

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT

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Kenneth A. Hansen, Director
Nancy L. Lancaster, Editor

The *Utah State Bulletin (Bulletin)* is the official noticing publication of the executive branch of Utah State Government. The Department of Administrative Services, Division of Administrative Rules produces the Bulletin under authority of Section 63-46a-10, *Utah Code Annotated* 1953.

Inquiries concerning administrative rules or other contents of the *Bulletin* may be addressed to the responsible agency or to: Division of Administrative Rules, PO Box 141007, Salt Lake City, Utah 84114-1007, telephone (801) 538-3218, FAX (801) 538-1773. To view rules information, and on-line versions of these publications, visit the division's web site at: <http://www.rules.state.ut.us/>

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SPECIAL NOTICES

DEPARTMENT OF ADMINISTRATIVE SERVICES ARCHIVES AND RECORDS SERVICE

PUBLIC NOTICE July 16, 1998

The Utah State Archives, Records Analysis Section hereby invites public comment in the records scheduling process. The State Records Committee (consisting of the State Auditor's designee, the Division of State History director, a records manager from the private sector, the Governor or his designee, a citizen member, an elected official representing political subdivisions, and an individual representing the news media) is statutorily mandated to "review and approve retention and disposal of records." Certain records from state and local government agencies are expected to be presented to the State Records Committee for retention and disposition approval. These retention schedules may be viewed on location in our Research Room or via our web page (<http://www.archives.state.ut.us/recmanag/retsched.htm>).

Comments from citizens are invited between August 10, 1998, and September 8, 1998. Contact the Utah State Archives at (801) 538-3012 for more information.

EXECUTIVE ORDER

WHEREAS, beginning on July 22, 1998, severe thunderstorms, flash flooding and debris flows have occurred and are continuing throughout the State of Utah; and

WHEREAS, these flash floods have caused damage to numerous private residences, public roads and bridges, agricultural lands, riverbank erosion and extensive debris in the river channels which is creating a hazard in Sanpete County and Summit County, Utah; and

WHEREAS, the flooding threat throughout the state is continuing; and

WHEREAS, immediate attention is necessary to alleviate the situation which threatens the safety, health and welfare of the citizens of Sanpete County and Summit County; and

WHEREAS, these conditions do create a disaster emergency within the intent of the Disaster Response and Recovery Act of 1981, and

NOW THEREFORE, I, Michael O. Leavitt, Governor of the State of Utah by virtue of the power vested in me by the constitution and the laws of the State of Utah,

DO HEREBY ORDER THAT: It is found, determined and declared that a "State of Emergency" exists due to the aforesaid severe thunderstorms and flooding in Sanpete and Summit Counties and such areas are declared to be disasters requiring aid, assistance and relief available pursuant to the provisions of state statutes, and the State Emergency Operations Plan, which is hereby activated.

In Testimony, Whereof, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah, this 25th day of July 1998.

(State Seal)

Michael O. Leavitt
Governor

Attest:

Olene S. Walker
Lieutenant Governor

NOTICES OF PROPOSED RULES

A state agency may file a PROPOSED RULE when it determines the need for a new rule, a substantive change to an existing rule, or a repeal of an existing rule. Filings received between July 2, 1998, 12:00 a.m., and July 15, 1998, 11:59 p.m., are included in this, the August 1, 1998, 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 (e.g., example). Deletions made to existing rules are struck out with brackets surrounding them (e.g., [example]). Rules being repealed are completely struck out. A row of dots in the text (•••••) indicates that unaffected text was removed to conserve space. If a PROPOSED RULE is too long to print, the Division of Administrative Rules will include only the RULE ANALYSIS. A copy of rules that are too long to print is available from the filing agency or from the Division 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 August 31, 1998. The agency may accept comment beyond this date and will list 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 to hold a hearing on a specific PROPOSED RULE. Section 63-46a-5 (1987) requires that a hearing request be received "in writing not more than 15 days after the publication date of the PROPOSED RULE."

From the end of the public comment period through November 29, 1998, the agency may notify the Division 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 31 days 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 Division of Administrative Rules does not receive a NOTICE OF EFFECTIVE DATE or a CHANGE IN PROPOSED RULE, the PROPOSED RULE filing lapses and the agency must start the process over.

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 *Utah Code* Section 63-46a-4 (1996); and *Utah Administrative Code* Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5, R15-4-9, and R15-4-10.

The Proposed Rules Begin on the Following Page.

Commerce, Occupational and
Professional Licensing
R156-31b-102
Definitions

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 21278

FILED: 07/14/1998, 10:53

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: After the Division ordered a book that is incorporated by reference, it found that the book had a more current edition and date.

SUMMARY OF THE RULE OR CHANGE: In Subsection R156-31b-102(12), updated edition and date of "Standards of Clinical Nursing Practice" document that is incorporated by reference.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-31b-101, and Subsections 58-1-106(1) and 58-1-202(1)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: Deletes the following: "Standards of Clinical Nursing Practice," 1991 edition.
Adds the following: "Standards of Clinical Nursing Practice," 2nd edition, 1998

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: There will be a \$10 - \$15 cost per booklet if a state government agency or a nursing school wants a current copy of the "Standards of Clinical Nursing Practice."

❖LOCAL GOVERNMENTS: There will be a \$10 - \$15 cost per booklet if a local government agency wants a current copy of the "Standards of Clinical Nursing Practice."

❖OTHER PERSONS: There will be a \$10 - \$15 cost per booklet if an individual, company, or private nursing school wants a current copy of the "Standards of Clinical Nursing Practice."

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be a \$10 - \$15 cost per booklet for anyone that wants a current copy of the "Standards of Clinical Nursing Practice," published by the American Nurses Association.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The sole purpose of this rule is to update the date and edition of the "Standards of Clinical Nursing Practice" treatise referenced in the Nurse Practice Act. The cost of obtaining a copy of the booklet will be approximately \$10 - \$15. Therefore, the fiscal impact of the rule change will be minimal--Douglas C. Borba

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

Commerce
Occupational and Professional Licensing
Fourth Floor, Heber M. Wells Building
160 East 300 South
PO Box 146741
Salt Lake City, UT 84114-6741, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Laura Poe at the above address, by phone at (801) 530-6789, by FAX at (801) 530-6511, or by Internet E-mail at brdopl.poe@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 08/31/1998.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/1998

AUTHORIZED BY: J. Craig Jackson, Director

**R156. Commerce, Occupational and Professional Licensing.
R156-31b. Nurse Practice Act Rules.
R156-31b-102. Definitions.**

In addition to the definitions in Title 58, Chapters 1 and 31b, as defined or used in these rules:

- (1) "APRN" means an advanced practice registered nurse.
- (2) "Approved continuing education" in Subsection R156-31b-303(3) means:
 - (a) continuing education that has been approved by a professional nationally recognized approver of health related continuing education; and
 - (b) nursing education courses taken from an approved education program as defined in Section R156-31b-601.
- (3) "Approved education program" as defined in Subsection 58-31b-102(3) is further defined to include any nursing education program published in the documents entitled "State-Approved Schools of Nursing RN", 1997, and "State-Approved Schools of Nursing PN", 1997, published by the National League for Nursing Accrediting Commission, which are hereby adopted and incorporated by reference as a part of these rules.
- (4) "CCNE" means the Commission on Collegiate Nursing Education.
- (5) "Contact hour" means 50 minutes.
- (6) "CGFNS" means the Commission on Graduates of Foreign Nursing Schools.
- (7) "CRNA" means a certified registered nurse anesthetist.
- (8) "Delegation" means transferring to an individual the authority to perform a selected nursing task in a selected situation. The nurse retains accountability for the delegation.
- (9) "Direct supervision" is the supervision required in Subsection 58-31b-306(1)(a)(iii) and means:
 - (a) the person providing supervision shall be available on the premises at which the supervisee is engaged in practice; or

(b) if the supervisee is specializing in psychiatric mental health nursing, the supervisor may be remote from the supervisee if there is personal direct voice communication between the two prior to administering or prescribing a prescription drug.

(10) "Generally recognized scope and standards of advanced practice registered nursing" means the scope and standards of practice set forth in the "Scope and Standards of Advanced Practice Registered Nursing", 1996, published by the American Nurses Association, which is hereby adopted and incorporated by reference, or as established by the professional community.

(11) "Generally recognized scope of practice of licensed practical nurses" means the scope of practice set forth in the "Model Nursing Administrative Rules", 1994, published by the National Council of State Boards of Nursing, which is hereby adopted and incorporated by reference, or as established by the professional community.

(12) "Generally recognized scope of practice of registered nurses" means the scope of practice set forth in the "Standards of Clinical Nursing Practice", ~~1991~~ 2nd edition, 1998, published by the American Nurses Association, which is hereby adopted and incorporated by reference, or as established by the professional community.

(13) "Licensure by equivalency" as used in these rules means licensure as a licensed practical nurse after successful completion of course work in a registered nurse program which meets the criteria established in Section R156-31b-601.

(14) "LPN" means a licensed practical nurse.

(15) "NLNAC" means the National League for Nursing Accrediting Commission.

(16) "NCLEX" means the National Council Licensure Examination of the National Council of State Boards of Nursing.

(17) "Non-approved education program" means any foreign nurse education program.

(18) "Other specified health care professionals", as used in Subsection 58-31b-102(12), who may direct the licensed practical nurse means:

- (a) advanced practice registered nurse;
- (b) certified nurse midwife;
- (c) chiropractic physician;
- (d) dentist;
- (e) osteopathic physician;
- (f) physician assistant;
- (g) podiatric physician; and
- (h) optometrist.

(19) "RN" means a registered nurse.

(20) "Supervision" in Section R156-31-701 means the provision of guidance or direction, evaluation and follow up by the licensed nurse for accomplishment of a task delegated to unlicensed assistive personnel or other licensed individuals.

(21) "Unprofessional conduct" as defined in Title 58, Chapters 1 and 31b, is further defined in Section R156-31b-502.

KEY: licensing, nurses
[July 1], 1998

58-31b-101
58-1-106(1)
58-1-202(1)

Environmental Quality, Air Quality

R307-110-31

Section X, Basic Inspection and Maintenance, Part A, General Requirements and Applicability

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 21272
 FILED: 07/10/1998, 09:13
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To comply with federal requirement.

SUMMARY OF THE RULE OR CHANGE: In August 1996, the Environmental Protection Agency (EPA) established requirements for the inspection of On-Board Diagnostic (OBD) systems as part of vehicle inspection and maintenance programs, which are operated in Utah by Davis, Salt Lake, Utah, and Weber Counties. On May 4, 1998, EPA published a revision to delay implementation until January 1, 2001. However, the Clean Air Act requires that states amend their State Implementation Plan (SIP) requirements within two years of the promulgation of the OBD regulations. Therefore, states are required to amend their State Implementation Plans by August 6, 1998, to include a commitment to implement OBD by 2001. The proposal amends the SIP to require that counties include OBD checks in their vehicle I/M programs by January 1, 2001. Each county is preparing to implement the OBD program, and the implementation ordinances will be added to the SIP at a later date. OBD systems are installed on 1996 and newer vehicles. Because OBD continuously monitors the vehicle's operation to ensure least possible emissions, the present tailpipe emissions test will not be needed on newer vehicles. Instead, inspection and maintenance programs will check to ensure that the OBD system is working properly. The Center for Automotive Science and Technology at Weber State University conducts applied research on OBD, and trains regulators, technicians, and automotive instructors regionally and nationally to implement OBD testing and to diagnose the necessary repairs when OBD systems are not working. The Center is the only 3-way partnership in the U.S., including the Utah Department of Environmental Quality, Weber State University, and manufacturers including General Motors, Chrysler, Toyota, Environmental Systems Products, and Snap-on. EPA and auto manufacturers are working together with the Center to do the applied research and development of training materials to implement OBD testing nationally.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(1)(g)
 FEDERAL REQUIREMENT FOR THIS RULE: 42 U.S.C. 7521(m), 40 CFR 51.35 et seq,

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: No change from present cost to oversee county-run I/M programs. Cost savings for state government vehicle fleets in Davis, Salt Lake, Utah and Weber Counties as newer vehicles with OBD systems are phased in. See "Comments by the department head on the fiscal impact the rule may have on businesses" for description of savings.

❖LOCAL GOVERNMENTS: Cost savings for local government vehicle fleets in Davis, Salt Lake, Utah and Weber Counties as newer vehicles with OBD systems are phased in. See "Comments by the department head on the fiscal impact the rule may have on businesses" for description of savings.

❖OTHER PERSONS: Cost savings, as described in "Compliance costs for affected persons" and "Comments by the department head on the fiscal impact the rule may have on businesses." Presently, there are approximately 700 testing shops in Davis, Salt Lake, Utah and Weber Counties. COMPLIANCE COSTS FOR AFFECTED PERSONS: Cost savings--the cost of the equipment used currently by auto testing and repair shops to check tailpipe emissions ranges from approximately \$15,000 - 30,000. The scan tools needed to determine whether the On-Board Diagnostic System is working currently cost \$150 - 2,000, and the cost is likely to decline by the implementation date of 01/01/2001. In addition, shops will need to train employees. However, it takes about 20 years for the vehicle fleet to turn over so that all pre-1996 vehicles are off the road; therefore, shops will have time to phase in equipment purchase and training. OBD testing can be conducted in 3 - 5 minutes, compared to 15 - 20 minutes for the current test, and shops will be able to conduct more tests with fewer employees.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: On-Board Diagnostics is an additional step in integrating emissions control into optimal vehicle operation. Testing and diagnosing problems in the OBD system will give consumers a faster and more accurate test of their emissions, while providing repair technicians better diagnostic information. Better diagnostics means more economical repairs for consumers. In addition, this kind of preventive maintenance will prolong the life of the vehicle and reduce air pollution--Diane R. Nielson.

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

Environmental Quality
Air Quality
150 North 1950 West
Box 144820
Salt Lake City, UT 84114-4820, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jan Miller at the above address, by phone at (801) 536-4042, by FAX at (801) 536-4099, or by Internet E-mail at jmillier@deq.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 08/31/1998; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 08/20/1998, 1:30 p.m., Room 201, Department of Environmental Quality (DEQ) Building, 168 North 1950 West, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 10/08/1998

AUTHORIZED BY: Ursula K. Trueman, Director

**R307. Environmental Quality, Air Quality.
R307-110. General Requirements: State Implementation Plan.
R307-110-31. Section X, Basic Inspection and Maintenance,
Part A, General Requirements and Applicability.**

The Utah State Implementation Plan, Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability, as most recently amended by the Utah Air Quality Board on ~~February 5, 1997~~ October 7, 1998, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

**KEY: air pollution, small business assistance program*,
particulate matter*, ozone
1998**

19-2-104(3)(e)



Health, Health Systems Improvement,
Child Care Licensing
R430-60
Hourly Child Care Center

**NOTICE OF PROPOSED RULE
(New)**

DAR FILE NO.: 21276
FILED: 07/13/1998, 16:14
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: In order to close the gap in licensed child care settings, recent amendments to the child care statute eliminated the exemption from licensure for child care providers who provide care to a child less than four hours per day. This rule implements these statutory requirements.

SUMMARY OF THE RULE OR CHANGE: This rule establishes the standards for the operation and maintenance of hourly child care centers. It defines the requirements for: administration and direction; care giver to child ratios; care giver in-service and training requirements; records; discipline methods; medication administration; child security; activities; fire, sanitation, and safety; food service; and animals kept on-site.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 39

ANTICIPATED COST OR SAVINGS TO:

- ❖ **THE STATE BUDGET:** Changes to this rule do not require an increased workload to the Bureau.
- ❖ **LOCAL GOVERNMENTS:** Changes to this rule do not require an increased workload to local agencies.
- ❖ **OTHER PERSONS:** If 50 sites are licensed the aggregate cost would be \$1,095,000 annual cost and \$89,575 one-time cost. This cost was determined by an impact survey completed for three hourly child care providers. It revealed that their average cost to implement these rules is an average of \$21,900 annual operating cost and a one-time cost of start-up to be \$1,800 per site. However, these costs may be less since the Department modified the care giver to child ratios after the cost impact survey was completed.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Up to \$21,900 annual cost and \$1,800 one-time start-up cost per hourly child care provider, depending on the services offered and the ages of the children admitted. The cost impact survey of affected parties was completed and the interview with the directors revealed annual cost to be: \$170 to train care givers in first aid, considering staff turnover; \$88.80 for developing the annual in-service training plan; \$14,800 to hire additional staff to meet the ratios (biggest problem being the number of infants cared for in hourly programs); \$3,700 to pay for care givers to sanitize the toys used by infants; \$80 for food handler's permits for care givers; \$3,080 to have care givers hold an infant during bottle feeding times if an infant is unable to sit upright. Start-up costs may be: \$1,500 to purchase mats for indoor play equipment; \$100 to develop policy manual and obtain necessary forms; \$200 to build a separate area for infants (if one is not already present). If a sink is not available in the diaper changing area there may be an additional cost of \$4,000, however alternatives may be requested of the department.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Previously, the Department did not have rules governing this type of child care provider. These providers are often associated with a business where parents will be more likely to patronize the business if on-site child care is provided. These providers face unique challenges where they do not have a stable enrollment and the children in care change so often. This check-in and check-out cycle demands a high level of adult supervision to assure that the safety and health of the children in care is not compromised while the provider attends to administrative details. An earlier draft version of this rule was circulated to many of the affected providers. With their permission, three providers were audited to try to accurately assess the cost that various rule requirements

would impose. After input from the providers and the Child Care Advisory Committee, the draft rule was significantly changed. These providers will be allowed to care for more children per adult care giver than originally proposed. Also, alternatives to having a sink in the changing area if infants are cared for, will provide the possibility of costs being minimized, while still allowing these centers to safely care for infants. Based on my review of the rule I believe that the requirements are appropriate and necessary to maintain basic health and safety. Costs have been minimized in an appropriate manner. If additional areas where costs can be reduced appropriately are identified during hearings and public comments, this rule will be reviewed prior to becoming final.

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

Health
Health Systems Improvement,
Child Care Licensing
288 North 1460 West
PO Box 142003
Salt Lake City, UT 84114-2003, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Debra Wynkoop-Green at the above address, by phone at (801) 538-6152, by FAX at (801) 538-6325, or by Internet E-mail at dwynkoop@doh.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 08/31/1998.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/1998

AUTHORIZED BY: Rod L. Betit, Executive Director

R430. Health, Health Systems Improvement, Child Care Licensing.

R430-60. Hourly Child Care Center.

R430-60-1. Legal Authority.

This rule is promulgated pursuant to Title 26, Chapter 39.

R430-60-2. Purpose.

The purpose of this rule is to establish standards for the operation and maintenance of hourly care child care centers. It establishes minimum requirements for the health and safety of children in licensed programs.

R430-60-3. Definitions.

"Direct Supervision" means that the care giver must be able to see and hear the children, and be near enough to intervene when needed.

R430-60-4. License Required.

A person must obtain an hourly child care center license if he: (1) provides child care not in a personal residence;

- (2) provides care for five or more children for less than 24 hours a day, but not on a regular schedule; and
- (3) receives direct or indirect compensation.

R430-60-5. Administration and Organization.

(1) The licensee of the program shall exercise supervision over the affairs of the program and assure:

(a) compliance with federal, state, and local laws and for the overall organization, management, operation and control of the facility;

(b) establishment and implementation of policies and procedures for the health and safety of children in the center; and

(c) appointment of a qualified director who shall assume full responsibility for the day-to-day operation and management of the facility.

(2) The director of the hourly care program shall have the following qualifications:

(a) be at least 21 years of age;

(b) have knowledge of applicable laws and rules;

(c) except for directors of a program licensed before June 1, 1998, the director must have a high school diploma or GED equivalent and:

(i) a bachelor's or associate's degree in Early Childhood Education or Child Development;

(ii) a bachelor's degree in a related field with documented four courses of higher education completed in child development;

(iii) a national or state certification such as Certified Childcare Professional, National Administrator Credential, Child Development Associate (CDA); or

(iv) two years experience in child care, elementary education, or a related field.

(3) The director shall ensure that adequate direct supervision is maintained whenever the program is operating. The care giver-to-child ratios established in R430-60-8 are minimum requirements only. The director shall ensure that policies exist to adjust these ratios when the age and number of children require additional care givers to maintain adequate levels of supervision and care.

R430-60-6. Personnel.

(1) The director shall ensure that each care giver and volunteer who has direct contact with or access to children are oriented to the licensed program and successfully completes the required training before starting assigned duties. The completion of the orientation must be documented in the individual's personnel record. The orientation training must include:

(a) procedures for maintaining health and safety, and handling emergencies and accidents;

(b) specific job responsibilities;

(c) child discipline procedures of R430-60-7; and

(d) reporting requirements for witnessing or suspicion of abuse, neglect and exploitation.

(2) All care givers employed to meet the minimum care giver to child ratios who provide services shall be at least 18 years of age or have completed high school or a GED. In addition to the required staff ratios, an individual who is 16 years old, if he works under the direct supervision of a competent care giver, may provide childcare services.

(3) There shall be at least one care giver on duty in the center during business hours who has a current certification in basic child

and infant first-aid and Cardiac Pulmonary Resuscitation (CPR), and training in the Heimlich maneuver for treatment of an obstructed airway. First-aid and CPR certification refers to courses given by the American Red Cross, the Utah Emergency Medical Training Council, or other courses that the licensee can demonstrate to the Department to be equivalent;

(4) All care givers shall receive a minimum of 10 hours of in-service training annually. At least five hours of in-service training shall be in person. The training shall include the following:

(a) accident prevention and safety principles;

(b) positive guidance for the management of children;

(c) child development; and

(d) age appropriate activities for children.

(5) If childcare is provided to children under the age of two, the following in-service topics are required:

(a) Preventing Shaken Baby Syndrome;

(b) Coping with crying babies; and

(c) Preventing Sudden Infant Death Syndrome.

(6) The licensee shall ensure that all care givers complete in-service training, and a record of the fact is made in the care giver's personnel record. The record must include the date training was completed, the topics covered, and trainer's name and organizational affiliation. Ten hours of in-service training which pertains to the age of children for which the person is providing care, shall be completed by care givers during each year of employment. At least five hours of training shall be in person, from a person not affiliated with the license holder.

R430-60-7. Records.

(1) The licensee shall ensure that the parent or legal guardian completes an admission agreement, which identifies the following:

(a) child's full name and nickname;

(b) parent's name and emergency numbers, if the parent will not be on-site;

(c) attestation statement and health evaluation identifying:

(i) allergies; and

(ii) medical conditions, including a certification that all immunizations are current; and

(d) name of the child's physician.

(2) The facility shall maintain staff records to include:

(a) Background screening records; and

(b) In-service training records.

R430-60-8. Child Discipline.

(1) The licensee shall inform all care givers, parents or guardians and children of expected conduct by setting clear and understandable rules.

(2) Disciplinary measures shall be implemented so as to encourage the child's self-control. Disciplinary measures shall be explained to the child at the time the discipline is imposed and may include:

(a) positive behavioral rewards;

(b) other forms of positive guidance;

(c) redirection; or

(d) time out.

(3) Care givers shall not do any of the following:

(a) give corporal punishment, including hitting, shaking, biting, pinching, or spanking;

(b) restrain a child's movement by binding or tying;

- (c) use abusive, demeaning or profane language;
- (d) withdraw food or bathroom opportunities; or
- (e) confine a child in a locked closet, room, or similar area.
- (4) "Time out" that enables the child to regain control of himself or herself and that keeps the child in visual contact with the care giver shall be used selectively, taking into account the child's developmental stage and the usefulness of "time out" for the individual child.
- (5) For children 18 months and older "tantrums" shall be interrupted every three minutes until control is obtained.

R430-60-9. Care Giver to Child Ratios.

(1) The licensee must maintain minimum care giver to child ratios as provided in Table 1.

TABLE 1
Minimum Care giver to Child Ratios

Care giver	Children	Limits for Mixed Ages
1	12	No children under age 2
1	8	3 children under age 2
1	6	4 children under age 2

(2) Regardless of the number of other children and the minimum ratios in Table 1, if only two care givers are present, the facility may not care for more than four children under the age of two.

(3) For no more than 20 minutes, the minimum ratios in Table 1 may not exceed one care giver to 16 children if none of the children are younger than 24 months old, to allow for an additional care giver to arrive at the program.

(4) An hourly program that exceeds the ratio in Table 1, must be able to document having care givers, who, as a condition of their employment, are on call to come to the program as needed and arrive at the program within 20 minutes after receiving notification to report.

(5) Whenever the total number of children present to be cared for at a hourly program is more than 20, children younger than 24 months must be cared for in an area that is physically separated from older children. All children 24 months old and older may be cared for in the same group in the same area.

R430-60-10. Medications.

(1) If an hourly child care provider chooses to administer medications to a child then a trained, designated care giver shall administer medications.

(2) Training for the administration of medications shall include the following:

- (a) over-the counter and prescription medications must be in the original or pharmacy container;
- (b) have the original label;
- (c) include the child's name;
- (d) have child proof caps; and
- (e) have instructions for administration.

(3) The parent or guardian must complete a medication release form for each child receiving medications at the facility that contains:

- (a) the name of the medication;
- (b) the dosage;
- (c) the route of administration;

- (d) the times and dates to be administered;
- (e) the illness or condition being treated; and
- (f) the parent or guardian signature.
- (4) Medication records shall be maintained that include:
 - (a) the times, dates, and dosages of the medications given;
 - (b) the signature or initials of the care giver who administered the medication; and
 - (c) documentation of any errors in administration or adverse reactions.

(5) The director or designee shall report any adverse reaction to a medication or error in administration to the parent or legal guardian immediately upon recognizing the error or reaction.

(6) Medications shall be secured from access to children.

(7) Medications stored in refrigerators shall be in spill-proof packaging and shall be kept in a covered, leakproof storage container.

(8) Unused medications shall be returned to the parent or guardian. Out-of-date medications shall be promptly discarded or returned to the parent or guardian to be destroyed.

R430-60-11. Parent Notification and Child Security.

(1) The director shall establish a procedure for care givers to check who has written authorization to pick up children. Only parents or persons with written authorization from parents shall be allowed to take any child from the facility, except that verbal authorization may be used in emergency situations. The director shall ensure a sign in and sign out document for the past three months is maintained for Department review.

(2) The director shall ensure that the parents or guardians are informed of all injuries and incidents that occur during the child's stay at the program. A written report shall be provided to the parents, and notification shall occur at the time that the injury or incident occurs if medical treatment is required. At the time of admission, the director shall obtain a signed permission form from the parent or legal guardian for emergency medical treatment.

(3) The director shall develop a policy to address how long a child may cry before the parent is contacted.

R430-60-12. Activities.

(1) The licensee shall have an array of activities and sufficient supplies at the center, which are appropriate for the age and development of the children accepted for care.

(2) There shall be a minimum of 35 square feet per child of indoor play area.

(3) If an outdoor play area is available, the area shall have at least 40 square feet for each child using the play area at any given time.

(4) Outdoor play areas shall be fenced or have a natural barrier that provides protection from unsafe areas. Fences shall be at least four feet high. If local ordinances conflict, the director may request a variance from the Department. Any gaps within the fence shall not be greater than three and one-half inches. The bottom edges of fence shall not be more than three and one-half inches above the ground.

R430-60-13. Fire, Sanitation, and Safety.

(1) The licensee shall have a written emergency and disaster plan in case of fire, flood, earthquake, blizzard, power failure or other disasters that could create structural damage to the facility or

pose a health hazard. The director shall hold simulated fire drills monthly and semi-annual disaster drills. The director shall document all drills, including date, participants, and problems encountered.

(a) The director shall post evacuation routes which indicate the location of fire alarm boxes and fire extinguishers in prominent locations throughout the center. Each center shall have approved fire extinguishers and be inspected by the local fire authority annually.

(b) The licensee shall ensure that the telephone service is in working order, unless there is a utility failure, and inform the Department of the current phone number.

(c) The names and telephone numbers of the emergency medical personnel, fire department, police, poison control and license holder shall be posted by the telephone.

(2) A person may not smoke or use tobacco in any child care facility during the period of time a child is present in the facility. All lighters and matches shall be inaccessible to children.

(3) The director of the facility shall establish written policies and monitor the facility to ensure that the use of tobacco in any form, the use of alcohol, the ingestion of any substance (including prescription medications) in amounts known to compromise responsible judgement, and the use of or possession of illegal substances or sexually explicit materials are prohibited by any person anywhere on the premises during the hours of operation when children are under care.

(4) The toilet rooms of the hourly program must be cleaned and disinfected daily.

(5) If the program accepts a child in a diaper, then the diaper shall be changed only in a designated diaper changing area. The designated area shall:

(a) have diaper changing procedures posted;

(b) be separate from food storage, food preparation, and eating areas.

(c) have a hand sink equipped with soap, hot and cold running water within three feet of the diaper-changing surface; and

(d) have a smooth nonabsorbent diaper changing surface and a sanitary container for soiled and wet diapers.

(6) Care givers shall change a child's clothing when it is soiled with fecal material or urine and place the clothing into a leakproof container to be sent home with the parent or legal guardian. Clothing soiled with feces or urine shall not be rinsed at the facility.

(7) Hand washing policies shall be followed to assure protection from contamination and the spread of microorganisms. Hand washing procedures shall be posted at all hand washing sinks.

(a) Care givers shall wash and scrub their hands for 20 seconds with soap and warm running water at times specified in policy.

(b) Care givers shall teach children proper hand washing techniques and oversee hand washing whenever possible.

(c) Care givers and children shall wash their hands after using the toilet, before and after eating and before and after food preparation.

(8) The licensee shall provide the following supplies and make them accessible to children: toilet paper, liquid hand soap, facial tissues, and single use paper towels or warm air hand dryers.

(9) The director shall keep and maintain a first aid kit and a portable blood and bodily fluid clean-up kit. All care givers shall know the location of and how to use the kits.

(10) Equipment and furniture must be durable, in good repair, structurally sound, and stable following assembly and installation.

(a) Equipment must be free of sharp edges, dangerous protrusions, openings where a child's extremities could be pinched or crushed, and openings or angles that could trap part of a child's body.

(b) Tables, chairs, and other furniture must be appropriate to the age and size of children who use them. High chairs must have safety straps.

(c) Toys and equipment that are likely to be mouthed by infants and toddlers must be made of a material that can be disinfected. These must be cleaned and disinfected when mouthed or soiled and at least daily.

(d) Sharp objects, medicines, plastic bags, and poisonous plants and chemicals, including household supplies, must be stored out of reach of children.

(e) Electrical outlets accessible to children shall be protected or capped with safety devices.

(f) All pieces of outdoor playground equipment shall be surrounded by a resilient surface of loose cushioning, at least nine inches in depth, or mats manufactured for such use, consistent with the guidelines of the Consumer Product Safety Commission and the standards of the American Society for Testing and Materials. All indoor playground equipment, for example slides and climbers, shall be surrounded by cushioning materials, such as mats, in a six foot fall zone. Indoor play equipment shall not exceed three feet at the highest point.

(g) The areas used by children must be free from debris, loose flaking, peeling, or chipped paint, loose wallpaper, or crumbling plaster, litter, and holes in the walls, floors and ceilings. Rugs must have a non-skid backing or be firmly fastened to the floor and be free from tears, curled, or frayed edges, and hazardous wrinkles.

(h) Infant walkers with wheels are not permitted in hourly childcare programs.

(11) Hot water accessible to children shall be maintained between the temperature of 110 degrees Fahrenheit and 120 degrees Fahrenheit.

(12) The licensee shall take effective and safe measures to prevent, control, and eliminate the presence of insects, rodents, and other vermin on the premises.

(13) There shall be adequate housekeeping services to maintain a clean and sanitary environment.

(14) Entrances, exits, steps, and outside walkways shall be maintained in a safe condition, free of ice, snow and other hazards.

(15) The center shall maintain air temperatures between 72 degrees Fahrenheit and 85 degrees Fahrenheit as measured 30 inches above the floor. Infant care areas shall maintain temperatures of at least 70 degrees Fahrenheit at floor level.

(16) If sleeping equipment or mats are provided for rest time, all mats and sleeping equipment shall be cleaned and sanitized weekly, and prior to use by another child.

(17) There shall be at least one toilet and lavatory for each 15 children. Care givers shall directly supervise children when using bathrooms that are available to the general public.

R430-60-14. Animals.

(1) If the facility permits animals in the facility:

(a) the animals shall be clean and in good health;

(b) the animals shall be confined in enclosures, hand held, under leash control, or under voice control;

(c) the animals shall have current vaccination records available at the facility for all diseases transmissible to humans;

(d) the animals shall have no history of dangerous or aggressive behavior; and

(e) the animals shall be excluded from food preparation, storage or dining areas.

(2) Children shall not assist with the cleaning of animals, animal cages, pens or animal equipment.

(3) The director shall inform the parent or legal guardian of any known allergic or immune suppressed child of the types of animals kept at the facility.

(4) Children shall not be permitted to handle reptiles, including turtles and lizards.

R430-60-15. Food Service.

(1) If food service is provided, the center's food service shall comply with the Utah Department of Health Food Service Sanitation Regulations, R392-100, and with the local health department food service regulations.

(2) If the local health department completes an inspection, the most recent inspection report shall be maintained at the center for review by the Department.

(3) All food served in the center by care givers for the children in care shall be from an approved source as provided in R392-100.

(a) Food brought in by parents for service to other children must be from an approved source or commercially prepared;

(b) Food brought in by parents for individual child use must be labeled with the child's name.

(4) All care givers who prepare or serve food and snacks must have a food handler's permit.

(5) Children's food shall be served on plates, napkins or other sanitary holders, which includes a high chair tray. Multiple use sanitary holders shall be washed, rinsed, and sanitized with a sanitizer approved in R392-100 for food contact surfaces prior to each use. Food shall not be placed on a bare table or other eating surface.

(6) If a food service is provided, care givers shall serve meals and snacks according to the center policy, but at least once every three hours.

(7) Children and infants shall be served special diets, formula, breast milk, or food supplements in accordance with the written instructions from a parent or legal guardian.

(8) Baby food must be refrigerated after opening, marked with the date and time and discarded if not consumed within 24 hours.

(9) Infant formula and breast milk shall be discarded after feeding or within two hours of initiating a feeding.

(10) If an infant is unable to sit upright and hold his own bottle, a care giver shall hold the infant during bottle feeding.

R430-60-16. Penalty.

Any person who violates any provision of this rule may be assessed a penalty not to exceed the sum of \$5,000 or be punished for violation of a class B misdemeanor for the first violation and for any subsequent similar violation within two years for violation of a class A misdemeanor as provided in Section 26-23-6 and Section 26-39-108.

KEY: child care facilities

1998

26-39



Health, Health Systems Improvement, Child Care Licensing **R430-100** Child Care Facilities

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 21277

FILED: 07/13/1998, 16:14

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To enhance the understandability of the child care licensing rules, the Child Care Licensing Advisory Committee recommended that the provisions for licensed family care and licensed center care be separated from the R430-100 rule, which was made effective February 5, 1998.

SUMMARY OF THE RULE OR CHANGE: This rule simplifies and clarifies the standards which only apply to child care centers. The rule modifies the previous requirements and permits the licensee to have mats surrounding indoor play equipment which do not meet the standards for the American Society for Testing and Materials (ASTM) since they are difficult to purchase or obtain in Utah; changes the child discipline rule to define measures to enhance the child's self-control; clarifies that substitutions are permitted to the proposed menu; includes the construction and physical environment in this rule; and requires that the licensee has an emergency plan in the case of a missing child or death or serious injury to a child or care giver and adds the penalty section.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 39

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Changes to this rule do not require an increased workload to the Bureau.

❖LOCAL GOVERNMENTS: Changes to this rule do not require an increased workload to local agencies.

❖OTHER PERSONS: It is anticipated that the 270 child care centers may realize a savings since the surface to protect children from falls from indoor play equipment does not need to meet the ASTM standards.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There should not be an increase in cost for compliance, since the requirements of this rule were already adopted in 1998.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule change responds to input from the Legislature and the provider community that child care rules needed to be simplified. All

program rules applicable to child care centers are now in this rule. A provider need only review this rule to ascertain the applicable requirements. Input from providers also revealed that ASTM standards were overly costly to meet for indoor equipment, so a less stringent standard is adopted. The cost to businesses affected by this rule should be significantly less than the previous rule. After public hearings and comments, if additional costs are identified this rule will be carefully reviewed for other possible changes.

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

Health
 Health Systems Improvement,
 Child Care Licensing
 288 North 1460 West
 PO Box 142003
 Salt Lake City, UT 84114-2003, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Debra Wynkoop-Green at the above address, by phone at (801) 538-6152, by FAX at (801) 538-6325, or by Internet E-mail at dwynkoop@doh.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 08/31/1998.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/1998

AUTHORIZED BY: Rod L. Betit, Executive Director

R430. Health, Health Systems Improvement, Licensing.

R430-100. Child Care Center[Facilities].

R430-100-1. Legal Authority.

This rule is promulgated pursuant to Title 26, Chapter 39.

R430-100-2. Purpose.

The purpose of this rule is to establish standards for the operation and maintenance of a child care center[facilities]. This rule provides minimum requirements to ensure health and safety for children in child care centers[facilities].

R430-100-3. [Licensure]Definitions.

~~[(1) Child care facilities shall be licensed according to the following categories:~~

- ~~— (a) Centers - facilities that care for 13 or more children;~~
- ~~— (b) Family Group - facilities that care for seven to 12 children;~~

and

- ~~— (c) Family - facilities that care for four to six children.~~
- ~~(2) Care provided to children shall include the following:~~
 - ~~— (a) A safe and healthy environment;~~
 - ~~— (b) Well-balanced meals and snacks;~~
 - ~~— (c) Constant care and supervision; and~~
 - ~~— (d) Daily activities.](1) "Direct supervision" means that the care giver can see and hear the children, and is near enough to intervene when needed.~~

(2) "Conditional enrollment" means that a child is admitted to a child care program and has received at least one dose of each required vaccine prior to enrollment and is on a schedule for subsequent vaccinations.

R430-100-4. License Required.

A person who provides child care in a place other than the person's home for five or more children for less than 24 hours per day, having a regularly scheduled, ongoing enrollment, for direct or indirect compensation must be licensed as a child care center program.

R430-100-[4]5. Administration and Organization.

(1) The licensee shall exercise supervision over the affairs of the facility and establish policies to comply with this rule.

(2) Duties and responsibilities of the licensee include the following:

(a) Compliance with federal, state, and local laws and for the overall organization, management, operation, and control of the facility;

(b) Establishment of policies and procedures for the health and safety of children in the facility; and

(c) ~~[For child care centers, the licensee shall a]~~Appoint, in writing, a qualified director who shall assume full responsibility for the day-to-day operation and management of the facility.

(3) The director or designee of a child care center~~[or director designee]~~ shall have sufficient freedom from other responsibilities to manage the facility and shall be on the premises during operating hours.

(4) The director of the child care center ~~[and family in-home provider]~~shall have the following qualifications:

(a) Be at least 21 years of age to be a child care center director~~[and be at least 18 years of age to be a director of a family in-home child care program];~~

(b) Have knowledge of~~[and comply with]~~ applicable laws and rules; and

(c) Except for directors of child care centers who are listed as director on a child care license before January 1, 1998, the child care center director must have a high school diploma or GED equivalent and one of the following:

(i) A bachelor's or associate's degree in Early Childhood or Child Development, or a bachelor's degree in a related field ~~[with documented]~~and proof of passing four higher education courses~~[of higher education completed]~~ in child development; or

(ii) A national or state certification such as a Certified Childcare Professional, National Administrator Credential, Child Development Associate (CDA), or other credential that the licensee demonstrates to the Department as equivalent.

(5) Duties and responsibilities of the director include the following:

(a) ~~[The director of a child care center shall d]~~Designate, in writing, a competent care giver ~~[(f)who is at least 21 years of age(f)]~~ to act as director in his temporary absence;

(b) Recruit, employ, and train staff to meet the needs of the children;

(c) Maintain a six-month record of daily work schedules;

(d) Review reports of every injury, incident and accident to a child or care giver, take appropriate action, and document corrective action taken;

(e) On the day of discovery, notify the child's parents and document how notification was completed if there was any accident, injury, medical emergency, or exposure to communicable disease or infestation, such as lice.

(f) Notify the nearest peace officer, law enforcement agency, or protective services agency whenever there is a reason to believe that a child has been subject to abuse, neglect, or exploitation as required by Section 62A-4-501;

(g) On the day of discovery, notify the local health department of any reportable communicable diseases among children or care givers, and any sudden or extraordinary occurrence of serious or unusual illness in accordance with R386-702-2; and

(h) Conduct regular inspections of the facility to ensure it is safe from potential hazards to children.

R430-100-[5]6. Personnel.

(1) ~~There shall be a sufficient number of trained competent caregivers during operating hours to comply with ratio requirements and to ensure that proper care and supervision for children.]The director shall ensure that adequate direct supervision is maintained whenever the center is operating. The care giver-to-child ratios established in R430-100-8 are minimum requirements only. The director shall ensure that policies exist to adjust these ratios when the age and the number of children require additional care givers to maintain adequate levels of supervision and care.~~

(2) ["Care giver" means an individual who provides care to children daily. The in-service training requirements of this rule do not apply to in-home providers who may use a temporary Care giver for unforeseen circumstances requiring the daily Care giver to be away from the children.]All care givers who provide services in a child care [facility]center shall be at least 18 years of age or have completed high school or a GED. In addition to the required staff ratios, child care services may be provided by an individual who is 16 years old, if he works under the direct supervision of a competent [Care]care giver.

(a) All care givers shall have access to the facility's policies and procedures manual;

(b) Each [Care]care giver shall have related experience in the job assigned or receive on-the-job training which is documented by the director;

(c) Each new [caregiver]care giver shall receive orientation training which shall include:

- (i) Job description;
- (ii) Introduction and orientation to the children, which includes special conditions, e.g. allergies and medical conditions;
- (iii) Policy and procedures; and
- (iv) Reporting requirements for witnessing or suspicion of abuse, neglect and exploitation, according to Section 62A-4-511.

(3) The [facility]director shall establish a personnel health program through written personnel health policies and procedures.

(a) The [facility]director shall complete a [caregiver]care giver health evaluation for each new [caregiver]care giver hired. [Facilities]The director may use their own evaluation form or the Department-approved form.

(b) The health [inventory]evaluation shall obtain at least the [caregiver's]care giver's history of the following:

(i) conditions that predispose the [caregiver]care giver to acquiring or transmitting infectious diseases; and

(ii) conditions which may prevent the [caregiver]care giver from performing certain assigned duties satisfactorily or safely.

(c) Each [facility]director shall develop and implement policies for care giver health screening and immunization components of personnel health programs.

(d) Each [facility]director shall ensure that all [caregivers]care givers are screened for tuberculosis by the Mantoux Method, and that follow up testing for tuberculosis is done in accordance with R386-702-5, Special Measures for Control of Tuberculosis.

(i) Each [Care]care giver shall be tested for Tuberculosis prior to employment and periodically thereafter at least every two years or as specified by [a]the local health department. After suspected exposure to another person with active tuberculosis, the [caregiver]care giver shall be tested and managed in accordance with R386-702-5.

(ii) All care givers with documented previously positive reactions to skin tests are exempt from further skin testing. However, each [caregiver]care giver who is exempt from skin testing shall have a chest x-ray every two years to test for tuberculosis.

(iii) Care givers with a positive tuberculosis test, after previously testing negative, shall be evaluated by a health care provider or the local health department.

(iv) Care givers with a first time positive TB skin test, active infectious TB, or any other reportable disease that is infectious or communicable to children or to other care givers while performing child care duties shall not work in the facility without written approval of the local health department or health care provider.

(e) The [facility]director shall report all infections and communicable diseases reportable by law to the local or state health department in accordance with R386-702-2.

~~[(f) Care givers with a first time positive TB skin test, active infectious TB, or any other reportable disease that is infectious or communicable to children or to other care givers while performing child care duties shall not work in the facility without written approval of the local health department or health care provider.]~~

(4) ~~[All child care facilities shall ensure that]All care givers shall receive a minimum of 20 hours of documented in-service training annually. At least 10 hours of the in-service training shall be in person. The training shall include the following:~~

- (a) Principles of good nutrition;
- (b) Proper hand washing, OSHA requirements and sanitation techniques;
- (c) Proper procedures in administration of medications;
- (d) Recognizing early signs of illness and determining when there is a need for exclusion from the facility;
- (e) Accident prevention and safety principles;
- (f) Reporting requirements for communicable and infectious diseases;

(g) Reporting requirements for abuse, neglect and exploitation according to Section 62A-4-501; and

(h) Positive guidance for the management of children.

(5) If the [facility]center provides infant care, the following in-service training is required as part of the required in-service hours:

- (a) Preventing Shaken Baby Syndrome;
- (b) Preventing Sudden Infant Death Syndrome;
- (c) Coping with crying babies; and
- (d) Development of the brain.

(6) The director of the [facility]center shall establish written policies and monitor the [facility]care givers and volunteers to ensure that the use of tobacco in any form, the use of alcohol, the ingestion of any substance (including prescription medications) in amounts known to compromise responsible judgement, and the use of or possession of illegal substances or sexually explicit materials are prohibited by any person anywhere on the premises during the hours of operation when children are under care.

R430-100-[6]7. Records.

- (1) All[facility] records shall be filed, stored safely, and be easily accessible for Department review.
- (2) Records shall be protected against access by unauthorized individuals.
- (3) The [facility]licensee and director shall maintain the following records:
 - (a) Policies and procedures;
 - (b) Personnel records for each [caregiver]care giver, retained for at least two years following termination of employment, which shall include:
 - (i) Employment application;
 - (ii) Date of employment, termination date, and reason for termination of employment;
 - (iii) Initial health evaluation form and health inventory;
 - (iv) Food [Safety]Handler's permit for care givers who prepare or serve food;
 - (v) Criminal Background Screening [report]initial clearance form or the waiver for annual renewal;
 - (vi) Results of TB screening;
 - (vii) Documented in-service training hours;
 - (viii) Documentation of related experience or on-the-job training completion; and
 - (ix) First Aid [or]and CPR certification.
 - (c) All variance requests granted by the Department;
 - (d) Children's records that include the following[;]:
 - (i) Utah School Immunization Record;
 - (ii) Injury, incident and accident reports;
 - (iii) Transportation and medical treatment releases;[and]
 - (iv) Annual Health Assessment for all children; and
 - (v) Current (within six months) Physical examinations for children under the age of [6]six (only at admission).
 - (e) A six month record of medications administered[-records];
 - (f) A six month record of [caregiver]care giver assignments;
 - (g) A six month record of incident and accident reports, to be located on site;
 - (h) A six month child attendance record;
 - (i) If infant care is provided in a child care center, the center shall maintain a record of diapering, sleeping, and bottle feed times for each infant;
 - (j) Fire and Disaster drills;
 - (k) Local Health Department Inspections; and
 - (l) Local fire inspections.
- (4) Custodial parents and legal guardians shall have access to the records on their own children.

R430-100-[7]8. [Staffing]Care Giver to Child Ratio.

(1) The licensee must maintain minimum care giver to child ratios as provided in Tables 1 and 2.

TABLE 1
Minimum Care giver to Child Ratios

Staff	Number of		Ages
	Children	Group Size	
1	4	8	Under 24 months
1	7	14	2 year old
1	12	24	3 year old
1	15	30	4 year old
1	20	35	5 years and over

(1) "Direct Supervision" means that the caregiver must be able to see and hear the children, and be near enough to intervene when needed;

(2) Children shall be directly supervised at all times in the facility according to the following caregiver to child ratios:

- (a) Centers:
 - (i) Infant to 24 months - one caregiver to four children, the group size shall not exceed eight;
 - (ii) two years old - one caregiver to seven children, the group size shall not exceed 14;
 - (iii) three years old - one caregiver to 12 children, the group size shall not exceed 24;
 - (iv) four years old - one caregiver to 15 children, the group size shall not exceed 30;
 - (v) five years and older - one caregiver to 20 children, the group size shall not exceed 35;

(vi)(2) There shall be at least two care givers at the center at all times when there are more than six children present or more than two infants present;

(vii)(3) There shall be at least two care givers to accompany children when leaving the child care center for activities, at least one [member]care giver shall have current first aid and CPR and all ratios shall be maintained at the center and for the activity.;

(viii)-

(4) Centers may maintain variable age groups, and shall comply with the following ratio requirements:

(A)a Ratios for variable age groups shall be determined by averaging the ratios of the ages represented in the group;

(B)b The ratio for the youngest children shall be utilized if more than half of the group is composed of children in the youngest age group; and

(C)c Variable age groups may not be larger than 25 children.

TABLE 2
Minimum Care Giver to Child Ratios - Variable Age Groups

<u>Two Ages Mixed</u>	
Infant and two year olds	1:5
Two and three year olds	1:9
Three and four year olds	1:14
Four years and older	1:18
<u>Three Ages Mixed</u>	
Infant, two and three year olds	1:7
Two, three and four year olds	1:11
Three, four and school age	1:16
<u>Four Ages Mixed</u>	
Infant, two, three and four year olds	1:9
Two, three, four and school age	1:13
All ages Mixed	1:11

(ix)5 During nap time the child ratio may double for not more than two hours for[-] children 24 months and older [may be under the supervision of 50% of the care giver to child ratio for not

more than two hours], if a means of communication is maintained with another [caregiver]care giver who is also on-site.

~~—(b) Family Group child care facilities shall be limited to a maximum of twelve children.~~

~~—(i) Whenever more than six children are cared for, there shall be an additional child Care giver;~~

~~—(ii) With two caregivers, no more than four children shall be under the age of two;~~

~~—(iii) The care givers' own children count towards the group size until they have turned six years old and have completed kindergarten;~~

~~—(iv) If the caregiver's own school-aged children under 14 years of age are in the home, the total group size shall not exceed 16.~~

~~—(c) Family child care facilities shall follow one of the three following child group structures:~~

~~—(i) Infant care - for a maximum group size of three infants;~~

~~—(ii) Mixed care - for a maximum group size of six children, and no more than two children under age two; or~~

~~—(iii) Large mixed care - for a maximum group size of eight children, all two years of age or older, and two of the children are only cared for before and after school or on school holidays and vacation times;~~

~~—(iv) The Care giver's own children, and any other children living in the home count towards the group size until they have turned six years old and have completed kindergarten;~~

~~—(v) At no time shall the total number of children in care exceed 12, including the caregiver's own children under the age of 14.]~~

~~(3)(6) [Each child care facility]The director shall establish policies and procedures to ensure that there is supervision of children when the children are sleeping or using the bathroom.~~

R430-100-[8]9. Child Health.

(1) Children admitted to the [facility]center shall have immunizations as required by the Utah School Immunization Law, Utah Code 53A-11-301. The [child care facility]director may not admit a child without proof of immunization, or evidence of conditional enrollment, or evidence of a personal, medical or religious exemption. ~~[-Conditional enrollment means that the child has received at least one dose of each required vaccine prior to enrollment and be on a schedule for subsequent immunizations.]~~

(a) The [facility]director shall have a current Utah School Immunization Record (USIR -Pink card) on file for each child.

(b) ~~[Each child care facility]The director shall submit the Child Care Facilities Annual Summary Report to the Department of Health Immunization Program by November 30 of each year.~~

(2) The [facility]care givers shall not care for ill children except when the child shows signs of illness after arrival.

(a) The [facility]director shall ensure that children who develop signs of illness at the [facility]center are kept separate from other children.

(b) The [facility]director shall contact the parents of ill children and request that they be removed immediately from the [facility]center.

(c) The [facility]director shall inform parents in writing of communicable illnesses or parasites that are discovered at the [facility]center the same day the illness or parasite is discovered.

(d) The [caregiver]care giver shall convey information of illnesses in a manner that protects the confidentiality of [caregivers]care givers and children.

(3) The [facility]director shall require a physical assessment (current within six months) for each child ages 0 - 5 years old, within 30 days of admission to the child care [facility]center. The physical assessment shall be completed by a licensed physician, nurse practitioner, or registered nurse.

(4) Annually and upon a child's admission, the [facility]director shall require the parent or guardian to complete and sign a health assessment [to be completed and signed by the parent or guardian]for each child in care, which includes an update of the following:

- (a) allergies;
- (b) chronic illnesses;
- (c) medical conditions;
- (d) disabilities;
- (e) date of last physical examination;
- (f) instructions for routine daily care; and
- (g) instructions for emergency care.

R430-100-[9]10. Parent Notification/Child Security.

(1) The [facility]director shall ~~[provide]allow~~ parents and legal guardians ~~[with]to~~ access~~[-to]~~ a copy of the child care licensing rules.

(2) The [facility]licensee shall provide parents with a two-week notice prior to making changes ~~[including]in the following:~~ fees for services, voluntary closure of the program, and hours of operation.

(3) The [facility]center shall be open to parents of enrolled children at all times during business hours.

(4) ~~[Each child care facility]The director shall establish a procedure for ensuring that [all children's]each child's attendance is accounted for which shall include:~~

(a) Persons bringing or picking up ~~[children]a child~~ who ~~[are]is~~ not school aged shall sign the ~~[children]child~~ in and out of the [facility]center.

(i) The time of day shall be recorded on the sign-in and sign-out form, and

(ii) Personal identifiers, such as a signature, initials or electronic identification may be used to sign in and out.

(b) Care giver's may sign-in and sign-out ~~[children who are]a child who is~~ school-aged.

(5) Only parents or persons with written authorization from parents shall be allowed to take any child from the [facility]center, except that verbal authorization may be used in emergency situations.

(6) The [facility]director shall develop policies to address verbal identification of parents or guardians to remove their children from the [facility]center in emergency situations.

(7) ~~[Each child care center]The director shall establish and implement~~ a procedure for [caregivers]care givers to check who has written authorization to pick up ~~[children]a child~~.

(8) In the case of a serious injury to a child which requires immediate hospital treatment, the director shall attempt to contact the parents or legal guardians after emergency personnel have been contacted.

(9) The director shall report to the Department within five working days any fatality, hospitalization, or emergency medical response for a child while at the center.

R430-100-~~[10]~~11. Activities.

(1) The [facility]director and care givers shall develop and follow a daily activity plan that is designed for the age and development of the children.

(2) The activity plan shall be posted for parent and [staff]care giver review.

(3) There shall be areas for indoor and outdoor play.

(a) Indoor play areas shall have 35 square feet per child.

(b) Outdoor play areas shall have at least 40 square feet per child. The total outdoor play area shall accommodate at least 33 percent of the licensed capacity at one time.

(c) Toilet rooms, closets, lockers, wardrobes, hallways, corridors, alcoves or vestibules may not be included in calculating indoor play space. Play space does not include areas which are designated as office space or a napping room.

(4) Daily activities shall include outdoor play if weather permits.

(5) The [facility]director or care giver shall obtain written parental consent for off-site [activity]activities.

(a) Care givers attending off-site activities shall take with them the emergency phone numbers of attending children;

(b) The [facility]director shall ensure that[maintain] [caregiver]care giver to child ratios for off-site activities are met;

(c) The child care center shall identify children with a [facility]center-specific identifier; and

(d) The [facility]director shall notify the parents of any schedule changes.

(6) Care givers shall accompany children at pool side during swimming activities. Lifeguards and pool personnel may not be counted towards [caregiver]care giver to child ratios.

(7) ~~[All facility swimming pools shall operate in accordance with Utah Code R392-302, design, Construction and Operation of Public Pools:~~

~~(8) Outdoor play areas shall be fenced or have a natural barrier that provides protection from unsafe areas. Fences shall be at least four feet high. If local ordinances conflict, the director may request a variance from the Department. Any gaps within the fence shall not be greater than three and one-half inches. The bottom edges of the fence shall not be more than three and one-half inches above the ground.~~

(a) Outdoor play areas shall have a shaded area to protect children from excessive sun and heat;

(b) Children shall have access to drinking water at the outdoor play area during play times.

~~(9)~~(8) If care is provided for infants, each infant shall have physical and verbal stimulation every 30 minutes during waking hours by [caregivers]care givers, including the opportunity for physical activity. Physical activity may not be confining an awake child to a single device, such as a [walker]chair or swing which restricts active movements for more than 30 minutes.

R430-100-~~[11]~~12. Medications.

(1) Medications may be administered to children only by a trained, designated [facility]care giver~~caregiver~~. A care giver~~caregiver~~ who administers medication shall be trained to:

(a) check the label and confirm the name of the child,

(b) read the directions regarding measured doses, frequency, expiration date, and other administration guidelines, and

(c) properly document administration of medication records according to R430-100-~~[11]~~12(4).

(2) The over-the counter and prescription medications must be in the original or pharmacy container, have the original label, include the child's name, have child proof caps and have instructions for administration.

(3) The parent or guardian must complete a medication release form for each child receiving medications at the [facility]center that contains:

(a) the name of the medication~~[-];~~

(b) the dosage~~[-];~~

(c) the route of administration~~[-];~~

(d) the times and dates to be administered;

(e) the illness or condition being treated;

(f) the parent or guardian signature.

(4) Medication records shall be maintained that include:

(a) The times, dates, and dosages of the medications given;

(b) The signature or initials of the [caregiver]care giver who administered the medication; and

(c) Documentation of any errors in administration or adverse reactions.

(5) The [facility]center director or designee shall report any adverse reaction to a medication or error in administration to the parent or legal guardian immediately upon recognizing the error or reaction.

(6) Medications shall be secured from access to children.

(7) Medications stored in refrigerators shall be in spill-proof packaging and shall be kept in a covered, leakproof storage container.

~~(8) [Unused medications shall be returned to the parent or guardian. Out-of-date medications shall be promptly discarded or returned to the parent or guardian to be destroyed]The director shall return unused medications to the parent or guardian. The director shall destroy out-of-date medications or return the medications to the parent or guardian.~~

R430-100-~~[12]~~13. Infection Control.

(1) All care givers shall comply with universal blood and bodily fluid precautions according to the OSHA Bodily Fluid Blood-Borne Pathogen Standard. The [facility]director shall keep and maintain a portable blood and bodily fluid clean-up kit. All care givers~~caregivers~~ shall know the location and how to use the kit.

(2) All care givers shall wear new disposable latex gloves or an approved equivalent listed in OSHA part 1910.1030 for first aid procedures involving blood or clean-up of bodily fluids.

(3) ~~[Child care centers shall post diapering procedures]Diapering procedures shall be posted by each diapering station which shall include the following:~~

(a) If a disposable paper covering is used, it shall be placed between the child and the diapering surface, and shall be disposed of following each diaper change.

(b) Soiled diapers shall be placed in a container that is lined and has a tightly fitting lid. Containers shall be cleaned and disinfected daily.

(c) The diapering surface shall be non-absorbent, cleaned and sanitized after each diaper change.

(d) Sanitizers shall be measured to ensure proper strength, or be commercially prepared, shall be labeled and stored in the diaper changing area, and inaccessible to children.

(4) If cloth diapers are used for children, the following procedure shall be followed:

(a) Cloth diapers shall not be rinsed at the [facility]center;

(b) After a diaper change, the cloth diaper shall be placed directly into a container labeled with the child's name or diapering service.

(5) ~~Clothing soiled with fecal material or urine shall be changed promptly and placed into a leakproof container to be sent home with the parent or guardian.~~ Care givers shall change a child's clothing which is soiled with fecal material or urine promptly and place the clothing in a leak proof container to be sent home with the parent or legal guardian. Clothing soiled with feces or urine shall not be rinsed at the [facility]center.

(6) In child care centers, care givers whose primary responsibility is the care of diapered children shall not prepare food for children or staff outside of the classroom areas used by infants and toddlers.

(7) In child care centers, care givers [caregivers] who prepare food in the kitchen shall not change diapers or assist in toilet training.

~~(8) In family care settings, diapering procedures shall include:~~

~~(a) A clean, smooth, washable, non-absorbent diapering surface which shall be sanitized after each use.~~

~~(b) The diapering area shall not be located in food preparation areas.~~

~~(c) Soiled diapers shall be placed in a container that is lined and has a tightly fitting lid or be taken directly to the outside covered receptacle. Inside diaper containers shall be cleaned and disinfected daily.~~

~~(9)(8)~~ Personal hygiene items such as combs and toothbrushes may not be shared between children and shall be labeled (with the child's name) and stored separately.

~~(10)(9)~~ Indoor activity equipment and toys shall be cleaned and sanitized weekly or more often as necessary.

(a) Stuffed animals shall be machine washable.

(b) If water play tables are used, the [facility]care giver shall wash and sanitize the table daily and children shall wash their hands prior to engaging in the activity.

(c) If child care centers provide care for 0- 24 month old children, all toys used by the infants during the day shall be washed daily. ~~[-If in-home providers care for four or more children 0 - 24 months old, all of the toys used during the day shall be washed daily.]~~

~~(11) If a bathtub is used to bathe a child, the bathtub shall be sanitized after each use.~~

~~(12)(10)~~ [facility]Center hand washing policies shall be followed to assure protection from contamination and the spread of microorganisms. In child care centers, hand washing procedures shall be posted at all hand washing sinks.

(a) Care givers shall wash and scrub their hands for 20 seconds with soap and warm running water at times specified in [facility policies]policy.

(b) Care givers shall teach children proper hand washing techniques and oversee hand washing whenever possible.

(c) Care givers and children shall wash their hands after using the toilet, before and after eating and before and after food preparation.

(d) Only protected single use towels or electric hand-drying devices may be used to dry hands, ~~except that cloth towels may be used if they are individually labeled, laundered daily, and stored separately from others. In-home providers may use paper towels.~~

(e) The [facility]care giver shall provide for a means for hand washing on field trips.

R430-100-[13]14. Safety.

(1) Spaces, toys, grounds, and equipment shall be maintained in a safe manner to prevent injury to children. Infants shall be cared for in separate rooms from other children.

(2) Infants and toddlers shall not have access to toys smaller than 1 1/4 inches in total diameter or length, plastic bags, and styrofoam toys and utensils.

(3) Toys and equipment used by children must be in compliance with the guidelines of the Consumer Product Safety Commission.

(4) High chairs shall have safety straps or devices to prevent children from falling out.

(5) There shall be no firearms or other weapons accessible to children. Firearms and other weapons shall be stored separately from ammunition and all shall be in a locked cabinet or area.

(6) Electrical outlets accessible to children shall be protected or capped with safety devices.

~~(7) [In child care centers, w]~~Windows within 36 inches from the floor shall have safety glass installed or have a protective safety guard to protect the window from breakage.

(8) The [facility]care givers shall store toxic or hazardous chemicals such as cleaners, insecticides, lawn products, and flammable materials in a locked or protected area to prevent access to children. All toxic or hazardous chemicals shall be stored in the original container, or labeled in the container.

(9) The [facility]center may not have portable space heaters. Fireplaces, open-face heaters, and wood burning stoves shall be inaccessible to children when in use.

(10) ~~[For child care centers, all]~~All pieces of [indoor and] outdoor playground equipment shall be surrounded by a resilient surface of loose cushioning, at least ~~(9)~~nine inches in depth, or mats manufactured for such use, consistent with the guidelines of the Consumer Product Safety Commission and the standards of the American Society for Testing and Materials. For facilities whose playground areas do not meet the guidelines for space between equipment, a variance may be requested to allow time for the [facility]licensee to replace or remodel the playground equipment. All indoor playground equipment, for example slides and climbers, shall be surrounded by cushioning materials, such as mats, in a six foot fall zone. Indoor play equipment shall not exceed three feet at the highest point. ~~[-For family care, outdoor playground equipment shall be located over soft material or grass.]~~

(11) All water hazards such as a swimming pool, stationary wading pool, ditches, and fish ponds shall be fenced to prevent access by children.

(12) Poisonous plants shall be prohibited from access by children.

(13) Strings and cords long enough to encircle a child's neck, such as those found on pull toys, window blinds, or drapery cords, shall be inaccessible to children under five years of age.

(14) Any structure built prior to 1978 which has peeling, flaking, chalking, or failing paint on the interior or exterior shall be tested for lead-based paint. If paint lead levels are equal to or exceed 0.06% by weight, the structure must be remodeled by encapsulation or enclosure when possible or by complete removal of lead-based paint by trained individuals.

(15) Infant walkers with wheels are not permitted in child care facilities.

R430-100-[14]15. Child Discipline.

(1) The licensee shall inform all care givers, parents or guardians and children of expected conduct by setting clear and understandable rules.

(2) Disciplinary measures shall be implemented so as to encourage the child's self-control. Discipline measures shall be explained to the child at the time the discipline is imposed and may include:

- (a) positive behavioral rewards;
- (b) other forms of positive guidance;
- (c) redirection; or
- (d) time out.

(3) Care givers shall not do any of the following:

- (a) give corporal punishment, including hitting, shaking, biting, pinching, or spanking;
 - (b) restrain a child's movement by binding or tying;
 - (c) use abusive, demeaning or profane language;
 - (d) withdraw food or bathroom opportunities; or
 - (e) confine a child in a locked closet, room, or similar area.
- (4) "Time out" that enables the child to regain control of himself or herself and that keeps the child in visual contact with the care giver shall be used selectively, taking into account the child's developmental stage and the usefulness of "time out" for the individual child.

(5) For children 18 months and older "tantrums" shall be interrupted every three minutes until control is obtained. Discipline shall include the setting of clear-cut limits, positive guidance, and redirection that fosters the child's ability to become self-disciplined. Disciplinary measures shall be clear and understandable to the child, and shall be explained to the child before and at the time of any disciplinary action.

~~(2) The following behaviors shall be prohibited in all child care settings by all care givers:~~

- ~~(a) Corporal punishment, including hitting, shaking, biting, pinching, or spanking and other measures that produce physical pain;~~
- ~~(b) Restraining a child's movement by binding or tying;~~
- ~~(c) Using abusive, demeaning or profane language;~~
- ~~(d) Withdrawal or threat of withdrawal of food, rest, or bathroom opportunities; and~~
- ~~(e) Any form of public or private humiliation, including the threat of physical punishment or yelling at a child; and~~
- ~~(f) Confining a child in an enclosed area, such as a closet, locked room, box, or similar unsupervised area.~~

~~(3) "Time out" that enables the child to regain control of himself or herself and that keeps the child in visual contact with the care giver shall be used selectively, taking into account the child's~~

~~developmental stage and the usefulness of "time out" for the individual child. As soon as the child regains self control, the care giver shall invite the child back to the group to participate in the planned activity.~~

~~(4) For children 18 months and older "tantrums" shall be interrupted every three minutes until control is obtained.;~~

~~(5) [A written copy of the discipline methods implemented at the facility shall be provided to the parents and legal guardians] The director shall provide each parent and legal guardian a copy of the discipline methods used at the center.~~

R430-100-[15]16. Food Service.

(1) If food service is provided, the child care center's food service shall comply with the Utah Department of Health Food Service Sanitation Regulations, R392-100, and with the local health department food service regulations.

(2) If the local health department completes an inspection, the inspection report shall be maintained at the [facility]center for review by the Department.

(3) All food served in the [facility]center by the care givers for the children in care shall be from an approved source as provided in R392-100.

(a) Food brought in by parents for service to other children must be from an approved source or commercially prepared;

(b) Food brought in by parents for individual child use must be labeled with the child's name.

(4) All care givers who prepare or serve food and snacks must have a food handlers permit.

(5) Children's food shall be served on plates, napkins or other sanitary holders, which includes a high chair tray, and shall not be placed on a bare table or eating surface.

(6) High chair trays shall be washed, rinsed, and sanitized with a sanitizer approved in R392-100 for food contact surfaces prior to each use.

(7) If an infant is unable to sit upright and hold his own bottle, a [caregiver]care giver shall hold the infant during bottle feeding.

(8) Facilities that provide food service shall meet the following requirements:

(a) A different menu shall be planned for each day of the week and substitutions are permitted;

(b) Menus may be cycled at a minimum of two weeks;

(c) The current week's menu shall be posted for review by parents and guardians and all substitutions shall be noted on the menu;

(d) Menus shall be Department approved, or approved and signed by a registered dietician or shall be approved through the United States Department of Agriculture (USDA) Child and Adult Care Food Program;

(e) Substitutions to the menu shall be recorded and retained for three months for review by the Department;

(f) The [facility]care givers shall provide [for]meals and snacks according to the [facility]center policy but at least once every three hours.

(g) Only Grade A fluid milk shall be used for drinking, powdered milk may be used for cooking. Children and infants shall be served special diets, formula, breast milk, or food supplements in accordance with the written instructions from a parent or guardian.

(9) Baby food, infant formula, and breast milk for infants that are brought from home for an individual child's use shall be:

- (a) marked with the child's name and the date of preparation or opening of the container, such as a jar of baby food; and
- (b) discarded within 24 hours of preparation or opening of the container.

(10) Open containers of baby food, infant formula, and breast milk shall be refrigerated and stored for no more than 24 hours. Infant formula shall be discarded after feeding or within two hours of initiating a feeding.

R430-100-[16]17. First Aid.

(1) There shall be at least one [~~caregiver~~care giver] on duty in the [facility]center during business hours who has a current certification in basic child and infant first-aid and Cardiac Pulmonary Resuscitation[;] (CPR).

(2) First-aid and CPR certification refers to courses given by the American Red Cross, the Utah Emergency Medical Training Council, or other courses that the licensee can demonstrate to the Department to be equivalent.

(3) Each [facility]center shall maintain two first aid kits, one to be taken on field trips, as recommended by the American Red Cross First Aid Handbook, current edition, or a comparable kit available on the premises that includes a first aid manual. First aid kits shall be restocked after use and shall be stored in an area inaccessible to children.

R430-100-18. Animals.

(1) Any animal on the premises of the [facility]center shall be clean and in good health.

(2) Animals not confined in enclosures shall be hand held, under leash control, or under voice control.

(3) Dogs, cats and other animals shall have current immunization records available at the [facility]center for all diseases transmissible to humans.

(4) No dangerous or aggressive animals are allowed on [facility]center premises.

(5) [~~In child care centers, a~~Animals are not allowed in food preparation, storage or dining areas.[~~In family care settings, animals are not allowed in food preparation or dining areas when food is being prepared or meals are served.~~]

(6) Animal cages and equipment shall not be cleaned in food preparation, food storage or dining areas at any time. Children shall not assist with the cleaning of animals, animal cages, pens or animal equipment.

(7) The [facility]director shall inform the parent or guardian of any known allergic or immune suppressed child of what types of animals are kept at the [facility]center.

(8) Children shall not be permitted to handle reptiles, including turtles and lizards.

R430-100-[18]19. Transportation.

(1) Any vehicle used for transporting children shall have a current vehicle registration and safety inspection.

(2) The [facility]director shall maintain all vehicles used to transport children in a safe and clean condition.

(3) Each vehicle shall:

- (a) Contain a first aid and a body fluid clean-up kit;

(b) Be able to maintain temperatures between 60-90 degrees Fahrenheit;

(c) Be equipped with individual, size-appropriate safety restraints such as car seats and seat belts, which are defined in the federal motor vehicle safety standards contained in the Code of Federal Regulations, title 49, section 571.213, for each child that are appropriate to the vehicle type and are installed and used in the manner prescribed by the manufacturer;

(d) Be enclosed[;]; and

(e) Be locked during transport.

(4) One person accompanying children during transport shall have current CPR and first aid certification.

(5) The child care center[facility] shall have policies and procedures to address transportation of children to and from school that include:

(a) How long the children will be unattended at each school before the vehicle arrives or after the vehicle leaves in the morning;

(b) What steps staff will take if children fail to meet the vehicle; and

(c) When and how parents will be notified of delays or problems with transportation to and from school.

(6) Smoking in vehicles is prohibited at all times that children are present.

(7) Any vehicle used for transporting children shall be driven by an adult who holds a current state driver's license that authorizes the driver to operate the type of vehicle driven.

(8) No child shall be permitted to remain unattended in the vehicle. Children shall remain seated while the vehicle is in motion. Keys shall be removed from the vehicle at all times when the driver is not in the driver's seat.

R430-100-[19]20. Housekeeping and Maintenance.

(1) There shall be adequate housekeeping services to maintain a clean and sanitary environment in the [facility]center.

(2) Odors shall be controlled by maintaining cleanliness.

(3) Laundry shall be washed with soap and water and be thoroughly dried in a clothes dryer.

(4) Clean laundry shall be stored in a manner that protects it from contamination.[

~~—(5) Animal cages and equipment shall not be cleaned in food preparation, food storage or dining areas at any time.~~

R430-100-20. Maintenance:

~~—(1) The facility shall be maintained to ensure that equipment, fixtures, spaces, and grounds are safe, operable, and in good repair.~~

~~—(2)(5) The [facility]center shall take effective and safe measures to prevent, control and eliminate the presence of insects, rodents, and other vermin on the premises.~~

~~[(3)](6) Draperies, carpets, and furniture shall be maintained in good repair.~~

~~[(4)](7) Cracks in plaster, peeling wallpaper or paint, damaged floor coverings, and missing tile shall be repaired promptly.~~

~~[(5)](8) Entrances, exits, steps, and outside walkways shall be maintained in a safe condition, free of ice, snow and other hazards.~~

~~[(6)](9) The [facility]center shall maintain air temperatures between 72 degrees Fahrenheit and 85 degrees Fahrenheit as measured 30 inches above the floor.[~~

~~—(7)] Infant care areas shall maintain temperatures of at least 70 degrees Fahrenheit at floor level.~~

~~(8)~~(10) Sand boxes and yards shall be kept free of animal excrement and harmful objects.

R430-100-21. ~~Plumbing and Toilet Facilities:~~

~~(1) Plumbing and drainage facilities shall be maintained in compliance with the Uniform Plumbing Code.~~

~~(2) Sinks and toilets shall be child size in height or be adjusted by use of safe and sanitary platforms or seat adapters.~~

~~(3) Privacy shall be provided for school-aged children at toilet facilities.~~

~~(4) Each hand sink shall be supplied with hot and cold running water, individually dispensed soap, and single use towels or electric hand drying devices.~~

~~(5) Hot water temperatures accessible to children shall be maintained between 110 degrees Fahrenheit and 120 degrees Fahrenheit.~~**Physical Environment.**

(1) All rooms and occupied areas in the facility shall have provisions for ventilation. Windows may be used for ventilation when weather conditions permit, but mechanical ventilation shall be provided during periods of temperature extremes.

(2) The cooling system shall be capable of maintaining temperatures of 80 degrees F. in areas occupied by children.

(3) The heating system shall be capable of maintaining temperatures of 72 degrees F. in areas occupied by children.

(4) Light intensity in all facilities shall be maintained at or above the minimum foot-candle in accordance with Table 3.

Physical Plant	Foot-Candle
Corridor	10
Stairways	15
Common/Play Area	20
Eating/Dining	20
Laundry	20
Toilet Area	20
Sleeping Area	5 or less

(5) There shall be one toilet and one lavatory for every 15 children, excluding diapered children.

(6) If infant care is provided, there shall be two sinks in the infant care area:

(a) one hand wash sink adjacent to the infant diapering area; and

(b) one sink to provide for food and bottle preparation.

(7) For centers constructed after July 1, 1997, there shall be a hand wash sink accessible in play areas.

R430-100-22. Sleep Areas.

(1) A separate crib, cot, bed, or mat shall be provided for each child who will be present in the child care [facility]center during nap or rest periods.

(2) Sleeping equipment shall be spaced a minimum of three feet apart to allow for easy access, adequate ventilation and ease of exiting.

(3) In child care centers, mats, mattresses, and cots shall have nonabsorbent surfaces with cleanable coverings.

(4) Mats and mattresses shall be at least two inches thick.

(5) Mats and sleeping equipment shall be cleaned and sanitized weekly, and prior to use by another child.

(6) Sheets and other mattress and cot covers shall be provided to each child daily and be laundered at least once weekly.

(7) Each child shall have a sheet and blanket, or an acceptable alternative, that are stored separately from other children's when not in use, and are clearly labeled.

(8) The [facility]center shall provide a restful environment for sleeping times that includes subdued lighting, low noise levels, and freedom from distractions.

(9) Infants shall sleep in equipment designed for them such as a crib, bassinet, porta crib or play pen. Only one infant shall occupy any one piece of equipment at any time. Infants shall be placed on their backs for sleeping.

R430-100-23. Emergency and Disaster.

(1) The [facility]licensee shall have a written emergency and disaster plan for reporting and evacuating in cases of fire, flood, earthquake, blizzard, power failure or other disasters that could create structural damage to the [facility] or pose a health hazard. The licensee shall have an emergency plan in the case of a missing child or death or serious injury to a child or care giver.

(2) The written plans shall be made available to all [facility staff]care givers.

(3) The [child care center facility]director shall hold simulated disaster drills semi-annually and simulated fire drills shall be held monthly for [staff]care givers and children. ~~[In family and family group facilities, the facility shall hold simulated disaster drills annually and simulated fire drills quarterly.]~~ The [facility]director shall document all drills, including date, participants, and problems encountered.

~~(3)~~(4) Each child care [facility]center shall maintain a telephone[service] in working order, unless there is a utility failure. The [facility]licensee shall keep the Department informed of the current [facility]center phone number.

~~(4)~~(5) The [facility's]emergency plan shall contain:

(a) The names of the person in charge and persons with decision-making authority;

(b) The names of persons who shall be notified in an emergency in order of priority;

(c) The names and telephone numbers of emergency medical personnel, fire department, paramedics, ambulance service, police, poison control and other appropriate agencies.

(d) Assignment of personnel to specific tasks during an emergency;

(e) The procedure to transport and evacuate children and staff to other locations; and

(f) Procedures to turn off gas, electricity, and water.

(6) The [child care center facility]director shall post evacuation routes, location of fire alarm boxes, and fire extinguishers in prominent locations throughout the [facility]center.

(7) The local fire authority shall complete an on-site inspection of each child care center at least annually and the licensee shall maintain a copy of the current fire clearance for Department review. ~~[Each in-home family child care facility shall have approved fire extinguishers and smoke detectors that meet fire code requirements on each floor occupied by children.]~~

~~(7) In the case of serious injury requiring immediate hospital treatment, the facility shall attempt to contact parents after emergency personnel have been contacted.~~

~~(8) The director shall report to the Department within five working days any fatality, hospitalization, or emergency medical response for a child while at the facility.]~~

~~[R432-100-24. Smoking:~~

~~— A person may not smoke or use tobacco in any child care facility licensed by the Department during the period of time a child is present in the facility. Child Care facilities shall comply with the Utah Clean Air Act. All lighters and matches shall be inaccessible to children.]~~

~~R430-100-24. Penalty.~~

~~Any person who violates any provision of this rule may be assessed a penalty not to exceed the sum of \$5,000 or be punished for violation of a class B misdemeanor for the first violation and for any subsequent similar violation within two years for violation of a class A misdemeanor as provided in Section 26-23-6 and Section 26-39-108.~~

KEY: child care facilities

[February 5, 1998]

26-39



Health, Health Systems Improvement,
Health Facility Licensure
R432-6
Residential Health Care Facility,
General Construction

NOTICE OF PROPOSED RULE

(Repeal and reenact)
DAR FILE NO.: 21296
FILED: 07/15/1998, 13:32
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: S.B. 153 modified Title 26, Chapter 21 by eliminating the "Residential Care Facility" classification and including it, and the current "Assisted Living Facility" classification, under "Assisted Living" with Type I and II categories.

(DAR Note: S.B. 153 is found at 1998 Utah Laws 192, and was effective July 1, 1998.)

SUMMARY OF THE RULE OR CHANGE: The current R432-6 and R432-15 construction rules will be repealed and a new (reenacted) R432-6 will take their place. Rule changes include the addition of Types I and II to replace the former rule category of residential care and assisted living respectively. Sections numbered R432-6-1 through R432-6-25 apply to both Type I and II facilities. Sections R432-6-100 through R432-6-107 apply to Type I facilities, and Sections R432-6-200 through R432-6-209 apply to Type II facilities.

Also included are updates to reference material, new definitions, and other language modifications approved by committee. One change will require that large multi-level assisted living facilities include at least one elevator with dimensions to accommodate a gurney.

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

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: There will be a compliance cost incurred for printing and distributing the revised rule.

❖LOCAL GOVERNMENTS: No change in cost or savings related to this change.

❖OTHER PERSONS: Costs--An additional cost will be incurred by large multi-level assisted living facilities for a larger elevator where drawings are submitted after the effective date of the new rule. The additional cost for the larger elevator is estimated to be about 10-12% of the cost of a regular elevator or \$4,000 - \$5,000 per elevator. We estimate two to five multi-level assisted living facilities to be built per year at an additional aggregate elevator cost of \$10,000 to \$50,000.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Compliance costs will be \$4,000 to \$5,000 per elevator.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed the cost estimate prepared by Department staff and believe that it is a good faith estimate of costs that can be anticipated. These costs appear to be necessary and are reasonable given the benefit that the rule will generate. If public comment reveals additional costs, this rule will be carefully reevaluated before it becomes final.

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

Health
Health Systems Improvement,
Health Facility Licensure
Cannon Health Building
288 North 1460 West
PO Box 142003
Salt Lake City, UT 84114-2003, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Debra Wynkoop-Green at the above address, by phone at (801) 538-6152, by FAX at (801) 538-6325, or by Internet E-mail at dwynkoop@doh.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 08/31/1998.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/1998

AUTHORIZED BY: Rod L. Betit, Executive Director



R432. Health, Health Systems Improvement, Health Facility Licensure.~~**R432-6. Residential Health Care Facility, General Construction.**~~~~**R432-6-1. Legal Authority.**~~~~— This rule is promulgated pursuant Title 26, Chapter 21.~~~~**R432-6-2. Purpose.**~~~~— The purpose of this rule is to promote the health and welfare through the establishment and enforcement of construction standards.~~~~**R432-6-3. General Requirements.**~~~~— (1) The licensing requirements contained in R432-6 apply to Residential Care Facilities. The licensee is responsible for assuring compliance with R432-6.~~~~— (2) When testing and certification compliance can only be verified through written documentation, the documentation shall be maintained in the facility for Department inspection.~~~~— (3) When conflicts exist between applicable codes or when other authorities having jurisdiction adopt more restrictive requirements than contained in these rules the most restrictive requirement applies.~~~~— (4) The Department determines compliance with applicable standards, rules and regulations through plans review and construction inspection.~~~~— (5) When the Department has concerns about compliance, the licensee is responsible to demonstrate compliance.~~~~**R432-6-4. Codes and Code Compliance.**~~~~— (1) The following codes and standards enforced by other agencies or jurisdictions apply to residential care facilities. The licensee shall obtain documentation of compliance for the following codes and standards from the authority having jurisdiction and submit the documentation to the Department:~~

- ~~— (a) Local zoning ordinances;~~
- ~~— (b) Uniform Building Code;~~
- ~~— (c) Uniform Plumbing Code;~~
- ~~— (d) Uniform Fire Code;~~
- ~~— (e) ASME Elevator and Escalator A17.1;~~
- ~~— (f) Americans with Disabilities Act Accessibility Guidelines, (ADAAG) 28 CFR 36, Appendix A (July 1993);~~

~~— (2) The licensee shall obtain a certificate of occupancy from the local building official having jurisdiction.~~~~— (3) The licensee shall obtain a certificate of fire clearance from the Fire Marshal having jurisdiction.~~~~— (4) The licensee shall submit a copy of the certificates to the Department prior to utilization of newly constructed facilities, additions or remodels of existing facilities.~~~~**R432-6-5. Application of Codes for New and Existing Buildings.**~~~~— (1) New construction, additions and remodels to existing buildings shall comply with Department rules in effect on the date the first drawings are received by the Department.~~~~— (2) If the remodeled area in any building, wing, floor or service area of a building exceeds 50 percent of the total square foot area of the building, wing, floor or service area, the entire building, wing, floor or service area shall be brought into compliance with~~

rules governing new construction which are in effect on the date the first drawings are submitted to the Department.

~~— (3) During remodeling, new construction or additions the safety level which existed prior to the start of work shall be maintained.~~~~— (4) Current licensed buildings shall conform to Department construction rules in effect at the time of initial facility licensure.~~~~— (5) Buildings which are changing license classification, shall comply with requirements for new construction.~~~~— (6) Building Refurbishing:~~~~— (a) All materials installed as part of a refurbishing project shall comply with flame spread ratings required by the fire marshal having jurisdiction.~~~~— (b) The facility shall keep written documentation of compliance with codes and standards.~~~~**R432-6-6. Plans Review and Approval and Construction Inspection.**~~~~— (1) Health facilities shall obtain Department approval before occupying any newly constructed buildings or remodeled systems, or areas in existing buildings.~~~~— (2) Prior to submitting documents for plans review, the facility architect and licensee shall schedule a conference with Department representatives to outline the required plans review process.~~~~— (3) The licensee shall submit the following for Department review:~~

- ~~— (a) A functional program;~~
- ~~— (b) Schematic drawings;~~
- ~~— (c) Design development drawings;~~
- ~~— (d) Working drawings, including specifications.~~

~~— (4) The Department shall initiate review when all required documents and fees are received.~~~~— (5) Working drawings and specifications for new construction, additions, or remodeling shall have the seal of a Utah licensed architect affixed, in compliance with Section 58-3-10.~~~~— (6) The licensee shall pay a plans review and construction inspection fee assessed by the Department in accordance with the fee schedule approved by the Legislature.~~~~— (7) Plans approved by the Department do not relieve the licensee of responsibility for full compliance with R432-6.~~~~— (8) Plan approval expires 12 months after the date of the Department's approval letter, or latest plan review response letter, if construction has not commenced. Before work proceeds, after a 12 month lapse, plans shall be resubmitted to the Department, a new plan review paid, and a new letter of approval obtained from the Department.~~~~— (9) The Department shall issue an initial license, renewal license, or modified license only after the Department has determined the facility conforms with applicable licensure construction rules and has obtained all required clearances and certifications.~~~~**R432-6-7. Functional Program.**~~~~— Furnish to the Department a functional program which shall include the following:~~

- ~~— (1) the purpose and license category of the facility;~~
- ~~— (2) services offered, including a detailed description of each service;~~

- (3) ancillary services required to support each function or program;
- (4) services offered under contract by outside providers and the required in-house facilities to support these services;
- (5) services shared with other licensure categories or functions;
- (6) physical and mental condition of intended residents;
- (7) ambulatory condition of intended residents, such as mobile or ambulatory;
- (8) special electrical requirements;
- (9) communication systems, and other special systems;
- (10) a description of how essential core services will accommodate increased demand if the building is designed for expansion.

R432-6-8. Drawings:

- (1) Drawings shall show all equipment necessary for the operation of the facility, such as kitchen equipment, laundry equipment, and similar equipment.
- (2) Schematic drawings, which may be single line, shall contain the following information:
 - (a) list of applicable building codes;
 - (b) location of the building on the site and access to the building for public, emergency, and service vehicles;
 - (c) site drainage and any natural drainage channels which traverse the site;
 - (d) any unusual site conditions, including easements which might affect the building or its appurtenances;
 - (e) relationships of rooms and areas within departments;
 - (f) number of resident beds;
 - (g) total building area or area of additions or remodeled portions;
- (3) Design development drawings, drawn to scale, shall contain the following information:
 - (a) room dimensions and room square footage;
 - (b) site plan, showing relationship to streets and vehicle access;
 - (c) location and size of public utilities;
 - (d) types of mechanical, electrical and auxiliary systems.
- (4) Working drawings shall include all the drawings outlined above in R432-6-8(1) through (3):
 - (a) The licensee shall provide one copy of completed working drawings and specifications, which show all equipment necessary for the operation of the facility, such as kitchen equipment, laundry equipment, similar equipment and specifications, to the Department.
 - (b) The Department will not return drawings and specifications.
- (5) Within 30 days after receipt of required documentation and fee, the Department shall provide to the licensee and the project architect, a written report of plans review outlining necessary modifications required to comply with Department rules.
- (6) The licensee shall submit revised plans for review and final approval.

R432-6-9. Construction Inspections:

- (1) Interim inspections may be conducted by the Department.
- (2) When the project is complete and furnishings and equipment are in place, but prior to utilization, the licensee shall schedule a final inspection with the Department.

R432-6-10. Construction Without Plans Approval:

- (1) If construction is commenced without prior Department plans approval, a license shall be issued and building occupation authorized only after as-built drawings have been approved by the Department and the Department has conducted a construction inspection.
- (2) The licensee shall correct all non-compliant items and pay the full plans review fee and inspection fee in accordance with the fee schedule approved by the Legislature.

R432-6-11. Buildings Without Plans:

- (1) If plans are not available for existing buildings involved in initial licensing or license category change, the licensee shall submit to the Department a functional program, as defined in subsection R432-6-7 and a report identifying modifications to the building required to bring it into compliance with construction rules for the requested licensure category.
- (2) The Department shall review the functional program and report and with 30 days after receipt of the material, shall furnish to the licensee a letter of approval or rejection. The Department may provide, at its option, a written report of modifications required to comply with construction standards.
- (3) The licensee shall request and schedule a Department inspection upon completion of the modifications.
- (4) Prior to a final Department inspection, the licensee shall pay an inspection fee in accordance with the fee schedule approved by the Legislature.
- (5) The Department shall issue a license when the building is in compliance with all licensing rules.

R432-6-12. Construction Phasing:

- Projects involving remodeling or additions to an occupied building shall be programmed and phased to minimize detrimental effects to and disruption of residents and employees of the facility by protecting against construction traffic, dust, and dirt from the construction site.

R432-6-13. Site Location:

- (1) The site shall be accessible to both visitor and service vehicles.
- (2) Facilities shall be located to ensure that public utilities are available.

R432-6-14. Site Design:

- (1) There shall be surrounding land for outdoor activities.
- (2) Paved roads shall be provided on the property for access to service docks and entrances.
- (3) Fire equipment access shall be provided as required by the fire marshal.
- (4) Paved walkways shall be provided for pedestrian traffic and from every required exit to a dedicated public way.

R432-6-15. Parking:

- (1) Parking shall be provided in accordance with local zoning ordinances.
- (2) Parking spaces for persons with disabilities shall be as level as practical and conform to requirements for disabled parking access as required by the ADAAG.

- (a) The extra width may be used as part of a common walkway.
- (b) Parking spaces for the disabled shall be directly accessible to the facility without the need to go behind parked cars.

R432-6-16. Environmental Pollution Control.

- (1) Public Law 91-190, National Environment Policy Act, requires the site and project be developed to minimize any adverse environmental effects on the neighborhood and community.
- (2) All required environmental clearances and permits shall be obtained from the local jurisdictions and the Utah Department of Environmental Quality.
- (3) Copies of clearances shall be retained in the facility for inspection by the Department.

R432-6-17. Elevators.

- (1) Elevators shall meet requirements of ASME Elevator and Escalator A17.1, 1993 edition and ADAAG.
- (2) An intercom or telephone connected to a 24-hour staffed position shall be installed in each elevator.
- (3) The licensee shall ensure that elevator inspections and tests required by state and local agencies are completed and shall retain, in the facility, written certification that the installation meets applicable requirements.

R432-6-18. Special Design Features.

- (1) Facility Access:
 - (a) Building entrances in large facilities shall be at grade level, clearly marked, and located to minimize the need for residents to traverse other program areas.
 - (b) Lobbies of multi-occupancy buildings may be shared if the design precludes unrelated traffic within or through units or suites of the licensed health care facility.
 - (c) At least one building entrance shall be accessible to persons with physical disabilities.
 - (d) Entrances requiring ramps with a slope in excess of 1:20 shall have steps as well as ramps.
 - (e) In large facilities at least one drinking fountain or water cooler, toilet, and handwashing fixture on each floor shall be wheelchair accessible.
- (2) Signal System:
 - (a) A large facility, or a facility with bedrooms on more than one floor, or in a separate building, or when staff are not present on the same level as residents on a 24-hour basis, shall have a signal system which alerts staff of a resident's need for help.
 - (b) The system shall be designed to:
 - (i) Operate from each resident's living unit, and from each bath room or toilet room.
 - (ii) Transmit a visual or auditory signal or both to a centrally staffed location, or produce an auditory signal at the living unit loud enough to summon staff;
 - (iii) Identify the location of the resident summoning help.

R432-6-19. General Standards for Details.

- (1) Corridors and Exits. Placement of drinking fountains, telephone booths, or vending machines shall not restrict corridor traffic or reduce required corridor width.
- (2) Doors and Windows:

- (a) Rooms which contain bathtubs, showers, or water closets for resident use shall be equipped with doors and hardware which permit emergency access from the outside.
- (b) Room design shall assure emergency access if a resident is collapsed behind the door.
- (c) Doors, except those to spaces such as small closets not subject to occupancy, shall not swing into corridors in a manner which will obstruct traffic or reduce corridor width. Large walk-in type closets are occupiable spaces.
- (d) Windows which open to the exterior shall be equipped with insect screens.
- (e) Resident rooms and suites intended for 24-hour occupancy shall have windows which open to the exterior of the building or to a court open to the sky.
- (f) Doors, sidelights, borrowed lights, and windows glazed to within 18 inches of the floor shall be constructed of safety glass, wired glass, or plastic break-resistant material that creates no dangerous cutting edges when broken.
- (g) Safety glass, wired glass, or plastic break-resistant materials shall be used for wall openings in recreation rooms, exercise rooms, and other activity areas unless prohibited in the Uniform Building Code.
- (h) Doors used for shower and bath enclosures shall be made of safety glass or plastic glazing materials.
- (3) Service Openings for Large Facilities:
 - Trash chutes, laundry chutes, dumbwaiters, elevator shafts, and other similar systems shall not allow movement of contaminated air into clean areas.
- (4) Thresholds and Expansion Joints:
 - Thresholds and expansion joint covers shall be flush with the floor surface to facilitate use of wheelchairs and carts.

R432-6-20. General Standards for Finishes.

- (1) Curtains and draperies shall be affixed to permanently mounted tracks or rods.
- (2) Floors and Walls:
 - (a) Floor materials shall be easily cleanable.
 - (b) Floors in areas used for food preparation or food assembly shall be water-resistant. Floor surfaces, including tile joints, shall be resistant to food acids.
 - (c) In areas subject to frequent wet-cleaning, floor materials shall not be physically affected by germicidal cleaning solutions.
 - (d) Floors in shower and bath areas, kitchens, and similar work areas subject to traffic while wet shall have non slip surfaces.
 - (e) Floors and wall bases of kitchens, toilet rooms, bath rooms, janitors' closets, and other areas subject to frequent wet cleaning shall be homogeneous or joints shall be tightly sealed. Bases shall be integrated with the floor and shall be coved.
 - (f) Wall finishes shall be washable and, in the immediate vicinity of plumbing fixtures, smooth and moisture-resistant.
 - (g) Finish, trim, floor, and wall construction in dietary and food preparation areas shall be free of insect and rodent harboring spaces.
 - (h) Floor and wall openings for pipes, ducts, conduits, and joints of structural elements shall be tightly sealed to resist passage of fire and smoke and minimize entry of pests.
 - (i) Carpet and padding shall be stretched taut and be free of loose edges.

- (j) Carpet pile shall be sufficiently dense so as not to interfere with the operation of wheel chairs, walkers, wheeled carts, and other wheeled equipment.
- (k) Carpet and other floor coverings shall comply with provisions of ADAAG.
- (3) Ceiling Finishes.
- (a) Finishes of all exposed ceilings and ceiling structures in resident rooms and staff work areas shall be readily cleanable with routine housekeeping equipment.
- (b) Finished ceilings shall be provided in areas where dust fallout might occur.
- (c) In large facilities, acoustical treatment for sound control shall be provided in areas where sound control is needed, including corridors in resident areas, dayrooms, recreation rooms, dining areas, and waiting areas.
- (d) Finished ceilings may be omitted in mechanical and equipment spaces, shops, general storage areas, and similar spaces, unless required for fire resistive purposes.
- (4) Signs.
- The following signs shall be provided:
- (a) general and circulation direction signs in corridors of large residential health care facilities.
- (b) emergency evacuation directional signs for all facilities.
- (c) room identification signs on the corridor side of all corridor doors.

R432-6-21. Building Systems:

- (1) Waste Disposal.
- Facilities and equipment shall be provided for the sanitary storage and treatment or disposal of all categories of waste, including hazardous and infectious wastes if applicable, using techniques acceptable to the State Department of Environmental Quality, and the local health department having jurisdiction.
- (2) Engineering Service and Equipment.
- (a) The following facilities shall be provided for effective service and maintenance functions:
 - (i) rooms for mechanical equipment or electrical equipment;
 - (ii) a storage room for building maintenance supplies;
 - (iii) yard equipment and supply storage areas located so that equipment may be moved directly to the exterior of the building without passing through building rooms or corridors;
 - (iv) in small facilities, file space and provisions for protected storage of facility drawings, records, and manuals;
 - (v) in large facilities, a separate room or office shall be provided.
- (3) Sound Control for Large Residential Care Facilities.
- (a) Partition, floor, and ceiling construction in resident areas shall comply with the noise reduction criteria of Table 1.

TABLE 1
Sound Transmission Limitations

	Airborne Sound	
	Partitions	Floors
Residents' room to residents' room	35	40
Public space to residents' room	40	40
Service areas to residents' room	45	45

- (b) Sound transmission class shall be determined by tests in accordance with methods set forth in ASTM Standard E 90 and ASTM Standard E 413. Where partitions do not extend to the structure above, sound transmission through ceilings and composite STC performance must be considered.
- (c) Public space includes lobbies, dining rooms, recreation rooms, treatment rooms, and similar space.
- (d) Service areas include kitchens, elevators, elevator machine rooms, laundries, garages, maintenance rooms, boilers and mechanical equipment rooms, and similar spaces of high noise. Mechanical equipment located on the same floor or above resident's rooms, offices, and similarly occupied space shall be effectively isolated from the floor.
- (e) Recreation rooms, exercise rooms, equipment rooms and similar spaces where impact noises may be generated may not be located directly over residents' rooms.

R432-6-22. Mechanical, Heating, Cooling and Ventilation Systems:

- (1) The mechanical system design shall prevent large temperature differentials, high velocity supply, excessive noise, and air stagnation.
- (2) Air supply and exhaust in rooms for which no minimum total air change rate is mandated may vary to zero in response to room load.
- (3) Mechanical ventilation shall be provided for interior spaces independent of thermostat-controlled demands.
- (a) Minimum total air change, room temperature, and temperature control shall comply with standards in Table 2.
- (b) To maintain asepsis and odor control, airflow supply and exhaust shall be controlled to ensure movement of air from clean to less clean areas.
- (c) Rooms containing heat-producing equipment shall be insulated and ventilated to prevent the floor surface above or the walls of adjacent occupied areas from exceeding a temperature of ten degrees Fahrenheit above ambient room temperature.
- (d) Insulation containing asbestos is prohibited.
- (e) All rooms and occupiable areas in the facility shall have provisions for ventilation. Natural window ventilation may be used for ventilation of nonsensitive areas and resident rooms when weather conditions permit, but mechanical ventilation shall be provided during periods of temperature extremes.
- (f) Mechanical ventilation shall be provided in interior areas.
- (g) The heating system shall be capable of maintaining temperatures of 80 degrees F. in areas occupied by residents.
- (h) The cooling system shall be capable of maintaining temperatures of 72 degrees F. in areas occupied by residents.
- (i) In all facilities, there shall be provision for essential heating during an emergency. All emergency heating devices shall be approved by the local fire jurisdiction.
- (j) Fans serving exhaust systems shall be located at the discharge end and shall be readily serviceable.
- (k) Fresh air intakes shall be located to prevent fumes from exhaust outlets of ventilating systems, combustion equipment stacks, plumbing vents, or areas subject to vehicular exhaust or other noxious fumes from entering the building.
- (l) All ventilation, air conditioning systems and air delivery equipment shall be equipped with filters in accordance with table 3.

(m) Gravity exhaust may be used, where conditions permit, for boiler rooms, central storage, and other nonresident areas.

TABLE 2
Ventilation Requirements

AREA DESIGNATION	AIR MOVEMENT IN RELATION TO ADJACENT AREAS	MINIMUM AIR CHANGES PER HOUR	MINIMUM TOTAL AIR CHANGES PER HOUR	ALL AIR EXHAUSTED OUTSIDE	DESIGN TEMP.
Bath and Shower Rooms	N	Optional	10	YES	80 F
Clean Linen Storage	P	Optional	2	Optional	
Dietary Day Storage	V	Optional	2	Optional	
Food Preparation Center	E	2	10	YES	
Janitors Closets	N	Optional	10	YES	
Laundry Corridor	V	2	10	YES	
Grooming Area	E	Optional	2	Optional	
Resident Room	N	2	2	YES	80 F
Soiled Linen Sorting and Storage	N	Optional	10	YES	
Toilet Rooms	N	Optional	10	YES	80 F
Ware Washing	N	Optional	10	YES	

E = Equal; N = Negative; P = Positive; V = Variable

TABLE 3
Filter Efficiencies For Ventilation And Air Conditioning Systems

	Minimum no. filter beds	Filter efficiencies
All areas for resident care, and those areas providing direct service or clean supplies	1	30
Administrative, bulk storage, soiled holding, food preparation, laundries.	1	25

R432-6-23. Plumbing:

(1) Showers and tubs shall have non slip or slip-resistant surfaces.

(2) Potable water supply systems shall comply with the following requirements:

(a) Water supply systems shall be designed with sufficient pressure to operate all fixtures and equipment during maximum demand. Supply capacity for hot and cold water shall be determined on the basis of fixture units, using Uniform Plumbing Code engineering standards. When the ratio of plumbing fixtures to occupants is proportionally more than required by the building occupancy and is in excess of 1,000 plumbing fixture units, a diversity factor may be used as allowed by the Uniform Plumbing Code.

(b) Each water service main, branch main, riser, and branch to a group of fixtures shall have a valve. A stop valve shall be provided for each fixture. Panels shall be provided for access to valves.

(3) Hot water systems shall meet the following requirements:

(a) As a minimum, water-heating systems shall provide supply capacity at temperatures and amounts indicated in Table 4. Water temperature shall be measured at the point of use or inlet to equipment.

TABLE 4
Hot Water Use

	Resident Care Areas	Dietary	Laundry
Gallons per Hour per Bed	3	2	2
Temperature Centigrade	43	49	71
Temperature Fahrenheit	110	120	160

(b) Distribution systems, exceeding 50 linear feet, serving resident care areas shall be under constant recirculation to provide continuous hot water to each outlet. The temperature of hot water for lavatories, showers and bathing shall not exceed 120 degrees Fahrenheit. The use of thermostatically controlled automatic mixing valves is recommended to maintain hot water at these temperatures.

(c) 180 degrees Fahrenheit rinse water at the dishwasher if an approved low temperature chemical rinse is not utilized. A separate booster may be used to maintain water temperature at the washer.

(d) 160 degrees Fahrenheit hot water at the laundry equipment when needed. This may be by steam jet or separate booster heater. However, it is emphasized that this does not imply that all water used would be at this temperature. Water temperatures required for acceptable laundry results will vary according to type of cycle, time of operation, and formula of soap and bleach as well as type and degree of soil. Lower temperatures may be adequate for most procedures in many facilities but the higher 160 degrees Fahrenheit should be available when needed for special conditions.

(5) Quantities indicated for design demand of hot water are for general reference minimums and shall not substitute for accepted engineering design procedures using actual number and types of fixtures to be installed.

(6) Drainage system shall comply with the following requirements:

— (a) Building sewers shall discharge into community sewerage, where such a system is not available, the facility shall treat its sewage in accordance with local requirements and State Department of Environmental Quality requirements.

— (b) Where overhead drain piping is exposed, special provisions shall be made to protect the space below from contamination from leakage, condensation, and duct particles. Approval of the special provisions in food preparation, food service areas, and food storage areas shall be obtained from the local health department.

— (c) Kitchen grease trap location shall comply with local health department rules.

— (7) Dishwashers, in sink garbage disposers, and other appliances shall be National Sanitation Foundation, NSF, approved and have the NSF seal affixed.

R432-6-24. Electrical:

— (1) In large residential care facilities, panel boards serving normal lighting and appliance circuits shall be located on the same floor or on the same wing as the circuits they serve. Panels for emergency circuits may serve the floors above and below for general resident areas and administration.

— (2) Corridors shall be illuminated at night.

— (3) Light intensity shall be at or above the minimum footcandles in accordance with Table 5. Areas not shown in Table 5, including parking lots and approaches to the building, shall have fixtures to provide light levels as recommended in IES Lighting Handbook, 1987 Volume 2, Applications by the Illuminating Engineering Society of North America.

TABLE 5
Residential Care Facilities Lighting Standards

Physical Plant Area	Minimum Footcandles
Corridors	
— Day	15
— Night	7.5
Exits	15
Stairways	15
Res. Room	
— General	7.5
— Reading/Mattress Level	30
— Toilet area	30
Lounge	
— General	7.5
— Reading	30
Recreation	30
Dining(a)	30
Laundry	30

— (a) Areas used exclusively for dining may have a minimum of 20 footcandles.

— (4) Each resident room shall have a duplex grounded receptacle on every wall and an additional receptacle for a television.

— (5) Duplex grounded receptacles for general use shall be installed no more than 50 feet apart in corridors, on either side, and within 25 feet of corridor ends.

R432-6-25. Common Areas:

— (1) There shall be a common room or rooms for dining, sitting, visiting, recreation, worship, and other activities.

— (a) Common rooms shall have sufficient space and separation to promote and facilitate the activity without interfering with concurrent activities or functions in the building.

— (i) In a small facility the common rooms shall be at least 28 square feet per bed, but no less than a total of 225 square feet.

— (ii) In a large facility the common rooms shall be at least 30 square feet per bed. In a facility with 100 beds or more, the common rooms minimum square footage per bed may be reduced to 25.

— (b) Space shall be provided for necessary equipment and storage of recreational equipment and supplies.

R432-6-26. Resident Rooms:

— (1) Minimum room areas, exclusive of toilet rooms, closets, lockers, wardrobes, alcoves, or vestibules, shall be 100 square feet in single-bed rooms and 80 square feet per bed in multiple-bed rooms.

— (a) The areas noted above are minimums and do not prohibit larger rooms.

— (b) There shall be a maximum of two beds in any room.

— (2) No room used for other purposes, such as a hall, corridor, unfinished attic, garage, storage area, shed, or similar detached building, shall be used as a residents' sleeping room.

— (3) No bedroom shall be used as a passageway to another room, bath, or toilet other than those serving the bedroom.

— (4) Bedrooms shall open directly into a corridor or common living area, but shall not open into a food preparation area.

— (5) Every resident room shall have a wardrobe, closet, or locker, with a shelf and a clothes hanging rod, with minimum inside dimensions of 22 inches deep by 36 inches wide by 72 inches tall, suitable for hanging full-length garments.

— (6) Unless furnished by the resident, the licensee shall provide each resident a bed, comfortable chair, a chest of drawers and a reading lamp.

R432-6-27. Toilet and Bathing Facilities:

— (1) Toilets and bathrooms shall provide privacy, safety, be well-ventilated, conveniently located, accessible to, and usable by all residents.

— (2) Resident toilet, bathtub, shower rooms, and facilities designed for use by the disabled, shall comply with ADAAG.

— (3) Grab bars shall be provided in all resident bathtubs and showers as required by ADAAG. At least one grab bar, which complies with ADAAG, shall be provided at the side of each resident toilet facility.

— (4) Bars, including those which are an integral part of soap dishes, towel bars, and other fixtures shall be anchored to sustain a concentrated load of 250 pounds.

— (5) There shall be one toilet and lavatory on each floor for each six occupants not otherwise served by toilet and lavatory in the resident rooms. A large residential facility shall have separate and additional toilet and bathing facilities for live-in family and staff.

— (6) There shall be at least one bathtub or shower for each 10 residents not otherwise served by bathing facilities in resident rooms. Separate and additional facilities shall be provided for live-in family and staff. In a multistory building, there shall be at least one bathtub or shower which opens from the corridor on each floor that contains resident bedrooms not otherwise served.

— (7) Each central bathroom shall have a toilet and lavatory.

— (8) Toilet and bathing facilities shall not open directly into food preparation areas.

— (9) All toilet, shower, and tub facilities shall have impermeable walls and surfaces that can be easily cleaned and sanitized.

— (10) Showers and bathrooms shall contain recessed soap dishes.

— (11) Each lavatory fixture shall have a mirror, except in food preparation areas.

— (12) All lavatories shall have hand drying facilities.

— (a) Lavatories that are expected to serve more than one person shall have single use paper towel dispensing units or cloth towel dispensing units that are enclosed to protect them against being soiled;

— (b) Lavatories shall be anchored to withstand an applied vertical load of not less than 250 pounds on the fixture front.

~~R432-6-28. Service Areas.~~

— There shall be adequate space and equipment for the following service or functions. Except where the word "room" or "office" is used, service may be provided in a multi-purpose area.

— (1) Large residential care facilities:

— (a) An administrator's office with equipment for keeping records and supplies;

— (b) An employee toilet room, lockers, and lounges, in addition to and separate from those required for the public;

— (c) A public reception or information area;

— (d) Each Housekeeping closet shall contain a floor receptor or service sink.

— (2) The following required spaces apply to all residential care facilities:

— (a) An area for administrative activities and storage for resident records which is secured;

— (b) Medication storage area including locked drug cabinet;

— (c) Closet or compartment for the staff's personal effects;

— (d) Clean linen storage area;

— (e) Telephone for private use by residents or visitors;

— (f) At least one general use housekeeping closet accessible from a general corridor on each wing or each floor;

— (g) Storage space for housekeeping equipment and supplies with a mechanical exhaust system.

~~R432-6-29. Food Service.~~

— (1) Food service facilities and equipment shall comply with the Utah Department of Health Food Service Sanitation Regulations.

— (2) There shall be adequate space and equipment to meet the needs listed below:

— (a) Resident dining.

— (b) Storage, including cold storage, for at least a seven-day supply of staple foods and a three-day supply of perishable foods.

— (c) Food preparation.

— (d) Serving and distributing resident meals.

— (e) Receiving, scraping, sorting, and washing soiled dishes and tableware.

— (f) Waste storage easily accessible to the outside for direct pickup.

— (g) Space for meal planning.

~~R432-6-30. Linen Services.~~

— (1) Each facility shall have space and equipment to store and process clean and soiled linen as required for resident care. Laundry may be done within the facility, in a separate building, on or off site, or in a commercial or shared laundry.

— (2) At least one washing machine, clothes dryer, and ironing equipment in good working order shall be available for use by residents who wish to do their personal laundry.

~~KEY: health facilities~~

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~~26-21-16]~~

R432-6. Assisted Living Facility General Construction.

R432-6-1. Legal Authority.

This rule is promulgated pursuant to Title 26, Chapter 21. Sections numbered less than R432-6-99 apply to all assisted living facilities. Sections in the R432-6-100 series apply to Type I assisted living facilities. Sections in the R432-6-200 series apply to Type II assisted living facilities.

R432-6-2. Purpose.

The purpose of this rule is to promote the health and welfare of individuals receiving assisted living services through the establishment and enforcement of construction standards.

R432-6-3. Definitions.

(1) Assisted Living Facility Type I is a residential facility that provides assistance with activities of daily living and social care to two or more ambulatory residents who require protected living arrangements.

(2) Assisted Living Facility Type II is a residential facility that provides coordinated supportive personal and health care services to two or more semi-independent residents.

(a) "Semi-independent means a person who is:

(i) physically disabled but able to direct his or her own care;

or

(ii) cognitively impaired or physically disabled but able to evacuate from the facility, or to a zone or area of safety, with the physical assistance of one person.

(b) "Resident Living Unit" means:

(i) a one bedroom unit which may also include a bathroom and additional living space; or

(ii) a two bedroom unit which may also include a bathroom and additional living space.

(c) "Additional Living Space" means a living room, dining area and kitchen, or a combination of these rooms or areas in a resident living unit.

(3) "Room" or "office" means a specific, separate, fully enclosed space for the service. If "room" or "office" is not used, multiple services may be accommodated in one enclosed space.

(4) Assisted Living Facilities Type I and Type II may be classified as either large, small or limited capacity.

(a) A large assisted living facility houses 17 or more residents.

(b) A small assisted living facility houses six to 16 residents.

(c) A limited capacity assisted living facility houses up to five residents.

R432-6-4. General Requirements.

(1) The licensee is responsible for assuring compliance with R432-6.

(2) If testing and certification compliance can only be verified through written documentation, the documentation shall be maintained in the facility for Department inspection.

(3) If conflicts exist between applicable codes or if other authorities having jurisdiction adopt more restrictive requirements than contained in these rules, the most restrictive requirement applies.

(4) If the Department has concerns about compliance, the licensee is responsible to demonstrate compliance.

R432-6-5. Codes and Code Compliance.

(1) The following codes and standards enforced by other agencies or jurisdictions apply to assisted living facilities. The licensee shall obtain documentation of compliance for the following codes and standards from the authority having jurisdiction and submit the documentation to the Department:

- (a) Local zoning ordinances;
- (b) Uniform Building Code;
- (c) Uniform Plumbing Code;
- (d) Uniform Fire Code;
- (e) ASME Elevator and Escalator A17.1; and
- (f) Americans with Disabilities Act Accessibility Guidelines, (ADAAG) 28 CFR 36, Appendix A (July 1993).

(2) The licensee shall obtain a certificate of occupancy from the local building official having jurisdiction.

(3) The licensee shall obtain a certificate of fire clearance from the Fire Marshal having jurisdiction.

(4) The licensee shall submit a copy of the certificates to the Department prior to resident utilization of newly constructed facilities, additions or remodels of existing facilities.

R432-6-6. Application of Codes for New and Existing Buildings.

(1) New construction, additions and remodels to existing buildings shall comply with Department rules in effect on the date the first drawings are received by the Department.

(2) If the remodeled area in any building, wing, floor or service area of a building exceeds 50 percent of the total square foot area of the building, wing, floor or service area, then the entire building, wing, floor or service area shall be brought into compliance with rules governing new construction which are in effect on the date the first drawings are submitted to the Department.

(3) During remodeling, new construction or additions, the safety level which existed prior to the start of work shall be maintained.

(4) Current licensed buildings shall conform to Department construction rules in effect at the time of initial facility licensure.

(5) Buildings which are changing license classification shall comply with requirements for new construction.

(6) Buildings undergoing refurbishing shall comply with the following:

(a) All materials installed as part of a refurbishing project shall comply with flame spread ratings required by the fire marshal having jurisdiction.

(b) The facility shall keep written documentation of compliance with codes and standards.

R432-6-7. Plans Review and Approval and Construction Inspection.

(1) Health facilities shall obtain Department approval before occupying any newly constructed buildings or remodeled systems, or areas in existing buildings.

(2) Prior to submitting documents for plans review, the facility architect and licensee must schedule a conference with Department representatives to outline the required plans review process.

(3) The licensee shall submit the following for Department review:

- (a) a functional program;
- (b) schematic drawings;
- (c) design development drawings; and
- (d) working drawings, including specifications.

(4) The Department shall initiate its review when it receives all required documents and fees.

(5) Working drawings and specifications for new construction, additions, or remodeling shall have the seal of a Utah licensed architect affixed in compliance with Section 58-3a-602.

(6) Plans approved by the Department do not relieve the licensee of responsibility for full compliance with R432-6.

(7) Plan approval expires 12 months after the date of the Department's approval letter, or latest plan review response letter if construction has not commenced. After a 12 month lapse the licensee must resubmit plans to the Department with a new plan review paid. A new letter of approval must be obtained from the Department.

(8) The Department shall issue an initial license, renewal license, or modified license only after the Department has determined the facility conforms with applicable licensure construction rules and has obtained all required clearances and certifications.

R432-6-8. Functional Program.

(1) The licensee must furnish to the Department a functional program which includes the following:

- (a) the purpose and license category of the facility;
- (b) services offered, including a detailed description of each service;
- (c) ancillary services required to support each function or program;
- (d) services offered under contract by outside providers and the required in-house facilities to support these services;
- (e) services shared with other health care licensure categories or functions;
- (f) physical and mental condition of intended residents;
- (g) ambulatory condition of intended residents, such as mobile or ambulatory;
- (h) special electrical requirements related to resident care; and
- (i) communication systems and other special systems.

(2) The functional program must include a description of how essential core services will accommodate increased demand if the building is designed for later expansion.

R432-6-9. Drawings.

(1) Drawings shall show all equipment necessary for the operation of the facility, such as kitchen equipment, laundry equipment, and similar equipment.

(2) Schematic drawings, which may be single line, shall contain the following information:

- (a) list of applicable building codes;
- (b) location of the building on the site and access to the building for public, emergency, and service vehicles;
- (c) site drainage and any natural drainage channels which traverse the site;
- (d) any unusual site conditions, including easements which might affect the building or its appurtenances;
- (e) relationships of rooms and areas within departments;
- (f) number of resident beds; and
- (g) total building area or area of additions or remodeled portions.

(3) Design development drawings, drawn to scale, shall contain the following information:

- (a) room dimensions and room square footage;
- (b) site plan, showing relationship to streets and vehicle access;

- (c) location and size of public utilities; and
 - (d) types of mechanical, electrical and auxiliary systems.
- (4) Working drawings shall include all the drawings outlined above in R432-6-9(1) through (3).

(a) The licensee shall provide one copy of completed working drawings and specifications which shows all equipment necessary for the operation of the facility such as kitchen, laundry, and other equipment.

(b) The Bureau of Licensing will keep the final drawings for 12 months after final approval of the project. Drawings may then be returned to the owner upon request.

(5) Within 30 days after receipt of required documentation and fee, the Department shall provide to the licensee and the project architect a written report of plans review outlining necessary modifications required to comply with Department rules.

(6) If changes are necessary, the licensee shall submit revised plans for review and final approval.

R432-6-10. Construction Inspections.

- (1) The Department may conduct interim inspections.
- (2) Prior to resident utilization, the licensee shall schedule a final inspection with the Department when the project is complete and furnishings and equipment are in place.

R432-6-11. Construction Without Plans Approval.

(1) If construction is commenced without prior Department plans approval, the Department may issue a license and authorize resident utilization only after it has approved as-built drawings and has conducted a construction inspection.

(2) The licensee shall correct all non-compliant items and pay the full plans review fee and inspection fee.

R432-6-12. Buildings Without Plans.

(1) If plans are not available for existing buildings involved in initial licensing or license category change, the licensee shall submit to the Department a functional program as defined in subsection R432-6-8, and a report identifying modifications to the building required to bring it into compliance with construction rules for the requested licensure category.

(2) The Department shall review the functional program and furnish to the licensee a letter of approval or rejection within 30

days after receipt of the material. The Department may provide, at its option, a written report of modifications required to comply with construction standards.

(3) The licensee shall request and schedule a Department inspection upon completion of the modifications.

(4) Prior to a final Department inspection, the licensee shall pay the inspection fee.

(5) The Department shall issue a license when the building is in compliance with all licensing rules.

R432-6-13. Construction Phasing.

Projects involving remodeling or additions to an occupied building shall be programmed and phased to minimize detrimental effects to and disruption of residents and employees of the facility by protecting against construction traffic, dust, and dirt from the construction site.

R432-6-14. Site Location.

(1) The site shall be accessible to both visitor and service vehicles.

(2) Facilities shall be located to ensure that public utilities are available.

R432-6-15. Site Design.

The site design shall include the following:

- (1) Surrounding land for outdoor activities;
- (2) Paved roads for access to service docks and entrances;
- (3) Fire equipment access as required by the fire marshal; and
- (4) Paved walkways for pedestrian traffic and from every required exit to a dedicated public way.

R432-6-16. Parking.

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

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

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

(b) Parking spaces for the disabled shall be directly accessible to the facility without requiring the disabled to go behind parked cars.

R432-6-17. Elevators.

All large multi-level assisted living facilities shall have an elevator which serves all levels. At least one elevator serving all levels shall accommodate a gurney with attendant and have minimum inside cab dimensions of 5'8" wide by 8'5" deep and a minimum clear door width of 3'8".

R432-6-18. Special Design Features.

(1) Building entrances in large facilities shall be at grade level, clearly marked, and located to minimize the need for residents to traverse other program areas. A main facility entrance shall be designated and accessible to persons with disabilities.

(2) Lobbies of multi-occupancy buildings may be shared if the design precludes unrelated traffic within or through units or suites of the licensed health care facility.

(3) Entrances requiring ramps with a slope in excess of 1:20 shall have steps as well as ramps.

(4) In Large facilities where all resident units do not have kitchens or toilet facilities, at least one drinking fountain or water cooler, toilet, and handwashing fixture on each floor shall be wheelchair accessible.

(5) Each resident living unit shall have a wardrobe, closet, or locker for each resident occupying the unit. The closet, wardrobe or locker shall have a shelf and a hanging rod, with minimum inside dimensions of 22 inches deep by 36 inches wide by 72 inches tall, suitable for hanging full-length garments.

R432-6-19. General Standards for Details.

(1) Placement of drinking fountains, telephone booths, or vending machines shall not restrict corridor traffic or reduce required corridor width.

(2) Doors and windows shall comply with the following requirements:

(a) Rooms which contain bathtubs, showers, or water closets for resident use shall be equipped with doors and hardware which permit emergency access.

(b) Doors, except those to spaces such as small closets not subject to occupancy, shall not swing into corridors in a manner which will obstruct traffic or reduce corridor width. Large walk-in type closets are occupiable spaces.

(c) Windows which open to the exterior shall be equipped with insect screens.

(d) Resident rooms and suites intended for 24-hour occupancy shall have operable windows which open to the exterior of the building or to a court open to the sky.

(e) Doors, sidelights, borrowed lights, and windows glazed to within 18 inches of the floor shall be constructed of safety glass, wired glass, or plastic break-resistant material that creates no dangerous cutting edges when broken.

(f) Safety glass, wired glass, or plastic break-resistant materials shall be used for wall openings in recreation rooms, exercise rooms, and other activity areas unless prohibited in the Uniform Building Code.

(g) Doors used for shower and bath enclosures shall be made of safety glass or plastic glazing materials.

(3) Trash chutes, laundry chutes, dumbwaiters, elevator shafts, and other similar systems shall not allow movement of contaminated air into clean areas.

(4) Thresholds and expansion joint covers shall be flush with the floor surface to facilitate use of wheelchairs and carts.

(5) All lavatories must be equipped with hand drying facilities.

(a) Lavatories that are expected to serve more than one resident shall have single use paper towel dispensing units or cloth towel dispensing units that are enclosed to protect towels from being soiled. Double occupancy units are not required to provide towel dispensing units if occupied by two related persons.

(b) Lavatories shall be anchored to withstand an applied vertical load of not less than 250 pounds on the fixture front.

R432-6-20. General Standards for Finishes.

(1) Curtains and draperies shall be affixed to permanently mounted tracks or rods.

(2) Floors and walls shall be designed and constructed as follows:

(a) Floor materials shall be easily cleanable;

(b) Floors in areas used for food preparation or food assembly shall be water-resistant. Floor surfaces, including tile joints, shall be resistant to food acids.

(c) In areas subject to frequent wet-cleaning, floor materials shall not be physically affected by germicidal cleaning solutions.

(d) Floors in shower and bath areas, kitchens, and similar work areas subject to traffic while wet shall have non slip surfaces.

(e) Floors and wall bases of kitchens, toilet rooms, bath rooms, janitors' closets, and other areas subject to frequent wet cleaning shall be homogeneous with coved bases and tightly sealed seams.

(f) Wall finishes shall be washable and, in the immediate vicinity of plumbing fixtures, smooth and moisture-resistant.

(g) Finish, trim, floor, and wall construction in dietary and food preparation areas shall be free of insect and rodent harboring spaces.

(h) Floor and wall openings for pipes, ducts, conduits, and joints of structural elements shall be tightly sealed to resist passage of fire and smoke and minimize entry of pests.

(i) Carpet and padding shall be stretched taut and be free of loose edges.

(j) Carpet pile shall be sufficiently dense so as not to interfere with the operation of wheel chairs, walkers, wheeled carts, and other wheeled equipment.

(k) Carpet and other floor coverings shall comply with provisions of ADAAG.

(3) Ceiling finishes shall be designed and constructed as follows:

(a) Finishes of all exposed ceilings and ceiling structures in resident rooms and staff work areas shall be readily cleanable with routine housekeeping equipment.

(b) In large facilities, acoustical treatment for sound control shall be provided in areas where sound control is needed, including corridors in resident areas, dayrooms, recreation rooms, dining areas, and waiting areas.

(c) Finished ceilings may be omitted in mechanical and equipment spaces, shops, general storage areas, and similar spaces unless required for fire resistive purposes.

(4) The following signs shall be provided:

(a) general and circulation direction signs in corridors of large assisted living facilities;

(b) emergency evacuation directional signs for all facilities; and

(c) room identification signs on the corridor side of all corridor doors.

R432-6-21. Building Systems.

(1) Facilities and equipment shall be provided for the sanitary storage and treatment or disposal of all categories of waste, including hazardous and infectious wastes if applicable, using techniques acceptable to the State Department of Environmental Quality, and the local health department having jurisdiction.

(2) The following engineering service and equipment shall be provided for effective service and maintenance functions:

(a) rooms for mechanical equipment or electrical equipment;

(b) a storage room for building maintenance supplies;

(c) yard equipment and supply storage areas located so that equipment may be moved directly to the exterior of the building without passing through building rooms or corridors;

(d) central storage for supplies, equipment and miscellaneous storage in large and small facilities; and

(e) in large facilities, a separate maintenance room or office.

(3) In large facilities a housekeeping room shall be located on each floor of the assisted living facility. This room shall have a floor receptor or service sink. All housekeeping rooms shall be mechanically exhausted.

(4) Sound Control for large assisted living facilities must be designed and constructed to meet the noise reduction criteria as outlined in Table 1.

TABLE 1
Sound Transmission Limitations

	Airborne Sound	
	Transmissions Class	
	Partitions	Floors
Residents' room to residents' room	35	40
Public space to residents' room	40	40
Service areas to residents' room	45	45

(a) Sound transmission class shall be determined by tests in accordance with methods set forth in ASTM Standard E 90 and ASTM Standard E 413. Where partitions do not extend to the structure above, sound transmission through ceilings and composite STC performance must be considered.

(b) Public space includes lobbies, dining rooms, recreation rooms, treatment rooms, and similar space.

(c) Service areas include kitchens, elevators, elevator machine rooms, laundries, garages, maintenance rooms, boilers and mechanical equipment rooms, and similar spaces of high noise. Mechanical equipment located on the same floor or above resident's rooms, offices, and similarly occupied space shall be effectively isolated from the floor.

(d) Recreation rooms, exercise rooms, equipment rooms and similar spaces where impact noises may be generated may not be located directly over residents' rooms.

R432-6-22. Mechanical, Heating, Cooling and Ventilation Systems.

(1) The HVAC system design shall prevent large temperature differentials, high velocity supply, excessive noise, and air stagnation.

(2) Air supply and exhaust in rooms for which no minimum total air change rate is mandated by Table 2 may vary to zero in response to room load.

(3) Mechanical ventilation shall be provided for interior spaces independent of thermostat-controlled demands.

(a) Minimum total air change, room temperature, and temperature control shall comply with standards in Table 2.

(b) To maintain asepsis and odor control, airflow supply and exhaust shall be controlled to ensure movement of air from clean to less clean areas.

(c) Rooms containing heat-producing equipment shall be insulated and ventilated to prevent the floor surface above or the walls of adjacent occupied areas from exceeding a temperature of ten degrees Fahrenheit above ambient room temperature.

(d) All rooms and occupiable areas in the facility shall have provisions for ventilation. Natural window ventilation may be used for ventilation of nonsensitive areas and resident rooms when weather conditions permit, but mechanical ventilation shall be provided during periods of temperature extremes.

(e) The heating system shall be capable of maintaining temperatures of 80 degrees F. in areas occupied by residents.

(f) The cooling system shall be capable of maintaining temperatures of 72 degrees F. in areas occupied by residents.

(g) Equipment must be available to provide essential heating during a loss of normal heating capability. All emergency heating devices shall be approved by the local fire jurisdiction.

(h) Fans serving exhaust systems shall be located at the discharge end and shall be readily serviceable. Exhaust fans may be on the inlet side if individually ducted directly to the outside.

(i) Fresh air intakes shall be located to prevent fumes from exhaust outlets of ventilating systems, combustion equipment stacks, plumbing vents, or areas subject to vehicular exhaust or other noxious fumes from entering the building.

(j) All ventilation, air conditioning systems and air delivery equipment, including through wall units, shall be equipped with filters in accordance with Table 3.

(k) Gravity exhaust may be used where conditions permit for boiler rooms, central storage, and other nonresident areas.

(l) The ventilation system shall be air tested and balanced prior to the final Department construction inspection. The initial test results and air balancing report shall be maintained for Department review.

TABLE 2
Ventilation Requirements

AREA DESIGNATION	AIR MOVEMENT IN RELATION TO ADJACENT AREAS	MINIMUM AIR CHANGES OF AIR PER HOUR	MINIMUM TOTAL AIR CHANGES PER HOUR	ALL AIR EXHAUSTED OUTSIDE
Bath and Shower Rooms	N	Optional	10	YES
Clean Linen Storage	P	Optional	2	Optional
Dietary Day Storage	V	Optional	2	Optional
Food Preparation Center	E	2	10	YES
Janitors' Closets	N	Optional	10	YES
Laundry	V	2	10	YES
Corridor	E	Optional	2	Optional
Grooming Area	N	2	2	YES

Resident Room	E	Greater	2	Optional of one air change or minimum 20 CFM/person
Soiled Linen Sorting and Storage	N	Optional	10	YES
Toilet Rooms	N	Optional	10	YES
Ware Washing	N	Optional	10	YES
Common Areas	E	2	2	Optional

E = Equal; N = Negative; P = Positive; V = Variable

(m) The requirements of Table 2 do not apply to limited capacity facilities. Limited capacity facilities shall provide exhaust for kitchens and bathrooms.

(n) If an existing building bathroom or toilet room is not exhausted to the outside, the licensee may submit a Request for Agency Action Variance to the Table 2 requirements at the time of initial licensing.

(4) All areas for resident care, and those areas providing direct service or clean supplies shall provide at least one filter bed with a minimum of 30% efficiency.

(5) All administrative, bulk storage, soiled holding, food preparation and laundries shall provide at least one filter bed with a minimum of 25% efficiency.

R432-6-23. Plumbing.

(1) Showers and tubs shall have non-slip or slip-resistant surfaces.

(2) Potable water supply systems shall comply with the following requirements:

(a) Water supply systems shall be designed with sufficient pressure to operate all fixtures and equipment during maximum demand.

(b) Each water service main, branch main, riser, and branch to a group of fixtures shall have a stop valve. A stop valve shall be provided for each fixture. Panels shall be provided for access to valves.

(c) All fixtures used by residents shall be trimmed with valves with cross, tee or single lever handles.

(3) Hot water systems shall meet the following requirements:

(a) As a minimum, water-heating systems shall provide supply capacity at temperatures and amounts indicated in Table 3. Water temperature shall be measured at the point of use or inlet to equipment.

TABLE 3
Hot Water Use

	Resident Care Areas		
	Dietary	Laundry	
Gallons per Hour per Bed	3	2	2
Temperature Centigrade	43	49	71
Temperature Fahrenheit	110	120	160

(b) Distribution systems that exceed 50 linear feet and that service resident care areas shall be under constant recirculation to provide continuous hot water to each outlet. The temperature of hot water for lavatories, showers and bathing shall not exceed 120 degrees Fahrenheit. Thermostatically controlled automatic mixing valves may be used to maintain hot water at these temperatures.

(c) 180 degrees Fahrenheit rinse water must be provided at the dishwasher if an approved low temperature chemical rinse is not utilized.

(d) 160 degrees Fahrenheit hot water must be available at the laundry equipment as needed.

(4) Quantities indicated for design demand of hot water are for general reference minimums and shall not substitute for accepted engineering design procedures using actual number and types of fixtures to be installed.

(5) Drainage system shall comply with the following requirements:

(a) Building sewers shall discharge into community sewerage. Where such a system is not available, the facility shall treat its sewage in accordance with local requirements and State Department of Environmental Quality requirements.

(b) Where overhead drain piping is exposed, special provisions shall be made to protect the space below from contamination from leakage, condensation, and dust particles. Approval of special provisions in food preparation, food service areas, and food storage areas shall be obtained from the local health department.

(c) Kitchen grease trap locations shall comply with local health department rules.

(6) Dishwashers, in sink garbage disposers, and other appliances shall be National Sanitation Foundation, NSF, approved and have the NSF seal affixed.

R432-6-24. Electrical.

(1) In large assisted living facilities, panel boards serving normal lighting and appliance circuits shall be located on the same floor or on the same wing as the circuits served. Panels for emergency circuits, if provided, may serve the floors above and below for general resident areas and administration.

(2) Corridors shall be illuminated at night in accordance with Table 4.

(3) Light intensity shall be at or above the minimum foot-candle in accordance with Table 4. Areas not shown in Table 4, including parking lots and approaches to the building, shall have fixtures to provide light levels as recommended in IES Lighting Handbook, RP-29-95, Lighting for Hospitals and Health Care Facilities by the Engineering Society of North America which is adopted and incorporated by reference.

TABLE 4
Assisted Living Facilities Lighting Standards

Physical Plant Area	Minimum Foot-candle
<u>Corridors</u>	
Day	15
Night	7.5
<u>Exits</u>	15
<u>Stairways</u>	15
<u>Res. Room</u>	
General	7.5
Reading/Mattress Level	30
Toilet area	30
<u>Lounge</u>	
General	7.5
Reading	30
<u>Recreation</u>	30
Dining	20
Dining and Recreation	30
Laundry	30

(4) Each resident room shall have a duplex grounded receptacle on every wall.

(5) Duplex grounded receptacles for general use shall be installed no more than 50 feet apart in corridors, on either side, and within 25 feet of corridor ends.

(6) A night light shall be provided in each resident bedroom and bathroom.

R432-6-25. Food Service.

(1) Food service facilities and equipment shall comply with R392-100, the Utah Department of Health Food Service Sanitation Rules.

(2) Food service space and equipment shall be provided as follows:

(a) storage area for food supplies, including a cold storage area, for a seven-day supply of staple foods and a three-day supply of perishable foods;

(b) food preparation area;

(c) an area to serve and distribute resident meals;

(d) an area for receiving, scraping, sorting, and washing soiled dishes and tableware;

(e) a storage area for waste which is located next to an outside facility exit for direct pickup; and

(f) a space for meal planning.

R432-6-100. Type I Facilities.

The following sections in the 100 series apply to Type I assisted living facilities.

R432-6-101. Occupancy Type.

(1) Large assisted living facilities shall comply with I-2, Uniform Building Code, requirements.

(2) Small assisted living facilities shall comply with R-4, Uniform Building Code, requirements.

(3) Limited capacity assisted living facilities shall comply with R-3, Uniform Building Code, requirements.

R432-6-102. Common Areas.

(1) A common room or rooms shall be provided for dining, sitting, visiting, recreation, worship, and other activities.

(a) Common rooms shall have sufficient space and separation to promote and facilitate the activity without interfering with concurrent activities or functions in the building.

(i) In a small facility the common rooms shall be at least 28 square feet per bed, but no less than a total of 225 square feet.

(ii) In a large facility the common rooms shall be at least 30 square feet per bed. In a facility with 100 beds or more, the common rooms minimum square footage per bed may be reduced to 25.

(b) Space shall be provided for necessary equipment and storage of recreational equipment and supplies.

R43-6-103. Resident Units.

(1) Minimum room areas, exclusive of toilet rooms, closets, lockers, wardrobes, alcoves, and vestibules, shall be 100 square feet in single-bed rooms and 80 square feet per bed in multiple-bed rooms.

(a) The areas noted above are minimums and do not prohibit larger rooms.

(b) Resident units may not have more than two beds per unit

(2) No room used for other purposes, such as a hall, corridor, unfinished attic, garage, storage area, shed, or similar detached building, may be used as a residents' sleeping room.

(3) No bedroom may be used as a passageway to another room, bath, or toilet other than those serving the bedroom.

(4) Bedrooms shall open directly into a corridor or common living area, but shall not open into a food preparation area.

(5) Unless furnished by the resident, the licensee shall provide for each resident a bed, comfortable chair, a chest of drawers and a reading lamp.

R432-6-104. Toilet and Bathing Facilities.

(1) Residents shall have privacy in toilet and bathrooms. Toilet and bathrooms shall be conveniently located.

(2) Resident toilet, bathtub, shower rooms, and facilities designed for use by the disabled shall comply with ADAAG.

(3) Grab bars shall be provided in all resident bathtubs and showers as required by ADAAG. At least one grab bar, which complies with ADAAG, shall be provided at the side of each resident toilet facility.

(4) Bars, including those which are an integral part of soap dishes, towel bars, and other fixtures shall be anchored to sustain a concentrated load of 250 pounds.

(5) There shall be one toilet and lavatory on each floor for each six occupants not otherwise served by toilet and lavatory in the resident rooms. A large type I assisted living facility shall have separate and additional toilet and bathing facilities for live-in family and staff.

(6) There shall be at least one bathtub or shower for each 10 residents not otherwise served by bathing facilities in resident rooms. Separate and additional facilities shall be provided for live-in family and staff. In a multistory building, there shall be at least one bathtub or shower which opens from the corridor on each floor that contains resident bedrooms not otherwise served.

(7) Each central bathroom shall have a toilet and lavatory.

(8) Toilet and bathing facilities shall not open directly into food preparation areas.

(9) All toilet, shower, and tub facilities shall have impermeable walls and surfaces that can be easily cleaned and sanitized.

(10) Showers and bathrooms shall contain recessed soap dishes.

(11) Each lavatory fixture shall have a mirror, except in food preparation areas.

R432-6-105. Service Areas.

There shall be adequate space and equipment for the following service or functions.

(1) Large assisted living facilities must provide the following:

(a) an administrator's office with equipment for keeping records and supplies;

(b) an employee toilet room, lockers, and lounges, in addition to and separate from those required for the public;

(c) a public reception or information area; and

(d) housekeeping closets each with a floor receptor or service sink.

(2) The following required spaces apply to all type I assisted living facilities:

(a) A secure area for administrative activities and storage for resident records;

(b) a medication-storage area including a locked drug cabinet;

(c) a closet or compartment for the staff's personal effects;

(d) a clean linen storage area;

(e) a telephone for private use by residents or visitors;

(f) at least one general use housekeeping closet accessible from a general corridor on each wing or each floor; and

(g) storage space for housekeeping equipment and supplies with a mechanical exhaust system.

R432-6-106. Linen Services.

(1) Each facility shall have space and equipment to store and process clean and soiled linen as required for resident care. Laundry may be done within the facility, in a separate building, on or off site, or in a commercial or shared laundry.

(2) At least one washing machine, one clothes dryer, and ironing equipment in good working order shall be available for use by residents who wish to do their personal laundry.

R432-6-107. Signal System.

(1) A signal system is required for the following facilities:

(a) a large facility;

(b) a facility with bedrooms on more than one floor; and

(c) when staff are not continuously present on the same level as any resident.

(2) The signal system shall be designed to:

(a) operate from each resident's living unit, and from each bathroom or toilet room;

(b) transmit a visual or auditory signal or both to a centrally staffed location, or produce an auditory signal at the living unit loud enough to summon staff; and

(c) identify the location of the resident summoning help.

R432-6-200. Type II Facilities.

The following sections in the 200 series apply to Type II assisted living facilities.

R432-6-201. Occupancy Type.

(1) Large and small assisted living facilities shall comply with I-2, Uniform Building Code, requirements and shall have, at a minimum, six-foot wide corridors.

(2) Limited capacity assisted living facilities that house Type II assisted living residents shall comply with R-4, Uniform Building Code requirements and shall either have an approved sprinkler system, or provide a staff to resident ratio of one to one on a 24-hour basis. Residents shall be housed on floors at grade level.

(3) Multiple level assisted living facilities shall provide smoke compartmentation on all levels above the first floor. Each compartment shall have space to accommodate all occupants of that floor.

R432-6-202. Campus-Type Facilities.

(1) If a campus-type facility has separate buildings, all of the buildings shall be located on the same site within 150 feet of each other.

(2) Resident living units shall be connected to bathing facilities and common areas by enclosed temperature controlled corridors.

(3) Recreation and dining spaces that are also utilized by residents of other licensed health care facilities within the same campus may be counted in determining common area space as long as all applicable code and space requirements are met for all licensed facilities and the shared space is accessible without the need to pass through corridors or resident care areas of another licensed facility. The shared space may not account for more than fifty percent of the total common square footage required for any one licensed facility.

R432-6-203. Resident Units.

(1) Facility services shall be accessible from common areas without compromising resident privacy.

(2) Resident living units shall include room areas exclusive of space for toilet rooms, closets, lockers, wardrobes, alcoves, or vestibules as follows:

(a) A single occupant unit without additional living space shall be a minimum of 120 square feet.

(b) A double occupant unit without additional living space shall be a minimum of 200 square feet.

(c) A single occupant bedroom in a unit with additional living space shall be a minimum of 100 square feet.

(d) A double occupant bedroom in a unit with additional living space shall be a minimum of 160 square feet.

(3) No space used for other purposes, such as a hall, corridor, unfinished attic, garage, storage area, shed, or similar detached building, may be used as a resident's bedroom.

(4) Bedrooms may not be used as a passageway to another room, bath, or toilet other than those serving the bedroom.

(5) Each resident living unit shall open directly into a corridor or common living area, but must not open into a food preparation area.

(6) A maximum of two residents may occupy a resident living unit.

R432-6-204. Toilet and Bathing Facilities.

(1) If toilet and bathrooms are shared by more than one resident, the facility shall provide individual privacy.

(2) A minimum of fifty percent of all toilet rooms, bathrooms and shower rooms shall be designed in compliance with ADAAG.

(3) Public toilet rooms shall be accessible from a corridor, and shall comply with ADAAG.

(4) If the living unit includes a private bathroom, the bathroom shall contain a toilet and a lavatory.

(5) If resident living units do not have a private bathroom, the facility shall provide the following:

(a) a toilet and lavatory for every four residents;

(b) a bathtub or shower for every 10 residents designed to accommodate a resident in a wheelchair and space to allow staff to assist a resident in taking a shower; and

(c) a bathroom with bathtub or shower, toilet and lavatory which open from a corridor on each floor of a multiple story facility.

(6) If resident living units have private bathrooms that do not allow staff assistance, then each floor or level shall provide a bathroom equipped with a bathtub or shower, toilet, and lavatory which opens from a corridor that provides wheelchair clearances and allows for staff assistance in bathing.

(7) Grab bars shall be provided in all resident bathtubs and showers as required by ADAAG. At least one grab bar, which complies with ADAAG, shall be provided at the side of each resident toilet facility not designed for accessibility.

(8) Toilet and bathing facilities may not open directly into food preparation areas.

(9) All toilet, shower, and tub facilities shall have impermeable walls and surfaces that may be easily cleaned and sanitized.

(10) Showers and tubs shall contain recessed soap dishes.

(11) Each lavatory fixture shall have a mirror. Mirrors over lavatories located in food preparation areas are prohibited.

(12) All lavatories shall have hand drying facilities.

(a) If lavatories are used by more than one individual, enclosed, single use paper towel dispensing units or cloth towel dispensing units or hot air drying units shall be provided.

(b) Lavatories shall be anchored to withstand an applied vertical load of 250 pounds on the front of the fixture.

(13) Bars, including those which are parts of soap dishes, towel bars, and other fixtures shall be anchored to a wall and withstand a concentrated load of 250 pounds.

R432-6-205. Common Areas.

(1) The facility shall provide a common room or rooms for dining, sitting, visiting, recreation, worship, and other activities.

(a) If concurrent activities are planned in a common room, the room shall be arranged to promote and facilitate the activities to minimize disruption through the use of physical barriers for separation.

(b) Space shall be provided for storing recreational equipment and supplies.

(2) The facility shall provide the following minimum space for recreational activities:

(a) in large facilities, 20 square feet per bed;

(b) in small facilities, 20 square feet per bed, or a minimum of 160 square feet total area whichever is greater;

(c) in a limited capacity facility, a minimum of 120 square feet.

(3) If a facility adds 40 square feet per bed to a bedroom area square footage requirement, or adds 80 square feet of recreation space in a separate living room within the resident living unit, the square footage requirements for common recreational space may be reduced by 20 square feet per licensed bed in large and small facilities, not to exceed a reduction of 50 percent of the total common area square footage.

(4) The facility shall provide the following space for dining activities:

(a) in large and small facilities, a minimum of 15 square feet per licensed bed;

(b) in limited capacity facilities, a minimum of 100 square feet.

(5) If a kitchen and a minimum of 30 square feet of dining area space are provided in a resident unit in a large or small facility, then the common dining area may be reduced by 15 square feet per licensed bed. The maximum reduction shall be 50 percent of the total required dining area.

(6) A separate private living room for family or informal gatherings shall be provided in a large facility as part of the common area space. The private living room shall be a minimum of 110 square feet. If all resident living units include additional living space, the facility is not required to provide a separate private living room.

(7) Corridors and public reception space may not be included in the calculation for required square footage for dining or recreation space.

(8) The facility shall provide ten square feet per bed, or a minimum area of 100 square feet, whichever is greater, for outdoor recreation activities.

R432-6-206. Resident Support Areas.

A large facility shall provide a nourishment station which contains a work counter, a refrigerator, a sink, and cabinets for storage. The station may be located in a single purpose room, dining room, or in a kitchen if staff has 24-hour access to the area.

R432-6-207. Administrative and General Service Areas.

(1) There shall be space and equipment for the administrative services as follows:

(a) in large facilities, an administrative office of sufficient size to store records and equipment;

(b) in small and limited capacity facilities, a designated area for administrative activities and record storage.

(2) Storage shall be provided for securing staff belongings as follows:

(a) In large facilities, a room shall be provided to serve as a staff lounge with staff lockers for storage. A staff toilet room shall also be provided.

(b) In small and limited care facilities, a storage area shall be identified to store staff belongings.

(3) A large facility shall provide a public reception or information area.

(4) A telephone shall be provided for private use by residents and visitors.

R432-6-208. Special Design Features.

(1) A signal system shall be provided to alert staff of a resident's need for help.

(2) The signal system shall be designed to:

(a) operate from each resident's living unit and from each bath room or toilet room;

(b) transmit a visual and auditory signal to a 24-hour staffed location, except a limited capacity facility signal system shall produce an auditory signal to summon staff;

(c) identify the location of the resident summoning help; and

(d) allow it to be turned off at the source of the call.

(3) Large and small facilities shall provide a thermostat control in each resident living unit. The Department shall grant a variance upon request from the licensee to this requirement for an existing building seeking initial licensure.

(4) Plumbing shutoff valves shall be located on the main water supply line and at each fixture. In addition, large facilities shall provide an accessible shutoff valve on each primary hot and cold branch of the water line and shall provide a minimum of two hot and two cold water zones. The Department shall grant a variance upon request from the licensee to this requirement for an existing building seeking initial licensure.

(5) Building entrances in large and small facilities shall be at grade level, clearly marked, and located to minimize the need for residents to traverse other program areas. A main facility entrance shall be designated and accessible to persons with disabilities.

(6) Special units intended to accommodate residents with Alzheimers or Dementia shall comply with Section 8.8 of the Guidelines for Design and Construction of Hospital and Health Care Facilities, 1996-97 edition, which is adopted and incorporated by reference.

R432-6-209. General Standards for Details.

(1) Each resident living unit entry door shall be constructed as follows:

(a) be 36 inches wide;

(b) open inward into the resident living unit or designed so that an outward swinging door does not restrict the corridor width;

(c) be lockable, but operable from the inside by single-action lever; and

(d) be individually keyed with the key under resident control.

(2) A master key shall be available for staff.

(3) Door handles for all doors used by residents shall be of the lever type and shall meet ADAAG requirements. Building entrances and exit doors may have panic hardware.

(4) Each door to toilet and bathing facilities shall comply with ADAAG and the following:

(a) be equipped with hardware which permits emergency access from the outside; and

(b) open out or be double acting.

(5) Handrails shall meet the requirements of ADAAG and be provided on both sides of all resident corridors.

R432-6-210. Linen Services.

(1) Each facility shall have space and equipment to store and process clean and soiled linen as required for resident care. Laundry may be done within the facility, in a building on or off-site, or in a commercial or shared laundry.

(2) If laundry is done off the site, the following shall be provided:

(a) a room for receiving and holding soiled linen until ready for pickup or processing;

(b) a central, clean linen storage room(s); and

(c) a lavatory in each area where unbagged, soiled linen is handled.

(3) If a large or small facility processes its own laundry on-site, the following shall be provided:

(a) a room for receiving, holding, and sorting soiled linens, with pre-wash clinical sink facilities and separate hand washing facilities;

(b) a laundry processing room with washer(s) and dryer(s);

(c) storage for laundry supplies;

(d) arrangement of equipment that will permit an orderly workflow and minimize cross-traffic that might mix clean and soiled operations; and

(e) a central, clean linen storage room(s);

(f) Facilities may provide holding rooms on each level for bagged, soiled linen.

(4) If a limited capacity facility processes its own laundry on-site, the following shall be provided:

(a) a room to store and process both clean and soiled linen;

(b) a washer and dryer; and

(c) a utility sink in the laundry room.

(5) Each facility shall provide a minimum of one washing machine, one clothes dryer, and ironing equipment in good working order for resident use.

KEY: health facilities

1998

26-21-5

26-21-16



Insurance, Administration
R590-185
 Emergency Medical Conditions
 Definitions

NOTICE OF PROPOSED RULE

(New)

DAR FILE NO.: 21298

FILED: 07/15/1998, 16:49

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to define "emergency services" or "emergency care" in a disability (health) policy as specifically allowed in Subsection 31A-22-605(4)(a)(xv).

SUMMARY OF THE RULE OR CHANGE: This rule requires that any policy that provides medical, surgical, hospital, or other ancillary service benefits define "emergency services" or "emergency care" consistent with this rule.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 31A-22-605

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: It is not anticipated that this rule will affect the sale of health policies thus increasing or decreasing premium taxes and income into the General Fund.

❖LOCAL GOVERNMENTS: The regulation of insurance and it's sales would have no effect on local government.

❖OTHER PERSONS: An individual purchasing a health policy in Utah that is affected by this rule may have to pay a slightly higher premium as a result of the insurer passing on the cost of rewriting their policy or adding an attachment to the policy to include the necessary definition to their policy.

COMPLIANCE COSTS FOR AFFECTED PERSONS: To comply with this rule, all health insurers selling health policies that provide medical, surgical, hospital, or other ancillary service benefits would need to provide a rider to their policyholders noting the addition of these changes to their policies. The cost of reprinting would vary from company to company.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The impact of this rule on health insurers would be minor. Because of the minor expense of preparing a single page rider (endorsement), insurers may decide not to pass the cost on to their insureds and instead just consider it a cost of doing business.

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

Insurance Administration
3110 State Office Building
Salt Lake City, UT 84114, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jilene Whitby at the above address, by phone at (801) 538-3803, by FAX at (801) 538-3829, or by Internet E-mail at idmain.jwhitby@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 09/03/1998.

THIS RULE MAY BECOME EFFECTIVE ON: 09/06/1998

AUTHORIZED BY: Jilene Whitby, Information Specialist

R590. Insurance, Administration.

R590-185. Emergency Medical Conditions Definitions.

R590-185-1. Purpose.

The purpose of this rule is to define the terms "emergency services" and "emergency care" as used in a disability (health) policy as specifically allowed in Subsection 31A-22-605(4)(a)(xv).

R590-185-2. Authority.

This rule is promulgated pursuant to the general rulemaking authority granted the commissioner in Subsection 31A-22-605(4)(a).

R590-185-3. Scope.

This rule applies to any policy under which medical, surgical, hospital, or other ancillary service benefits are provided to a policyholder, subscriber, member or beneficiary.

R590-185-4. Rule.

(A) "Emergency services" or "emergency care" means those health care services that are provided for a condition of recent onset and sufficient severity, including but not limited to severe pain, that would lead a prudent layperson, possessing an average knowledge of medicine and health, to believe that his or her condition, sickness, or injury is of such a nature that failure to obtain immediate medical care could result in:

- (1) placing the patient's health in serious jeopardy;
- (2) serious impairment to bodily functions; or
- (3) serious dysfunction of any bodily organ or part.

(B) All policy forms which provide medical, surgical, hospital or other ancillary service benefits for emergency services or emergency care must define "emergency service" or "emergency care" consistent with this rule.

R590-184-5. Severability.

If any provision of this rule or its application to any person or circumstance is, for any reason, held to be invalid, the remainder of this rule and its application to other persons or circumstances are not affected.

KEY: insurance
1998

31A-22-605(4)(a)



Insurance, Administration
R590-188
Small Employer Health Insurance
Practices

NOTICE OF PROPOSED RULE

(New)

DAR FILE No.: 21299

FILED: 07/15/1998, 16:49

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to establish regulations relating to small employer health insurance and to implement the provisions of Title 31A, Chapter 30, the "Individual and Small Employer Health Insurance Act."

SUMMARY OF THE RULE OR CHANGE: This rule applies to any health plan that provides health coverage to small employer groups and is subject to Title 31A, Chapter 30. The rule sets requirements on the marketing of small group plans. Insurers are not to engage in acts that will cause small group employers to seek coverage with other insurers or discourage them from renewing their coverage, insurers may not serve only a portion of the small employer market, they are required to issue all plans on guaranteed issue basis, they must not require small employers to purchase before qualifying to purchase the small employer plan, insurers that sell plans to association members only are not required to sell to non-members, insurers are to market all of their plans fairly and must not restrict the small employer's choice of their plans or influence the employer's choice of their plans, insurers are not to offer financial incentives to agents that conflict with the rule, and must use the same sales compensation for all plans offered, and rule specifies reasons that an insurer may not terminate, non-renew, or limit its contract with an agent.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 31A-30-106

ANTICIPATED COST OR SAVINGS TO:

❖**THE STATE BUDGET:** There are no anticipated costs or savings to the state budget. This rule does not impose requirements that will require the department to have additional resources. Current staff will handle the compliance efforts. Thus no impact on the state budget and other state agencies will not be affected.

❖**LOCAL GOVERNMENTS:** This rule does not apply to local government. It will result in no impact for this reason.

❖**OTHER PERSONS:** This rule may cause some agents, brokers, and insurers to change their marketing practices to comply with the rule. Current practices appear to be in compliance. The rule is a preventative measure. Compliance costs should be minimal for anyone subject to it. The rule promotes the availability and affordability of small employer group insurance.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule may cause some agents, brokers, and insurers to change their marketing practices to comply with the rule. Current practices appear to be in compliance. The rule is a preventative measure. Compliance costs should be minimal for anyone subject to it. The rule promotes the availability and affordability of small employer group insurance.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule may cause some agents, brokers, and insurers to change their marketing practices to comply with the rule. Current practices appear to be in compliance. The rule is a preventative measure. Compliance costs should be minimal

for anyone subject to it. The rule promotes the availability and affordability of small employer group insurance.

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

Insurance
Administration
3110 State Office Building
Salt Lake City, UT 84114, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jilene Whitby at the above address, by phone at (801) 538-3803, by FAX at (801) 538-3829, or by Internet E-mail at idmain.jwhitby@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 09/03/1998; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 08/20/1998, 10:00 a.m., Room 5112, State Office Building (behind the Capitol Building), Salt Lake City, UT 84114.

THIS RULE MAY BECOME EFFECTIVE ON: 09/06/1998

AUTHORIZED BY: Jilene Whitby, Information Specialist

R590. Insurance, Administration.**R590-188. Small Employer Health Insurance Practices.****R590-188-1. Purpose.**

The purpose of the rule is to establish regulations relating to small employer health insurance and to implement the provisions of Title 31A, Chapter 30, the Individual and Small Employer Health Insurance Act.

R590-188-2. Authority.

This rule is adopted pursuant to Subsection 31A-30-106(1)(k).

R590-188-3. Scope and Applicability.

The rule applies to any health benefit plan subject to Title 31A, Chapter 30 which provides health coverage to small employer groups.

R590-188-4. Rule.

(1) A small employer carrier shall not engage in any act or practice that:

(a) has the direct or indirect effect or intended effect of causing an applicant to seek coverage with another insurer.; or

(b) directly or indirectly influences or is intended to influence a small group employer or its agent from seeking renewal coverage from the carrier.

(2) A small employer carrier must offer all of its approved small employer health benefit plans and plan options to all small employers on a guaranteed issue basis. One of the plans must provide coverage benefits that are at least equal to or greater than the Basic Benefit Health Care Plan described in R590-175 and required by Section 31A-30-109.

(3) A small employer carrier may not serve only a portion of the small employer market, such as employers with more than 25

employees, and may not establish or maintain a closed plan or plan option or a closed book of business in the small employer market. For purposes of this section, a "closed" plan, or plan option or book is one in which coverage is maintained and renewed for currently enrolled small employers, but the coverage is not offered or issued to other small employers.

(4) A small employer carrier may not require a small employer to purchase or maintain other lines of coverage, such as group life insurance, in order to purchase or maintain a small employer health benefit plan. If a carrier had such a requirement in effect prior to the effective date of this rule, the carrier shall inform all affected policyholders that the requirement is no longer in effect.

(5) A small employer carrier that offers a particular health benefit plan in the small employer market only through one or more bona fide associations is not required to offer that plan, on a guaranteed issue basis or otherwise, to small employers that are not members of the association.

(6) A small employer carrier must market fairly all of its small employer health benefit plans and plan options and may not engage in any marketing practice that:

(a) Directly or indirectly restricts or is intended to restrict a small employer's choice of such plans and plan options; or

(b) Has the direct or indirect effect or intended effect of influencing a small employer's choice of such plans and plan options for reasons of risk selection.

(7) A small employer carrier may not provide to any agent any financial or other incentive that conflicts with the requirements of R590-188-4(6) of this rule.

(8) A small employer carrier must use the same sales compensation methodology for all small employer health benefit plans offered by the carrier.

(9) A small employer carrier may not terminate, fail to renew, or limit its contract or agreement of representation with an agent for any reason related to the following: the health status, claims experience, occupation, geographic location of small employer groups, or the type of small employer plans placed by the agent with the carrier.

R590-188-5. Penalties.

Section 31A-2-308 applies to violations of this rule under which the department can seek and obtain forfeitures, penalties and administrative or civil injunctive relief.

R590-188-6. Severability.

If any provision of this rule or its application to any person or circumstance is, for any reason, held to be invalid, the remainder of this rule and its application to other persons or circumstances are not affected.

KEY: insurance
1998

31A-30-106



Public Safety, Fire Marshal
R710-1
Concerns Servicing Portable Fire Extinguishers

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 21289

FILED: 07/15/1998, 12:30

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Utah Fire Prevention Board proposes to update the currently enacted incorporated reference NFPA, Standard 10, 1994 edition, to the 1998 edition. The Board also proposes to establish uniformity with the proposed enactment by amending NFPA, Standard 10, to require Class K rated portable fire extinguishers in all facilities that generate grease laden vapors by the process of cooking food. It is also proposed that as of January 1, 1999, all portable fire extinguisher companies demonstrate proof of public liability insurance to license for the 1999 year. The Board also proposes to eliminate and clean up the adopted rule by deleting several sections which are now in the incorporated reference or no longer need to be in the rule.

SUMMARY OF THE RULE OR CHANGE: On June 24, 1998, the Utah Fire Prevention Board met and addressed the following proposed changes: (1) updating the currently enacted 1994 edition of the National Fire Protection Association (NFPA), Standard 10, Standard for Portable Fire Extinguishers, to the 1998 edition; and (2) the Board also proposes to require that by January 1, 1999, those companies that service portable fire extinguishers throughout the State of Utah, demonstrate proof with the application to do business in 1999, that the business carries a total coverage of \$300,000 in public liability insurance. This requirement is the same as required by all contractors seeking a contractor's license in the State of Utah.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53-7-204

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: National Fire Protection Association (NFPA), Standard 10, Standard for Portable Fire Extinguishers, 1998 edition.

ANTICIPATED COST OR SAVINGS TO:

◆ THE STATE BUDGET: \$23 would be the anticipated cost for the purchase of a single copy of NFPA, Standard 10, 1998

edition, from the National Fire Protection Association. Aggregate impact is impossible to predict, due to the unknown number of copies that various interested state agencies might purchase. The number though, is anticipated to be quite small. The use of the "verification of service collar" as proposed in NFPA, Standard 10, 1998 edition, will save the State Fire Marshal's Office money for inspection. Currently, if a portable fire extinguisher company is suspected of charging for a service that was not completed, the extinguisher needs to be dismantled to check the internal markings. With the new outside collar this will no longer be necessary, and save time and expense for powder and nitrogen to complete the dismantling.

❖LOCAL GOVERNMENTS: \$23 would be the anticipated cost for the purchase of a single copy of NFPA, Standard 10, 1998 edition, from the National Fire Protection Association. Aggregate impact is impossible to predict, due to the unknown number of copies that various city, county, and fire protection district fire departments might purchase.

❖OTHER PERSONS: As of September 1, 1998, there would be two cost impacts on portable fire extinguisher companies in the State of Utah as follows: (1) a \$23 expense would be required for the fire extinguisher company to purchase a 1998 edition of NFPA, Standard 10; and (2) with the adoption of NFPA, Standard 10, 1998 edition, internal marking standards for maintenance would be changed to an outside verification of service collar. This would increase the cost of maintenance service for each portable fire extinguisher approximately 25 cents. As of January 1, 1999, all 98 portable fire extinguisher companies doing business in the State of Utah would be required to demonstrate proof of public liability insurance. This would have an impact cost depending upon the current insurance status of the company of \$46 to \$508 per year. Aggregate costs of the above stated impacts are impossible to predict, due to the unknown number of NFPA Standards that will be purchased, the unknown number of maintenance inspections that will be performed requiring outside verification of service collars, and how each of the 98 portable fire extinguisher companies are currently set up for insurance requirements.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Compliance costs for the 98 licensed portable fire extinguisher companies have been stated under "Other Persons." With the adoption of NFPA, Standard 10, 1998 edition, which would become effective on September 1, 1998, new facilities in the State of Utah that install commercial food heat-processing equipment using vegetable or animal oils and fat cooking media, and produce grease laden vapors from those cooking facilities, would be required to install a Class K rated portable fire extinguisher at an approximate cost of \$180. Currently, the existing requirement is to install a 40-B rated dry chemical fire extinguisher at approximately \$40. The cost compliance would be an approximate \$140 difference. As of July 1, 1999, all existing facilities in the State of Utah that currently use commercial food heat-processing equipment using vegetable or animal oils and fat cooking media, and produce a grease laden vapor, will be required to remove the currently installed 40-B sodium or potassium bicarbonate dry chemical fire extinguisher, and install a Class K rated portable fire extinguisher at a cost of approximately \$180.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: After review of these proposed changes with the State Fire Marshal, and as recommended by the Utah Fire Prevention Board, I have concluded that the above proposed changes do not create an unreasonable fiscal impact due to the following reasons: (1) purchase of the current NFPA document is necessary to keep up with the changing technologies; (2) the usage of the new verification of service collar rather than the internal marking procedure is now the accepted practice in the industry, and some companies already have ordered the new collars; (3) the requirement of having a minimum amount of public liability insurance places this industry in compliance with the other contractors licensed by the State of Utah; and (4) with the newly designed fast recovery vat systems using vegetable oils, and now the proven fact that current dry chemical portable fire extinguishers will not extinguish an involved grease vat fire, the additional cost to protect a business with the newly designed Class K extinguisher, is a minimal impact for that involved business.

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

Public Safety
Fire Marshal
Suite 302
5272 South College Drive
Murray, UT 84123-2611, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Brent R. Halladay at the above address, by phone at (801) 284-6350, by FAX at (801) 284-6351, or by Internet E-mail at psdomain.psudi.bhallada@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 08/31/1998.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/1998

AUTHORIZED BY: Brent R. Halladay, Chief Deputy State Fire Marshal

R710. Public Safety, Fire Marshal.

R710-1. Concerns Servicing Portable Fire Extinguishers.

R710-1-1. Adoption, Title, Purpose, and Prohibitions.

Pursuant to Title 53, Chapter 7, Section 204, Utah Code Annotated 1953, the Utah Fire Prevention Board adopts minimum rules to provide regulation to those concerns that service Portable Fire Extinguishers.

There is adopted as part of these rules the following code which is incorporated by reference:

1.1 National Fire Protection Association (NFPA), Standard 10, Standard for Portable Fire Extinguishers, [~~1994~~]1998 edition, [~~to include all appendices, but as amended by the following rule. The definitions contained in NFPA, Standard 10, shall pertain to these rules. A copy of this standard is on file in the Office of Administrative Rules and the Office of the State Fire~~

~~Marshal]~~except as amended by provisions listed in R710-1-8, et seq.

1.2 A copy of the above mentioned standard is on file in the Office of Administrative Rules and the State Fire Marshal's Office.

~~[1.2]~~1.3 Validity.

If any section, subsection, sentence, clause, or phrase, of these rules is, for any reason, held to be unconstitutional, contrary to statute, or exceeding the authority of the SFM, such decision shall not affect the validity of the remaining portion of these rules.

~~[1.3 Extinguishers Prohibited:~~

~~— No person shall market, distribute, sell, or service any portable fire extinguisher in this State that meets the following conditions:~~

~~(a) If it uses as an extinguishing agent, any carbon tetrachloride, chlorobromomethane, methyl bromide, or other toxic materials:~~

~~(b) If it generates its expellent force by means of a chemical action (inverting types):~~

~~(c) If it is a cartridge operated, inverting type extinguisher.~~

~~1.4]~~1.4 Order of Precedence.

In the event of any difference between these rules and any adopted reference material, the text of these rules shall govern. When a specific provision varies from a general provision, the specific provision shall apply.

R710-1-2. Definitions.

"Annual" means a period of one year or 365 calendar days.

"Board" means Utah Fire Prevention Board.

"Branch Office" means any location, other than the primary business location, where business license, telephone, advertising and servicing equipment is utilized.

"Certificates of Registration" means a written document issued by the SFM to any person for the purpose of granting permission to such person to perform any act or acts for which authorization is required.

"Concern" means a person, firm, corporation, partnership, or association, licensed by the SFM.

~~["Dry Chemical" means any extinguisher agent which is a solid, to include dry powder.]~~

"Employee" means those persons who work for a licensed concern, and may include, but shall not be limited to, those persons who work on a contractual basis.

~~["Hydrostatic Test" means subjecting any portable fire extinguisher to any pressure test procedure specified in these rules.]~~

"License" means a written document issued by the SFM authorizing a concern to engage in the business of servicing portable fire extinguishers.

"NFPA" means National Fire Protection Association.

"Repair" means any work performed on, or to, any portable fire extinguisher, and not defined as charging, recharging, or hydrostatic testing.

"SFM" means State Fire Marshal.

"UCA" means Utah State Code Annotated 1953 as amended.

R710-1-3. Licensing.

3.0 License Required.

No person or concern shall engage in the servicing of portable fire extinguishers without a license issued by the SFM, pursuant to these rules, expressly authorizing such concern to perform such acts.

3.1 Application.

(a) Application for a license to engage in the business of, or perform the servicing of portable fire extinguishers, shall be made in writing to the SFM on forms provided by the SFM. A separate application for license shall be made for each separate place or business location of the applicant (branch office).

(b) As of January 1, 1999, the application for a license to engage in the business of, or perform the servicing of portable fire extinguishers, shall be accompanied with proof of public liability insurance. The public liability insurance shall be issued by a public liability insurance carrier showing coverage of at least \$100,000 for each incident, and \$300,000 in total coverage. The licensee shall notify the SFM within thirty days after the public liability insurance coverage required is no longer in effect for any reason.

3.2 Signature of Application.

The application shall be signed by the applicant. If the application is made by a partnership, it shall be signed by all partners. If the application is made by a corporation or association other than a partnership, it shall be signed by a principal officer.

3.3 [Right to Enter] Equipment Inspection.

The ~~[application]~~applicant shall ~~[include written authorization by the applicant permitting the Inspection Authority and]~~allow the SFM, and any of his properly authorized deputies to enter, examine, and inspect any premise, building, room,~~[-or]~~ establishment, or vehicle, used by the applicant in servicing portable fire extinguishers to determine compliance with the provisions of these rules. The inspection will be conducted during normal business hours, and the owner or manager will be given a minimum of 24 hours notice before the appointed inspection. The equipment inspection [with]may be conducted on an annual basis, and consent to inspect will be obtained.

3.4 Issuance.

Following receipt of the properly completed application, and compliance with the provision of the statute and these rules, the SFM shall issue a license.

3.5 Original, Valid Date.

Original licenses shall be valid from the date of issuance through December 31st of the year in which issued. Thereafter, each license shall be renewed annually and renewals thereof shall be valid from January 1st through December 31st. Original licenses purchased after July 1st and up to November 1st can be purchased one time, at a one-half year fee. Licenses issued on or after November 1st will be valid through December 31st of the following year.

3.6 Renewal, Valid Date.

Application for renewal shall be made before January 1st of each year. Application for renewal shall be made in writing, on forms provided by the SFM.

3.7 Refusal to Renew.

The SFM may refuse to renew any license in the same manner, and for any reason, that he is authorized, pursuant to Section 10 of these rules to deny a license. The applicant shall, upon such refusal, have the same rights as are granted by Section 10 of these rules to an applicant for an original license which has been denied by the SFM.

3.8 Change of Address.

Every licensee shall notify the SFM, in writing, within thirty (30) days, of any change of his address or location.

3.9 Under Another Name.

No licensee shall conduct his licensed business under a name other than the name or names which appears on his license.

3.10 List of Licensed Concerns.

The SFM shall make available, upon request and without cost, to the chief fire official of each local fire authority, the name, address, and license number of each concern that is licensed pursuant to these rules. Upon request, single copies of such list shall be furnished, without cost, to a licensed concern.

3.11 Inspection.

The holder of any license shall submit such license for inspection upon request of the SFM, or any of his properly authorized deputies, or any local fire official.

3.12 SFM Notification and Certification of Registration.

Every licensed concern shall, within thirty (30) days of employment, and within thirty (30) days of termination of any employee, report to the SFM, the name, address, and certificate of registration number, of every person performing any act of servicing portable fire extinguishers for such licensed concern in writing.

3.13 Type.

(a) Every license shall be identified by type. The type of license shall be determined on the basis of the act or acts performed by the licensee or by any of the employees. Every licensed concern shall be staffed by qualified personnel, and shall be properly equipped to perform the act or acts for the type of license issued.

(b) Licenses shall authorize any one, or any combination of the following types of activities:

(1) Type 1 - Conducting of all activities, as per (2), (3), and (4) below, or

(2) Type 2 - Conducting hydrostatic tests of fire extinguisher cylinders that are listed and marked in conformance with the United States Department of Transportation (I.C.C.) rules, or

(3) Type 3 - Conducting hydrostatic tests of dry chemical, halon, water, and water chemical type fire extinguishers, or

(4) Type 4 - Servicing and maintaining all types of extinguishers, excluding hydrostatic testing.

(c) No licensed concern shall be prohibited from taking orders for the performance of any act or acts for which the concern has not been licensed to perform. Such orders shall be consigned to another licensed concern that is authorized to perform such act or acts.

3.14 Examination.

Every person who performs any act or acts within the scope of the license shall pass an examination in accordance with the provisions of section 4 of these rules.

3.15 Duplicate License.

A duplicate license may be issued by the SFM to replace any previously issued license, which has been lost or destroyed, upon the submission of a written statement from the licensee to the SFM. Such statement shall attest to the fact that the license has been lost or destroyed.

3.16 Employer Responsibility.

Every concern shall be responsible for the acts of its employees insofar as such acts apply to the marketing, sale, distribution, and servicing of any portable fire extinguisher.

3.17 Minimum Age.

No license shall be issued to any person as licensee who is under eighteen (18) years of age.

3.18 Restrictive Use.

(a) No license shall constitute authorization for any licensee, or any of his employees, to enter upon, or into, any property or building other than by consent of the owner or manager.

(b) No license shall constitute authorization for any licensee, or any of his employees, to enforce any provision, or provisions, of this rule, or the Uniform Fire Code.

3.19 Non-Transferable.

No license issued pursuant to this section shall be transferred from one concern to another.

3.20 Registration Number.

(a) Every license shall be identified by a number, delineated as E-(number). Such number may be transferred from one concern to another only when approved by the SFM.

3.21 Minimum Materials and Equipment Required.

At each business location or vehicle of the applicant where servicing work is performed the following minimum material and equipment requirements shall be maintained:

(a) Type 4 license:

(1) Nitrogen tank.

(2) Nitrogen regulator and hose assembly.

(3) Minimum of twelve (12) recharge adapters.

(4) Valve cleaning brush.

(5) Scoop.

(6) Funnel for A:B:C.

(7) Funnel for B:C.

(8) A closed receptacle for dry chemical.

(9) Fifty pound scale.

(10) A scale for cartridges.

(11) 'O' Ring lubricant.

(12) Tag hole Punch.

(13) Approved seals maximum fourteen (14) pound break strength.

(14) A copy of NFPA Standard 10 (1994 Edition), statute, and these rules.

(15) Minimum parts:

(A) A supply of O rings needed for standard service.

(B) A supply of valve stems for standard service.

(C) A supply of nozzles for standard extinguishers.

(D) Pressure gauges for extinguisher types: 100, 150, 175, 195, 240 lbs.

(E) Carry handles and replacement handles for extinguishers.

(F) Rivets or steel roll pins for handles and levers.

(G) Dry chemical cartridges as required by manufacture specifications, to include 4 lb., 10 lb., 20 lb. and 30 lb.

(H) Inspection light for cylinders.

(I) A variety of pull pins to secure handle.

(J) Carbon Dioxide continuity tester for hoses.

(K) Halon closed recovery system.

(b) Type 3 License:

(1) Approved testing pump.

(2) Test cage or suitable safety barrier.

(3) Approved hydro test labels.

(4) Hydrostatic test adapters or approved equal.

(5) Heater which produces a heated air or dry air for drying cylinders, or other approved dryer not to exceed 150 degrees Far. (66 degrees C).

(c) Type 2 License:

Current registration number from the Department of Transportation, verifying the concern as a qualified cylinder requalification facility under the provision of Section 173.34 of Title 49, Code of Federal Regulations, 49 CFR shall be maintained for all concerns holding a type 1 or 2 license. A copy of the certification letter must be submitted to the SFM.

(d) Type 1 License:

All of the equipment, provisions, and numbers as required in License types 2, 3, and 4 shall be required for a Type 1 License.

3.22 Records.

Accurate records shall be maintained for five years back by the licensee of all service work performed. These records shall include the name and address of all servicing locations, and the date and name of the person performing the work. These records shall be made available to the SFM, or authorized deputies, upon request.

.....

R710-1-6. Service Tags.

~~[6.0 General:~~

~~Service tags required in accordance with Section 6.3 shall conform with the provisions of this section:~~

~~]6.1 Size and Color.~~

Tags shall be not more than five and one-half inches (5-1/2") in height, nor less than four and one-half inches (4-1/2") in height, and not more than three inches (3") in width, nor less than two and one-half inches (2-1/2") in width.

6.2 Attaching Tag.

One service tag shall be attached to each portable fire extinguisher in such a position as to be conveniently inspected.

6.3 Tag Information.

(a) Service tags shall bear the following information:

- (1) Provisions of Section 6.7.
- (2) Type of license.
- (3) Approved Seal of Registration of the SFM.
- (4) License registration "E" number.
- (5) Certificate of registration "EE" number of individual who performed or supervised the service or services performed.

(6) Signature of individual whose certificate of registration number appears on the tag.

(7) Concern's name.

(8) Concern's address.

(9) Type of service performed.

(10) Type of extinguisher serviced.

(11) Date service is performed.

(b) The above information shall appear on one side of the service tag. All other desired printing or information shall be placed on the reverse side of the tag.

6.4 Legibility.

(a) The certificate of registration number required in Section 6.3(5), and the signature required in Section 6.3(6), shall be printed or written distinctly.

(b) All information pertaining to date, type of servicing, and type of extinguisher serviced shall be indicated on the card by perforations in the appropriate space provided. Each perforation shall clearly indicate the desired information.

6.5 Format.

Subject to the use requirements of Section 6.4, the following format shall be used for all service tags:

EXAMPLE OF SERVICE TAG

Exception: Service tags may be printed or otherwise established for any number of years not in excess of five (5) years.
ILLUSTRATION ON FILE IN STATE FIRE MARSHAL'S OFFICE

6.6 New Tag.

A new service tag shall be attached to the extinguisher each time a service is performed.

6.7 Tag Wording.

The following wording shall be placed at the top or reinforced ring end of every tag: "DO NOT REMOVE, BY ORDER OF THE STATE FIRE MARSHAL".

6.8 Removal.

No person or persons shall remove a service tag, hydrostatic test, 6 year maintenance servicing, or internal pick-up tube label or marking, except when further service is performed. No person or persons shall deface, modify, or alter any service tag, hydrostatic test, 6 year maintenance servicing, or internal pick-up tube label attached to, or required to be attached to any portable fire extinguisher.

6.9 Restrictive Use.

(a) Portable fire extinguishers which do not conform with the minimum rules, shall be permanently removed from service, and shall not be tagged.

(b) Any extinguisher which fails a hydrostatic test shall be condemned, and so stamped or etched into the cylinder or shell.

(c) Extinguishers, other than one which has failed a hydrostatic test, may be provided with a tag stating the extinguisher is "Condemned" or "Rejected". Such tags shall be red in color, and shall be not less, in size, than that of an approved service tag.

(d) Service tags shall only be placed on portable fire extinguishers and wheeled units as allowed in these rules.

R710-1-7. Portable Fire Extinguisher Rated Classification Labels.

~~[7.0 Removal of Label:~~

~~Any manufacturer's label bearing the rated classification or listing of an extinguisher which has been removed from the extinguisher, or is illegible, shall cause the extinguisher to be removed from service:~~

~~]7.1 Use of Label.~~

Any label bearing the rated classification and listing shall not be placed upon any extinguisher unless specifically authorized by the manufacturer. Any extinguisher, other than carbon dioxide, without this manufacturer's label shall not be serviced.

7.2 Labels Prohibited.

Company labels or advertisement stickers other than those required herein shall not be affixed to fire extinguishers.

R710-1-8. [Requirements for all Approved Fire Extinguishers] Amendments and Additions.

8.1 Restricted Service.

Any extinguisher requiring a hydrostatic test as required, shall not be serviced until such extinguisher has been subjected to, and passed the required hydrostatic test.

8.2 Service.

At the time of installation, and at each annual inspection, all servicing shall be done in accordance with the manufacturer's instructions, adopted statutes, and these rules. Extinguishers shall

be placed in an operable condition, free from defects which may cause malfunctions. Nozzles and hoses shall be free of obstructions or substances which may cause an obstruction.

8.3 Seals or Tamper Indicator.

Seals or tamper indicators shall be constructed of approved plastic or non-ferrous wire which can be easily broken, and so arranged that removal cannot be accomplished without breakage. Such seals or tamper indicators shall be used to retain the locking pin in a locked position. Seals or tamper indicators shall be removed annually to ensure that the pull pin is free.

[8.4 Six Year Maintenance Servicing Labels:

Stored pressure, dry chemical and halon fire extinguishers shall have affixed to the back of the extinguisher shell a suitable metallic or equally durable material label. The label shall be applied only when the extinguisher is recharged or undergoes six year maintenance servicing. Extinguishers without six year maintenance servicing labels, which are older than five (5) years from the date of manufacture or the last hydrostatic test, shall undergo six year maintenance servicing. The label shall bear the following information:

- (a) The wording "Six year maintenance".
- (b) Month and year servicing is performed indicated by a perforation:
- (c) Name of licensed concern performing servicing.

8.5 Hydrostatic Testing and Labels

(a) All fire extinguishers requiring hydrostatic testing shall be tested at intervals not exceeding those specified in NFPA #10, Table 5-2.

(b) Hydrostatic test labels shall be designed to comply with the label shown in NFPA #10, A-5-5.4.2.

8.6 Internal Marking:

(a) Any pressurized dry chemical fire extinguisher undergoing re-charge, 6 year maintenance servicing, or hydrostatic testing shall have affixed to the top of the pick-up tube an approved, self-sticking, internal label listing the service date and EE number of the service person. The tag must be placed securely to a clean surface on the pick-up tube. The internal label shall be of minimum size - 1/2" x 3", and have pressure sensitive permanent adhesive.

(b) In lieu of the above a permanent, legible marking, of contrasting color to the syphon tube, giving the information required above, shall be provided at the top of the syphon tube. All previous markings on the syphon tube shall be removed.

8.7]8.4 New Extinguishers

A new extinguisher that has the date of manufacture printed on the label by the manufacturer, or date of manufacture stamped on the extinguisher by the manufacturer, does not require a service tag attached to the extinguisher until one year after the date of manufacture.

8.5 Class K Portable Fire Extinguishers

NFPA, Standard 10, Section 2-3.2 and Section 2-3.2.1, 1998 edition, is deleted and replaced with the following:

a. Class K labeled portable fire extinguishers shall be provided for the protection of commercial food heat-processing equipment using vegetable or animal oils and fat cooking media. A placard shall be provided and placed above the Class K portable fire extinguisher that states that if a fire protection system exists, it shall be activated prior to use of the Class K portable fire extinguisher.

b. Those existing sodium or potassium bicarbonate dry-chemical portable fire extinguishers, having a minimum rating of

40-B, and specifically placed for protection of commercial food heat-processing equipment, shall be allowed to remain in use until July 1, 1999, and then shall be replaced with a Class K rated portable fire extinguisher.

KEY: fire prevention, extinguishers
[February 20, 1997]September 1, 1998

53-7-204



Public Safety, Fire Marshal
R710-3
Residential Care and Assisted Living
Facilities

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 21290

FILED: 07/15/1998, 12:30

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Utah Fire Prevention Board proposes to update the currently enacted R710-3, "Residential Care and Assisted Living Facilities," because of the passage of Senate Bill 153 in the 1998 Session of the Utah State Legislature. Senate Bill 153 combined "Residential Care" and "Assisted Living" into "Assisted Living Facilities" with two sections.

SUMMARY OF THE RULE OR CHANGE: On May 27, 1998, the Utah Fire Prevention Board met and addressed the passage of Senate Bill 153, "Assisted Living Facilities," which was sponsored by Senator Mike Dmitrich. With the passage of Senate Bill 153 in the 1998 Utah Legislature, the Legislature combined the two license categories of "Residential Care" and "Assisted Living," into one category. The new category is "Assisted Living Facilities" with two categories, Type I and Type II. The Board thereby directed that the rule be changed to be consistent with the intent of the Legislature.

(DAR Note: S.B. 153 is found at 1998 Utah Laws 192, and was effective July 1, 1998.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53-7-204

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: There will be a very minimal cost to the State to reprint the changed rule, R710-3, and redistribute this rule to those who oversee the rule or need a changed copy. The aggregate cost would be estimated at approximately \$60.

❖LOCAL GOVERNMENTS: There is no anticipated cost or savings to local government because the changes in R710-3 are name changes only.

❖OTHER PERSONS: There is no anticipated cost or savings to other persons because the changes in R710-3 are name changes only.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no anticipated compliance cost for affected persons because the required changes are name changes only.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: After review of this proposed rule change with the State Fire Marshal, and as recommended by the Utah Fire Prevention Board, I have concluded there is no fiscal impact on business that will result from this rule amendment.

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

Public Safety
Fire Marshal
Suite 302
5272 South College Drive
Murray, UT 84123-2611, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Brent R. Halladay at the above address, by phone at (801) 284-6350, by FAX at (801) 284-6351, or by Internet E-mail at psdomain.psudi.bhallada@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 08/31/1998.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/1998

AUTHORIZED BY: Brent R. Halladay, Chief Deputy State Fire Marshal

R710. Public Safety, Fire Marshal.

R710-3. ~~[Residential Care and]~~ Assisted Living Facilities.

R710-3-1. Introduction.

Pursuant to Title 53, Chapter 7, Section 204, of the Utah Code Annotated 1953, the Utah Fire Prevention Board adopts for the purpose of establishing minimum standards for prevention of fire and for the protection of life and property against fire and panic in ~~residential care and~~ assisted living facilities.

There is adopted as part of these rules the following codes which are incorporated by reference:

1.1 Uniform Fire Code (UFC), Volume 1, 1997 edition, as published by the International Fire Code Institute (IFCI), except as amended by provisions listed in R710-3-3, et seq.

1.2 Uniform Building Code (UBC), Volume 1, 1997 edition, as published by the International Conference of Building Officials (ICBO), and as adopted by the Uniform Building Standards Act, Title 58, Chapter 56, Section 4, Utah Code Annotated 1953.

1.2.1 Uniform Building Code (UBC), Volume 1, Appendix Chapter 3, Division IV - Requirements for Group R, Division 4 Occupancies, 1997 edition, as referenced in Statewide Amendment, Uniform Building Code, effective March 5, 1992.

1.3 Copies of the above code are on file in the Office of Administrative Rules and the State Fire Marshal.

R710-3-2. Definitions.

"Ambulatory" means a person who is capable of achieving mobility sufficient to exit without the assistance of another person.

"Assisted Living Facility" means:

(1) a Type I Assisted Living Facility, which is a residential facility that provides a protected living arrangement for ambulatory, nonrestrained persons who are capable of achieving mobility sufficient to exit the facility without the assistance of another person.

(2) a Type II Assisted Living Facility, which is a residential facility~~[licensed by the Department of Health]~~ that provides an array of coordinated supportive personal and health care services~~[24 hours a day]~~ to residents who meet the definition of semi-independent.~~[All Assisted Living Facilities shall be licensed by the proper licensing authority.]~~

(3) Assisted Living Facilities shall be classified as follows:

~~[A:]~~(a) "Type I and II Limited Capacity Assisted Living Facility" means a facility accommodating not more than five residents, excluding staff.

~~[B:]~~(b) "Type I and II Small Assisted Living Facility" means a facility accommodating more than five and not more than sixteen residents, excluding staff.

~~[C:]~~(c) "Type I and II Large Assisted Living Facility" means a facility accommodating more than sixteen residents.

"Authority Having Jurisdiction (AHJ)" means the State Fire Marshal, his duly authorized deputies, or the local fire enforcement authority.

"Board" means Utah Fire Prevention Board.

"ICBO" means International Conference of Building Officials.

"IFCI" means International Fire Code Institute.

"Licensing Authority" means the Utah Department of Health or the Utah Department of Human Services.

~~["Residential Care Facility" means a facility that provides a protected living arrangement to include sleeping accommodations for ambulatory, nonrestrained persons who may have a mental or physical impairment requiring supervision. Residential Care Facilities shall be licensed by the Utah Department of Health or the Utah Department of Human Services. Residential care facilities shall be classified as follows:~~

~~A. "Limited Capacity Residential Care Facility" means a facility accommodating not more than five residents, excluding staff;~~

~~B. "Small Residential Care Facility" means a facility accommodating more than five and not more than sixteen residents, excluding staff;~~

~~C. "Large Residential Care Facility" means a facility accommodating more than sixteen residents.]~~

"Semi-independent" means a person who is:

A. physically disabled but able to direct his or her own care; or

B. cognitively impaired or physically disabled but able to evacuate from the facility with the physical assistance of one person.

"SFM" means State Fire Marshal.

"UBC" means Uniform Building Code.

"UFC" means Uniform Fire Code.

R710-3-3. Amendments and Additions.

3.1 General Requirements

3.1.1 All facilities shall be inspected annually and obtain a certificate of fire clearance signed by the AHJ.

3.1.2 All facility administrators shall develop emergency plans, provide staff training in the usage of all emergency equipment to include portable fire extinguishers, hood systems, fire alarms, and fire drills, in addition to those requirements in the UFC, Article 13.

3.2 ~~Residential Health Care~~ Type I Assisted Living Facilities

3.2.1 Type I Limited ~~Capacity~~ ~~residential care~~ Assisted Living ~~Facilities~~ shall be constructed in accordance with UBC, Group R, Division 3 Occupancies; and maintained in accordance with the UBC and UFC.

3.2.2 Type I Limited ~~Capacity~~ ~~residential care~~ Assisted Living ~~Facility~~ required exits shall not be secured with dead bolts, chains, or hasps. Deadbolts that are interconnected with the latch, and provide simultaneous retraction of both the deadbolt and the latch, by the turning of the latch, is permitted.

3.2.3 Residents in Type I ~~Limited~~ ~~Capacity~~ ~~residential care~~ Assisted Living ~~Facilities~~ shall be housed on the main floor only, unless an outside exit leading to the ground level is provided from any upper or lower level.

3.2.4 In Type I ~~Limited~~ ~~Capacity~~ ~~residential care~~ Assisted Living ~~Facilities~~, resident rooms on the ground level, shall have escape or rescue windows as required in UBC, Chapter 3, Section 310.4.

3.2.5 In Type I ~~Limited~~ ~~Capacity~~ ~~residential care~~ Assisted Living ~~Facilities~~ an approved independent smoke detector shall be installed in each sleeping room and access hallway.

3.2.6 Type I Small ~~residential care~~ Assisted Living ~~Facilities~~ shall be constructed in accordance with UBC, Appendix Chapter 3, Division IV - Requirements for Group R, Division 4 Occupancies; and maintained in accordance with the UBC and UFC.

3.2.7 Type I Small ~~residential care~~ Assisted Living ~~Facility~~ required exits shall not be secured with dead bolts, chains, or hasps. Deadbolts that are interconnected with the latch, and provide simultaneous retraction of both the deadbolt and the latch, by the turning of the latch, is permitted.

3.2.8 Type I Large ~~residential care~~ Assisted Living ~~Facilities~~ shall be constructed in accordance with UBC, Group I, Division 2; and maintained in accordance with the UBC and UFC.

3.3 Type II Assisted Living Facilities

3.3.1 Type II Limited ~~Capacity~~ ~~Assisted~~ ~~Living~~ ~~Facilities~~ shall be constructed in accordance with UBC, Appendix Chapter 3, Division IV, Requirements for Group R, Division 4 Occupancies; and maintained in accordance with the UBC and UFC.

3.3.2 Type II Limited ~~Capacity~~ ~~Assisted~~ ~~Living~~ ~~Facilities~~ shall have an approved automatic fire extinguishing system installed in compliance with the UBC, or provide a staff to a resident ratio of one to one on a 24 hour basis.

3.3.3 Type II Small ~~Assisted~~ ~~Living~~ ~~Facilities~~ shall be constructed in accordance with UBC, Group I, Division 2; and maintained in accordance with the UBC and UFC.

3.3.4 Type II Small ~~Assisted~~ ~~Living~~ ~~Facilities~~ shall have a minimum corridor width of six feet.

3.3.5 Type II Large ~~Assisted~~ ~~Living~~ ~~Facilities~~ shall be constructed in accordance with UBC, Group I, Division 2; and maintained in accordance with the UBC and UFC.

3.3.6 Type II Large ~~Assisted~~ ~~Living~~ ~~Facilities~~ shall have a minimum corridor width of six feet.

.....

KEY: ~~residential care~~ assisted living facilities

~~March 18, 1998~~ September 1, 1998

53-7-204



Public Safety, Fire Marshal
R710-4

Buildings Under the Jurisdiction of the
State Fire Prevention Board

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 21291

FILED: 07/15/1998, 12:30

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Utah Fire Prevention Board proposes to update the following incorporated references: (1) National Fire Protection Association (NFPA), Standard 101, Life Safety Code, 1994 edition, to the 1997 edition; and (2) National Fire Protection Association (NFPA), Standard 13, Installation of Sprinkler Systems, 1994 edition, to the 1996 edition.

SUMMARY OF THE RULE OR CHANGE: On June 24, 1998, the Utah Fire Prevention Board met and addressed the following proposed changes: (1) updating the currently enacted 1994 edition of the National Fire Protection Association (NFPA), Standard 101, Life Safety Code, to the 1997 edition; (2) updating the currently enacted 1994 edition of the National Fire Protection Association (NFPA), Standard 13, Installation of Sprinkler Systems, to the 1996 edition.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53-7-204

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: The National Fire Protection Association (NFPA), Standard 101, Life Safety Code, 1997 edition; and the National Fire Protection Association (NFPA), Standard 13, Installation of Sprinkler Systems, 1996 edition.

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Approximately \$70 is the anticipated cost for the purchase of NFPA 101 (\$40) and the purchase of NFPA 13 (\$30). Aggregate impact is impossible to predict due to the unknown number of copies that various state

agencies might purchase. The number to be purchased though, is felt to be quite small.

❖LOCAL GOVERNMENTS: Approximately \$70 is the anticipated cost for the purchase of NFPA 101 (\$40) and the purchase of NFPA 13 (\$30). Aggregate impact is impossible to predict due to the unknown number of copies that various city, county, and fire protection district fire departments might purchase.

❖OTHER PERSONS: Approximately \$70 is anticipated cost for the purchase of NFPA 101 (\$40) and the purchase of NFPA 13 (\$30). Aggregate impact on this cost is impossible to predict due to the unknown number of sprinkler companies, engineers, and architects that would purchase these incorporated references.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Compliance costs for the adoption of NFPA 101 and NFPA 13 is seen as a savings from the previously adopted editions and will be stated as follows: (1) NFPA 101, Life Safety Code, 1997 edition, has incorporated some trade offs in construction requirements for the installation of an automatic sprinkler system. In the 1994 edition a proposed building was required to build in the additional fire code requirements and sprinkler the building. In the 1997 edition some of the fire code requirements can now be waived with the installation of the fire sprinkler system. In the 1997 edition, fire escape ladders and alternating tread devices are now allowed under certain conditions. This will save on the cost of a full set of stairs; and (2) NFPA 13, Installation of Sprinkler Systems, 1996 edition, has now incorporated the usage of Quick Response Fire Sprinkler Heads. This allows the builder to reduce the design area as much as 40% and use a smaller water pipe in the installation process. There is seen with this application, a savings of 15% to 25% in the total cost of the fire sprinkler system.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: After review of these proposed changes with the State Fire Marshal, and as recommended by the Utah Fire Prevention Board, I have concluded that the above proposed changes are an overall benefit to businesses and do not create a fiscal impact on business.

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

Public Safety
Fire Marshal
Suite 302
5272 South College Drive
Murray, UT 84123-2611, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Brent R. Halladay at the above address, by phone at (801) 284-6350, by FAX at (801) 284-6351, or by Internet E-mail at psdomain.psudi.bhallada@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 08/31/1998.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/1998

AUTHORIZED BY: Brent R. Halladay, Chief Deputy State Fire Marshal

R710. Public Safety, Fire Marshal.

R710-4. Buildings Under the Jurisdiction of the State Fire Prevention Board.

R710-4-1. Adoption of Fire Codes.

Pursuant to Title 53, Chapter 7, Section 204, of the Utah Code Annotated 1953, the Utah Fire Prevention Board adopts minimum rules for the prevention of fire and for the protection of life and property against fire and panic in any publicly owned building, including all public and private schools, colleges, and university buildings, and in any building or structure used, or intended for use, as an asylum, hospital, mental hospital, sanitarium, home for the aged, residential health care facility, children's home or institution, or any similar institutional type occupancy of any capacity; and in any place of assemblage where fifty (50) or more persons may gather together in a building, structure, tent, or room, for the purpose of amusement, entertainment, instruction, or education.

There is further adopted as part of these rules the following codes which are incorporated by reference:

1.1 National Fire Protection Association (NFPA), Standard 101, Life Safety Code (LSC), [~~1994~~1997] edition, except as amended by provisions listed in R710-4-3, et seq. The following chapters from NFPA, Standard 101 are the only chapters adopted: Chapter 12 - New Health Care Occupancies; Chapter 13 - Existing Health Care Occupancies; Chapter 14 - New Detention and Correctional Occupancies; Chapter 15 - Existing Detention and Correctional Occupancies; [~~Chapter 31 - Operating Features~~]; and other sections referenced within and pertaining to these chapters only.

1.2 National Fire Protection Association (NFPA), Standard 13, Installation of Sprinkler Systems, with all appendices, [~~1994~~1996] edition, except as amended by provisions listed in R710-4-3, et seq.

1.3 National Fire Protection Association (NFPA), Standard 72, National Fire Alarm Code, 1996 edition, except as amended by provisions listed in R710-4-3, et seq.

1.4 National Fire Protection Association (NFPA), Standard 70, National Electric Code (NEC), 1996 edition, as adopted by the Uniform Building Standards Act, Title 58, Chapter 56, Section 4, Utah Code Annotated 1953.

1.5 Uniform Building Code (UBC), Volume 1, 1997 edition, as published by the International Conference of Building Officials (ICBO), and as adopted by the Uniform Building Standards Act, Title 58, Chapter 56, Section 4, Utah Code Annotated 1953.

The following UBC appendix chapter is adopted:

Chapter 3 - Division IV, Requirements for Group R, Division 4 Occupancies.

1.6 Uniform Fire Code (UFC), Volume 1, 1997 edition, as published by the International Fire Code Institute (IFCI), except as amended by provisions listed in R710-4-3, et seq.

The following UFC appendix chapters are adopted:

(a) Appendix I-C Stairway Identification.

(b) Appendix III-C Inspection, Testing and Maintenance of Water Based Fire Protection Systems.

- (c) Appendix IV-A Interior Floor Finish.
- (d) Appendix VI-A Hazardous Materials Classifications.
- (e) Appendix VI-E Reference Tables from the Uniform Building Code.

1.7 Uniform Fire Code Standards (UFCS), Volume 2, 1997 edition, as published by the International Fire Code Institute (IFCI).

The following UFCS standards are amended as follows:

(a) UFCS 10-1, Selection, Installation, Inspection, Maintenance and Testing of Portable Fire Extinguishers is amended to adopt NFPA, Standard 10, [1994]1998 edition.

(b) UFCS 10-2, Installation, Maintenance and Use of Fire Protection Signaling Systems is amended to adopt NFPA, Standard 72, 1996 edition.

(c) UFCS 52-1, Compressed Natural Gas (CNG) Vehicular Fuel Systems is amended to adopt NFPA, Standard 52, 1995 edition.

(d) UFCS 79-1, Foam Fire Protection Systems is amended to adopt NFPA, Standard 11, 1994 edition.

(e) UFCS 82-1, Liquefied Petroleum Gas Storage is amended to adopt NFPA, Standard 58, 1995 edition.

1.8 Uniform Mechanical Code (UMC), 1994 edition, as published by the International Conference of Building Officials (ICBO), and as adopted by the Uniform Building Standards Act, Title 58, Chapter 56, Section 4, Utah Code Annotated 1953.

1.9 Copies of the above codes are on file in the Office of Administrative Rules and the State Fire Marshal.

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R710-4-3. Amendments and Additions.

3.0 The following amendments and additions are hereby adopted for those buildings under the jurisdiction of the State Fire Marshal:

3.1 Door Closures

3.1.1 UFC, Article 11, Section 1111.2.2 Operation. Add the following Exception. In Group E Occupancies, Divisions 1 and 2, the door closures may be of the friction hold-open type on classrooms only.

3.2 Dumpsters

3.2.1 UFC, Article 11, Section 1103.2.2, with reference to Group E Occupancies, is amended to add the following requirement:

Dumpsters and containers with an individual capacity of 1.5 cubic yards (40.5 cubic feet) or greater shall not be stored in buildings or placed within 20 feet of combustible walls, openings or combustible roof eave lines.

3.3 Fire Alarm Systems

3.3.1 General Provisions

The following rules pertain to newly installed systems or changes made to existing systems, except where noted:

(a) Presignal feature type systems are prohibited, except in I-3 Occupancies.

(b) Fire alarm system designs submitted to the AHJ, shall include complete floor plans showing location of all devices, occupancy use of each room, schematic wiring diagrams, battery calculations, and any other items deemed necessary.

3.3.2 Required Installations

(a) Fire alarm systems shall be provided as required in UFC, Article 10, Section 1007, and LSC Chapters as adopted, and in other rules promulgated by the Board.

(b) All state-owned buildings, college and university buildings, other than institutional, with an occupant load of one hundred (100) or more, all schools with an occupant load of fifty (50) or more, shall have an approved fire alarm system with the following features:

(1) Products-of-combustion (smoke) detectors installed throughout all corridors and common areas of egress at the maximum prescribed spacing of thirty feet on center, and no more than fifteen feet from the walls.

(2) In other than fully sprinklered buildings, automatic detectors shall be installed in each enclosed space, other than corridors, at maximum prescribed spacing as specified in NFPA, Standard 72, or by their listing.

(3) Manual alarm initiating devices shall be provided in the boiler room, kitchen, and main administrative office of each building, and any other areas as determined by the AHJ.

(4) The fire alarm system shall be connected to a proprietary panel, where provided within the complex.

3.3.3 Main Panel

(a) An approved key plan drawing and operating instructions shall be posted at the main fire alarm panel which displays the location of all alarm zones and if applicable, device addresses.

(b) The main panel shall be located in a normally attended area such as the main office or lobby. Location of the Main Panel other than as stated above, shall require the review and authorization of the SFM. Where location as required above is not possible, an electronically supervised remote annunciator from the main panel shall be located in a supervised area of the building. The remote annunciator shall visually indicate system power status, alarms for each zone, and give both a visual and audible indication of trouble conditions in the system. All indicators on both the main panel and remote annunciator shall be adequately labeled.

3.3.4 System Wiring

(a) System Wiring shall be in accordance with the following:

(1) The Initiating Device circuits (IDC) shall be Style D as defined in NFPA, Standard 72.

(2) The Indicating Appliance circuits (IAC) shall be Style Z as defined in NFPA, Standard 72.

(3) Signaling line circuits shall be Style 6 or 7 as defined in NFPA, Standard 72.

(b) All junction boxes shall be adequately identified as part of the fire alarm system. Covers for the concealed boxes shall be painted red.

3.3.5 System Devices

All equipment and devices shall be listed and/or labeled by a nationally recognized testing laboratory for fire alarm use.

3.3.6 Fan Shut Down

(a) The fan shut down relay(s) in the air handling equipment shall be normally energized, and connected through and controlled by a normally closed contact in the fire alarm panel, or a normally closed contact of a remote relay under supervision by the main panel. The relays will transfer on alarm, and shall not restore until the panel is reset.

(b) Duct detectors required by the UMC, shall be interconnected, and compatible with the fire alarm system.

Public Safety, Fire Marshal
R710-6
Liquefied Petroleum Gas Rules

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 21292
FILED: 07/15/1998, 12:30
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Utah Liquefied Petroleum (LP) Gas Board proposes to update the initial testing and five-year retesting process for certification in R710-6. The Board also proposes to amend the Uniform Fire Code to make it in consensus with the National Fire Protection Association (NFPA), Standard 58, with regard to storage of LP Gas awaiting resale or exchange.

SUMMARY OF THE RULE OR CHANGE: On June 19, 1998, the Utah Liquefied Petroleum (LP) Gas Board met and addressed the following proposed changes: (1) updating the current system used to certify employees who wish to work in the LP Gas industry. It was proposed that rather than have the employee complete the entire battery of written tests every five years after the initial set of certification testing, that the employee complete a 25 question open book retest each five years after the initial testing process. This 25 question test would be sent to the employee and would test his knowledge on changes in the industry, rules, and statutes in the previous five years; and (2) The Board also proposes to correct a conflicting code requirement between two codes by amending the Uniform Fire Code to be consistent with NFPA, Standard 58. The Board proposes to delete Uniform Fire Code, Section 8212.12, 1997 edition, and replace it with NFPA, Standard 58, Section 5-4.1. This will make the codes in consensus with the storage of LP Gas awaiting resale or exchange.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53-7-305

ANTICIPATED COST OR SAVINGS TO:

THE STATE BUDGET: There should be an aggregate saving seen by the state with the proposed changes to R710-6. With the 25 question open book retest replacing the full recertification process at each five year interval, it will allow the State Fire Marshal Deputies more time to complete the expanded initial certification test. It will also leave more time to complete inspections.

LOCAL GOVERNMENTS: There should be no aggregate cost or savings seen by local city, county or fire protection district fire departments. They will be unaffected by these proposed changes.

3.3.7 Maintenance and Tests
The owner/administrator of each building shall insure maintenance and testing as required in UFC, Article 10, Section 1001.4 and 1001.5. A written log, verifying these tests, shall be kept on file for inspection by the AHJ.

3.4 Fireworks

3.4.1 UFC, Article 78, Section 7802.3 is amended to include the following Exception:

3. The use of fireworks for display and retail sales is allowed as set forth in the "Utah Fireworks Act", as adopted in Title 11, Chapter 3, Utah Code Annotated 1953.

3.5 Health Care Facilities

3.5.1 LSC Chapters 12 and 13 Sections 12-1.2.4 and 13-1.2.4 (Exiting Through Adjoining Occupancies) exception is deleted.

3.5.2 LSC Chapter 13, Section 13-3.6.1, (Rooms Allowed open to Corridor) exceptions No. 1, No. 5, No. 6, and No. 8 are deleted.

3.6 Hydrants, Fire

3.6.1 The fire department connection on automatic fire sprinkler and standpipe systems shall be located a reasonable distance as approved by the AHJ.

3.7 Fire Sprinklers

3.7.1 Class 1 and Class 2 fire protection systems, as defined in AWWA, M14, Second Edition, "Recommended Practice for Backflow Prevention and Cross-Connection Control," shall be provided with a listed alarm check valve with standard trim.

3.7.2 Antifreeze systems installed in Class 1 and Class 2 fire protection systems shall be installed as required in NFPA, Standard 13, and a backflow preventing device shall be installed as required in the Uniform Plumbing Code.

3.8 Water Supply Analysis

3.8.1 For proposed construction in both sprinklered and unsprinklered occupancies, the owner or architect shall provide an engineer's water supply analysis evaluating the available water supply.

3.8.2 The owner or architect shall provide the water supply analysis during the preliminary design phase of the proposed construction.

3.8.3 The water analysis shall be representative of the supply that may be available at the time of a fire as required in NFPA, Standard 13, Appendix A-7-2.1.

3.9 Fire Drills

3.9.1 UFC, Article 13, Section 1303.3.3.2(1) is amended to include the additional Exception:

2. A fire drill in secondary schools shall be conducted at least every two months, to a total of four fire drills during the nine month school year. The first fire drill shall be conducted within the first two weeks of the school year.

.....

KEY: fire prevention, public buildings
[March 18, 1998] September 1, 1998

53-7-204

❖OTHER PERSONS: The LP Gas industry, especially the LP Gas distributors, will see savings in the proposed changes to the certification testing process. Aggregate impact in total is impossible to determine, due to the unknown number of affected employees, travel distance, and testing time required by each employee.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The LP Gas industry, especially those that employ career LP Gas technicians, will see a savings in the proposed changes to the certification testing process. Rather than the LP Gas employee being required to spend several hours each five years to complete the entire battery of tests, the employee will be able to receive the 25 question open book test in the mail and complete it at the employee's work station. The 25 question test will then be mailed back to the State Fire Marshal's Office for processing. The LP Gas industry will also see a savings in the proposal to establish uniformity in the storage of LP Gas awaiting resale or exchange. It will increase the allowed amount from 501 pounds of LP Gas to 720 pounds of LP Gas. This will allow the LP Gas industry to not have to return to the stations as many times as before.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: After review of these proposed changes with the State Fire Marshal, and as recommended by the Utah Liquefied Petroleum Gas Board, I have concluded that there is no fiscal impact on business, yet a savings seen by the implementation of this proposed rule.

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

Public Safety
Fire Marshal
Suite 302
5272 South College Drive
Murray, UT 84123-2611, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Brent R. Halladay at the above address, by phone at (801) 284-6350, by FAX at (801) 284-6351, or by Internet E-mail at psdomain.psudi.bhallada@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 08/31/1998.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/1998

AUTHORIZED BY: Brent R. Halladay, Chief Deputy State Fire Marshal

**R710. Public Safety, Fire Marshal.
R710-6. Liquefied Petroleum Gas Rules.**

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R710-6-4. LP Gas Certificates.

4.1 Application.

Application for an LPG certificate shall be made in writing to the Division. The application shall be signed by the applicant.

~~[4.1]~~4.2 Examination.

Every person who performs any act or acts within the scope of a license issued under these rules, shall pass an initial examination in accordance with the provisions of this article.

~~[— 4.2 Application:~~

~~Application for a LPG certificate shall be made in writing to the Division. The application shall be signed by the applicant.]~~

4.3 Types of Initial Examinations:

~~[(t) General Knowledge~~

~~— (2)](1) Carburetion~~

~~[— (3) Bobtail and Transport Driver]~~

(2) Dispenser

(3) HVAC/Plumber

(4) Recreational Vehicle Service

~~[(+)](5) Serviceman~~

~~[— (5) Dispenser--Class A~~

~~— (6) Dispenser--Class B (Key/Card Operator)]~~

(6) Transportation and Delivery

4.4 Initial Examinations.

(a) The initial examination shall include an open book written test of the applicant's knowledge of the work to be performed by the applicant. The written examination questions shall be taken from the adopted statute, administrative rules, NFPA 54, and NFPA 58.

(b) The initial examination shall also include a practical or actual demonstration of some selected aspects of the job to be performed by the applicant.

(c) To successfully complete the written and practical initial examinations, the applicant must obtain a minimum grade of seventy percent (70%) in each portion of the examination taken. Each portion of the examination will be graded separately. Failure of any one portion of the examination will not delete the entire test.

(d) Examinations may be given at various field locations as deemed necessary by the Division. Appointments for field examinations are required.

(e) As required in Sections 4.2 and 4.3, those applicants that have successfully completed the requirements of the Certified Employee Training Program (CETP), as written by the National Propane Gas Association, and that corresponds to the work to be performed by the applicant, shall have the requirement for initial examination waived, after appropriate documentation is provided to the Division by the applicant.

4.5 Original and Renewal Date.

Original LPG certificates shall be valid for one year from the date of issuance. Thereafter, each LPG certificate shall be renewed annually and renewals thereof shall be valid from for one year from issuance.

4.6 Renewal Date.

Application for renewal shall be made in writing on forms provided by the Division.

4.7 Re-examination.

Every holder of a valid LPG Certificate shall take a re-examination every five years[-] from the date of original certificate issuance, to comply with the provisions of Section 4.3 of these rules.

(a) The re-examination to comply with the provisions of Section 4.3 of these rules shall consist of one 25 question open book examination, to be mailed to the certificate holder at least 60 days before the renewal date.

(b) The 25 question re-examination will consist of questions that focus on changes in the last five years to NFPA 54, NFPA 58, the statute, or the adopted administrative rules. The re-examination may also consist of questions that focus on practices of concern as noted by the Board or Division.

(c) The certificate holder is responsible to complete the 25 question re-examination and return it to the Division in sufficient time to renew.

(d) The certificate holder is responsible to return to the Division with the re-examination the correct renewal fees to complete that certificate renewal.

4.8 Refusal to Renew.

The Division may refuse to renew any LPG certificate in the same manner and for any reason that he is authorized, pursuant to Article 5, to deny any original LPG certificate. The applicant shall, upon such refusal, have the same rights as are granted by Article 5 of these rules to an applicant for an original LPG certificate which has been denied by the Division.

4.9 Inspection.

The holder of a LPG certificate shall submit such certificate for inspection, upon request of the Division or the enforcing authority.

4.10 Type.

(a) Every LPG certificate shall indicate the type of act or acts to be performed and for which the applicant has qualified.

(b) Any person holding a valid LPG certificate shall not be authorized to perform any act unless he is a licensee or is employed by a licensed concern.

(c) It is the responsibility of the LPG certificate holder to insure that the concern they are employed by is licensed under this act.

4.11 Change of Address.

Any change in home address of any holder of a valid LPG certificate shall be reported by the registered person to the Division within thirty (30) days of such change.

4.12 Duplicate.

A duplicate LPG certificate may be issued by the Division to replace any previously issued certificate which has been lost or destroyed upon the submission of a written statement to the Division from the certified person. Such statement shall attest to the certificate having been lost or destroyed. If the original is found, it shall be surrendered to the Division within 15 days.

4.13 Contents of Certificate of Registration.

Every LPG certificate issued shall contain the following information:

- (a) The name and address of the applicant.
- (b) The physical description of applicant.
- (c) The signature of the LP Gas Board Chairman.
- (d) The date of issuance.
- (e) The expiration date.
- (f) Type of service the person is qualified to perform.
- (g) Have printed on the card the following: "This certificate is for identification only, and shall not be used for recommendation or advertising".

4.14 Minimum Age.

No LPG certificate shall be issued to any person who is under sixteen (16) years of age.

4.15 Restrictive Use.

(a) No LPG certificate shall constitute authorization for any person to enforce any provisions of these rules.

(b) A LPG certificate may be used for identification purposes only as long as such certificate remains valid and while the holder is employed by a licensed concern.

(c) Regardless of the acts for which the applicant has qualified, the performance of only those acts authorized under the licensed concern employing such applicant shall be permissible.

(d) Regardless of the acts authorized to be performed by a licensed concern, only those acts for which the applicant for a LPG certificate has qualified shall be permissible by such applicant.

~~[4.16 Contents of Examination:~~

~~(a) The examination required under the provisions of this article shall include a written test of the applicant's knowledge of the provisions of these rules, and/or an actual demonstration of his ability to perform the acts indicated on the application, at the discretion of the board.~~

~~(b) Examinations shall, in the opinion of the Board, be compatible with the type of work to be performed by the applicant, and with the equipment with which he will function.~~

~~4.17]4.16~~ Right to Contest.

(a) Every person who takes an examination for a LPG certificate shall have the right to contest the validity of individual questions of such examination.

(b) Every contention as to the validity of individual questions of an examination that cannot be reasonably resolved, shall be made in writing to the Division within 48 hours after taking said examination. Contentions shall state the reason for the objection.

(c) The decision as to the action to be taken on the submitted contention shall be by the Board, and such decision shall be final.

(d) The decision made by the Board, and the action taken, shall be reflected in all future examinations, but shall not affect the grades established in any past examination.

~~[4.18 Passing Grade:~~

~~To successfully pass the written examination, the applicant must obtain a minimum grade of seventy percent (70%) in each portion of the examination taken. Each portion of the examination shall be separately graded. All applicants shall take and pass that portion of the test, relating to these rules and failure of any portion will not delete the entire test.~~

~~4.19]4.17~~ Non-Transferable.

LPG Certificates shall not be transferable to another individual. Individual LPG certificates shall be carried by the person to whom issued.

~~[4.20]4.18~~ New Employees.

New employees of a licensed concern may perform the various acts while under the direct supervision of persons holding a valid LPG certificate for a period not to exceed ~~[forty five (45)]~~ninety (90) days from the initial date of employment. By the end of such period, new employees shall have taken and passed the required examination. In the event the employee fails the examination, re-examination shall be taken within 30 days. The employee shall remain under the direct supervision of an employee holding a valid LPG certificate, until certified.

~~[4.21]~~4.19 Certificate Identification.

Every LPG certificate shall be identified by a number, delineated as PE-(number). Such number shall not be transferred from one person to another.

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R710-6-8. Amendments and Additions.

8.1 The following amendments and additions to the codes and standards adopted to regulate LPG in section 1.1, are hereby adopted:

8.2 All LP Gas facilities that are located in a public place shall be inspected by a certified LP Gas serviceman every five (5) years for leaks in all buried piping.

(a) All buried piping shall be pressure tested and inspected for leaks as set forth in NFPA Standard 54, Sections 4.1.1 through 4.3.4.

(b) If a leak is detected and repaired, the buried piping shall again be pressure tested for leaks.

(c) The certified LP Gas serviceman shall keep a written record of the inspection and all corrections made to the buried piping located in a public place.

(d) The inspection records shall be available to be inspected on a regular basis by the Division.

8.3 UFC Amendments:

(a) UFC, Section 8201 - Scope. On line 4 after the wording "Appendix B." insert the following: "Also reference NFPA Standard 58, 1995 edition, as amended by the Board".

(b) UFC, Section 8202.1 Permits and Plans. On line 2 after the word "see" replace "Section 105, Permit 1.1" with "the adopted LPG rules".

(c) UFC, Section 8202.2 - Records., is deleted.

(d) UFC, Section 8203.1 - General. Starting on line 2, after the wording "installed in accordance with" insert "NFPA Standard 58, 1995 edition, NFPA Standard 54, 1996 edition, and".

(e) UFC, Section 8203.3 Location of Equipment and Piping is amended to add the following Exception:

Exception: For locations of equipment and piping below grade, refer to NFPA Standard 54, 1996 edition and the following amendments:

(1) New LP Gas systems may be installed in basements with not more than 6,000 square foot per floor, and not classified as Group E (educational), H (hazardous), or I (institutional) occupancies as defined in the Uniform Building Code.

(2) All new LP Gas systems installed in basements shall be installed as required in NFPA Standards 54 and 58, and the requirements listed in 8.2(e)(4). All new LP Gas systems installed in basements shall be inspected before occupancy by a certified LP Gas Serviceman, and may be inspected by the Building Official or his representative, or the Building Official may accept the serviceman's inspection.

(3) All LP Gas systems installed in basements and existing below-grade systems shall be inspected by a certified LP Gas serviceman every five (5) years for compliance with NFPA Standards 54 and 58, and the requirements listed in 8.2(e)(4). Existing below-grade systems shall have until April 15, 1999, to be in compliance with NFPA Standards 54 and 58, and the requirements listed in 8.2(e)(4).

(4) All new and existing LP Gas systems, installed in basements or below-grade, shall in addition to the requirements listed in NFPA Standards 54 and 58, meet the following:

(A) An approved and listed audible LP Gas detector shall be installed in accordance with manufacture recommendations.

(B) The entire gas system shall be pressure tested and inspected for leaks by a certified LP Gas Serviceman as set forth in NFPA Standard 54, Sections 4.1.1 through 4.3.4.

(C) All tanks, piping, regulators, gauges, connectors, valves, vents, thermostats, pilots, burners and appliance controls, shall be inspected by a certified LP Gas Serviceman for proper installation and function.

(D) After inspection and successful completion of all code requirements, a weatherproof tag shall be attached to the tank and if possible placed under the inspection cover. The tag shall indicate the name of the inspecting company, license number of the company, name and certification number of inspector, and the date of inspection.

(E) All companies shall keep on file written paperwork indicating the name and address of the customer, date of inspection, tank information, inspector and certification number, and corrections made to the system. A copy of this inspection shall be left with the customer.

(5) If a system is changed, modified or repaired, before the expiration of the five (5) year tag, the entire system shall be reinspected to meet the requirements listed in 8.2(e)(3).

(6) The inspecting company may be allowed to charge a reasonable fee for the above required inspection, and those fees may be monitored by the Board.

(f) UFC, Section 8204.1 General. On line 3 delete "and subject to the approval of the chief." and replace it with "as amended by the Board".

(g) UFC, Section 8204.2 on line 4 after the word "areas" insert "as determined by the Board".

(h) UFC, Section 8208 - Smoking and Other Sources of Ignition. On line 1 replace "chief" with "enforcing authority".

(i) UFC, Section 8212.12 is deleted and replaced with NFPA, Standard 58, Section 5-4.1, 1995 edition.

8.4 UFCS 82-1 Amendments:

(a) The amendments listed in Part I, Section 82.101 are deleted.

(b) The 1989 edition of NFPA, Standard 58 listed in Part II is deleted and replaced with the 1995 edition of NFPA, Standard 58.

8.5 NFPA Standard 58 (1995 edition) Amendments:

NFPA Standard 58, Sections 2-4.3(c)(1) and (2) are deleted and amended to read as follows:

Type K copper tubing without joints below grade may be used in exterior LP Gas piping systems only.

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KEY: liquefied petroleum gas
~~[March 18, 1998]~~September 1, 1998

53-7-305



Public Safety, Fire Marshal
R710-7
Concerns Servicing Automatic Fire
Suppression Systems

NOTICE OF PROPOSED RULE

(Amendment)
 DAR FILE No.: 21293
 FILED: 07/15/1998, 12:30
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Utah Fire Prevention Board proposes to update several currently enacted incorporated NFPA references to the newest published editions. It also proposes that by January 1, 1999, all automatic fire suppression system companies demonstrate proof of public liability insurance to license for the 1999 year. The Board also proposes to clean up some portions of the rule for clarity.

SUMMARY OF THE RULE OR CHANGE: On June 24, 1998, the Utah Fire Prevention Board met and addressed the following proposed changes: (1) updating the National Fire Protection Association (NFPA), Standard 12, Carbon Dioxide Extinguishing Systems, from the currently used 1993 edition to the 1998 edition; (2) updating the National Fire Protection Association (NFPA), Standard 17, Standard for Dry Chemical Extinguishing Systems, from the currently used 1994 edition to the 1998 edition; (3) updating the National Fire Protection Association (NFPA), Standard 17A, Standard for Wet Chemical Extinguishing Systems, from the currently used 1994 edition to the 1998 edition; and (4) propose that all automatic fire suppression system companies maintain a minimum amount of public liability insurance of \$300,000. This requirement is the same as required by all contractors seeking a contractor's license in the State of Utah.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53-7-204

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: The National Fire Protection Association (NFPA), Standard 12, Carbon Dioxide Extinguishing Systems, 1998 edition; the National Fire Protection Association (NFPA), Standard 17, Standard for Dry Chemical Extinguishing Systems, 1998 edition; and the National Fire Protection Association (NFPA), Standard 17A, Standard for Wet Chemical Extinguishing Systems, 1998 edition.

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: There would be an anticipated cost of approximately \$57 for the purchase of the three updated NFPA standards. Aggregate impact is impossible to predict due to the unknown number of copies that various interested state agencies might purchase.

❖LOCAL GOVERNMENTS: There would be an anticipated cost of approximately \$57 for the purchase of the three updated NFPA standards. Aggregate impact is impossible to predict due to the unknown number of city, county, or fire protection district fire departments that would purchase one or all three of the standards.

❖OTHER PERSONS: There would be an anticipated cost of approximately \$57 for the purchase of the three updated NFPA standards. There are 35 companies licensed in the State of Utah. It would be presumed that each company would have a set of these standards, but aggregate impact totally would be impossible to predict, due to the fact that larger companies would purchase more sets for their branches and multiple employees.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The major compliance cost for the affected companies would be the purchase or expansion of insurance to include public liability insurance. The impact cost depends upon the current insurance status of the company and would be from \$46 to \$508 per year. If the automatic fire suppression system company also has a portable fire extinguisher license, which all but two automatic fire suppression companies in the state now have, the insurance cost would be covered with the first purchase of public liability insurance, and would not be required to be duplicated.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: After review with the State Fire Marshal, and upon recommendation of the Utah Fire Prevention Board, I have concluded that the requirement to have a minimum amount of public liability insurance which would place these companies in compliance with all other contractors licensed by the State of Utah, does not create an unreasonable fiscal impact on the affected businesses.

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

Public Safety
 Fire Marshal
 Suite 302
 5272 South College Drive
 Murray, UT 84123-2611, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Brent R. Halladay at the above address, by phone at (801) 284-6350, by FAX at (801) 284-6351, or by Internet E-mail at psdomain.psudi.bhallada@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 08/31/1998.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/1998

AUTHORIZED BY: Brent R. Halladay, Chief Deputy State Fire Marshal

R710. Public Safety, Fire Marshal.

R710-7. Concerns Servicing Automatic Fire Suppression Systems.

R710-7-1. Adoption of Codes.

Pursuant to Title 53, Chapter 7, Section 204, Utah Code Annotated 1953, the Utah State Fire Prevention Board adopts rules to provide regulation to those concerns that service Automatic Fire Suppression Systems. These rules do not apply to standpipe systems, deluge systems, or automatic fire sprinkler systems.

There is adopted as part of these rules the following codes which are incorporated by reference:

1.1 National Fire Protection Association, Standard 12, Standard on Carbon Dioxide Extinguishing Systems, [1993]1998 edition[~~in whole~~]; N.F.P.A., Standard 12A, Halon 1301 Fire Extinguishing Systems, 1997 edition[~~in whole~~]; N.F.P.A., Standard 12B, Halon 1211 Fire Extinguishing Systems, 1990 edition[~~in whole~~]; N.F.P.A., Standard 17, Standard for Dry Chemical Extinguishing Systems, [1994]1998 edition[~~in whole~~]; N.F.P.A., Standard 17A, Standard for Wet Chemical Extinguishing Systems, [1994]1998 edition[~~in whole~~]; N.F.P.A., Standard 96, Ventilation Control and Fire Protection of Commercial Cooking Operations, 1994 edition[~~in whole~~]; N.F.P.A., Standard 2001, Clean Agent Fire Extinguishing Systems, 1996 edition[~~in whole~~]. [~~A copy of these pamphlets is on file in the Office of the State Fire Marshal.~~] The definitions contained in these pamphlets shall pertain to these regulations.

1.2 Validity

If any section, subsection, sentence, clause, or phrase, of these rules is, for any reason, held to be unconstitutional, contrary to statute, or exceeding the authority of the SFM, such decision shall not affect the validity of the remaining portion of these rules.

1.3 Systems Prohibited

No person shall market, distribute, sell, install or service any automatic fire suppression system in this state, unless:

- (a) It complies with these rules.
- (b) It has been tested by, and bears the label of a testing laboratory which is accepted by the SFM as qualified to test automatic fire suppression systems.
- (c) Automatic fire suppression systems using dry chemical, manufactured before November 1994, shall not be installed where grease laden vapors are produced. Systems in use prior to November 1994, are allowed to remain in service in the original installation.

1.4 Copies of the above listed codes are on file in the Office of Administrative Rules and the Office of the State Fire Marshal.

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R710-7-3. Licensing.

3.0 License Required

No person or concern shall engage in the business of selling, installing, servicing, repairing, testing or modifying any automatic fire suppression system without obtaining a license from the SFM, pursuant to these rules, expressly authorizing such concern to perform such acts.

3.1 Type of License

(a) Every license shall be identified by type. The type of license shall be determined on the basis of the act or acts performed by the licensee or any of the employees. Every licensed concern

shall be staffed by qualified personnel and shall be properly equipped to perform the act or acts for the type of license issued.

(b) Licenses shall be any one, or combination of the following:

(1) Class H1 - A licensed concern which is engaged in the installation, modification, service, or maintenance of engineered and/or pre-engineered automatic fire suppression systems.

(2) Class H2 - A licensed concern which is engaged in service and maintenance only of automatic fire suppression systems to include hydrostatic testing.

3.2 Application

(a) Application for a license to conduct business as an automatic fire suppression system concern, shall be made in writing to the SFM on forms provided by the SFM. A separate application for license shall be made for each separate place or business location of the applicant (branch office).

(b) As of January 1, 1999, the application for a license to conduct business as an automatic fire suppression system concern, shall be accompanied with proof of public liability insurance. The public liability insurance shall be issued by a public liability insurance carrier showing coverage of at least \$100,000 for each incident, and \$300,000 in total coverage. The licensee shall notify the SFM within thirty days after the public liability insurance coverage required is no longer in effect for any reason.

3.3 Signature of Applicant

The application shall be signed by the applicant. If the application is made by a partnership, it shall be signed by all partners. If the application is made by a corporation or association other than a partnership, it shall be signed by a principal officer.

3.4 ~~Right to Enter~~ Equipment Inspection

The [application]applicant shall [include written authorization by the applicant permitting]allow the SFM and any of his authorized deputies to enter, examine, and inspect any premises, building, room or vehicle used by the applicant in the service of automatic fire suppression systems to determine compliance with the provisions of these rules. The inspection will be conducted during normal business hours, and the owner or manager shall be given a minimum of 24 hours notice before the appointed inspection. The equipment inspection [with]may be conducted on an annual basis, and consent to inspect will be obtained.

3.5 Issuance and Posting of License

Following receipt of the properly completed application, and compliance with the provisions of the statute and these rules, the SFM shall issue a license. Every license issued pursuant to the provisions of these rules shall be posted in a conspicuous place on the premises of the licensed concern.

3.6 Original, Valid Date

Original license shall be valid from the date of issuance through December 31 of the year in which issued. Thereafter, each license shall be renewed annually and renewals shall be valid from January 1 through December 31. Original licenses purchased after July 1 and up to November 1 can be purchased one time, at a one-half year fee. Licenses issued on or after November 1 will be valid through December 31 of the following year.

3.7 Renewal, Valid Date

Application for renewal shall be made before January 1 of each year on forms provided by the SFM. The failure to renew the license will cause the license to become invalid on January 1 of the next year.

3.8 Duplicate License

A duplicate license may be issued by the SFM to replace any previously issued license, which has been lost or destroyed, upon request.

3.9 Refusal to Renew

SFM may refuse to renew any license that is authorized, pursuant to Section 8 of these rules. The applicant will, upon such refusal, have the same rights as are granted by Section 8 of these rules to an applicant for an original license which has been denied by the SFM.

3.10 Change of Address

Every licensee shall notify the SFM, in writing, within thirty (30) days, of any change of address or location of business.

3.11 Under Another Name

No licensee shall conduct the licensed business under a name other than the name or names which appears on the license.

3.12 Hiring and Termination

Every licensed concern shall, within thirty (30) days of employment or termination of an employee or contracted agent shall notify the SFM of the name, address, and certification number of that person.

3.13 Minimum Age

No license shall be issued to any person as licensee who is under eighteen (18) years of age.

3.14 Employer Responsibility

Every concern is responsible for the acts of its employees or assigned agents relating to installation and servicing of automatic fire suppression systems.

3.15 Restrictive Use

No license shall constitute authorization for any licensee, or any of the employees or contracted agents, to enter upon, or into, any property, building, or machinery without the consent of the owner or manager. No license shall grant authorization to enforce the Uniform Fire Code or these rules.

3.16 Non-Transferable

No license issued pursuant to this section shall be transferred from one concern to another.

3.17 Registration Number

Every license shall be identified by a number, delineated as H-(number). Such number may only be transferred from one concern to another when approved by the SFM.

3.18 Minimum Materials and Equipment Required

At each business location or vehicle of the applicant where servicing work is performed the following minimum material and equipment requirements shall be maintained:

(a) Calibrated scales with ability to:

(1) Weigh gas cartridges to within 1/4 ounce of manufacturers specifications.

(2) Weigh cylinders accurately for systems being serviced.

(b) Nitrogen Pressure Filling Equipment

(1) Nitrogen Supply

(2) Pressure Regulator - 750 p.s.i. minimum

(3) Filling Adapters

(c) Dry Chemical Systems

(1) Extinguishing agents, compatible with systems serviced

(2) Fusible links

(3) Safety pins

(4) An assortment of gaskets and "O" Rings compatible with systems serviced

(5) Gas cartridges as required according to manufacture's specifications

(6) Current reference manuals, to include manufacture's service manuals

(7) Cocking or Lockout Tool

(d) Halon and CO2 Systems

(1) Have access to, or meet the requirements for a U.L. approved filling station.

(2) Have available in inventory, or have immediate access to, detectors compatible with systems serviced.

(3) Calibration equipment such as electrical testers and detector testers.

(4) Control panel components

(5) Release valves

(6) Current reference manuals

This list does not, however, include all items that may be necessary in order to conduct a complete system installation, modification or service.

3.19 Records

Accurate records shall be maintained for five years back by the licensee of all service work performed. These records shall be made available to the SFM, or authorized deputies, upon request. These records shall include the following:

(1) The name and address of all serviced locations

(2) Type of service performed

(3) Date and name of person performing the work

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KEY: fire prevention, systems

~~January 15, 1998~~ **September 1, 1998**

53-7-204



Public Safety, Fire Marshal
R710-8
Day Care Rules

NOTICE OF PROPOSED RULE
(Amendment)

DAR FILE NO.: 21294

FILED: 07/15/1998, 12:30

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Utah Fire Prevention Board proposes to update the currently enacted incorporated National Fire Protection Association (NFPA), Standard 101, Life Safety Code, from the currently used 1994 edition to the 1997 edition.

SUMMARY OF THE RULE OR CHANGE: On June 24, 1998, the Utah Fire Prevention Board met and addressed the updating of the NFPA, Standard 101, Life Safety Code, from the currently used 1994 edition to the 1997 edition.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53-7-204

AUTHORIZED BY: Brent R. Halladay, Chief Deputy State Fire Marshal

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: The National Fire Protection Association (NFPA), Standard 101, Life Safety Code, 1997 edition.

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: \$40 would be the anticipated cost for the purchase of a single copy of NFPA, Standard 101, Life Safety Code, 1997 edition. Aggregate impact is impossible to predict due to the unknown number of various state agencies that might purchase this reference.

❖LOCAL GOVERNMENTS: \$40 would be the anticipated cost for the purchase of a single copy of NFPA, Standard 101, Life Safety Code, 1997 edition. Aggregate impact is impossible to predict due to the unknown number of various city, county, or fire protection district fire departments that might purchase this reference.

❖OTHER PERSONS: \$40 would be the anticipated cost for the purchase of a single copy of NFPA, Standard 101, Life Safety Code, 1997 edition. Aggregate impact is impossible to predict due to the unknown number of copies that would be purchased by day care operators. The assumption is though, that the number would be very small.

COMPLIANCE COSTS FOR AFFECTED PERSONS: \$40 would be the compliance cost to purchase a copy of NFPA 101 if so desired for those persons affected by the proposed rule change. Very few affected persons normally though, purchase a copy of NFPA 101, Life Safety Code. Normally the compliance agencies are the only ones that purchase the Life Safety Code. Compliance cost would be very small in effect.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: After review of these proposed changes with the State Fire Marshal, and as recommended by the Utah Fire Prevention Board, it is my opinion that the fiscal impact to businesses would be very small if any.

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

Public Safety
Fire Marshal
Suite 302
5272 South College Drive
Murray, UT 84123-2611, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Brent R. Halladay at the above address, by phone at (801) 284-6350, by FAX at (801) 284-6351, or by Internet E-mail at psdomain.psudi.bhallada@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 08/31/1998.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/1998

R710. Public Safety, Fire Marshal.

R710-8. Day Care Rules.

R710-8-1. Adoption of Codes.

Pursuant to Title 53, Chapter 7, Section 204, Utah Code Annotated 1953, the Utah Fire Prevention Board adopts minimum standards for the prevention of fire and for the protection of life and property against fire and panic in any day care facility or children's home.

There is further adopted as part of these rules the following codes which are incorporated by reference:

1.1 National Fire Protection Association (NFPA), Standard 101, Life Safety Code (LSC), [~~1994~~1997] edition, except as amended by provisions listed in R710-8-3, et seq. The following chapters from NFPA, Standard 101 are the only chapters adopted: Chapter [~~10~~30], New [~~Educational~~]Day Care Occupancies, Sections [~~10-7~~30-6 and 30-7] - Day Care [~~Centers~~]Homes; Chapter [~~11~~31], Existing [~~Educational~~]Day Care Occupancies, Sections [~~11-7~~31-6 and 31-7] - Day Care [~~Centers~~]Homes; and other sections referenced within and pertaining to these chapters only.

1.2 Uniform Building Code (UBC), 1997 edition, as published by the International Conference of Building Officials (ICBO), and as adopted by the Uniform Building Standards Act, Title, 58, Chapter 56, Section 4, Utah Code Annotated 1953.

1.2.1 Group Day Care units shall also apply R156-56-20, Amendments to the UBC, Chapter 3, Section 305.1, Division 3, in carrying out the purposes of this Rule.

1.3 Copies of the above codes are on file in the Office of Administrative Rules and the Office of the State Fire Marshal.

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R710-8-3. Amendments and Additions.

3.1 Family Day Care units shall comply with the requirements of NFPA, Standard 101, Life Safety Code (LSC), [~~Day Care Sections of~~] Chapter[~~s~~10]30, Sections 30-6 and 30-7, and [~~11~~]Chapter 31, Sections 31-6 and 31-7, where applicable, and the R-3 requirements of the Uniform Building code. Section 31-1.1.2 of NFPA, Standard 101, Life Safety Code, 1997 edition, and all other sections that reference staff-to-client ratios, is deleted with reference to Family Day Care units, and is replaced with R710-8-3.8.

3.2 Group Day Care units shall comply with the Uniform Building Code Statewide Amendment for Group Day Care and the R-3 requirements of the Uniform Building Code.

3.3 Day Care Centers shall comply with the E-3 requirements of the Uniform Building Code.

3.4 Places of religious worship shall not be required to meet the provisions of this Rule in order to operate a nursery while religious services are being held in the building.

3.5 Heating equipment in spaces occupied by children shall be provided with partitions, screens, or other means to protect children from hot surfaces and open flames.

3.6 A fire escape plan shall be completed and posted in a conspicuous place. All staff shall be trained on the fire escape plan and procedure.

3.7 Fire drills shall be conducted in Family and Group Day Care units quarterly, and shall include the complete evacuation from the building of all clients and staff. Fire Drills in Day Care Centers shall be completed as required under Group E Occupancies.

3.8 The Authority Having Jurisdiction shall insure at each inspection there is sufficient staff to client ratios to allow safe and orderly evacuation in case of fire.

3.9 Infants shall not be housed in basements or above the first story unless permitted by the Uniform Building Code or the Life Safety Code.

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KEY: fire prevention, day care

~~March 18, 1998~~ September 1, 1998

53-7-204



**Public Safety, Fire Marshal
R710-9
Rules Pursuant to the Utah Fire
Prevention Law**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 21295

FILED: 07/15/1998, 12:30

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Utah Fire Prevention Board proposes to update the currently enacted incorporated reference National Fire Protection Association (NFPA), Standard 10, 1994 edition, to the 1998 edition. The Board also proposes to establish uniformity with the proposed enactment of the 1998 edition of NFPA 10, by changing the currently required dry chemical portable fire extinguisher requirement for commercial food heat processing equipment in the Uniform Fire Code, to the new Class K portable fire extinguisher requirement. The Board also proposes to correct a conflicting code requirement in the usage of Liquefies Petroleum (LP) Gas.

SUMMARY OF THE RULE OR CHANGE: On June 24, 1998, the Utah Fire Prevention Board met and addressed the following proposed changes: (1) updating the currently enacted 1994 edition of the NFPA, Standard 10, Standard for Portable Fire Extinguishers, to the 1998 edition. This proposed change would update Uniform Fire Code, Standard 10-1, Selection, Installation, Inspection, Maintenance and Testing of Portable Fire Extinguishers, as noted in Subsection R710-9-3(3.2)(a); (2) the Board, in Subsection R710-9-6(6.1), decided to establish uniformity in the adopted codes by amending the 1997 Uniform Fire Code, Section 1006.2.7, and the 1998 edition of NFPA, Standard 10, Section 2-3.2. By September 1, 1998, on new installations, and July 1, 1999, on existing installations, a Class K liquid portable fire extinguisher will

need to be installed within 30 feet of commercial food heat processing equipment using vegetable or animal oils or fats. With the new high recovery cooking systems and use of vegetable oils, currently used dry chemical extinguishers will not properly extinguish a grease vat fire; and (3) The Board, in Subsection R710-9-6(6.4), proposes to correct a code conflict by deleting Section 8212.12, Uniform Fire Code, 1997 edition, and replacing that section with NFPA, Standard 58, Section 5-4.1, 1995 edition. In the Uniform Fire Code, Section 8212.12, there was an allowance to store up to 501 pounds of Liquefied Petroleum (LP) Gas awaiting use or resale outside of buildings. Previously adopted NFPA, Standard 58, 1995 edition, Section 5-4.1, allows up to 720 pounds of LP Gas to be stored awaiting use or resale. The Board felt the greater allowance of 720 pounds of LP Gas as allowed in the NFPA Standard was consistent with the new cylinder exchange program used by the LP Gas industry.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53-7-204

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: The National Fire Protection Association (NFPA), Standard 10, Standard for Portable Fire Extinguishers, 1998 edition.

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: \$23 would be the anticipated cost for the purchase of a single copy of NFPA, Standard 10, 1998 edition, from the National Fire Protection Association. Aggregate impact is impossible to predict, due to the unknown number of copies that various state agencies might purchase.

❖LOCAL GOVERNMENTS: \$23 would be the anticipated cost for the purchase of a single copy of NFPA, Standard 10, 1998 edition, from the National Fire Protection Association. Aggregate impact is impossible to predict, due to the unknown number of copies that various city, county, and fire protection district fire departments might purchase.

❖OTHER PERSONS: As of September 1, 1998, new facilities using a commercial cooking application, that produce grease laden vapors from their cooking facilities, would see an approximate increase of \$140 to install a Class K portable fire extinguisher rather than the currently required 40B dry chemical portable fire extinguisher that now costs approximately \$40. Existing facilities would be required to replace the existing dry chemical fire extinguisher with a Class K portable fire extinguisher by July 1, 1999, at an approximate cost of \$180. Aggregate impact is impossible to predict, due to the unknown number of commercial lunch rooms, diners, cafes, restaurants, dining facilities, etc., throughout the State of Utah that will be built in the future, or are now in existence.

COMPLIANCE COSTS FOR AFFECTED PERSONS: As of September 1, 1998, all new facilities in the State of Utah that install commercial food heat-processing equipment using vegetable or animal oils and fat cooking media, and produce grease laden vapors, will be required to install a Class K rated portable fire extinguisher at an approximate cost of \$180. Currently, the existing requirement is to install a 40B

rated dry chemical fire extinguisher at approximately \$40. The cost difference would be an increase of approximately \$140. As of July 1, 1999, all existing facilities in the State of Utah that currently use commercial food heat-processing equipment using vegetable or animal oils and fat cooking media, and produce grease laden vapors, will be required to remove the currently installed 40B sodium or potassium bicarbonate dry chemical fire extinguisher, and install a Class K rated portable fire extinguisher at a cost of approximately \$180.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: After review of these proposed changes with fire service personnel, and the State Fire Marshal, it is my opinion that due to the changing of cooking systems in the last few years to the new fast recovery vat systems, and the changing of cooking media to vegetable oils, and the now known substantial lessening of extinguishment of vat fires using dry chemical portable fire extinguishers, the additional cost of \$140 to \$180 to new and existing facilities is not an unreasonable impact on the required facilities.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Public Safety
Fire Marshal
Suite 302
5272 South College Drive
Murray, UT 84123-2611, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Brent R. Halladay at the above address, by phone at (801) 284-6350, by FAX at (801) 284-6351, or by Internet E-mail at psdomain.psudi.bhallada@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 08/31/1998.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/1998

AUTHORIZED BY: Brent R. Halladay, Chief Deputy State Fire Marshal

R710. Public Safety, Fire Marshal.
R710-9. Rules Pursuant to the Utah Fire Prevention Law.

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R710-9-2. Definitions.

- "Academy" means Utah Fire and Rescue Academy.
- "Board" means Utah Fire Prevention Board.
- "Council" means Fire Service Standards and Training Council.
- "Director" means the Director of the Utah Fire and Rescue Academy.
- "Division" means State Fire Marshal.
- "Facilitator" means Fire Academy Curriculum Facilitator.

"Institutional occupancy" means asylums, mental hospitals, hospitals, sanitariums, homes for the aged, residential health care facilities, children's homes or institutions, or any similar institutional occupancy.

"LFA" means Local Fire Authority
"NFPA" means National Fire Protection Association.

"Place of assembly" means where 50 or more people gather together in a building, structure, tent, or room for the purpose of amusement, entertainment, instruction, or education.

"SFM" means State Fire Marshal.
"UCA" means Utah Code Annotated, 1953.

"UFC" means Uniform Fire Code.
"UFCS" means Uniform Fire Code Standards.

R710-9-3. Specific Editions of the Fire Code and Standards.

3.1 The Uniform Fire Code (UFC), Volume 1, 1997 edition, excluding appendices, as promulgated by the International Fire Code Institute, is hereby adopted and incorporated by reference as the state fire code, for the safeguarding of life and property from the hazards of fire and explosion, except as amended by provisions listed in R710-9-6, et seq.

3.2 The Uniform Fire Code Standards (UFCS), Volume 2, 1997 edition, as promulgated by the International Fire Code Institute, is hereby adopted and incorporated by reference, as a set of standards that are specifically referred to within various sections of the UFC. The following Uniform Fire Code Standards are amended as follows:

- a. Uniform Fire Code Standard 10-1, Selection, Installation, Inspection, Maintenance and Testing of Portable Fire Extinguishers is amended to adopt NFPA, Standard 10, [~~1994~~]1998 edition, except as amended by provisions listed in R710-9-6, et seq.
- b. Uniform Fire Code Standard 10-2, Installation, Maintenance and Use of Fire Protection Signaling Systems is amended to adopt NFPA, Standard 72, 1996 edition.
- c. Uniform Fire Code Standard 52-1, Compressed Natural Gas (CNG) Vehicular Fuel Systems is amended to adopt NFPA, Standard 52, 1995 edition.
- d. Uniform Fire Code Standard 79-1, Foam Fire-Protection Systems is amended to adopt NFPA, Standard 11, 1994 edition.
- e. Uniform Fire Code Standard 82-1, Liquefied Petroleum Gas Storage and Use is amended to adopt NFPA, Standard 58, 1995 edition, except as amended by provisions listed in R710-9-6, et seq.

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R710-9-5. Procedures to Amend the Uniform Fire Code.

5.1 All requests for amendments which would be less restrictive than the adopted edition of the UFC, shall be submitted to the division to be presented to the Board.

5.2 Requests for amendments received by the division less than 21 days prior to any regularly scheduled meeting of the Board may be delayed in presentation until the next meeting of the Board.

5.3 Upon presentation of a proposed amendment, the Board may:
a. make a recommendation to accept the proposed amendment as submitted or as modified by the Board;
b. make a recommendation to reject adoption of the proposed amendment;

- c. make a recommendation to submit the proposed amendment to an ad hoc committee or formal organization for further study; or
- d. make a recommendation that the proposed amendment be returned to the requesting agency, accompanied by Board comments, for the purpose of reconsidering and resubmitting the proposed amendment with modification.

5.4 The ad hoc committee or organization assigned a proposed amendment shall report its recommendation to the Board within forty-five (45) days after the proposed amendment is submitted to that committee or organization.

5.5 The Board shall make a final decision on the proposed amendment at the next Board meeting.

5.[5]6 The Board may reconsider any request for amendment, or reverse or modify any previous action by majority vote.

R710-9-6. Amendments and Additions.

[6.1]The following amendments and additions are hereby adopted [for those occupancies and buildings under the jurisdiction of]by the Board:

6.1 Class K Portable Fire Extinguishers

UFC, Section 1006.2.7, 1997 edition, and NFPA, Standard 10, Section 2-3.2, 1998 edition, is deleted and replaced with the following:

a. Class K labeled portable fire extinguishers shall be provided for the protection of commercial food heat-processing equipment using vegetable or animal oils and fat cooking media. A placard shall be provided and placed above the Class K portable fire extinguisher that states that if a fire protection system exists, it shall be activated prior to use of the Class K portable fire extinguisher.

b. Those existing sodium or potassium bicarbonate dry-chemical portable fire extinguishers, having a minimum rating of 40-B, and specifically placed for protection of commercial food heat-processing equipment, shall be allowed to remain in use until July 1, 1999, and then shall be replaced with a Class K rated portable fire extinguisher.

6.2 Door Closures

UFC, Section 1111.2.2 Operation. Add the following Exception: In Group E Occupancies, Divisions 1 and 2, door closures may be of the friction hold-open type on classroom doors only .

6.3 Fireworks

UFC, Section 7802.1 is amended to include the following Exception: 4. The use of fireworks for display and retail sales is allowed as set forth in the "Utah Fireworks Act", as adopted in Title 11, Chapter 3, UCA.

6.4 Liquefied Petroleum Gas

UFC, Section 8212.12 is deleted and replaced with NFPA, Standard 58, Section 5-4.1, 1995 edition.

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KEY: fire prevention, law
[January 15, 1998]September 1, 1998

53-7-204



Public Safety, Highway Patrol

R714-500

Chemical Analysis Standards and Training

NOTICE OF PROPOSED RULE

(Repeal and reenact)

DAR FILE NO.: 21279

FILED: 07/14/1998, 12:16

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: When R714-500 was last revised, it allowed for the phasing out and eventual removal of the Intoxilyzer 4011 series from the commissioner's approved list. This repeal and reenact: (a) removes any mention of the Intoxilyzer 4011 series; (b) aligns training requirements with current law enabling operators who are not category one peace officers to be certified as operators; (c) allows for the utilization of a computer compact disc in connection with the operator recertification training requirements; (d) allows for additional methods to check certification of the breath testing devices; and (e) clarifies previously unclear matters such as the percentage figure (.015 or 5%) associated with certifying instruments, the documentation required to be sent by technicians to the breath testing supervisor, and the establishment of a list of approved instruments.

SUMMARY OF THE RULE OR CHANGE: The differences between the current rule and the proposed rule are as follows: (a) the current rule requires technicians to use a simulator solution with a known alcohol concentration and to analyze the headspace to perform monthly certification checks. The proposed rule allows technicians to use a compressed inert gas and alcohol mixture in a pressurized cylinder to perform monthly certification checks; (b) the current rule makes several references to the Intoxilyzer 4011 series instrument. The proposed rule removes references to the Intoxilyzer 4011 series instrument because that instrument was deleted from the commissioner's approved instrument list in July 1996; (c) the current rule requires several hours of training to be certified as an Intoxilyzer operator. Because of recent legislation that allows operators who are not category one peace officers to be certified, the proposed rule provides for greater flexibility in training operators who are port of entry personnel, corrections officers, etc.; and (d) the current rule requires officers seeking recertification to attend an eight hour recertification class in person. The proposed rule provides greater flexibility for such officers by allowing recertification to be accomplished through the use of a computer compact disc interactive program.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 41-6-44.3(1)

ANTICIPATED COST OR SAVINGS TO:

❖**THE STATE BUDGET:** If the department chooses to use pressurized gas and alcohol cylinders as the method of certifying the Intoxilyzer 5000, it will cost the department \$3,600 (\$400 per cylinder for nine department technicians). Since department technicians teach the basic Intoxilyzer certification class, the reduction in the number of days (from three days to one day) for the class will result in a savings to the department. Since department technicians teach the recertification class, the use of the computer compact disc for recertification training will result in a savings to the department. The department is unable to set forth a specific dollar savings to the state since the number of future basic Intoxilyzer certification classes and future recertification classes is unknown.

❖**LOCAL GOVERNMENTS:** The reduction in the number of days for the basic Intoxilyzer certification class and the use of the computer compact disc for recertification training will result in a savings to local law enforcement agencies. The department is unable to set forth a specific dollar savings to local government since the number of officers each agency may wish to have certified is unknown and whether agencies will choose to use computer compact discs for training is unknown.

❖**OTHER PERSONS:** This rule will have no cost or savings impact on persons other than the department and local government.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The use of computer compact disc for recertification training will result in a cost savings to local law enforcement agencies. In order to realize those cost savings, agencies may need to upgrade their computers to make them compact disc compatible. However, the department will continue to periodically offer recertification classes, thereby making computer upgrading optional for agencies.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This proposed rule will have no fiscal impact on businesses.

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

Public Safety
Highway Patrol
First Floor, Calvin L. Rampton Complex
4501 South 2700 West
Box 141100
Salt Lake City, UT 84114-1100, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

J. Francis Valerga at the above address, by phone at (801) 965-4463, by FAX at (801) 965-4608, or by Internet E-mail at psdomain.psmain.jfvalerg@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 08/31/1998.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/1998

AUTHORIZED BY: Richard A. Greenwood, Superintendent

R714. Public Safety, Highway Patrol.~~[R714-500. Chemical Analysis Standards and Training.~~~~**R714-500-1. Short Title.**~~

~~— A. The short title of this rule shall be "Rule for Chemical Analysis Standards and Training."~~

~~**R714-500-2. Department Activity.**~~

~~— A. The Commissioner of the Department of Public Safety and his representatives, hereinafter "Department" are authorized by Section 41-6-44.3 UCA to establish standards for the administration and interpretation of chemical analysis of a person's breath, including standards of training.~~

~~**R714-500-3. Purpose of Rule.**~~

~~— A. It is the purpose of this rule to set forth:~~

~~— (1) Procedures whereby the Department may certify:~~

~~— (a) Breath alcohol testing instruments;~~

~~— (b) Breath alcohol testing programs;~~

~~— (c) Breath alcohol testing operators;~~

~~— (d) Breath alcohol testing technicians; and~~

~~— (e) Breath alcohol testing program supervisors.~~

~~— (2) Adjudicative procedure concerning:~~

~~— (a) Application for and denial, suspension or revocation of the aforementioned certifications;~~

~~— (b) Appeal of initial department action concerning the aforementioned certifications; and~~

~~— (c) Declaratory orders.~~

~~**R714-500-4. Application for Certification.**~~

~~— A. Application for any certification herein shall be made on forms provided by the Department in accordance with Section 63-46b-3 UCA.~~

~~**R714-500-5. Instrument Certification.**~~

~~— A. All breath alcohol testing instruments, hereinafter "instrument", to be used for evidentiary purposes must be certified by brand and/or model by the Department.~~

~~— (1) The Department will establish and maintain a list of certified instruments by brand and/or model for use in the state. The list is incorporated into R714-500 by this reference.~~

~~— (2) If application is made for certification of an instrument by brand and/or model not on the approved list, the Department shall examine and evaluate the instrument to determine if it meets the criteria for certification.~~

~~— B. In order to be certified each brand and/or model of breath testing instrument must meet the following criteria:~~

~~— (1) Breath alcohol analysis shall be accomplished through the principle of infra-red energy absorption, or any other accepted scientific principle.~~

~~— (2) Breath specimen collected for analysis shall be essentially alveolar and/or end expiratory in composition according to the analysis method utilized.~~

~~— (3) The instrument shall analyze a reference sample, such as headspace gas from a mixture of water and a known weight or volume of ethanol held at a constant temperature, the result of which must agree with the reference sample predicted value within~~

plus or minus .005 or 5% whichever is greater or such limits as set by the Department:

— (4) The specificity of the procedure shall be adequate and appropriate for the reasonable analysis of breath specimen for the determination of alcohol concentration in law enforcement. The instrument functions to be checked shall include, but not necessarily be limited to the following:

- 1. Intoxilyzer 4011 series:
 - (a) electrical power:
 - (b) operating temperature:
 - (c) internal purge:
 - (d) zero set:
 - (e) printer deactivation:
 - (f) fixed absorption calibration (if so equipped):
 - (g) known reference samples:
 - (h) reads in grams of alcohol per 210 liters of breath:
- 2. Intoxilyzer 5000 series:
 - (a) electrical power:
 - (b) operating temperature:
 - (c) internal purge:
 - (d) internal calibration:
 - (e) diagnostic:
 - (f) invalid test:
 - (g) known reference samples:
 - (h) reads in grams of alcohol per 210 liters of breath:

— (5) Any other tests deemed necessary by the Department to correctly and adequately evaluate the instrument, to give reasonably correct results in routine breath alcohol testing and be practical and reliable for law enforcement purposes:

— C. Upon proof of compliance with Paragraph B of this section an instrument may be certified by brand and/or model and placed on the list of certified instruments:

— (1) Inclusion on the Department's list of certified instruments will verify that the instrument by brand and/or model meets the criteria listed in Paragraph B of this section:

— (2) The Department may suspend or revoke the certification of a brand and/or model of instrument and remove it from the list of certified instruments for cause:

— D. The Breath Alcohol Testing Program Supervisor shall determine if the individual instrument by serial number is the same brand and/or model that is shown on states in Paragraph B of this section:

— E. After certification if it is determined by the Department that a specific instrument is unreliable and/or unserviceable, it will be removed from service and, certification may be withdrawn:

— F. It is the intent of this rule that only certified breath alcohol testing technicians when required, shall provide expert testimony concerning the certification and all other aspects of the breath alcohol testing instruments under his/her supervision:

R714-500-6. Program Certification:

— A. All breath alcohol testing techniques, methods, and programs, hereinafter "program", must be certified by the Department:

— B. Prior to initiating a program, an agency or laboratory shall submit an application to the Department for certification. The application shall show the brand and/or model of the instrument to be used and contain a resume of the Program to be followed. An

on-site inspection shall be made by the Department to determine compliance with all applicable provisions in this rule:

— C. Certification of a program may be denied, suspended, or revoked by the Department if, based on information obtained by the Department, Breath Alcohol Testing Program Supervisor or Breath Alcohol Testing Technician, the agency or laboratory fails to meet the criteria as outlined by the Department:

— D. All programs, in order to be certified, shall meet but not be limited to the following criteria:

— (1) The results of tests to determine the concentration of alcohol on a person's breath shall be expressed as equivalent grams of alcohol per two hundred and ten (210) liters of breath. The results of such tests shall be entered in a permanent record book for Department use:

— (2) Written checklists, outlining the method of properly performing breath tests shall be available at each location where tests are given. Test record cards used in conjunction with breath testing shall be available at each location where tests are given. Both the checklist and test record card, after completion of a test should be retained by the operator:

— (3) The instruments shall be certified on a routine basis, not to exceed forty (40) days, by a certified breath alcohol testing technician depending on location of instruments and area of responsibility:

— (4) Calibration tests to certify the instruments shall be performed by a certified breath alcohol testing technician using Programs as outlined in this rule, or those recommended by the manufacturer of the instruments:

- 1. Intoxilyzer 4011 series:
 - (a) electrical power:
 - (b) operating temperature:
 - (c) internal purge:
 - (d) zero set:
 - (e) printer deactivation:
 - (f) fixed absorption calibration (if so equipped):
 - (g) known reference samples:
 - (h) reads in grams of alcohol per 210 liters of breath:
- 2. Intoxilyzer 5000 series:
 - (a) electrical power:
 - (b) operating temperature:
 - (c) internal purge:
 - (d) internal calibration:
 - (e) diagnostic:
 - (f) invalid test:
 - (g) known reference samples:
 - (h) reads in grams of alcohol per 210 liters of breath:

— (5) Results of tests for calibration shall be kept in a permanent record book retained by the Certified Breath Testing Alcohol Technician. A report of each calibration test shall be recorded on the approved form and sent to the Breath Alcohol Testing Program Supervisor:

— (6) All analytical results shall be expressed in terminology established by state statute and reported to two decimal places for a 4011 series intoxilyzer, and to three decimal places for a 5000 series intoxilyzer. (For example, a result of 0.237g/210L shall be reported as 0.23 on a 4011 series intoxilyzer, or 0.237g/210L shall be reported as 0.237 on a 5000 series intoxilyzer, or as stated by the Department:

— (7) The instrument must be operated by either a certified operator or technician.

R714-500-7. Operator Certification:

— A. All breath alcohol testing operators, hereinafter "operators", must be certified by the Department.

— B. All training for initial and renewal certification will be conducted by certified Breath Alcohol Testing Program Supervisor and/or certified Breath Alcohol Testing Technician.

— C. Initial Certification

— (1) In order to apply for certification as an operator of a breath alcohol testing instrument, an applicant must successfully complete a course of instruction approved by the Department, which must include as a minimum the following:

— a. One hour of instruction on alcohol and traffic safety.

— b. Three hours of instruction on the effects of alcohol in the human body:

— c. Three hours of instruction on the operational principles of breath testing.

— d. Two hours of instruction on the Uniform Alcohol Influence Report Form.

— e. Two hours of instruction on testifying in court.

— f. Four hours of instruction on the legal aspects of chemical testing, driving under the influence, case law and other alcohol related laws.

— g. Four hours of instruction on detection of the drinking driver.

— h. Four hours of laboratory participation (performing simulated tests on the instruments and testing actual subjects.)

— i. One hour for examination and critique of course.

— (2) After successful completion of the initial certification course a certificate will be issued with an expiration date affixed.

— D. Renewal Certification

— (1) The Operator is required to renew certification prior to its expiration date. The minimum requirement for renewal of operator certification will be:

— a. Two hours of instruction on the effects of alcohol in the human body:

— b. Two hours of instruction on the operational principles of breath testing.

— c. One hour of instruction on the Alcohol Influence Report Form and testimony of arresting officer.

— d. Two hours of instruction on the legal aspects of chemical testing and detecting the drinking driver.

— e. One hour for examination and critique of course.

— (2) Any operator who allows his/her certification to expire one year or longer must retake and successfully complete the initial certification course as outlined in R714-500-7, Paragraph C.

R714-500-8. Technician Certification:

— A. All breath alcohol testing technicians, hereinafter "technicians", must be certified by the Department.

— B. The minimum qualification for certification as a technician are:

— (1) Satisfactory completion of the operator's initial certification course and/or renewal certification course.

— (2) Satisfactory completion of the Breath Alcohol testing Supervisor's course offered by Indiana University, or an equivalent

course of instruction, as approved by the Breath Alcohol Testing Program Supervisor.

— (3) Satisfactory completion of a breath alcohol testing instruments manufacturer's maintenance/repair technicians course for the instruments in use in the State of Utah or is qualified by nature of his/her employment or training to maintain and/or repair the instruments in use in the State of Utah.

— (4) Maintain technician's status through a minimum of eight (8) hours training each calendar year. This training must be directly related to the breath alcohol testing program, and must be approved by the Breath Testing Program Supervisor.

— (5) Any technician who fails to meet the requirements of R714-500-8 Paragraph B, Sub Paragraph (4) must renew his/her certification by meeting the minimum requirements as outlined in R714-500-8, Paragraph B Sub-paragraph (1), (2) and (3):

R714-500-9. Supervisor Certification:

— A. The Breath Alcohol Testing Program Supervisor, hereinafter "supervisor", will be required to meet the minimum certification standards set forth in Section R714-500-8. Certification should be within one (1) year after initial appointment or other time as stated by the Department.

R714-500-10. Previously Certified Personnel:

— A. This rule shall not be construed as invalidating the certification of personnel previously certified as operators under programs existing prior to the promulgation of this rule. Such personnel shall be deemed certified, provided they meet the training requirements as outlined in R714-500-7 Paragraph D.

— B. This rule shall not be construed as invalidating the certification of personnel previously certified as technician under programs existing prior to the promulgation of this revised rule. Such personnel shall be deemed certified, providing they meet the training requirements as outlined in R714-500-8 Paragraph B Sub-paragraph (4):

R714-500-11. Revocation or Suspension of Certification:

— A. The Department may, on the recommendation of a Supervisor, revoke or suspend the certification of any operator or technician:

— (1) Who fails to comply with or meet any of the criteria required in this rule:

— (2) Who has falsely or deceitfully obtained certification:

— (3) For other good cause.

R714-500-12. Adjudicative Proceedings:

— A. Purpose of section. It is the purpose of this section to set forth adjudicative proceedings in compliance with chapter 63-46b UCA:

— B. Designation. All adjudicative proceedings performed by the department shall proceed informally as set forth herein and as authorized by sections 63-46b-4 and 63-46b-5 UCA:

— C. Denial, suspension or revocation. A party who is denied certification or whose certification is suspended or revoked, will be told by the department the reasons for denial, suspension, or revocation:

— D. Appeal of denial, suspension, or revocation. A party who is denied certification or whose certification is suspended or revoked may appeal to an individual designated by the department

on a form provided by the department in accordance with section 63-46b-3 UCA. The appeal must be filed within ten days after receiving notice of the department action:

E. No hearing will be granted to the party. The individual selected by the department will merely review the appeal and issue a written decision to the party within ten days after receiving the appeal.

KEY: traffic regulations

~~1990~~ ~~41-6-44~~

~~Notice of Continuation December 1, 1995~~ ~~63-46b~~

R714-500. Chemical Analysis Standards and Training.

R714-500-1. Purpose.

A. It is the purpose of this rule to set forth:

(1) Procedures whereby the department may certify:

- (a) Breath alcohol testing instruments;
- (b) Breath alcohol testing programs;
- (c) Breath alcohol testing operators;
- (d) Breath alcohol testing technicians; and
- (e) Breath alcohol testing program supervisors.

(2) Adjudicative procedure concerning:

- (a) Application for and denial, suspension or revocation of the aforementioned certifications; and
- (b) Appeal of initial department action concerning the aforementioned certifications.

R714-500-2. Authority.

A. This rule is authorized by Subsection 41-6-44.3(1) which requires the commissioner of the Department of Public Safety, hereinafter "department", to establish standards for the administration and interpretation of chemical analysis of a person's breath, including standards of training.

R714-500-3. Application for Certification.

A. Application for any certification herein shall be made on forms provided by the department in accordance with Section 63-46b-3.

R714-500-4. Instrument Certification.

A. Acceptance: All breath alcohol testing instruments employed by Utah law enforcement officers, to be used for evidentiary purposes, shall be approved by the department.

(1) The department shall maintain an approved list of accepted instruments for use in the state. Law enforcement entities shall select breath alcohol instruments from this accepted list, which list shall be available for public inspection at the department during normal working hours.

(2) A manufacturer may make application for approval of an instrument by brand and/or model not on the list. The department shall subsequently examine and evaluate each instrument to determine if it meets criteria specified by this rule and applicable purchase requisitions.

B. Criteria: In order to be approved, each manufacturer's brand and/or model of breath testing instrument shall meet the following criteria.

(1) Breath alcohol analysis of an instrument shall be based on the principle of infra-red energy absorption, or any other similarly effective procedure specified by the department.

(2) Breath specimen collected for analysis shall be essentially alveolar and/or end expiratory in composition according to the analysis method utilized.

(3) The instrument shall analyze a reference sample, such as headspace gas from a mixture of water and a known weight or volume of ethanol, held at a constant temperature, or a compressed inert gas and alcohol mixture in a pressurized cylinder. The result of which must agree with the reference sample predicted value, within plus or minus 5%, or such limits as set by the department. For example, if a known reference sample is .10, a plus or minus range of 5% = .005 (.10 x 5 % = .005). The test result, using a known .10 solution or compressed inert gas and alcohol solution, could range from .095-.105.

(4) The instrument shall provide an accurate and consistent analysis of breath specimen for the determination of alcohol concentration for law enforcement purposes. The instrument shall function within the manufacturer's specifications of:

- (a) electrical power.
- (b) operating temperature.
- (c) internal purge.
- (d) internal calibration.
- (e) diagnostic measurements.
- (f) invalid test procedures.
- (g) known reference sample testing.
- (h) measurements of breath alcohol, as displayed in grams of alcohol per 210 liters of breath.

(5) Any other tests, deemed necessary by the department, may be required in order to correctly and adequately evaluate the instrument, to give the most accurate and correct results in routine breath alcohol testing and be practical and reliable for law enforcement purposes.

C. List: Upon proof of compliance with this rule, an instrument may be approved by brand and/or model and placed on the list of accepted instruments. By inclusion on the department's list of accepted instruments, it will be deemed to have met the criteria listed above.

D. Certification: All breath alcohol instruments purchased for law enforcement evidentiary purposes, shall be certified before being placed into service.

(1) The breath alcohol testing program supervisor, hereinafter, "program supervisor", shall determine if each individual instrument, by serial number, conforms to the brand and/or model that appears on the commissioner's accepted list.

(2) Once an individual instrument has been purchased, found to be operating correctly and placed into service, the affidavit with the serial number of that instrument, shall be placed in a file for certified instruments. Affidavits verifying the certification of any breath testing instrument shall be available during normal business hours through the Department of Public Safety, more specifically the Utah Highway Patrol Training Section, 5757 S. 320 West, Murray, UT 84107.

(3) The department may, at any time, determine if a specific instrument is unreliable and/or unserviceable. Pending such a finding, an instrument may be removed from service and certification may be withdrawn.

(4) Only certified breath alcohol testing technicians, hereinafter "technicians", as defined by Section 7 of this rule when required, shall be authorized to provide expert testimony concerning

the certification and all other aspects of the breath testing instrument under his/her supervision.

R714-500-5. Program Certification.

A. All breath alcohol testing techniques, methods, and programs, hereinafter "program", must be certified by the department.

B. Prior to initiating a program, an agency or laboratory shall submit an application to the department for certification. The application shall show the brand and/or model of the instrument to be used and contain a resume of the program to be followed. An on-site inspection shall be made by the department to determine compliance with all applicable provisions in this rule.

C. Certification of a program may be denied, suspended, or revoked by the department if, based on information obtained by the department, program supervisor, or technician, the agency or laboratory fails to meet the criteria as outlined by the department.

D. All programs, in order to be certified, shall meet the following criteria:

(1) The results of tests to determine the concentration of alcohol on a person's breath shall be expressed as equivalent grams of alcohol per two hundred and ten (210) liters of breath. The results of such tests shall be entered in a permanent record book for department use.

(2) Printed checklists, outlining the method of properly performing breath tests shall be available at each location where tests are given. Test record cards used in conjunction with breath testing shall be available at each location where tests are given. Both the checklist and test record card, after completion of a test should be retained by the operator.

(3) The instruments shall be certified on a routine basis, not to exceed forty (40) days between calibration tests, by a technician, depending on location of instruments and area of responsibility.

(4) Certification procedures to certify the breath testing instrument shall be performed by a technician as required in this rule, or by using such procedures as recommended by the manufacturer of the instrument to meet its performance specifications, as derived from:

(a) electrical power tests,

(b) operating temperature tests,

(c) internal purge tests,

(d) internal calibration tests,

(e) diagnostic tests,

(f) invalid function tests,

(g) known reference samples testing, and

(h) measurements displayed in grams of alcohol per 210 liters of breath.

(5) Results of tests for certification shall be kept in a permanent record book retained by the technician. A report of the certification procedure shall be recorded on the approved form (affidavit) and sent to the program supervisor.

(6) All analytical results on a subject test shall be recorded, using terminology established by state statute and reported to three decimal places. For example, a result of 0.237g/210L shall be reported as 0.237.

(7) The instrument must be operated by either a certified operator or technician.

R714-500-6. Operator Certification.

A. All breath alcohol testing operators, hereinafter "operators", must be certified by the department.

B. All training for initial and renewal certification will be conducted by a program supervisor and/or technician.

C. Initial Certification

(1) In order to apply for certification as an operator of a breath testing instrument, an applicant must successfully complete a course of instruction approved by the department, which must include as a minimum the following:

a. One hour of instruction on the effects of alcohol in the human body.

b. Two hours of instruction on the operational principles of breath testing.

c. One hour of instruction on the D.U.I. Summons and Citation/D.U.I. Report Form.

d. One and one half hours of instruction on the legal aspects of chemical testing, driving under the influence, case law and other alcohol related laws.

e. One and one half hours of laboratory participation performing simulated tests on the instruments, including demonstrations under the supervision of a class instructor.

f. One hour for examination and critique of course.

(2) After successful completion of the initial certification course a certificate will be issued that will be valid for two years.

D. Renewal Certification

(1) The operator is required to renew certification prior to its expiration date. The minimum requirement for renewal of operator certification will be:

a. Two hours of instruction on the effects of alcohol in the human body.

b. Two hours of instruction on the operational principles of breath testing.

c. One hour of instruction on the D.U.I. Summons and Citation/D.U.I. Report Form and testimony of arresting officer.

d. Two hours of instruction on the legal aspects of chemical testing and detecting the drinking driver.

e. One hour for examination and critique of course.

f. Or the operator must successfully complete the Compact Disc Computer program including successful completion of exam. Results of exams must be forwarded to program supervisor and a certification certificate will be issued.

(2) Any operator who allows his/her certification to expire one year or longer must retake and successfully complete the initial certification course as outlined in paragraph C of this section.

R714-500-7. Technician Certification.

A. All technicians, must be certified by the department.

B. The minimum qualifications for certification as a technician are:

(1) Satisfactory completion of the operator's initial certification course and/or renewal certification course.

(2) Satisfactory completion of the Breath Alcohol Testing Supervisor's course offered by Indiana University, or an equivalent course of instruction, as approved by the program supervisor.

(3) Satisfactory completion of the manufacturer's maintenance/repair technician course.

(4) Maintain technician's status through a minimum of eight (8) hours training each calendar year. This training must be directly

related to the breath alcohol testing program, and must be approved by the program supervisor.

C. Any technician who fails to meet the requirements of paragraph B, sub-paragraph (4) of this section and allows his/her certification to expire for more than one year, must renew his/her certification by meeting the minimum requirements as outlined in paragraph B, sub-paragraphs (1), (2), and (3) of this section.

R714-500-8. Program Supervisor Certification.

A. The program supervisor will be required to meet the minimum certification standards set forth in section 7 of this rule. Certification should be within one (1) year after initial appointment or other time as stated by the department.

R714-500-9. Previously Certified Personnel.

A. This rule shall not be construed as invalidating the certification of personnel previously certified as operators under programs existing prior to the promulgation of this rule. Such personnel shall be deemed certified, provided they meet the training requirements as outlined in section 6, paragraph D of this rule.

B. This rule shall not be construed as invalidating the certification of personnel previously certified as a technician under programs existing prior to the promulgation of this rule. Such personnel shall be deemed certified, provided they meet the training requirements in section 7, paragraph B, sub-paragraph (4) of this rule.

R714-500-10. Revocation or Suspension of Certification.

A. The department may, on the recommendation of the program supervisor, revoke or suspend the certification of any operator or technician:

- (1) Who fails to comply with or meet any of the criteria required in this rule.
- (2) Who falsely or deceitfully obtained certification.
- (3) Who fails to show proficiency in proper operation of the breath testing instrument.
- (4) For other good cause.

R714-500-11. Adjudicative Proceedings.

A. Purpose of section. It is the purpose of this section to set forth adjudicative proceedings in compliance with Title 63 Chapter 46b.

B. Designation. All adjudicative proceedings performed by the department shall proceed informally as set forth herein and as authorized by Sections 63-46b-4 and 63-46b-5.

C. Denial, suspension or revocation. A party who is denied certification or whose certification is suspended or revoked, will be informed within a period of 30 days by the department the reasons for denial, suspension, or revocation.

D. Appeal of denial, suspension, or revocation. A party who is denied certification or whose certification is suspended or revoked may appeal to the commissioner or designee on a form provided by the department in accordance with Section 63-46b-3. The appeal must be filed within ten days after receiving notice of the department action.

E. No hearing will be granted to the party. The commissioner or designee will merely review the appeal and issue a written decision to the party within ten days after receiving the appeal.

KEY: alcohol, intoxilyzer, breath testing, operator certification 1998 41-6-44.3 63-46b



Tax Commission, Property Tax
R884-24P-62
Valuation of State Assessed Utility and
Transportation Properties Pursuant to
Utah Code Ann. Section 59-2-201

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 21297
FILED: 07/15/1998, 16:20
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Subsection 59-2-201(1) requires the Tax Commission to assess utilities and transportation companies that operate as a unit across county lines. The rule also implements H.B. 370, in which the 1998 Legislature redefined "intangible property" under Subsection 59-2-102(14). (DAR Note: H.B. 370 is found at 1998 Utah Laws 290 and was effective January 1, 1998.)

SUMMARY OF THE RULE OR CHANGE: The proposed rule would provide guidelines by which centrally assessed utility and transportation companies would be assessed for property tax purposes.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-2-102

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: It is unknown if the rule will increase or decrease the number of appeals. Additional appeal costs or savings could result depending upon this outcome.
 - ❖LOCAL GOVERNMENTS: It is unknown if the rule will increase or decrease the number of appeals. Additional appeal costs or savings could result depending upon this outcome.
 - ❖OTHER PERSONS: It is unknown if the rule will increase or decrease the number of appeals. Additional appeal costs or savings could result depending upon this outcome. Also, it is unknown at this time if the rule will increase or decrease the assessed values of state assessed companies. Depending upon this outcome, the companies may pay less or more property taxes, or possibly even the same.
- COMPLIANCE COSTS FOR AFFECTED PERSONS: No additional compliance costs are anticipated as the state assessed companies' reporting procedures remain basically the same.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: It is unknown if the rule will increase or decrease the number of appeals. The state

assessed companies could incur additional appeal costs or savings, depending upon this outcome. Also, it is unknown at this time if the rule will increase or decrease the assessed values of state assessed companies. Depending upon this outcome, the companies may pay less or more property taxes, or possibly even the same.

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

Tax Commission
Property Tax
Tax Commission Building
210 North 1950 West
Salt Lake City, UT 84134, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Pam Hendrickson at the above address, by phone at (801) 297-3902, by FAX at (801) 297-3919, or by Internet E-mail at phendric@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 08/31/1998.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/1998

AUTHORIZED BY: Pam Hendrickson, Commissioner

R884. Tax Commission, Property Tax.

R884-24P. Property Tax.

R884-24P-62. Valuation of State Assessed Utility and Transportation Properties Pursuant to Utah Code Ann. Section 59-2-201.

A. Definitions:

1. "Assets in existence" shall mean tangible assets of the taxpayer in existence on the lien date, together with any replacements intended to maintain, and not expand or modify, the existing capacity or function thereof.

2. "Attributes" of property include all defining characteristics inseparable from real property and tangible personal property, such as size, location and other attributes inherent in the property itself.

3. "Cost regulated utility" means any public utility assessable by the Commission pursuant to Section 59-2-201, whose allowed rates are determined by a state or federal regulatory commission by reference to a rate of return applied to rate base where the rate of return and rate base are set by the regulatory body.

4. "Depreciation" is the loss in value from any cause. There are two distinct types of depreciation encountered in the appraisal of properties subject to this rule: accounting depreciation and appraisal depreciation. Accounting depreciation is often called "book depreciation" and is generally calculated in accordance with generally accepted accounting principles or regulatory guidelines. Appraisal depreciation is the total loss in property value from any cause. There are three recognized types of appraisal depreciation: physical deterioration, functional obsolescence and external obsolescence. Physical deterioration is the physical wearing out of the property evidenced by wear and tear, decay and structural defects. Physical deterioration is considered to be the loss in value

due to normal aging. Functional obsolescence is the loss in value due to functional deficiencies or inadequacies within the property depicted as the inability of the property to perform adequately the functions for which it was originally designed. External (economic) obsolescence is the loss in value from causes outside the boundaries of the property and is generally incurable. Appraisal depreciation is often called "accrued depreciation."

5. "Fair market value" means the amount at which property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or sell and both having reasonable knowledge of the relevant facts. Fair market value reflects the value of property at its highest and best use, subject to regulatory constraints.

6. "Property" means property that is subject to assessment and taxation according to its value but does not include intangible property. Intangible property is property that is capable of private ownership separate from tangible ownership and includes moneys, credits, bonds, stocks, representative property, franchises, licenses, trade names, copyrights, and patents.

7. "Property which operates as a unit" or "unitary property" means property that is functionally or physically integrated in operation and construction and functions as an economic unit or "one thing."

8. "Rate Base" means the aggregate account balances reported as such by the cost regulated utility to the applicable state or federal regulatory commission.

9. "State Assessed Utility and Transportation Properties" include all property which operates as a unit across county lines, if the values must be apportioned among more than one county or state; all operating property of an airline, air charter service, and air contract service; and all property of public utilities as defined in Utah Code Ann. Section 59-2-102(21). For property tax valuation purposes, these properties may generally be classified as telecommunication properties, energy properties, and transportation properties.

a. "Telecommunication properties" means all telephone properties and other similar type properties that operate as a unit across county lines and are assessable by the Commission pursuant to Section 59-2-201.

b. "Energy properties" include the operating property of natural gas pipelines, natural gas distribution companies, liquid petroleum products pipelines, and electric corporations and are assessable by the Commission pursuant to Section 59-2-201.

c. "Transportation properties" means all airline, air charter, air contract service, railroad, and other similar type properties that operate as a unit across county lines and are assessable by the Commission pursuant to Section 59-2-201.

B. General Valuation Principles. State assessed utility and transportation properties shall be assessed at fair market value for property tax purposes based on generally accepted appraisal theory and the provisions of this rule.

1. Taxable Property and Unit Methodologies. All tangible property is subject to assessment, and if the property operates together as a unit, the assemblage or enhanced value attributable to the taxable property operating together should be included in the assessed value.

a. The preferred methods to determine the fair market value for all state assessed utility and transportation property are by a cost indicator and a yield capitalization income indicator.

b. The yield capitalization income indicator does reflect the value of both tangible and intangible property. However, the purpose of using this income indicator is not to assess intangible value, but to correlate a final estimate of value that includes assemblage or enhanced value which is not produced by the cost approach alone.

c. No final estimate of value will be imposed or considered unless the weighting percentages of the various value indicators used to correlate the final estimate of value are disclosed in writing. Disclosure of the weighting percentages also includes a written explanation describing why a party weighted the particular indicators of value by the percentages so indicated.

d. A party may challenge a final estimate of value by proposing a different valuation methodology or weighting formula that establishes a more representative final estimate of value. A challenge to a final estimate of value will be considered effective only if the proposed valuation methodology or weighting formula demonstrates, by a preponderance of the evidence, that it establishes a better final estimate of value.

2. Cost Indicator. Cost is relevant to value under the principle of substitution. No prudent investor would pay more for a property than the cost to construct a substitute property of equal desirability and utility without undue delay. Generally a cost indicator may be developed under one or more of the following approaches: replacement cost new less depreciation ("RCNLD"), reproduction cost less depreciation ("Reproduction Cost"), and historic cost less depreciation ("HCLD").

a. RCNLD. Replacement cost is the estimated cost to construct, at current prices, a property with utility equivalent to that being appraised, using modern materials, current technology and current standards, design, and layout.

b. Reproduction Cost. Reproduction cost is the estimated cost to construct, at current prices, an exact duplicate or replica of the property being assessed, using the same materials, construction standards, design, layout and quality of workmanship, and embodying all the deficiencies, superadequacies, and obsolescence of the subject property. Reproduction cost shall be adjusted for appropriate depreciation.

c. HCLD. The HCLD approach is the historic cost less depreciation, which may, depending upon the industry, be trended to current costs. Only trending indexes commonly accepted by the industry may be used as a trending adjustment to HCLD.

d. In the mass appraisal environment for state assessed utility and transportation property, RCNLD is impractical to implement. The preferred cost indicator of value is HCLD. A party may challenge the use of HCLD by proposing a different cost indicator that establishes a better cost estimate of value. A challenge to the use of HCLD as the cost indicator of value will be considered effective only if the proposed cost indicator of value demonstrates, by a preponderance of the evidence, that it establishes a better cost estimate of value.

3. Income Indicator. An income indicator recognizes that value is created by the expectation of future benefits to be derived from the property.

a. Yield Capitalization Approach. This income indicator shall be determined by converting future cash flows to present value as of the lien date by discounting each year's cash flow at an appropriate discount rate adjusted for inflation. The yield capitalization formula is $CF/(k-g)$, where "CF" is cash flow, "k" is

the nominal, risk adjusted discount rate, and "g" is the inflationary rate. Each of these terms is defined below. A discounted cash flow method may be used as a substitute only when a single representative annual cash flow is clearly inappropriate.

(1) Cash Flow ("CF"). Cash flow should be the appropriate cash flows as represented on the subject company's most recent cash flow statements, but should exclude cash flows attributable to financing and dividends.

(a) Cash flows should be normalized over the last five years and projected into the future using the inflationary rate ("g"), as defined in Section B.3.(a)(3) below.

(b) If cash flows for a subsidiary company are not available or are not allocated between subsidiary companies on the parent company's cash flow statements, then a method of allocating total cash flows must be developed based on sales, fixed assets, or other reasonable criteria. Whichever criterion is chosen, the subsidiary's total is divided by the parent's total to produce a percentage that is applied to the parent's total cash flow to estimate the subsidiary's cash flow.

(c) If the subject company does not provide the Commission with its most recent cash flow statements by March 1 of the assessment year, Property Tax Division may estimate net operating income ("NOI") and substitute it for cash flow in the yield capitalization formula.

(2) Discount Rate ("k"). The discount rate shall be based upon a weighted average cost of capital considering current market debt rates and equity yields determined by recognized market measurements such as capital asset pricing model ("CAPM"), Risk Premium, Dividend Growth models, or other recognized models. The weighting of debt and equity should reflect the market value weightings of comparable companies in the industry.

(a) Cost of Debt. The cost of debt should reflect the current market (yield to maturity) of debt with the same credit rating as the subject company.

(b) Cost of Equity. In the discount rate, the CAPM is the preferred method to estimate the cost of equity. More than one method may be used to correlate a cost of equity, but only if the CAPM method is weighted at least 75% in the correlation.

(c) CAPM. The CAPM formula is $k(e) = R(f) + (\text{Beta} \times \text{Risk Premium})$, where $k(e)$ is the cost of equity and $R(f)$ is the risk free rate.

(i) Risk Free Rate ("R(f)"). The risk free rate shall be the current market rate on 15 year Treasury bonds.

(ii) Beta. The beta should reflect an average or value-weighted average of comparable companies. The beta of the comparable companies should be drawn from Value Line or a comparable source. Once a source is chosen, beta should be drawn consistently from this source.

(iii) Risk Premium. The risk premium shall be obtained from the current Ibbotson Associates study. The risk premium shall be the arithmetic average of the spread between the return on stocks and long term bonds for the most recent forty years.

(3) Inflationary Rate ("g"). The inflationary rate is limited to the inflation anticipated for a particular industry. This rate shall be the Gross Domestic Product Price Deflator obtained from Value Line unless that rate is clearly inappropriate. Then, the rate may be obtained from an equivalent source if it is appropriate and available for an industry. The inflationary rate and the methodology used to

produce it shall be disclosed in a capitalization rate study published by the Commission by February 15 of the assessment year.

b. Direct Capitalization Approach. This is an income approach that converts an estimate of a single year's income expectancy into an indication of value in one direct step, either by dividing the normalized income estimate by an appropriate income capitalization rate or by multiplying the normalized income estimate by an appropriate factor.

4. Market Indicator. The market value of property is directly related to the prices of comparable, competitive properties. The market or sales comparison approach is estimated by comparing the subject property to similar properties that have recently sold. Because sales of state assessed utility and transportation properties are infrequent, the stock and debt approach may be used as a surrogate to the market approach. The stock and debt method is based on the accounting principle which holds that the market value of assets equal the market value of liability plus shareholder's equity.

5. Correlation. When reconciling value indicators into a final estimate of value, the appraiser shall take into consideration the availability, and quality or reliability of data and the strength and weaknesses of each value indicator. The percentage weight assigned to each indicator in the correlation process shall be established, disclosed and explained as set forth in Section B.1.

6. Non-operating property. Property that is not necessary to the operation of the utility or transportation company and is assessed by the local county assessor, and property separately assessed by the Property Tax Division, such as registered motor vehicles, shall be removed from the correlated unit value or from the state allocated value.

7. Leased property. All tangible operating property owned or used by state assessed utilities and transportation companies is subject to assessment. Leased property is a substitute for property which the utility or transportation company would otherwise have to purchase and the incident of property taxation typically falls on the lessee. Except where the lessor pays the property tax, an addition should be made to the cost indicator to capture the full value of leased property. For the income and market indicators, the appraiser should add only the lessor's interest in the leased property since the lessee's interest is already included.

8. Property Specific Considerations. The Commission recognizes that because of unique differences between certain types of properties and industries, modifications or alternatives to these general cost and yield income indicators, as set forth in Sections C., D., and E., may be required for the following industries: (a) cost regulated utilities, (b) telecommunications properties, and (c) transportation properties.

C. Cost regulated utilities:

1. Cost Indicator. The HCLD approach is the preferred cost indicator of value for cost regulated utilities because it represents an approximation of the basis upon which the investor can earn a return. The HCLD approach is calculated by taking the historic cost less depreciation as reflected in the state assessed utility's net plant accounts, and by then: (1) subtracting intangibles, (2) subtracting any items not included in the state assessed utility's rate base (e.g., deferred federal income taxes ("DFIT") and acquisition adjustments), and (3) adding any taxable items not included in the state assessed utility's net plant account or in rate base.

a. Deferred Federal Income Taxes. DFIT is an accounting entry that reflects a timing difference for reporting income and expenses. Accumulated DFIT reflects the difference between the use of accelerated depreciation for income tax purposes and the use of straight-line depreciation for financial statements. For traditional rate base regulated companies, regulators generally exclude DFIT from rate base, recognizing it as ratepayer contributed capital. Where rate base is reduced by DFIT for rate base regulated companies, DFIT may be removed from HCLD as a surrogate measure for economic obsolescence.

b. DFIT is a surrogate measure for economic obsolescence. If a study is prepared that authenticates actual economic obsolescence and is approved by the Commission, the amount of the actual economic obsolescence, instead of DFIT, will be subtracted from HCLD to develop the cost indicator of value.

2. Income indicator. The yield capitalization approach set forth in Section B.3. is the preferred method to derive the income indicator of value.

D. Telecommunications Companies:

1. Cost Indicator. This includes the operating property of local exchange carriers, local access providers, long distance carriers, cellular telephone or personal communication service (PCS) providers and pagers. The HCLD approach set forth in Section B.2. is the preferred method to derive the cost indicator of value.

2. Income Indicator. The yield capitalization approach set forth in Section B.3. is the preferred method to derive the income indicator of value.

E. Transportation Properties. These include the operating property of long haul and short line railroads, commercial airlines, including major and small passenger carriers and major and small air freighters.

1. Railroads.

a. Cost Indicator. The Railroad industry is not rate base regulated and does not typically have a majority of its investment in property of recent vintage. Accordingly, for Railroads, the cost indicator should generally be given little or no weight because there is no observable relationship between cost and fair market value. Cost valuation should be based on trended historical costs less depreciation. Additions should be made for material and supplies and operating leased equipment. Deductions should be made for all capitalized intangible property such as capitalized computer software. All forms of depreciation should be measured and appropriately deducted.

b. Income Indicator. The yield capitalization approach set forth in Section B.3., with an appropriate adjustment for the lessor's interest in leased property as set forth in B.7, is the preferred method to derive the income indicator of value.

2. Commercial airlines, including major and small passenger carriers and major and small air freighters.

a. Cost Indicator. The trended HCLD approach set forth in Section B.2. is the preferred method to derive the cost indicator of value.

b. Income Indicator. The yield capitalization approach set forth in Section B.3., with an appropriate adjustment for the lessor's interest in leased property as set forth in B.7, is the preferred method to derive the income indicator of value.

KEY: taxation, property tax
[May 4,]1998
Notice of Continuation May 8, 1997

59-2-201



Transportation, Motor Carrier **R909-1** Safety Regulations for Motor Carriers

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 21281
FILED: 07/15/1998, 09:28
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To enable drivers to obtain waivers for physical qualifications that are offered under the Department of Public Safety, Division of Driver License; to enable drivers of vehicles or combination vehicles with a gross vehicle weight rating greater than 10,000 to be 18 years old unless hauling hazardous materials in amounts requiring placarding and/or transporting more than 16 passengers including the driver. To clarify that exceptions under Part 390.3(f) do not apply to Part 382.

SUMMARY OF THE RULE OR CHANGE: This rule will clarify that exceptions contained in 390.3(f) do not apply to Part 382. Makes minor editorial corrections in part 390.3. To allow intrastate drivers of vehicles or combination vehicles with a gross vehicle weight rating greater than 10,000 to be 18 years old unless: 1) they are transporting hazardous materials in amounts required to be placarded; or 2) transporting more than 16 passengers including the driver. This rule will also allow waivers of certain physical qualifications for drivers required to have a Commercial Driver's License and operating strictly in intrastate commerce. These waivers are issued through the Department of Public Safety, Division of Driver License, authorized under Section 53-3-305.5. This is to promote consistency with the regulations between the Department of Transportation and the Department of Public Safety.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 72-9-103
FEDERAL REQUIREMENT FOR THIS RULE: 49 CFR 350-399

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: Regulations Management Corporation, 49 CFR 350-399, October 1, 1997 edition and amendments dated May 1, 1998 and June 1, 1998.

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: The Department has determined that there are no costs or savings associated with these changes. The proposed changes are currently implemented under the

Department of Public Safety and adopting them would promote consistency between the two Departments.
❖LOCAL GOVERNMENTS: The Department has determined that there are no costs or savings associated with these changes.
❖OTHER PERSONS: Carriers who were contacted felt there would be no savings or costs realized by the rule, but would allow them greater latitude in who they may hire.
COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule does not add additional restrictions to the motor carriers. Carriers who were contacted felt there would be no savings or costs realized by the rule, but would allow them greater latitude in who they may hire.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No fiscal impact is anticipated.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Transportation
Motor Carrier
Calvin Rampton
4501 South 2700 West
Box 148240
Salt Lake City, UT 84114-8240, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Tamy L. Scott at the above address, by phone at (801) 965-4752, by FAX at (801) 965-4847, or by Internet E-mail at tscott@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 08/31/1998.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/1998

AUTHORIZED BY: Tamy L. Scott, Transportation Safety Investigator

R909. Transportation, Motor Carrier.
R909-1. Safety Regulations for Motor Carriers.
R909-1-1. Adoption of Federal Regulations.

A. Safety Regulations for Motor Carriers, 49 CFR Parts 350 through 399, as contained in the October 1, 1997 edition as printed by the Regulations Management Corporation service, is incorporated by reference, except for [p]Parts 391.11(b)(1), 395.1(l), 395.1(m), 395.1(n) and 395.1(o). In addition, amendments to the same edition, which appear in the November 1, 1997, December 1, 1997, January 1, 1998, February 1, 1998, March 1, 1998, [and] April 1, 1998, and May 1, 1998, are incorporated by reference within this rule. These requirements apply to all motor carrier(s) as defined in 49 CFR Part 390.5 and UCA 27-17-102(4) engaged in [~~Interstate and/or Intrastate~~] Commerce.

B. In the instance of a driver who is used primarily in the transportation of construction materials and equipment, as defined under 395.2, to and from an active construction site, any period of

7 or 8 consecutive days may end with the beginning of any off-duty period of 36 or more successive hours.

C. Exceptions to Part 391.41, Physical Qualification may be granted under the rules of Department of Public Safety, Driver's License Division, UCA 53-3-305.5 for intrastate drivers under R708-34.

D. Drivers involved wholly in intrastate commerce shall be at least 18 years old; unless transporting placarded amounts of hazardous materials; or 16 or more passengers including the driver.

E. Drivers in involved in interstate commerce shall be at least 21 years old.

KEY: trucks, transportation safety

[April]September 1998

72-9-103

72-9-104



Transportation, Motor Carrier

R909-75

**Safety Regulations for Motor Carriers
Transporting Hazardous Materials
and/or Hazardous Wastes**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 21282

FILED: 07/15/1998, 09:39

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Clarify requirements for display of identification numbers for large quantity shipments of hazardous materials; revise requirements for display of identification numbers for non-bulk packages of hazardous materials that are poisonous by inhalation in Hazard zone A or B; providing alternative methods for marking the carrier's telephone number on the exterior of a highway transport vehicle containing hazardous materials that is disconnected from its motive power and not marked with an identification number. Minor technical and editorial changes. To correct a date by which states have to develop legislation to provide exceptions for agricultural operations, materials of trade and for registered inspectors of small cargo tanks used exclusively for flammable liquid petroleum fuels. To clarify packaging authorizations for agricultural products transported by farmers, to detail the size requirements for markings on bulk packagings. To authorize non-specification cargo tanks for the transportation of flammable liquid petroleum products that are not hazardous wastes, or hazardous substances, when specifically authorized in State statute or regulations by October 1, 1998.

SUMMARY OF THE RULE OR CHANGE: To change the deadline in Sections 173.5(a)(2) and 173.8(d)(3) from July 1, 1998 to October 1, 1998 for states to enact legislation that authorizes

exceptions for agricultural operations and non-specification cargo tanks, for consistency with the mandatory compliance date of exceptions of agricultural operations (Section 173.5), materials of trade (Section 173.6), and non-specification packagings used in intrastate transportation. In Section 173.6(c)(2) is revised to provide that the size of the identification number markings must be as required by Section 172.332(b)(1) or (c)(1), which state the identification number must be displayed in 100 mm (3.9 inches) black Helvetica Medium, Alpine Gothic or Alternate Gothic No. 3 numerals. It is also clarifying that the identification number may be displayed on Class 9 placards. This rule will revise Section 173.8(b) to authorize the transportation of all gasoline, including leaded gasoline which is a marine pollutant in a non-specification cargo tanks (when specifically authorized in State statute or regulation) by October 1, 1998. In Section 172.301(a)(3) a revision is made to further clarify that a vehicle or container containing only a single hazardous material and no other material, hazardous or otherwise, in non-bulk packages loaded at one loading facility must be marked with the identification number. In Section 172.313(c) concerning identification number marking of a material poisonous by inhalation (PIH) in Hazard Zone A or B in non-bulk packages, the phrase "with more than 1,000 kg (2,205 lbs.)" is changed to "with 1,000 kg (2,205 lbs.) or more" for consistency in approach with Section 172.301(a)(3) the words "Hazard Zone A and B" are changed to Hazard Zone A or B" and a provision is added clarifying the requirement for identification number marking display for different PIH materials in a Vehicle or container. In Section 172.504, Footnote 1 to Placarding table 1 is revised to correctly state requirements applicable to exclusive use shipments of low specific activity and surface contaminated radioactive materials transported in accordance with Section 173.427(b)(3) and (c). Section 172.606(b)(2) is revised to clarify methods for marking the carrier's telephone number on a highway transport vehicle containing hazardous materials that is disconnected from its motive power and not marked with an identification number. Section 172.301(a)(3) is revised to apply to a transport vehicle or freight container that is loaded at one loading facility with 4,000 kg or more of hazardous materials in non-bulk packages, when all the hazardous materials have the same proper shipping name and identification number.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 72-9-103

FEDERAL REQUIREMENT FOR THIS RULE: 49 CFR 350

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 49 CFR 170-178, 49 CFR 180-181 as published by Regulations Management Corporation

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: It is determined that there is no fiscal impact since these requirements are already in place under the Federal guidelines. By incorporating them it will allow State Agents to continue investigating compliance with these regulations.

❖LOCAL GOVERNMENTS: It is determined that there is no fiscal impact since these requirements are already in place under the Federal guidelines. By incorporating them it will allow State Agents to continue investigating compliance with these regulations.

❖OTHER PERSONS: It is determined that there is no fiscal impact since these requirements are already in place under the Federal guidelines. By incorporating them it will allow State Agents to continue investigating compliance with these regulations.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Since motor carriers are required to comply with these regulations under the Federal guidelines, adopting this will not cause an additional burden to them, but will allow agents of the Department of Transportation access to these files.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No fiscal impact is anticipated.

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

Transportation
Motor Carrier
Calvin Rampton
4501 South 2700 West
Box 148240
Salt Lake City, UT 84114-8240, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Tamy L. Scott at the above address, by phone at (801) 965-4752, by FAX at (801) 965-4847, or by Internet E-mail at tscott@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 08/31/1998.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/1998

AUTHORIZED BY: Tamy L. Scott, Transportation Safety Investigator

**R909. Transportation, Motor Carrier.
R909-75. Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous Wastes.
R909-75-1. Adoption of Federal Regulations.**

Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous Wastes, 49 CFR, Sub-Chapter C, through February 1, 1998 of the October 1, 1997 edition as printed in the Regulations Management Corporation Service, are incorporated by reference. In addition, amendments to the same edition, which appear March 1, 1998, April 1, 1998, May 1, 1998 and June 1, 1998, are incorporated by reference within this rule. This applies to all private, common, and contract carriers by highway in [interstate and/or intrastate]commerce.

KEY: hazardous materials transportation, hazardous substances, hazardous waste, safety regulation
[March]September 1998

**72-9-103
72-9-104**

**Workforce Services, Employment
Development
R986-701
Child Care Assistance General
Provisions**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 21283

FILED: 07/15/1998, 10:39

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule contributes to the implementation of the child care cash out program.

SUMMARY OF THE RULE OR CHANGE: This change in the rule eliminates the language that required parents receiving child care services to inform the Department of negotiations with child care providers concerning those services.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 35A-3-401

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: This provision will reduce costs generally by eliminating the need for state government to maintain records regarding the child care actions of each eligible parent. Any savings realized will be reinvested as higher payments to eligible parents.

❖LOCAL GOVERNMENTS: This provision solely changes the internal requirements of the Department, as such, local government budgets are not affected.

❖OTHER PERSONS: None--costs are internal to the department.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule change will result in procedural changes that will improve the efficiency of the administration of the child care program. Child care providers should find that there is less paperwork, which could result in some administrative savings. This change would not result in increased costs or savings to parents receiving child care services.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Child care providers should find that their businesses are less burdened with procedural requirements when providing their services to the Department's customers. This could result in efficiencies that may reflect lower operating costs.

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

Workforce Services
Employment Development
Fifth Floor
140 East 300 South
Box 143001
Salt Lake City, UT 84114-3001, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Shawn Potter at the above address, by phone at (801) 526-9205, by FAX at (801) 526-9211, or by Internet E-mail at spotter@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 08/31/1998.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/1998

AUTHORIZED BY: Robert C. Gross, Executive Director

R986. Workforce Services, Employment Development.
R986-701. Child Care Assistance General Provisions.

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R986-701-102. Definitions.

The following definitions apply:

- a. "Applicant" means any person requesting assistance under any of the programs discussed.
b. "Assistance" means payments made on behalf of an eligible client.
c. "Department" means the Department of Workforce Services.
d. "Regional" or "local office" means the or local office of the Department of Workforce Services.
e. "Recipient" means any individual receiving assistance under any of the programs discussed.
f. "Client" means an applicant or recipient of any department program.
g. "Confidential information" means information that has limited access[as provided] under the provisions of Section 63-2-201.
h. "FP" means child care for Temporary Assistance for Needy Families/Family Employment Program.
i. "EC" means Employment Support Child Care.
j. "FEP" means Family Employment Program.
k. "FEWP" means Family Emergency Work Program.
l. "GA/EWP" means General Assistance Emergency Work Program.
m. "SSI" means Supplemental Security Income.
n. "Special needs child" means a child identified by the Department of Human Services, Division of Services to People with Disabilities as having a physical or mental disability requiring special child care services.
o. "DD" means Diversion child care.

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R986-701-104. Client Rights and Responsibilities.

- 1. Any client may apply or reapply at any time for any department program by completing and signing an application and turning it in at the correct local office.
2. If the client needs help to apply, help will be given by the local office staff.
3. Department workers[Workers] will identify themselves to the client.
4. The client will be treated with courtesy, dignity and respect.
5. Verification and information will be requested clearly and courteously.
6. If the client must be visited after working hours, an appointment will be made.
7. The client's home will not be entered without the client's permission.
8. Clients may have an agency conference to talk about their case.
9. Clients may look at information concerning their case except confidential information.
10. Anyone may look at a copy of the program manuals located at any local office.
11. The client must give complete and correct information and verification.
12. The client is responsible for repaying any overpayment of assistance.
13. Workers will comply with ten-day notice requirements.
a. Notice of case action must explain in writing what action is being taken and the action effective date.
b. Notice of adverse case action must be sent at least ten days before the action effective date.
14. The client has a right to a review of decisions.
15. Clients have the right to receive information about the following:
a. The assistance programs offered through the department.
b. Child care placements and settings:
i. Clients have the right to select the type of child care which best meets the family needs;
ii. Illegal child care will not be supported;
iii. Assistance that is available to help clients obtain child care services;
iv. The department is not responsible for the safety of a child placed in license exempt care.
[16. The client must contact the child care provider to report all absences on the day of the absence:
17. The client must have the child signed in and out of child care each day, giving the exact time the child arrives and is picked up:
18. The person who brings the child in or picks the child up must be identified:
19. The client must contact the local office worker if the child is absent more than three days in the month and explain the reasons for the absence:
20.]16. The client must contact the local office worker whenever any change is needed in the purchase of child care.

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KEY: children, child care, general provisions
~~July 2, 1997~~1998 35A-3-401
 Notice of Continuation February 6, 1998

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**Workforce Services, Employment
 Development
 R986-702
 Conditions of Eligibility and Client
 Payment Amount**

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE No.: 21284
 FILED: 07/15/1998, 10:39
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The reason for the change in this rule is to clarify the new terminology and procedures now being used in the child care payment system, Direct Payment to Parents, also called the child care cash out program.

SUMMARY OF THE RULE OR CHANGE: This rule changes the terminology that is used to describe the requirement that parents are now obligated to pay the full cost of care.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 35A-3-401

ANTICIPATED COST OR SAVINGS TO:

- ❖**THE STATE BUDGET:** This rule change will result in changes to the payment process of the child care program. For the Department, it is anticipated that the direct payment process should be more efficient and may result in an unknown amount of administrative savings.
- ❖**LOCAL GOVERNMENTS:** Local governments may be affected by a change in the workload of on-site inspections for day care facilities. The number of licensees may decrease and lessen the inspection workload, or the workload could increase.
- ❖**OTHER PERSONS:** This rule change will result in changes to the payment process of the child care program. Providers of child care services will now be paid by the parents receiving those services rather than by the Department. There are no costs or savings for the parents.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Changes to this rule result in a higher level of responsibility for eligible parents in finding and maintaining appropriate child care for their children. This higher level of responsibility may or may not result in additional costs or savings.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule change should have minimal impact on child care providers and their business operations.

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

Workforce Services
 Employment Development
 Fifth Floor
 140 East 300 South
 Box 143001
 Salt Lake City, UT 84114-3001, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Shawn Potter at the above address, by phone at (801) 526-9205, by FAX at (801) 526-9211, or by Internet E-mail at spotter@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 08/31/1998.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/1998

AUTHORIZED BY: Robert C. Gross, Executive Director

**R986. Workforce Services, Employment Development.
 R986-702. Conditions of Eligibility and Client Payment
 Amount.**

R986-702-201. Need for Child Care.

1. The client must have a need for child care.
2. Child care is provided only to support hours when neither parent is available to provide care for the children.
3. FEP families participating in self sufficiency activities outlined in the employment plan may have a need for child care.
4. Low income families may have a need for child care when both parents are employed and work schedules cannot be changed to provide care for the children.
 - a. Need for child care is substantiated by earnings or profit from wages or self employment.
 - b. Profit from self employment must be equal to or greater than minimum wage or the prevailing community standard.
5. Low income and single parent families may have a need for child care when the parent is engaged in training or education and employment.
 - a. Child care will only be paid to support these activities for a total of 24 calendar months out of 48 months.
 - b. When any payment is made for parents who receive child care for training for a calendar month, that month counts as part of the 24 month limit.
6. Parents may be involved in any combination of a minimum of [20]15 hours of employment per month, when involved in training, and education.
7. There are no exceptions to these limits.

8. Clients who qualify for child care services will be served with available funds. When the child care needs exceed the available funds, applicants will be placed on a waiting list. Applicants on the list will be served as funds become available and as long as they are found eligible. Special needs children will be prioritized at the top of the list and will be served first.

9. Parents are not eligible to receive subsidy payments if they do not pay the subsidy payment to the declared provider.

R986-702-202. Residence.

1. The department adopts 45 CFR 233.40, 1991 ed., which is incorporated by reference.

2. Applicants are required to apply in the local office area where they reside.

3. Persons in the custody of the criminal justice system, residents of facilities administered by the criminal justice system, residents of nursing homes and residents in an institution or group home that is administered under a contract with a governmental unit or administered by a governmental unit are not eligible. Individuals who reside in a temporary shelter may be eligible.

4. Recipients ~~[Must]~~ must be a U.S. Citizen or ~~[Recipients]~~ admitted to the U.S. for permanent residency in order to qualify for child care subsidies.

R986-702-203. ~~[Co-payments]~~Income Adjustment.

1. The parent must pay the ~~[co-payment]~~ income adjustment indicated for the appropriate income level and number of children in care.

2. ~~[Co-payments]~~ Income adjustments are listed in R986-770-735.

3. The parent must pay all child care ~~[co-payments]~~ income adjustments to the child care provider.

4. If the ~~[co-payment]~~ income adjustment exceeds the actual cost of child care, the family is not eligible for child care assistance.

5. ~~[Co-payments may]~~ Income adjustments may not be prorated.

6. The provider is responsible to collect ~~[all co-payments]~~

7. ~~Co-payments are deducted from the child care payment when the child care is reimbursed to the parent.~~ the full cost of care.

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KEY: children, child care, eligibility, client payment
~~[July 2, 1997]~~1998 **35A-3-401**
Notice of Continuation February 6, 1998



**Workforce Services, Employment
Development
R986-703
Child Care Programs**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 21285

FILED: 07/15/1998, 10:39

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The reason for the change in this rule is to change the work requirements that are necessary to qualify for child care subsidies.

SUMMARY OF THE RULE OR CHANGE: This rule changes the work requirement from "20" to "15" hours a week for single and two-parent families.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 35A, Chapter 3

ANTICIPATED COST OR SAVINGS TO:

❖**THE STATE BUDGET:** This change does not affect the state budget, but will create an efficiency for Workforce Services Employment Counselors and grants greater flexibility to eligible parents.

❖**LOCAL GOVERNMENTS:** This change pertains only to the relationship between the Department and eligible parents. It does not affect local government budgets.

❖**OTHER PERSONS:** This change may affect parents who are Family Employment Program participants who are also eligible for a child care subsidy.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Eligible parents may or may not be affected depending on whether they elect to reduce their working hours commensurate with the changes in this rule. The rule allows a five hour per week reduction in the number of working hours but does not require the reduction.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule change should have no impact on child care providers and their business operations.

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

Workforce Services
Employment Development
Fifth Floor
140 East 300 South
Box 143001
Salt Lake City, UT 84114-3001, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Shawn Potter at the above address, by phone at (801) 526-9205, by FAX at (801) 526-9211, or by Internet E-mail at spotter@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 08/31/1998.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/1998

AUTHORIZED BY: Robert C. Gross, Executive Director

**R986. Workforce Services, Employment Development.
R986-703. Child Care Programs.**

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R986-703-305. Employment Support Child Care (EC).

- 1. Low income families not eligible for other types of child care may qualify for EC child care to support employment, education, and training activities.
- 2. Income eligibility requirements are listed in R986-704-406.
- 3. Two parent households may only receive EC child care when:
 - a. Both parents are employed and their schedules cannot be changed so that one parent is available to care for the children;
 - b. One parent must be employed a minimum of 35 hours and the other parent must be employed for a minimum of ~~20~~15 hours; or
 - c. One parent is employed and the second parent cannot work or provide child care because of a physical, emotional or mental incapacity. The incapacity must be such that it eliminates the parent's ability to care for the child. Any employment invalidates a person's claim to incapacity. To claim an incapacity a parent must meet the following criteria:
 - d. provide a Medical Report Form 21 completed by a physician or licensed/[-]certified psychologist which indicates that the incapacity is expected to last at least 30 days. The medical report must also state that the incapacity will eliminate the parent's ability to work or care for the child.
 - e. Parents whose FEP cases closed for increased income and have at least \$1 earned income can receive first two months child care services without a co-payment.

KEY: child care, program type
[July 2, 1997]1998 **35A-3**
Notice of Continuation February 6, 1998



**Workforce Services, Employment
Development
R986-706
Provider Payment and Contracting**

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 21286
FILED: 07/15/1998, 10:39
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The reason for the change in this rule is to implement the new child care cash out program by eliminating the procedure whereby providers of child care services were reimbursed by the Department after those services were provided. The change also incorporates updated care categories and licensing laws.

SUMMARY OF THE RULE OR CHANGE: This rule establishes new care categories to correspond with current licensing laws and to support quality care through differential rates. The rule change eliminates the procedures governing Department payment for child care services to child care providers.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 35A, Chapter 3

ANTICIPATED COST OR SAVINGS TO:

- ❖**THE STATE BUDGET:** Estimated savings to program: \$400,000. These savings will be realized through reduced record maintenance and a shift to electronic funds transfer rather than paper checks. The savings will be shifted into higher payments to customers for child care services. This change was budgeted for and the Department will incur a one-time expense due to the timing of the fiscal year schedule.
- ❖**LOCAL GOVERNMENTS:** This rule may increase or decrease the supply of child care providers and change the demand for child care provider licensing. Any change in demand for licensing translates into a change in the need for child care facility on-site inspections by local health and fire departments. This rule may also impact a local government if the local government is a child care provider.
- ❖**OTHER PERSONS:** Persons affected by the rule include parents that are financially eligible to receive a child care subsidy, child care providers, and financial institutions whose automatic teller machines (ATMs) are used by parents to withdraw their subsidy using an electronic benefits card. The level at which this rule change affects parents depends on the parents' eligibility based on formula. The level at which this rule affects providers depends on the number of their clients that used the subsidy in the past and that now defect to other providers due to the new flexibility in the rule. The level at which this rule affects financial institutions depends on the amount of cash they make available in an ATM per transaction and the rate of usage by affected parents and ATM customers as a whole. A composite cost for these affected persons on a statewide basis is incalculable and varies from parent to parent, provider to provider and institution to institution.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Eligible Parents: Because the payments for child care are made directly to the parent, the parent is positively affected financially. However, with this increased flexibility parents have increased responsibility to find and contract appropriate child care. These additional responsibilities may cost parents more in

time and effort then what was required under old child care payment rules. Child Care Providers: The cost of compliance to a provider depends on the level of dependence the provider had on the old system of child care subsidies. If a provider's business relied heavily on income from the Department's child care subsidies the provider may be adversely affected. This rule change directs child care subsidies to parents who now can choose their own provider. Financial Institutions: Because parents will receive their child care subsidy with an electronic benefits card, they will access the actual cash through ATMs. This could increase the use of ATMs and require financial institutions to replenish their ATMs more often.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule change will impact child care providers and their business operations. Providers should find a reduction in administrative overhead for time spent tracking services provided and billing the Department for reimbursement. Affected financial institutions may experience additional ATM utilization as parents withdraw funds using their electronic benefits card.

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

Workforce Services
 Employment Development
 Fifth Floor
 140 East 300 South
 Box 143001
 Salt Lake City, UT 84114-3001, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Shawn Potter at the above address, by phone at (801) 526-9205, by FAX at (801) 526-9211, or by Internet E-mail at spotter@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 08/31/1998.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/1998

AUTHORIZED BY: Robert C. Gross, Executive Director

**R986. Workforce Services, Employment Development.
 R986-706. Provider Payment and Contracting.
 R986-706-601. Types of Care.**

1. The department will pay for child care in the following settings:
 - a. Licensed Settings:
 - i. licensed Homes;
 - ii. licensed family group homes;
 - iii. licensed child care centers.
 - b. License Exempt Settings:
 - i. license exempt homes;
 - ii. the child's own home.
 - c. Certified homes.

- d. Accredited centers.
 - ~~2. The licensed home or center provider must sign an Agreement for Licensed Child Care before payment can be approved.~~
 - ~~3.2. License exempt care will be paid if state law does not require the facility to be licensed.~~
 - ~~4.3. License exempt providers must sign [an Agreement for License Exempt Child Care]health and safety certification before payment can be approved.~~
 - ~~5.4. Certain persons may not receive money from the agency for child care. These persons include:

 - a. a member of a FEP filing unit for license exempt child care services for that filing unit. The person may be paid as a care provider for a different filing unit;
 - b. a member of a Food Stamp household for child care services for participants in that household. The person may be paid as a care provider for a different household.~~
- R986-706-602. Child Care Payments.**
1. Child care costs will be reimbursed at the lower of the following:
 - a. the maximum rates available for review at any department office.
 - b. the lower rate when private care is less than the maximum rate paid by the department.
 2. Participants are responsible for the cost of care provided which exceeds the amount approved by the department.
 - ~~3. The Child Care Daily Attendance Record is used to record the child's attendance and determine correct payment. This form must be submitted by the care provider as a condition of payment. No payment will be authorized in excess of the amount approved for payment. The sign in/sign out sheets will be used to resolve discrepancies.~~
 - ~~4. Payment will be made for up to five days absence for children approved on a full-time and regular part-time basis when the worker has been informed of the absence.~~
 - ~~5. Payment will not be made for absences of children approved for less than full-time care.~~
 - ~~6. The care provider shall notify agency staff on the third day of a child's absence.~~
 - ~~7. When a child has been absent five days in a month, the case will be reviewed to determine if continued child care will be approved.~~
 - ~~8. Written notice will be sent to the provider when child care is to be terminated.~~
 - ~~9.3. Providers [in the cash out program]are not expected to give services to parents without receiving payment directly from the parent. Providers assume all responsibility to collect payment for services rendered.~~

**KEY: child care, provider payment, contracting
 [July 2, 1997]1998
 Notice of Continuation February 6, 1998**

35A-3



Workforce Services, Employment
Development
R986-707
Eligibility

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 21287

FILED: 07/15/1998, 10:39

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Changes in this rule implement the new program for child care subsidies, Direct Payment to Parents, also called child care cash out. Under the new program, the Department will pay parents for child care services, not providers.

SUMMARY OF THE RULE OR CHANGE: This rule eliminates the requirement that the Department maintain child care provider payment records and contract files, and decreases the child care case reviews from three-month intervals to six-month intervals.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 35A-3-103

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: There will be no additional costs or savings. Savings derived from not having to maintain provider payment records and contract files will be reinvested in higher payments to clients.

❖LOCAL GOVERNMENTS: This rule only changes the internal customer review and record keeping requirements of the Department and will not affect local government.

❖OTHER PERSONS: This rule affects eligible parents, child care providers, and financial institutions.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Decreasing the child care case review intervals should correlate to a cost reduction since the eligible parent and their employment counselor will not have to review the case file as often. This rule, in effect, shifts the responsibility of keeping records for payment for child care services from the Department to eligible parents. The costs that eligible parents will incur in keeping and maintaining payment records is minimal and varies parent to parent. Most parents should not incur any costs maintaining these records. Financial institutions will be affected if their automatic teller machines (ATMs) are heavily used by parents to withdraw their subsidy using the electronic benefits card.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule change should have minimal impact on child care providers and their business operations. Providers will continue to issue bills for payment of service although they will now issue them to parents, not to the Department. It will likely affect financial institutions because parents will receive their child care

subsidy with an electronic benefits card and will access the actual cash through ATMs. This could increase the use of ATMs and require financial institutions to replenish their ATMs more often.

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

Workforce Services
Employment Development
Fifth Floor
140 East 300 South
Box 143001
Salt Lake City, UT 84114-3001, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Shawn Potter at the above address, by phone at (801) 526-9205, by FAX at (801) 526-9211, or by Internet E-mail at spotter@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 08/31/1998.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/1998

AUTHORIZED BY: Robert C. Gross, Executive Director

R986. Workforce Services, Employment Development.

R986-707. Eligibility.

R986-707-701. Eligibility Determination.

1. Child care eligibility for [~~AFDC~~]FEP recipients will be determined by the local office worker.
2. The date of the application shall be the day the completed forms are received by the local office.
3. [~~Except for TR child care,~~] Services will not be approved for a period prior to the date of the application.
4. An eligibility decision will be made within 15 days of the date of the application.
5. The applicant will be notified in writing of the disposition of the application.

R986-707-702. Review of Eligibility.

1. Eligibility for child care will be reviewed at minimum every [~~three~~]six months.
2. The client must report changes in circumstances that affect eligibility.
3. A face-to-face interview is not required.
4. The review is not complete until the recertification forms are signed and returned to the local office. All requested verifications must be provided.

R986-707-703. Establishing and Maintaining Case Records.

1. A case record will be established and maintained on each parent applying for or receiving service.
2. Case records will not be removed from the local office except by subpoena or by request of the Division of Employment Development, the Bureau of Quality Control, or the Office of Recovery Services.

- 3. Client records will be kept in a secure file.
- 4. Records may be released to ~~[other]~~ Department of Human Service (DHS) agencies for the administration of other DHS programs with the approval of the Division of Employment Development director.

~~[5. A case record will be maintained for all providers.~~

~~— 6. Provider case records will be kept separate from client files.~~

~~— 7.]5. Provider case records will be maintained according to Office of Licensing standards.~~

[8.]6. Records will be kept for individuals who are not approved providers and against whom a referral or complaint is received.

[9. Records will be kept for all persons or agencies with whom the department has contracted for the purchase of child care. This includes license exempt providers.

~~— 10. Provider records are classified as provided in Title 63, Chapter 2.~~

~~— 11.]7. The department may publish lists of provider names and addresses.~~

R986-707-704. ~~[Improper Coverage:]Improper Payments.~~

1. Improper ~~[coverage]~~payment occurs when a parent[s] receive child care assistance for which they are not eligible.

~~[2. Improper coverage occurs when a care provider bills for time the child was not present or for unexcused absences.~~

~~— 3. Improper coverage occurs when the department fails to pay for eligible services.~~

~~— 4.]2. If child care benefits have been overpaid or given for an ineligible case, a referral for collection will be made to ORS.~~

[5.]3. If child care benefits have been underpaid by the department, the underpaid amount will be paid to the ~~[provider]~~parent if there are no outstanding child care obligations owed to the department.

R986-707-705. Rates of Payment.

- 1. The following definitions apply:
 - a. A full day of care is defined as five to ten hours.
 - b. Full-time basis is defined as care for five days a week for five or more hours each day or care for 40 or more hours a week on a variable schedule.
- 2. For those children approved for care beyond ten hours per day, the daily rate will be used for up to ten hours and the hourly rate for service beyond the ten hours.
- 3. An hourly rate shall be used for hours less than four.
- 4. Urban/Rural designations are determined based on Census Bureau data that identifies all territory, population, and housing as urban or rural. "Urban" comprises all places of 2,500 or more persons incorporated as cities, villages, and towns; but excluding the rural portions of extended cities. "Rural" comprises all housing, territory, and population, not classified as urban.

5. Child Care payments are based on four categories of care and five provider types:

- A. Categories:
 - (1) Infant ~~[zero]~~newborn - 24 months old.
 - (2) Toddler two - three years old.
 - (3) Pre-school four - five years old.
 - (4) School age six - 12 years 11 months old.

- B. Provider type:
 - (1) In the child's home.
 - (2) In the Provider's home exempt from licensing.
 - (3) In the Licensed Provider's home.
 - (4) In a Child Care Center.

6. Due to the need to frequently update the Child Care Rates for Providers, the current rates are listed on Table I (Child Care Rates for Providers), ~~[a Table which is]~~ found in Volume VIIB of the Child Care Policy Manual, which is available for public inspection at each local ~~[Office of Family Support and at the State Office Of Family Support, which is located at 120 N. 200 W.,]~~Employment Center of the Department of Workforce Services and the administrative offices of the Department located at 1385 So. State Street, Salt Lake City, Utah.

R986-707-706. Child Care Payment Method[Standards] and Eligibility.

1. Due to the need to frequently update the Income Eligibility Limits (Table II) and the Co-payment Schedule (Table III), the current limits are listed in Table II and Table III. These Tables are found in Volume VIIB of the Child Care Policy Manual, which available for public inspection ~~[as]~~at each local ~~[Office of Family Support and at the State Office of Family Support, which is located at 120 N. 200 W.]~~Employment Center of the Department of Workforce Services and the administrative offices of the Department located at 1385 South State, Salt Lake City, Utah.

2. Child care payments to parents are generated by the Electronic Benefit Transfer (EBT) process.

3. Eligible parents will access benefits with the Utah Horizon card.

KEY: child care*
[April 1, 1997]1998 35A-3-103
Notice of Continuation February 6, 1998



Workforce Services, Employment
 Development
R986-709
 Cash Out Child Care Program

NOTICE OF PROPOSED RULE
 (Repeal)
 DAR FILE No.: 21288
 FILED: 07/15/1998, 10:39
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The repeal of this rule eliminates the language that implemented the Child Care Cash Out Demonstration Program. The Cash Out program provides child care subsidies directly to parents rather than to child care providers. The Department will

implement the provisions of that demonstration (Direct Payment to Parents program) statewide by December 1998. Existing child care rules are also undergoing revision to reflect the new statewide procedures for the cash out program.

SUMMARY OF THE RULE OR CHANGE: This rule is repealed in its entirety.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 35A, Chapter 3

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The repeal of this pilot demonstration rule has no effect on the state budget although its continuance as a permanent program will have an effect as noted in the amendment filing to R986-701 and the amendment filing to R986-706.

❖LOCAL GOVERNMENTS: The repeal of this implementation language could only affect the local governments where the pilot demonstration project was operated. Since the demonstration will become a permanent program those local governments will likely not be affected.

❖OTHER PERSONS: Other persons affected by this change may include parents, providers, and financial institutions that participated in the demonstration program.

(DAR Note: R986-701 is a proposed amendment under DAR No. 21283 in this *Bulletin* and R986-706 is a proposed amendment under DAR No. 21286 in this *Bulletin*.)

COMPLIANCE COSTS FOR AFFECTED PERSONS: This change repeals the pilot demonstration service to replace it with a permanent service, as such there are no costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule implemented a pilot child care payment system that was tested in the Northern Regional Workforce Services Area. By this repeal, the pilot system is removed, and a permanent system is established statewide. The repeal of this rule has no fiscal impact on business. However, changes to R986-701, R986-706, and R986-707, which implement the permanent system, do affect business.

(DAR Note: R986-707 is a proposed amendment under DAR No. 21287 in this *Bulletin*.)

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

Workforce Services
 Employment Development
 Fifth Floor
 140 East 300 South
 Box 143001
 Salt Lake City, UT 84114-3001, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Shawn Potter at the above address, by phone at (801) 526-9205, by FAX at (801) 526-9211, or by Internet E-mail at wsadmpo.spotter@.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 08/31/1998.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/1998

AUTHORIZED BY: Robert C. Gross, Executive Director

R986. Workforce Services, Employment Development.

~~**R986-709. Cash Out Child Care Program.**~~

R986-709-1. Purpose, Scope, and Implementation of the Cash Out Child Care Program.

~~— The department adopts 45 CFR 255.4 (10/01/95 edition), which is incorporated by reference. Referenced materials are available for public review at the department.~~

~~— 1. The Department shall implement a program by region to pay child care services in a different way as per 1995 legislative intent language. Northern region will be implemented by January 1997. The rest of the state will be operational by December 1998.~~

~~— 2. The cash out program provides direct child care payments to eligible parents. All eligibility criteria remains the same as referenced in R986-700 through 707.~~

~~— 3. The payment is based on the lesser of the local market rate, statewide limit, and the actual cost of care and mailed direct to the eligible parent.~~

~~— 4. The parent is responsible to pay the provider all costs of care.~~

~~**KEY: cash out, pilot project**~~

~~**July 2, 1997** **35A-3**~~



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 responsible agency is required to review the rule. This review is designed to remove obsolete rules from the *Utah Administrative Code*.

Upon reviewing a rule, an agency may: repeal the rule by filing a PROPOSED RULE; continue the rule as it is by filing a NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (NOTICE); or amend the rule by filing a PROPOSED RULE and by filing a NOTICE. By filing a NOTICE, the agency indicates that the rule is still necessary.

NOTICES are not followed by the rule text. The rule text that is being continued may be found in the most recent edition of the *Utah Administrative Code*. The rule text may also be inspected at the agency or the Division of Administrative Rules. NOTICES are effective when filed. NOTICES are governed by *Utah Code* Section 63-46a-9 (1996).

Labor Commission, Industrial
Accidents
R612-6
Impairment Ratings for Industrial
Injuries and Diseases

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

DAR FILE NO.: 21268
FILED: 07/06/1998, 10:11
RECEIVED BY: NL

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is enacted pursuant to Section 34A-1-104 of the Utah Code which gives authority to the Commission to enact rules necessary to administer the workers' compensation program. It is also enacted pursuant to Section 34A-2-412 which authorizes the Commission to award compensation in cases of permanent partial disability arising from work related injuries.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments were received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R612-6 continues to be necessary as it provides the method for rating those partial impairments arising from work related injuries that are not otherwise listed in Section 34A-2-412.

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

Labor Commission
Industrial Accidents
Third Floor, Heber M. Wells Building
160 East 300 South
PO Box 146600
Salt Lake City, UT 84114-6600, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Joyce Sewell at the above address, by phone at (801) 530-6988, by FAX at (801) 530-6804, or Internet E-mail at icmain.jsewell@email.state.ut.us.

AUTHORIZED BY: R. Lee Ellertson, Commissioner

EFFECTIVE: 07/06/1998

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

NOTICES OF RULE EFFECTIVE DATES

These are the effective dates of PROPOSED RULES or CHANGES IN PROPOSED RULES published in earlier editions of the *Utah State Bulletin*. These effective dates are at least 31 days and not more than 120 days after the date the following rules were published.

Abbreviations

AMD = Amendment
CPR = Change in Proposed Rule
NEW = New Rule
R&R = Repeal and Reenact
REP = Repeal

Agriculture and Food

Animal Industry

No. 21182 (AMD): R58-18-9. Identification.
Published: June 15, 1998
Effective: July 16, 1998

Commerce

Occupational and Professional Licensing

No. 20940 (CPR): R156-22. Professional Engineers and Professional Land Surveyors Licensing Act Rules.
Published: June 15, 1998
Effective: July 16, 1998

No. 20695 (Second CPR): R156-40. Recreational Therapy Practice Act Rules.
Published: June 15, 1998
Effective: July 16, 1998

No. 21147 (AMD): R156-47b. Massage Practice Act Rules.
Published: June 1, 1998
Effective: July 7, 1998

No. 21148 (AMD): R156-53. Landscape Architects Licensing Act Rules.
Published: June 1, 1998
Effective: July 7, 1998

No. 21149 (AMD): R156-72. Acupuncture Licensing Act Rules.
Published: June 1, 1998
Effective: July 7, 1998

Real Estate

No. 21151 (AMD): R162-106. Professional Conduct.
Published: June 1, 1998
Effective: July 14, 1998

Health

Children's Health Insurance Program

No. 21153 (NEW): R382-1. Benefits and Administration.
Published: June 1, 1998
Effective: July 14, 1998

No. 21154 (NEW): R382-10. Eligibility.
Published: June 1, 1998
Effective: July 14, 1998

No. 21187 (AMD): R382-10-10. Creditable Health Coverage.
Published: June 15, 1998
Effective: July 17, 1998

No. 21155 (NEW): R382-20. Provider Assessment.
Published: June 1, 1998
Effective: July 14, 1998

Health Care Financing, Coverage and Reimbursement Policy

No. 21156 (AMD): R414-10. Physician.
Published: June 1, 1998
Effective: July 8, 1998

No. 21189 (AMD): R414-51. Dental, Orthodontia.
Published: June 15, 1998
Effective: July 17, 1998

Health Data Analysis

No. 21157 (AMD): R428-11. Health Data Authority Ambulatory Surgical Data Reporting Rule.
Published: June 1, 1998
Effective: July 22, 1998

No. 21158 (AMD): R428-13. Health Data Authority. Audit and Reporting of HMO Performance Measures.
Published: June 1, 1998
Effective: July 22, 1998

Natural Resources

Wildlife Resources

No. 21185 (AMD): R657-5. Taking Big Game.
Published: June 15, 1998
Effective: July 16, 1998

NOTICES OF RULE EFFECTIVE DATES

School and Institutional Trust Lands

Administration

No. 21184 (AMD): R850-80-600. Public Sale
Procedures.
Published: June 15, 1998
Effective: July 16, 1998

Transportation

Preconstruction, Right-of-Way Acquisition

No. 21177 (NEW): R933-4. Bus Shelters.
Published: June 15, 1998
Effective: July 16, 1998

End of the Notices of Rule Effective Dates Section

RULES INDEX BY AGENCY (CODE NUMBER) AND BY KEYWORD (SUBJECT)

The *Rules Index* is a cumulative index that reflects all changes to Utah's administrative rules from January 2, 1998, to the present (current as of July 27, 1998). The *Rules Index* is published in the *Utah State Bulletin* and in the annual *Index of Changes*. Nonsubstantive changes, while not published in the *Bulletin*, do become part of the *Utah Administrative Code (Code)* and are included in this *Index*, as well as 120-Day (Emergency) rules that do not become part of the *Code*. The rules are indexed by Agency (Code Number) and Keyword (Subject).

A copy of the *Rules Index* is available for public inspection at the Division of Administrative Rules (4120 State Office Building, Salt Lake City, UT), or may be viewed online at the Division's web site (<http://www.rules.state.ut.us/>).

RULES INDEX - BY AGENCY (CODE NUMBER)

ABBREVIATIONS

AMD = Amendment	NSC = Nonsubstantive rule change
CPR = Change in proposed rule	REP = Repeal
EMR = Emergency rule (120 day)	R&R = Repeal and reenact
NEW = New rule	* = Text too long to print in <i>Bulletin</i> , or repealed text not printed in <i>Bulletin</i>
5YR = Five-Year Review	
EXD = Expired	

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
ADMINISTRATIVE SERVICES					
<u>Administration</u>					
R13-2	Access to Records	20537	NSC	01/06/98	Not Printed
R13-3	American With Disabilities Act Grievance Procedures	20631	5YR	01/08/98	98-3/89
<u>Administrative Rules</u>					
R15-4	Administrative Rulemaking Procedures	20976	AMD	07/01/98	98-9/3
R15-4-3	Publication Dates and Deadlines	20952	AMD	07/01/98	98-8/2
<u>Facilities Construction and Management</u>					
R23-4	Suspension/Debarment From Consideration for Award of State Contracts	20702	5YR	01/28/98	98-4/128
R23-5	Contingency Funds	20703	5YR	01/28/98	98-4/128
R23-6	Value Engineering and Life Cycle Costing of State Owned Facilities Rules and Regulations	20704	5YR	01/28/98	98-4/129
R23-7	Utah State Building Board Policy Statement Master Planning	20705	5YR	01/28/98	98-4/129
R23-8	Planning Fund Use	20706	5YR	01/28/98	98-4/130
R23-9	Building Board State/Local Cooperation Policy	20707	5YR	01/28/98	98-4/130
R23-10	Naming of State Buildings	20708	5YR	01/28/98	98-4/131

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R23-11	Facilities Allocation and Sale Procedures	20709	5YR	01/28/98	98-4/131
R23-12	State of Utah Parking Policy	21186	5YR	06/01/98	98-12/37
R23-13	State of Utah Parking Rules for Facilities Managed by the Division of Facilities Construction and Management	21150	5YR	05/15/98	98-11/200
R23-21	Division of Facilities Construction and Management Lease Procedures	20710	5YR	01/28/98	98-4/132
R23-24	Capital Projects Utilizing Non-appropriated Funds	20711	5YR	01/28/98	98-4/132
AGRICULTURE AND FOOD					
<u>Administration</u>					
R51-2	Administrative Procedures for Informal Proceedings Before the Utah Department of Agriculture and Food	20931	5YR	03/19/98	98-8/63
<u>Animal Industry</u>					
R58-18-9	Identification	21182	AMD	07/16/98	98-12/10
R58-19	Compliance Procedures	20279	NEW	01/05/98	97-24/12
<u>Marketing and Conservation</u>					
R65-11	Utah Sheep Marketing Order	20699	NEW	03/19/98	98-4/8
<u>Plant Industry</u>					
R68-15	Quarantine Pertaining to Japanese Beetle, (Popillia Japonica)	20838	5YR	03/05/98	98-7/72
R68-15	Quarantine Pertaining to Japanese Beetle, (Popillia Japonica)	20962	AMD	05/16/98	98-8/2
R68-15-3	Areas Under Quarantine	21096	AMD	07/02/98	98-11/24
R68-19	Compliance Procedures	20280	NEW	01/15/98	97-24/13
R68-19-4	Citation	20813	AMD	04/15/98	98-6/16
<u>Regulatory Services</u>					
R70-201	Compliance Procedures	20281	NEW	01/15/98	97-24/14
R70-201-4	Citation	20814	AMD	04/15/98	98-6/16
R70-530	Food Establishment Sanitation Rule	20721	R&R	05/16/98	98-4/10
ALCOHOLIC BEVERAGE CONTROL					
<u>Administration</u>					
R81-1-6	Violation Schedule	21033	AMD	07/01/98	98-10/3
R81-1-18	Pilot Wine Tasting Program	21032	AMD	07/01/98	98-10/5
CAREER SERVICE REVIEW BOARD					
<u>Administration</u>					
R137-2	Government Records Access and Management Act	21265	5YR	07/01/98	98-14/101

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
COMMERCE					
<u>Occupational and Professional Licensing</u>					
R156-1	General Rules of the Division of Occupational and Professional Licensing	20973	AMD	06/04/98	98-9/4
R156-3a	Architect Licensing Act Rules	20200	AMD	see CPR	97-23/4
R156-3a	Architect Licensing Act Rules	20200	CPR	02/18/98	98-2/79
R156-15-302d	Qualifications for Licensure - Examination Requirements	20894	AMD	05/05/98	98-7/8
R156-16a	Optometry Practice Act Rules	20778	AMD	04/01/98	98-5/4
R156-17a	Pharmacy Practice Act Rules	20492	AMD	02/24/98	98-1/3
R156-22	Professional Engineers and Professional Land Surveyors Licensing Act Rules	20696	5YR	01/27/98	98-4/133
R156-22	Professional Engineers and Professional Land Surveyors Licensing Act Rules	20940	AMD	see CPR	98-8/4
R156-22	Professional Engineers and Professional Land Surveyors Licensing Act Rules	20940	CPR	07/16/98	98-12/29
R156-31	Nurse Practice Act Rules	21029	REP	07/01/98	98-10/7*
R156-31b	Nurse Practice Act Rules	21030	NEW	07/01/98	98-10/8
R156-37	Controlled Substance Act Rules of the Division of Occupational and Professional Licensing	20878	AMD	05/04/98	98-7/8
R156-37-605	Emergency Verbal Prescription of Schedule II Controlled Substances	20941	AMD	05/19/98	98-8/8
R156-40	Recreational Therapy Practice Act Rules	20697	5YR	01/27/98	98-4/133
R156-40	Recreational Therapy Practice Act Rules	20695	AMD	see CPR (First)	98-4/73
R156-40	Recreational Therapy Practice Act Rules	20695	CPR (First)	see CPR (Second)	98-8/55
R156-40	Recreational Therapy Practice Act Rules	20695	CPR (Second)	07/16/98	98-12/31
R156-47b	Massage Practice Act Rules	21147	AMD	07/07/98	98-11/24
R156-53	Landscape Architects Licensing Act Rules	21148	AMD	07/07/98	98-11/27
R156-54	Radiology Technologist and Radiology Practical Technician Licensing Act Rules	20173	AMD	see CPR	97-22/12
R156-54	Radiology Technologist and Radiology Practical Technician Licensing Act Rules	20173	CPR	02/03/98	98-1/199
R156-55a	Utah Construction Trades Licensing Act Rules	20650	AMD	03/05/98	98-3/23
R156-56	Utah Uniform Building Standard Act Rules	20987	AMD	07/01/98	98-9/6
R156-56-302	Licensure of Inspectors	20883	AMD	05/04/98	98-7/28
R156-56-706	Amendments to the IPC	20990	AMD	07/01/98	98-9/24
R156-56-706	Amendments to the IPC	20989	AMD	07/01/98	98-9/23
R156-56-706	Amendments to the IPC	20991	AMD	07/01/98	98-9/25
R156-59	Employee Leasing Company Act Rules	20701	5YR	01/27/98	98-4/134
R156-59	Employee Leasing Company Act Rules	20651	AMD	see CPR	98-3/28
R156-59	Employee Leasing Company Act Rules	20651	CPR	05/04/98	98-7/71
R156-60a	Social Worker Licensing Act Rules	20992	AMD	06/04/98	98-9/26
R156-60b	Marriage and Family Therapist Licensing Act Rules	20581	AMD	02/18/98	98-2/18
R156-60b	Marriage and Family Therapist Licensing Act Rules	21007	AMD	06/16/98	98-10/17

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R156-60c	Professional Counselor Licensing Act Rules	20359	AMD	02/03/98	98-1/6
R156-60c	Professional Counselor Licensing Act Rules	21008	AMD	06/16/98	98-10/20
R156-60d	Substance Abuse Counselor Act Rules	20273	AMD	01/15/98	97-24/16
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R527-300	Income Withholding	21006	AMD	06/16/98	98-10/130
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R590-128	Unfair Discrimination Based on the Failure to Maintain Automobile Insurance. (Revised)	20817	CPR	06/16/98	98-10/138
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R590-132	Insurance Treatment of Human Immunodeficiency Virus (HIV) Infection	18730	CPR (Second)	03/01/98	97-22/105
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R920-5-6	On Premise School Bus Loading Zones	20730	AMD	04/01/98	98-5/47
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R930-5	Implementation of Agreements, Participation, Maintenance and Public Notice Responsibilities Relating to Railway-Highway Projects	20544	R&R	03/11/98	98-2/69
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R982-301	Councils	20927	AMD	05/18/98	98-8/48
R982-401	JTPA Fiscal Procedures	21251	5YR	06/29/98	98-14/105
R982-501	JTPA Procurement/Property Management Procedures	21252	5YR	06/29/98	98-14/105

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R986-211	Financial Assistance General Provisions	20845	NSC	04/01/98	Not Printed
R986-212	Financial Assistance Coverage and Conditions of Eligibility	20846	NSC	04/01/98	Not Printed
R986-213	Financial Assistance Need and Amount of Assistance	20847	NSC	04/01/98	Not Printed
R986-214	Financial Assistance Applications, Redeterminations, and Change Reporting	20848	NSC	04/01/98	Not Printed
R986-215	Financial Assistance Verification and Safeguarding Requirements	20849	AMD	05/18/98	98-7/68
R986-216	Financial Assistance Emergency Work Program (EWP)	20850	NSC	04/01/98	Not Printed
R986-218	Financial Assistance General Assistance/Self-Sufficiency Program	20851	NSC	04/01/98	Not Printed
R986-219	Financial Assistance Notice, Hearings, and Conciliation	20852	NSC	04/01/98	Not Printed
R986-220	Financial Assistance Tables	20853	NSC	04/01/98	Not Printed
R986-220	Financial Assistance Tables	21013	AMD	06/25/98	98-10/134
R986-221	Demonstration Programs	20742	5YR	02/06/98	98-5/69
R986-221	Demonstration Programs	20854	NSC	04/01/98	Not Printed
R986-222	Adoption Assistance Program	20855	NSC	04/01/98	Not Printed
R986-301	Medicaid General Provisions	20743	5YR	02/06/98	98-5/70
R986-301	Medicaid General Provisions	20769	AMD	04/01/98	98-5/48
R986-302	Eligibility Requirements	20224	AMD	01/02/98	97-23/97
R986-302	Eligibility Requirements	20744	5YR	02/06/98	98-5/70
R986-303	Coverage Groups	20745	5YR	02/06/98	98-5/71
R986-303-301	A, B, and D Medicaid and A, B, and D Institutional Medicaid Coverage Groups	20319	AMD	02/03/98	98-1/116
R986-304	Income and Budgeting	20746	5YR	02/06/98	98-5/71
R986-304	Income and Budgeting	20738	EMR	02/12/98	98-5/60
R986-304	Income and Budgeting	20739	AMD	04/01/98	98-5/49
R986-305	Resources	20726	EMR	02/12/98	98-4/123
R986-305	Resources	20747	5YR	02/06/98	98-5/72
R986-305	Resources	20770	AMD	04/01/98	98-5/55
R986-305	Resources	20675	AMD	05/28/98	98-3/84
R986-306	Program Benefits	20748	5YR	02/06/98	98-5/72
R986-306	Program Benefits	20777	AMD	04/01/98	98-5/57
R986-307	Eligibility Determination and Redetermination	20749	5YR	02/06/98	98-5/73
R986-307	Eligibility Determination and Redetermination	20774	AMD	04/01/98	98-5/58
R986-308	Record Management	20750	5YR	02/06/98	98-5/73
R986-309	Utah Medical Assistance Program (UMAP)	20751	5YR	02/06/98	98-5/74
R986-309-901	UMAP General Eligibility Requirements	20732	EMR	02/12/98	98-5/62
R986-309-901	UMAP General Eligibility Requirements	20960	AMD	05/18/98	98-8/50
R986-310	Demonstration Programs	20752	5YR	02/06/98	98-5/74
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R986-412	Conditions of Eligibility	20206	AMD	01/02/98	97-23/98
R986-412	Conditions of Eligibility	20857	NSC	04/01/98	Not Printed

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R986-414	Income	20207	AMD	01/02/98	97-23/99
R986-414	Income	20859	NSC	04/01/98	Not Printed
R986-415	Assets	20860	NSC	04/01/98	Not Printed
R986-416	Benefits	20861	NSC	04/01/98	Not Printed
R986-417	Documentation	20208	AMD	see CPR	97-23/100
R986-417	Documentation	20208	CPR	02/03/98	98-1/120
R986-417	Documentation	20862	NSC	04/01/98	Not Printed
R986-418	Case Management	20863	NSC	04/01/98	Not Printed
R986-419	Income Limits	20209	AMD	01/02/98	97-23/102
R986-419	Income Limits	20864	NSC	04/01/98	Not Printed
R986-420	Maximum Allotments	20210	AMD	01/02/98	97-23/102
R986-420	Maximum Allotments	20865	NSC	04/01/98	Not Printed
R986-421	Demonstration Programs	20211	AMD	01/02/98	97-23/103
R986-421	Demonstration Programs	20753	5YR	02/06/98	98-5/75
R986-421	Demonstration Programs	20866	NSC	04/01/98	Not Printed
R986-501	Displaced Homemaker Program	20867	NSC	04/01/98	Not Printed
R986-601	Authority and Definitions for Programs Authorized under JTPA	21253	5YR	06/29/98	98-14/106
R986-602	General Administrative Provisions	20868	NSC	04/01/98	Not Printed
R986-602	General Administrative Provisions	21254	5YR	06/29/98	98-14/106
R986-603	Participant Data System Procedures	20869	NSC	04/01/98	Not Printed
R986-603	Participant Data System Procedures	21255	5YR	06/29/98	98-14/106
R986-701	Child Care Assistance General Provisions	20754	5YR	02/06/98	98-5/75
R986-701	Child Care Assistance General Provisions	20870	NSC	04/01/98	Not Printed
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R986-702	Conditions of Eligibility and Client Payment Amount	20871	NSC	04/01/98	Not Printed
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R986-703	Child Care Programs	20872	NSC	04/01/98	Not Printed
R986-704	Income Rules and Eligibility Calculations	20757	5YR	02/06/98	98-5/77
R986-704	Income Rules and Eligibility Calculations	20873	NSC	04/01/98	Not Printed
R986-705	Resources	20758	5YR	02/06/98	98-5/78
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R986-706	Provider Payment and Contracting	20875	NSC	04/01/98	Not Printed
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R986-707	Eligibility	20876	NSC	04/01/98	Not Printed
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R994-202	Employing Units	21179	5YR	05/29/98	98-12/38
R994-208	Definition of Wages	21180	5YR	05/29/98	98-12/39
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R994-315	Centralized New Hire Registry Reporting	21012	NEW	06/25/98	98-10/135
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R994-600	Dislocated Workers	21181	5YR	05/29/98	98-12/39

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Employment Development (Changed to Health Care Financing, Coverage and Reimbursement Policy -- 06/01/98)

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R986-302 (Changed to R414-302)	Eligibility Requirements	21165	NSC	06/01/98	Not Printed
R986-303 (Changed to R414-303)	Coverage Groups	21166	NSC	06/01/98	Not Printed
R986-304 (Changed to R414-304)	Income and Budgeting	21167	NSC	06/01/98	Not Printed
R986-305 (Changed to R414-305)	Resources	21168	NSC	06/01/98	Not Printed
R986-306 (Changed to R414-306)	Program Benefits	21169	NSC	06/01/98	Not Printed
R986-307 (Changed to R414-307)	Eligibility Determination and Redetermination	21170	NSC	06/01/98	Not Printed
R986-308 (Changed to R414-308)	Record Management	21171	NSC	06/01/98	Not Printed
R986-309 (Changed to R414-309)	Utah Medical Assistance Program (UMAP)	21172	NSC	06/01/98	Not Printed
R986-310 (Changed to R414-310)	Demonstration Programs	21173	NSC	06/01/98	Not Printed

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ABBREVIATIONS

AMD = Amendment	NSC = Nonsubstantive rule change
CPR = Change in proposed rule	REP = Repeal
EMR = Emergency rule (120 day)	R&R = Repeal and reenact
NEW = New rule	* = Text too long to print in <i>Bulletin</i> , or repealed text not printed in <i>Bulletin</i>
5YR = Five-Year Review	
EXD = Expired	

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	20657	R277-516	5YR	01/14/98	98-3/89
	20904	R277-912	5YR	03/13/98	98-7/75
	21077	R277-912	NSC	05/07/98	Not Printed
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	20952	R15-4-3	AMD	07/01/98	98-8/2
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	21042	R641-101	5YR	05/01/98	98-10/159
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	21184	R850-80-600	AMD	07/16/98	98-12/20
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	20813	R68-19-4	AMD	04/15/98	98-6/16
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	20736	R307-1-1	AMD	04/22/98	98-5/16
	20219	R307-1-3	AMD	02/05/98	97-23/20
	20740	R307-1-3	NSC	02/05/98	Not Printed
	20099	R307-2-12	AMD	01/08/98	97-21/14
	21280	R307-2-12	NSC	07/27/98	Not Printed
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	21077	R277-912	NSC	05/07/98	Not Printed
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	20744	R986-302	5YR	02/06/98	98-5/70
	20860	R986-415	NSC	04/01/98	Not Printed
	20208	R986-417	AMD	see CPR	97-23/100
	20208	R986-417	CPR	02/03/98	98-1/120
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Pardons (Board of), Administration	20486	R671-205	AMD	02/18/98	98-1/76
	20489	R671-312	AMD	02/18/98	98-1/87
<u>CAREER EDUCATION</u>					
Education, Administration	20670	R277-718	5YR	01/14/98	98-3/95
<u>CARRYOVER FUNDING</u>					
Human Services, Aging and Adult Services	20635	R510-101	5YR	01/08/98	98-3/99
<u>CASH OUT</u>					
Workforce Services, Employment Development	20877	R986-709	NSC	04/01/98	Not Printed

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<u>CENTENNIAL</u>					
Statehood Centennial Commission (Utah), Administration	20924	R855-1	EXD	03/17/98	98-8/67
	20925	R855-2	EXD	03/17/98	98-8/67
	20926	R855-3	EXD	03/17/98	98-8/67
<u>CERTIFICATION</u>					
Public Safety, Peace Officer Standards and Training	20995	R728-409	AMD	06/02/98	98-9/41
<u>CHILD ABUSE</u>					
Human Services, Child and Family Services	21226	R512-25	EMR	06/16/98	98-14/99
<u>CHILD CARE</u>					
Workforce Services, Employment Development	20754	R986-701	5YR	02/06/98	98-5/75
	20870	R986-701	NSC	04/01/98	Not Printed
	20755	R986-702	5YR	02/06/98	98-5/76
	20871	R986-702	NSC	04/01/98	Not Printed
	20756	R986-703	5YR	02/06/98	98-5/77
	20872	R986-703	NSC	04/01/98	Not Printed
	20757	R986-704	5YR	02/06/98	98-5/77
	20873	R986-704	NSC	04/01/98	Not Printed
	20758	R986-705	5YR	02/06/98	98-5/78
	20874	R986-705	NSC	04/01/98	Not Printed
	20759	R986-706	5YR	02/06/98	98-5/78
	20875	R986-706	NSC	04/01/98	Not Printed
	20760	R986-707	5YR	02/06/98	98-5/79
	20876	R986-707	NSC	04/01/98	Not Printed
<u>CHILD CARE FACILITIES</u>					
Health, Health Systems Improvement, Child Care Licensing	20264	R430-2	NEW	02/04/98	97-24/66
	20265	R430-3	NEW	01/21/98	97-24/69
	20266	R430-5	NEW	02/05/98	97-24/71
	20267	R430-6	NEW	01/20/98	97-24/75
	20645	R430-10	EMR	01/09/98	98-3/86
	20684	R430-10	EMR	01/20/98	98-4/122
	20268	R430-30	NEW	01/21/98	97-24/79
	20269	R430-100	NEW	02/05/98	97-24/79
<u>CHILDREN</u>					
Workforce Services, Employment Development	20754	R986-701	5YR	02/06/98	98-5/75
	20870	R986-701	NSC	04/01/98	Not Printed
	20755	R986-702	5YR	02/06/98	98-5/76
	20871	R986-702	NSC	04/01/98	Not Printed
<u>CHILDREN'S HEALTH BENEFITS</u>					
Health, Children's Health Insurance Program	21153	R382-1	NEW	07/14/98	98-11/171
	21154	R382-10	NEW	07/14/98	98-11/173

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	21155	R382-20	NEW	07/14/98	98-11/178
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Human Services, Recovery Services	20647	R527-3	5YR	01/12/98	98-3/104
	20240	R527-5	AMD	01/05/98	97-23/83
	20522	R527-39	NEW	02/05/98	98-1/67
	20978	R527-56	5YR	04/13/98	98-9/69
	21018	R527-100	NEW	06/16/98	98-10/129
	20723	R527-300	AMD	03/18/98	98-4/77
	21006	R527-300	AMD	06/16/98	98-10/130
	20724	R527-301	AMD	03/18/98	98-4/80
	21017	R527-305	NEW	06/16/98	98-10/131
	20523	R527-430	NEW	02/05/98	98-1/68
	20725	R527-475	AMD	03/18/98	98-4/82
	20520	R527-550	AMD	02/11/98	98-1/70
<u>CHILD WELFARE</u>					
Human Services, Child and Family Services	20245	R512-2	AMD	02/01/98	97-24/90
	21226	R512-25	EMR	06/16/98	98-14/99
	20288	R512-31	AMD	04/01/98	97-24/91
Workforce Services, Employment Development	20846	R986-212	NSC	04/01/98	Not Printed
<u>CITIZENSHIP</u>					
Workforce Services, Employment Development	20861	R986-416	NSC	04/01/98	Not Printed
<u>CIVIL RIGHTS</u>					
Natural Resources, Administration	20256	R634-1	NEW	01/15/98	97-24/92
<u>CLIENT PAYMENT</u>					
Workforce Services, Employment Development	20755	R986-702	5YR	02/06/98	98-5/76
	20871	R986-702	NSC	04/01/98	Not Printed
<u>CLIENT RIGHTS</u>					
Workforce Services, Employment Development	20743	R986-301	5YR	02/06/98	98-5/70
	20856	R986-411	NSC	04/01/98	Not Printed
Workforce Services, Employment Development (Changed to Health, Health Care Financing, Coverage and Reimbursement Policy)	21164	R986-301 (Changed to R414-301)	NSC	06/01/98	Not Printed
<u>COAL MINES</u>					
Natural Resources; Oil, Gas, and Mining; Coal	20189	R645-100-200	AMD	03/15/98	97-22/27
	20190	R645-301-500	AMD	03/15/98	97-22/38
	20191	R645-301-700	AMD	03/15/98	97-22/59
<u>COLLEGES</u>					
Regents (Board of), Administration	20980	R765-134	5YR	04/13/98	98-9/72
	20981	R765-555	5YR	04/13/98	98-9/73
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<u>COMMUNITY HEALTH SERVICES</u>					
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<u>COMMUNITY SCHOOLS</u>					
Education, Administration	20674	R277-732	5YR	01/14/98	98-3/97
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Corrections, Administration	21207	R251-307	5YR	06/11/98	98-13/34
<u>COMPENSATORY TIME</u>					
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<u>COMPLAINT PROCEDURES</u>					
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	20842	R251-112	AMD	06/15/98	98-7/32
<u>COMPLAINTS</u>					
Education, Administration	21191	R277-104	5YR	06/04/98	98-13/30
Human Services, Mental Health, State Hospital	20892	R525-7	NEW	05/25/98	98-7/45
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<u>CONCERNS</u>					
Human Services, Mental Health, State Hospital	20892	R525-7	NEW	05/25/98	98-7/45
<u>CONDUCT</u>					
Commerce, Real Estate	21151	R162-106	AMD	07/14/98	98-11/30
	20625	R162-107	NEW	03/04/98	98-2/22
Professional Practices Advisory Commission, Administration	20524	R686-100	NEW	02/09/98	98-1/99
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Workforce Services, Employment Development	20849	R986-215	AMD	05/18/98	98-7/68
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	20235	R313-15	CPR	03/20/98	98-4/120
	21038	R313-15	5YR	04/30/98	98-10/149
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	20875	R986-706	NSC	04/01/98	Not Printed
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	20987	R156-56	AMD	07/01/98	98-9/6
	20883	R156-56-302	AMD	05/04/98	98-7/28
	20990	R156-56-706	AMD	07/01/98	98-9/24
	20989	R156-56-706	AMD	07/01/98	98-9/23
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Natural Resources, Wildlife Resources	20243	R657-37	AMD	01/15/98	97-24/104
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	20843	R251-304	5YR	03/06/98	98-7/73
	20844	R251-304	AMD	06/15/98	98-7/34
	21207	R251-307	5YR	06/11/98	98-13/34
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Commerce, Occupational and Professional Licensing	20359	R156-60c	AMD	02/03/98	98-1/6
	21008	R156-60c	AMD	06/16/98	98-10/20
<u>COVERAGE GROUPS</u>					
Workforce Services, Employment Development	20745	R986-303	5YR	02/06/98	98-5/71
	20319	R986-303-301	AMD	02/03/98	98-1/116
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<u>CRIMINAL COMPETENCY</u>					
Pardons (Board of), Administration	20437	R671-206	AMD	02/18/98	98-1/77
	20439	R671-207	AMD	02/18/98	98-1/78
<u>CRIMINAL RECORDS</u>					
Public Safety, Law Enforcement and Technical Services, Criminal Identification	20629	R722-1	REP	03/04/98	98-3/77
<u>CULTURE</u>					
Community and Economic Development, Community Development, Fine Arts	20811	R207-1	5YR	02/25/98	98-6/77
<u>CURRICULA</u>					
Education, Administration	20664	R277-700	5YR	01/14/98	98-3/92
	20665	R277-701	5YR	01/14/98	98-3/93
<u>DAY CARE</u>					
Public Safety, Fire Marshal	20716	R710-8	AMD	03/18/98	98-4/103
<u>DECLARATORY ORDERS</u>					
Labor Commission, Administration	21215	R600-1	5YR	06/15/98	98-13/32
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	20234	R313-12	CPR	03/20/98	98-4/115
Workforce Services, Workforce Information and Payment Services	21178	R994-201	5YR	05/29/98	98-12/38
<u>DEMONSTRATION</u>					
Workforce Services, Employment Development	20742	R986-221	5YR	02/06/98	98-5/69
	20854	R986-221	NSC	04/01/98	Not Printed
	20752	R986-310	5YR	02/06/98	98-5/74
	20753	R986-421	5YR	02/06/98	98-5/75
	20866	R986-421	NSC	04/01/98	Not Printed

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	20819	R861-1A-24	AMD	05/04/98	98-6/56
	20820	R861-1A-25	AMD	05/04/98	98-6/57
	20821	R861-1A-26	AMD	05/04/98	98-6/57
	20822	R861-1A-27	AMD	05/04/98	98-6/59
	20823	R861-1A-28	AMD	05/04/98	98-6/59
	20824	R861-1A-32	AMD	05/04/98	98-6/60
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	20842	R251-112	AMD	06/15/98	98-7/32
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	20820	R861-1A-25	AMD	05/04/98	98-6/57
	20821	R861-1A-26	AMD	05/04/98	98-6/57
	20822	R861-1A-27	AMD	05/04/98	98-6/59
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	20291	R309-107	REP	03/01/98	97-24/33
	20292	R309-108	REP	03/01/98	97-24/37
	20293	R309-109	REP	03/01/98	97-24/47
	20294	R309-110	REP	03/01/98	97-24/56
	20295	R309-111	REP	03/01/98	97-24/60
	20296	R309-112	REP	03/01/98	97-24/63
	20977	R309-113	AMD	06/15/98	98-9/31
	20693	R309-114	NEW	see CPR	98-4/76
	20693	R309-114	CPR	06/15/98	98-9/60
	21027	R309-352	NEW	06/19/98	98-10/38
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	20902	R277-747	5YR	03/13/98	98-7/74
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	20667	R277-709	5YR	01/14/98	98-3/94
	20670	R277-718	5YR	01/14/98	98-3/95
	20673	R277-730	5YR	01/14/98	98-3/96
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	21161	R277-907	NEW	07/02/98	98-11/34
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	20636	R510-102	5YR	01/08/98	98-3/99
	20637	R510-103	5YR	01/08/98	98-3/100
	20638	R510-106	5YR	01/08/98	98-3/100
	20639	R510-107	5YR	01/08/98	98-3/101
	20640	R510-108	5YR	01/08/98	98-3/101
	20641	R510-109	5YR	01/08/98	98-3/102
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	20774	R986-307	AMD	04/01/98	98-5/58
	20755	R986-702	5YR	02/06/98	98-5/76
	20871	R986-702	NSC	04/01/98	Not Printed
	20757	R986-704	5YR	02/06/98	98-5/77
	20873	R986-704	NSC	04/01/98	Not Printed
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	21152	R426-1-8	AMD	07/06/98	98-11/185
	21035	R426-3	AMD	06/23/98	98-10/52
	21028	R426-4	AMD	06/23/98	98-10/58
<u>EMERGENCY WORK PROGRAM</u>					
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<u>EMPLOYEE LEASING COMPANY</u>					
Commerce, Occupational and Professional Licensing	20701	R156-59	5YR	01/27/98	98-4/134
	20651	R156-59	AMD	see CPR	98-3/28
	20651	R156-59	CPR	05/04/98	98-7/71
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Workforce Services, Employment Development	21253	R986-601	5YR	06/29/98	98-14/106
	20868	R986-602	NSC	04/01/98	Not Printed
	21254	R986-602	5YR	06/29/98	98-14/106
	20869	R986-603	NSC	04/01/98	Not Printed
	21255	R986-603	5YR	06/29/98	98-14/106
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	21181	R994-600	5YR	05/29/98	98-12/39
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	20940	R156-22	CPR	07/16/98	98-12/29
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	20290	R309-106	REP	03/01/98	97-24/26
	20295	R309-111	REP	03/01/98	97-24/60
	20296	R309-112	REP	03/01/98	97-24/63
	20977	R309-113	AMD	06/15/98	98-9/31
	20693	R309-114	NEW	see CPR	98-4/76
	20693	R309-114	CPR	06/15/98	98-9/60
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	21280	R307-2-12	NSC	07/27/98	Not Printed
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	20746	R986-304	5YR	02/06/98	98-5/71
	20738	R986-304	EMR	02/12/98	98-5/60
	20739	R986-304	AMD	04/01/98	98-5/49
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	20860	R986-415	NSC	04/01/98	Not Printed
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	20862	R986-417	NSC	04/01/98	Not Printed
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	20288	R512-31	AMD	04/01/98	97-24/91
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	21185	R657-5	AMD	07/16/98	98-12/14
	20928	R657-10	EMR	03/19/98	98-8/57
	20929	R657-33	EMR	03/19/98	98-8/58
	20938	R657-33	5YR	03/24/98	98-8/65
	20939	R657-33	AMD	05/18/98	98-8/43
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	20390	R315-16	AMD	02/20/98	98-1/40
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	20918	R909-75	AMD	05/28/98	98-7/67
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	20731	R428-13	NEW	04/05/98	98-5/40
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	20582	R432-16	NEW	03/04/98	98-2/27
	20558	R432-102	AMD	02/24/98	98-2/31
	21005	R432-102-14	AMD	06/26/98	98-10/93
	20607	R432-103	NSC	01/06/98	Not Printed
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	20981	R765-555	5YR	04/13/98	98-9/73
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	20856	R986-411	NSC	04/01/98	Not Printed
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	20742	R986-221	5YR	02/06/98	98-5/69
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	20746	R986-304	5YR	02/06/98	98-5/71
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	20739	R986-304	AMD	04/01/98	98-5/49
	20752	R986-310	5YR	02/06/98	98-5/74
	20207	R986-414	AMD	01/02/98	97-23/99
	20859	R986-414	NSC	04/01/98	Not Printed
	20211	R986-421	AMD	01/02/98	97-23/103
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	20866	R986-421	NSC	04/01/98	Not Printed
	20757	R986-704	5YR	02/06/98	98-5/77
	20873	R986-704	NSC	04/01/98	Not Printed
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	21166	R986-303 (Changed to R414-303)	NSC	06/01/98	Not Printed
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	21205	R590-154	5YR	06/10/98	98-13/31
	20943	R590-155	5YR	03/27/98	98-8/63
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	20443	R671-301	AMD	02/18/98	98-1/79
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	20658	R277-518	5YR	01/14/98	98-3/90
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Commerce, Occupational and Professional Licensing	20696	R156-22	5YR	01/27/98	98-4/133
	20940	R156-22	AMD	see CPR	98-8/4
	20940	R156-22	CPR	07/16/98	98-12/29
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	20940	R156-22	AMD	see CPR	98-8/4
	20940	R156-22	CPR	07/16/98	98-12/29
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	20777	R986-306	AMD	04/01/98	98-5/57
Workforce Services, Employment Development (Changed to Health, Health Care Financing, Coverage and Reimbursement Policy)	21169	R986-306 (Changed to R414-306)	NSC	06/01/98	Not Printed
<u>PROGRAM TYPE</u>					
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	20872	R986-703	NSC	04/01/98	Not Printed
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	20875	R986-706	NSC	04/01/98	Not Printed
<u>PSYCHIATRIC CARE</u>					
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	20916	R525-4	EXD	03/15/98	98-7/80
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	20850	R986-216	NSC	04/01/98	Not Printed
	20851	R986-218	NSC	04/01/98	Not Printed
	20852	R986-219	NSC	04/01/98	Not Printed
	20749	R986-307	5YR	02/06/98	98-5/73
	20774	R986-307	AMD	04/01/98	98-5/58
	20750	R986-308	5YR	02/06/98	98-5/73
Workforce Services, Employment Development (Changed to Health, Health Care Financing, Coverage and Reimbursement Policy)	21170	R986-307 (Changed to R414-307)	NSC	06/01/98	Not Printed
	21171	R986-308 (Changed to R414-308)	NSC	06/01/98	Not Printed
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	20705	R23-7	5YR	01/28/98	98-4/129
	20706	R23-8	5YR	01/28/98	98-4/130
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	20626	R746-331	EMR	01/05/98	98-3/87
	20627	R746-331	NEW	04/06/98	98-3/78
	20964	R746-332	5YR	04/02/98	98-9/70
	20970	R746-342	5YR	04/03/98	98-9/71
	20956	R746-360	EMR	03/31/98	98-8/59
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	21038	R313-15	5YR	04/30/98	98-10/149
	20236	R313-18	AMD	01/23/98	97-23/61
	20238	R313-32	AMD	01/23/98	97-23/65
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	20799	R162-2	AMD	04/23/98	98-6/19
	20800	R162-3	AMD	04/23/98	98-6/21
	20801	R162-4	AMD	04/23/98	98-6/23
	20802	R162-5	AMD	04/23/98	98-6/26
	20803	R162-6	AMD	04/23/98	98-6/27
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	20190	R645-301-500	AMD	03/15/98	97-22/38
	20191	R645-301-700	AMD	03/15/98	97-22/59
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	20695	R156-40	CPR (Second)	07/16/98	98-12/31
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	21078	R280-200	NSC	05/07/98	Not Printed
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	20747	R986-305	5YR	02/06/98	98-5/72
	20726	R986-305	EMR	02/12/98	98-4/123
	20770	R986-305	AMD	04/01/98	98-5/55
	20675	R986-305	AMD	05/28/98	98-3/84
	20758	R986-705	5YR	02/06/98	98-5/78
	20874	R986-705	NSC	04/01/98	Not Printed
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	20677	R746-341	AMD	04/06/98	98-3/78
	20970	R746-342	5YR	04/03/98	98-9/71
	20971	R746-402	5YR	04/03/98	98-9/71
	20972	R746-405	5YR	04/03/98	98-9/72
	21098	R746-409	NSC	05/21/98	Not Printed
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	21038	R313-15	5YR	04/30/98	98-10/149
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	20835	R614-1-4	AMD	05/04/98	98-7/45
Public Service Commission, Administration	21098	R746-409	NSC	05/21/98	Not Printed
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	20918	R909-75	AMD	05/28/98	98-7/67
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	20857	R986-412	NSC	04/01/98	Not Printed
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	19876	R315-301-2	CPR	01/05/98	97-23/111
	20249	R315-301-2	NSC	01/05/98	Not Printed
	20966	R315-302	5YR	04/02/98	98-9/66
	20967	R315-303	5YR	04/02/98	98-9/67
	20968	R315-305	5YR	04/02/98	98-9/68
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	20940	R156-22	CPR	07/16/98	98-12/29
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	20819	R861-1A-24	AMD	05/04/98	98-6/56
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	21091	R861-1A-32	NSC	05/21/98	Not Printed
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	20649	R884-24P-7	AMD	03/10/98	98-3/81
	20897	R884-24P-7	AMD	05/04/98	98-7/65
	20394	R884-24P-24	AMD	02/24/98	98-1/114
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	20677	R746-341	AMD	04/06/98	98-3/78
	20970	R746-342	5YR	04/03/98	98-9/71
	20592	R746-356-2	NSC	01/06/98	Not Printed
	20956	R746-360	EMR	03/31/98	98-8/59
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	21040	R714-205	EXD	05/01/98	98-10/168
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	21252	R982-501	5YR	06/29/98	98-14/105
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	20868	R986-602	NSC	04/01/98	Not Printed
	21254	R986-602	5YR	06/29/98	98-14/106
	20869	R986-603	NSC	04/01/98	Not Printed
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	20827	R909-1	AMD	05/01/98	98-6/62
	21089	R909-1	AMD	06/16/98	98-10/132
	20271	R909-4-11	AMD	02/27/98	97-24/112
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	20726	R986-305	EMR	02/12/98	98-4/123
	20770	R986-305	AMD	04/01/98	98-5/55
	20675	R986-305	AMD	05/28/98	98-3/84
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	20960	R986-309-901	AMD	05/18/98	98-8/50
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	20868	R986-602	NSC	04/01/98	Not Printed
	21254	R986-602	5YR	06/29/98	98-14/106
	20869	R986-603	NSC	04/01/98	Not Printed
	21255	R986-603	5YR	06/29/98	98-14/106
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	21254	R986-602	5YR	06/29/98	98-14/106
	20869	R986-603	NSC	04/01/98	Not Printed
	21255	R986-603	5YR	06/29/98	98-14/106
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	20966	R315-302	5YR	04/02/98	98-9/66
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	20938	R657-33	5YR	03/24/98	98-8/65
	20939	R657-33	AMD	05/18/98	98-8/43
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