, would be a felony or a misdemeanor of the identified offenses in Subsection R911-5-3200(6).~~
- ~~(14) The department may deny licensure based on a supported finding from:~~
  - ~~(a) the Department of Health and Human Services' Division of Child and Family Services Licensing Information System described in Section 80-2-1001;~~
  - ~~(b) child abuse or neglect findings described in Section 78A-6-3a; or~~
  - ~~(c) the Department of Health and Human Services' Division of Aging and Adult Services vulnerable adult abuse, neglect, or exploitation database described in Section 26B-6-210;~~
- ~~(15) The department may deny licensure based on a finding from licensing records of individuals licensed by the Division of Professional Licensing under Title 58, Occupations and Professions.~~
- ~~(16) Results of background screening review, as listed in Subsection R911-5-3200(7), (8), (12), or (14), may be reviewed to determine under what circumstance, if any, the individual may be granted licensure. The following factors may be considered:~~
  - ~~(a) types and number;~~
  - ~~(b) passage of time;~~
  - ~~(c) surrounding circumstances;~~
  - ~~(d) intervening circumstances; and~~
  - ~~(e) steps taken to correct or improve.~~
- ~~(17) The department shall rely on relevant information identified in Subsection R911-5-3200(2) as conclusive evidence and may deny licensure based on that information.~~
- ~~(18) A licensed EMS personnel may appeal a department licensure decision as listed in Subsection R911-5-3200(16) to the department per the process established in Section R911-5-3400.~~
- ~~(19) A licensed EMS personnel who has been arrested, charged, or convicted shall notify the department and each employer or affiliated entity who utilizes the EMS personnel's license within seven business days. The licensed EMS personnel shall also notify the department of each entity they work for or are affiliated with.~~
- ~~(20) A licensed or designated EMS provider who is notified or becomes aware of a licensed EMS personnel's arrest, charge, or conviction shall notify the department within seven business days.~~

**R911-5-3300. Review and Investigation of Complaints and Referrals.**

- ~~(1) The department shall review each complaint filed against an EMS provider and a licensed EMS personnel.~~
- ~~(2)(a) The department may investigate designated or licensed provider complaints.~~
- ~~(b) The department may conduct interviews with a provider or EMS personnel.~~
- ~~(c) The department may allow the licensed EMS personnel or provider an opportunity to respond to the allegations and to provide supporting witnesses and documentation.~~
- ~~(d) Based on the investigation, the department shall make a recommendation to the department's office director.~~
- ~~(e) If the department's recommendation is that the licensed EMS personnel or provider is to be placed on probation or suspension, the department's recommendation shall include terms and conditions.~~
- ~~(f) The department may take action against a designated or licensed provider's license or designation based on the investigative findings.~~
- ~~(g) The department shall notify the licensed EMS personnel or provider in writing of the department's decision within 30 days of completion of the investigation.~~
- ~~(3)(a) Licensed EMS personnel complaints shall be investigated either by the department or by the primary affiliated provider (PAP).~~
- ~~(b) The department shall investigate and may take action if the department determines any of the following applies to a licensed EMS personnel:~~
  - ~~(i) the licensed EMS personnel demonstrates a threat to themselves or to a coworker;~~
  - ~~(ii) the licensed EMS personnel demonstrates a threat to the public health;~~
  - ~~(iii) the licensed EMS personnel demonstrates a threat to the safety or welfare of the public;~~
  - ~~(iv) the licensed EMS personnel potentially violated Subsection R911-5-3200(4); or~~
  - ~~(v) the department determines the risk cannot be reasonably mitigated.~~
- ~~(c) The department may place the licensed EMS personnel on a restricted license while an investigation is pending until terms are reached for a provisional license using the process outlined in Subsection R911-5-3300(5)(f)(i).~~
- ~~(d) The department may conduct interviews with any individual necessary. The department may gather information and evidence, which may include requiring the licensed EMS personnel to submit to a drug or alcohol screening or any other appropriate evaluation.~~
- ~~(e) The licensed EMS personnel shall have an opportunity to respond to the allegations and to provide supporting witnesses and documentation.~~
- ~~(f) Once the department has completed its investigation, it shall submit the report with any findings and recommendations to the peer review board per Subsection R911-5-3400(4) for review.~~



- ~~(g)(i) The PAP shall investigate a complaint against the licensed EMS personnel who the department refers to the PAP.~~
- ~~(ii) The PAP investigation shall:~~
- ~~(A) be investigated by the licensed or designated EMS provider's EMS endorsed training officer or designee; and~~
- ~~(B) be completed and findings submitted to the department within 30 calendar days from receipt of complaint from the department;~~
- ~~(iii) If the department determines that the PAP actions are insufficient, the department may initiate an investigation of the licensed EMS personnel which follows the department and the peer review board process.~~
- ~~(4) The department shall investigate an EMS personnel's license, a provider's license or designation, or an individual's department endorsement for any of the following reasons:~~
- ~~(a) refusal to submit to a drug test requested by the EMS provider or the department;~~
- ~~(b) failure to report by an individual or any affiliated provider pursuant to Subsections R911-5-3200(19) and R911-5-3200(20);~~
- ~~(c) non-prescribed use of or addiction to narcotics or drugs;~~
- ~~(d) use of alcoholic beverages or being under the influence of alcoholic beverages at any level while on call or on duty as an EMS personnel or while driving an EMS vehicle;~~
- ~~(e) being under the influence of a prescribed or non-prescribed medication or drug, legal or illegal, while on call or on duty as a licensed EMS personnel that affects the person's ability to operate or function safely;~~
- ~~(f) failure to comply with the training, licensing, or relicensing requirements for the license;~~
- ~~(g) failure to comply with a contractual agreement as an EMS instructor, a training officer, or a course coordinator. Action taken by the department on this item shall only be against the individual's ability to perform this particular function and would not affect their base EMS license;~~
- ~~(h) fraud or deceit in applying for or obtaining a license;~~
- ~~(i) fraud, deceit, lack of professional competency, patient abuse, or theft in the performance of the duties as a licensed EMS personnel;~~
- ~~(j) false or misleading information or failure to disclose criminal background information during an investigation or an EMS personnel peer review board proceeding;~~
- ~~(k) unauthorized use or removal of narcotics, medications, supplies, or equipment from a provider, emergency vehicle, or health care facility;~~
- ~~(l) performing procedures or skills beyond the level of an individual's EMS licensure or provider's licensure;~~
- ~~(m) violation of laws pertaining to medical practice, drugs, or controlled substances;~~
- ~~(n) mental incompetence as determined by a court of competent jurisdiction;~~
- ~~(o) demonstrated inability and failure to perform adequate patient care;~~
- ~~(p) inability to provide EMS with reasonable skill and safety because of illness, or as a result of any other mental or physical condition, when the individual's condition demonstrates a clear and unjustifiable threat or potential threat to oneself, coworkers, or the public health, safety, or welfare that cannot be reasonably mitigated;~~
- ~~(q) misrepresentation of an individual's level of licensure;~~
- ~~(r) failure of a licensed EMS personnel to display a clearly identifiable level of EMS licensure during an EMS response;~~
- ~~(s) unsafe, unnecessary, or improper operation of an emergency vehicle that would likely cause concern or create a danger to the general public; or~~
- ~~(t) improper or unnecessary use of emergency equipment.~~
- ~~(5)(a) Background screening referrals may be submitted to the department for review and investigation.~~
- ~~(b) The department shall review any case referred under Section R911-5-3200.~~
- ~~(c) The department may require the licensed EMS personnel to provide the proper criminal background documentation.~~
- ~~(d) The licensed EMS personnel shall notify the department of each entity they work for or are affiliated with or that they may become affiliated with in connection with their EMS licensure.~~
- ~~(e) Failure to comply with any department requirements may result in disciplinary action against the EMS personnel's licensure.~~
- ~~(f)(i) The department may negotiate with the licensed EMS personnel and their PAP to determine terms and conditions of the EMS personnel's provisional licensure.~~
- ~~(ii) When the department determines an EMS personnel's license will be restricted, the department shall notify both the licensed EMS personnel and each licensed or designated provider the individual is affiliated with.~~
- ~~(iii) The department shall try to contact and begin negotiations with the PAP and the licensed EMS personnel. Each individual shall try to determine reasonable terms and conditions to the EMS personnel's license.~~
- ~~(iv) If terms and conditions are agreed upon between the parties, the licensed EMS personnel and each affiliated licensed or designated provider shall be notified immediately. This notification shall include information that the licensed EMS personnel is under a provisional license with terms and conditions until the resolution of any criminal charge or the completion of an investigation.~~
- ~~(v) If the licensed EMS personnel is not employed or affiliated with a licensed or designated provider or if terms and conditions are not agreed upon, the department may act as necessary to protect the public's best interest.~~
- ~~(vi) The department, the licensed EMS personnel, and the PAP, if applicable, shall sign the terms of the provisional licensure agreement. Any other affiliated licensed or designated EMS providers shall be notified of the provisional license and its terms and conditions.~~
- ~~(vii) Once the provisional license has been signed, the department shall notify any known EMS provider the licensed EMS personnel is affiliated with.~~
- ~~(viii) If an affiliated licensed or designated EMS provider or the licensed EMS personnel fail to abide by the terms and conditions of a provisional license, they may be subject to sanctions by the department.~~
- ~~(g) The department shall submit recommended background clearance actions for licensed EMS personnels to the peer review board under Section R911-5-3400.~~

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~~\_\_\_\_\_ (6) Appeal process:~~

~~\_\_\_\_\_ (a)(i) If a licensed or designated EMS provider or a licensed EMS personnel chooses to appeal an action by the department, they may appeal to the EMS committee or pursue a remedy under the Utah Administrative Procedures Act, Title 63G, Chapter 4, Administrative Procedures Act.~~

~~\_\_\_\_\_ (ii) If the department action is appealed to the EMS committee, then the recommendation shall be given to the department executive director for a final decision.~~

~~\_\_\_\_\_ (b) If a licensed EMS personnel chooses to appeal an action by the department, they may appeal to the executive director, or pursue a remedy under the Utah Administrative Procedures Act, Title 63G, Chapter 4, Administrative Procedures Act.~~

**~~R911 5 3400. EMS Personnel Peer Review Board.~~**

~~\_\_\_\_\_ (1) The EMS personnel peer review board is created under Subsection 53-2d-103(1)(d).~~

~~\_\_\_\_\_ (2) The EMS personnel peer review board shall be composed of the following 15 members appointed by the executive director of the Department of Health and Human Services:~~

~~\_\_\_\_\_ (a) one EMS administrative officer representing a licensed ambulance provider, a licensed paramedic provider, or a designated quick response unit provider from a county of the first or second class;~~

~~\_\_\_\_\_ (b) one EMS administrative officer representing a licensed ambulance provider, a licensed paramedic provider, or a designated quick response unit provider from a county of the third through sixth class;~~

~~\_\_\_\_\_ (c) one educational representative from an accredited EMS training program;~~

~~\_\_\_\_\_ (d) one physician certified and practicing as an EMS medical director;~~

~~\_\_\_\_\_ (e) one EMD;~~

~~\_\_\_\_\_ (f) two representatives from professional employee groups, one fire based, and one non fire based;~~

~~\_\_\_\_\_ (g) two endorsed EMS training officers;~~

~~\_\_\_\_\_ (h) two non supervisory licensed EMTs;~~

~~\_\_\_\_\_ (i) two non supervisory licensed AEMTs; and~~

~~\_\_\_\_\_ (j) two non supervisory licensed paramedics.~~

~~\_\_\_\_\_ (3) The EMS personnel peer review board member's terms of office shall comply with the following criteria.~~

~~\_\_\_\_\_ (a) Except as provided in Subsection (2)(b), members shall be appointed for a six year term.~~

~~\_\_\_\_\_ (b) The department shall adjust the length of terms to ensure the terms of members of the board are staggered so about one third of the board is appointed every two years.~~

~~\_\_\_\_\_ (c) No member shall serve consecutive full terms.~~

~~\_\_\_\_\_ (d) When a vacancy occurs in the membership of the board for any reason, the executive director of the department shall appoint the replacement for the balance of the unexpired term. If the balance of the term is greater than 50% of the initial term, then the term shall be considered a full term.~~

~~\_\_\_\_\_ (e) The EMS personnel peer review board shall organize and select one of its members as chair and one of its members as vice chair to serve no more than two years in each position.~~

~~\_\_\_\_\_ (f) If a board member becomes ineligible for the EMS personnel peer review board membership position through promotion, an increase in level of licensure, or transfer out of the employment position that qualified them for the appointment, they shall be replaced at the next two year interval.~~

~~\_\_\_\_\_ (g) An equitable mix of urban and rural members is preferred.~~

~~\_\_\_\_\_ (4) The EMS personnel peer review board meeting shall take place quarterly.~~

~~\_\_\_\_\_ (a) Regular meetings shall be noticed and posted to employers and posted in accordance with the Utah Open and Public Meetings Act, Section 52-4-202.~~

~~\_\_\_\_\_ (b) Failure to attend three or more consecutive meetings by any member may be grounds for removal of that member and replacement in accordance with Subsection (2)(d).~~

~~\_\_\_\_\_ (c) A member may not receive compensation or benefits from the department for the member's service. The member may receive per diem and travel expenses in accordance with department rules and policies.~~

~~\_\_\_\_\_ (5) Once a complaint or background screening finding against a licensed EMS personnel is investigated, the department shall refer the case and provide a report with any findings and recommendations to the EMS personnel peer review board.~~

~~\_\_\_\_\_ (6) If the EMS personnel peer review board chooses to recommend any action that deviates from the department recommendation, the board shall provide written justification for that recommendation.~~

~~\_\_\_\_\_ (7) The EMS personnel peer review board may make recommendations to the department's office director of:~~

~~\_\_\_\_\_ (a) no department action;~~

~~\_\_\_\_\_ (b) a letter of notice;~~

~~\_\_\_\_\_ (c) probation of the licensed EMS personnel's license with specific terms and conditions for a period;~~

~~\_\_\_\_\_ (d) suspension of the licensed EMS personnel's license for a defined period;~~

~~\_\_\_\_\_ (e) permanent revocation of the licensed EMS personnel's license; or~~

~~\_\_\_\_\_ (f) a combination of any of these actions.~~

~~\_\_\_\_\_ (8) If the department's office director modifies the recommended action of the EMS personnel peer review board, the department's office director shall attach a written letter of dissent noting the reasoning for the decision. The department's office director shall then notify the EMS personnel peer review board of the dissent and action taken.~~

~~\_\_\_\_\_ (9) The department shall notify the licensed EMS personnel of any action taken within 15 days of the decision by mail.~~

~~(10) An action to restrict, place on probation, suspend, or revoke the licensed EMS personnel's license shall be done in accordance with Title 63G, Chapter 4, Administrative Procedures Act.~~

**R911-5-3500. EMS Rules Task Force.**

- ~~(1) The EMS rules task force is created under Subsection 53-2d-103(1)(c).~~
- ~~(2) The EMS rules task force shall be composed of the following members appointed by the executive director of the Department of Health and Human Services:~~
- ~~(a) a representative from the Utah Fire Chiefs' Association;~~
  - ~~(b) a representative from the Utah Rural EMS Directors' Association;~~
  - ~~(c) an EMS medical director;~~
  - ~~(d) a representative from a privately owned EMS agency;~~
  - ~~(e) a rural EMS medical dispatch representative;~~
  - ~~(f) a paramedic licensed representative;~~
  - ~~(g) an urban EMS medical dispatch representative;~~
  - ~~(h) an Emergency Nurses Association representative;~~
  - ~~(i) a course coordinator from an accredited EMS training program;~~
  - ~~(j) an endorsed EMS training officer;~~
  - ~~(k) a representative from the state EMS committee;~~
  - ~~(l) a designated trauma center representative;~~
  - ~~(m) a designated patient receiving facility representative; and~~
  - ~~(n) a designated nonemergency secured behavioral patient transport representative.~~
- ~~(3) The EMS rules task force member's terms of office will comply with the following criteria:~~
- ~~(a) Except as provided in Subsection (2)(b), members shall be appointed for a three year term.~~
  - ~~(b) The department shall adjust the length of terms to ensure the terms of members of the EMS rules task force are staggered so about one third of the EMS rules task force is appointed every two years.~~
  - ~~(c) Members may serve two consecutive full terms.~~
  - ~~(d) When a vacancy occurs in the membership for any reason, the department shall solicit applications for replacement for the balance of the unexpired term. If the balance of the term is greater than 50% of the initial term, then the term shall be considered a full term.~~
  - ~~(e) The EMS rules task force shall organize and select one of its members as chair and one of its members as vice chair to serve no more than two years in each position.~~
  - ~~(f) If an EMS rules task force member becomes ineligible for the EMS rules task force membership position through promotion, an increase in level of license, or transfer out of the employment position that qualified them for the appointment, they shall be replaced at the next two year interval.~~
  - ~~(g) An equitable mix of urban and rural members is preferred.~~
  - ~~(4) Regular meetings of the EMS rules task force shall be scheduled as determined by the membership and the department.]~~

**R911-5-100. Authority.**

~~This rule is authorized by Title 53, Chapter 2d, Emergency Medical Services Act.~~

**R911-5-105. Purpose.**

~~The purpose of this rule is to:~~

- ~~(1) describe requirements for training, certification, endorsements, and licensing of individuals who provide emergency medical services;~~
- ~~(2) provide uniform minimum standards to be met by those providing emergency medical services within the state; and~~
- ~~(3) establish grounds and procedures for disciplinary actions.~~

**R911-5-110. Definitions.**

- ~~(1) Terms used in this rule are defined in Section 53-2d-101 and Section R911-1-200.~~
- ~~(2) In addition:~~
  - ~~(a)(i) "Aggravating circumstances" means any consideration or factors that may justify an increase in the severity of an action to be imposed upon an applicant or licensee.~~
  - ~~(ii) "Aggravating circumstances" includes the following:~~
    - ~~(A) prior record of disciplinary action, unlawful conduct, or unprofessional conduct;~~
    - ~~(B) dishonest or selfish motive;~~
    - ~~(C) pattern of misconduct;~~
    - ~~(D) multiple offenses;~~
    - ~~(E) obstruction of the disciplinary process by intentionally failing to comply with rules or orders of the bureau;~~
    - ~~(F) submission of false evidence, false statements, or engaging in other deceptive practices, including creating, destroying, or altering records;~~
    - ~~(G) refusal to acknowledge the wrongful nature of the misconduct involved;~~
    - ~~(H) vulnerability of the victim;~~
    - ~~(I) lack of good faith to make restitution or to rectify the consequences of the misconduct;~~
    - ~~(J) illegal conduct, including the use of controlled substances; or~~

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(K) intimidation or threats of withholding records or other detrimental consequences of any individual who reports, is a witness to or testifies regarding the unprofessional or unlawful conduct.

(b) "Board" means the EMS Personnel Peer Review Board created under Subsection 53-2d-103(1)(d).

(c) "Course Coordinator Manual" means the 2024 Course Coordinator Manual, incorporated by reference in this rule.

(d) "Crisis Response Technician" or "CRT" means a person who provides "Behavioral Emergency Services" as defined in Section 53-2d-101.

(e) "Licensee" means any individual or entity who has applied or is issued any certificate, designation, permit, or license under Title 53, Chapter 2d, Emergency Medical Services Act, and Title 53, Chapter 2e, EMS Personnel Licensure Interstate Compact.

(f)(i) "Mitigating circumstances" means any consideration or factors that may justify a reduction in the severity of an action to be imposed upon an applicant or licensee.

(ii) "Mitigating circumstances" include:

(A) absence of prior record of disciplinary action, unlawful conduct or unprofessional conduct;

(B) personal, mental, or emotional problems if the problems have not posed a risk to the health, safety, or welfare of the public or clients served, such as drug or alcohol abuse while working or similar situations where the licensee or applicant should know that they should refrain from engaging in activities that may pose such a risk;

(C) timely and good faith effort to make restitution or rectify the consequences of the misconduct involved;

(D) full and free disclosure to the client or bureau before the discovery of any misconduct;

(E) inexperience in the practice of the profession, that is not the result of failure to obtain appropriate education or consultation that the applicant or licensee should have known they should obtain before beginning work on a particular matter;

(F) imposition of other penalties or sanctions if the other penalties and sanctions have alleviated threats to the public health, safety, and welfare; and

(G) remorse.

(iii) The following factors may not be considered as mitigating circumstances:

(A) forced or compelled restitution;

(B) withdrawal of complaint by an individual;

(C) resignation before disciplinary proceedings;

(D) failure of injured party to complain;

(E) complainant's recommendation as to sanction;

(F) disciplinary action taken by employer;

(G) criminal penalties imposed for the conduct;

(H) argument that a prior proceeding was conducted unfairly, contrary to law, or in violation of due process or any other procedural safeguard;

(I) argument that a prior finding or sanction was contrary to the evidence or entered without due consideration of relevant evidence;

(J) argument that a respondent was not adequately represented by counsel in a prior proceeding; or

(K) argument or evidence that former statements of a respondent made in conjunction with a plea or settlement agreement are not true.

(g) "Moral turpitude" means an act that:

(i) is done knowingly contrary to justice, honesty, or good morals;

(ii) is immoral in itself regardless of whether the act is punishable by law;

(iii) involves an element of falsification or fraud; or

(iv) involves an element of harm or injury directed to another person or another person's property.

(h) "Probation" means the individual is required to complete rehabilitative terms to maintain licensure for a maximum period of one year.

(i) "Provider" means "emergency medical service providers" as defined in Section 53-2d-101.

(j) "Respondent" means an emergency medical service personnel, licensee, provider, or endorsed individual against whom the bureau has initiated an investigation or adjudicative proceeding under Section 53-2d-603 or 53-2d-604, or this rule.

(k) "Revoke" or "revocation" means the permanent termination of a license.

(l) "Suspend" or "suspension" means the temporary removal of the license from an individual for a period.

(m) "Training Officer Manual" means the 2024 Training Officer Manual, incorporated by reference in this rule.

(n) "Unprofessional conduct" means the following:

(i) surrendering a license to any other licensing or regulatory authority having jurisdiction over the licensee or applicant in any regulated profession while an investigation or inquiry into allegations of unprofessional conduct or unlawful conduct is in progress, or after a charging document has been filed against the applicant or licensee alleging unprofessional conduct or unlawful conduct;

(ii) engaging in conduct that results in disciplinary action, including reprimand, censure, diversion, or probation;

(iii) suspension, or revocation, by any other licensing or regulatory authority having jurisdiction over the licensee or applicant in any profession, if the conduct:

(A) bears a substantial relationship to the licensee's or applicant's ability to safely and competently practice as an EMS professional;

or

(B) would constitute grounds for denial of licensure or disciplinary proceedings under Title 53 Chapter 2d, Emergency Medical Procedures Act, or this rule;

(iv) engaging in cheating or otherwise dishonest conduct while taking any test or exam necessary for licensure;

(v) engaging in conduct or otherwise violating Section R911-5-210;

- (vi) any conduct that renders a licensee unfit to perform as a licensee or endangers public safety; or
- (vii) conduct that is a violation of standards of ethical conduct, performance, or professional competence.

**R911-5-200. Licensing Standards.**

(1) The bureau may license individuals meeting qualifications of Title 53, Chapter 2d, Emergency Medical Services Act, and this rule as a paramedic, advanced emergency medical services technician, emergency medical services technician, emergency medical responder, crisis response technician, or advanced crisis response technician.

(2) The committee shall advise the bureau concerning training and competency standards as defined in the National Association of State EMS Officials National EMS Scope of Practice Model 2019, Report No. DOT HS 812-666. Washington, DC: National Highway Traffic Safety Administration, which is incorporated by reference.

**R911-5-201. Licensure of EMRs, EMTs, AEMTs, and Paramedics.**

(1) A license issued by the bureau is valid for no more than two years unless it is extended by the bureau to standardize the renewal cycle.

(a) The bureau may modify license periods to standardize renewal cycles.

(b) A suspension or probation of a license does not change the expiration date.

(2) An individual seeking to become licensed shall submit to the bureau:

(a) documentation of successful completion of a bureau approved course for the respective license;

(b) a letter written and signed by a bureau endorsed EMS instructor stating that the applicant has competently and successfully performed the functions listed in the National EMS Education Standards referenced in Section R911-5-200;

(c) a completed application;

(d) applicable fees;

(e) information necessary for a background clearance, including social security number, fingerprints, and other information required by Section 53-2d-410;

(f) a certificate of completion of a bureau approved cardiopulmonary resuscitation course dated no more than two years before the date of application;

(g) a favorable written recommendation from the course coordinator and course medical director stating technical competence during field and clinical training and successful completion of training requirements for licensure no more than two years before the date of application; and

(h) documentation of successful completion of a bureau approved written examination or re-examination no more than two years after the date the course under Subsection R911-5-201(2)(d)(iv) was completed.

(3) An applicant shall satisfy the following age requirements for licensure:

(a) 16 years of age or older for an EMR license; and

(b) 18 years of age or older for an EMT, AEMT, and paramedic license.

(4) An individual enrolling in an AEMT or paramedic course shall maintain a current Utah EMT license or higher, until a new license level is granted.

(5) The course coordinator and course medical director shall submit written verification of the successful candidates to the bureau for review upon successful completion of a bureau approved course for a license.

(6) The bureau may extend a license recommendation and verification time limit for an individual who has unusual circumstances or hardships.

**R911-5-202. Paramedic Graduates Not Recommended for Licensure.**

An individual who successfully completed a paramedic course, but is not recommended for licensure, may request licensure as an AEMT if:

(1) the paramedic course coordinator submits to the bureau a favorable letter of recommendation stating that the individual has successfully obtained the knowledge and skills of the AEMT level as required by this rule; and

(2) the individual successfully completes the application and testing requirements for an AEMT license.

**R911-5-203. Waiver of EMT Course Requirements.**

(1) The bureau may license an individual as an EMT or AEMT, if the individual:

(a) provides documentation showing the individual:

(i) is currently licensed in the state and in good standing as a registered nurse, a nurse practitioner, a physician assistant, or a physician;

or

(ii) is able to provide documentation showing completion of military training consistent with National EMS education standards;

(b) demonstrates knowledge, proficiency, and competency to perform the functions listed in the National EMS education standards as described in Subsection R911-5-200(2), as verified through a letter written and signed by a certified course coordinator and an off-line medical director; and

(c) has a knowledge of:

(i) medical control protocols;

(ii) state and local protocols; and

(iii) the role and responsibilities of an EMT or AEMT, respectively.

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(2) In addition to the requirements outlined in Subsection R911-5-204(1), an individual seeking licensure through the waiver process shall comply with the requirements for licensure of an EMT or AEMT in Subsection R911-5-201(2).

**R911-5-204. License Renewal Requirements for EMRs, EMTs, AEMTs, and Paramedics.**

(1) An individual seeking license renewal for an EMR, EMT, AEMT, or paramedic license shall, no earlier than six months, but at least 30 days before the individual's current license expires, submit to the bureau:

- (a) a completed Utah EMS renewal application;
- (b) applicable fees;
- (c) information necessary for a background clearance, including social security number, fingerprints, and other information required by Section 53-2d-410;
- (d) a current National Registry of Emergency Medical Technicians certification for their current license;
- (e) documentation of completion of a bureau approved cardiopulmonary resuscitation course completed no more than two years before the date of application;
- (f) documentation of completion of a pediatric course approved by the bureau completed no more than two years before the date of application, for an AEMT or paramedic licensed individual; and
- (g) documentation of successful completion of Advanced Care Life Support or equivalent training, for a paramedic licensed individual.

(2) The licensee shall maintain cardiopulmonary resuscitation certification during the licensure period.

(3) An individual shall complete, no more than two years before the date of application, the required continuing medical education hours as outlined in EMS Recertification Guide (2024), published by the National Registry of Emergency Medical Technicians, and incorporated by reference in this rule.

(4) The bureau may not extend an individual's license period longer than two years.

(5) Notwithstanding the time limits in Section R911-5-205, an individual who is a member of the National Guard or Reserve component of the Armed Forces and is on active duty when the license expires shall have the same number of days the individual was on orders, not to exceed 90 days, to comply with renewal requirements after discharge.

**R911-5-205. Reciprocity for EMRs, EMTs, AEMTs, and Paramedics.**

(1) The bureau may license an individual as an EMR, EMT, AEMT, or paramedic who is licensed or certified by another state or certifying body if the applicant provides documentation that the applicant's out-of-state training and experience requirements are equivalent to or greater than Utah's requirements.

(2) An individual seeking reciprocity for licensure in the state based on out-of-state training and experience shall submit to the bureau:

- (a) the applicable fees and a completed reciprocity application;
- (b) information necessary for a background clearance, including social security number, fingerprints, and other information required by Section 53-2d-410;
- (c) documentation of having completed a cardiopulmonary resuscitation course, no more than two years before the date of application, that is consistent with a bureau approved course; and
- (d) a current certification from the National Registry of Emergency Medical Technician for the current license level.

(3) A paramedic candidate shall also submit documentation of successful completion of Advanced Care Life Support or equivalent.

(4) AEMT and paramedic licensed personnel shall submit documentation of completion of a pediatric course approved by the bureau, completed no more than two years before the date of application.

**R911-5-300. CRT Licensure.**

(1) An applicant seeking CRT licensure shall:

- (a) have completed a bureau approved CRT course;
- (b) be at least 21 years old;
- (c) have for a minimum of two years:
  - (i) held another license under this rule; or
  - (ii) been a certified law enforcement officer;
- (d) submit to the bureau:
  - (i) a completed CRT license application;
  - (ii) applicable fees;
  - (iii) documentation showing a current Utah license as a mental health professional; and
  - (iv) information necessary for a background clearance, including social security number, fingerprints, and other information required by Section 53-2d-410.

(2) The bureau may grant credit for minimum licensure if:

- (a) the applicant submits documentation showing equivalent experience; and
- (b) the bureau, in its sole discretion, finds the experience sufficient for licensure.

**R911-5-301. Waiver of CRT Course.**

(1) An individual who has not completed a bureau approved CRT course may request waiver of the bureau approved CRT course by submitting documentation showing:

- (a) current licensure as a mental health professional in the state in good standing or military mental health training;
  - (b) knowledge, proficiency, and competency to perform the functions as verified through a letter written and signed by a county mental health authority or designee;
  - (c) knowledge of:
    - (i) crisis response protocols;
    - (ii) state and local protocols; and
    - (iii) the role and responsibilities of a CRT; and
  - (d) completion of a bureau approved cardiopulmonary resuscitation course completed no more than two years before the date of application.
- (2) An individual who is granted a course completion waiver must comply with Subsections R911-5-300 (1)(c) through (d) to be eligible for licensure.

**R911-5-302. License Renewal Requirements for CRTs.**

- (1)(a) An individual applying to renew a CRT license must be in good standing with the local mental health authority.
- (b) The local mental health authority or designee may revoke a CRT's license upon written request to the bureau.
- (2) An individual applying for a renewal license shall complete at least 8 hours of bureau approved continuous education every two years.
  - (3) An individual must complete and submit the required renewal materials to the bureau, no sooner than one year but no less than 30 days before the individual's current license expiration date.
    - (a) Renewal materials submitted less than 30 days before license expiration may result in license expiration; and
    - (b) the bureau shall process renewal applications in the order received.
  - (4) The bureau may modify a CRT's license period to standardize renewal cycles.
  - (5) The bureau may not extend an individual's license period longer than two years.
  - (6) Notwithstanding the time limits in Section R911-5-302, an individual who is a member of the National Guard or Reserve component of the Armed Forces and is on active duty when the license expires shall have the same number of days the individual was on orders, not to exceed 90 days, to comply with renewal requirements after discharge.
  - (7) An individual whose license for CRT has been expired for more than one year shall submit to the bureau:
    - (a) a letter of recommendation including results of an oral examination, from a county mental health director or designee, verifying proficiency in behavioral health care skills at the licensure level;
    - (b) documentation that shows successful completion of the bureau's approved written examination for CRT licensure;
    - (c) a completed renewal application; and
    - (d) applicable late and renewal fees.
  - (8) A CRT license is valid for two years from the issuance date.

**R911-5-303. Reciprocity for CRTs.**

- (1) The bureau may license an individual as a CRT who is licensed or certified by another state or certifying body if the applicant demonstrates the applicant's out-of-state training and experience requirements are equivalent to or greater than what is required in Utah.
- (2) An individual seeking reciprocity for CRT licensure in the state based on out-of-state training and experience shall submit to the bureau:
  - (a) applicable fees;
  - (b) a completed CRT application;
  - (c) information necessary for a background clearance, including social security number, fingerprints, and other information required by Section 53-2d-410;
  - (d) documentation of having completed a CPR course, no more than two years before the date of application, that is consistent with the Highlights of the 2020 American Heart Association Guidelines for CPR and ECC, incorporated by reference in this rule; and
  - (e) a current CRT certification or license from another state and the name of the training institution.

**R911-5-400. Certifications and Accounts With National Registry of Emergency Medical Technician Certification.**

- (1) An individual licensed as an EMR, EMT, AEMT, or paramedic shall maintain a certification and account with the National Registry of Emergency Medical Technicians.
- (2) The bureau may suspend or revoke the license of an individual whose certification or account with the National Registry of Emergency Medical Technicians has expired.

**R911-5-500. Emergency Medical Care During Clinical Training.**

A student enrolled in a bureau approved training program may, under the direct supervision of the course coordinator, an instructor in the course, or a preceptor for the course, perform activities delineated within the training curriculum that otherwise require licensure to perform.

**R911-5-600. EMS Instructor Requirements.**

- (1) The bureau may endorse an individual as an EMS instructor who:
  - (a) meets the initial licensure requirements in Section R911-5-601;
  - (b) is currently licensed in the state as an EMR, EMT, AEMT, or paramedic;

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(c) has been a licensed EMR, EMT, AEMT, or paramedic for a minimum of two years; and  
(d) has a minimum of one year experience working as a licensed provider with a licensed or designated agency or an emergency health care facility.

(2) The bureau adopts the 2002 National Guidelines For Educating EMS Instructors, which is incorporated by reference in this rule.

(3) An EMS instructor may only teach up to the license level for which the instructor is licensed.

(4) An EMS instructor shall comply with the teaching standards and procedures in the 2024 Course Coordinator Manual, which is incorporated by reference in this rule.

(5) An EMS instructor shall maintain the EMS license for the level the instructor is endorsed to teach. If an individual's EMS license lapses, the instructor endorsement shall become invalid until the EMS license is renewed.

### **R911-5-601. EMS Instructor Endorsement.**

(1) The bureau may endorse an individual who is a licensed EMR, EMT, AEMT, or paramedic as an EMS instructor for a two-year period.

(2) An individual who wishes to become endorsed as an EMS instructor shall submit to the bureau:

(a) a completed application;

(b) applicable fees;

(c) a letter of recommendation regarding EMS skills and teaching abilities from a licensed or designated agency, which must be on the organization's letterhead and signed;

(d) documentation of 15 hours of teaching experience in EMS or other related medical discipline, such as first aid or CPR;

(e) documentation showing successful completion of the bureau sponsored initial EMS instructor training course;

(f) a completed and signed instructor contract with the bureau, agreeing to abide by the standards and procedures in the Course Coordinator Manual; and

(g) documentation of a minimum of 25 patient contacts with a licensed or designated agency or an emergency health care facility no more than one year before the date of application, which must be on the designated agency or emergency health care facility's letterhead and signed.

### **R911-5-602. EMS Instructor Endorsement Renewal.**

An EMS instructor who seeks to renew an endorsement as an instructor shall submit to the bureau:

(1) documentation showing current EMS licensure;

(2) documentation showing attendance at a bureau approved instructor seminar at least once during the two year endorsement renewal cycle;

(3) a completed EMS instructor endorsement application; and

(4) applicable fees.

### **R911-5-603. EMS Instructor Lapsed Endorsement.**

(1) An individual whose instructor endorsement has been expired less than one year may become endorsed by completing the endorsement renewal requirements and paying the applicable fees. The individual's new expiration date will be two years from the old expiration date.

(2) An EMS instructor whose instructor endorsement has been expired for more than one year may not renew the endorsement, and shall complete any initial instructor endorsement requirements and reapply as if there were no prior endorsement.

### **R911-5-604. Training Officer Endorsement.**

(1) The bureau may endorse a licensed individual who is an endorsed EMS instructor as a training officer for a two-year period.

(2) An individual who wishes to become endorsed as an EMS training officer shall submit to the bureau:

(a) documentation showing completion of a minimum of 30 hours of EMS instruction within the past year;

(b) documentation showing a current EMS instructor endorsement;

(c) documentation showing successful completion of the bureau's course for new training officers;

(d) a completed training officer endorsement application;

(e) applicable fees; and

(f) a completed and signed training officer contract agreeing to abide by the standards and procedures in the Training Officer Manual.

(3) A training officer shall maintain an EMS instructor endorsement.

### **R911-5-605. Training Officer Endorsement Renewal.**

(1) A training officer who seeks to renew an endorsement as a training officer shall submit to the bureau:

(a) documentation showing attendance at a training officer seminar no more than one year before the date of application;

(b) documentation showing a current EMS instructor endorsement and EMS license;

(c) a completed training officer endorsement renewal application;

(d) applicable fees; and

(2) a completed and signed new training officer contract agreeing to abide by the standards and procedures in the current 2024 Training Officer Manual.



**R911-5-606. Training Officer Lapsed Endorsement.**

(1) An individual whose training officer endorsement has been expired less than one year may become endorsed by completing the endorsement renewal requirements and paying applicable fees. The individual's new expiration date will be two years from the old expiration date.

(2) An individual whose training officer endorsement has been expired more than one year may not renew the endorsement, and shall complete each initial training officer endorsement requirement and reapply as if there were no prior endorsement.

**R911-5-700. Course Coordinator Endorsement.**

(1) The bureau may endorse an individual as an EMS course coordinator for a two-year period.

(2) An individual who seeks to become endorsed as a course coordinator shall submit to the bureau:

(a) documentation showing completion of a minimum of 30 hours of EMS instruction no more than one year before the date of application;

(b) documentation showing current EMS instructor endorsement;

(c) documentation showing the applicant was a co-coordinator of record for one bureau approved course with an endorsed course coordinator;

(d) a written evaluation and recommendation from the course coordinator in which the applicant co-coordinated a course;

(e) documentation showing completion of the bureau's course for new course coordinators within one year before the date of the application;

(f) a completed course coordinator endorsement application;

(g) applicable fees;

(h) documentation showing completion of the bureau's course for new course coordinators;

(i) a completed and signed course coordinator contract agreeing to abide to the standards and procedures in the Course Coordinator Manual; and

(j) documentation showing EMS instructor endorsement.

(3) A course coordinator may only coordinate courses up to the licensure level for which the course coordinator is licensed.

(4) If an individual's EMS license or EMS instructor endorsement lapses, the course coordinator endorsement shall become invalid until EMS license or EMS instructor endorsement is renewed.

**R911-5-701. Course Coordinator Endorsement Renewal.**

A course coordinator who seeks to renew an endorsement as a course coordinator shall submit to the bureau:

(1) documentation showing a current EMS instructor endorsement;

(2) documentation showing a current EMR, EMT, AEMT, or paramedic license;

(3) documentation showing coordinating or co-coordinating at least one bureau approved course at least two years before the date of the application;

(4) documentation showing attendance at a course coordinator seminar at least one year before to the date of application;

(5) a completed course endorsement renewal application;

(6) applicable fees; and

(7) a signed course coordinator contract agreeing to abide by the policies and procedures in the Course Coordinator Manual.

**R911-5-702. Course Coordinator Lapsed Endorsement.**

(1) An individual whose course coordinator endorsement has been expired less than one year may become endorsed by completing the renewal requirements. The individual's new expiration date will be two years from the old expiration date.

(2)(a) An individual whose course coordinator endorsement has been expired for more than one year may not renew the endorsement, and shall complete each initial course coordinator endorsement requirement and reapply as if there were no prior endorsement.

(b) The bureau may waive the co-coordinator requirement if the candidate provides written verification they coordinated or co-coordinated a course within the past two years.

**R911-5-800. Critical Care Paramedic Endorsement.**

(1) The bureau may endorse an individual as a critical care paramedic for up to a four-year period.

(2) An individual who seeks to become endorsed as a critical care paramedic shall submit to the bureau:

(a) documentation showing the applicant is a licensed paramedic in the state;

(b) documentation the applicant is certified by the International Board of Specialty Certification as a:

(i) certified critical care paramedic (CCP-C); or

(ii) certified flight paramedic (FP-C);

(c) a completed application for critical care paramedic certification; and

(d) applicable fees.

(3) An applicant's education may not be used in place of a valid and current International Board of Specialty Certification critical care or flight paramedic certification to maintain the critical care endorsement.

**R911-5-801. Critical Care Paramedic Endorsement Renewal.**

A critical care paramedic who wishes to renew the critical care paramedic endorsement shall submit to the bureau:

(1) documentation showing the applicant is licensed as a paramedic in the state;

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- (2) a completed critical care paramedic endorsement application;
- (3) applicable fees; and
- (4) proof of certification from the International Board of Specialty Certification.

**R911-5-900. Course Approvals.**

(1) A course coordinator offering EMS training to individuals who seeks to become licensed as an EMR, EMT, AEMT, or paramedic shall obtain bureau approval before initiating an EMS training course.

- (2) The bureau may approve a course if:
  - (a) the applicant submits the course application and fees no earlier than 90 days and no later than 30 days before commencing the course;
  - (b) the applicant shows proof that it has sufficient equipment and supplies available for the training;
  - (c) the bureau finds the course meets the bureau rules and contracts governing training;
  - (d) the course coordinators and instructors hold current respective course coordinator and EMS instructor endorsements; and
  - (e) the bureau has the capacity to offer the applicable examinations in a timely manner after the conclusion of the course.

**R911-5-1000. Paramedic Training Institutions Standards Compliance.**

A person who seeks to become authorized to provide paramedic training must adhere to the:

- (1) Course Coordinator Manual; and
- (2) January 1, 2024 Standards and Guidelines for the Accreditation of Educational Programs in the Emergency Medical Services Professions, incorporated by reference in this rule.

**R911-5-1100. Off-line Medical Director Certification.**

- (1) The bureau may certify an off-line medical director for a two-year period.
- (2) To become certified as an off-line medical director, the applicant shall be:
  - (a) a physician actively engaged in providing emergency medical care or meets this requirement at the discretion of the state EMS medical director;
  - (b) familiar with Title 53, Chapter 2b, Emergency Medical Services Act, and applicable EMS administrative rules under Title R911; and
  - (c) familiar with medical equipment and medications required for an EMS provider.
- (3) An individual who seeks to certify as an off-line medical director shall submit to the bureau:
  - (a) documentation showing completion of an American College of Emergency Physicians or National Association of Emergency Medical Services Physicians medical director training course, or the department's medical director training course, within 12 months of becoming a medical director;
  - (b) a medical director certification application; and
  - (c) applicable fees.
- (4) An individual who seeks to recertify as an off-line medical director shall submit to the bureau:
  - (a) documentation showing attendance at the medical director's annual workshop no more than two years before the date of application;
  - (b) a complete off-line medical director application; and
  - (c) applicable fees.

**R911-5-1200. Background Screening and Clearance for Licensure.**

- (1) The bureau shall conduct a background screening on an individual seeking licensure.
- (2) Background clearance for licensure eligibility shall indicate the individual does not pose an unacceptable risk to public health and safety.
- (3) The individual seeking a license, renewal, permit, or endorsement under this rule shall submit any completed applications and fees to the bureau, before submitting fingerprints to the bureau.
- (4) If the bureau determines an individual is not eligible for licensure based upon the criminal background screening the individual may:
  - (a) request a hearing before the bureau director or the bureau director's designee; and
  - (b) obtain and submit a criminal history obtained from the Bureau of Criminal Identification to the bureau.
    - (i) If the criminal event did not occur in the state the individual may submit a criminal history called an identity history summary obtained from the FBI to the bureau.
    - (ii) Any dispute about information contained in the criminal history may be challenged to the appropriate agency. The bureau may not correct or ignore an entry on a criminal history.
    - (iii) The individual may obtain and submit any court dockets to the bureau.
  - (c) Any proceeding denying a license, permit, certification, or endorsement is designated as an informal adjudicative proceeding under Section 63G-4-202.
  - (d) Any adjudicative proceeding or hearing before the bureau shall be in accordance with Section 63G-4-203.
- (5) If the bureau determines an individual is not eligible for licensure based upon the noncriminal background screening and the individual disagrees with the information provided, the individual may challenge the information through the appropriate agency.

(6) The bureau may deny an application for license, permit, or endorsement if the individual has been convicted, is subject to a plea in abeyance or a diversion agreement, is or has been on probation or parole, or has pending charges for any of the following:

(a) a felony or crime for which the applicant could have been punished by imprisonment in a federal penitentiary or by imprisonment in the penitentiary of this or another state;

(b) an act of personal violence or force on any person or convicted of threatening to commit an act of personal violence or force against another person;

(c) an act constituting dishonesty or fraud;

(d) an act involving moral turpitude;

(e) an act involving illegally using, carrying, possessing a dangerous weapon;

(f) an act involving the use, possession, or distribution of controlled substances;

(g) an offense which requires the individual to register as a sex or kidnap offender under Title 77, Chapter 41, Sex, Kidnap, and Child Abuse Offender Registry;

(h) a criminal conviction or pattern of acts that may represent an unacceptable risk to public health and safety;

(i) a violation of Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving; or

(j) a violation of Title 32B, Chapter 4, Criminal Offenses and Procedure Act.

(7) The bureau may deny an application for license, renewal, permit, or endorsement for any conviction, admission of guilt, plea in abeyance, withheld judgment, diversion or similar procedural posture to any violations of statutes or ordinances previously in effect in this state or in effect in any other state, the United States, or any district, possession, or territory of the United States which would constitute a violation of Subsection R911-5-1300(6).

(8) The bureau may consider the facts of the convicted offense, any other criminal activity, the continued risk to patients, and the relative need of the community and ability to supervise the licensee when determining eligibility for licensure.

(9) The bureau may deny licensure if an adjudication by a juvenile court refers to an act that, if committed by an adult, would be a felony or a misdemeanor of the identified offenses in Subsection 53-2d-410(5)(b).

(10) The bureau may deny licensure based on a supported finding from:

(a) the Department of Health and Human Services' Division of Child and Family Services Licensing Information System described in Section 80-2-1001;

(b) child abuse or neglect findings described in Section 78A-6-3a; or

(c) the Department of Health and Human Services' Division of Aging and Adult Services vulnerable adult abuse, neglect, or exploitation database described in Section 26B-6-210.

(11) The bureau may deny licensure based on a finding from licensing records of individuals licensed by the Division of Professional Licensing under Title 58, Occupations and Professions.

(12) The bureau shall rely on relevant information identified in Subsection R911-5-1300(1) as conclusive evidence and may deny licensure based on that information.

(13) A licensee who has been arrested, charged, or convicted for a violation described in Subsection R911-5-1300(6) or (7) shall notify the bureau and each employer or affiliated entity who utilizes the EMS personnel's license immediately.

(14) A licensed or designated EMS provider who is notified or becomes aware of a licensed EMS personnel's arrest, charge, or conviction shall notify the bureau immediately.

(15) Background screening referrals may be submitted to the bureau for review and investigation.

(16) The bureau may require the licensee to provide proper or additional criminal background documentation.

#### **R911-5-1201. Professional Conduct and Code of Ethics.**

(1) Licensees shall adhere to the code of ethics from the EMT Student Handbook, October 2024 version, which is incorporated by reference.

(2) Licensees may be investigated for any conduct in violation of the EMT Student Handbook.

(3) Any EMS personnel who is found to have violated this section may be subject to license suspension or revocation.

#### **R911-5-1202. Review and Investigation of Complaints and Referrals.**

(1) The bureau shall initiate an investigation when it receives credible information that a licensee or provider has:

(a) been arrested or engaged in conduct in violation of Subsection R911-5-1300(6);

(b) engaged in conduct in violation of Title 53, Chapter 2d, Emergency Medical Services Act;

(c) refused to submit to a drug test requested by the EMS provider or the bureau;

(d) failed to report within seven business days by an individual or any affiliated provider pursuant to Subsections R911-5-1300(13) and R911-5-1300(14);

(e) failed to comply with the training, licensing, or relicensing requirements for the license;

(f) failed to comply with the EMS curriculum, training standards, or the bureau's agreement as an EMS educator, EMS instructor, a training officer, or a course coordinator;

(g) engaged in conduct that may endanger public health, safety, erode public trust, or compromise professional integrity;

(h) engaged in a relationship that creates a conflict of interest, compromises the integrity of the educational environment or EMS profession, or in which the respondent holds an evaluative or supervisory role;

(i) engaged in any form of harassment, bullying, or retaliatory behavior;

(j) engaged in fraud or deceit in applying for, obtaining, or renewing a license;

(k) engaged in fraud, deceit, lack of professional competency, patient abuse, or theft in the performance of duties;

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(l) provided false or misleading information or failure to disclose criminal background information during an investigation or a board proceeding;

(m) engaged in unauthorized administration, use, or removal of narcotics, medications, supplies, or equipment;

(n) aided, encouraged, or performed procedures or skills beyond the level of an individual's EMS licensure or provider's licensure;

(o) been found to be mentally incompetent as determined by a court of competent jurisdiction;

(p) demonstrated inability and failure to perform adequate patient care;

(q) been determined to be unable to act with reasonable skill and safety because of illness, or as a result of any other mental or physical condition, when the individual's condition demonstrates a clear and unjustifiable threat or potential threat to oneself, coworkers, or the public health, safety, or welfare that cannot be reasonably mitigated;

(r) misrepresentation the individual's level of licensure;

(s) failed to display a clearly identifiable level of EMS licensure upon demand;

(t) engaged in unsafe, unnecessary, or improper operation of an emergency vehicle that would likely cause concern or create a danger to the general public; or

(u) engaged in improper or unnecessary use of emergency equipment.

(2) A person seeking to file a complaint against a respondent may be asked to sign a written statement detailing the incident, and swearing to the accuracy of the statement, after being advised that providing a false statement may result in prosecution.

(3) The bureau may conduct interviews, gather evidence, which may include requiring the respondent to submit to a drug or alcohol screening or any other appropriate evaluation. The bureau shall allow the respondent an opportunity to provide supporting witnesses and evidence.

(4)(a) If a respondent under investigation is employed as an EMS personnel or provider, the bureau shall notify the respondent's employer and entities with whom the respondent is affiliated in connection with their EMS licensure concerning the complaint or investigation, unless the nature of the complaint would make such a course of action impractical.

(b) If the bureau determines an individual's license should be restricted at any time during the investigation:

(i) the bureau shall notify both the individual and each licensed, designated agency, or employer the individual is affiliated with; and

(ii) the bureau has sole discretion in determining what information may be disclosed to the individual, and each employer or agency, based on:

(A) the nature of the investigation; and

(B) if disclosure will interfere with the investigation or result in retaliation against any witness.

(c) The bureau, employer, and individual shall confer and determine reasonable terms and conditions restricting the individual's duties under their license pending final outcome of the complaint or investigation.

(i) If terms and conditions of restriction are agreed upon between the parties, the individual and each employer or agency shall be provided a written agreement of restrictions;

(ii) the agreement shall include terms and conditions to be followed until the resolution of any criminal charge or the final outcome of an investigation; and

(iii) if the individual violates the terms and conditions, the individual's license shall be immediately suspended by the bureau.

(d) If the individual is not employed or affiliated with an agency, or if terms and conditions are not agreed upon, the bureau has sole discretion to restrict the individual's license as necessary to protect the public's interest.

(5) Once the investigation is concluded, the bureau shall determine whether there is sufficient evidence to proceed with an adjudicative proceeding.

(6) The bureau may immediately suspend a respondent's license, certification, or endorsement as provided in Section 63G-4-502 if the bureau identifies any of the following:

(a) the respondent demonstrates a threat to themselves or to a coworker;

(b) the respondent demonstrates a threat to the public health; or

(c) the respondent demonstrates a threat to the safety or welfare of the public.

(7) If the bureau determines there is insufficient evidence to find that a respondent engaged in conduct in violation of this rule or Title 53, Chapter 2d, Emergency Medical Services Act, the bureau shall issue a letter to the respondent indicating that the investigation has been concluded and that the bureau is taking no action.

(8)(a) If the bureau determines there is sufficient evidence to find that a respondent engaged in conduct in violation of this rule or Title 53, Chapter 2d, Emergency Medical Services Act, the bureau shall issue a written notice of agency action to the respondent in accordance with Section 63G-4-201.

(b) The notice shall include:

(i) the bureau's recommended discipline; and

(ii) notice of the next scheduled board meeting.

(c) The bureau shall notify the provider of the respondent of the issuance of the notice of agency action.

**R911-5-1300. EMS Personnel Peer Review Board.**

(1) The board shall be composed of the following ten members appointed by the commissioner of the Department of Public Safety:

(a) one EMS administrative officer representing a licensed ambulance provider, a licensed paramedic provider, or a designated quick response unit provider from a county of the first or second class;

(b) one EMS administrative officer representing a licensed ambulance provider, a licensed paramedic provider, or a designated quick response unit provider from a county of the third through sixth class;

(c) one educational representative from an approved EMS training program;

- (d) one physician certified and practicing as an EMS medical director;
- (e) two representatives from professional employee groups, one fire based, and one non-fire based;
- (f) one endorsed EMS training officer;
- (g) one non-supervisory licensed EMTs;
- (h) one non-supervisory licensed AEMTs; and
- (i) one non-supervisory licensed paramedic.
- (2) The board shall have an equitable mix of urban and rural members.
- (3) The board member's terms of office shall comply with the following criteria:
  - (a) except as provided in Subsection R911-5-1400(3)(b), members shall be appointed for a four-year term;
  - (b) the bureau shall adjust the length of terms to ensure the terms of members of the board are staggered so about one-fourth of the board is appointed every year;
  - (c) no member may serve more than two full terms;
  - (d) when a vacancy occurs in the membership of the board for any reason, the commissioner shall appoint the replacement for the balance of the unexpired term;
  - (e) the board shall organize and select one of its members as chair and one of its members as vice chair to serve no more than two years in each position; and
  - (f) if a board member becomes ineligible for the board membership position through promotion, an increase in level of licensure, or transfer out of the employment position that qualified them for the appointment, they shall be removed from the board.
- (4) The board meeting shall take place quarterly.
  - (a) Regular meetings shall be noticed and posted to employers and posted in accordance with the Utah Open and Public Meetings Act, Section 52-4-202.
  - (b) Failure to attend two or more consecutive meetings by any member may be grounds for removal of that member and replacement in accordance with Subsection R911-5-1400(3)(d).
  - (c) A member may not receive compensation or benefits from the bureau for the member's service. The member may receive per diem and travel expenses in accordance with the department's rules and policies.

**R911-5-1301. Hearing Before the EMS Personnel Peer Review Board.**

- (1) The bureau shall notify the respondent of the date, time, and location of the next board meeting.
- (2)(a) Any proceeding to suspend, revoke, or place on probation, a license, permit, certification, or endorsement is designated as an informal adjudicative proceeding under Section 63G-4-202.
  - (b) Any adjudicative proceeding or hearing before the board shall be in accordance with Section 63G-4-203.
  - (i) Upon request, the respondent may obtain a copy of the materials contained in the bureau's investigative file that the bureau intends to use in the hearing.
    - (ii) The disclosure of any discovery materials is subject to Title 63G, Chapter 2, Government Records Access and Management.
  - (3) The board shall review the bureau's investigative findings and recommendations.
  - (4) The hearing shall be conducted according to Section 63G-4-203.
  - (5)(a) The board may take disciplinary action if the board finds the respondent engages in, or is convicted of, conduct in violation of this rule or conduct constituting a state or federal criminal offense.
    - (b) The board may consider aggravating or mitigating circumstances when determining a disciplinary sanction.
    - (c) If the board determines there is insufficient evidence to find that the respondent engaged in conduct in violation of Subsection (5)(a), the matter shall be dismissed.
  - (6) The board shall provide a written order stating:
    - (a) the decision;
    - (b) the reasons for the decision; and
    - (c) a notice of any right of administrative or judicial review.
  - (7) The board may take any of the following actions:
    - (a) accept the bureau's recommendation; or
    - (b) enter their own discipline including:
      - (i) a letter of caution;
      - (ii) probation of the respondent's license with specific terms and conditions;
      - (iii) suspension of the respondent's license for a defined period;
      - (iv) permanent revocation of the licensed respondent's license; or
      - (v) a combination of any of these actions.
  - (8) Action taken for a violation of Subsection R911-5-1302(1)(f) shall only be against the individual's endorsement to instruct, and may not affect their base EMS license.
  - (9) After the board has decided the matter, the board chairperson shall issue a final order within 30 days of the board meeting and send a copy of the board's findings to the director.
  - (10) If the respondent fails to participate in the proceeding before the board, an order of default may be entered, and the board may impose the recommended discipline.

NOTICES OF PROPOSED RULES

**R911-5-1302. Reconsideration.**

(1) A respondent may file a written request for reconsideration of the board's final order within 20 days after receiving the board's final order in accordance with Section 63G-4-302.

(2) If the bureau does not issue an amended order within 20 days after receiving the request for reconsideration, the request for reconsideration shall be considered denied.

**R911-5-1303. Judicial Review.**

A respondent may obtain judicial review of the agency's final order by filing a petition for judicial review with the district court within 30 days after the date that the final order is issued in accordance with Section 63G-4-402.

**KEY: emergency medical services**

**Date of Last Change: 2025[July 1, 2024]**

**Authorizing, and Implemented or Interpreted Law: 53-2d-101.1**

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

# FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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

A **REVIEW** is not followed by the rule text. The rule text that is being continued may be found in the online edition of the *Utah Administrative Code* available at [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>                                      | <b>R277-444</b>   | <b>Filing ID: 56723</b> |
| <b>Effective Date:</b>                                   | <b>04/15/2025</b> |                         |

### Agency Information

|   |                               |                               |
|---|-------------------------------|-------------------------------|
| <b>1. Title catchline:</b>  | Education, Administration     |                               |
| <b>Building:</b>  | Board of Education            |                               |
| <b>Street address:</b>  | 250 E 500 S                   |                               |
| <b>City, state</b>  | Salt Lake City, UT 84111      |                               |
| <b>Mailing address:</b>   | PO Box 144200                 |                               |
| <b>City, state and zip:</b>   | Salt Lake City, UT 84114-4200 |                               |
| <b>Contact persons:</b>   |                               |                               |
| <b>Name:</b>  | <b>Phone:</b>                 | <b>Email:</b>                 |
| Elisse Newey  | 801-538-7550                  | elisse.newey@schools.utah.gov |
| <b>Please address questions regarding information on this notice to the persons listed above.</b> |                               |                               |

### General Information

|  |  |  |
|--|--|--|
| <b>2. Rule catchline:</b>  | R277-444. Distribution of Money to Arts Organizations  |  |
| <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>    | This rule is authorized by the Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the Board; Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and Section 53E-3-501, which directs the Board to establish rules and standards for the public schools, including curriculum and instruction requirements. |  |
| <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> | There were no public comments received.  |  |

**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 in order to provide for the distribution of money appropriated by the state to an arts organization that provides an educational service to a student or teacher and facilitates a student developing and using the knowledge, skills, and appreciation defined in an arts core standard. Therefore, this rule should be continued.

**Agency Authorization Information**

|   |   |              |            |
|---|---|--------------|------------|
| <b>Agency head or designee and title:</b> | Elisse Newey, Deputy Superintendent of Policy | <b>Date:</b> | 04/15/2025 |
|---|---|--------------|------------|

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

|                        |                   |                   |              |
|------------------------|-------------------|-------------------|--------------|
| <b>Rule Number:</b>    | <b>R277-602</b>   | <b>Filing ID:</b> | <b>56522</b> |
| <b>Effective Date:</b> | <b>04/15/2025</b> |                   |              |

**Agency Information**

|   |                               |                               |  |
|---|-------------------------------|-------------------------------|--|
| <b>1. Title catchline:</b>  | Education, Administration     |                               |  |
| <b>Building:</b>  | Board of Education            |                               |  |
| <b>Street address:</b>  | 250 E 500 S                   |                               |  |
| <b>City, state</b>  | Salt Lake City, UT 84111      |                               |  |
| <b>Mailing address:</b>   | PO Box 144200                 |                               |  |
| <b>City, state and zip:</b>   | Salt Lake City, UT 84114-4200 |                               |  |
| <b>Contact persons:</b>   |                               |                               |  |
| <b>Name:</b>  | <b>Phone:</b>                 | <b>Email:</b>                 |  |
| Elisse Newey  | 801-538-7550                  | elisse.newey@schools.utah.gov |  |
| <b>Please address questions regarding information on this notice to the persons listed above.</b> |                               |                               |  |

**General Information**

|  |
|--|
| <b>2. Rule catchline:</b>  |
| R277-602. Carson Smith Scholarships -- Funding and Procedures  |
| <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>  |
| This rule is authorized by the Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the Board; and Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and Section 53F-4-305, which authorizes the Board to make rules establishing the eligibility of students to participate in the Carson Smith Scholarship program and the application process for the scholarship program. |
| <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>   |
| There were no public comments received.  |
| <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 in order to outline responsibilities of a parent, a Local Education Agency (LEA), an eligible private school, and the Board in providing choice for a parent of a special needs student who chooses to have a student served in a private school, and provide accountability for the citizenry in the administration and distribution of the scholarship funds. Therefore, this rule should be continued.   |



**Agency Authorization Information**

|   |   |              |            |
|---|---|--------------|------------|
| <b>Agency head or designee and title:</b> | Elisse Newey, Deputy Superintendent of Policy | <b>Date:</b> | 04/15/2025 |
|---|---|--------------|------------|

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

|                        |                   |                   |              |
|------------------------|-------------------|-------------------|--------------|
| <b>Rule Number:</b>    | <b>R277-606</b>   | <b>Filing ID:</b> | <b>57022</b> |
| <b>Effective Date:</b> | <b>04/15/2025</b> |                   |              |

**Agency Information**

|   |                               |                               |  |
|---|-------------------------------|-------------------------------|--|
| <b>1. Title catchline:</b>  | Education, Administration     |                               |  |
| <b>Building:</b>  | Board of Education            |                               |  |
| <b>Street address:</b>  | 250 E 500 S                   |                               |  |
| <b>City, state</b>  | Salt Lake City, UT 84111      |                               |  |
| <b>Mailing address:</b>   | PO Box 144200                 |                               |  |
| <b>City, state and zip:</b>   | Salt Lake City, UT 84114-4200 |                               |  |
| <b>Contact persons:</b>   |                               |                               |  |
| <b>Name:</b>  | <b>Phone:</b>                 | <b>Email:</b>                 |  |
| Elisse Newey  | 801-538-7550                  | elisse.newey@schools.utah.gov |  |
| <b>Please address questions regarding information on this notice to the persons listed above.</b> |                               |                               |  |

**General Information**

|  |  |
|--|--|
| <b>2. Rule catchline:</b>  | R277-606. Dropout Prevention and Recovery Program  |
| <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>    | This rule is authorized by the Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the Board; and Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and Section 53G-9-802, which requires the Board to develop rules to set policies related to a dropout prevention and recovery program. |
| <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> | There were no public comments received.  |
| <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 in order to develop policies related to an LEA's dropout prevention and recovery program and set reporting requirements for LEAs with a dropout prevention and recovery program. Therefore, this rule should be continued.  |

**Agency Authorization Information**

|   |   |              |            |
|---|---|--------------|------------|
| <b>Agency head or designee and title:</b> | Elisse Newey, Deputy Superintendent of Policy | <b>Date:</b> | 04/15/2025 |
|---|---|--------------|------------|

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

|                        |                   |                   |              |
|------------------------|-------------------|-------------------|--------------|
| <b>Rule Number:</b>    | <b>R277-752</b>   | <b>Filing ID:</b> | <b>56949</b> |
| <b>Effective Date:</b> | <b>04/15/2025</b> |                   |              |

**Agency Information**

|   |                               |                               |
|---|-------------------------------|-------------------------------|
| <b>1. Title catchline:</b>  | Education, Administration     |                               |
| <b>Building:</b>  | Board of Education            |                               |
| <b>Street address:</b>  | 250 E 500 S                   |                               |
| <b>City, state</b>  | Salt Lake City, UT 84111      |                               |
| <b>Mailing address:</b>   | PO Box 144200                 |                               |
| <b>City, state and zip:</b>   | Salt Lake City, UT 84114-4200 |                               |
| <b>Contact persons:</b>   |                               |                               |
| <b>Name:</b>  | <b>Phone:</b>                 | <b>Email:</b>                 |
| Elisse Newey  | 801-538-7550                  | elisse.newey@schools.utah.gov |
| <b>Please address questions regarding information on this notice to the persons listed above.</b> |                               |                               |

**General Information**

|   |
|---|
| <b>2. Rule catchline:</b>   |
| R277-752. Special Education Carry Forward Limitations   |
| <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>   |
| This rule is authorized by the Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the Board; and Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law. |
| <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>  |
| There were no public comments received.   |
| <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 in order to establish special education budget carry forward limitations. Therefore, this rule should be continued.  |

**Agency Authorization Information**

|   |   |              |            |
|---|---|--------------|------------|
| <b>Agency head or designee and title:</b> | Elisse Newey, Deputy Superintendent of Policy | <b>Date:</b> | 04/15/2025 |
|---|---|--------------|------------|

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

|                        |                   |                         |
|------------------------|-------------------|-------------------------|
| <b>Rule Number:</b>    | <b>R381-60</b>    | <b>Filing ID: 55615</b> |
| <b>Effective Date:</b> | <b>04/11/2025</b> |                         |

**Agency Information**

|                            |  |                      |
|----------------------------|--|----------------------|
| <b>1. Title catchline:</b> | Health and Human Services, Child Care Center 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 |

Please address questions regarding information on this notice to the persons listed above.

**General Information**

**2. Rule catchline:**

R381-60. Hourly Child Care Centers

**3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:**

Section 26B-2-402 authorizes the Department of Health and Human Services (Department) to write and enforce rules to govern licensure of child care facilities in Utah.

**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:**

An amendment and subsequent change in proposed rule (CPR) have recently been filed to update this rule, but the proposed changes will not be made effective before this five-year review is due.

The only comment the Department has received since this rule's last five-year review was in response to that amendment, requesting clarification for reporting requirements with regard to different age ranges of children in care. That comment has since been addressed by the Department in the CPR.

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

It is necessary for this rule to comply with statute and to ensure there is no lapse in oversight of licensed hourly child care centers in Utah. Therefore, this rule should be continued.

In response to the comment referred to in Box 4, the Department determined the requested clarification was appropriate and has filed a CPR to address the comment.

**Agency Authorization Information**

|   |                                     |              |            |
|---|-------------------------------------|--------------|------------|
| <b>Agency head or designee and title:</b> | Tracy S. Gruber, Executive Director | <b>Date:</b> | 04/07/2025 |
|---|-------------------------------------|--------------|------------|

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

|                        |            |                   |       |
|------------------------|------------|-------------------|-------|
| <b>Rule Number:</b>    | R381-70    | <b>Filing ID:</b> | 55691 |
| <b>Effective Date:</b> | 04/11/2025 |                   |       |

**Agency Information**

|                            |  |                      |  |
|----------------------------|--|----------------------|--|
| <b>1. Title catchline:</b> | Health and Human Services, Child Care Center 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 |  |

Please address questions regarding information on this notice to the persons listed above.

**General Information**

**2. Rule catchline:**

R381-70. Out-of-School-Time Child Care Programs

**3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:**

Section 26B-2-402 authorizes the Department of Health and Human Services (Department) to write and enforce rules to govern the licensure of child care facilities in Utah.

**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:**

An amendment and subsequent change in proposed rule (CPR) have recently been filed to update this rule, but the proposed changes will not be made effective before this five-year review is due.

The only comment the Department has received since this rule's last five-year review was in response to that amendment, requesting clarification for reporting requirements with regard to different age ranges of children in care. That comment has since been addressed by the Department in the CPR.

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

It is necessary for this rule to comply with statute and to ensure there is no lapse in oversight of licensed out-of-school-time child care programs in Utah. Therefore, this rule should be continued.

In response to the comment referred to in Box 4, the Department determined the requested clarification was appropriate and has filed a CPR to address the comment.

**Agency Authorization Information**

|   |                                     |              |            |
|---|-------------------------------------|--------------|------------|
| <b>Agency head or designee and title:</b> | Tracy S. Gruber, Executive Director | <b>Date:</b> | 04/07/2025 |
|---|-------------------------------------|--------------|------------|

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

|                        |                   |                         |
|------------------------|-------------------|-------------------------|
| <b>Rule Number:</b>    | <b>R381-100</b>   | <b>Filing ID: 55614</b> |
| <b>Effective Date:</b> | <b>04/11/2025</b> |                         |

**Agency Information**

|   |  |                      |
|---|--|----------------------|
| <b>1. Title catchline:</b>  | Health and Human Services, Child Care Center 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>  |
| R381-100. Child Care Centers   |
| <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-2-402 authorizes the Department of Health and Human Services (Department) to write and enforce rules to govern the licensure of child care facilities in Utah. |

**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:**

An amendment and subsequent change in proposed rule (CPR) have recently been filed to update this rule, but the proposed changes will not be made effective before this five-year review is due.

The only comment the Department has received since this rule's last five-year review was in response to that amendment, requesting clarification for reporting requirements with regard to different age ranges of children in care. That comment has since been addressed by the Department in the CPR.

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

It is necessary for this rule to comply with statute and to ensure there is no lapse in oversight of licensed child care centers in Utah. Therefore, this rule should be continued.

In response to the comment referred to in Box 4, the Department determined the requested clarification was appropriate and has filed a CPR to address the comment.

**Agency Authorization Information**

|   |                                     |              |            |
|---|-------------------------------------|--------------|------------|
| <b>Agency head or designee and title:</b> | Tracy S. Gruber, Executive Director | <b>Date:</b> | 04/07/2025 |
|---|-------------------------------------|--------------|------------|

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

|                        |                   |                         |
|------------------------|-------------------|-------------------------|
| <b>Rule Number:</b>    | <b>R414-506</b>   | <b>Filing ID: 52746</b> |
| <b>Effective Date:</b> | <b>04/12/2025</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 84114-3325                    |                       |
| <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>  |
| R414-506. Hospital Provider Assessments  |
| <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.   |

**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 because it allows the Division of Integrated Healthcare to conduct audits, sets forth mailing requirements for changes in hospital status, and implements penalties and interest for hospitals that do not pay their assessment. Therefore, this rule should be continued.

An amendment to this rule is forthcoming to update titles and statutory authority that coincided with Department consolidation.

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> | 04/12/2025 |
|---|-------------------------------------|--------------|------------|

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

|                        |                   |                   |              |
|------------------------|-------------------|-------------------|--------------|
| <b>Rule Number:</b>    | <b>R414-507</b>   | <b>Filing ID:</b> | <b>51001</b> |
| <b>Effective Date:</b> | <b>04/07/2025</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 84114-3325                    |                       |  |
| <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>  |
| R414-507. Ground Ambulance Service Provider Assessments  |
| <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 this 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 because it sets forth payments, procedures, and penalties for the ground ambulance provider assessment. Therefore, this rule should be continued.   |

(EDITOR'S NOTE: An amendment filing for this rule was published in the April 1, 2025, issue of the *Utah State Bulletin* as this five-year review contains updates to the rule's title and renumbered statutory authority, following the consolidation of the Department.)

As the Department did not receive any 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> | 04/07/2025 |
|---|-------------------------------------|--------------|------------|

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

|                        |                   |                         |
|------------------------|-------------------|-------------------------|
| <b>Rule Number:</b>    | <b>R527-254</b>   | <b>Filing ID: 55562</b> |
| <b>Effective Date:</b> | <b>04/07/2025</b> |                         |

**Agency Information**

|   |  |                 |  |
|---|--|-----------------|--|
| <b>1. Title catchline:</b>  | Health and Human Services, Recovery Services |                 |  |
| <b>Building:</b>  | Taylorsville State Office Building           |                 |  |
| <b>Street address:</b>  | 4315 S 2700 W                                |                 |  |
| <b>City, state</b>  | Taylorsville, UT                             |                 |  |
| <b>Mailing address:</b>   | PO Box 45033                                 |                 |  |
| <b>City, state and zip:</b>   | Salt Lake City, UT 84145-0033                |                 |  |
| <b>Contact persons:</b>   |  |                 |  |
| <b>Name:</b>  | <b>Phone:</b>                                | <b>Email:</b>   |  |
| Jodi Witte  | 801-741-7417                                 | jwitte@utah.gov |  |
| Casey Cole  | 801-741-7523                                 | cacole@utah.gov |  |
| <b>Please address questions regarding information on this notice to the persons listed above.</b> |  |                 |  |

**General Information**

|   |
|---|
| <b>2. Rule catchline:</b>   |
| R527-254. Limitations on Collection of Arrears  |
| <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-9-108 gives the Office of Recovery Services (ORS) the authority to adopt, amend, and enforce rules necessary to carry out its responsibilities under state law.   |
| 45 CFR 303.11 outlines the federal requirements which must be met in order for ORS to close a child support case.   |
| <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 written comments in support of or opposition to this rule since the last five-year review of this rule.   |
| <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 provides information regarding when ORS collects support arrears and what is needed by ORS to collect support arrears that accrue outside of the timeframe in which a IV-D case is open with ORS. Additionally, this rule is necessary for compliance with state and federal statute that is still in effect. Therefore, this rule should be continued. |
| As the Department did not receive any comments in opposition to this rule, the Department did not respond to any such comment.  |

**Agency Authorization Information**

|   |                                     |              |            |
|---|-------------------------------------|--------------|------------|
| <b>Agency head or designee and title:</b> | Tracy S. Gruber, Executive Director | <b>Date:</b> | 04/07/2025 |
|---|-------------------------------------|--------------|------------|

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

|                        |                   |                   |              |
|------------------------|-------------------|-------------------|--------------|
| <b>Rule Number:</b>    | <b>R765-609</b>   | <b>Filing ID:</b> | <b>52002</b> |
| <b>Effective Date:</b> | <b>04/10/2025</b> |                   |              |

**Agency Information**

|   |  |                         |  |
|---|--|-------------------------|--|
| <b>1. Title catchline:</b>  | Higher Education (Utah Board of), Administration     |                         |  |
| <b>Building:</b>  | Utah Board of Higher Education Building, The Gateway |                         |  |
| <b>Street address:</b>  | 60 S 400 W   |                         |  |
| <b>City, state</b>  | Salt Lake City UT 84101                              |                         |  |
| <b>Contact persons:</b>   |  |                         |  |
| <b>Name:</b>  | <b>Phone:</b>  | <b>Email:</b>           |  |
| Hilary Renshaw  | 801-646-4784   | Hilary.renshaw@ushe.edu |  |
| Alison A. Adams   | 801-646-4784   | Alison.adams@ushe.edu   |  |
| Geoffrey T. Landward  | 801-646-4784   | Glandward@ushe.edu      |  |
| <b>Please address questions regarding information on this notice to the persons listed above.</b> |  |                         |  |

**General Information**

|   |
|---|
| <b>2. Rule catchline:</b>   |
| R765-609. Regents' Scholarship  |
| <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 53B-1-402 authorizes this administrative rule. The Utah Board of Higher Education is responsible for administering certain state financial aid programs, including the Regents' Scholarship.  |
| <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>  |
| No comments were received.  |
| <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>  |
| A repeal and reenact will be made to the rule shortly that implements technical changes to this rule for consistency and clarity. The substance of this rule will not substantially change when this rule is reenacted. Therefore, this rule should be continued. |

**Agency Authorization Information**

|   |  |              |            |
|---|--|--------------|------------|
| <b>Agency head or designee and title:</b> | Alison Adams, Board Secretary and Designee | <b>Date:</b> | 04/10/2025 |
|---|--|--------------|------------|

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



## NOTICES OF FIVE-YEAR EXPIRATIONS

Rulewriting agencies are required by law to review each of their administrative rules within five years of the date of the rule's original enactment or the date of last review (Section 63G-3-305). The Office of Administrative Rules (Office) is required to notify agencies of rules due for review at least 180 days prior to the anniversary date. If the agency finds that it will not meet the deadline for review of the rule (the five-year anniversary date), it may file a **NOTICE OF FIVE-YEAR EXTENSION (EXTENSION)** with the Office. However, if the agency fails to file either the **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION** or the **EXTENSION** by the date provide by the Office, the rule expires.

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

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

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

### NOTICE OF EXPIRED RULE

|                        |            |                         |
|------------------------|------------|-------------------------|
| <b>Rule Number:</b>    | R13-11     | <b>Filing ID:</b> 52268 |
| <b>Effective Date:</b> | 04/23/2025 |                         |

### Agency Information

|                              |                                       |                      |
|------------------------------|---------------------------------------|----------------------|
| <b>1. Title catchline:</b>   | Government Operations, Administration |                      |
| <b>Street address:</b>       | 4315 S 2700 W                         |                      |
| <b>City, state, and zip:</b> | Taylorsville, UT 84129                |                      |
| <b>Contact person(s):</b>    |                                       |                      |
| <b>Name:</b>                 | <b>Phone:</b>                         | <b>Email:</b>        |
| Nancy L. Lancaster           | 801-657-1644                          | rulesonline@utah.gov |

### General Information

|   |   |  |
|---|---|--|
| <b>2. Title of rule (catchline):</b>  | R13-11. Use of Electronic Meetings for the Utah Transparency Advisory Board |  |
| <b>3. Summary:</b>  |   |  |
| The Department of Government Operations, Administration Division let Rule R13-11 expire, on purpose, because the Legislature repealed the statutory authority to write this rule. |   |  |

**End of the Notices of Notices of Five-Year Expirations 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

#### Regulatory Services

No. 56972 (Amendment) R70-101: Bedding, Upholstered Furniture, and Quilted Clothing

Published: 01/01/2025

Effective: 04/09/2025

No. 56972 (Change in Proposed Rule) R70-101: Bedding, Upholstered Furniture, and Quilted Clothing

Published: 03/01/2025

Effective: 04/09/2025

### Commerce

#### Consumer Protection

No. 57051 (Repeal and Reenact) R152-1: Division of Consumer Protection Buyer Beware List Rule

Published: 03/01/2025

Effective: 04/08/2025

### Education

#### Administration

No. 57047 (Amendment) R277-609: Standards for LEA Discipline Plans and Emergency Safety Interventions

Published: 03/01/2025

Effective: 04/08/2025

No. 57048 (Amendment) R277-627: Early Warning Program

Published: 03/01/2025

Effective: 04/08/2025

No. 57049 (Amendment) R277-704: Financial and Economic Literacy: Integration into Core Curriculum

Published: 03/01/2025

Effective: 04/08/2025

No. 57050 (Repeal) R277-708: Enhancement for At-Risk Students

Published: 03/01/2025

Effective: 04/08/2025

Environmental Quality

Waste Management and Radiation Control, Radiation  
No. 57041 (Amendment) R313-12: General Provisions  
Published: 03/01/2025  
Effective: 04/14/2025

No. 57042 (Amendment) R313-14: Definitions  
Published: 03/01/2025  
Effective: 04/14/2025

No. 57043 (Amendment) R313-16: General Requirements Applicable to the Installation, Registration, Inspection, and Use of  
Radiation Machines  
Published: 03/01/2025  
Effective: 04/14/2025

No. 57044 (Amendment) R313-28: Use of X-Rays in the Healing Arts  
Published: 03/01/2025  
Effective: 04/14/2025

No. 57045 (Amendment) R313-30: Therapeutic Radiation Machines  
Published: 03/01/2025  
Effective: 04/14/2025

No. 57046 (Amendment) R313-35: Requirements for X-Ray Equipment Used for Non-Medical Applications  
Published: 03/01/2025  
Effective: 04/14/2025

Governor

Criminal and Juvenile Justice (State Commission on)  
No. 57029 (Repeal and Reenact) R356-2: Judicial Nominating Commissions  
Published: 02/15/2025  
Effective: 04/15/2025

Economic Opportunity  
No. 57008 (Amendment) R357-3: Economic Development Tax Increment Financing Rule  
Published: 02/01/2025  
Effective: 04/14/2025

Health and Human Services

Integrated Healthcare  
No. 57033 (Amendment) R414-49: Dental, Oral, and Maxillofacial Surgeons and Orthodontia  
Published: 02/15/2025  
Effective: 04/01/2025

Data, Systems and Evaluation, Vital Records and Statistics  
No. 56999 (Amendment) R436-5: New Birth Certificates After Legitimation, Court Determination of Paternity, or Adoption  
Published: 01/15/2025  
Effective: 04/11/2025

Human Services Program Licensing  
No. 57032 (Amendment) R501-1: Residential Program Additional Facilities and Safety Requirements  
Published: 03/01/2025  
Effective: 04/24/2025

Higher Education (Utah Board of)

Administration  
No. 57040 (New Rule) R765-130: Equal Opportunity Initiatives  
Published: 03/01/2025  
Effective: 04/10/2025

NOTICES OF RULE EFFECTIVE DATES

No. 57031 (New Rule) R765-266: Utah System of Higher Education Disclosures  
Published: 02/15/2025  
Effective: 04/01/2025

No. 57030 (Amendment) R765-611: Veterans Tuition Gap Program  
Published: 02/15/2025  
Effective: 04/01/2025

Labor Commission

Occupational Safety and Health

No. 57039 (Amendment) R614-1: Incorporation of Federal Standards  
Published: 03/01/2025  
Effective: 04/08/2025

Pardons (Board of)

Administration

No. 57053 (Amendment) R671-311: Special Attention Reviews, Hearings, and Decisions  
Published: 03/15/2025  
Effective: 04/22/2025

No. 57054 (Amendment) R671-522: Continuances Due to Pending Criminal Charges  
Published: 03/15/2025  
Effective: 04/22/2025

Transportation

Administration

No. 57037 (Amendment) R907-80: Disposition of Surplus Land  
Published: 03/01/2025  
Effective: 04/09/2025

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