

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
Filed March 2, 1999, 12:00 a.m. through March 15, 1999, 11:59 p.m.

Number 99-7
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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 the division's publications, visit: <http://www.rules.state.ut.us/>

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EDITOR'S NOTE

PRICE INCREASE FOR THE *UTAH STATE BULLETIN*

The Office of Legislative Printing, the contractor responsible for printing the *Utah State Bulletin*, has indicated a need to raise the subscription price for the *Bulletin* for the next subscription cycle (July 1, 1999 through June 30, 2000). The increase in the subscription price offsets an increase in production (binding) and distribution (postage) costs. The cost for a one-year subscription (24 issues) will increase \$10 per subscription. The total cost for a subscription will now be \$160. The price of the *Utah State Digest* will remain unchanged at \$35 for a one-year subscription (24 issues).

Inquiries concerning subscription, billing, or changes of address should be addressed to: Legislative Printing, PO Box 14017, Salt Lake City, UT 84114-0107; Phone: (801) 538-1103; or FAX: (801) 538-1728.

Questions regarding the Utah State Bulletin or Utah State Digest may be directed to: Nancy L. Lancaster, Publications Editor, Division of Administrative Rules, PO Box 141007, Salt Lake City UT 84114-1007; Phone: (801) 538-3218; FAX: (801) 538-1773; or E-mail at: asdomain.asitmain.nlancast@email.state.ut.us. Rulemaking information is also available on the Internet at <http://www.rules.state.ut.us/>.

End of the Editor's Notes Section

SPECIAL NOTICES

CERTIFICATE

I, OLENE S. WALKER, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, HEREBY CERTIFY THAT there has been filed in my office a certified copy of the Articles of Incorporation of the TOWN OF HANKSVILLE, relating to the matter of the incorporation of the TOWN OF HANKSVILLE dated December 21, 1998, complying with Sections 10-2-119, and 125, Utah Code Annotated, 1953, as amended.

NOW THEREFORE, in compliance with the requirements of Sections 10-2-119 and 125, notice is hereby given to all whom it may concern that all of the territory described in the attached Articles of Incorporation has been incorporated into a town under the name of TOWN OF HANKSVILLE, located in Wayne County, State of Utah.

IN WITNESS WHEREOF, I have here unto set my hand and affixed the Great Seal of the State of Utah at Salt Lake City, this 6th day of January 1999.

(STATE SEAL)

OLENE WALKER
Lieutenant Governor

(Note: The articles are not printed here, but may be viewed at the Office of the Lieutenant Governor.)

CERTIFICATE

I, OLENE S. WALKER, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, HEREBY CERTIFY THAT there has been filed in my office Ordinance No. 1999-1, ORDINANCE OF AMENDMENT TO THE ARTICLES OF INCORPORATION OF THE CITY OF HIGHLAND, dated January 5, 1999.

NOW, THEREFORE, notice is hereby given to all whom it may concern that the attached is a true and correct copy of the ORDINANCE OF AMENDMENT TO THE ARTICLES OF INCORPORATION, referred to above, on file with the Office of the Lieutenant Governor pertaining to the CITY OF HIGHLAND, located in Utah County, State of Utah.

IN WITNESS WHEREOF, I have here unto set my hand and affixed the Great Seal of the State of Utah at Salt Lake City, this 11th day of January 1999.

(STATE SEAL)

OLENE WALKER
Lieutenant Governor

(Note: The articles are not printed here, but may be viewed at the Office of the Lieutenant Governor.)

C E R T I F I C A T E

I, OLENE S. WALKER, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, HEREBY CERTIFY THAT the attached Notice of Intention to File Articles of Incorporation for MARRIOTT-SLATERVILLE CITY, a City of the Third Class, located in Weber County, dated February 25th, 1999, was filed in this office on March 15, 1999, complying with Section 10-2-120, Utah Code Annotated, 1953, as amended.

IN WITNESS WHEREOF, I have here unto set my hand and affixed the Great Seal of the State of Utah at Salt Lake City, this 15th day of March 1999.

(STATE SEAL)

OLENE WALKER
Lieutenant Governor

(Note: The articles are not printed here, but may be viewed at the Office of the Lieutenant Governor.)

End of the Special Notices Section

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 March 2, 1999, 12:00 a.m., and March 15, 1999, 11:59 p.m., are included in this, the April 1, 1999, 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 May 3, 1999. 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 July 30, 1999, 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, Real Estate
R162-102
 Licensing Procedures

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 21915

FILED: 03/09/1999, 12:45

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To increase the number of continuing education hours required for renewal of a license to conform to the requirements set by the Appraisal Qualifications Board of the Appraisal Foundation. Utah appraisers must meet the minimum federal qualifications in order to be able to appraise real estate in any federally related transaction. Federally related transactions involve some 90% of all appraisals. This requirement now applies to all appraisals.

We deleted the requirement of taking 1.5 hours of Utah Law with Uniform Standards of Professional Appraisal Practice (USPAP) because the requirement proved to be unrealistic and would require instructors to exceed 8 hours of class per day. USPAP standards govern all appraisals. The rule was also changed to ensure that each appraiser takes USPAP at reasonable intervals, at least every three renewals or 6 years and also requires taking USPAP if a person does not renew a license within the 6-month grace period.

SUMMARY OF THE RULE OR CHANGE: The changes clarify the continuing education requirement for the renewal of an appraiser license, specifically the requirement of completion of a course in the Uniform Standards of Professional Appraisal Practice.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 61-2b-23

FEDERAL REQUIREMENT FOR THIS RULE: 12 U.S.C. 3351(a)(1)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The changed rule will be administered within the existing budget.

❖LOCAL GOVERNMENTS: Local government is not affected by this rule.

❖OTHER PERSONS: Appraisers will be required to obtain and pay for 8 more hours of continuing education every two year renewal cycle. There are currently approximately 1,900 licensed appraisers in Utah. Failure to comply with the Federal minimum qualifications would effectively put an appraiser out of business by preventing him from handling Federally related transactions. Continuing education course fees are determined by market forces.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Varied--continuing education course fees are determined by market forces.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The purpose of this proposed rule amendment is to conform the continuing education hours required for renewal of a real estate appraiser license to the standards of the Appraisal Qualifications Board of the Appraisal Foundation so that Utah appraisers will be able to meet the qualifications to appraise real estate in federally related transactions which comprise 90% of all appraisals. The amendment also deletes 1.5 hours of Utah Law educational requirements as being an unnecessary requirement since all appraisals are governed by the Uniform Standards of Professional Appraiser Practice which is required for renewal under the rules. There should be no impact on the state budget or upon local governments from these amendments since they only represent a change in continuing education requirements. There will be a financial impact upon the approximately 1,900 licensed appraisers who will be required to obtain an additional four hours of continuing education for each year of the licensing period. The cost of the continuing education will be largely dependent upon the form of education obtained by the individual licensees. However, this cost will be minor when considering that it will allow the appraiser to perform federally involved appraisals which constitute most of the appraisal business.

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

Commerce
 Real Estate
 Second Floor, Heber Wells Building
 160 East 300 South
 PO Box 146711
 Salt Lake City, UT 84114-6711, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Ted Boyer at the above address, by phone at (801) 530-6747, by FAX at (801) 530-6749, or by Internet E-mail at tboyer@br.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 05/03/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 05/04/1999

AUTHORIZED BY: Theodore "Ted" Boyer, Jr., Director

R162. Commerce, Real Estate.

R162-102. Licensing Procedures.

R162-102-1. Licensing.

102.1.1 Initial Review - An applicant for registration or certification as an appraiser will be required to submit, on forms provided by the Division, documentation indicating successful completion of the education required by the state of Utah, and, for either Certified Residential or Certified General status, completion of the required experience.

102.1.1.1 The application may be reviewed by the Appraiser Education Review Committee to determine if the education requirement has been met.

102.1.1.2 The candidate for either Certified Residential or Certified General status will provide evidence of meeting the experience requirement by completing the form required by the Division.

102.1.2 Exam Application

102.1.2.1 Upon determining the candidate has completed the education and experience requirements for either Certified Residential or Certified General status, the Division will issue an examination application form to the candidate.

102.1.2.2 The candidate will make application to take the examination by returning the application form and the appropriate testing fee to the testing service designated by the Division. If the applicant fails to take the examination, the fee will be forfeited.

102.1.3 Registration/Certification Application

102.1.3.1 Registration Status - When the education of the candidate has been reviewed and approved, the candidate will be notified to complete the application form required by the Division.

102.1.3.2 Certified Residential and Certified General Status - Within 90 days after successful completion of the exam, the appraiser applicant must return to the Division each of the following:

102.1.3.2.1 A report from the testing service indicating successful completion of the exam.

102.1.3.2.2 The license application form required by the Division. The application form shall include the licensee's business and home addresses. A post office box without a street address is unacceptable as a business or home address. The licensee may designate either address to be used as a mailing address.

102.1.3.2.3 The appropriate state certification fee, which will include the fee for the federal registry.

R162-102-2. Status Change.

102.2.1 A registered, senior appraiser or certified appraiser must notify the Division within ten working days of any status change. Status changes are effective on the date the properly executed forms and appropriate fees are received by the Division. Notice must be made in writing on the forms required by the Division.

102.2.1.1 Change of name requires submission of official documentation such as a marriage or divorce certificate, or driver's license.

102.2.1.2 Change of business, home address or mailing address requires written notification. A post office box without a street address is unacceptable as a business or home address. The licensee may designate any address to be used as a mailing address.

102.2.2 Those appraisers licensed as either Registered or Senior Appraisers, upon meeting the appropriate requirements for certification and upon filing a completed license application within six months from their last renewal, will be allowed to transfer to the categories of either Certified Residential or Certified General by paying only a transfer fee and the fee for the federal registry.

102.2.2.1 The original expiration date of the Registered or Senior Appraiser license will remain the same.

R162-102-3. Renewal.

102.3.1 At least 30 days before expiration, a renewal notice shall be sent by the Division to the registered, senior appraiser or certified appraiser at the mailing address shown on the Division records. The licensee must return the completed renewal notice and the applicable renewal fee to the Division on or before the expiration shown on the notice.

102.3.1.1 ~~[The Certified Residential and Certified General]~~The registered, senior appraiser or certified appraiser[s] must return proof of completion of ~~[20]~~28 hours of continuing education taken during the preceding two years. ~~[After January 1, 1998, all Utah appraiser licensees must return proof of completion of 28 hours of continuing education taken during the preceding two years.]~~

102.3.1.1.1 Even though the appraiser may have changed licensing categories, ~~[E]~~every third time the appraiser renews, the appraiser will provide evidence of having completed, within the two years prior to the third renewal, a course in the Uniform Standards of Professional Appraisal Practice. This USPAP course will be a 15-hour course and will include passing of a final exam. ~~[The USPAP course will also include an additional 1-1/2 hours of Utah state law.]~~This [16-1/2]15 hours of credit may be used to meet part of the continuing education requirement for that renewal period. The appraiser must obtain and study the Utah Real Estate Appraiser Registration and Certification Act and the rules promulgated thereunder and must sign an attestation that he understands and will abide by them.

102.3.2 If the renewal fee and documentation are not received within the prescribed time period, the license shall expire.

102.3.2.1 A license may be renewed for a period of 30 days after the expiration date upon payment of a late fee in addition to the requirements of 102.3.1.

102.3.2.2 After this 30-day period and until six months after the expiration date, the license may be reinstated upon payment of a reinstatement fee in addition to the requirements of 102.3.1. It shall be grounds for disciplinary sanction if, after the license has expired, the individual continues to perform work for which a license is required.

102.3.2.3 A person who does not renew his license within six months after the expiration date shall be relicensed as prescribed for an original application. The applicant will receive credit for previously credited preclicensing education, but the senior appraiser and registered appraiser applicant will need to complete a USPAP course and also retake the preclicensing exam.

102.3.3 If the Division has received renewal documents in a timely manner but the information is incomplete, the appraiser shall be extended a 15-day grace period to complete the application.

R162-102-4. Six-Month Temporary Permits.

102.4.1 A non-resident of this state may obtain a permit for a period of six months to practice as a registered or certified appraiser in this state. An applicant must:

102.4.1.1 Submit an application in writing requesting registration or certification;

102.4.1.2 Provide a complete history sent directly to the Division by his home state, and any other state in which he holds a

license or certification, which indicates the type of license held, the date the current license expires, and a statement concerning whether disciplinary action has ever been taken, or is pending, against the individual's appraisal license;

102.4.1.3 Sign an irrevocable consent to service authorizing the Division to receive service of any lawful process on his behalf in any noncriminal proceeding arising out of his practice as an appraiser in this state;

102.4.1.4 Pay an application fee in the amount established by the Division; and

102.4.1.5 Provide the starting date of the appraisal assignment for which the temporary permit is being obtained.

102.4.2 A temporary permit may be renewed once by paying an additional fee and submitting the forms required by the Division.

R162-102-5. Reciprocity.

102.5.1 An individual who is licensed as an appraiser by another state may be registered or certified in Utah by reciprocity on the following conditions:

102.5.1.1 The other state must have required the applicant to satisfactorily complete classroom hours of appraisal education approved by that state which are substantially equivalent in number to the hours required for the class of registration or certification for which he is applying in Utah;

102.5.1.2 The education must have included a course in the Uniform Standards of Professional Appraisal Practice;

102.5.1.3 The applicant must obtain and study the Utah Real Estate Appraiser Registration and Certification Act and the rules promulgated thereunder and must sign an attestation that he understands and will abide by them;

102.5.1.4 If the applicant is applying for certification, he must have passed an examination which has been approved by the Appraiser Qualifications Board of the Appraisal Foundation for the class of certification for which he is applying;

102.5.1.5 If the applicant resides outside of the state of Utah, he must sign an irrevocable consent to service authorizing the Division to receive service of any lawful process on his behalf in any noncriminal proceeding arising out of his practice as an appraiser in this state;

102.5.1.6 The applicant must provide a complete licensing history sent directly to the Division by his home state and any other state in which he has been licensed, which shall include the applicant's full name, home and business addresses and telephone numbers, the date first licensed, the type or types of licenses held, the date the current license expires, and a statement concerning whether disciplinary action has ever been taken, or is pending, against the individual's appraisal license;

102.5.1.7 The applicant shall not have been convicted of a criminal offense involving moral turpitude relating to his ability to provide services as an appraiser; and

102.5.1.8 The applicant must agree, as a condition of licensure, that he will furnish to the Division upon demand all records requested by the Division relating to his appraisal practice in Utah. Failure to do so will be considered grounds for revocation of license.

KEY: real estate appraisal, licensing
[October 2, 1998]1999

61-2b-23

Environmental Quality, Air Quality **R307-110-20** Section XII, Involvement

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 21911

FILED: 03/05/1999, 12:13

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Under Clean Air Act Section 176(c) (42 U.S.C. 7506) and 40 CFR Subpart A, a state implementation plan (SIP) is required to set forth procedures for interagency consultation and resolution of disputes in metropolitan planning regions which address transportation issues.

SUMMARY OF THE RULE OR CHANGE: This section incorporates by reference Section XII of the State Implementation Plan (SIP). This proposal deletes the SIP text written in the 1980s outlining agreements between Wasatch Front Regional Council (WFRC) and Mountainland Association of Governments (MAG) regarding implementation of traffic-related portions of the SIPs for carbon monoxide and ozone, and replaces it with a new plan for transportation conformity.

The Plan incorporates by reference 40 CFR 93.101, 102, 103, 104, 106, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 126, 127, and specifies consultation procedures modeled on 40 CFR 93.105. The details of the procedures have been worked out in negotiations with WFRC, MAG, the Utah Department of Transportation (UDOT) and the Federal Highway Administration. The Board especially seeks comment on one item, described as follows: 40 CFR Subpart A requires that each Metropolitan Planning Organization (MPO) (in Utah, that is WFRC and MAG) fund first any transportation control measures (as defined in 40 CFR 93.10) which have been included in any SIP required to reduce air pollution to meet federal health-based standards. Currently, the Air Quality Board has the authority to include in a SIP any measures needed to protect public health and reach attainment of the federal health-based standards. The proposed consultation procedures found in Table 1 (Division of Air Quality (DAQ) item #13) of this proposal specify that the Board will not include in future SIPs any transportation control measures which have financial impact on either WFRC or MAG unless those measures have been included in WFRC or MAG's Long Range Plan. The Board seeks comment on whether or not that limitation should be included in the consultation procedures.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-2-104
 FEDERAL REQUIREMENT FOR THIS RULE: 42 U.S.C 7506, 40 CFR Subpart A

KEY: air pollution, small business assistance program*, particulate matter*, ozone
~~[November 20, 1998]~~1999 19-2-104(3)(e)
 Notice of Continuation June 2, 1997

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: Utah State Implementation Plan, Section XII, Transportation Conformity, as amended on June 3, 1999



Health, Community Health Services,
 Environmental Services
R392-101
 Food Safety Manager Certification

NOTICE OF PROPOSED RULE

(New)
 DAR FILE No.: 21914
 FILED: 03/08/1999, 13:43
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To implement Title 26, Chapter 15a "Food Safety Manager Certification Act" promulgated by the 1998 Utah Legislature in S.B. 166.

SUMMARY OF THE RULE OR CHANGE: Specify examination requirements for Food Safety Manager Certification.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 15a

ANTICIPATED COST OR SAVINGS TO:
 ❖THE STATE BUDGET: Cost of \$10,000 for the Utah Department of Health to review and approve examinations.
 ❖LOCAL GOVERNMENTS: Cost of \$10,000 for those local health departments who choose to issue citations and actively enforce the rule.
 ❖OTHER PERSONS: Cost of \$750,000 as determined by an average course and exam cost of \$150 multiplied by 5,000 affected food service establishments.
 COMPLIANCE COSTS FOR AFFECTED PERSONS: Food service establishments will have to pay about \$150 every three years to get a manager certified.

ANTICIPATED COST OR SAVINGS TO:
 ❖THE STATE BUDGET: No change in costs because this rule implements federal provisions already in place.
 ❖LOCAL GOVERNMENTS: No change in costs because this rule implements federal provisions already in place.
 ❖OTHER PERSONS: No costs--the rule affects only government entities.
 COMPLIANCE COSTS FOR AFFECTED PERSONS: No costs--the rule affects only government entities.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule has no costs or benefits to businesses, as it applies only to governmental entities--Dianne 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 jmill@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 05/17/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 06/02/1999

AUTHORIZED BY: Rick Sprott, Planning Branch Manager

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule implements S.B. 166 passed in the 1998 legislative session. Food Service Associations, providers, and local health departments have collaborated with the Department in the development of this rule. Costs appear to be justified given the potential threat to public health--Rod Betit.
 (DAR Note: S.B. 166 is found at 1998 Utah Laws 345, and is effective as of May 4, 1998.)

R307. Environmental Quality, Air Quality.
R307-110. General Requirements: Utah State Implementation Plan.
R307-110-20. Section XII, ~~[Involvement]~~Transportation Conformity.
 The Utah State Implementation Plan, Section XII, ~~[Involvement]~~Transportation Conformity, as most recently amended by the Utah Air Quality Board on ~~[December 18, 1992]~~June 3, 1999, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

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

Health
Community Health Services,
Environmental Services
Second Floor, Cannon Health Building
288 North 1460 West
PO Box 142103
Salt Lake City, UT 84114-2103, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Richard Clark at the above address, by phone at (801) 538-6750, by FAX at (801) 538-6036, or by Internet E-mail at rwclark@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 05/03/1999; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 04/06/1999, 2:00 p.m., Room 114, Utah Department of Health, 288 North 1460 West, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 05/04/1999

AUTHORIZED BY: Rod Betit, Executive Director

R392. Health, Community Health Services, Environmental Services.

R392-101. Food Safety Manager Certification.

R392-101-1. Authority and Purpose of Rule.

This rule is authorized by Section 26-15a-103 for the purposes of establishing statewide uniform standards for certified food safety managers and implementing the Food Safety Manager Certification Act.

R392-101-2. Definitions.

- (1) As used in Title 26, Chapter 15a, and in this rule:
- (a) Commercially prepackaged means any food packaged in a regulated food processing plant that does not require temperature control and is stored and used in accordance with the manufacturer's label.
- (b) Continental breakfast means a breakfast meal restricted to:
- (i) Beverages such as coffee, tea, and fruit juices;
- (ii) Pasteurized Grade A milk;
- (iii) Fresh fruits;
- (iv) Frozen and commercially processed and prepackaged fruits;
- (v) Commercially prepackaged baked goods, such as pastries, rolls, breads and muffins that are non-potentially hazardous foods;
- (vi) Cereals;
- (vii) Commercially prepackaged jams, jellies, honey, and syrup;
- (viii) Pasteurized Grade A creams and butters, non-dairy creamers, or similar products;
- (ix) Commercially prepackaged hard cheeses, cream cheese and yogurt in unopened packages; and
- (x) foods served with single-use articles.

(3) Single-use article means a utensil designed and constructed to be used once and discarded.

R392-101-3. Certification and Recertification Examination Content.

Certification and recertification examinations shall require the examinee to demonstrate knowledge in food protection management in the following areas:

- (1) Identify foodborne illness.
- (a) Define terms associated with foodborne illness.
- (i) foodborne illness
- (ii) foodborne outbreak
- (iii) foodborne infection
- (iv) foodborne intoxication
- (v) diseases communicated by food
- (vi) foodborne pathogens
- (b) Recognize the major organisms and toxins that can contaminate food and the problems that can be associated with the contamination.
- (i) bacteria
- (ii) viruses
- (iii) parasites
- (iv) fungi
- (c) Define and recognize potentially hazardous foods.
- (d) Define and recognize chemical and physical contamination and illnesses that can be associated with chemical and physical contamination.
- (e) Define and recognize the major contributing factors for foodborne illness.
- (f) Recognize how microorganisms cause foodborne disease.
- (2) Identify time/temperature relationship with foodborne illness.
- (a) Recognize the relationship between time/temperature and microorganisms survival, growth, and toxin production during the following stages:
- (i) receiving
- (ii) storing
- (iii) thawing
- (iv) cooking
- (v) holding/displaying
- (vi) servicing
- (vii) cooling
- (ix) storing or post production
- (x) reheating
- (xi) transporting
- (b) Describe the use of thermometers in monitoring food temperatures.
- (i) types of thermometers
- (ii) techniques and frequency
- (iii) calibration and frequency
- (3) Describe the relationship between personal hygiene and food safety.
- (a) Recognize the association between hand contact and foodborne illness.
- (i) hand washing technique and frequency
- (ii) proper use of gloves, including replacement frequency
- (iii) minimal hand contact with food
- (b) Recognize the association of personal habits and behaviors and foodborne illness.

- (i) smoking
- (ii) eating and drinking
- (iii) wearing clothing that may contaminate food
- (iv) personal behaviors, including sneezing, coughing and scratching.

(c) Recognize the association of health of a foodhandler to foodborne disease

- (i) free of symptoms of communicable disease
- (ii) free of infections spread through food on contact
- (iii) food protected from contact with open wounds

(d) Recognize how policies, procedures and management contribute to improved hygiene practices.

(4) Describe methods for preventing food contamination from purchasing to serving.

(a) Define terms associated with contamination:

- (i) contamination
- (ii) adulteration
- (iii) damage
- (iv) approved source
- (v) sound and safe condition

(b) Identify potential hazards prior to delivery and during delivery.

- (i) approved source
- (ii) sound and safe condition

(c) Identify potential hazards and methods to minimize or eliminate hazards after delivery:

- (i) personal hygiene
- (ii) cross contamination from food to food
- (iii) cross contamination between equipment and utensils
- (iv) contamination from chemicals
- (v) contamination from additives
- (vi) physical contamination
- (vii) contamination during service and display
- (viii) contamination from customers
- (ix) storage
- (x) re-service

(5) Identify correct procedures for cleaning and sanitizing equipment and utensils:

- (a) Define terms associated with cleaning and sanitizing.
 - (i) cleaning
 - (ii) sanitizing
- (b) Apply principles of cleaning and sanitizing
- (c) Identify materials: equipment, detergent and sanitizer
- (d) Identify appropriate methods of cleaning and sanitizing.
 - (i) manual dishwashing
 - (ii) mechanical dishwashing
 - (iii) clean-in-place
- (e) Identify frequency of cleaning and sanitizing

(6) Recognize problems and potential solutions associated with facility, equipment and layout.

(a) Identify facility, design and construction suitable for food establishments:

- (i) refrigeration
- (ii) heating and hot-holding
- (iii) floors, walls and ceilings
- (iv) pest control
- (v) lighting
- (vi) plumbing
- (vii) ventilation

- (viii) water supply
- (ix) wastewater disposal
- (x) waste disposal

(b) Identify equipment and utensil design and location

(7) Recognize problems and potential solutions associated with temperature control, preventing cross contamination, housekeeping and maintenance:

- (a) by self inspection program.
- (b) by pest control program.
- (c) by cleaning schedules and procedures.
- (d) by equipment and facility maintenance program.

R392-101-4. Food Safety Manager Certification Courses.

(1) For the purposes of Section 26-15a-104(2)(b), a course approved by the Department shall be designed for a specific approved examination in R392-101-5(4) as determined by that examination's developer.

(2) The course developer shall certify the instructor.

(3) The Department shall approve the course for 3 years.

R392-101-5. Test Approval.

(1) A person seeking approval of an examination shall provide the following background information to the Department:

(a) The person's name, address, telephone number and contact person.

(b) A description of the usage of the examination including the time period in use, number of examinations already administered, and any government or other agencies already approving the examination.

(c) A copy of the examination's pool of questions. Each question shall be:

(i) Cross-referenced to the corresponding content area in R392-101-3, and

(ii) Documented with the correct answer and the source from which the correct answer was determined.

(d) A sample copy of the official certificate issued to persons who pass the examination.

(2) An examination must meet the following requirements in order to be approved:

(a) It must contain at least 50 multiple choice questions, drawn from a pool of at least three times the number of questions given in the examination.

(b) All questions shall be multiple choice with 4 choices.

(c) At least 85% of the questions must be in the content categories of R392-101-3 and shall be apportioned to them as follows:

(i) Identify foodborne illness shall constitute 6-20% percent of the total examination questions.

(ii) Identify time/temperature relationship with foodborne illness shall constitute 6-20% percent of the total examination questions.

(iii) Describe the relationship between personal hygiene and food safety shall constitute 6-20% percent of the total examination questions.

(iv) Describe methods for preventing food contamination from purchasing to serving shall constitute 6-20% percent of the total examination questions.

(v) Identify correct procedures for cleaning and sanitizing equipment and utensils shall constitute 6-20% percent of the total examination questions.

(vi) Recognize problems and potential solutions associated with facility, equipment and layout shall constitute 6-20% percent of the total examination questions.

(vii) Recognize problems and potential solutions associated with temperature control, preventing cross contamination, housekeeping and maintenance shall constitute 6-20% percent of the total examination questions.

(iv) The person seeking approval shall demonstrate that the same version of the examination will not be used more than 6 months and that at least 10% of the questions will be randomly selected and changed between versions.

(v) The person seeking approval shall demonstrate that a system for updating the pool of questions at least every three years is in place.

(vi) The examination questions must be grammatically correct and contain no misspellings.

(vii) The distractors must be relevant to the examination question and represent a plausible alternative.

(3) The Department shall review the materials submitted by an applicant in R392-101-5(1) and (2). The Department shall approve examinations that meet the requirements. If an examination is approved the Department shall notify the examination developer of the approval in writing. If the Department does not approve an examination, it shall notify the examination developer in writing of the reasons why.

(4) The Department shall maintain a current list of approved examinations.

(5) A person may not represent an examination as Department of Health approved, or other similar language, if the examination is not listed according to R392-101-5(4).

R392-101-6. Test Administration.

(1) Test administrators shall:

(a) Provide monitors and security at the locations where the examination is administered.

(b) Maintain a tracking system for all examinations to protect them against theft.

(c) Provide locations and dates of all examinations administered by the testing organization upon request of the Department.

(d) Provide necessary staff to administer, monitor and grade examinations.

(e) Maintain records of each candidate's name, home address, social security number, pass/fail status, date of examination, and name of instructor for at least three years.

(f) Provide accommodation for examinees who do not speak English and who wish to take the test.

(2) The test administrator shall assure there is at least one monitor for every 40 students taking the examination.

(3) The monitor shall confirm the identity of the individual who wishes to take the examination by photographic identification, driver's license or student identification card. The individual shall provide a legal document bearing his signature to the monitor if he does not have a photographic identification card.

(4) The test administrator shall provide test security measures which protect the test from compromise in preparation, printing and transportation to the site, as follows:

(a) The examination materials are stored and administered under secure conditions, where access to the examination is limited to the monitor and test administrator.

(b) The examination materials are inventoried prior to and immediately following each administration of the examination.

(c) The examination materials are available to the candidate during the examination administration only.

(5) The test administrator may not certify an individual determined to have cheated on the examination.

(6) The test administrator may not administer an examination which has been compromised.

R392-101-7. Certification and Recertification Requirements.

(1) A person must answer at least 70% of the questions correctly on a Department- approved examination to pass the examination; except that the examination developer may set the passing score for an examination that it demonstrates to have been developed in accordance with the Standards For Educational And Psychological Testing published by the American Psychological Association.

(a) The examination developer must submit documentation to the Department supporting its claim.

(b) The Department shall review the documentation and determine the validity of the claim.

(2) A person who successfully passes a Department-approved examination must provide documentation of that to the local health officer within sixty days of receipt of the documentation to be certified as a food safety manager. A photocopy of the documentation is acceptable. If a certified food safety manager commences work in a different local health jurisdiction he shall notify the local health officer in that jurisdiction.

(3) A person who completes the requirement in R392-101-7(2) shall be considered to be certified as a food safety manager throughout Utah.

(4) Food safety manager certifications are effective for three years from the date the applicant receives documentation of a passing score from the testing organization.

(5) A food service establishment must maintain a copy of its certified food safety manager's documentation of a passing score on a Department-approved examination on file at the establishment. The food service establishment's person in charge must provide this documentation to the local health officer or his designated representative upon request.

(6) To recertify, a certified food safety manager must submit documentation to the appropriate local health department indicating a passing score on a Department-approved examination within the previous six months.

(7) A person certified as a food safety manager is exempt from state or local requirements for food handlers as defined in Section 26-15-1(1) Utah Code.

R392-101-8. Establishments That Prepare Five or Fewer Potentially Hazardous Foods.

Food service establishments, under the same ownership, that prepare and serve a total of five or fewer potentially hazardous food

items which are intended for immediate consumption shall employ at least one certified food safety manager for every ten establishments sites under the common ownership. For the purposes of this Section, examples of a single potentially food food item in an establishment are hot dogs, nachos, and rotisserie chicken.

R392-101-9. Penalties.

Any person who violates any provision of this rule may be assessed a civil money 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.

KEY: public health, food service
1999

26-15a-103

◆ ————— ◆
**Health, Health Systems Improvement,
Emergency Medical Services
R426-6
Emergency Medical Services Grants
Program Rules**

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 21906
FILED: 03/02/1999, 08:50
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Comments were received during the public comment period that requested the Bureau and Emergency Medical Services (EMS) Committee to re-consider Subsection R426-6-6(3)(b). This proposed change would have let certified individuals only be claimed by one agency for per capita grants, even though they worked for two or more agencies. By eliminating this wording, the system of calculating per capita grants would remain status quo. The EMS Committee agreed with the public comments and recommended that the wording be deleted.

SUMMARY OF THE RULE OR CHANGE: The proposed change will let agencies claim part-time personnel who work for them as it relates to receiving per capita funding.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 8

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: There will be no cost to the Bureau by changing this proposed rule. This does not affect state government.

❖LOCAL GOVERNMENTS: All agencies will be allowed to claim their part time personnel on the Emergency Medical Services (EMS) per capita grants. This will increase the per capita monies smaller agencies receive, but monies allocated to the Grants Program will not change.

❖OTHER PERSONS: The only agencies involved with EMS grants are local ambulance services, first response agencies, and dispatch agencies. Most of these agencies are local government. However, the agencies that are not local government must be non-profit entities providing emergency medical care. There is no cost to them because this is a grant program. They would receive funds through per capita grants each year.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no additional costs to anyone in order to comply with the proposed rule change because it is a grants program because the money is granted to agencies.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This amendment appears to be an appropriate change in response to public comment from affected persons. There should be no additional costs--Rod Betit.

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

Health
Health Systems Improvement,
Emergency Medical Services
Cannon Health Building
288 North 1460 West
PO Box 142004
Salt Lake City, UT 84114-2004, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Leslie Johnson at the above address, by phone at (801) 538-6292, by FAX at (801) 538-6808, or by Internet E-mail at ljohnso@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 05/03/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 05/04/1999

AUTHORIZED BY: Rod Betit, Executive Director

R426. Health, Health Systems Improvement, Emergency Medical Services.

R426-6. Emergency Medical Services Grants Program Rules.

R426-6-1. Authority and Purpose.

- (1) This rule is established under Title 26, Chapter 8.
- (2) The purpose of R426-6 is to provide guidelines for the equitable distribution of grant funds specified under the Emergency Medical Services Grants Program.

R426-6-2. Definitions.

- (1) Competitive grant means a grant awarded on a competitive basis for a share of available funds.

(2) Department means Utah Department of Health.

(3) EMS Committee means the State Emergency Medical Services (EMS) Committee defined in Title 26, Chapter 8.

(4) County EMS Council or Committee means a group of persons recognized by the county commission as the legitimate entity within the county to formulate policy regarding the provision of EMS. It is recommended that the committee have the following representation: A physician and a nurse involved in the provision of emergency medical care; an ambulance service representative; a paramedic service representative, if available within county; a dispatcher representative; a local health department director or his designee and; a county commissioner or his designee; other members as locally appointed.

(5) Multi-county EMS council or committee means a group of persons recognized by an association of counties as the legitimate entity within the association to formulate policy regarding the provision of EMS. It is recommended that the committee have the following representation: A physician and a nurse involved in the provision of emergency medical care; an ambulance service representative; a paramedic service representative, if available within county; a dispatcher representative; a local health department director or his designee and; a county commissioner or his designee; other members as locally appointed.

(6) Grants Review Subcommittee means a subcommittee appointed by the EMS Committee to review, evaluate, prioritize and make grant funding recommendations to the EMS Committee.

(7) Matching Funds means that portion of funds, in cash, contributed by the grantee to total project expenditures.

(8) Per Capita grants mean block grants determined by prorating available funds on a per capita basis as delineated in Title 26, Chapter 8.

R426-6-3. Eligibility.

Grantees shall be limited to agencies or political subdivisions of local or state government or incorporated non-profit entities.

R426-6-4. Grant Implementation.

In accordance with Title 26, Chapter 8, awards shall be implemented by grants between the Department and the grantee.

(1) Grant awards are effective on July 1 and must be used by June 30 of the following year.

(2) Grant funding is on a reimbursable basis after presentation of documentation of expenditures which are in accordance with the approved grant awards budget.

R426-6-5. Competitive Grant Process.

(1) The Grant Program Guidelines, outlining the review schedule, funding amounts, eligible expenditures, and awards schedule shall be established annually by the EMS Committee.

(2) The department may accept only complete applications which are submitted by the deadlines established by the EMS Committee.

(3) It is the intent of the EMS Committee that there be local EMS council or committee review and prioritization of grant applications. Therefore, copies of grant applications shall be provided by grant applicants to their respective county EMS councils or committees and the multi-county EMS councils or committees, where organized, for a period of at least 30 days for review and prioritization before consideration by the State Grants

Review subcommittee. State reviews may not be conducted for grant proposals which have not been first submitted to the county or the multi-county EMS councils or committees.

(4) State or non-profit agencies whose service area includes multiple local EMS Committee jurisdictions shall bypass county and multi-county reviews.

(5) The Grants Review Subcommittee shall review the competitive grant applications and forward its recommendations to the EMS Committee. The EMS Committee shall review and comment on the Grants Review Subcommittee recommendations and forward to the Department.

(6) Grant recipients shall provide matching funds in the amount of 50% of total approved expenditures or a greater amount as annually set forth in the Grant Guidelines.

(7) The Grants Review Subcommittee may recommend reducing or waiving the matching fund requirements where appropriate in order to respond to special or pressing local or state EMS problems.

(8) The Grants Review Subcommittee shall make recommendations based upon the following criteria:

(a) the impact on patient care;

(b) a description of the size and significant impediments of the geographic service area;

(c) the population demographics of the service area;

(d) the urgency of the need;

(e) call volume;

(f) the per capita grant allocated to each agency, and its relative benefit on the agency to provide EMS service;

(g) local county prioritization;

(h) a description of the agency; and

(i) percent of responses to non-residents of the service area.

(9) Applications requesting grant award extensions past June 30, must be made to the department by May 30 of the grant year. Requests made after that time will not be accepted. Grants extensions may only be given for unforeseen circumstances.

R426-6-6. Per Capita Grant Process.

(1) Agency applicants shall verify agency personnel rosters as part of the grant application process.

(2) The department shall determine the amounts of the per capita grants by prorating available funds on a per capita basis by county.

(3) The Department shall allocate funds to licensed EMS providers, designated dispatch agencies and designated first response units by using the following point totals for their personnel: certified Dispatchers, Basic EMTs, EMT-IVs = 1; certified Intermediate EMTs = 2; and certified Paramedics = 3.

~~(a) For the purpose of point allocation, an EMS certified individual shall be affiliated with only one licensed or designated provider.~~

~~(b)~~ The number of certified personnel is based upon the personnel rosters of each licensed EMS provider, designated dispatch agency and designated first response unit as of January 1 immediately prior to the grant year, which begins July 1.

~~(5)~~ No matching funds are required for per capita grants.

~~(6)~~ Grant awards are effective on July 1 and must be used by June 30 of the following year. No extensions will be given.

~~(7)~~ Per capita funds may be used as matching funds for competitive grants.

R426-6-7. High School Training Program Grant.

(1) The department shall provide a grant by contract with a single non-profit entity for the purpose of teaching the "What To Do Until the Ambulance Arrives" program or a similar program to Utah high school students. Any change to the curriculum of the program must be approved by the Department and the Utah State Board of Education. These programs are limited to Utah high schools for Utah high school students.

(2) The contract will be effective from July 1 through June 30. Contract awards may not be extended or amended.

R426-6-8. Interim or Emergency Grant Awards.

(1) The Grants Review Subcommittee may recommend interim or emergency grants if all the following are met:

- (a) Grant funds are available;
- (b) The applicant clearly demonstrates the need;
- (c) the application was not rejected by the Grants Review Subcommittee during the current grant cycle; and
- (d) Delay of funding to the next scheduled grant cycle would impair the agency's ability to provide EMS care.

(2) Applicants for interim or emergency grants shall:

- (a) submit an interim/emergency grant application, following the same format as annual grant applications; and
- (b) submit the interim/emergency grant application to the Department at least 30 days prior to the EMS Committee meeting at which the grant application will be reviewed.

(3) The Grants Review Subcommittee shall review the interim/emergency grant application and forward recommendations to the EMS Committee. The EMS Committee shall review and comment on the Grants Review Subcommittee recommendations and forward to the Department.

KEY: emergency medical services

~~[March 1,]1999~~

26-8

Notice of Continuation December 2, 1997



Health, Health Systems Improvement,
Health Facility Licensure

R432-152

Mental Retardation Facility

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 21918

FILED: 03/11/1999, 15:33

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Changes to this rule are a result of the mandatory five-year review process.

SUMMARY OF THE RULE OR CHANGE: Redundant language from multiple sections is eliminated or consolidated into single

sections. Nonsubstantive changes were made to update other referenced rules. Subsection R432-152-3(2)(c) adds a definition for "direct care staff." Subsection R432-152-3(d) adds a definition for qualified mental retardation professional (QMRP). Section R432-152-11, "Transfer Agreement," has been incorporated into Section R432-152-14, "Admissions, Transfers, and Discharge." Subsection R432-152-7(4)(b) adds language to prohibit facilities from retaliation against employees who report suspected abuse. Subsection R432-152-17(3) adds delegation reference to the Nurse Practice Act. Section R432-152-20 adds clinical laboratory improvement amendments (CLIA) compliance requirements to laboratory services in accordance with federal law. Subsection R432-152-22(5)(c) adds requirement to conduct fire drills in accordance with the State of Utah Fire Prevention Board. Section R432-152-30, "Respite Care," is added to the rule. Section R432-152-31, "Penalties," is added to the rule as required by the Rulemaking Act.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-21-9.5

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: This amended rule should impose no aggregate cost or savings to the State budget as the amendments should not require additional inspection or licensing action by the Department.

❖LOCAL GOVERNMENTS: There are no anticipated aggregate costs or savings to local governments as enforcement of this rule does not apply to local governments.

❖OTHER PERSONS: The added definitions, clarification, and reorganization of this amended rule should impose no additional aggregate cost or savings to providers beyond the compliance costs identified under "Compliance costs for affected persons."

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be some compliance cost to the Department to print and distribute the new rule. Those providers who offer respite care will incur some compliance cost to update policies and procedures and train staff accordingly.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Update in rule to reflect current best practice will impose minimal costs--Rod Betit.

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 05/03/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 05/04/1999

AUTHORIZED BY: Rod L. Betit, Executive Director

R432. Health, Health Systems Improvement, Health Facility Licensure.

R432-152. Mental Retardation Facility.

R432-152-1. Legal Authority.

This rule is adopted pursuant to Title 26, Chapter 21.

R432-152-2. Purpose.

It is the purpose of the rule [is] to meet the [Legislatures] intent of the Legislature as expressed in 26-21-13.5.

R432-152-3. Compliance:

All facilities governed by these rules shall be in full compliance by at the time of licensure. Any facility constructed, in whole or part, and licensed before July 1, 1989, shall conform with the Utah Department of Health standards of construction and equipment in effect at the time of construction or latest substantial remodel or addition.

R432-152-[4]3. Definitions.

(1) [Refer to] The definitions in R432-1-3 apply to this rule. In addition, the following special definitions apply: [

(2) Special Definitions:

(a) "Active Treatment" means a continuous program, which includes active, consistent implementation of a program of specialized and generic training, treatment, health services and related services directed toward:

(i) the acquisition of the behaviors necessary for the client to function with as much self-determination and independence as possible;

(ii) the prevention or deceleration of regression or loss of current optimal functional status. Active treatment does not include services to maintain generally independent clients who are able to function with little supervision or in the absence of a continuous active treatment program.

(b) "Day Treatment" means training and habilitation services delivered outside the client's place of residence which are intended to aid the vocational, pre-vocational, and self-sufficiency skill development of an ICF/MR client. These services shall meet active treatment requirements and shall be coordinated and integrated with the active treatment program of the facility:

(c) "Mental Retardation" means significantly subaverage general intellectual functioning resulting in, or associated with, concurrent impairments in adaptive behavior and manifested during the developmental period: [

(a) [(d)] "Significantly Subaverage General Intellectual Functioning" is operationally defined as a score of two or more standard deviations below the mean on a standardized general intelligence test.

(b) [(e)] "Developmental Period" means the period between conception and the 18th birthday. [

(f) "Resident Living" means residential services provided by an ICF/MR facility.

(g) "Training and Habilitation Services" means services intended to enhance the intellectual, sensorimotor, and emotional development of a client: [

(c) "Direct Care Staff" means personnel who provide care, training, treatment or supervision of residents.

(d) "QMRP" means a Qualified Mental Retardation Professional as defined in 42 CFR 483.403(a), 1997.

R432-152-[5]4. Licensure.

These rules apply to all Intermediate Care Facilities for the Mentally Retarded [which have been] licensed prior to July 1, 1990, [See Section] pursuant to 26-21-13.5.

R432-152-[6]5. Construction and Physical Environment.

[See R432-5 Nursing Facility Construction.] Intermediate Care Facilities for the Mentally Retarded shall be constructed and maintained in accordance with R432-5 Nursing Facility Construction.

R432-152-[7]6. Governing Body and Management.

(1) [Governing Body:] The [facility] licensee shall identify an individual or group to constitute the governing body of the facility.

(2) [Duties and Responsibilities:] The governing body shall: (a) exercise general policy, budget, and operating direction over the facility; and

(b) set the qualifications, in addition to the requirements of Title 58, Chapter 15, for the administrator of the facility; and, [

(c) appoint the administrator of the facility: [

(3) [Compliance with Federal, State, and Local Laws:] The [facility] licensee shall [be in compliance] comply with all applicable provisions of federal, state and local laws, regulations and codes pertaining to health, safety, and sanitation.

(4) [Administrator:]

(a) Qualifications:

(i) [Each facility] The licensee shall appoint, in writing, an administrator professionally licensed by the Utah Department of Commerce as a nursing home administrator. [

(ii) The administrator shall supervise no more than one licensed [health] nursing care facility or mental retardation facility.

(a) [(iii)] The administrator [shall have sufficient freedom from other responsibilities and] shall be on the premises of the facility a sufficient number of hours in the business day, and at other times as necessary, to permit attention to the management and administration of the facility.

(b) [(iv)] The administrator shall designate, in writing, the name and title of [the] a person [who shall] to act as administrator in any temporary absence of the administrator. This designated person shall have sufficient power, authority, and freedom to act in the best interests of client safety and well-being. It is not the intent of this paragraph to permit an unlicensed de facto administrator to supplant or replace the designated, licensed administrator.

(5) [(b) Administrator responsibilities:]

(i) The administrator's responsibilities shall be included in a written job description on file in the facility and available for Department review. [

—(ii) The job description ~~[shall]must~~ include at least the following responsibilities; ~~[responsibility to insure the following duties are fulfilled.]~~

(a) ~~(A)~~ complete, submit, and file all records and reports required by the Department;

(b) ~~(B)~~ act as a liaison ~~[with]between~~ the licensee, qualified mental retardation professional, ~~[QMRP,]~~ and other supervisory staff of the facility;

(c) ~~(C)~~ respond appropriately to recommendations made by the facility committees;

(d) ~~(D)~~ assure that employees are oriented to their job functions and receive appropriate and regularly scheduled in-service training;

(e) ~~(E)~~ implement policies and procedures for the operation of the facility;

(f) ~~(F)~~ hire and maintain the required number of licensed and non-licensed staff, as specified in these rules, to meet the needs of clients;

(g) ~~(G)~~ maintain facility staffing records for at least the preceding 12 months;

(h) ~~(H)~~ secure and update contracts for required professional and other services not provided directly by the facility;

(i) ~~(I)~~ verify all required licenses and permits of staff and consultants at the time of hire or effective date of contract;

(j) ~~(J)~~ review all incident and accident reports and take appropriate action.

—(c) ~~Staff Qualifications and Personnel:~~

(6) ~~(+)~~ The administrator, QMRP, and facility department supervisors shall develop job descriptions for each position including job title, job summary, responsibilities, qualifications, required skills and licenses, and physical requirements.

(a) ~~(+)~~ The administrator or designee shall conduct and document ~~[P]periodic employee performance evaluations~~ ~~[shall be documented].~~

(b) ~~(+)~~ All personnel shall have access to facility policy and procedure manuals and other information necessary to effectively perform duties and carry out responsibilities.

—(d) ~~Health Surveillance:~~

(7) ~~(+)~~ The facility administrator shall establish policies and procedures for health screening that meet R432-150-~~[26(6)(a) through (c)]10-4.~~

—(ii) ~~All dietary and other staff who handle food shall obtain a Food Handler's Permit from the local health department.]~~

R432-152-[8]7. Client Rights.

(1) The facility shall administrator is responsible to ensure the rights of all clients. The administrator or designee shall:

—(2) ~~The facility shall:~~

(a) inform each client, parent, if the client is a minor, or legal guardian, of the client's rights and the rules of the facility;

(b) inform each client ~~[parent, if the client is a minor,]~~ or legal guardian ~~[of the client's medical condition, developmental and behavioral status, attendant risks of treatment, and of the right to refuse treatment;~~

(c) allow and encourage individual clients to exercise their rights as clients of the facility, and as citizens of the United States, including the right to file complaints, ~~[and the right to due process, and each client shall be afforded the opportunity to]~~ voice grievances, and recommend changes in policies and procedures to

facility staff and outside representatives of personal choice, free from restraint, interference, coercion, discrimination, or reprisal;

(d) allow individual clients to manage their financial affairs and teach them to do so to the extent of their capabilities;

(e) ensure that clients are not subjected to physical, verbal, sexual or psychological abuse or punishment;

(f) ensure that clients are free from unnecessary drugs and physical restraints and are provided active treatment to reduce dependency on drugs and physical restraints;

(g) provide each client with the opportunity for personal privacy and ensure privacy during treatment and care of personal needs;

(h) ensure the clients are not compelled to participate in publicity events, fund raising activities, movies or anything that would exploit the client;

(i) ensure that clients are not compelled to perform services for the facility and ensure that clients who do work for the facility are compensated for their efforts at prevailing wages commensurate with their abilities;

(j) ensure clients the opportunity to communicate, associate and meet privately with individuals of their choice, including legal counsel and clergy, and to send and receive unopened mail;

(k) ensure that clients have access to telephones with privacy for incoming and outgoing local and long distance calls except as contraindicated by factors identified within their individual program plans;

(l) ensure clients the opportunity to participate in social and community group activities and the opportunity to exercise religious beliefs and to participate in religious worship services without being coerced or forced into engaging in any religious activity;

(m) ensure that clients have the right to retain and use appropriate personal possessions and clothing, and ensure that each client is dressed in his or her own clothing each day; and

(n) permit a married couple both of whom reside in the facility to reside together as a couple.

(2) ~~(3) Client Finances:~~

—(a) The facility administrator shall establish and maintain a system that:

—(i) assures a full and complete accounting of clients' personal funds entrusted to the facility on behalf of clients ~~[and]~~

—(ii) precludes any commingling of client funds with facility funds or with the funds of any person other than another client.

(a) ~~(b)~~ The client's financial record shall be available on request to the client ~~[parent, if the client is a minor,]~~ or client's legal guardian.

(b) ~~(c)~~ The licensee must ensure that all ~~[A]H~~ monies entrusted to the facility on behalf of clients ~~[shall be]are~~ kept in the facility or ~~[shall be]are~~ deposited within five days of receipt ~~[of such funds]~~ in an insured interest-bearing account in a local bank, credit union or savings and loan association authorized to do business in Utah ~~[the deposits of which shall be insured.]~~

(c) ~~(d)~~ When the amount of a client's money entrusted to the facility exceeds \$150, all money in excess of \$150 ~~[shall]must~~ be deposited in an interest-bearing account as specified in R432-~~[152-8(2)(c)]152-7(2)(b)~~ above.

(d) ~~(e)~~ Upon discharge of a client, all money and valuables of that client which have been entrusted to the licensee shall be surrendered to the client in exchange for a signed receipt. Money and valuables kept within the facility ~~[shall]must~~ be surrendered

upon demand and those kept in an interest-bearing account must be obtained and surrendered to the client in a timely manner.~~[shall be made available within a reasonable time.]~~

(c)~~(f)~~ Within 30 days following the death of a client, except in a medical examiner case, all money and valuables of that client which have been entrusted to the licensee ~~[shall]~~must be surrendered to the person responsible for the client or to the executor or the administrator of the estate in exchange for a signed receipt. ~~[When]~~If a client dies without a representative or known heirs, the licensee must immediately notify in writing the local probate court and the Department.~~[immediate written notice thereof shall be given by the facility to the State Medical Examiner and the registrar of the local probate court and a copy of said notice shall be filed with the Department.]~~

~~(3)(4) Communication with Clients, Parents, and Guardians. —~~The [facility] administrator [shall] must promote communication, and encourage participation of clients, parents and guardians in the active treatment process. Facility staff shall:

(a) promote participation of parents (if the client is a minor) and legal guardians in the process of providing active treatment to a client unless their participation is unobtainable or inappropriate;

(b) answer communications from clients' families and friends promptly and appropriately;

(c) promote visits by individuals with a relationship to the client, such as family, close friends, legal guardians and advocates, at any reasonable hour, without prior notice, consistent with the right of the client's and other clients' privacy, unless the interdisciplinary team determines that the visit would not be appropriate for that client;

(d) promote visits by parents or guardians to any area of the facility that provides direct client care services to the client, consistent with right of that client's and other clients' privacy;

(e) promote frequent and informal leaves from the facility for visits, trips, or vacations; and

(f) notify promptly the client's parents or guardian of any significant incidents, or changes in the client's condition including, but not limited to, serious illness, accident, death, abuse, or unauthorized absence.

~~(4)(5) Staff Treatment of Clients.~~

~~(a) The [facility] administrator is responsible to [shall] develop and implement written policies and procedures that prohibit abuse, neglect, or exploitation of clients.~~[mistreatment, neglect or abuse of the client.]

~~(b) Staff of the facility shall not use physical, verbal, sexual or psychological abuse or punishment.~~

~~(c) Staff shall not punish a client by withholding food or hydration that contributes to a nutritionally adequate diet.~~

~~(d) The facility shall prohibit the employment of individuals with a conviction or prior employment history of child, client abuse, spouse abuse, neglect or mistreatment.~~

~~(e) The facility shall ensure that all allegations of mistreatment, neglect or abuse, as well as injuries of unknown source, are reported immediately to the administrator and to other officials in accordance with Sections 62A-3-3 and 62A-4-5, through established procedures.]~~

(a) Any person, including a social worker, physician, psychologist, nurse, teacher, or employee of a private or public facility serving adults, who has reason to believe that any disabled or elder adult has been the subject of abuse, emotional or

psychological abuse, neglect, or exploitation shall immediately notify the nearest peace officer, law enforcement agency, or local office of Adult Protective Services pursuant to Section 62A-3-302.

~~(i)(f) The [facility shall] administrator must document [have evidence]~~[that all alleged violations are thoroughly investigated and shall prevent further potential abuse while the investigation is in progress.]

~~(ii)(g) The administrator is responsible to report the results of all investigations [shall be reported to the administrator or designated representative and]~~to other officials in accordance with Section 62A-3-3 and 62A-4-5, within five working days of the incident, [and, if] If the alleged violation is verified, the administrator shall take appropriate corrective action~~[shall be taken].~~

~~(iii)(h) The administrator or designee shall plan and document annual inservice training of all staff on the reporting requirements of suspected abuse, neglect, and exploitation.~~[An inservice shall be held annually to review the reporting requirements of abuse, neglect and exploitation. Documentation shall be maintained for Department review verifying that all staff have been in-serviced on the reporting requirements.]

(b) A licensee shall not retaliate, discipline, or terminate an employee who reports suspected abuse, neglect, or exploitation for that reason alone.

R432-152-[9]8. Facility Staffing.

(1)~~Qualified Mental Retardation Professional:~~

~~(a) A Qualified Mental Retardation Professional must integrate, coordinate and monitor [E]each client's active treatment program.~~[shall be integrated, coordinated and monitored by a qualified mental retardation professional:]

~~(b) The qualified mental retardation professional shall:~~

~~(i) have at least one year of experience working directly with persons with mental retardation or other developmental disabilities; and~~

~~(ii) be one of the following:~~

~~(A) a doctor of medicine or osteopathy;~~

~~(B) a registered nurse;~~

~~(C) an individual who holds at least a bachelor's degree in a professional category specified in R432-152-9(2)(f) below.~~

~~(2) Professional Program Services:]~~

~~(2)(a) Each client shall receive the professional [program] services [needed] required to implement the active treatment program defined by each client's individual program plan.~~

~~(a)(b) Professional program staff shall work directly with clients and with [paraprofessional, nonprofessional and] other [professional program] staff who work with clients.~~

~~(b)(c) The [facility] licensee shall have available enough qualified professional staff to carry out and monitor the various professional interventions in accordance with the stated goals and objectives of every individual program plan.]~~

~~(d) Professional program staff shall participate as members of the interdisciplinary team in relevant aspects of the active treatment process.]~~

~~(c)(e) Professional program staff shall participate in ongoing staff development and training of other [in both formal and informal settings with other professional, paraprofessional and nonprofessional] staff members.~~

~~(d)(f)~~ Professional program staff must be licensed and~~shall be licensed, certified, or registered, as applicable, to~~ provide professional services ~~[in the State of Utah]in accordance with each respective professional practice act as outlined in Title 58. A copy of the current license, registration or certificate must be posted or maintained in employee personnel files.~~

~~(i) To be designated as an occupational therapist, an individual shall be licensed in accordance with Title 58, Chapter 42.~~

~~(ii) To be designated as an occupational therapy assistant, an individual shall be licensed in accordance with Title 58, Chapter 42.~~

~~(iii) To be designated as a physical therapist, an individual shall be licensed in accordance with Title 58, Chapter 24.~~

~~(iv) To be designated as a physical therapy assistant, an individual shall be licensed in accordance with Title 58, Chapter 24.~~

~~(v) To be designated as a psychologist, an individual shall be licensed in accordance with Title 58, Chapter 60.~~

~~(vi) To be designated as a social worker, an individual shall be licensed in accordance with Title 58, Chapter 60.~~

~~(vii) To be designated as a speech-language pathologist or audiologist, an individual shall be licensed in accordance with Title 58, Chapter 41.~~

~~(viii) To be designated as a professional recreation therapist, an individual shall be licensed in accordance with Title 58, Chapter 40.~~

~~(ix) To be designated as a professional Dietitian, an individual shall be certified in accordance with Title 58, Chapter 49.]~~

~~(x)e~~ Those professional program staff designated as a human services professional who do not fall under the jurisdiction of state licensure, certification, or registration requirements, specified in Title 58, shall [meet the following qualifications:

~~(A) to be designated as a human services professional, an individual shall]have at least a bachelor's degree in a human services field, including, but not limited to: sociology, special education, rehabilitation counseling, and psychology.~~

~~(x)f~~ If the client's individual program plan is being successfully implemented by facility staff, professional program staff meeting the qualifications of R432-152-~~9~~2)(~~f~~d) [is]are not required:

~~(A)i~~ except for qualified mental retardation professionals;

~~(B)ii~~ except for the requirements of R432-152-~~9~~2)(~~c~~b) of this section concerning the facility's provision of enough qualified professional program staff; and

~~(C)iii~~ [unless]as otherwise specified by State licensure and certification requirements.

~~(3) [Direct Care Staffing:~~

~~(a) The facility shall not depend upon clients or volunteers to perform direct care services for the facility.~~

~~(b)]There shall be responsible direct care staff on duty and awake on a 24-hour basis, when clients are present, to take prompt, appropriate action in case of injury, illness, fire or other emergency, in each defined residential living unit housing as follows:~~

~~(a)(i)~~ clients for whom a physician has ordered a medical care plan;

~~(b)(ii)~~ clients who are aggressive, assaultive or security risks;

~~(c)(iii)~~ more than 16 clients; or

~~(d)(iv)~~ each unit of [S]sixteen or fewer clients within a multi-unit building.

~~(4)(c)~~ There shall be a responsible direct care staff person on duty on a 24-hour basis, when clients are present, to respond to injuries and symptoms of illness[-] and to handle emergencies[-] in each defined residential living unit housing as follows:

~~(a)(i)~~ clients for whom a physician has not ordered a medical care plan;

~~(b)(ii)~~ clients who are not aggressive, assaultive or security risks; or

~~(c)(iii)~~ residential living units housing sixteen or fewer clients.

~~(5)(d)~~ ~~[The facility shall provide s]~~Sufficient support staff must be available so that direct care staff are not required to perform support services to the extent that these duties interfere with the exercise of their primary direct client care duties.]

~~(e) All staff shall be registered as a health care assistant with the Utah Department of Commerce if they provide direct assistance with activities of daily living. Documentation that the registration is current shall be maintained for Department review.]~~

~~(6) Clients or volunteers may not perform direct care services for the facility.~~

~~(7)(4) Residential Living Unit Staff:~~

~~(a) The [facility]licensee shall [provide]employ~~ sufficient direct care staff to manage and supervise clients in accordance with their individual program plans.]

~~(b) Direct care staff are defined as the present on-duty staff calculated over all shifts in a 24-hour period for each defined residential living unit.]~~

~~(a)(c)~~ Direct care staff shall ~~[be provided by the facility in]meet~~ the following minimum ratios of direct care staff to clients:

(i) for each defined residential living unit serving children under the age of 12, severely and profoundly retarded clients, clients with severe physical disabilities, or clients who are aggressive, assaultive, or security risks, or who manifest severely hyperactive or psychotic-like behavior, the staff to client ratio is 1 to 3.2 (2.5 hours per client per 24 hour period);

(ii) for each defined residential living unit serving moderately retarded clients, the staff to client ratio is 1 to 4 (2.0 hours per client per 24 hour period);

(iii) for each defined residential living unit serving clients who function within the range of mild retardation, the staff to client ratio is 1 to 6.4 (1.25 hours per client per 24 hour period).

~~(b)(d)~~ ~~[w]When~~ there are no clients present in the living unit, a responsible staff member shall be available by telephone.

~~(8)(5) Staff Training Program:~~

~~(a) [The facility shall provide each]Each~~ employee ~~[with]shall have~~ initial and ~~[continuing]ongoing~~ training to include the necessary~~[that enables the employee to perform his or her duties effectively, efficiently, and competently:~~

~~(b) For employees who work with clients, training shall focus on] skills and competencies required to meet the clients~~~~[directed toward clients]~~ developmental, behavioral, and health needs.]

~~(c) Staff shall be able to demonstrate the skills and techniques necessary to administer interventions to manage the inappropriate behavior of clients:~~

~~(d) Staff shall be able to demonstrate the skills and techniques necessary to implement the individual program plans for each client for whom they are responsible:~~

~~— (6) All staff shall be registered, licensed or certified as required by the Utah Department of Commerce.~~

~~— (a) The facility shall maintain a copy of the license, certification or registration for Department review.~~

~~— (b) Failure to comply with these requirements may result in sanctions to the facility license.]~~

R432-152-~~[10]~~9. Volunteers.

(1) Volunteers may be ~~[utilized]~~included in the daily activities ~~[of the facility]~~with clients, but may not be included in the ~~[facility's]~~staffing plan or staffing ratios.~~[in lieu of facility employees.]~~

(2) Volunteers shall be supervised by staff and ~~[familiar with a]~~oriented to client's rights and the facility's policies and procedures.~~]~~

~~— (3) Volunteers who provide personal care to clients shall be adequately screened and under the direct supervision of a qualified employee.~~

R432-152-~~11~~. Transfer Agreement.

~~— (1) The licensee shall maintain, where appropriate, a written transfer agreement with one or more hospitals, or nearby health facilities, to facilitate the transfer of clients and essential client information.~~

~~— (2) The transfer agreement shall include provisions for:~~

~~— (a) criteria for transfer;~~

~~— (b) appropriate methods of transfer;~~

~~— (c) transfer of information needed for proper care and treatment of the individual transferred;~~

~~— (d) security and accountability of personal property of the individual transferred;~~

~~— (e) proper notification of hospital and responsible person before transfer;~~

~~— (f) the facility responsible for client care in the process of transfer;~~

~~— (g) client confidentiality.]~~

R432-152-~~[12]~~10. Services Provided Under Agreements with Outside Sources.

~~(1) [Contracts:~~

~~— (a) If a service required under this [subpart]rule is not provided directly, the [facility]licensee shall have a written agreement with an outside program, resource, or service to furnish the necessary service, including emergency and other health care.~~

~~(2) [(b)] The agreement shall:~~

~~(a) [(i)] contain the responsibilities, functions, objectives, and other terms agreed to by both parties;~~

~~(b) [(ii)] provide that the [facility]licensee is responsible for assuring that the outside services meet the standards for quality of services contained in this [subpart]rule.~~

~~[(2) The facility shall assure that outside services meet the needs of each client.~~

~~— (3) If living quarters are not provided in a facility owned by the [ICF/MR]licensee, the [ICF/MR]licensee remains directly responsible for the standards relating to physical environment that are specified in R432-5.~~

R432-152-~~[13]~~11. [Client Treatment Services:]Individual Program Plan.

~~(1) [Individual Program Plan:~~

~~— (a) Each client shall have an individual program plan developed by an interdisciplinary team that represents the professions, disciplines or service areas that are relevant to:~~

~~(a) [(i)] identifying the client's needs, as described by the comprehensive functional assessments required in R432-152-~~[13]~~12(4) [(i)-(d)]; and~~

~~(b) [(ii)] designing programs that meet the client's needs.~~

~~(2) [(b)] Interdisciplinary team meetings shall include the following participants: [Appropriate facility staff shall participate in interdisciplinary team meetings.]~~

~~(a) [(i) Participation by] representatives of other agencies who may serve [serving] the client; and [is encouraged:]~~

~~(b) [(ii) Participation by] the client[, client's parent, if the client is a minor, or] and the client's legal guardian [is required] unless [that] participation is unobtainable or inappropriate.[~~

~~— (c) Within 30 days after admission, the interdisciplinary team shall perform accurate assessments or reassessments as needed to supplement the preliminary evaluation conducted prior to admission.~~

~~— (d) The comprehensive functional assessment shall take into consideration the client's age and the implications for active treatment and shall:~~

~~— (i) identify the presenting problems and disabilities and where possible, their causes;~~

~~— (ii) identify a client's specific developmental strengths;~~

~~— (iii) identify a client's specific developmental and behavioral management needs;~~

~~— (iv) identify a client's need for services without regard to the actual availability of the services needed;~~

~~— (v) include physical development and health, nutritional status, sensorimotor development, affective development, speech and language development, auditory functioning, cognitive development, social development, adaptive behaviors and independent living skills necessary for a client to be able to function in the community, and as applicable, vocational skills.]~~

~~(3) [(2)] Within 30 days after admission, the interdisciplinary team shall prepare for each client an individual program plan that states the specific objectives necessary to meet the client's needs, as identified by the comprehensive assessment required by R432-152-~~[13]~~(2)(b)12, and the planned sequence for dealing with those objectives.~~

~~(a) [These]The program objectives shall:~~

~~(i) be stated separately, in terms of a single behavioral outcome;~~

~~(ii) be assigned projected completion dates;~~

~~(iii) be expressed in behavioral terms that provide measurable indices of performance;~~

~~(iv) be organized to reflect a developmental progression appropriate to the individual; and~~

~~(v) be assigned priorities.~~

~~(b) Each written training program designed to implement the objectives in the individual program plan shall specify:~~

~~(i) the methods to be used;~~

~~(ii) the schedule for use of the method;~~

~~(iii) the person responsible for the program;~~

~~(iv) the type of data and frequency of data collection necessary to be able to assess progress toward the desired objectives;~~

~~(v) the inappropriate client behavior, if applicable; and~~

(vi) provision for the appropriate expression of behavior and the replacement of inappropriate behavior, if applicable, with behavior that is adaptive or appropriate.

(c) The individual program plan shall also:

(i) describe relevant interventions to support the individual toward independence;

(ii) identify the location where program strategy information, which shall be accessible to any person responsible for implementation, can be found;

(iii) include, for those clients who lack them, training in personal skills essential for privacy and independence, including~~[-; but not limited to;]~~ toilet training, personal hygiene, dental hygiene, self-feeding, bathing, dressing, grooming, and communication of basic needs, until it has been demonstrated that the client is developmentally incapable of acquiring them;

(iv) identify mechanical supports, if needed, to achieve proper body position, balance, or alignment~~[-. The plan shall specify]~~ including the reason for each support, the situations in which each is to be applied, and a schedule for the use of each support;

(v) provide that clients who have multiple disabling conditions spend a major portion of each waking day out of bed and outside the bedroom area, moving about by various methods and devices whenever possible; and

(vi) include opportunities for client choice and self-management.

~~(4)(3)~~ A copy of each client's individual program plan shall be made available to all relevant staff, ~~[including-]staff of other agencies who work with the client[-; and to the client, parents, if the client is a minor;-]~~ or legal guardian.

~~(5)(4) Program Implementation:~~

~~(a)~~ As soon as the interdisciplinary team has formulated a client's individual program plan, each client shall receive a continuous active treatment program consisting of needed interventions and services in sufficient number and frequency to support the achievement of the objectives identified in the individual program plan.

~~(b)~~ The facility shall develop an active treatment schedule that outlines the current active treatment program and that is readily available for review by relevant staff.

~~(c)~~ Except for those facets of the individual program plan that ~~shall~~ may be implemented only by licensed personnel, each client's individual program plan shall be implemented by all staff who work with the client~~[-; including professional, paraprofessional, and nonprofessional staff;-]~~

~~(6)(5) Program Documentation:~~

~~(a)~~ The facility must document, in measurable terms, data and significant events relative to the accomplishment of the criteria specified in individual client program plans.~~[Data relative to accomplishment of the criteria specified in client individual program plan objectives shall be documented in measurable terms.]~~

~~(b)~~ The facility shall document significant events that are related to the client's individual program plan and assessments and that contribute to an overall understanding of the client's ongoing level and quality of functioning~~[-].~~

~~(7)(6) Program Monitoring and Change:~~

~~(a)~~ The individual program plan shall be reviewed at least by the qualified mental retardation professional and revised as necessary~~[-;]~~ including~~[-; but not limited to;]~~ situations in which the client:

~~(a)(i)~~ has successfully completed an objective or objectives identified in the individual program plan;

~~(b)(ii)~~ is regressing or losing skills already gained;

~~(c)(iii)~~ is failing to progress toward identified objectives after reasonable efforts have been made; or

~~(d)(iv)~~ is being considered for training towards new objectives.

R432-152-12. Comprehensive Functional Assessment.

(1) Within 30 days after admission, the interdisciplinary team must complete accurate assessments or reassessments as needed to supplement the preliminary evaluation referred to in R432-152-14(3).

(2) The comprehensive functional assessment shall take into consideration the client's age and the implications for active treatment and shall:

(a) identify the presenting problems and disabilities and, where possible, their causes;

(b) identify a client's specific developmental strengths;

(c) identify a client's specific developmental and behavioral management needs;

(d) identify a client's need for services without regard to the actual availability of the services needed;

(e) include physical development and health, nutritional status, sensorimotor development, affective development, speech and language development, auditory functioning, cognitive development, social development, adaptive behaviors and independent living skills necessary for a client to be able to function in the community, and as applicable, vocational skills.

~~(3)(b)~~ ~~[At least annually, t]~~ The comprehensive functional assessment of each client shall be reviewed annually by the interdisciplinary team~~[- for relevancy]~~ and updated as needed~~[-; and the individual program plan shall be revised, as appropriate;-]~~ repeating the process ~~[set forth]~~ required in R432-152-13~~4(1)(d)~~.

R432-152-143. Human Rights Committee.

(1) The facility shall designate and use a specially constituted committee or committees consisting of members of the facility staff, parents, legal guardians, clients as appropriate, qualified persons who have experience or training in contemporary practices to change inappropriate client behavior, and persons with no ownership or controlling interest in the facility to:

(a) review, approve, and monitor individual programs designed to manage inappropriate behavior and other programs that, in the opinion of the committee, involve risks to client protection and rights;

(b) insure that these programs are conducted only with the written informed consent of the client, parent, if the client is a minor, or legal guardian; and

(c) review, monitor and make suggestions to the facility about its practices and programs as they relate to drug usage, physical restraints, time-out rooms, application of painful or noxious stimuli, control of inappropriate behavior, protection of client rights and funds, and any other area that the committee believes need to be addressed.~~[-]~~

~~(2) The provisions of R432-152-14(1) may be modified only if in the judgment of the state survey agency, court decrees, state law or regulations provide for equivalent client protection and consultation:-]~~

R432-152-1[5]4. Admissions, Transfers, and Discharge.

(1) ~~[Clients who are admitted by the facility shall be in need of and receiving]The facility may only admit clients who need active treatment services.~~

(2) ~~[Admission decisions shall be based on a preliminary evaluation of the client that is conducted or updated by the facility or by outside sources to determine if the facility can provide for the client's needs and if the client is likely to benefit from placement in the facility.]The facility shall base its admission decision on a preliminary evaluation of the client. The preliminary evaluation may be conducted or updated by the facility or an outside source and must determine that the facility can provide for the client's needs and that the client is likely to benefit from placement in the facility.~~

(3) A preliminary evaluation shall contain background information as well as current valid assessments of the following:

- (a) functional developmental,
- (b) behavioral status,
- (c) social status, and
- (d) health and nutritional status.

(4) Client transfers and discharges must comply with the requirements of R432-150-22.~~[If a client is to be either transferred or discharged, the facility shall:~~

~~—(a) have documentation in the client's record that the client was transferred or discharged for good cause;~~

~~—(b) provide a reasonable time, except in emergencies, to prepare the client and his or her parents or guardian for the transfer or discharge;~~

~~—(c) At the time of discharge, the facility shall:~~

~~(i) develop a final summary of the client's developmental, behavioral, social, health and nutritional status;~~

~~(ii) with the consent of the client, parents, if the client is a minor, or legal guardian, provide a copy to authorized persons and agencies; and~~

~~(iii) provide a post-discharge plan of care that will assist the client to adjust to the new living environment.]~~

R432-152-1[6]5. Client Behavior and Facility Practices.

(1) ~~[Conduct Toward Clients:~~

~~—(a)]The facility shall develop and implement written policies and procedures for the management of conduct between staff and clients.~~

~~(2)[(b)] The[se] policies and procedures shall:~~

~~(a)[(i)] promote the growth, development and independence of the client;~~

~~(b)[(ii)] address the extent to which client choice will be accommodated in daily decision-making, emphasizing self-determination and self-management[;] to the extent possible;~~

~~(c)[(iii)] specify client conduct to be allowed or not allowed; and~~

~~(d)[(iv)] be available to all staff, clients, parents of minor children, and legal guardians.~~

~~(3)[(e)] To the extent possible, clients shall participate in the formulation of these policies and procedures.~~

~~(4)[(f)] Clients shall not discipline other clients, except as part of an organized system of self-government, as set forth in facility policy.~~

~~(5)[(2) Management of Inappropriate Client Behavior:~~

~~—(a)] The facility shall develop and implement written policies and procedures that govern the management of inappropriate client behavior.~~

~~(a)[(b)] The[se] policies and procedures shall be consistent with the provisions of R432-152-[+6]15([+2]).~~

~~(b)[(c)] The[se] policies and procedures shall:~~

~~(i) specify all facility[-]approved interventions to manage inappropriate client behavior;~~

~~(ii) designate these interventions on a hierarchy to be implemented, ranging from most positive or least intrusive, to least positive or most intrusive; and~~

~~(iii) ensure, prior to the use of more restrictive techniques, that less restrictive measures have been implemented with the results documented in the client's record.[documents that programs that incorporate the use of less intrusive or more positive techniques have been tried systematically and demonstrated to be ineffective;]~~

~~(+v)[(c)] The policies and procedures shall address the following:~~

~~([A])i) the use of time-out rooms;~~

~~([B])ii) the use of physical restraints;~~

~~([E])iii) the use of chemical restraints to manage inappropriate behavior;~~

~~([D])iv) the application of painful or noxious stimuli;~~

~~([E])v) the staff members who may authorize the use of specified interventions; and~~

~~([F])vi) a mechanism for monitoring and controlling the use of such interventions.~~

~~(d) Interventions to manage inappropriate client behavior shall be employed with [sufficient]-safeguards and supervision to ensure that the safety, welfare and civil and human rights of clients are adequately protected.[~~

~~—(e) Techniques to manage inappropriate client behavior shall never be used for disciplinary purposes, for the convenience of staff or as a substitute for an active treatment program.~~

~~—(f) The use of systematic interventions to manage inappropriate client behavior shall be incorporated into the client's individual program plan, in accordance with R432-152-16(2).]~~

~~(+g)—(e) A facility may not utilize p.r.n. or as needed[Standing or as needed] programs to control inappropriate behavior[are not permitted].~~

~~(6)[(3) Time-Out Rooms:~~

~~—(a)] A client may be placed in a time-out room from which egress is prevented only if the following conditions are met:~~

~~(a)[(i)] The placement is part of an approved systematic time-out program as required by R432-152-[+6]15([+2])5.~~

~~(b)[(ii)] The client is under the direct constant visual supervision of designated staff.~~

~~(c)[(iii)] The door to the room is held shut by staff or by a mechanism requiring constant physical pressure from a staff member to keep the mechanism engaged.[~~

~~—(b) Emergency placement of a client into a time-out room is not allowed:]~~

~~(d)[(e)] Placement of a client in a time-out room shall not exceed one hour per incident of maladapted behavior.~~

~~(e)[(f)] Clients placed in time-out rooms shall be protected from hazardous conditions including[;but not limited to, presence of] sharp corners and objects, uncovered light fixtures, and unprotected electrical outlets.~~

~~(f)(e)~~ A log of the use of each time-out room shall be kept. The facility must maintain a log for each time-out room.

~~(7)(4) Physical Restraints.~~

~~(a)~~ ~~[The]~~A facility may employ physical restraints only:

~~(i)~~ as an integral part of an individual program plan that is intended to lead to less restrictive means of managing and eliminating the behavior for which the restraint is applied;

~~(ii)~~ as an emergency measure, but only if absolutely necessary to protect the client or others from injury; or

~~(iii)~~ as a health-related protection prescribed by a physician, but only if absolutely necessary during the conduct of a specific medical or surgical procedure, or only if absolutely necessary for client protection during the time that a medical condition exists.

~~(8)(b) A facility may apply emergency restraints for initial or extended use for.~~ Authorizations to use or extend restraints as an emergency shall be:

~~(i)~~ in effect] no longer than 12 consecutive hours for the combined initial and extended use time period provided that authorization is[;

~~(ii)~~ obtained as soon as the client is restrained or stable.

~~(9)(e)~~ ~~[The]~~A facility ~~[shall]~~may not issue orders for restraint on a standing or as needed basis.

~~(10)(d) Facility staff must check clients.~~ A client] placed in restraints ~~[shall be checked]~~at least every 30 minutes and maintain documentation of these checks.~~[by staff trained in the use of restraints, released from the restraint as quickly as possible, and a record of these checks and usage shall be kept.]~~

~~(a)(e)~~ Restraints must be applied to cause the least possible discomfort and~~[shall be designed and used so as not to]~~ may not cause physical injury to the client~~[and so as to cause the least possible discomfort].~~

~~(b)(f)~~ Facility staff must provide and document ~~[O]~~opportunity for motion and exercise ~~[shall be provided]~~for a period of not less than 10 minutes during each two hour period in which a restraint is employed~~[, and a record of such activity shall be kept].~~

~~(c)(g)~~ Barred enclosures shall not be more than three feet in height and shall not have tops.

~~(11)(5) Chemical Restraint.~~

~~(a)~~ The facility shall not ~~[use]~~administer drugs ~~[in]~~at a dose that interferes with ~~[the individual]~~a client's daily living activities.

~~(b)(a)~~ Drugs used for control of inappropriate behavior ~~[shall]~~must be approved by the interdisciplinary team and be used only as an integral part of the client's individual program plan that is directed specifically towards the reduction of and eventual elimination of the behaviors for which the drugs are employed.~~[~~

~~(c)~~ Drugs used for control of inappropriate behavior shall not be used until it can be justified that the harmful effects of the behavior clearly outweigh the potentially harmful effects of the drugs.]

~~(b)(d)~~ Drugs used for control of inappropriate behavior shall be:

(i) monitored closely, in conjunction with the physician and the drug review requirement; and

(ii) gradually withdrawn at least annually in a carefully monitored program conducted in conjunction with the interdisciplinary team, unless clinical evidence justifies that this is contraindicated.

R432-152-1[7]6. Physician Services.

(1) ~~[General Requirements:~~

~~(a)~~ The facility shall ensure the availability of physician services 24 hours a day.

~~(a)(b)~~ The physician shall develop, in coordination with facility licensed nursing personnel, a medical care plan of treatment for a client if the physician determines that ~~[an individual]~~the client requires 24-hour licensed nursing care.

~~(b)(e)~~ ~~[This]~~The care plan shall be integrated into the ~~[individual]~~client's program plan.

~~(c)(d)~~ Each client requiring a medical care plan of treatment shall be admitted by[;] and remain under the care of[;] a ~~[physician or individual]~~health practitioner licensed to prescribe medical care for the client.

~~(d)(e)~~ The facility shall obtain~~[There shall be]~~ written orders for medical treatment (documented telephone orders are acceptable) at the time of admission.

~~(e)(f)~~ The facility shall provide or obtain preventive and general medical care as well as annual physical examinations of each client that at a minimum includes~~[the following]:~~

(i) an evaluation of vision and hearing;

(ii) immunizations, using as a guide the recommendations of the Public Health Service Advisory Committee on Immunization Practices or of the Committee on the Control of Infectious Diseases of the American Academy of Pediatrics;

(iii) routine screening laboratory examinations, as determined necessary by the physician, and special studies when needed; and

(iv) tuberculosis control in accordance with R388-804, Tuberculosis Control Rule,~~[, appropriate to the facility's population, and in accordance with the recommendations of the American College of Chest Physicians or the Section of Diseases of the Chest of the American Academy of Pediatrics, or both.~~

~~(g)~~ The following professionals may render medical services to clients in the facility, as permitted by state law and regulation:

~~(i)~~ nurse practitioners licensed to practice in Utah;

~~(ii)~~ physician assistants that work under the responsibility and supervision of a physician licensed in Utah and perform only those selected diagnostic and therapeutic tasks identified in R156-12d;

~~(iii)~~ Physicians licensed to practice in Utah.]

(2) ~~[Physician Participation in the Individual Program Plan:~~

~~(a)~~ A physician shall participate in the establishment of each newly admitted client's initial individual program plan as required by R432-152-1[3].

~~(a)(b)~~ If appropriate, physicians shall participate in the review and update of an individual program plan as part of the interdisciplinary team process either in person or through written report to the interdisciplinary team.

~~(b)(e)~~ A physician shall participate in the discharge planning of clients under a medical care plan of treatment.]

~~(d)~~ In cases of discharge against medical advice, the facility must immediately notify~~[AMA,]~~ the attending physician~~[or practitioner shall be contacted and the response documented].~~

R432-152-1[8]7. Nursing Services.

(1) ~~[General Requirements:~~

~~(a)~~ The facility shall provide ~~[clients with]~~nursing services in accordance with ~~[their]~~client needs.]

~~(b)~~ Nursing services shall include:

~~(a)(i)~~ participation as appropriate in the development, review, and update of an individual program plan as part of the interdisciplinary team process;

~~(b)(ii)~~ the development, with a physician, of a medical care plan of treatment for a client ~~when~~ if the physician has determined that an individual client requires such a plan; ~~and~~

~~(c)(iii)~~ for those clients certified as not needing a medical care plan, a documented quarterly health status review by direct physical examination of their health status conducted by a licensed nurse including identifying and implementing nursing care needs as prescribed by the client's physician, which shall:

~~(A) be by a direct physical examination;~~

~~(B) be by a licensed nurse;~~

~~(C) be on a quarterly or more frequent basis depending on client need;~~

~~(D) be recorded in the client's record;~~

~~(E) result in any necessary action, including referral to a physician to address client health problems;~~

~~(iv) other nursing care as prescribed by the physician or as identified by client needs.]~~

~~(2)(c) Nursing services shall coordinate[implementing,] with other members of the interdisciplinary team[;] to implement appropriate protective and preventive health measures that include:~~

~~(i)a) training clients and staff as needed in appropriate health and hygiene methods;~~

~~(ii)b) control of communicable diseases and infections, including the instruction of other personnel in methods of infection control; and~~

~~(iii)c) training direct care staff in detecting signs and symptoms of illness or dysfunction, first aid for accidents or illness, and basic skills required to meet the health needs of the clients.~~

~~(3) Nursing practice and delegation of nursing tasks must comply with R156-31b-701, Delegation of Nursing Tasks.~~

~~(a) If the facility utilizes only licensed practical nurses to provide health services, there must be a formal arrangement for a registered nurse to provide verbal or on-site consultation to the licensed practical nurse.~~

~~(b) Non-licensed staff who work with clients under a medical care plan must be supervised by licensed nursing personnel.[~~

~~(2) Nursing Staff.~~

~~(a) Nurses providing services in the facility shall have a current license to practice in the state.~~

~~(b) The facility shall employ or arrange for licensed nursing services sufficient to care for clients' health needs, including those clients with medical care plans.~~

~~(c) The facility shall utilize registered nurses when appropriate and as required by Title 58, Chapter 31.~~

~~(d) If the facility utilizes only licensed practical or vocational nurses to provide health services, it shall have a formal arrangement with a registered nurse to be available for verbal or on-site consultation to the licensed practical or vocational nurse.~~

~~(e) Non-licensed nursing personnel who work with clients under a medical care plan shall do so under the supervision of licensed persons.]~~

~~(3)4) [Nursing Services Supervisor.~~

~~(a)]The administrator shall employ and designate, in writing, a nursing services supervisor.~~

~~(a)(b)] The nursing services supervisor may be either a registered nurse or a licensed practical nurse.~~

~~(b)(c)] The nursing services supervisor shall designate, in writing, a licensed nurse to be in charge during any temporary absence of the nursing services supervisor.~~

~~(4)5) [Responsibilities of Nursing Services Supervisor.~~

~~(a)]The nursing services supervisor [shall be]is responsible to ensure that the following duties are carried out:~~

~~(a)(i)] establish a system to assure nursing staff implement physician orders and deliver health care services as needed;~~

~~(b)(ii)] plan and direct the delivery of nursing care, treatments, procedures, and other services to assure that each client's needs are met;~~

~~(c)(iii)] review each client's health care needs and orders for care and treatment;~~

~~(d)(iv)] review client individual program plans to assure necessary medical aspects are incorporated;~~

~~(e)(v)] review the medication system for completeness of information, accuracy in the transcription of physician's orders, and adherence to stop-order policies;~~

~~(f)(vi)] instruct the nursing staff on the legal requirements of charting and ensure that a nurse's notes describe the care rendered and include the client's response;~~

~~(g)(vii)] teach and coordinate rehabilitative nursing to promote and maintain optimal physical and mental functioning of the client;~~

~~(h)(viii)] inform the administrator, attending physician, and family of significant changes in the client's health status;~~

~~(i)(b)] [W]when appropriate, plan with the physician, family, and health-related agencies for the care of the client upon discharge;~~

~~(j)(c)] [D]develop, with the administrator, a nursing services procedure manual including all procedures practiced in the facility;~~

~~(k)(d)] coordinate client services through appropriate quality assurance and interdisciplinary team meetings;~~

~~(l)(e)] [R]respond to the pharmacist's quarterly medication report;~~

~~(m)(f)] develop written job descriptions for all levels of nursing personnel and orient all new nursing personnel to the facility[;] and their duties and responsibilities;~~

~~(n)(g)] complete written performance evaluations for each member of the nursing staff at least annually[;] and [Documentation of the evaluation shall be available for departmental review;]~~

~~(o)(h)] plan or conduct documented training programs for nursing staff and clients.~~

R432-152-1[9]8. Dental Services.

~~(1) [General Requirements:~~

~~(a)]The facility shall provide or [make-]arrange[ments] for comprehensive dental diagnostic services and comprehensive dental treatment [services-]for each client, [from qualified personnel, including a licensed dentist and dental hygienist, either through organized dental services in-house or through arrangement.]~~

~~(a) "Comprehensive dental diagnostic services" means:~~

~~(i) a complete extra-oral and intra-oral examination, using all diagnostic aids necessary to properly evaluate the client's oral condition, not later than one month after admission to the facility, unless the client's record contains an examination that was completed within twelve months before admission;~~

(ii) periodic examination and diagnosis performed annually, including radiographs when indicated and detection of manifestations of systemic disease; and

(iii) a review of the results of examination and entry of the results in the client's dental record.

(b) "Comprehensive Dental Treatment":

(i) the available emergency dental treatment on a 24-hour-a-day basis by a licensed dentist; and

(ii) dental care needed for relief of pain and infection, restoration of teeth, and maintenance of dental health.

(2)(b) If appropriate, a dental professional shall participate in the development, review and update of ~~an~~the individual program plan as part of the interdisciplinary process, either in person or through written report to the interdisciplinary team.

(3)(c) The facility shall provide education and training ~~for clients and responsible staff~~ in the maintenance of clients' oral health.[

~~(2) Comprehensive Dental Diagnostic Services:~~

~~Comprehensive dental diagnostic services include:~~

~~(a) a complete extra-oral and intra-oral examination, using all diagnostic aids necessary to properly evaluate the client's oral condition, not later than one month after admission to the facility, unless the examination was completed within twelve months before admission;~~

~~(b) periodic examination and diagnosis performed annually, including radiographs when indicated and detection of manifestations of systemic disease;~~

~~(c) a review of the results of examination and entry of the results in the client's dental record.~~

~~(3) Comprehensive Dental Treatment:~~

~~The facility shall ensure comprehensive dental treatment services that include:~~

~~(a) the availability for emergency dental treatment on a 24-hour-a-day basis by a licensed dentist;~~

~~(b) dental care needed for relief of pain and infection, restoration of teeth, and maintenance of dental health.;~~

~~(4) [Documentation of Dental Services:~~

~~(a) If the facility maintains an in-house dental service, the facility shall keep a permanent dental record for each client[;] with a dental summary maintained in the client's living unit.~~

~~(b)(5) If the facility does not maintain an in-house dental service, the facility shall obtain a dental summary of the results of dental visits and maintain the summary in the client's record.~~

R432-152-[20]19. Pharmacy Services.

(1)[~~Direction:~~

~~(a) The facility shall provide [or make arrangements for the provision of] routine and emergency drugs and biologicals [to its clients].~~

~~(a)(b) Drugs and biologicals may be obtained from community or contract pharmacists, or the facility may maintain a licensed pharmacy.~~

~~(b)(c) Pharmacy services shall be under the direction and responsibility of a qualified, licensed pharmacist. [currently licensed in Utah.~~

~~(d) The pharmacist may be employed full time by the facility or may be retained by contract.~~

~~(c)(e) The pharmacist shall develop pharmacy service policies and procedures in conjunction with the administrator. [~~

~~(f) These policies and procedures shall be in accordance with requirements set forth in applicable State laws and professional practice acts and] Pharmacy policies shall address:~~

~~(i) drug orders;~~

~~(ii) labeling;~~

~~(iii) storage;~~

~~(iv) emergency drug supply;~~

~~(v) administration of medications;~~

~~(vi) pharmacy supplies; and~~

~~(vii) automatic-stop orders.~~

~~(2) [Drug Regimen Review:~~

~~(a) A]The pharmacist, with input from the interdisciplinary team, shall review the drug regimen of each client at least quarterly.~~

~~(a)(b) The pharmacist shall report any irregularities or errors in a client drug regimen to the prescribing physician and interdisciplinary team.~~

~~(b)(c) The pharmacist shall develop and review [prepare] a record of each client's drug regimen. [review and the facility shall maintain that record.]~~

~~(3)(d) An individual medication administration record shall be maintained for each client.~~

~~(4)(e) As appropriate, the pharmacist shall participate in the development, implementation, and review of each client's individual program plan, either in person or through written report to the interdisciplinary team.~~

~~(5)(3) Drug Administration:~~

~~(a) The facility shall have an organized system for drug administration that identifies each drug up to the point of administration. [~~

~~(b) The system shall assure that all medications and treatments:~~

~~(a)(i) are administered in compliance with the physician's orders;~~

~~(b)(ii) are administered without error; and~~

~~(c)(iii) [shall be]are administered by licensed medical or licensed nursing personnel[;].~~

~~(6)(c) Self-Administration of Medication:~~

~~(i) Clients shall be taught how to administer their own medications[;] if the interdisciplinary team determines that self-administration of medications is an appropriate objective.~~

~~(a)(ii) The client's physician shall be informed of the interdisciplinary team's recommendation that self-administration of medications is an objective for the client[;].~~

~~(b)(iii) No client [shall]may self-administer[s] medications until he or she demonstrates the competency to do so. [;~~

~~(d) Drugs used by clients while not under the direct care of the facility are packaged and labeled in accordance with State law;~~

~~(e) Drug administration errors and adverse drug reactions are recorded and reported immediately to a physician.]~~

~~(7)(4) Drug Record Keeping:~~

~~(a) [A]Each telephone orders for medications shall be recorded immediately [and shall include]including the date and time of the order and the receiver's signature and title. [~~

~~(b) The order [shall]must be countersigned and dated within 15 days by the person who prescribed the order.~~

~~(8)(e) The facility shall maintain records of the receipt and disposition of all controlled drugs.~~

~~(a)(1)~~ Records of Schedule III and IV Drugs shall be maintained in such a manner that the receipt and disposition shall be readily traced.

~~(b)(1)~~ The facility shall, on a sample basis, periodically reconcile the receipt and disposition of all controlled drugs in schedules II through IV, drugs subject to the Comprehensive Drug Abuse Prevention and Control Act of 1970, 21 U.S.C. 801 et sec., as implemented by 42 CFR Part 308.

~~(9)(5) Drug Storage:~~

~~(a)~~ The facility shall store drugs under proper conditions of sanitation, temperature, light, humidity, and security.

~~(a)(1)~~ All controlled substances shall be secured in a manner consistent with applicable state pharmacy laws.

~~(b)(1)~~ Provision shall be made for the separate secure storage of all non-medication items such as poisonous and caustic materials.

~~(c)(1)~~ Medication containers shall be clearly labeled.

~~(d)(1)~~ Only persons authorized by facility policy shall have access to medications.

~~(e)(1)~~ Medication intended for internal use shall be stored separately from medication intended for external use.

~~(g)~~ The facility shall maintain appropriate temperatures for the storage of medications:

~~(i)(1)~~ Medications stored at room temperature shall be maintained within 59 - 80 degrees F (15 to 30 degrees C); and

~~(ii)~~ Refrigerated medications shall be maintained within 36 - 46 degrees F (2 to 8 degrees C).

~~(iii)(1)~~ Medications and similar items that require refrigeration shall be stored securely and segregated from food items.

~~(h)~~ Medication shall be stored in an orderly fashion that allows ready retrieval by authorized persons.

~~(h)(1)~~ Medications shall be kept in the original pharmacy container and shall not be transferred to other containers. Drugs taken out of the facility for home visits, workshops, school, etc. shall be packaged and labeled in accordance with State law by a person authorized to package medications.

~~(i)(1)~~ Clients who have been trained to self administer drugs in accordance with R432-152-19[20(3)(c)](6) may have access to keys to their individual drug supply.

~~(6)~~ If the facility maintains a licensed pharmacy, the facility shall comply with the regulations for controlled drugs.

~~(10)(7) Drug Labeling and Disposal:~~

~~(a)~~ Labeling of drugs and biologicals shall:

~~(a)(1)~~ be based on currently accepted professional principles and practices; and

~~(b)(1)~~ include the appropriate accessory and cautionary instructions, as well as the expiration date, if applicable.

~~(11)(1)~~ The facility shall remove from use:

~~(i)~~ outdated drugs; and

~~(ii)~~ drug containers with worn, illegible, or missing labels.

~~(12)(1)~~ Drugs and biologicals packaged in containers designated for a particular client shall be immediately removed from the client's current medication supply if discontinued by the physician.

~~(13)(1)~~ Drugs may be sent with the client upon discharge if so ordered by the discharging physician provided that the drugs are released:

~~(i)~~ Such drugs shall be released in compliance with Utah pharmacy law and rules; and

~~(ii)~~ A record of the drugs sent with the client shall be noted in the client's health record.

~~(14)(1)~~ Discontinued individual client drugs supplied by prescription or those which remain in the facility after discharge or death of the client shall be destroyed within one month by the facility in the following manner:

~~(a)(1)~~ All drugs shall be destroyed by the facility in the presence of the staff pharmacist or consulting pharmacist and an appointed licensed nurse employed by the facility.

~~(b)(1)~~ If one or both of these persons are not available within the month, a licensed nurse and an individual appointed by the administrator may serve as witnesses.

~~(c)(1)~~ These appointments shall be rotated periodically among responsible staff members.

~~(d)(1)~~ The name of the client, the name and strength of the drug, the prescription number, the amount destroyed, the method of destruction, the date of destruction, and the signatures of the witnesses required above shall be recorded in the client's record or in a separate log and retained for at least three years.

~~(v)~~ Such log shall be retained for at least three years.

~~(15)(1)~~ Unless otherwise prohibited under applicable federal or state laws, individual client drugs supplied in sealed containers may be returned, if unopened, to the issuing pharmacy for disposition provided that:

~~(a)(1)~~ no controlled drugs are returned;

~~(b)(1)~~ all such drugs are identified as to lot or control number; and

~~(c)(1)~~ the signatures of the receiving pharmacist and a licensed nurse employed by the facility are recorded and retained for at least three years in a separate log which lists the name of the client, the name, strength, prescription number, if applicable, the amount of the drug returned, and the date of return.

~~(iv)~~ The log shall be retained for at least three years.

~~(16)(8) Emergency Drug Supply:~~

~~(a)~~ An emergency drug supply appropriate to the needs of the clients served shall be maintained in the facility.

~~(a)(1)~~ The consultant pharmacist in coordination with the administrator shall develop an emergency drug supply policy to include the following requirements:

(i) Specific drugs and dosages to be included in the emergency drug supply shall be listed.

(ii) Containers shall be sealed to prevent unauthorized use.

(iii) Contents of the emergency drug supply shall be listed on the outside of the container and the use of contents shall be documented by nursing staff.

(iv) The emergency drug supply shall be stored and located so it is accessible to nursing staff.

(v) The pharmacist shall inventory the emergency drug supply monthly.

~~(vi)~~ Used or outdated items shall be replaced within 72 hours by a pharmacist.

~~(17)(9) Pharmacy Supply:~~

~~(a)~~ The pharmacy shall furnish the necessary drugs and biologicals as follows: on a prompt and timely basis.

~~(a)(1)~~ Drugs ordered for administration as soon as possible; which are not included in the emergency drug supply; shall be

available ~~[to the facility]~~ and administered within two hours of a physician's order.

~~(b)(c)~~ Anti-infectives shall be available ~~[to the facility]~~ and administered within four hours of ~~[the]~~ a physician's order.

~~(c)(d)~~ All new drug orders shall be initiated within 24 hours of the order or as indicated by the physician.

~~(d)(e)~~ ~~There shall be provision for the timely refill of prescription drugs.] Prescription drugs shall be refilled in a timely manner.~~

~~(e)(f)~~ Orders for controlled substances shall be sent to the pharmacy within 48 hours of the order. ~~[This]The order sent to the pharmacy~~ may be a written prescription by the prescriber, a direct copy of the original order, or an electronic reproduction.

R432-152-2[1]0. Laboratory Services.

(1) The facility must provide laboratory services in accordance with the size and needs of the client population. ~~[For purposes of this section, "laboratory" means an entity for the microbiological, serological, chemical, hematological, radiobioassay, cytological, immunohematological, pathological or other examination of materials derived from the human body, for the purpose of providing information for the diagnosis, prevention, or treatment of any disease or assessment of a medical condition.~~

~~—(2) Laboratory Direction, for In-house Laboratory:~~

~~(a) The laboratory director shall be technically qualified to supervise the laboratory personnel and test performance and shall meet licensing or other qualification standards established by the state with respect to directors of clinical laboratories:~~

~~(b) The director shall be either:~~

~~(i) a pathologist or other doctor of medicine or osteopathy with training and experience in clinical laboratory services;~~

~~(ii) a laboratory specialist with a doctoral degree in physical, chemical or biological sciences, and training and experience in clinical laboratory services.~~

~~(c) The laboratory director shall provide adequate technical supervision of the laboratory services and assure that tests, examinations and procedures are properly performed, recorded and reported:~~

~~(d) The laboratory director shall ensure that the staff:~~

~~(i) has appropriate education, experience, and training to perform and report laboratory tests promptly and proficiently;~~

~~(ii) is sufficient in number for the scope and complexity of the services provided;~~

~~(iii) receives in-service training appropriate to the type and complexity of the laboratory services offered.]~~

(2) Laboratory services shall comply with the requirements of the Clinical Laboratory Improvement Amendments of 1988 (CLIA). CLIA inspection reports shall be available for Department review.

~~—(3) If a facility chooses to contract for laboratory services, the laboratory shall be CLIA certified as identified in R432-100-26.]~~

R432-152-2[2]1. Environment.

(1) Infection ~~[C]control procedures and reporting shall comply with R432-150-11(4).~~ ~~[See R432-150-25.]~~

~~(2) ~~[Safety Committee:~~~~

~~(a) The facility shall have a ~~[S]safety ~~[C]committee~~ which ~~[shall]~~include the administrator, QMRP, head housekeeper, chief of facility maintenance, and others as designated by facility policy.~~~~

~~(a)(b) The ~~[S]safety ~~[C]committee~~ ~~[shall]~~must:~~~~

(i) review all incident and accident reports and recommend changes to the administrator to prevent or reduce reoccurrence;

(ii) review facility safety policies and procedures at least annually, and make appropriate recommendations; and

(iii) establish a procedure to inspect the facility periodically for hazards.

~~(b)(c) ~~[An-i]~~Inspection reports shall be filed with the ~~[S]safety ~~[C]committee.~~~~~~

R432-152-2[3]2. Emergency Plan and Procedures.

~~(1) ~~[Emergency Procedures:~~~~

~~(a) ~~[The]The facility shall develop and implement detailed written plans and procedures to meet all potential emergencies and disasters such as fire, severe weather, and missing clients.~~~~

~~(a)(b) The facility shall periodically review and update ~~[its]written emergency procedures.~~~~

~~(b)(c) The ~~[written]emergency plan[s] must be made available to the staff.~~~~

~~(c)(d) ~~[The]Facility staff must receive periodic training on ~~[the] emergency plan procedures, ~~[contained in the written plans.]~~~~~~~~

~~(d)(e) The ~~[facility's]emergency ~~[response procedures]plan shall address the following:~~~~~~

(i) evacuation of occupants to a safe place within the facility or to another location;

(ii) delivery of essential care and services to facility occupants by alternate means;

(iii) delivery of essential care and services when additional persons are housed in the facility during an emergency;

(iv) delivery of essential care and services to facility occupants when the staff is reduced by an emergency; and

(v) maintenance of safe ambient air temperatures within the facility. Ambient air temperature of at least 58 degrees F. Must be maintained during emergencies.

~~(e)(f) Emergency heating must be approved by ~~[shall have the approval of] the local fire department.~~~~

~~(g) An ambient air temperature of 58 degrees F (14 degrees C) or lower may constitute a danger to the health and safety of the clients in the facility:~~

~~(h) The person in charge shall take immediate and appropriate action in the best interests of the client.]~~

~~(2) ~~[Emergency Plan:~~~~

~~(a) ~~[The]The facility's emergency plan shall identify:~~~~

~~(a)(i) the person with decision-making authority for fiscal, medical, and personnel management;~~

~~(b)(ii) on-hand personnel, equipment, and supplies and how to acquire additional help, supplies, and equipment after an emergency or disaster;~~

~~(c)(iii) assignment of personnel to specific tasks during an emergency;~~

~~(d)(iv) methods of communicating with local emergency agencies, authorities, and other appropriate individuals;~~

~~(e)(v) the individuals who shall be notified in an emergency, in order of priority[:]; ~~[Telephone numbers shall be posted near telephones accessible to staff.]~~~~

~~(f)(vi) method of transporting and evacuating clients and staff to other locations; and~~

~~(g)(vii) conversion of facility for emergency use.~~

(3) Emergency telephone numbers shall be posted near telephones accessible to staff.

(4) Simulated disaster drills shall be held semi-annually for all staff, in addition to fire drills. Documentation shall be maintained for Department review.

~~(b) There shall be documentation of emergency events and responses and a record of clients and staff evacuated from the facility to another location.~~

~~(c) Simulated disaster drills shall be held semi-annually for all staff, in addition to fire drills.~~

~~(d) There shall be regular in-service training on disaster preparedness for all staff.~~

~~(5)(3) Fire Emergencies:~~

~~(a) The licensee and administrator shall develop a written fire emergency and evacuation plan in consultation with qualified fire safety personnel.~~

~~(a)(b) The evacuation plan shall delineate evacuation routes and location of fire alarm boxes and fire extinguishers.~~

~~(b)(c) The written fire-emergency plan shall include fire-containment procedures and how to use the facility alarm systems and signals.~~

~~(c)(4) Evacuation Fire Drills:~~

~~(a) The facility shall hold evacuation fire drills at least quarterly for each shift of personnel and under varied conditions to:~~

~~(i) ensure that all personnel on all shifts are trained to perform assigned tasks;~~

~~(ii) ensure that all personnel on all shifts are familiar with the use of the facility's fire protection features;~~

~~(iii) evaluate the effectiveness of emergency and disaster plans and procedures. Fire drills and fire drill documentation shall be in accordance with Buildings Under the Jurisdiction of the State Fire Prevention Board, R710-4.~~

~~(d)(b) The facility shall:~~

~~(i) actually evacuate clients during at least one drill each year on each shift, including:~~

~~(i)(ii) making special provisions for the evacuation of clients with physical disabilities;~~

~~(ii)(iii) filing a report and evaluation on each evacuation drill; and~~

~~(iii)(iv) investigating all problems with evacuation drills, including accidents, and take corrective action;~~

~~(v) during fire drills, clients may be evacuated to a safe area in facilities certified under the Health Care Occupancies Chapter of the Life Safety Code 101, 1991 Edition.~~

R432-152-2[4]3. Smoking Policies.

Smoking policies shall comply with UCA Title 26, Chapter 38, the "Utah Indoor Clean Air Act", and Sections 31-4.4 12-7.4 and 13-7.4 of the 1991 Life Safety Code.

R432-152-2[5]4. Pets in Long-Term Care Facilities.

(1) Each facility shall develop a written policy regarding pets in accordance with these rules and local ordinances.

(2) The facility shall adhere to the requirements of ~~See~~ R432-150-~~30~~21.

R432-152-2[6]5. Housekeeping Services.

(1) ~~Organization:~~

~~(a)~~ There shall be housekeeping services to maintain a clean, sanitary, and healthful environment in the facility.

~~(2)(b)~~ If the facility contracts for housekeeping services with an outside agency, there shall be a signed and dated agreement that details all services provided.

~~(3)(c)~~ The housekeeping service shall meet all the requirements of R432-~~149-34~~150-26.

R432-152-2[7]6. Laundry Services.

~~See~~ The facility shall adhere to the requirements of R432-150-~~32~~27.

R432-152-2[8]7. Maintenance Services.

~~See~~ The facility shall adhere to the requirements of R432-150-~~33~~28.

R432-152-2[9]8. Dietary Services.

~~See~~ The facility shall adhere to the requirements of R432-150-24~~0~~.

R432-152-~~30~~29. Client Records.

(1) ~~Record System:~~

~~(a)~~ The facility shall develop and maintain a record keeping system that includes a separate record for each client ~~and that documents~~ with documentation of the client's health care, active treatment, social information, and protection of the client's rights.

~~(a)(b)~~ The facility shall keep confidential all information contained in the client's records, regardless of the form or storage method of the records.

~~(b)(c)~~ The facility shall develop and implement policies and procedures governing the release of any client information, including consents necessary from the client, ~~parents, if the client is a minor,~~ or client's legal guardian.

~~(c)(d)~~ All entries into client records must be legible, dated and signed by the individual making the entry. ~~Any individual who makes an entry in a client's record shall make it legibly, date it, and sign it.~~

~~(d)(e)~~ The facility shall provide a legend to explain any symbol or abbreviation used in a client's record.

~~(e)(f)~~ The facility shall insure each identified residential living unit has available on-site ~~appropriate aspects~~ pertinent information of each client's record.

~~(f)(g)~~ Client's records shall be complete, ~~accurately documented,~~ and systematically organized according to facility policy to facilitate retrieval and compilation of information. ~~There shall be written policies and procedures to accomplish these purposes.~~

(2) ~~Organization:~~

~~(a)~~ The client record department shall be under the direction of a registered record administrator, RRA, or an accredited record technician, ART.

~~(b)~~ If an RRA or ~~an~~ ART is not employed at least part time, the facility shall consult at least semi-annually with an RRA or ART according to the needs of the facility.

(3) ~~Retention and Storage:~~

~~(a)~~ Provision shall be made for the filing, safe storage, and easy accessibility of client records.

~~(i)~~ The ~~Client~~ records ~~and its contents~~ shall be safeguarded from loss, defacement, tampering, fires, and floods.

~~(4)(ii)~~ Client ~~R~~ records shall be protected against access by unauthorized individuals.

~~(5)(f)~~ Client records shall be retained for at least seven years after the last date of client care. ~~[Records of minors shall be retained as follows:]~~

~~(a) Records of minors shall be retained as follows:~~

~~(i) at least two years after the minor reaches age 18 or the age of majority; and~~

~~(ii) a minimum of seven years.~~

~~(b)(c) All client records shall be retained within the facility upon change of ownership.~~

~~(c)(d) [When] If a facility ceases operation, provision shall be made for appropriate safe storage and prompt retrieval of all client records, client indices, and discharges for the period specified.~~

~~(d)(e) The facility may arrange storage of client records with another facility or may return client records to the attending physician who is still in the community.~~

~~(4) Signature Authorization:~~

~~Computer signatures and rubber stamp signatures may be used in lieu of the written signature of the physician or licensed practitioner, if the facility retains the signator's signed statement acknowledging ultimate responsibility for the use of the computer or stamp signature and specifying the conditions for its use.]~~

R432-152-30. Respite Care.

(1) Mental Retardation Facilities may provide respite services that comply with the following requirements:

(a) The purpose of respite is to provide intermittent, time limited care to give primary caretakers relief from the demands of caring for a person.

(b) Respite services may be provided at an hourly rate or daily rate, but shall not exceed 14-days for any single respite stay. Stays which exceed 14 days are a mental retardation facility admission, and shall be subject to the requirements of this rule applicable to non-respite residents.

(c) The facility shall coordinate the delivery of respite services with the recipient of services, case manager, if one exists, and the family member or primary caretaker.

(d) The facility shall document the person's response to the respite placement and coordinate with all provider agencies to ensure an uninterrupted service delivery program.

(e) The facility must complete a service agreement to serve as the plan of care. The service agreement must identify the prescribed medications, physician treatment orders, need for assistance for activities of daily living and diet orders.

(f) The facility shall have written policies and procedures available to staff regarding the respite care clients which include:

(i) medication administration;

(ii) notification of a responsible party in the case of an emergency;

(iii) service agreement and admission criteria;

(iv) behavior management interventions;

(v) philosophy of respite services;

(vi) post-service summary;

(vii) training and in-service requirement for employees; and

(viii) handling personal funds.

(g) Persons receiving respite services shall be provided a copy of the Resident Rights documents upon initial day of service and updated annually.

(h) The facility shall maintain a record for each person receiving respite services which includes:

(i) Retention and storage of records shall comply with R432-152-29(3) and (4).

(ii) Confidentiality and release of information shall comply with R432-150-25(3).

(iii) The record shall contain the following:

(A) a service agreement;

(B) demographic information and resident identification data;

(C) nursing notes;

(D) physician treatment orders;

(E) records made by staff regarding daily care of the person in service;

(F) accident and injury reports; and

(G) a post-service summary.

(i) If a person has an advanced directive, a copy shall be filed in the record and staff informed.

R432-152-31. Penalties.

Any person who violates any provision of this rule may be subject to the penalties enumerated in 26-21-11 and R432-3-6 or 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.

KEY: health facilities

~~[March 3, 1995] 1999~~

Notice of Continuation December 15, 1997

26-21-5

26-21-13.5



Human Services, Administration

R495-879

Parental Support for Children in Care

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 21917

FILED: 03/11/1999, 14:31

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this filing is to update the site information to include more specific criteria in determining who shall not be assessed child support for a child placed in out-of-home care, and allow deviation criteria for the loss of a child's Social Security payments to a household.

SUMMARY OF THE RULE OR CHANGE: This amendment updates the criteria used for deviating from Child Support Guidelines for Children in Care.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 62A-4a-114, 62A-7-124, 62A-11-302, 62A-12-206, 78-3a-49, and 78-45.7.2 through 78.45.7.21, and Subsections 62A-1-111(16) and 62A-5-109(1)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: We anticipate no savings impact, and very slight cost impact on the state budget. The rule change to assess under employed obligors is already established procedure. The rule change should not affect the state budget. The rule change to credit lost social security amounts to certain parents when these benefits are paid to the state could create a potential loss of revenue of up to \$38,000 per year. The exact amount of collections impacted will vary depending on the number of obligors affected by these changes and by the number of these cases actually paying.

❖LOCAL GOVERNMENTS: This rule does not impose a cost or savings impact on any local government entity, since we are budgeted solely from state government.

❖OTHER PERSONS: These rule changes may relieve some of our obligors of a portion of their monthly child support obligation. We estimate this rule may initially affect a maximum of about 13 cases per month at an average savings of \$50 a month. The Department estimates the change could ultimately effect a total of 120 cases a month. COMPLIANCE COSTS FOR AFFECTED PERSONS: Each affected person may realize an average of \$50 per month savings.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: R495-879 specifies the formula and criteria for determining the child support obligation for children residing in Human Services 24 hour care programs. It established the same assessment formula and criteria for all Human Services programs. However, the rule itself, as well as the proposed changes, do not pose any fiscal impact on businesses.

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

Human Services
Administration
Fourteenth Floor, Eaton/Kenway Bldg.
515 East 100 South
PO Box 45011
Salt Lake City, UT 84145-0011, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Linda Long or Brenda Zimmerman at the above address, by phone at (801) 536-8949, by FAX at (801) 536-8509, or by Internet E-mail at hsrsslc.llong@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 05/03/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 05/04/1999

AUTHORIZED BY: Emma L. Chacon, Director

R495. Human Services, Administration.

R495-879. Parental Support for Children in Care.

R495-879-1. Child Support Liability.

The Office of Recovery Services will establish and enforce child support obligations against parents whose children are in out-of-home placement programs, administered by the Department of Human Services or Department of Health. The department shall consider fees for outpatient and day services separate from child support payments. Establishment and enforcement of child support shall be pursuant to the Uniform Civil Liability for Support Act, Section 78-45.1 et seq.; Public Support of Children, 62A-11-301 et seq.; Support and expenses of child in custody of an individual or institution, 78-3a-~~49~~609;

R495-879-2. Support Guidelines.

Child support obligations shall be calculated in accordance with Child Support Guidelines, Section 78-45-7.2 through 78-45-7.21.

R495-879-3. Criteria For Deviating From Guidelines.

The following criteria may be used to deviate from the guidelines when a prior order does not exist.

1. Deduction For a Disabled Child.

A deduction from gross income shall be allowed each year, equal to the federal tax exemption for dependents, for each year a child was cared for at home if that child's disability would ordinarily have qualified him for residential care.

2. Medical Payments.

A deduction from gross income shall be allowed for medical expenses equal to the IRS deduction allowed the previous year on the parents' 1040 tax return.

3. Children Over 18 Years Old.

Children up to 23 years of age shall be included on the Child Support Worksheet if the parents are claiming the child as an exemption on their income tax return. Parents must provide prior year's tax return and a statement that they will be claiming child on current year tax return.

4. Federal Poverty Level.

If the parent is not under employed and is responsible for providing food, clothing, shelter, transportation, and other life sustaining items for his family, and lives at or below the federal poverty level, he shall not be assessed child support for a child placed in out-of-home care.

5. Loss of child's Social Security Survivor Payments. If the parent's income is below 133% of the poverty level, allow a direct credit against the child support amount from the child's social security survivor's benefit paid to the state.

R495-879-4. Establishing an Order.

ORS may modify and establish child support orders through the Public Support of Children Act, 62A-11-301 et seq.; Administrative Procedures Act, Section 63-46b-1 et seq.; Jurisdiction - Determination of Custody questions by Juvenile Court, Sections 78-3a-17(7)(a) through (b) and Section 78-3a-17(8); and in accordance with R527-200.

R495-879-5. Good Cause Deferral and Waiver Request.

If collections interfere with family unification, a division may, using the Good Cause-Deferral/Waiver (form 602), request a deferral or waiver of arrears payments. The request may be applied to current support when an undue hardship is created by an unpreventable loss of income to the present family. A loss of income may include non payment of child support from the other parent for the children at home, loss of employment, or loss of monthly pension or annuity payments. The request shall be sent to ORS for review and to the director of the Division for approval. The request shall not be approved when it proposes actions that are contrary to state or federal law.

R495-879-6. In-Kind Support.

ORS may accept in-kind support, based on parents' service to the program in which the child is placed. The service provided by a parent must be approved by the director of the Division responsible for the child's care. The approval should be based on a monetary savings or an enhancement to a program. It is preferable for the service to benefit the program in which the child is receiving care. However, if geographical distances prohibit direct service, then the division director may approve support services for in-kind support that do not directly offset costs to the agency. A memorandum of understanding shall be signed by the agency and the parent specifying the type, length, and value of service. Verification of the service hours worked must be provided by the division to ORS (using Form 603) within 10 days of the end of the month in which the service was performed. The verification shall include the dates the service was performed, the number of hours worked, and the total credit amount allowed. Unless approved by the director of the Department, in-kind support approved by one agency shall not be used to reduce child support owed to another agency. In-kind support shall not be approved when it proposes actions that are contrary to state or federal law.

R495-879-7. Extended Visitation During The Year.

A rebate shall be granted to a parent for support paid when a child's overnight visits equal 25% or more of the service period. The rebate will only be provided when the service period lasts six months or more. The rebate will be proportionate to the number of days at home compared to the number of days in care. One continuous 24-hour period equals one day.

KEY: child support, custody of children
~~1994~~1999

Notice of Continuation February 16, 1999

- 62A-1-111(16)
- 62a-4a-116
- 62A-5-109(1)
- 62A-7-124
- 62A-11-302
- 62A-12-206
- 78-3a-~~49~~906
- 78-45-7.2 through 78-45-7.21

Human Services, Mental Health
R523-1-19
 Prohibited Items and Devices on the
 Grounds of Public Mental Health
 Facilities

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 21912

FILED: 03/05/1999, 15:05

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to prohibit staff, clients, and visitors from possessing weapons in any community mental health center. Although there is a consensus within the community mental health system concerning the banning of weapons from community mental health facilities, recent legislative changes require clear policy regarding weapons.

SUMMARY OF THE RULE OR CHANGE: This rule will prohibit employees, clients, and visitors from having any weapons on their person or displayed in their vehicles while on the grounds of any community mental health center facility. Each mental health facility will give prominent visual notice to visitors that the facility is a weapon free area. The rule will allow weapons to be locked in a vehicle out of sight and will make an exception for law enforcement officers.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 76-8-311.3(2)

ANTICIPATED COST OR SAVINGS TO:

❖**THE STATE BUDGET:** None--this proposed rule will require signs be provided by local mental health providers. Hence, no additional financial impact on any State program is anticipated.

❖**LOCAL GOVERNMENTS:** There may be minimal cost to those community mental health centers that are quasi governmental. The cost will be for signs that will need to be posted notifying the public of the weapon restrictions.

❖**OTHER PERSONS:** There will be a minimal cost to those community mental health centers that are private nonprofit. The cost will be for signs that will need to be posted notifying the public of the weapon restrictions. No other persons will have any cost requirements since this rule only applies to public mental health facilities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be a minimal cost to local mental health providers for the cost of signs that will need to be posted notifying the public of the weapon restrictions. Since mental health centers have a varying number of facilities and offices, it will be very difficult

DIRECT QUESTIONS REGARDING THIS RULE TO:

Carol B. Lear at the above address, by phone at (801) 538-7835, by FAX at (801) 538-7768, or by Internet E-mail at clear@usoe.k12.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 05/03/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 05/04/1999

AUTHORIZED BY: Carol B. Lear, School Law Specialist

R686. Professional Practices Advisory Commission, Administration.

R686-100. Professional Practices Advisory Commission, Rules of Procedure: Complaints and Hearings.

R686-100-1. Definitions.

A. "Allegation of misconduct" means a written or oral report alleging that an educator has engaged in unprofessional, criminal, or incompetent conduct; is unfit for duty; has lost certification in another state due to revocation or suspension, or through voluntary surrender or lapse of a certificate in the face of a claim of misconduct; or has committed some other violation of standards of ethical conduct, performance, or professional competence.

B. "Applicant for a certificate" means a person seeking a new certificate or seeking reinstatement of an expired, surrendered, suspended, or revoked certificate.

C. "Board" means the Utah State Board of Education.

D. "Certificate" means a teaching or administrative credential, including endorsements, which is issued by a state to signify authorization for the person holding the certificate to provide professional services in the state's public schools.

E. "Commission" means the Professional Practices Advisory Commission as defined and authorized under Section 53A-7-104 et seq.

F. "Chair" means the Chair of the Commission.

G. "Complaint" means a written allegation or charge against an educator.

H. "Complainant" means the Utah State Office of Education.

I. "Days": in calculating any period of time prescribed or allowed by these rules, the day of the act, event, or default from which the designated period of time begins to run shall not be included; the last day of the period shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday. Saturdays, Sundays and legal holidays shall not be included in calculating the period of time if the period prescribed or allowed is less than seven days, but shall be included in calculating periods of seven or more days.

J. "Educator" means a person who currently holds a certificate, held a certificate at the time of an alleged offense, is an applicant for a certificate, or is a person in training, to obtain a certificate.

K. "Executive Committee" means a subcommittee of the Commission consisting of the Executive Secretary, Chair, Vice-Chair, and one member of the Commission at large. All Executive Committee members, excluding the Executive Secretary, shall be

elected by the Commission. Substitutes may be appointed from within the Commission by the Executive Secretary as needed.

L. "Executive Secretary" means an employee of the Utah State Office of Education who is appointed by the State Superintendent of Public Instruction to serve as the executive officer, and a non-voting member, of the Commission.

M. "Hearing" means a proceeding in which allegations made in a complaint are examined, where each party has the opportunity to present witnesses and evidence relevant to the complaint and respond to witnesses or evidence presented by the other party. At the conclusion of a hearing the hearing officer, after consulting with members of the Commission assigned to assist in the hearing, prepares a hearing report and submits it to the Executive Secretary.

N. "Hearing Officer" means a person who is experienced in matters relating to administrative procedures, education and education law and is either a member of the Utah State Bar Association or a person not a member of the bar who has received specialized training in conducting administrative hearings, and is appointed by the Executive Secretary at the request of the ~~[Executive Committee]~~ Commission to manage the proceedings of a hearing. The hearing officer may not be an acting member of the Commission. The hearing officer has broad authority to regulate the course of the hearing and dispose of procedural requests but shall not have a vote as to the recommended disposition of a case.

O. "Hearing Panel" means a hearing officer and three or more members of the Commission agreed upon by the Commission to assist the hearing officer in conjunction with the hearing panel in conducting a hearing and preparing a hearing report.

P. "Hearing report" means a report prepared by the hearing officer with the assistance of the hearing panel at the conclusion of a hearing. The report includes a recommended disposition, detailed findings of fact and conclusions of law based upon the evidence presented in the hearing, relevant precedent, and applicable law and rule.

Q. "Informant" means a person who submits information to the Commission concerning alleged misconduct by a person who may be subject to the jurisdiction of the Commission.

R. "Investigator" means a person who is knowledgeable about matters which could properly become part of a complaint before the Commission, as well as investigative procedures and rules and laws governing confidentiality, who is appointed by the Utah State Office of Education's Investigations Unit at the request of the Executive Secretary to investigate an allegation of misconduct.

S. "Jurisdiction" means the legal authority to hear and rule on a complaint.

T. "National Association of State Directors of Teacher Education and Certification (NASDTEC) Educator Information Clearinghouse" means a database maintained by NASDTEC for its members regarding persons whose certificates have been suspended or revoked.

U. "Office" means the Utah State Office of Education.

V. "Party" means the complainant or the respondent.

W. "Recommended disposition" means a recommendation for resolution of a complaint.

X. "Request for agency action" means a document prepared by the Executive Secretary containing one or more allegations of misconduct by an educator, a recommended course of action, and related information.

Y. "Respondent" means the party against whom a complaint is filed.

Z. "Serve" or "service," as used to refer to the provision of notice to a person, means delivery of a written document or its contents to the person or persons in question. Delivery may be made in person, by mail or by other means reasonably calculated, under all of the circumstances, to apprise the interested person or persons to the extent reasonably practical or practicable of the information contained in the document. Service of a complaint upon an educator shall be by mail to the address of the educator as shown upon the records of the Commission.

AA. "State" means the United States or one of the United States; a foreign country or one of its subordinate units occupying a position similar to that of one of the United States; or a territorial unit, of the United States or a foreign country, with a distinct general body of law.

BB. "Stipulated agreement" means an agreement between a respondent and the Board or a respondent and the Commission under which disciplinary action against an educator's certification status has been taken, in lieu of a hearing.

R686-100-2. Authority and Purpose.

A. This rule is authorized by Section 53A-7-110 which directs the Commission to adopt rules to carry out its responsibilities under the law.

B. The purpose of this rule is to establish procedures regarding complaints against educators and certification hearings for the Commission to follow. The standards and procedures of the Utah Administrative Procedures Act do not apply to this rule under the exemption of Section 63-46b-1(2)(d). However, the Commission reserves the right to invoke and use sections or provisions of the Utah Administrative Procedures Act as found in Section 63-46b as necessary to adjudicate an issue.

R686-100-3. Receipt of Allegations of Misconduct.

A. Initiating Proceedings Against an Educator: The Executive Secretary may initiate proceedings against an educator upon receiving an allegation of misconduct or upon the Executive Secretary's own initiative.

(1) An informant may be asked to submit information in writing, including the following:

- (a) Name, position (e.g. administrator, teacher, parent, student), telephone number and address of the informant;
- (b) Name, position (e.g. administrator, teacher, candidate), and if known, the address and telephone number of the educator against whom the allegations are made;
- (c) The allegations and supporting information;
- (d) A statement of the relief or action sought from the agency;
- (e) Signature of the informant and date.

(2) If an informant submits a written allegation of misconduct as provided in Section R686-100-3A(1) above, the informant shall be told he may receive notification of final actions taken by the Commission or the Board regarding the allegations by filing a written request for information with the Executive Secretary.

(3) Allegations received through telephone calls, letters, newspaper articles, notices from other states or other means may also form the basis for initiating proceedings against an educator.

R686-100-4. Review of Request for Agency Action.

A. Initial Review: Upon reviewing the request, the Executive Secretary ~~and~~ or the Executive Committee or both shall recommend one of the following to the Commission:

B. Dismiss: If the Executive Committee determines that the Commission lacks jurisdiction or that the request for agency action does not state a cause of action which the Commission should address, the Executive Committee shall recommend that the Commission dismiss the request. The informant shall be served with notice of the action. If the informant believes that the dismissal has been made in error, the informant may request review by the State Superintendent of Public Instruction within 10 days of the mailing date of the Notice of Dismissal. The Superintendent's decision relative to the dismissal is final.

C. Initiate an Investigation: If the Executive Secretary and the Executive Committee determine that the Commission has jurisdiction and that the request states a cause of action which may be appropriately addressed by the Commission, the Executive Secretary shall ask the Investigations Unit to appoint an investigator to gather evidence relating to the allegations. The investigator shall review relevant documentation and interview individuals who may have knowledge of the allegations, including to the extent reasonably practicable all persons specifically named in the request for agency action, and prepare a written report of the findings of the investigation. Should the investigator discover evidence of any additional allegation which should have been included in the original request, it may be included in the investigation report. The completed report shall be submitted to the Executive Secretary, who shall review the report with the Commission. The investigation report shall become part of the permanent case file.

D. Prior to the initiation of any investigation, the Executive Secretary shall send a letter to the educator to be investigated and a copy of the letter to the employing school district or to the district of most recent employment, with information that an investigation has been initiated.

~~D~~E. Secondary Review: The Executive Committee shall review the investigation report and upon completing its review shall recommend one of the following to the Commission:

(1) Dismiss: If the Executive Committee determines no further action should be taken, the Executive Committee shall recommend to the Commission to dismiss the request for agency action as provided in Section R686-100-5B, above; or

(2) Prepare and Serve COMPLAINT: If the Executive Committee determines further action is appropriate, the Executive Committee shall recommend to the Commission to direct the Executive Secretary to prepare and serve a complaint and a copy of these rules upon the respondent. The complaint shall have a heading similar to that used for the request for agency action, and shall include in the body:

(a) A statement of the legal authority and jurisdiction under which the action is being taken;

(b) A statement of the facts and allegations upon which the complaint is based;

(c) Other information which the Commission believes to be necessary to enable the respondent to understand and address the allegations;

(d) A statement of the potential consequences should the allegations be found to be true;

(e) A statement that, if the respondent wishes to respond to the complaint or request a hearing, or discuss a stipulated agreement, a written response shall be filed with the Executive Secretary of the Professional Practices Advisory Commission, 250 East 500 South, Salt Lake City, Utah 84111 within 30 days of the date when the complaint was mailed to the respondent, and the potential consequences should the respondent default by failing to respond to the complaint within the designated time;

(f) Notice that, if a hearing is requested, the hearing shall be held not less than 25 days, nor more than [90]120 days, after receipt of the respondent's response and hearing request by the Executive Secretary, unless a later date is approved by the Commission for good cause shown or is agreed upon by both parties in writing.

(3) Provide the Commission with notice of the action taken[~~by the Executive Committee~~].

[E]E. RESPONSE to the complaint: If the respondent wishes to respond to the complaint, the respondent shall submit a written response signed by the respondent or his representative to the Executive Secretary within 30 days of the mailing date of the complaint. The response may include a request for a hearing or a stipulated agreement and shall include:

- (1) The file number of the complaint;
- (2) The names of the parties;
- (3) A statement of the relief that the respondent seeks; and
- (4) A statement of the reasons that the relief requested should be granted.

(5) Final Review: As soon as reasonably practicable after receiving the response, or following the passage of the 30 day response period if no response is received, the Executive Secretary shall review any response received, the investigative report, and other relevant information with the Executive Committee. The Executive Committee shall then recommend one of the following to the Commission:

(a) Enter a Default: If the respondent fails to file a response, fails to request a hearing, fails to request a stipulated agreement within 30 days after service of the complaint, or surrenders a certificate in the face of allegations of misconduct without benefit of a stipulated agreement, the Executive Committee shall recommend to the Commission to enter the respondent's default and direct the Executive Secretary to prepare findings in default and a recommended disposition for submission to the Commission in accordance with Section R686-100-1[7]6.

(b) Dismiss the Complaint: If the Executive Committee determines that there are insufficient grounds to proceed with the complaint, the Executive Committee shall recommend to the Commission that the complaint be dismissed. If the Commission votes to uphold the dismissal, the informant and respondent shall each be served with notice of the dismissal. If the informant believes that the dismissal has been made in error the informant may request review by the State Superintendent of Public Instruction within 10 days of service of notice of the dismissal. The Superintendent's decision concerning the dismissal is final.

(c) Schedule a Hearing: If the respondent requests a hearing, the Commission shall direct the Executive Secretary to schedule a hearing as provided in Section R686-100-[6]5.

(d) Respond to a request for a stipulated agreement: If the respondent requests to enter into a stipulated agreement, the

Executive [~~Committee~~]Secretary shall inform the Commission that the Commission may reject the request or authorize the Executive Secretary to meet with the respondent to prepare recommendations for a stipulated agreement.

(i) A stipulated agreement shall, at minimum, include the following:

(A) A summary of the facts, the allegations, the evidence relied upon by the Commission in its [~~deliberations~~]decision, and the respondent's response;

(B) A statement that the respondent has chosen to surrender his certificate rather than contest the charges in a hearing;

(C) A commitment that the respondent shall not provide professional services in a public school in any state or otherwise seek to obtain or use a certificate in any state unless or until the respondent first obtains a valid Utah certificate or clearance from the Board to obtain such a certificate;

(D) Provision for surrender of respondent's certificate;

(E) Acknowledgment that the surrender and the stipulated agreement will be reported to other states through the NASDTEC Educator Information Clearinghouse; and

(F) Other relevant provisions applicable to the case, such as remediation, counseling, and conditions--if any--under which the respondent could seek restoration of certification.

(ii) The stipulated agreement shall be forwarded to the Commission for consideration.

(iii) If the Commission rejects the request or the stipulated agreement, the respondent shall be served with notice of the decision, which shall be final, and the proceedings shall continue from the point under these procedures at which the request was made, as if the request had not been submitted.

(iv) If the Commission accepts the stipulated agreement, the agreement shall be forwarded to the Board for consideration.

(v) If the Board rejects the agreement, the Executive Secretary shall notify the parties of the decision and the proceedings shall continue from the point under these procedures at which the request was made, as if the request had not been submitted.

(e) Recommend that the Commission direct the Executive Secretary to take appropriate disciplinary action against an educator which may include: an admonishment, a letter of warning, or a written reprimand. Documentation of this disciplinary action shall be sent to the respondent's employing school district or to a district where the respondent finds employment. This disciplinary action may be appealed to the Superintendent of Public Instruction, consistent with R686-100-18.

G. Surrender:

(1) Should an educator surrender his certificate, the surrender shall have the effect of revocation unless otherwise designated by the Commission;

(2) The Board shall receive official notification of the surrender at an official Board meeting; and

(3) The Executive Secretary shall enter findings in the educator's certification file explaining the circumstances of the surrender.

R686-100-5. Hearing Procedures.

A. Scheduling the Hearing: The Commission shall agree upon Commission panel members, and the Executive Secretary shall appoint a hearing officer from among a list of hearing officers approved by the Commission, and schedule the date, time, and

place for the hearing. The date for the hearing shall be not less than 25 days nor more than ~~90~~120 days from the date the response is received by the Executive Secretary. If exceptional circumstances exist which make it impracticable for a party to be present in person, the Executive Secretary may, with the consent of the parties, permit participation by electronic means. The required scheduling periods may be waived by mutual consent of the parties.

B. Change of Hearing Date:

(1) A request for change of hearing date shall be submitted in writing and received by the Executive Secretary at least five days prior to the scheduled date of the hearing. The request may originate from either party and shall show cause.

(2) The Executive Secretary shall make the determination of whether the cause stated in the request is sufficient to warrant a change of hearing date.

(a) If the cause is found to be sufficient, the Executive Secretary shall promptly notify all parties of the new time, date, and place for the hearing.

(b) If the cause is found to be insufficient, the Executive Secretary shall immediately notify the party making the request and the hearing shall proceed as originally scheduled.

(c) The Executive Secretary and the parties may waive the time period required for requesting a change of hearing date for exceptional circumstances.

R686-100-6. Appointment and Duties of the Hearing Panel.

A. Hearing Officer: The Executive Secretary shall appoint a hearing officer at the request of the Commission to chair the hearing panel and conduct the hearing. The hearing officer:

(1) May require the parties to submit briefs and lists of witnesses prior to the hearing;

(2) Shall preside at the hearing and regulate the course of the proceedings;

(3) May administer oaths to witnesses as follows: "Do you swear or affirm that the testimony you will give is the truth?";

(4) May take testimony, rule on questions of evidence, and ask questions of witnesses to clarify specific issues;

(5) Shall prepare a hearing report at the conclusion of the proceedings in consultation with other panel members.

B. Commission Panel Members: The Commission shall agree upon three or more Commission members to serve as Commission members of the hearing panel.

(1) If the respondent is a teacher, the majority of the Commission panel members shall be teachers.

(2) If the respondent is ~~an administrator~~not a teacher, the majority of the Commission panel members shall be ~~administrators~~Commission members other than teachers.

(3) Duties of the Commission panel members include:

(a) Assisting the hearing officer by providing information concerning common standards and practices of educators in the respondent's particular field of practice and in the situations alleged;

(b) Asking questions of all witnesses to clarify specific issues;

(c) Reviewing all briefs and evidence presented at the hearing;

(d) Assisting the hearing officer in preparing the hearing report.

(4) The panel members shall receive for review relevant written materials at least one hour prior to the hearing.

~~(#)5~~ The panel members shall receive available briefs or relevant materials about the hearing for review at least 30 minutes prior to the hearing.

~~(5)6~~ The Executive Secretary may make an emergency substitution of a ~~e~~Commission panel member for cause with the agreement of the parties. The agreement should be in writing but if time does not permit written communication of the agreement to reach the Executive Secretary prior to the scheduled time of the hearing, an Acceptance of Substituted Hearing Panel Member shall be signed by the parties prior to commencement of the hearing.

C. Disqualification of a panel member:

(1) Hearing officer:

(a) A party may seek disqualification of a hearing officer by submitting a written request for disqualification to the Executive Secretary, which request must be received not less than 15 days before a scheduled hearing. The Executive Secretary shall review the request and supporting evidence and, upon a finding that the reasons for the request are substantial and sufficient, shall appoint a new hearing officer and, if necessary, reschedule the hearing.

(b) If the Executive Secretary denies the request, the party requesting the disqualification shall be notified not less than ten days prior to the date of the hearing. The requesting party may submit a written appeal of the denial to the State Superintendent, which request must be received not less than five days prior to the hearing date. If the State Superintendent finds that the appeal is justified, he shall direct the Executive Secretary to appoint a new hearing officer and, if necessary, reschedule the hearing.

(c) The decision of the State Superintendent is final.

(d) Failure of a party to meet the time requirements of Section R686-100-~~7~~6C(1) shall result in denial of the request or appeal; if the Executive Secretary fails to meet the time requirements, the request or appeal shall be approved.

(2) Commission panel member:

(a) A party may seek disqualification of a Commission panel member by submitting a written request for disqualification to the hearing officer, which request must be received not less than 15 days before a scheduled hearing. The hearing officer shall review the request and supporting evidence and, upon a finding that the reasons for the request are substantial and sufficient, shall disqualify the panel member. If the disqualification leaves the hearing panel with fewer than three Commission panel members, the Commission shall appoint a replacement and the hearing officer shall, if necessary, reschedule the hearing.

(b) If the hearing officer denies the request, the party requesting the disqualification shall be notified not less than ten days prior to the date of the hearing. The requesting party may submit a written appeal of the denial to the State Superintendent, which request must be received not less than five days prior to the hearing date. If the State Superintendent finds that the appeal is justified, he shall direct the hearing officer to disqualify the panel member.

(c) If a disqualification leaves the hearing panel with fewer than three Commission panel members, the Commission shall agree upon a replacement and the hearing officer shall, if necessary, reschedule the hearing.

(d) The decision of the State Superintendent is final.

(e) Failure of a party to meet the time requirements of Section R686-100-7C(2) shall result in denial of the request or appeal; if the

hearing officer fails to meet the time requirements, the request or appeal shall be approved.

R686-100-7. Preliminary Instructions to Parties to a Hearing.

A. Not less than 20 days before the date of a hearing the Executive Secretary shall provide the parties with the following information:

- (1) Date, time, and location of the hearing;
- (2) Names and school district affiliations of the Commission members on the hearing panel, and the name of the hearing officer;
- (3) Procedures for objecting to any member of the hearing panel; and
- (4) Procedures for requesting a change in the hearing date.

B. Not less than 15 days before the date of the hearing, the hearing officer may direct the respondent and the complainant to serve the following upon the other party and submit a copy and proof of service to the hearing officer:

- (1) A brief setting forth that party's position regarding the allegations, including relevant laws, rules, and precedent;
- (2) The name of the person who will represent the party at the hearing, a list of witnesses who will be called, a summary of the testimony which each witness is expected to present, and a summary of documentary evidence which will be submitted. If either party fails to comply with identification of witnesses or documentary evidence in a fair and timely manner and consistent with the provisions of this rule, the hearing officer may limit either party's presentation of witnesses and documentary evidence at the hearing.

C. If the hearing officer requests and receives any of the above documents, he shall provide a copy of the documents to each of the [e]Commission panel members for review at least one hour prior to the hearing.

D. If a party fails to comply in good faith with a directive of the hearing officer under Section R686-100-~~8B~~7A, including time requirements for service, the hearing officer may prohibit introduction of the testimony or evidence or take other steps reasonably appropriate under the circumstances including, in extreme cases of noncompliance, entry of a default against the offending party.

R686-100-8. Hearing Parties' Representation.

A. Complainant: The Complainant shall be represented by a person appointed by the Investigations Unit of the Utah State Office of Education.

B. Respondent: A respondent may represent himself or be represented, at his own cost, by another person of his choosing.

C. The informant has no right to individual representation at the hearing or to be present or heard at the hearing unless called as a witness.

R686-100-9. Discovery Prior to a Hearing.

A. Discovery shall be permitted to the extent necessary to obtain relevant information necessary to support claims or defenses, as determined by the appointed hearing officer.

B. Discovery, especially burdensome or unduly legalistic discovery, may not be used to delay a hearing.

[B]C. Subpoenas and other orders to secure the attendance of witnesses or the production of evidence shall be issued upon request at least five working days prior to the hearing by the Executive

Secretary in accordance with Section 53A-7-110(1)(f) when requested by either party or any of the panel members.

[E]D. Either party or its representative may request the names of witnesses who have been asked to testify for the opposing party and to receive a copy of or examine all documents and exhibits that the opposing party intends to present as evidence during the hearing.

[D]E. No witness or evidence may be presented at the hearing if the opposing party has requested to be notified of such information and has not been fairly apprised at least five days prior to the hearing. The parties may waive such time period only by written agreement.

[E]E. No expert witness report or testimony may be presented at the hearing unless the requirements of Section R686-100-13 have been met.

R686-100-10. Burden and Standard of Proof for Commission Proceedings.

A. In matters other than those involving applicants for certification, and excepting the presumptions under Section R686-100-14G, the complainant shall have the burden of proving that action against the certificate is appropriate.

B. An applicant for certification shall bear the burden of proving that certification is appropriate.

C. Standard of proof: The standard of proof in all Commission hearings is a preponderance of the evidence.

R686-100-11. Deportment.

Parties, their representatives, witnesses, and other persons present during a hearing shall conduct themselves in an appropriate manner during hearings, giving due respect to members of the hearing panel and complying with the instructions of the hearing officer. The hearing officer may expel persons from the hearing room who fail to conduct themselves in an appropriate manner and may, in response to extreme instances of noncompliance, disallow testimony or declare an offending party to be in default.

R686-100-12. Hearing Record.

A. The hearing shall be tape recorded at the Commission's expense, and the tapes shall become part of the permanent case record, unless otherwise agreed upon by all parties.

B. Individual parties may not make recordings of the proceedings without notice to and consent of the hearing panel.

C. Any party, at his own expense, may have a person approved by the Commission prepare a transcript of the hearing.

D. If an exhibit is admitted as evidence, the record shall reflect the contents of the exhibit.

E. All evidence and statements presented at a hearing shall become part of the permanent case file and shall not be removed except by order of the Board.

F. Taped proceedings may be reviewed upon request of a party under supervision of the Executive Secretary and only at the State Office of Education.

R686-100-13. Expert Witnesses in Commission Proceedings.

A. A party may call an expert witness at its own expense. Notice of intent of a party to call an expert witness, the identity and qualifications of such expert witness and the purpose for which the

expert witness is to be called shall be provided to the hearing officer and the opposing party at least 20 days prior to the hearing date.

B. The hearing officer may appoint any expert witness agreed upon by the parties or of the hearing officer's own selection. An expert so appointed shall be informed of his duties by the hearing officer in writing, a copy of which shall become part of the permanent case file. The expert shall advise the hearing panel and the parties of his findings and may thereafter be called to testify by the hearing panel or by any party. He shall be subject to cross-examination by each party or by any of the hearing panel members.

C. Defects in the qualifications of expert witnesses, once a minimum threshold of expertise is established, go to the weight to be given their testimony and not to its admissibility.

D. Experts who are members of the Complainant's staff or a school district staff may testify and have their testimony considered as part of the record along with that of any other expert.

E. Any report of an expert witness which a party intends to introduce into evidence shall be provided to the opposing party at least 10 days prior to the hearing date.

R686-100-14. Evidence and Participation in Commission Proceedings.

A. The hearing officer may not exclude evidence solely because it is hearsay.

B. The hearing officer shall afford each party the opportunity to produce witnesses, present evidence, argue, respond, cross-examine witnesses who testify in person at the hearing, and submit rebuttal evidence.

C. If a party intends to submit documentary evidence, the party intending to present such evidence shall provide one copy to each member of the hearing panel at least one hour prior to the hearing, and one copy to the opposing party.

D. All testimony presented at the hearing, if offered as evidence to be considered in reaching a decision on the merits, shall be given under oath.

E. In any case involving allegations of child abuse or of a sexual offense against a child, upon request of either party or by a member of the hearing panel, the hearing officer may determine whether a significant risk exists that the child would suffer serious emotional or mental harm if required to testify in the respondent's presence, or whether a significant risk exists that the child's testimony would be inherently unreliable if required to testify in the respondent's presence. If the hearing officer determines either to be the case, then the child's testimony may be admitted in one of the following ways:

(1) An oral statement of a victim or witness younger than 18 years of age which is recorded prior to the filing of a complaint shall be admissible as evidence in a hearing regarding the offense if:

(a) No attorney for either party is in the child's presence when the statement is recorded;

(b) The recording is visual and aural and is recorded on film or videotape or by other electronic means;

(c) The recording equipment is capable of making an accurate recording, the operator of the equipment is competent, and the recording is accurate and has not been altered; and

(d) Each voice in the recording is identified.

(2) The testimony of any witness or victim younger than 18 years of age may be taken in a room other than the hearing room,

and be transmitted by closed circuit equipment to another room where it can be viewed by the respondent. All of the following conditions shall be observed:

(a) Only the hearing panel members, attorneys for each party, persons necessary to operate equipment, and a person approved by the hearing officer whose presence contributes to the welfare and emotional well-being of the child may be with the child during his testimony.

(b) The respondent may not be present during the child's testimony;

(c) The hearing officer shall ensure that the child cannot hear or see the respondent;

(d) The respondent shall be permitted to observe and hear, but not communicate with, the child; and

(e) Only hearing panel members and the attorneys may question the child.

(3) The testimony of any witness or victim younger than 18 years of age may be taken outside the hearing room and recorded if the provisions of Sections R686-100-1[5]4E(2)(a)(b)(c) and (e) and the following are observed:

(a) The recording is both visual and aural and recorded on film or videotape or by other electronic means;

(b) The recording equipment is capable of making an accurate recording, the operator is competent, and the recording is accurate and is not altered;

(c) Each voice on the recording is identified; and

(d) Each party is given an opportunity to view the recording before it is shown in the hearing room.

(4) If the hearing officer determines that the testimony of a child will be taken under Section R686-100-1[5]4E(1)(2) or (3) above, the child may not be required to testify in any proceeding where the recorded testimony is used.

F. On his own motion or upon objection by a party, the hearing officer:

(1) May exclude evidence that the hearing officer determines to be irrelevant, immaterial, or unduly repetitious;

(2) Shall exclude evidence that is privileged under law applicable to administrative proceedings in Utah unless waived;

(3) May receive documentary evidence in the form of a copy or excerpt if the copy or excerpt contains all pertinent portions of the original document;

(4) May take official notice of any facts that could be judicially noticed under judicial or administrative laws of Utah, or from the record of other proceedings before the agency.

G. Presumptions:

(1) A rebuttable evidentiary presumption exists that a person has committed a sexual offense against a minor child if the person has:

(a) Been found, pursuant to a criminal, civil, or administrative action to have committed a sexual offense against a minor;

(b) Failed to defend himself against such a charge when given a reasonable opportunity to do so; or

(c) Voluntarily surrendered a certificate or allowed a certificate to lapse in the face of a charge of having committed a sexual offense against a minor.

(2) A rebuttable evidentiary presumption exists that a person is unfit to serve as an educator if the person has:

(a) Been convicted of a felony;

(b) Been charged with a felony and subsequently convicted of a lesser related charge pursuant to a plea bargain or plea in abeyance; or

(c) Lost certification in another state through revocation or suspension, or through surrender of certification or allowing a certificate to lapse in the face of an allegation of misconduct, if the person would not currently be eligible to regain certification in that state.

H. The Hearing Officer may confer with the Executive Secretary or the panel members or both while preparing the Hearing Report. The Hearing Officer may request the Executive Secretary to confer with the Hearing Officer and panel following the hearing.

R686-100-15. Hearing Report.

A. Within ~~[a reasonable time]~~ 20 days after the hearing, or ~~[after]~~ within 20 days after the deadline imposed for the filing of any post-hearing materials permitted by the hearing officer, the hearing officer shall prepare, sign and issue a Hearing Report consistent with the recommendations of the panel that includes:

(1) A detailed findings of fact and conclusions of law based upon the evidence of record or on facts officially noted. Findings of fact may not be based solely upon hearsay, and conclusions shall be based upon competent evidence;

(2) A statement of relevant precedent;

(3) A statement of applicable law and rule;

(4) A recommended disposition of the ~~[c]~~ Commission panel members which shall be one of the following:

(a) Dismissal of the Complaint: The hearing report shall indicate that the complaint should be dismissed and that no further action should be taken.

(b) Warning: The hearing report shall indicate that respondent's conduct is deemed unprofessional and that the hearing report should constitute an official warning. The hearing report shall indicate that no further action concerning the complaint should be taken, but that the complaint and disposition could be considered should the respondent's conduct be brought into question in the future.

(c) Reprimand: The hearing report shall indicate that the respondent's conduct is deemed unprofessional and that the hearing report should constitute an official reprimand. The hearing report shall indicate that the employing school board ~~[should]~~ shall be notified of the reprimand and that record of the reprimand ~~[should]~~ shall be made on all Utah State Board of Education Certification records maintained in the certification file on the respondent. The hearing report should also include a recommendation for how long the reprimand ~~[should]~~ shall be maintained in the respondent's file and conditions under which it could be removed.

(d) Probation: The hearing report shall determine that the respondent's conduct was unprofessional, that the respondent shall not lose his certification, but that a probationary period is appropriate. If the report recommends probation, the report shall designate:

(i) a probationary time period;

(ii) conditions that can be monitored;

(iii) a person or entity to monitor a respondent's probation;

(iv) a statement providing for costs of probation.

(v) whether or not the respondent may work in any capacity in education during the probationary period.

A probation may be stated as a plea in abeyance: The respondent's penalty is stayed subject to the satisfactory completion of probationary conditions. The decision shall provide for discipline should the probationary conditions not be completed.

~~[(d)]~~ (e) Suspension: The hearing report shall recommend to the State Board of Education that the certificate of the respondent be suspended for a specific period of time and until specified reinstatement conditions have been met before respondent may petition for reinstatement of certification. The hearing report shall indicate that, should the Board confirm the recommended decision, the respondent shall return the printed suspended certificate to the State Office of Education and that the Certification Section of the Utah State Office of Education will notify the employing school district, all other Utah school districts, and all other state, territorial, and national certification offices or clearing houses of the suspension in accordance with R277-514.

~~[(e)]~~ (f) Revocation: The hearing report shall recommend to the State Board of Education that the certificate of the respondent be revoked for a period of not less than five years. The hearing report shall indicate that should the Board confirm the recommended decision, the respondent shall return the revoked certificate to the State Office of Education and that the Certification Section of the Utah State Office of Education will notify the employing school district, all other Utah school districts, and all other state, territorial, and national certification offices or clearing houses of the revocation in accordance with R277-514.

(5) The hearing report may recommend that the warning letter or that the reprimand remain permanently in the certification file. The hearing report shall also provide that the substance of the warning letter or reprimand or terms of probation may be communicated by designated USOE employees to prospective employers upon request.

([5]6) Notice of the right to appeal; and

([6]7) Time limits applicable to appeal.

B. Processing the Hearing Report: The hearing officer shall file the completed hearing report with the Executive Secretary, who shall review the report with the Commission.

(1) If the Commission, upon review of the hearing report, finds by majority vote, that there have been significant procedural errors in the hearing process or that the weight of the evidence does not support the conclusions of the hearing report, the Commission as a whole may direct the Executive Secretary to prepare an alternate hearing report and follow procedures under R686-100-15B(2).

([+2]) If the Commission finds that there have not been significant procedural errors ~~[and]~~ or that recommendations are based upon a reasonable interpretation of the evidence presented at the hearing, the Commission shall vote to uphold the hearing officer's report and do one of the following:

(a) If the recommendation is for final action to be taken by the Commission, the Commission shall direct the Executive Secretary to prepare a corresponding final order and serve all parties with a copy of the order and hearing report. A copy of the order and the hearing report shall be placed in and become part of the permanent case file. The order shall be effective upon approval by the Commission.

(b) If the recommendation is for final action to be taken by the Board, the Executive Secretary shall forward a copy of the hearing report to the State Board of Education for its further action. A copy

of the hearing report shall also be placed in and become part of the permanent case file.

(2) If the Commission determines that ~~there have been serious~~ procedural errors or that the hearing officer's report is not based upon a reasonable interpretation of the evidence presented at the hearing ~~[it]to the extent that an amended hearing report cannot be agreed upon, the Commission~~ shall direct the Executive Secretary to schedule the matter for rehearing before a new hearing officer and panel.

C. Consistent with Section 63-2-301(1)(c), the final administrative disposition of all administrative proceedings, the Recommended Disposition section of the Hearing Report, of the Commission shall be public. The hearing findings/report of suspensions and expulsions shall be public information and shall be provided consistent with Section 63-2-301(1)(c). The Recommended Disposition portion of the Hearing Report of warnings, reprimands and probations (including the probationary conditions) shall be public information. All references to individuals and personally identifiable information about individuals not parties to the hearing shall be redacted prior to making the disposition public.

R686-100-16. Default Procedures.

A. An order of default may be issued against a respondent under any of the following circumstances:

(1) The Executive Secretary may enter an order of default by preparing a report of default including the order of default, a statement of the grounds for default, and a recommended disposition if the respondent fails to file a response to a complaint ~~[under Section R686-100-5E within the time allotted]for an additional 20 days following the time period allowed for response to a complaint under R686-100-5E.~~

(2) The hearing officer may enter an order of default against a respondent by preparing a hearing report including the order of default, a statement of the grounds for default and the recommended disposition if:

(a) The respondent fails to attend or participate in a properly scheduled hearing after receiving proper notice. The hearing officer may determine that the respondent has failed to attend a properly scheduled hearing if the respondent has not appeared within 30 minutes of the appointed time for the hearing to begin.

(b) The respondent or the respondent's representative is guilty of serious misconduct during the course of the hearing process as provided under Section R686-100-8D.

B. The report of default or hearing report shall be forwarded to the Commission by the Executive Secretary for further action under Section R686-100-16B.

R686-100-17. Appeal.

A. Either party may appeal a final action by the Commission or the Board by requesting review by the State Superintendent of Public Instruction, 250 East 500 South, Salt Lake City, Utah 84111, within 30 days of the date ~~[notice of]that~~ the final order was postmarked.

- (1) The appeal shall consist of the following:
 - (a) Name, position, and address of appellant;
 - (b) Issue(s) being appealed;
 - (c) Signature of appellant.

(2) The State Superintendent shall review the ~~[hearing report and the record]record and information and hearing report~~ upon which the decision was based, and issue a written order regarding his findings and disposition of the matter. A copy of the order or a notice of extension of time to respond shall be served upon the parties by the State Superintendent within 30 days after receiving the appeal.

(3) The State Superintendent's decision is final.

B. Either party may appeal a final action of the Board by following the procedures set forth under R277-514.

R686-100-18. Remedies for Individuals Beyond Commission Actions.

Despite Commission or Board actions, informants or other injured parties who feel that their rights have been compromised, impaired or not addressed by the provisions of this rule, may appeal directly to district court.

R686-100-19. Application for Certification Following Denial or Loss of Certification.

A. An individual who has been denied certification or lost certification through revocation or suspension, or through surrender of a certificate or allowing a certificate to lapse in the face of an allegation of misconduct, may request review to consider the possibility of a grant or reinstatement of a certificate.

(1) The request for review shall be in writing and addressed to the Executive Secretary, Professional Practices Advisory Commission, 250 East 500 South, Salt Lake City, Utah 84111, and shall have the following heading:

TABLE 1

Jane Doe,)
Petitioner) Request for Agency Action
vs) Following Denial or Loss of
Utah State Office of Education) Certificate
Respondent.) File no.:
)

B. The body of the request shall contain the following information:

- (1) Name and address of the individual requesting review;
- (2) Action being requested;
- (3) Evidence of compliance with terms and conditions of any remedial or disciplinary requirements or recommendations;
- (4) Reasons for reconsideration of past disciplinary action;
- (5) Signature of person requesting review.

C. The Executive Secretary shall review the request with the Commission.

(1) If the Commission determines that the request is invalid, the person requesting reinstatement shall be notified by certified mail of the denial.

(2) If the Commission determines that the request is valid, a hearing shall be scheduled and held as provided under Section R686-100-6.

D. Burden of Proof: The burden of proof for granting or reinstatement of certification shall fall on the individual seeking the certificate.

(1) Individuals requesting reinstatement of a suspended certificate must show sufficient evidence of compliance with any conditions imposed in the past disciplinary action as well as undergo a criminal background check in accordance with ~~Section 53A-6-103(4)~~ Utah law.

(2) Individuals requesting certification following revocation ~~must~~ shall show sufficient evidence of compliance with any conditions imposed in the past disciplinary action as well as providing evidence of qualifications for certification as if the individual had never been certificated in Utah or any other state.

(3) Individuals requesting certification following denial ~~must~~ shall show sufficient evidence of completion of a rehabilitation or remediation program, if applicable ~~in accordance with Section 53A-6-104~~.

R686-100-20. Temporary Suspension of Certification Pending a Hearing.

A. If the Executive Secretary determines, after affording respondent an opportunity to discuss allegations of misconduct, that reasonable cause exists to believe that the charges will be proven to be correct and that permitting the respondent to retain certification prior to hearing would create unnecessary and unreasonable risks for children, then the Executive Secretary may order immediate suspension of the respondent's certificate pending final Board action.

B. Evidence of the temporary suspension may not be introduced at the hearing.

C. Notice of the temporary suspension shall be provided to other states under R277-514.

KEY: teacher certification, conduct*, hearings*
~~February 9, 1998~~ 1999 53A-7-110



Professional Practices Advisory Commission, Administration

R686-103

Professional Practices and Conduct for Utah Educators

NOTICE OF PROPOSED RULE

(New)
DAR FILE NO.: 21922
FILED: 03/15/1999, 16:27
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule was necessary to get a standard for professional conduct among educators.

SUMMARY OF THE RULE OR CHANGE: This rule provides standards of conduct for teachers as employees, as they relate to students and as role models.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53A-7-110

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: No significant costs or savings are associated with this rule. Money may be saved as educators have a clearer understanding of the profession's expectations and do not choose to litigate every disciplinary decision.

❖LOCAL GOVERNMENTS: No significant costs or savings are associated with this rule. Money may be saved as educators have a clearer understanding of the profession's expectations and do not choose to litigate every disciplinary decision.

❖OTHER PERSONS: No significant costs or savings are associated with this rule. Money may be saved as educators have a clearer understanding of the profession's expectations and do not choose to litigate every disciplinary decision.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Money may be saved as educators have a clearer understanding of the profession's expectations and do not choose to litigate every disciplinary decision.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule, and I see no fiscal impact on businesses--Steven O. Laing.

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

Professional Practices Advisory Commission
Administration
250 East 500 South
Salt Lake City, UT 84111, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Carol B. Lear at the above address, by phone at (801) 538-7835, by FAX at (801) 538-7768, or by Internet E-mail at clear@usoe.k12.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 05/03/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 05/04/1999

AUTHORIZED BY: Carol B. Lear, School Law Specialist

R686. Professional Practices Advisory Commission, Administration.

R686-103. Professional Practices and Conduct for Utah Educators.

R686-103-1. Definitions.

A. "Basic Administrative/Supervisory Certificate" means the initial certificate issued by the Board which permits the holder to be employed in a public school position which requires administration or supervision of kindergarten, elementary, middle, or secondary levels.

B. "Competent" means an educator who is duly qualified, is skillful, and meets all the legal requirements of the educator's position.

C. "Educator" means a certificated person who is paid on the teachers or administrators salary schedule and whose primary function is to provide instructional, counseling or administrative services in the public schools or administrative offices as assigned.

D. "Sexual contact" means:

(1) the intentional touching of any sexual or intimate part of an individual;

(2) causing, encouraging, or permitting an individual to touch any sexual or intimate part of another; or

(3) any physical conduct of a sexual nature directed at an individual.

E. "Sexual harassment" means any repeated or unwarranted verbal or physical advances, sexually explicit derogatory statements, or sexually discriminatory or explicit visual material or remarks made or displayed by an individual which is offensive or objectionable to the recipient or which causes the recipient discomfort or humiliation.

F. "Commission" means the Utah Professional Practices Advisory Commission as defined and authorized under Section 53A-7-104 et seq.

R686-103-2. Authority and Purpose.

A. This rule is authorized by Section 53A-7-110 which directs the Commission to adopt rules to carry out its responsibilities under the law.

B. The purpose of this rule is to provide for competent practices and standards of moral and ethical conduct for educators in order to serve the needs of Utah students and to maintain the dignity of the education profession in the state of Utah.

R686-103-3. Commission Action if a Certificated Educator Violates the Provisions of Professional Practice and Conduct for Utah Educators.

A. The individual conduct of a professional educator at all levels reflects upon the practices, values, integrity and reputation of the Utah educational profession as a whole. Violation of this rule may result in the following:

(1) A disciplinary letter that may effect the educator's ability to obtain employment as an educator;

(2) A letter of reprimand that would be placed in the educator's certification file and in the personnel file(s) of the district(s) where the educator is employed or seeks employment;

(3) A designated period of probationary status for a certificate holder. The probation may be for a specific or indefinite time period;

(4) Suspension of the educator's certificate(s) that would prevent the educator from practicing education in the state of Utah or other states during the period of suspension; and

(5) Revocation of the educator's certificate(s) for a minimum of five years.

B. This rule does not preclude alternative action by the Commission consistent with Utah law and Utah State Board of Education rules warranted under the facts of the case.

R686-103-4. Professionalism in Employment Practices.

An educator acting consistent with professional practices and standards shall:

A. assist only qualified persons, as defined by Utah law and Utah State Board of Education rules, to enter or continue in the education profession;

B. employ only persons qualified or certificated appropriately for positions, except as provided under R277-511;

C. document professional misconduct of other educators under the educators' direction as set forth in the law or this rule and take appropriate action based upon the misconduct. Such action shall include supervision or termination of employment when necessary to protect the physical or emotional well-being of students and employees and to protect the integrity of the profession, or both;

D. not personally falsify or direct another person to falsify records or applications of any type;

E. not recommend for employment in another district an educator who has been disciplined for unprofessional or unethical conduct or who has not met minimum professional standards in a current or previous assignment, consistent with Section 34-42-1;

F. adhere to the terms of a contract or assignment unless health or emergency issues requires vacating the contract or assignment. Persons shall in good faith comply with penalty provisions;

G. accept an educational employment assignment only if the educator has the appropriate certification required for that particular employment assignment except as provided for under R277-511 and shall provide only true and accurate pre-employment information or documentation;

H. recommend for employment or continuance of employment only persons who are certificated for the position; and

I. act consistent with Section 67-1-1 through 14, Utah Public Employees Ethics Act.

R686-103-5. Competent Practices.

An educator shall:

A. adhere to federal and state laws, State Board of Education Administrative rules, local board policies and specific directives from supervisors regarding educational practices; and

B. exercise good judgment and prudence in the educator's personal life to avoid the impairment of the educator's professional effectiveness and respect the cultural values and standards of the community in which the educator practices.

R686-103-6. Competent Practice Related to Students.

An educator shall:

A. develop and follow objectives related to learning, organize instruction time consistent with those objectives, and adhere to prescribed subject matters and curriculum.

B. deal with each student in a just and considerate manner.

C. resolve disciplinary problems according to law and school board policy and local building procedures;

D. maintain confidentiality concerning a student unless a revelation of confidential information serves the best interest of the student and serves a lawful purpose;

E. not exclude a student from participating in any program, deny or grant any benefit to any student on the basis of race, color, creed, sex, national origin, marital status, political or religious beliefs, physical or mental conditions, family, social, or cultural background, or sexual orientation, and may not engage in a course of conduct that would encourage a student to develop a prejudice on these grounds or any others;

F. impart to students principles of good citizenship and societal responsibility by directed learning as well as by personal example;

G. cooperate in providing all relevant information and evidence to the proper authorities in the course of an investigation by a law enforcement agency or by Child Protective Services regarding criminal activity. However, an educator shall be entitled to decline to give evidence against himself in any such investigation if the same may tend to incriminate the educator as that term is defined by the Fifth Amendment of the U.S. Constitution; and

H. take appropriate action to prevent student harassment.

R686-103-7. Moral and Ethical Conduct.

An educator shall:

A. not be convicted of domestic violence or abuse, including physical, sexual, and emotional abuse of any family member;

B. not be convicted of a stalking crime;

C. not use or distribute illegal drugs, or be convicted of any crime related to illegal drugs;

D. not be convicted of any illegal sexual conduct;

E. not attend any school activity or function under the influence of illegal drugs or alcohol, or prescription drugs if the drug affects the educator's ability to perform regular activities;

F. not participate in sexual, physical, or emotional harassment or any combination toward any student or co-worker, nor knowingly allow harassment to continue;

F. not participate in sexual contact with a student;

G. not knowingly fail to protect a student from any condition detrimental to that student's physical health, mental health, safety, or learning;

H. not harass or discriminate against a student or co-worker on the basis of race, color, creed, sex, national origin, marital status, political or religious beliefs, physical or mental conditions, family, social, or cultural background, or sexual orientation;

I. not interfere with the legitimate exercise of political and civil rights and responsibilities of colleagues or a student acting consistently with law and district and school policies;

J. not threaten, coerce or discriminate against any fellow employee, regardless of employment classification, who reports or discloses to a governing agency actual or suspected violations of law, educational regulations, or standards;

K. conduct financial business with integrity by honestly accounting for all funds committed to the educator's charge and collect and report funds consistent with school and district policy;

L. not accept gifts or exploit a professional relationship for gain or advantage that might create the appearance of impropriety or that may impair professional judgment, consistent with Section 67-16-1 through 14, Utah Public Employees Ethics Act; and

M. not use district or school computers or information systems in violation of the district's acceptable use policy for employees or access information that may be detrimental to young people or inconsistent with the educator's role model responsibility.

End of the Notices of Proposed Rules Section

KEY: teachers, disciplinary actions

1999

53A-7-110



NOTICES OF CHANGES IN PROPOSED RULES

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

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

Following the RULE ANALYSIS, the text of the CHANGE IN PROPOSED RULE is usually printed. The text shows only those changes made since the PROPOSED RULE was published in an earlier edition of the *Utah State Bulletin*. Additions made to the rule appear underlined (e.g., example). Deletions made to the rule appear struck out with brackets surrounding them (e.g., [example]). A row of dots in the text (•••••) indicates that unaffected text was removed to conserve space. If a CHANGE IN 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 agency or from the Division of Administrative Rules.

While a CHANGE IN PROPOSED RULE does not have a formal comment period, there is a 30-day waiting period during which interested parties may submit comments. The 30-day waiting period for CHANGES IN PROPOSED RULES published in this issue of the *Utah State Bulletin* ends May 3, 1999. At its option, the agency may hold public hearings.

From the end of the waiting period through July 30, 1999, the agency may notify the Division of Administrative Rules that it wants to make the CHANGE IN PROPOSED RULE effective. When an agency submits a NOTICE OF EFFECTIVE DATE for a CHANGE IN PROPOSED RULE, the PROPOSED RULE as amended by the CHANGE IN PROPOSED RULE becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file another CHANGE IN PROPOSED RULE in response to additional comments received. If the Division of Administrative Rules does not receive a NOTICE OF EFFECTIVE DATE or another CHANGE IN PROPOSED RULE, the CHANGE IN PROPOSED RULE filing, along with its associated PROPOSED RULE, lapses and the agency must start the process over.

CHANGES IN PROPOSED RULES are governed by *Utah Code* Section 63-46a-6 (1996); and *Utah Administrative Code* Rule R15-2, and Sections R15-4-3, R15-4-5, R15-4-7, and R15-4-9.

The Changes in Proposed Rules Begin on the Following Page.

Environmental Quality, Air Quality
R307-12
(Changed to R307-205)
 Emission Standards: Fugitive
 Emissions and Fugitive Dust

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 21697
 FILED: 03/15/1999, 15:56
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: In response to public comments, clarify certain provisions. (This rule applies statewide. See separate filing in this *Bulletin* on R307-309 which applies in Salt Lake, Davis, and Utah Counties and Ogden City.)

(DAR Note: A change in proposed rule (CPR) for R307-309 is found under DAR No. 21698 in this *Bulletin*.)

SUMMARY OF THE RULE OR CHANGE: First, in Subsections R307-205-3(2)(b) and R307-205-6(2), clarify that either watering or chemical stabilization may be used alone as a dust control measure. In Subsection R307-205-5(3)(q), change "and/or" to "or." Other typographical errors are corrected.

(DAR Note: The original proposed amendment upon which this change in proposed rule is based was published in the December 15, 1998, issue of the *Utah State Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-2-104

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: No change in costs from the original proposed amendment.

❖LOCAL GOVERNMENTS: No change in costs from the original proposed amendment.

❖OTHER PERSONS: No change in costs from the original proposed amendment.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No change in costs from the original proposed amendment.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Only editorial changes have been made in this rule, and there are no cost impacts--Dianne 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 jmiller@deq.state.ut.us.

THIS RULE MAY BECOME EFFECTIVE ON: 05/04/1999

AUTHORIZED BY: Rick Sprott, Planning Branch Manager

R307. Environmental Quality, Air Quality.**R307-205. Emission Standards: Fugitive Emissions and Fugitive Dust.****R307-205-1. Applicability.**

(1) [f]Except where otherwise specified, R307-205 applies statewide.

(2) The provisions of R307-205 shall not apply to any sources for which limitations for fugitive dust or fugitive emissions are assigned pursuant to R307-401, R307-305, or R307-307 nor shall they apply to agricultural or horticultural activities.

(3) The following definitions apply throughout R307-205:

"Material" means sand, gravel, soil, minerals or other matter which may create fugitive dust.

"Road" means any public or private road.

R307-205-2. Fugitive Emissions.

Fugitive emissions from sources in areas outside Davis, Salt Lake and Utah Counties, Ogden City and any nonattainment area for PM10 and which were constructed before April 25, 1971, shall not exceed 40% opacity. Fugitive emissions from sources constructed after April 25, 1971, shall not exceed 20% opacity.

R307-205-3. Fugitive Dust.

(1) Storage and Handling of Aggregate Materials. Any person owning, operating or maintaining a new or existing material storage, handling or hauling operation shall minimize fugitive dust from such an operation. Such control may include the use of enclosures, covers, stabilization or other equivalent methods or techniques as approved by the executive secretary.

(2) Construction and Demolition Activities.

(a) Any person engaging in clearing or leveling of land greater than one-quarter acre in size, earthmoving, excavation, or movement of trucks or construction equipment over cleared land greater than one-quarter acre in size or access haul roads shall take steps to minimize fugitive dust from such activities. Such control may include watering and chemical stabilization of potential fugitive dust sources or other equivalent methods or techniques approved by the executive secretary.

(b) The owner or operator of any land area greater than one-quarter acre in size that has been cleared or excavated shall take measures to prevent fugitive particulate matter from becoming airborne. Such measures may include:

- (i) planting vegetative cover,
- (ii) providing synthetic cover,
- (iii) watering~~s~~ [~~and~~]
- (iv) chemical stabilization,
- (~~iv~~)v) wind breaks, [~~and~~]or

(vi) other equivalent methods or techniques approved by the executive secretary.

(c) Any person engaging in demolition activities including razing homes, buildings, or other structures or removing paving material from roads or parking areas shall take steps to minimize fugitive dust from such activities. Such control may include watering and chemical stabilization or other equivalent methods or techniques approved by the executive secretary.

R307-205-4. Roads.

(1) Any person planning to construct or operate a new unpaved road which is anticipated to have an average daily traffic volume of 150 vehicle trips per day or greater, averaged over a consecutive five day period, shall submit a notice of intent to construct or operate such a road to the executive secretary pursuant to R307-401. Such notice shall include proposed action to minimize fugitive dust emissions from the road.

(2) The executive secretary may require persons owning, operating or maintaining any new or existing road, or having right-of-way easement or possessory right to use the same to supply traffic count information as determined necessary to ascertain whether or not control techniques are adequate or additional controls are necessary.

(3) Any person who deposits materials which may create fugitive dust on a public or private paved road shall clean the road promptly.

R307-205-5. Mining Activities.

(1) Fugitive dust, construction activities, and roadways associated with mining activities are regulated under the provisions of R307-205-5 and not by R307-205-3 and 4.

(2) Any person who owns or operates a mining operation shall minimize fugitive dust as an integral part of site preparation, mining activities, and reclamation operations.

(3) The fugitive dust control measures to be used may include:

- (a) periodic watering of unpaved roads,
- (b) chemical stabilization of unpaved roads,
- (c) paving of roads,
- (d) prompt removal of coal, rock minerals, soil, and other dust-forming debris from roads and frequent scraping and compaction of unpaved roads to stabilize the road surface,
- (e) restricting the speed of vehicles in and around the mining operation,
- (f) revegetating, mulching, or otherwise stabilizing the surface of all areas adjoining roads that are a source of fugitive dust,
- (g) restricting the travel of vehicles on other than established roads,
- (h) enclosing, covering, watering, or otherwise treating loaded haul trucks and railroad cars, to minimize loss of material to wind and spillage,
- (i) substitution of conveyor systems for haul trucks and covering of conveyor systems when conveyed loads are subject to wind erosion,
- (j) minimizing the area of disturbed land,
- (k) prompt revegetation of regraded lands,
- (l) planting of special windbreak vegetation at critical points in the permit area,

(m) control of dust from drilling, using water sprays, hoods, dust collectors or other controls approved by the executive secretary,

(n) restricting the areas to be blasted at any one time,

(o) reducing the period of time between initially disturbing the soil and revegetating or other surface stabilization,

(p) restricting fugitive dust at spoil and coal transfer and loading points,

(q) control of dust from storage piles through use of enclosures, covers, or stabilization and other equivalent methods or techniques as approved by the executive secretary, ~~and~~ or

(r) other techniques as determined necessary by the executive secretary.

(4) Any person owning or operating an existing mining operation in an actual area of nonattainment for particulate or an existing mining operation outside an actual area of nonattainment from which fugitive dust impacts an actual area of nonattainment for particulate shall submit plans for control of fugitive dust from such operations to the executive secretary for approval no later than September 29, 1981, 180 days after the effective date of this regulation.

R307-205-6. Tailings Piles and Ponds.

(1) Fugitive dust, construction activities, and roadways associated with tailings piles and ponds are regulated under the provisions of R307-205-6 and not by R307-205-3 and 4.

(2) Any person owning or operating an existing tailings operation where fugitive dust results from grading, excavating, depositing, or natural erosion or other causes in association with such operation shall take steps to minimize fugitive dust from such activities. Such controls may include:

- (a) watering, ~~and~~
- (b) chemical stabilization,
- (~~b~~c) synthetic covers, ~~and~~
- (d) vegetative covers,
- (~~e~~e) wind breaks,
- (~~d~~f) minimizing the area of disturbed tailings,
- (~~e~~g) restricting the speed of vehicles in and around the tailings operation, ~~and~~ or
- (~~f~~h) other equivalent methods or techniques which may be approvable by the executive secretary.

(3) Any person owning or operating an existing tailings operation in a nonattainment area for particulate or an existing mining operation outside an actual area of nonattainment from which fugitive dust impacts an actual area of nonattainment for particulate shall submit plans for control of fugitive dust from such operations to the executive secretary for approval no later than September 29, 1981, 180 days after the effective date of this regulation.

KEY: air pollution, fugitive emissions*, mining*, tailings*
1999 **19-2-101**
19-2-104
19-2-109



Environmental Quality, Air Quality
R307-309
 Davis, Salt Lake and Utah Counties,
 Ogden City and Any Nonattainment
 Area for PM10: Fugitive Emissions
 and Fugitive Dust

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 21698
 FILED: 03/15/1999, 15:56
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: In response to public comments, clarifications are proposed.

SUMMARY OF THE RULE OR CHANGE: In Subsection R307-309-1(1), second sentence, add "located in those areas" to clarify that the rule is applicable only to sources located in the areas specified in the previous sentence. In Section R307-309-2, delete the phrase "except as provided in R307-309-3" because the term is not used in Section R307-309-3 at all. Amend Subsection R307-309-3(1) to specify that sources must meet the 10% opacity limit outside the property boundary but may reach 20% on site unless more stringent limits are established under R307-401 or an approved dust control plan; in either case an exemption is applied if the wind speed exceeds 25 m.p.h. and the operator is taking appropriate action to reduce dust. In Subsection R307-309-3(2), change the date of February 4, 1999, to March 4, 1999, and the date of March 4, 1999, to May 4, 1999. In Subsection R307-309-4(2)(x), change "and" to "or" to clarify that the final item in the series is not required. In Subsection R307-309-4(3) restate the sentence in positive, not negative, terms: "Each source shall comply with all provisions of the fugitive dust control plan as approved by the executive secretary." In Sections R307-309-5 and R307-309-6, and Subsection R307-309-7(1), insert the word "paved" following "public or private" to clarify that only paved roads need be cleaned when material is spilled or tracked onto them. In Section R307-309-7, insert a new subsection title following the first paragraph: "(2) Unpaved Roads," and in subsections R307-309-7(2)(a) and R307-309-7(2)(b) which follow, change the phrase "such roads" to "unpaved roads" to clarify that only unpaved roads are intended in these subsections. Renumber the former Subsection R307-309-7(2) to R307-309-7(2)(c) and add the word "paved" following "public or private" to clarify that only material tracked onto a paved road need be cleaned.

(DAR Note: The original proposed new rule upon which this change in proposed rule is based was published in the December 15, 1998, issue of the *Utah State Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-2-104

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: No change from original proposal--new dust control plans will be reviewed once, whether in February or April.

❖LOCAL GOVERNMENTS: Postponing the effective date of the rule from March 4 to May 4 provides some savings by allowing operators to comply with the current less stringent limits for another two months. In addition, it gives them another 2 months to come into compliance with the rule.

❖OTHER PERSONS: Postponing the effective date of the rule from March 4 to May 4 provides some savings by allowing operators to comply with the current less stringent limits for another two months. In addition, it gives them another 2 months to come into compliance with the rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Postponing the effective date of the rule from March 4 to May 4 provides some savings by allowing operators to comply with the current less stringent limits for another two months. In addition, it gives them another 2 months to come into compliance with the rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: We received extensive public comments on this rule and have carefully reviewed them. Generally, the regulated community is comfortable with using the dust control plan to specify the requirements each operator must meet. Some members of the regulated community are not convinced that the opacity limit can be met at a reasonable cost, but newer sources have been operating with this limit for several years--Dianne 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 jmiller@deq.state.ut.us.

THIS RULE MAY BECOME EFFECTIVE ON: 05/04/1999

AUTHORIZED BY: Rick Sprott, Planning Branch Manager

R307. Environmental Quality, Air Quality.

R307-309. Davis, Salt Lake and Utah Counties, Ogden City and Any Nonattainment Area for PM10: Fugitive Emissions and Fugitive Dust.

R307-309-1. Applicability and Definitions.

(1) Applicability. R307-309 applies to all sources of fugitive dust and fugitive emissions located in Davis, Salt Lake and Utah Counties, Ogden City, and any nonattainment area for PM10,

except as specified in (2) below. Any source located in those areas for which limitations for fugitive dust or fugitive emissions are assigned pursuant to R307-401 is subject to R307-309 on May [H]4, 1999, unless the source has an operating permit issued under R307-415 prior to that date. If the source has an operating permit, the source is subject to R307-309 on the date of permit renewal or permit reopening as specified in R307-415, whichever occurs first.

(2) Exemptions.

(a) The provisions of R307-309 do not apply to agricultural or horticultural activities.

(b) Any source which is subject to R307-305-2 through 7 or R307-307 is exempt from all provisions of R307-309 except for R307-309-4.

(c) Any source regulated by R307-205-5 or R307-205-6 is exempt from all provisions of R307-309 except for R307-309-4.

(3) The following additional definitions apply to R307-309:

"Material" means sand, gravel, soil, minerals or other matter which may create fugitive dust.

"Road" means any public or private road.

R307-309-2. Fugitive Emissions.

Fugitive emissions from any source shall not exceed 15% opacity [~~except as provided in R307-309-3~~].

R307-309-3. General Requirements for Fugitive Dust.

(1) Opacity caused by fugitive dust shall not exceed: (a) 10% at the property boundary; and (b) 20% on site unless an approval order issued under R307-401 or a dust control plan specifies a lower level; [;] except when the wind speed exceeds 25 miles per hour and the owner or operator is taking appropriate actions to control fugitive dust. If the source has a dust control plan approved by the executive secretary, control measures in the plan are considered appropriate. Wind speed may be measured by a hand-held anemometer or equivalent device.

(2) Any source with a dust control plan approved by the executive secretary prior to [February 4] March 4, 1999, shall review and revise the plan in accordance with R307-309-4 below. The revised plan shall be submitted to the executive secretary no later than [March 1] May 4, 1999.

R307-309-4. Fugitive Dust Control Plan.

(1) Any person owning or operating a new or existing source of fugitive dust, including storage, hauling or handling operations or engaging in clearing or leveling of land one-quarter acre or greater in size, earthmoving, excavation, or movement of trucks or construction equipment over cleared land one-quarter acre or greater in size or access haul roads shall submit a plan to control fugitive dust to the executive secretary no later than 30 days after the source becomes subject to the rule. The plan shall address fugitive dust control strategies for the following operations as applicable:

- (a) Material Storage;
- (b) Material handling and transfer;
- (c) Material processing;
- (d) Road ways and yard areas;
- (e) Material loading and dumping;
- (f) Hauling of materials;
- (g) Drilling, blasting and pushing operations;
- (h) Clearing and leveling;

- (i) Earth moving and excavation;
 - (j) Exposed surfaces;
 - (k) Any other source of fugitive dust.
- (2) Strategies to control fugitive dust may include:
- (a) Wetting or watering;
 - (b) Chemical stabilization;
 - (c) Enclosing or covering operations;
 - (d) Planting vegetative cover;
 - (e) Providing synthetic cover;
 - (f) Wind breaks;
 - (g) Reducing vehicular traffic;
 - (h) Reducing vehicular speed;
 - (i) Cleaning haul trucks before leaving loading area;
 - (j) Limiting pushing operations to wet seasons;
 - (k) Paving or cleaning road ways;
 - (l) Covering loads;
 - (m) Conveyor systems;
 - (n) Boots on drop points;
 - (o) Reducing the height of drop areas;
 - (p) Using dust collectors;
 - (q) Reducing production;
 - (r) Mulching;
 - (s) Limiting the number and power of blasts;
 - (t) Limiting blasts to non-windy days and wet seasons;
 - (u) Hydro drilling;
 - (v) Wetting materials before processing;
 - (w) Using a cattle guard before entering a paved road;
 - (x) Washing haul trucks before leaving the loading site;
- [and] or
- (y) Terracing.

(3) [~~Failure to comply with the provisions of a dust control plan approved by the executive secretary is a violation of this rule.~~] Each source shall comply with all provisions of the fugitive dust control plan as approved by the executive secretary.

R307-309-5. Storage, Hauling and Handling of Aggregate Materials.

Any person owning, operating or maintaining a new or existing material storage, handling or hauling operation shall prevent, to the maximum extent possible, material from being deposited onto any paved road other than a designated deposit site. Any such person who deposits materials which may create fugitive dust on a public or private paved road shall clean the road promptly.

R307-309-6. Construction and Demolition Activities.

Any person engaging in clearing or leveling of land with an area of one-quarter acre or more, earthmoving, excavating, construction, demolition, or moving trucks or construction equipment over cleared land or access haul roads shall prevent, to the maximum extent possible, material from being deposited onto any paved road other than a designated deposit site. Any such person who deposits materials which may create fugitive dust on a public or private paved road shall clean the road promptly.

R307-309-7. Roads.

(1) Any person responsible for construction or maintenance of any existing road or having right-of-way easement or possessing the right to use the same whose activities result in fugitive dust from the road shall minimize fugitive dust to the maximum extent

possible. Any such person who deposits materials which may create fugitive dust on a public or private paved road shall clean the road promptly.

(2) Unpaved Roads.

(a) When [such]unpaved roads have an average daily traffic volume of less than 150 vehicle trips per day, averaged over a consecutive 5-day period, fugitive dust shall be minimized to the maximum extent possible.

(b) When [such]unpaved roads have an average daily traffic volume of 150 vehicle trips per day or greater, averaged over a consecutive 5 day period, control techniques shall be used which are equal to or better than 2-inch bituminous surface.

([2]c) Any person responsible for construction or maintenance of any new or existing unpaved road shall prevent, to the maximum extent possible, the deposit of material from the unpaved road onto any intersecting paved road during construction or maintenance. Any person who deposits materials which may create fugitive dust on a public or private paved road shall clean the road promptly.

KEY: air pollution, dust*
1999

19-2-101
19-2-104
19-2-109



Environmental Quality, Solid and Hazardous Waste
R315-303
Landfilling Standards

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 21784
FILED: 03/12/1999, 15:11
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: As a result of comments received, the thickness of intermediate cover for areas at municipal landfills that remain inactive for more than 30 days is reduced and the conditions for approval of alternative in intermediate covers are specified.

SUMMARY OF THE RULE OR CHANGE: The thickness of intermediate cover for areas of municipal landfills that remain inactive for longer than 30 days is changed from 18 inches to 12 inches and the conditions for approval of alternative intermediate covers are specified. Also, the numbering of two rule citations are corrected.

(DAR Note: The original proposed amendment upon which this change in proposed rule is based was published in the February 1, 1999, issue of the Utah State Bulletin.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 19-6-104, 19-6-105, and 19-6-108

FEDERAL REQUIREMENT FOR THIS RULE: 40 CFR 258, 1998 ed.

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Since the rule changes do not affect state entities and the enforcement of the rule will not change, there will be no cost or savings impact to the state budget.

❖LOCAL GOVERNMENTS: Owners of municipal landfills may experience a slight decrease in operating costs since the thickness of the intermediate cover is reduced from 18 inches to 12 inches. It is not possible to give an estimate of aggregate costs due to the variations in operational practices and sizes of the active areas at individual landfills.

❖OTHER PERSONS: Owners of municipal landfills may experience a slight decrease in operating costs since the thickness of the intermediate cover is reduced from 18 inches to 12 inches. It is not possible to give an estimate of aggregate costs due to the variations in operational practices and sizes of the active areas at individual landfills.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Owners or operators of landfills that currently provide intermediate cover on inactive areas of their landfills may experience a slight decrease in operating costs since the thickness of the cover is reduced from 18 inches to 12 inches. However, owners or operators of landfills that do not currently provide intermediate cover on inactive areas of their landfills may experience a slight increase in operating costs. If soil is available on site, the cost for the placement of the intermediate cover is estimated to be in the range of \$1 to \$3 per cubic yard. If the soil has to be purchased, the cost could increase to as much as \$10 per cubic yard. The total cost to provide intermediate cover depends on the size of the area to be covered.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Corporations who own or operate landfills that accept municipal waste will experience the costs as estimated under "Compliance costs for affected persons" to provide intermediate cover on inactive areas of their landfills--Dianne R. Nielson, Ph.D.

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

Environmental Quality
Solid and Hazardous Waste
Cannon Health Building
288 North 1460 West
PO Box 144880
Salt Lake City, UT 84114-4880, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Carl E. Wadsworth at the above address, by phone at (801) 538-6170, by FAX at (801) 538-6715, or by Internet E-mail at eqshw.cwadswor@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 05/03/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 05/05/1999

AUTHORIZED BY: Dennis R. Downs, Executive Secretary

R315. Environmental Quality, Solid and Hazardous Waste.

R315-303. Landfilling Standards.

R315-303-4. Standards for Maintenance and Operation.

(1) Plan of Operation. An owner or operator of a landfill shall maintain and operate the facility to conform to the approved plan of operation.

(2) Operating Details. An owner or operator of a landfill shall operate the facility to:

(a) control fugitive dust generated from roads, construction, general operations, and covering the waste;

(b) allow no open burning;

(c) collect scattered litter as necessary to avoid a fire hazard or an aesthetic nuisance;

(d) prohibit scavenging;

(e) conduct on-site reclamation in an orderly sanitary manner and in a way that does not interfere with the disposal site operation;

(f) ensure that landfill personnel, trained in landfill operations, are on-site when the site is open to the public;

(i) at least one person on-site for landfills that receive, on an average annual basis, less than 15,000 tons per year; and

(ii) at least two persons on-site, with one person at the active face, for each landfill that receives, on an average annual basis, more than 15,000 tons per year.

(g) control insects, rodents, and other vectors; and

(h) ensure that reserve operational equipment will be available to maintain and meet these standards.

(3) Boundary Posts. An owner or operator of a landfill shall clearly mark the active area boundaries authorized in the permit with permanent posts or using an equivalent method clearly visible for inspection purposes.

(4) Daily and Intermediate Cover.

(a) An owner or operator of a landfill shall, at the close of each day of operation, completely cover the waste with at least six inches of soil or other suitable material approved by the Executive Secretary that will control vectors, fires, odor, blowing litter, and scavenging without presenting a threat to human health or the environment.

(b) The Executive Secretary may, on a site specific basis, waive the requirement for daily cover of the waste at a landfill that accepts no municipal waste if the owner or operator demonstrates that an alternative schedule for covering the waste does not present a threat to human health or the environment. The demonstration from the owner or operator of the landfill must include at least the following:

(i) certification that the landfill accepts no municipal waste;

(ii) a detailed list of the waste types accepted by the landfill;

(iii) the alternative schedule on which the waste will be covered; and

(iv) any other operational practices that may reduce the threat to human health or the environment if an alternative schedule for covering the waste is followed.

(v) In granting any waiver from the daily cover requirement, the Executive Secretary may place conditions on the owner or operator of the landfill as to the frequency of covering, depth of the cover, or type of material used as cover that will minimize the threat to human health or the environment.

(vi) The Executive Secretary may revoke any waiver from the daily cover requirement if any condition is not met or if the alternative schedule for covering the waste presents a threat to human health or the environment.

(c) If an area of the working face of a landfill that accepts municipal waste will not receive waste for a period longer than 30 days, the owner or operator shall cover the area with a minimum of ~~[+8]~~12 inches of soil as an intermediate cover or an alternative intermediate cover as approved by the Executive Secretary.

(i) No alternative intermediate cover will be approved by the Executive Secretary without application from the owner or operator.

(ii) Approval for an alternative intermediate cover may be granted after:

(A) considering the design of the landfill, waste stream accepted, and waste handling practices; and

(B) taking into account climatic, hydrogeologic, and soil conditions of the site.

(iii) In granting approval for an alternative intermediate cover, the Executive Secretary may place conditions on the owner or operator of the landfill as to the depth or type of material used and maintenance of the integrity of the cover that will minimize the threat to human health or the environment.

(iv) The Executive Secretary may revoke the approval of an alternative intermediate cover if any condition is not met or if the alternative intermediate cover is determined to present a threat to human health or the environment.

(5) Monitoring Systems. An owner or operator of a landfill shall maintain the monitoring systems required in Subsection R315-303-3(6)(b).

(6) Recycling Required.

(a) An owner or operator of a landfill at which the general public delivers household solid waste shall provide containers in which the general public may place recyclable materials for which a market exists that are brought to the site:

(i) during the normal hours of operation; and

(ii) at a location convenient to the public, i.e., near the entrance gate.

(b) An owner or operator may demonstrate alternative means to providing an opportunity for the general public to recycle household solid waste.

(7) Disposal of Hazardous Waste and Waste Containing PCBs.

(a) An owner or operator of a solid waste disposal facility shall not knowingly dispose, treat, store, or otherwise handle hazardous waste or waste containing PCBs except under the following conditions:

(i) hazardous waste:

(A) the waste meets the conditions specified in Subsections R315-2-4; or

(B) the waste meets the conditions specified in 40 CFR 261.5 (1996) as incorporated by reference in Section R315-2-5; or

(ii) waste containing PCB's:

(A) the facility meets the requirements specified in Subsection R315-315-~~[6]~~7(3)(a); or

(B) the waste meets the requirements specified in Subsections R315-315-~~[6]~~7(2) or (3)(b).

(b) An owner or operator of a solid waste disposal facility shall include and implement, as part of the plan of operation, a plan that will inspect loads or take other steps, as approved by the

Executive Secretary, that will prevent the disposal of prohibited hazardous waste and prohibited waste containing PCBs, including:

- (i) inspection frequency and inspection of loads suspected of containing prohibited hazardous waste or prohibited waste containing PCBs;
 - (ii) inspection in a designated area or at a designated point in the disposal process;
 - (iii) a training program for the facility employees in identification of prohibited hazardous waste and prohibited waste containing PCBs; and
 - (iv) maintaining written records of all inspections, signed by the inspector.
- (c) If the receipt of prohibited hazardous waste or prohibited waste containing PCBs is discovered, the owner or operator of the facility shall:
- (i) notify the Executive Secretary, the hauler, and the generator within 24 hours;
 - (ii) restrict the inspection area from public access and from facility personnel; and
 - (iii) assure proper cleanup, transport, and disposal of the waste.

KEY: solid waste management, waste disposal
1999 **19-6-104**
Notice of Continuation April 2, 1998 **19-6-105**
19-6-108
40 CFR 258

◆ ————— ◆

Environmental Quality, Solid and Hazardous Waste

R315-318

Permit by Rule

NOTICE OF CHANGE IN PROPOSED RULE
 DAR FILE NO.: 21788
 FILED: 03/12/1999, 15:11
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: As a result of public comments received, the rule is changed to clarify specific points and to include references to the definitions to new and existing industrial solid waste disposal facilities.

SUMMARY OF THE RULE OR CHANGE: The rule is changed to clarify the point that any solid waste disposal facility may be permitted by rule if the Executive Secretary determines that the facility is regulated by a Federal or state agency which has regulations or rules as stringent as Rules R315-301 through R315-320. Also, references to the definitions to new and existing industrial solid waste disposal facilities are included.

(DAR Note: The original proposed amendment upon which this change in proposed rule is based was published in the February 1, 1999, issue of the *Utah State Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 19-6-104, 19-6-105, and 19-6-108

ANTICIPATED COST OR SAVINGS TO:

- ❖ **THE STATE BUDGET:** Since the changes to the rule do not affect state entities and the enforcement of the rule will not change, there will be no cost or savings impact to the state budget.
 - ❖ **LOCAL GOVERNMENTS:** Owners of new solid waste disposal facilities desiring a permit by rule will experience no real change in costs other than the preparation of a letter to request a permit by rule.
 - ❖ **OTHER PERSONS:** Owners of new solid waste disposal facilities desiring a permit by rule will experience no real change in costs other than the preparation of a letter to request a permit by rule.
- COMPLIANCE COSTS FOR AFFECTED PERSONS:** Owners or operators of new solid waste disposal facilities who desire a permit by rule will experience no real change in compliance cost other than the preparation of a letter requesting a permit by rule and, in some cases, the documentation that the requirements for a permit by rule are met. A permit by rule continues to offer a significant cost savings over the costs of a full permit application.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Corporations that begin operation of a new solid waste disposal facility that may be permitted by rule may experience a very slight increase in costs associated with the preparation of a letter requesting a permit by rule and, if necessary, the documentation that the requirements for a permit by rule will be met. The actual costs for this process cannot be estimated. However, a permit by rule continues to be a significant cost savings over the costs for the preparation of a full permit application--Dianne R. Nielson, Ph.D.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 Environmental Quality
 Solid and Hazardous Waste
 Cannon Health Building
 288 North 1460 West
 PO Box 144880
 Salt Lake City, UT 84114-4880, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Carl E. Wadsworth at the above address, by phone at (801) 538-6170, by FAX at (801) 538-6715, or by Internet E-mail at eqshw.cwadswor@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 05/03/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 05/05/1999

AUTHORIZED BY: Dennis R. Downs, Executive Secretary

R315. Environmental Quality, Solid and Hazardous Waste.

R315-318. Permit by Rule.

R315-318-1. General Requirements.

(1) Any facility that disposes of solid waste, including incinerators, ~~may be permitted by rule upon application to the Executive Secretary if the Executive Secretary determines the facility~~~~and~~ is regulated by Federal or state agencies which have regulations or rules as stringent as, or more stringent than, Rules R315-301 through R315-320~~, as determined by the Executive Secretary, may be permitted by rule.~~

(2) No permit by rule may be granted to a new facility, as defined by Subsection R315-301-2(47) or R315-304-3(4), as appropriate, without application to the Executive Secretary.

(3) Any facility permitted by rule is not required to obtain a permit or comply with any other provisions of Rules R315-301 through R315-320 except where operation of the facility may endanger human health or the environment or otherwise violate the provisions of the Solid and Hazardous Waste Act~~[?]~~.

R315-318-2. Facilities Permitted by Rule.

The following existing facilities, as defined by Subsection R315-301-2(21) or R315-304-3(3), as appropriate, are permitted by rule:

- (1) solid waste disposal and incineration facilities which are required to operate under the conditions of a state or Federal hazardous waste permit or plan approval;
- (2) disposal operations or activities which are required to operate under the conditions of a Utah Division of Oil, Gas, and Mining permit or plan approval;
- (3) non-commercial underground injection facilities regulated by the Utah Division of Water Quality; and
- (4) disposal operations or activities which accept only radioactive waste and are required to operate under the conditions of a Utah Division of Radiation Control permit or plan approval.

KEY: solid waste management, waste disposal

1999	19-6-104
Notice of Continuation April 28, 1998	19-6-105
	19-6-108



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

NOTICES OF EXPEDITED RULES

Under the provisions of *Utah Code* Subsection 53C-1-201(3)(a)(ii), the School and Institutional Trust Lands Administration is permitted to establish a procedure for the expedited approval of administrative rules. Use of this procedure, found at UAC Rule R850-10, is based on written findings by the agency director showing:

- (A) the changes in business opportunities affecting the assets of the trust;
 - (B) the specific business opportunity arising out of those changes which may be lost without the rule or changes to the rule;
 - (C) the reasons the normal procedures under *Utah Code* Section 63-46a-4 cannot be met without causing the loss of the specific opportunity;
 - (D) approval by at least five board members; and
 - (E) that the director has filed a copy of the rule and a rule analysis, stating the specific reasons and justifications for the agency's findings, with the Division of Administrative Rules and notified interested parties as provided in *Utah Code* Subsection 63-46a-4(5) (1996).
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School and Institutional Trust Lands, Administration **R850-20-175** Coal Leasing of Lands Acquired in Public Law 105-335 Exchange

NOTICE OF PROPOSED RULE

(Expedited)
DAR FILE NO.: 21909
FILED: 03/03/1999, 15:00
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule change is needed to permit effective leasing of larger coal tracts acquired by the State of Utah in the recent state-federal land exchange. Subsection 53C-1-201(3)(a)(ii) provides for an expedited rule-making process based on a written finding by the director, satisfying Subsections 53C-1-201(3)(a)(ii)(A) through 53C-1-201(3)(a)(ii)(E). That written finding is presented as follows: 1) on January 9, 1999, the land exchange contemplated by the Utah Schools and Lands Exchange Act of 1998, Public Law 105-335 (the "Act"), was completed. In this exchange, the Trust Lands Administration acquired six large coal tracts from the United States. Leasing and development of these coal tracts is anticipated to generate tens of millions of dollars to the trust over the next twenty years; 2) current Trust Lands Administration mineral rules are geared toward leasing of small (640 acres or less) tracts. The current rules also do not reflect current industry standards for coal leasing. For example, the current rules prohibit issuance of a single coal lease in excess of 2,560 acres, while several of the coal tracts acquired in the exchange are larger than that. Leasing the larger tracts in pieces would risk split ownership of the tracts, which in turn

would discourage development of the tracts, potentially reducing royalties to the trust. Similarly, the current rules limit rentals to \$1 per acre, and require crediting of rentals against royalties. Industry practice under the federal leasing program is for \$3 per acre rentals, with no credits. Were the current rules kept in place, the trust beneficiaries would lose tens of thousands of dollars annually in rentals, and potentially much more in future royalties if smaller lease sizes hindered future development; 3) one of the coal tracts that the Trust Lands Administration acquired in the exchange, the Mill Fork tract, was originally scheduled to be leased by the U.S. Bureau of Land Management (BLM) in July 1998. Congressional action on the exchange, and the subsequent delay between enactment of the Act and the transfer of title, has delayed lease issuance until the current time. At least one potential bidder for the tract has indicated to the Trust Lands Administration that it may lose interest in the tract if it is not made available in the immediate future. In addition, the Trust Lands Administration believes that future opportunities to implement favorable transactions with the coal industry may be lost if the Trust Lands Administration is unable to keep its commitment to lease the Mill Fork tract in a timely manner; 4) at a duly-noticed meeting of the School and Institutional Trust Lands Administration Board of Trustees (the "Board") on March 3, 1999 at 8:00 a.m., six members of the Board gave their approval to the expedited rule; 5) a copy of the rule and rule analysis was filed with the Division of Administrative Rules on Wednesday, March 3, 1999. Notice of this action was provided to interested parties as required by the Utah Administrative Rulemaking Act; and 6) consequently, the director finds that amending the rule using the expedited process is justified and prudent.

SUMMARY OF THE RULE OR CHANGE: This rule change allows director discretion in determining coal leasing procedures on acquired lands, and exempts these lease offerings from inconsistent rules.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsections 53C-1-20(3)(a)(ii) and 53C-2-401(1)(d)(ii), and Section 53C-2-407

FEDERAL REQUIREMENT FOR THIS RULE: Pub. L. No. 105-335

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The state mineral lease account receives 50% of bonuses, rentals and royalties from the acquired lands. Faster leasing should accelerate flow of funds both to the state mineral lease account and the Permanent School Fund.

❖LOCAL GOVERNMENTS: Local governments receive distributions from the state mineral lease account. Faster leasing should accelerate these distributions.

❖OTHER PERSONS: This rule change will bring about anticipated higher costs to those entities leasing the specified tracts of land since they will be leased at market value and there is a stronger industry interest in these tracts.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be limited compliance costs (less than \$50,000 per year for the entire industry) due to the removal of the \$1 per acre rental limitation and rental credits. The impact will potentially be offset by increased flexibility to the industry in the leasing process.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be some costs for compliance due to the removal of the \$1 per acre rental limitation and credits against rental. However, because of the increased flexibility that this rule change will bring to the leasing process, the impact of the costs will be offset.

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

School and Institutional Trust Lands Administration Suite 500 675 East 500 South Salt Lake City, UT 84102-2818, or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

John Andrews at the above address, by phone at (801) 538-5180, by FAX at (801) 355-0922, or by Internet E-mail at tmain.jandrews@email.state.ut.us.

THIS RULE IS EFFECTIVE ON: 03/03/1999

AUTHORIZED BY: John W. Andrews, Attorney

R850. School and Institutional Trust Lands, Administration. R850-20. Mineral Resources. R850-20-175. Coal Leasing of Lands Acquired in Public Law 105-335 Exchange.

1. Acquired lands shall mean lands acquired by the School and Institutional Trust Lands Administration pursuant to the Utah Schools and Lands Exchange Act of 1998, Public Law 105-335, 112 Stat. 3139 (1998)(the "Act").

2. Leasing of coal interests in the acquired lands shall be governed by applicable provisions of state law, the Act, that certain Memorandum of Understanding Between the Utah School and Institutional Trust Lands Administration, the United States

Department of Agriculture, and the United States Department of the Interior dated January 5, 1999, as amended from time to time, and, except as provided by R850-20-175(5), by the provisions of R850.

3. The director shall have broad discretion to determine terms, conditions and procedures for leasing coal interests in the acquired lands by simultaneous filing, including without limitation determination of rental rates, lease forms and lease stipulations for particular tracts, the amount of any required bid deposit, the minimum acceptable bid for particular tracts, terms of payment for bonus bids, and bidding procedures generally. The director may, but is not obligated to, disclose the minimum acceptable bid in advance of offering the lease by simultaneous filing.

4. In the event that the high bid in any simultaneous lease filing does not meet the minimum acceptable bid previously determined by the director, the director may, but is not obligated to, negotiate with the high bidder to obtain a negotiated bid that, in the discretion of the director, represents fair market value. Alternatively, the director may re-offer the lands for simultaneous filing, hold an oral auction of the lands pursuant to Subsection 53C-2-407(4), or withdraw the lands from leasing.

5. The following rules shall not apply to leasing of coal interests in the acquired lands by simultaneous filing: R850-20-700 (Non-Contiguous Tracts); R850-20-900 (Lease Acreage Limitations); R850-20-1000(1)(a)(Rentals); R850-20-1500 (Minimum Bid/Simultaneous Filing); R850-20-1600 (Posting Dates/Simultaneous Filing); R850-20-1100 (Rental Credit).

6. Nothing in this rule shall prevent the agency from leasing or otherwise disposing of coal interests in the acquired lands pursuant to Subsection 53C-2-401(1)(d)(ii), subject to compliance with applicable law.

KEY: royalties, [salt]coal, primary term*, administrative procedure

March 3, 1999 53C-1-302(1)(a)(ii)
Notice of Continuation June 30, 1997 53C-2-201(1)(a)
53C-2-401(1)(d)(ii)
53C-2-402(1)
53C-2-407(4)



End of the Notices of Expedited 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).

Commerce, Occupational and Professional Licensing

R156-5a

Podiatric Physician Licensing Act Rules

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 21907
FILED: 03/02/1999, 10:31
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: Title 58, Chapter 5a provides for the licensing of podiatric physicians. Subsection 58-1-106(1) provides the Division may adopt and enforce rules to administer Title 58. Subsection 58-5a-201(3) provides that the Podiatric Physician Board's duties and responsibilities shall be in accordance with Section 58-1-202. Subsection 58-1-202(1) provides that one of the duties of each board is to recommend to the Division Director appropriate rules. These rules were enacted to clarify the provisions of Title 58, Chapter 5a with respect to podiatric physicians.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Since the rules were originally enacted in 1994, no written comments have been received by the Division.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule should be continued as it clarifies the provisions of Title 58, Chapter 5a with respect to podiatric physicians.

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:
Karen Reimherr at the above address, by phone at (801) 530-6767, by FAX at (801) 530-6511, or Internet E-mail at brdopl.kreimher@email.state.ut.us.

AUTHORIZED BY: Diane J. Blake, Acting Director

EFFECTIVE: 03/02/1999



Commerce, Occupational and Professional Licensing

R156-37c

Utah Controlled Substance Precursor Act Rules

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 21908
FILED: 03/02/1999, 10:31
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: Title 58, Chapter 37c provides for the licensing of controlled substance precursor distributors and purchasers. Subsection 58-1-106(1) provides the Division may adopt and enforce rules to administer Title 58. Subsection 58-37c-4(3) provides that the Controlled Substance Precursor Advisory Board's duties and responsibilities shall be in accordance with Section 58-1-202. Subsection 58-1-202(1) provides that one of the duties of each board is to recommend to the Division Director appropriate rules. These rules were enacted to clarify the provisions of Title 58, Chapter 37c with respect to controlled substance precursor distributors and purchasers.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Since the rules were originally enacted in 1994, no written comments have been received by the Division.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule should be continued as it clarifies the provisions of Title 58, Chapter 37c with respect to controlled substance precursor distributors and purchasers.

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:
Clyde Ormond at the above address, by phone at (801) 530-6254, by FAX at (801) 530-6511, or Internet E-mail at brdopl.cormond@email.state.ut.us.

AUTHORIZED BY: Diane J. Blake, Acting Director

EFFECTIVE: 03/02/1999

Environmental Quality, Air Quality
R307-417
Permits: Acid Rain Sources

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 21910
FILED: 03/05/1999, 12:06
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: Subsection 19-2-104(1)(f) allows the Air Quality Board to make rules to implement Titles IV and V of the federal Clean Air Act (42 U.S.C. 7401 et seq.). R307-417 incorporates by reference federal requirements for sources contributing to acid rain thus implementing the provisions of Title IV.

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 have been received. The rule was amended effective March 5, 1999 (DAR No. 21735); no 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: Without rules to administer the acid rain permitting program, the state would relinquish implementation back to the federal government. By adopting Subsection 19-2-104(1)(f), the Legislature expressed the intent that Utah operate the program and R307-417 implements that statute.

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) 536-0099, or Internet E-mail at jmiller@deq.state.ut.us.

AUTHORIZED BY: Rick Sprott, Planning Branch Manager

EFFECTIVE: 03/05/1999

Environmental Quality, Solid and Hazardous Waste
R315-320
Waste Tire Transporter and Recycler Requirements

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 21920
 FILED: 03/12/1999, 15:11
 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: The "Utah Solid and Hazardous Waste Act," Title 19, Chapter 6, establishes the Utah Solid and Hazardous Waste Control Board and gives the Board the authority and responsibility to make and enforce rules to regulate the management of solid waste. For the protection of human health and the environment, the Board is required to make rules establishing minimum standards for storage, collection, transport, treatment, and disposal of solid waste (Subsection 19-6-105(1)(a)). The "Utah Waste Tire Recycling Act," Title 26, Chapter 32a, gives the Board the authority and responsibility to regulate the collection, transport, recycling, reimbursement for recycling, and disposal of waste tires to reduce the health and safety hazards posed by stockpiles of used tires and to promote the recycling of waste tires.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Rule R315-320 has been changed several times since it became effective on April 1, 1994, and some comments were received during the rulemaking process to make the changes. Comments were received requesting that waste tires be prohibited from disposal at any landfill in Utah to give a greater incentive for the recycling of waste tires. Other commenters were in favor of allowing waste tires to be disposed in landfills by meeting certain requirements and that this disposal option be extended to construction/demolition landfills especially in rural areas of the state. Since there are areas in the state in which recycling of tires is not available and, at times, the market makes the recycling of tires not economically viable, the Board responded to the comments by changing the rule to allow tires to be disposed at any permitted landfill under the restrictions established by the "Waste Tire Recycling Act." One comment was received recommending that the definition of the term "shredded tires" be based on the distance apart the knives are placed in the shredder rather than the size of the particles generated during the shredding process. The Board did not change the definition of the term "shredded tires" for the following reasons: the particle size specified can be achieved by currently available tire shredders; the particle size will provide a high bulk density in a pile or in a landfill; the particle size will minimize the potential for the collection of water that can provide habitat for vectors; and the space between the knives or any other specification of a shredder will not insure a particle size that will contribute to the efficient use of storage or landfill space and minimize the potential for vectors. One commenter requested that the term "clean condition" be defined in the rules. The term "clean condition" is used in the rule with respect to the landfilling of waste tires so that they can

eventually be removed and recycled. The Board responded to the commenter by stating that a definition of the term will not be proposed for the following reason: insuring that shredded tires are landfilled in a clean condition is a site specific issue and will depend upon the design and operation of the landfill unit. This issue will be resolved during the review and approval of the design and operation of the individual landfill unit by the Executive Secretary.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: No comments have been received that were in opposition to the rule as a whole. Rule R315-320 should continue since it implements the requirements of the "Waste Tire Recycling Act" to safely manage the collection, transportation, storage, recycling, and disposal of waste tires in a manner that is protective of human health and the environment.

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

Environmental Quality
 Solid and Hazardous Waste
 Cannon Health Building
 288 North 1460 West
 PO Box 144880
 Salt Lake City, UT 84114-4880, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Carl E. Wadsworth at the above address, by phone at (801) 538-6170, by FAX at (801) 538-6715, or Internet E-mail at eqshw.cwadsworth@state.ut.us.

AUTHORIZED BY: Dennis R. Downs, Executive Secretary

EFFECTIVE: 03/12/1999



Human Services, Administration
R495-879
Parental Support for Children in Care

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 21916
 FILED: 03/11/1999, 14:31
 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: Subsection 62A-1-111(16) authorizes the Department to collect child support and other money. Section 62A-4a-114 requires the division to seek reimbursement of funds it has expended on

behalf of a child in the protective custody, temporary custody, or custody of the division, from the child's parents or legal guardians. Subsection 62A-5-109(1) states that parents are liable for cost and support of a minor. Section 62A-7-124 allows the juvenile court to order the youth offender or his parents, guardian, or custodian, to share in the costs of support and maintenance for the youth offender during his term of commitment. Section 62A-11-302 pertains to family desertion and nonsupport of minor dependent children and that the children shall be maintained from the real and personal property resources of the responsible parents. Section 62A-12-206 requires the division to estimate the actual expense of caring for and maintaining a patient in the state hospital, and that amount or a portion of that amount shall be assessed to and paid by the child's parents. Section 78-3a-906 states that when legal custody of a minor is vested by the court in a division, the court shall require the parents to support the minor and to pay any other expenses of the minor beginning the date the minor is removed from the home, including time spent in detention or shelter care, and that the court may refer the determination of the matter to the Office of Recovery Services for administrative adjudication. Sections 78.45.7.2 through 78.45.7.21 outline the administrative process by which Office of Recovery Services determines child support obligations for parents of children in the custody of the State.

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

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The Department should continue to standardize child support obligations for the agencies that place a child in State's care.

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

Human Services
Administration
Fourteenth Floor, Eaton/Kenway Bldg.
515 East 100 South
PO Box 45011
Salt Lake City, UT 84145-0011, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Linda Long or Brenda Zimmerman at the above address, by phone at (801) 536-8949, by FAX at (801) 536-8509, or Internet E-mail at hsrsslc.llong@email.state.ut.us.

AUTHORIZED BY: Emma L. Chacon, Director

EFFECTIVE: 03/11/1999



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

Commerce

Occupational and Professional Licensing

No. 21716 (CPR): R156-24a. Physical Therapist Practice Act Rules.
Published: February 1, 1999
Effective: March 9, 1999

Environmental Quality

Air Quality

No. 21590 (REP): R307-150. Periodic Inventories.
Published: November 15, 1998
Effective: March 4, 1999

No. 21591 (CPR): R307-150. Emission Inventories.
Published: February 1, 1999
Effective: March 4, 1999

No. 21592 (REP): R307-155. Emission Inventories.
Published: November 15, 1999
Effective: March 4, 1999

No. 21593 (CPR): R307-155. Hazardous Air Pollutant Inventory.
Published: February 1, 1999
Effective: March 4, 1999

No. 21594 (CPR): R307-158. Emission Statement Inventory.
Published: February 1, 1999
Effective: March 4, 1999

No. 21735 (AMD): R307-417. Permits: Acid Rain Sources.
Published: January 1, 1999
Effective: March 5, 1999

Radiation Control

No. 21684 (AMD): R313-12-3. Definitions.
Published: December 15, 1998
Effective: March 12, 1999

No. 21685 (AMD): R313-15-906. Procedures for Receiving and Opening Packages.
Published: December 15, 1998
Effective: March 12, 1999

No. 21686 (AMD): R313-19. Requirements of General Applicability to Licensing of Radioactive Material.
Published: December 15, 1998
Effective: March 12, 1999

No. 21682 (AMD): R313-28. Use of X-rays in the Healing Arts.
Published: December 15, 1998
Effective: March 12, 1999

Solid and Hazardous Waste

No. 21783 (AMD): R315-301-2. Definitions.
Published: February 1, 1999
Effective: March 15, 1999

No. 21785 (AMD): R315-305-5. Requirements for Operation.
Published: February 1, 1999
Effective: March 15, 1999

No. 21786 (AMD): R315-315-6. PCB Containing Waste.
Published: February 1, 1999
Effective: March 15, 1999

No. 21787 (AMD): R315-317. Other Processes, Variances, and Violations.
Published: February 1, 1999
Effective: March 15, 1999

Insurance

Administration

No. 21791 (AMD): R590-167. Individual and Small Employer Health Insurance Rule.
Published: February 1, 1999
Effective: March 11, 1999

No. 21792 (AMD): R590-175. Basic Health Care Plan Rule.
Published: February 1, 1999
Effective: March 11, 1999

Public Safety

Administration

No. 21779 (NEW): R698-4. Certification of the Law Enforcement Agency of a Private College or University.
Published: February 1, 1999
Effective: March 5, 1999

No. 21676 (AMD): R884-24P-63. Performance Standards and Training Requirements Pursuant to Utah Code Ann. Section 59-2-406.
Published: December 1, 1998
Effective: March 16, 1999

Tax Commission

Auditing

No. 21760 (AMD): R865-6F-34. Qualified Subchapter S Subsidiaries Pursuant to Utah Code Ann. Section 59-7-701.
Published: January 15, 1999
Effective: March 16, 1999

Transportation

Motor Carrier

No. 21756 (AMD): R909-1. Safety Regulations for Motor Carriers.
Published: January 15, 1999
Effective: March 15, 1999

No. 21761 (AMD): R865-6F-35. S Corporation Determination of Tax Pursuant to Utah Code Ann. Section 59-7-703.
Published: January 15, 1999
Effective: March 16, 1999

Workforce Services

Workforce Information and Payment Services

No. 21770 (AMD): R994-600. Dislocated Workers.
Published: February 1, 1999
Effective: March 5, 1999

DAR Note: The following three sections will be combined to create one new rule, "R865-7H. Environmental Assurance Fee."

No. 21737 (NEW): R865-7H-1. Environmental Assurance Fee for Retailers or Consumers Not Participating in the Environmental Assurance Program Pursuant to Utah Code Ann. Section 19-6-410.5.
Published: January 1, 1999
Effective: March 16, 1999

No. 21738 (NEW): R865-7H-2. Environmental Assurance Fee on Packaged Petroleum Products Pursuant to Utah Code Ann. Section 19-6-410.5.
Published: January 1, 1999
Effective: March 16, 1999

No. 21739 (NEW): R865-7H-3. Environmental Assurance Fee on Exports of Petroleum Products Pursuant to Utah Code Ann. Section 19-6-410.5.
Published: January 1, 1999
Effective: March 16, 1999

End of the Notices of Effective Dates Section

Property Tax

No. 21789 (AMD): R884-24P-53. 1999 Valuation Guides for Valuation of Land Subject to the Farmland Assessment Act Pursuant to Utah Code Ann. Section 59-2-515.
Published: February 1, 1999
Effective: March 16, 1999

No. 21762 (AMD): R884-24P-61. 1.5 Percent Uniform Fee on Tangible Personal Property Required to be Registered with the State Pursuant to Utah Code Ann. Sections 41-1a-202, 59-2-104, 59-2-401, 59-2-402, and 59-2-405.
Published: January 15, 1999
Effective: March 16, 1999

RULES INDEX BY AGENCY (CODE NUMBER) AND BY KEYWORD (SUBJECT)

The *Rules Index* is a cumulative index that reflects all effective changes to Utah's administrative rules. The current *Index* lists changes made effective from January 2, 1999, including notices of effective date received through March 15, 1999, the effective dates of which are no later than April 1, 1999. 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>Finance</u>					
R25-5	Payment of Per Diem to Boards	21887	NSC	03/05/99	Not Printed
R25-7	Travel-Related Reimbursements for State Employees	21888	NSC	03/05/99	Not Printed
R25-8	Meal Allowance	21889	NSC	03/05/99	Not Printed
AGRICULTURE AND FOOD					
<u>Administration</u>					
R51-5	Grazing Advisory Boards	21884	5YR	02/22/99	99-6/27
<u>Plant Industry</u>					
R68-15	Quarantine Pertaining to Japanese Beetle, (Popillia Japonica)	21701	AMD	01/15/99	98-24/8
COMMERCE					
<u>Occupational and Professional Licensing</u>					
R156-5a	Podiatric Physician Licensing Act Rules	21907	5YR	03/02/99	99-7/54
R156-24a	Physical Therapist Practice Act Rules	21716	AMD	see CPR	98-24/11
R156-24a	Physical Therapist Practice Act Rules	21716	CPR	03/09/99	99-3/56

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R156-28	Veterinary Practice Act Rules	21753	AMD	02/18/99	99-2/3
R156-37c	Utah Controlled Substance Precursor Act Rules	21908	5YR	03/02/99	99-7/54
R156-39a	Alternative Dispute Resolution Providers Certification Act Rules	21905	5YR	03/01/99	99-6/27
CORRECTIONS					
<u>Administration</u>					
R251-103	Undercover Roles of Offenders	21858	5YR	02/12/99	99-5/57
R251-105	Applicant Qualifications for Employment with Department of Corrections	21828	5YR	02/01/99	99-4/65
EDUCATION					
<u>Administration</u>					
R277-102	Adjudicative Proceedings	21893	5YR	02/26/99	99-6/28
R277-425	Budgeting, Accounting, and Auditing for Utah School Districts	21894	5YR	02/26/99	99-6/28
R277-437	Student Enrollment Options	21677	NEW	01/05/99	98-23/4
R277-455	Standards and Procedures for Building Plan Review	21895	5YR	02/26/99	99-6/29
R277-470	Distribution of Funds for Charter Schools	21773	NSC	01/27/99	Not Printed
R277-601	Standards for Utah School Buses and Operations	21896	5YR	02/26/99	99-6/29
R277-712	Advanced Placement Programs	21897	5YR	02/26/99	99-6/30
R277-734	Standards and Procedures for Adult Education Section 353 Funds	21898	5YR	02/26/99	99-6/30
R277-735	Standards and Procedures for Corrections Education Programs Serving Inmates of the Utah Department of Corrections	21678	NEW	01/05/99	98-23/6
<u>Applied Technology Education (Board for), Rehabilitation</u>					
R280-201	USOR ADA Complaint Procedure	21679	NEW	01/05/99	98-23/8
R280-202	USOR Procedures for Individuals with the Most Severe Disabilities	21680	NEW	01/05/99	98-23/10
ENVIRONMENTAL QUALITY					
<u>Air Quality</u>					
R307-101-2	Definitions	21588	AMD	01/07/99	98-22/49
R307-150	Periodic Inventories	21590	REP	03/04/99	98-22/55
R307-150	Emission Inventories	21591	NEW	see CPR	98-22/56
R307-150	Emission Inventories	21591	CPR	03/04/99	99-3/57
R307-155	Emission Inventories	21592	REP	03/04/99	99-22/60
R307-155	Hazardous Air Pollutant Inventory	21593	NEW	see CPR	98-22/62
R307-155	Hazardous Air Pollutant Inventory	21593	CPR	03/04/99	99-3/59
R307-158	Emission Statement Inventory	21594	NEW	see CPR	98-22/64
R307-158	Emission Statement Inventory	21594	CPR	03/04/99	99-3/60
R307-214	National Emission Standards for Hazardous Air Pollutants	21844	5YR	02/03/99	99-5/57

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R307-221	Emission Standards: Emission Controls for Existing Municipal Solid Waste Landfills	21595	AMD	01/07/99	98-22/66
R307-221	Emission Controls for Existing Municipal Solid Waste Landfills	21850	NSC	02/27/99	Not Printed
R307-302-2	No-Burn Periods for PM10	21570	AMD	01/07/99	98-22/67
R307-415	Permits: Operating Permit Requirements	21900	5YR	03/01/99	99-6/31
R307-415-3	Definitions	21589	AMD	01/07/99	98-22/68
R307-417	Permits: Acid Rain Sources	21735	AMD	03/05/99	99-1/3
R307-417	Permits: Acid Rain Sources	21910	5YR	03/05/99	99-7/55
<u>Drinking Water</u>					
R309-104	Monitoring, Reporting and Public Notification	21553	AMD	01/15/99	98-21/16
R309-113	Drinking Water Source Protection	21554	AMD	01/15/99	98-21/20
<u>Environmental Response and Remediation</u>					
R311-201	Underground Storage Tanks: Certification Program	21854	NSC	02/27/99	Not Printed
<u>Radiation Control</u>					
R313-12-3	Definitions	21684	AMD	03/12/99	98-24/26
R313-15-906	Procedures for Receiving and Opening Packages	21685	AMD	03/12/99	98-24/32
R313-16	General Requirements Applicable to the Installation, Registration, Inspection, and Use of Radiation Machines	21535	AMD	01/15/99	98-21/27
R313-19	Requirements of General Applicability to Licensing of Radioactive Material	21686	AMD	03/12/99	98-24/33
R313-21	General Licenses	21805	5YR	01/25/99	99-4/65
R313-28	Use of X-rays in the Healing Arts	21682	AMD	03/12/99	98-24/46
R313-30	Therapeutic Radiation Machines	21806	5YR	01/25/99	99-4/66
R313-38	Radiation Safety Requirements for Wireline Service Operation and Subsurface Tracer Studies	21807	5YR	01/25/99	99-4/66
<u>Solid and Hazardous Waste</u>					
R315-2	General Requirements - Identification and Listing of Hazardous Waste	21459	AMD	see CPR	98-19/10
R315-2	General Requirements - Identification and Listing of Hazardous Waste	21459	CPR	02/15/99	99-1/28
R315-301-2	Definitions	21783	AMD	03/15/99	99-3/10
R315-304	Industrial Solid Waste Landfill Requirements	21439	AMD	see CPR	98-19/50
R315-304	Industrial Solid Waste Landfill Requirements	21439	CPR	01/05/99	98-23/45
R315-304-1	Applicability	21772	NSC	01/05/99	Not Printed
R315-305-5	Requirements for Operation	21785	AMD	03/15/99	99-3/18
R315-315-6	PCB Containing Waste	21786	AMD	03/15/99	99-3/19
R315-317	Other Processes, Variances, and Violations	21787	AMD	03/15/99	99-3/20
R315-320	Waste Tire Transporter and Recycler Requirements	21920	5YR	03/12/99	99-7/55

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>Water Quality</u>					
R317-10	Certification of Wastewater Works Operators	21449	AMD	see CPR	98-19/70
R317-10	Certification of Wastewater Works Operators	21449	CPR	02/04/99	99-1/35
HEALTH					
<u>Children's Health Insurance Program</u>					
R382-10	Eligibility	21669	AMD	01/07/99	98-23/12
R382-10	Eligibility	21843	NSC	02/27/99	Not Printed
<u>Health Care Financing</u>					
R410-14	Division of Health Care Financing Administrative Hearing Procedures for Medicaid/UMAP Applicants, Recipients and Providers, and Non-Medicaid/UMAP Nursing Home Residents as per "OBRA" Preadmission Screening and Annual Resident Review (PASARR) Determinations/Resident Rights Requirements	21668	AMD	01/07/99	98-23/14
<u>Health Care Financing, Coverage and Reimbursement Policy</u>					
R414-29	Client Review/Education and Restriction Policy	21687	AMD	01/21/99	98-24/50
R414-58	Children's Organ Transplants	21857	5YR	02/12/99	99-5/58
R414-303	Coverage Groups	21529	AMD	01/05/99	98-21/31
R414-304	Income and Budgeting	21764	AMD	02/25/99	99-2/4
<u>Health Systems Improvement, Emergency Medical Services</u>					
R426-1	Ambulance Rules	21693	AMD	02/26/99	98-24/51
R426-1-8	Maximum Licensed Services Transportation Rates and Charges	21649	AMD	01/07/99	98-23/22
R426-2	Air Medical Service Rules	21688	AMD	01/22/99	98-24/59
R426-3	Utah Mobile Paramedic Rules	21694	AMD	01/22/99	98-24/61
R426-4	Emergency Medical Dispatcher Rules	21695	AMD	01/22/99	98-24/67
R426-6	Emergency Medical Services Grants Program Rules	21657	AMD	03/01/99	98-23/23
<u>Health Data Analysis</u>					
R428-10	Health Data Authority Hospital Inpatient Reporting Rule	21755	AMD	03/01/99	99-2/10
<u>Health Systems Improvement, Child Care Licensing</u>					
R430-100-13	Infection Control	21769	AMD	02/25/99	99-2/13
<u>Health Systems Improvement, Health Facility Licensure</u>					
R432-1	General Health Care Facility Rules	21795	5YR	01/20/99	99-4/67
R432-2	General Licensing Provisions	21775	5YR	01/11/99	99-3/68
R432-3	General Health Care Facility Rules Inspection and Enforcement	21776	5YR	01/11/99	99-3/68
R432-4	General Construction	21815	5YR	01/29/99	99-4/68
R432-5	Nursing Facility Construction	21816	5YR	01/29/99	99-4/68

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R432-6	Assisted Living Facility General Construction	21700	AMD	01/29/99	98-24/69
R432-6	Assisted Living Facility General Construction	21817	5YR	01/29/99	99-4/69
R432-149	Intermediate Care Facility	21818	5YR	01/29/99	99-4/69
R432-150	Nursing Care Facility Rules	21752	R&R	02/25/99	99-2/15
R432-250	Residential Health Care Facilities	21528	REP	01/20/99	98-21/42
R432-270	Assisted Living Facilities	21722	R&R	01/29/99	98-24/70
R432-300	Residential Health Care Facility - Limited Capacity - Type N	21561	R&R	01/11/99	98-22/73
R432-650	End Stage Renal Disease Facility Rules	21562	AMD	01/11/99	98-22/82
R432-750	Hospice Rule	21734	AMD	02/25/99	99-1/3
<u>Health Systems Improvement, Primary Care and Rural Health</u>					
R434-20	Special Population Health Care Provider Financial Assistance Program	21666	NEW	01/07/99	98-23/26
HUMAN SERVICES					
<u>Administration</u>					
R495-879	Parental Support for Children in Care	21916	5YR	03/11/99	99-7/56
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R501-1	General Provisions	21768	NSC	01/27/99	Not Printed
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R510-103	Use of Senior Centers by Long Term Care Facility Residents and Senior Citizens' Groups Participating in Activities Outside Their Planning and Service Area	21730	AMD	02/03/99	99-1/14
R510-111	Policy on Use of State Funding for Travel Expenses to Assist the National Senior Service Corps (NSSC)	21885	5YR	02/23/99	99-6/31
R510-111	Policy on Use of State Funding for Travel Expenses to Assist the National Senior Service Corps (NSSC)	21886	NSC	02/27/99	Not Printed
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R512-25	Child Protective Services Notification and Due Process	21465	AMD	01/21/99	98-19/78
<u>Recovery Services</u>					
R527-200	Administrative Procedures	21675	AMD	01/04/99	98-23/33
R527-210	Guidelines for Setting Child Support Awards	21809	5YR	01/26/99	99-4/70
R527-210	Guidelines for Setting Child Support Awards	21810	NSC	01/27/99	Not Printed
R527-378	Garnishment of Social Security Benefits	21726	AMD	01/15/99	98-24/90

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R590-160	Administrative Proceedings	21804	5YR	01/22/99	99-4/71
R590-167	Individual and Small Employer Health Insurance Rule	21791	AMD	03/11/99	99-3/24
R590-175	Basic Health Care Plan Rule	21792	AMD	03/11/99	99-3/29
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R616-3	Elevator Rules	21454	AMD	01/28/99	98-19/84
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<u>Oil, Gas and Mining; Non-Coal</u>					
R647-2	Exploration	21757	AMD	02/26/99	99-2/54
R647-3	Small Mining Operations	21758	AMD	02/26/99	99-2/55
R647-4	Large Mining Operations	21759	AMD	02/26/99	99-2/56
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R652-70-2300	Management of Bear Lake Sovereign Lands	21672	AMD	01/14/99	98-23/36
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R653-2	Financial Assistance from the Board of Water Resources	21736	AMD	02/02/99	99-1/15
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R657-5	Taking Big Game	21717	AMD	01/15/99	98-24/96
R657-38	Dedicated Hunter Program	21719	AMD	01/15/99	98-24/107
R657-42	Exchanges, Surrenders, Refunds and Reallocation of Licenses, Certificates of Registration and Permits	21720	AMD	01/15/99	98-24/109
R657-43	Landowner Permits	21721	AMD	01/15/99	98-24/110
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R698-4	Certification of the Law Enforcement Agency of a Private College or University	21779	NEW	03/05/99	99-3/33
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R708-30	Motorcycle Rider Training Schools	21881	5YR	02/17/99	99-6/32
<u>Fire Marshal</u>					
R710-1	Concerns Servicing Portable Fire Extinguishers	21708	AMD	01/15/99	98-24/112
R710-3	Assisted Living Facilities	21709	AMD	01/15/99	98-24/116
R710-4	Buildings Under the Jurisdiction of the State Fire Prevention Board	21710	AMD	01/15/99	98-24/117
R710-6	Liquefied Petroleum Gas Rules	21733	AMD	02/02/99	99-1/17

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R710-8	Day Care Rules	21712	AMD	see CPR	98-24/120
R710-8	Day Care Rules	21712	CPR	02/23/99	99-2/88
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<u>Administration</u>					
R746-365	Intercarrier Service Quality	20997	NEW	see CPR	98-9/50
R746-365	Intercarrier Service Quality	20997	CPR	01/13/99	98-18/39
R746-365	Intercarrier Service Quality	21774	NSC	01/15/99	Not Printed
REGENTS (BOARD OF)					
<u>Administration</u>					
R765-607	Utah Higher Education Tuition Assistance Program	21673	NEW	01/04/99	98-23/38
R765-607	Utah Higher Education Tuition Assistance Program	21771	NSC	01/27/99	Not Printed
R765-685	Utah Educational Savings Plan Trust	21674	AMD	01/04/99	98-23/40
SCHOOL AND INSTITUTIONAL TRUST LANDS					
<u>Administration</u>					
R850-20-175	Coal Leasing of Lands Acquired in Public Law 105-335 Exchanges	21909	EXP	03/03/99	99-7/52
TAX COMMISSION					
<u>Auditing</u>					
R865-6F-34	Qualified Subchapter S Subsidiaries Pursuant to Utah Code Ann. Section 59-7-701	21760	AMD	03/16/99	99-2/58
R865-6F-35	S Corporation Determination of Tax Pursuant to Utah Code Ann. Section 59-7-703	21761	AMD	03/16/99	99-2/59
DAR Note: The following three sections will be combined to create one new rule, "R865-7H. Environmental Assurance Fee."					
R865-7H-1	Environmental Assurance Fee for Retailers or Consumers Not Participating in the Environmental Assurance Program Pursuant to Utah Code Ann. Section 19-6-410.5	21737	NEW	03/16/99	99-1/22
R865-7H-2	Environmental Assurance Fee on Packaged Petroleum Products Pursuant to Utah Code Ann. Section 19-6-410.5	21738	NEW	03/16/99	99-1/24
R865-7H-3	Environmental Assurance Fee on Exports of Petroleum Products Pursuant to Utah Code Ann. Section 19-6-410.5	21739	NEW	03/16/99	99-1/24
<u>Property Tax</u>					
R884-24P-52	Criteria for Determining Primary Residence Pursuant to Utah Code Ann. Sections 59-2-102 and 59-2-103	21326	AMD	see CPR	98-16/58
R884-24P-52	Criteria for Determining Primary Residence Pursuant to Utah Code Ann. Sections 59-2-102 and 59-2-103	21326	CPR	01/12/99	98-23/46

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R884-24P-53	1999 Valuation Guides for Valuation of Land Subject to the Farmland Assessment Act Pursuant to Utah Code Ann. Section 59-2-515	21777	EMR	01/12/99	99-3/64
R884-24P-53	1999 Valuation Guides for Valuation of Land Subject to the Farmland Assessment Act Pursuant to Utah Code Ann. Section 59-2-515	21789	AMD	03/16/99	99-3/46
R884-24P-61	1.5 Percent Uniform Fee on Tangible Personal Property Required to be Registered with the State Pursuant to Utah Code Ann. Sections 41-1a-202, 59-2-104, 59-2-401, 59-2-402, and 59-2-405	21762	AMD	03/16/99	99-2/60
R884-24P-63	Performance Standards and Training Requirements Pursuant to Utah Code Ann. Section 59-2-406	21676	AMD	03/16/99	98-23/42
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R909-1	Safety Regulations for Motor Carriers	21756	AMD	03/15/99	99-2/62
<u>Motor Carrier, Ports of Entry</u>					
R912-3	Restriction of Truck Traffic on SR-128. Legal and Permitted Vehicles	21799	NSC	01/27/99	Not Printed
R912-8	Minimum Tire, Axle and Suspension Ratings for Heavy Vehicles and the Use of Retractable or Variable Load Suspension Axles in Utah	21800	NSC	01/27/99	Not Printed
R912-76	Single Tire Configuration	21801	NSC	01/27/99	Not Printed
WORKFORCE SERVICES					
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R986-413	Program Standards	21705	AMD	01/20/99	98-24/122
R986-414	Income	21581	AMD	01/20/99	98-22/133
R986-417	Documentation	21582	AMD	01/20/99	98-22/134
R986-419	Income Limits	21706	AMD	01/20/99	98-24/124
R986-420	Maximum Allotments	21707	AMD	01/20/99	98-24/125
R986-421	Demonstration Programs	21585	AMD	01/20/99	98-22/136
R986-501	Displaced Homemaker Program	21883	5YR	02/19/99	99-6/32
<u>Workforce Information and Payment Services</u>					
R994-405	Ineligibility for Benefits	21745	AMD	02/17/99	99-2/65
R994-405	Ineligibility for Benefits	21746	AMD	02/17/99	99-2/72
R994-405	Ineligibility for Benefits	21748	AMD	02/17/99	99-2/77
R994-405	Ineligibility for Benefits	21749	AMD	02/17/99	99-2/83
R994-405	Ineligibility for Benefits	21747	NSC	02/20/99	Not Printed
R994-600	Dislocated Workers	21770	AMD	03/05/99	99-3/51

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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
5YR = Five-Year Review	repealed text not printed in <i>Bulletin</i>
EXD = Expired	

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<u>ACID RAIN</u>					
Environmental Quality, Air Quality	21735	R307-417	AMD	03/05/99	99-1/3
	21910	R307-417	5YR	03/05/99	99-7/55
<u>ADMINISTRATIVE LAW</u>					
Human Services, Recovery Services	21675	R527-200	AMD	01/04/99	98-23/33
<u>ADMINISTRATIVE PROCEDURES</u>					
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Natural Resources; Forestry, Fire and State Lands	21672	R652-70-2300	AMD	01/14/99	98-23/36
School and Institutional Trust Lands, Administration	21909	R850-20-175	EXP	03/03/99	99-7/52
<u>ADMINISTRATIVE RESPONSIBILITY</u>					
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<u>ADULT EDUCATION</u>					
Education, Administration	21898	R277-734	5YR	02/26/99	99-6/30
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<u>AGING</u>					
Human Services, Aging and Adult Services	21885	R510-111	5YR	02/23/99	99-6/31
	21886	R510-111	NSC	02/27/99	Not Printed
<u>AGRICULTURE ASSOCIATIONS</u>					
Agriculture and Food, Administration	21884	R51-5	5YR	02/22/99	99-6/27
<u>AIR POLLUTION</u>					
Environmental Quality, Air Quality	21588	R307-101-2	AMD	01/07/99	98-22/49
	21591	R307-150	NEW	see CPR	98-22/56
	21591	R307-150	CPR	03/04/99	99-3/57
	21592	R307-155	REP	03/04/99	98-22/60
	21593	R307-155	NEW	see CPR	98-22/62
	21593	R307-155	CPR	03/04/99	99-3/59
	21594	R307-158	NEW	see CPR	98-22/64
	21594	R307-158	CPR	03/04/99	99-3/60
	21844	R307-214	5YR	02/03/99	99-5/57

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	21595	R307-221	AMD	01/07/99	98-22/66
	21850	R307-221	NSC	02/27/99	Not Printed
	21570	R307-302-2	AMD	01/07/99	98-22/67
	21900	R307-415	5YR	03/01/99	99-6/31
	21589	R307-415-3	AMD	01/07/99	98-22/68
<u>AIR QUALITY</u>					
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	21910	R307-417	5YR	03/05/99	99-7/55
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<u>ALLOWANCE</u>					
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<u>ALTERNATIVE DISPUTE RESOLUTION</u>					
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<u>APPLIED TECHNOLOGY EDUCATION</u>					
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<u>APPRAISAL</u>					
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	21789	R884-24P-53	AMD	03/16/99	99-3/46
	21762	R884-24P-61	AMD	03/16/99	99-2/60
	21676	R884-24P-63	AMD	03/16/99	98-23/42
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<u>BEAM LIMITATION</u>					
Environmental Quality, Radiation Control	21682	R313-28	AMD	03/12/99	98-24/46
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	21721	R657-43	AMD	01/15/99	98-24/110
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<u>CHILD ABUSE</u>					
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<u>CHILD CARE FACILITIES</u>					
Health, Health Systems Improvement, Child Care Licensing	21769	R430-100-13	AMD	02/25/99	99-2/13
<u>CHILDREN'S HEALTH BENEFITS</u>					
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	21843	R382-10	NSC	02/27/99	Not Printed
<u>CHILD SUPPORT</u>					
Human Services, Administration	21916	R495-879	5YR	03/11/99	99-7/56
Human Services, Recovery Services	21675	R527-200	AMD	01/04/99	98-23/33
	21809	R527-210	5YR	01/26/99	99-4/70
	21810	R527-210	NSC	01/27/99	Not Printed
	21726	R527-378	AMD	01/15/99	98-24/90
<u>CHILD WELFARE</u>					
Human Services, Child and Family Services	21465	R512-25	AMD	01/21/99	98-19/78
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<u>COMPLAINTS</u>					
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<u>CONTAMINATION</u>					
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	21828	R251-105	5YR	02/01/99	99-4/65
<u>COVERAGE GROUPS</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	21529	R414-303	AMD	01/05/99	98-21/31
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Environmental Quality, Radiation Control	21684	R313-12-3	AMD	03/12/99	98-24/26
<u>DEMONSTRATION</u>					
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Environmental Quality, Radiation Control	21682	R313-28	AMD	03/12/99	98-24/46
<u>DISABLED PERSONS</u>					
Education, Applied Technology Education (Board for), Rehabilitation	21679	R280-201	NEW	01/05/99	98-23/8
	21680	R280-202	NEW	01/05/99	98-23/10
<u>DISPLACED HOMEMAKERS</u>					
Workforce Services, Employment Development	21883	R986-501	5YR	02/19/99	99-6/32
<u>DRINKING WATER</u>					
Environmental Quality, Drinking Water	21553	R309-104	AMD	01/15/99	98-21/16
	21554	R309-113	AMD	01/15/99	98-21/20
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<u>EDUCATIONAL FACILITIES</u>					
Education, Administration	21895	R277-455	5YR	02/26/99	99-6/29
<u>EDUCATIONAL SAVINGS TRUST</u>					
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<u>EDUCATIONAL TESTING</u>					
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Education, Administration	21894	R277-425	5YR	02/26/99	99-6/28
<u>ELDERLY</u>					
Human Services, Aging and Adult Services	21730	R510-103	AMD	02/03/99	99-1/14
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<u>EMERGENCY MEDICAL SERVICES</u>					
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	21649	R426-1-8	AMD	01/07/99	98-23/22
	21688	R426-2	AMD	01/22/99	98-24/59
	21694	R426-3	AMD	01/22/99	98-24/61
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	21657	R426-6	AMD	03/01/99	98-23/23

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	21589	R307-415-3	AMD	01/07/99	98-22/68
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	21746	R994-405	AMD	02/17/99	99-2/72
	21748	R994-405	AMD	02/17/99	99-2/77
	21749	R994-405	AMD	02/17/99	99-2/83
	21747	R994-405	NSC	02/20/99	Not Printed
<u>EMPLOYEE TERMINATION</u>					
Workforce Services, Workforce Information and Payment Services	21745	R994-405	AMD	02/17/99	99-2/65
	21746	R994-405	AMD	02/17/99	99-2/72
	21748	R994-405	AMD	02/17/99	99-2/77
	21749	R994-405	AMD	02/17/99	99-2/83
	21747	R994-405	NSC	02/20/99	Not Printed
<u>EMPLOYMENT</u>					
Corrections, Administration	21828	R251-105	5YR	02/01/99	99-4/65
Workforce Services, Workforce Information and Payment Services	21745	R994-405	AMD	02/17/99	99-2/65
	21746	R994-405	AMD	02/17/99	99-2/72
	21748	R994-405	AMD	02/17/99	99-2/77
	21749	R994-405	AMD	02/17/99	99-2/83
	21747	R994-405	NSC	02/20/99	Not Printed
	21770	R994-600	AMD	03/05/99	99-3/51
<u>ENROLLMENT OPTIONS</u>					
Education, Administration	21677	R277-437	NEW	01/05/99	98-23/4
<u>ENVIRONMENT</u>					
DAR Note: The following three sections will be combined to create one new rule, "R865-7H. Environmental Assurance Fee."					
Tax Commission, Auditing	21737	R865-7H-1	NEW	03/16/99	99-1/22
	21738	R865-7H-2	NEW	03/16/99	99-1/24
	21739	R865-7H-3	NEW	03/16/99	99-1/24
<u>ENVIRONMENTAL HEALTH</u>					
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<u>ENVIRONMENTAL PROTECTION</u>					
Environmental Quality, Air Quality	21900	R307-415	5YR	03/01/99	99-6/31
	21589	R307-415-3	AMD	01/07/99	98-22/68
Environmental Quality, Drinking Water	21553	R309-104	AMD	01/15/99	98-21/16
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Natural Resources, Wildlife Resources	21719	R657-38	AMD	01/15/99	98-24/107
<u>EXEMPTIONS</u>					
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	21686	R313-19	AMD	03/12/99	98-24/33
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<u>FIRE PREVENTION</u>					
Public Safety, Fire Marshal	21712	R710-8	AMD	see CPR	98-24/120
	21712	R710-8	CPR	02/23/99	99-2/88
<u>FINANCIAL AID</u>					
Regents (Board of), Administration	21673	R765-607	NEW	01/04/99	98-23/38
	21771	R765-607	NSC	01/27/99	Not Printed
<u>FINANCIAL DISCLOSURE</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	21764	R414-304	AMD	02/25/99	99-2/4
<u>FIREPLACE</u>					
Environmental Quality, Air Quality	21570	R307-302-2	AMD	01/07/99	98-22/67
<u>FIRE PREVENTION</u>					
Public Safety, Fire Marshal	21708	R710-1	AMD	01/15/99	98-24/112
	21710	R710-4	AMD	01/15/99	98-24/117
<u>FOOD STAMPS</u>					
Workforce Services, Employment Development	21705	R986-413	AMD	01/20/99	98-24/122
	21582	R986-417	AMD	01/20/99	98-22/134
	21706	R986-419	AMD	01/20/99	98-24/124
	21707	R986-420	AMD	01/20/99	98-24/125
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	21761	R865-6F-35	AMD	03/16/99	99-2/59
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	21593	R307-155	CPR	03/04/99	99-3/59
	21844	R307-214	5YR	02/03/99	99-5/57
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	21775	R432-2	5YR	01/11/99	99-3/68
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	21815	R432-4	5YR	01/29/99	99-4/68
	21816	R432-5	5YR	01/29/99	99-4/68
	21700	R432-6	AMD	01/29/99	98-24/69
	21817	R432-6	5YR	01/29/99	99-4/69
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	21752	R432-150	R&R	02/25/99	99-2/15
	21528	R432-250	REP	01/20/99	98-21/42
	21722	R432-270	R&R	01/29/99	98-24/70
	21561	R432-300	R&R	01/11/99	98-22/73
	21562	R432-650	AMD	01/11/99	98-22/82
	21734	R432-750	AMD	02/25/99	99-1/3
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	21771	R765-607	NSC	01/27/99	Not Printed
	21674	R765-685	AMD	01/04/99	98-23/40
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	21593	R307-155	NEW	see CPR	98-22/62
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	21716	R156-24a	AMD	see CPR	98-24/11
	21716	R156-24a	CPR	03/09/99	99-3/56
	21753	R156-28	AMD	02/18/99	99-2/3
	21908	R156-37c	5YR	03/02/99	99-7/54
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	21758	R647-3	AMD	02/26/99	99-2/55
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	21774	R746-365	NSC	01/15/99	Not Printed
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	21889	R25-8	NSC	03/05/99	Not Printed
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	21439	R315-304	AMD	see CPR	98-19/50
	21439	R315-304	CPR	01/05/99	98-23/45
	21772	R315-304-1	NSC	01/05/99	Not Printed
	21785	R315-305-5	AMD	03/15/99	99-3/18
	21786	R315-315-6	AMD	03/15/99	99-3/19
	21787	R315-317	AMD	03/15/99	99-3/20
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	21888	R25-7	NSC	03/05/99	Not Printed
	21889	R25-8	NSC	03/05/99	Not Printed
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	21807	R313-38	5YR	01/25/99	99-4/66
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	21761	R865-6F-35	AMD	03/16/99	99-2/59
DAR Note: The following three sections will be combined to create one new rule, "R865-7H. Environmental Assurance Fee."					
	21737	R865-7H-1	NEW	03/16/99	99-1/22
	21738	R865-7H-2	NEW	03/16/99	99-1/24
	21739	R865-7H-3	NEW	03/16/99	99-1/24
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	21774	R746-365	NSC	01/15/99	Not Printed
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	21886	R510-111	NSC	02/27/99	Not Printed
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Workforce Services, Workforce Information and Payment Services	21770	R994-600	AMD	03/05/99	99-3/51
<u>UNEMPLOYMENT COMPENSATION</u>					
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	21746	R994-405	AMD	02/17/99	99-2/72
	21748	R994-405	AMD	02/17/99	99-2/77
	21749	R994-405	AMD	02/17/99	99-2/83
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	21439	R315-304	CPR	01/05/99	98-23/45
	21772	R315-304-1	NSC	01/05/99	Not Printed
	21785	R315-305-5	AMD	03/15/99	99-3/18
	21786	R315-315-6	AMD	03/15/99	99-3/19
	21787	R315-317	AMD	03/15/99	99-3/20
	21920	R315-320	5YR	03/12/99	99-7/55
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	21449	R317-10	CPR	02/04/99	99-1/35
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	21720	R657-42	AMD	01/15/99	98-24/109
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<u>WOODBURNING</u>					
Environmental Quality, Air Quality	21570	R307-302-2	AMD	01/07/99	98-22/67
<u>X-RAY</u>					
Environmental Quality, Radiation Control	21535	R313-16	AMD	01/15/99	98-21/27
	21682	R313-28	AMD	03/12/99	98-24/46
	21806	R313-30	5YR	01/25/99	99-4/66

End of the Rules Index Section

PERMANENT ADMINISTRATIVE RULES REGISTER

Because of the small number of filings and to meet the minimum number of pages for publication, the Division of Administrative Rules (Division) is including the Rules Register from January 1, 1999, through April 1, 1999, in this issue of the *Utah State Bulletin*.

The Register is the official record of receipt of all administrative rules and rule changes filed with the Division and is always available for inspection at the Division.

The Rules Register Begins on the Following Page.

Filings received for the January 1, 1999, Bulletin

DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
21728	12/02/98 09:06	Rod L. Betit	Health, Health Care Financing, Coverage and Reimbursement Policy	Five-Year Review-Medicaid Policy for Hospital Emergency Department Copayment Procedures	1	R414-55	01/01/99	12/02/98
21729	12/03/98 16:04	J. Craig Jackson	Commerce, Occupational and Professional Licensing	Nonsubstantive Change-Definitions	5	R156-55b-102	Not Printed	12/30/98
21730	12/07/98 09:12	Helen Goddard	Human Services, Aging and Adult Services	Proposed Rule (Amendment)-Use of Senior Centers by Long Term Care Facility Residents and Senior Citizens' Groups Participating in Activities Outside Their Planning and Service Area	2	R510-103	01/01/99	02/03/99
21449	12/09/98 13:42	Dianne R. Nielson	Environmental Quality, Water Quality	Change in Proposed Rule-Certification of Wastewater Works Operators	3	R317-10	01/01/99	02/04/99
21731	12/10/98 11:17	Dennis R. Downs	Environmental Quality, Solid and Hazardous Waste	Nonsubstantive Change-Landfills	10	R315-7-21	Not Printed	12/30/98
21732	12/10/98 11:17	Dennis R. Downs	Environmental Quality, Solid and Hazardous Waste	Nonsubstantive Change-Groundwater Protection	19	R315-8-6	Not Printed	12/30/98
21339	12/11/98 12:52	Jilene Whitby	Insurance, Administration	Change in Proposed Rule-Surety Bond Forms	2	R590-120	01/01/99	
21459	12/11/98 14:46	Dennis R. Downs	Environmental Quality, Solid and Hazardous Waste	Change in Proposed Rule-General Requirements - Identification and Listing of Hazardous Waste	8	R315-2	01/01/99	02/15/99
21733	12/14/98 10:40	Brent R. Halladay	Public Safety, Fire Marshal	Proposed Rule (Amendment)-Liquefied Petroleum Gas Rules	6	R710-6	01/01/99	02/02/99
21734	12/14/98 14:09	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Proposed Rule (Amendment)-Hospice Rule	12	R432-750	01/01/99	02/25/99
21735	12/15/98 08:52	Rick Sprout	Environmental Quality, Air Quality	Proposed Rule (Amendment)-Permits: Acid Rain Sources	1	R307-417	01/01/99	03/05/99
21736	12/15/98 10:51	D. Larry Anderson	Natural Resources, Water Resources	Proposed Rule (Amendment)-Financial Assistance from the Board of Water Resources	3	R653-2	01/01/99	02/02/99
21737	12/15/98 19:43	Pam Hendrickson	Tax Commission, Auditing	Proposed Rule (New)-Environmental Assurance Fee for Retailers or Consumers Not Participating in the Environmental Assurance Program Pursuant to Utah Code Ann. Section 19-6-410.5	2	R865-7H-1	01/01/99	03/16/99
21738	12/15/98 19:43	Pam Hendrickson	Tax Commission, Auditing	Proposed Rule (New)-Environmental Assurance Fee on Packaged Petroleum Products Pursuant to Utah Code Ann. Section 19-6-410.5	1	R865-7H-2	01/01/99	03/16/99

DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
21739	12/15/98 19:43	Pam Hendrickson	Tax Commission, Auditing	Proposed Rule (New)-Environmental Assurance Fee on Exports of Petroleum Products Pursuant to Utah Code Ann. Section 19-6-410.5	2	R865-7H-3	01/01/99	03/16/99
21740	12/15/98 19:43	Pam Hendrickson	Tax Commission, Auditing	Proposed Rule (Amendment)-Environmental Assurance Fee Pursuant to Utah Code Ann. Section 19-6-410.5	2	R865-13G-14	01/01/99	

Filings received for the January 15, 1999, Bulletin

DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
21741	12/16/98 14:16	Kevin S. Carter	School and Institutional Trust Lands, Administration	Five-Year Review-Off-Highway Vehicle Designations	1	R850-110	01/15/99	12/16/98
21742	12/16/98 14:30	Brent R. Halladay	Public Safety, Fire Marshal	120-Day (Emergency) Rule-Day Care Rules	3	R710-8	01/15/99	12/16/98 for 120 days
21743	Void			Void				Void
21712	12/16/98 14:30	Brent R. Halladay	Public Safety, Fire Marshal	Change in Proposed Rule-Day Care Rules	2	R710-8	01/15/99	02/23/99
21744	12/16/98 16:02	Richard A. Greenwood	Public Safety, Law Enforcement and Technical Services, Criminal Identification	Five-Year Review-Review and Challenge of Criminal Record	1	R722-2	01/15/99	12/16/98
21745	12/16/98 17:49	Robert C. Gross	Workforce Services, Workforce Information and Payment Services	Proposed Rule (Amendment)-Ineligibility for Benefits	8	R994-405	01/15/99	02/17/99
21746	12/16/98 17:49	Robert C. Gross	Workforce Services, Workforce Information and Payment Services	Proposed Rule (Amendment)-Ineligibility for Benefits	6	R994-405	01/15/99	02/17/99
21747	12/16/98 17:49	Robert C. Gross	Workforce Services, Workforce Information and Payment Services	Nonsubstantive Change-Ineligibility for Benefits	6	R994-405	Not Printed	02/20/99
21748	12/16/98 17:49	Robert C. Gross	Workforce Services, Workforce Information and Payment Services	Proposed Rule (Amendment)-Ineligibility for Benefits	7	R994-405	01/15/99	02/17/99
21749	12/16/98 17:49	Robert C. Gross	Workforce Services, Workforce Information and Payment Services	Proposed Rule (Amendment)-Ineligibility for Benefits	4	R994-405	01/15/99	02/17/99
21750	12/17/98 14:37	Ronald W. Daniels	Natural Resources; Oil, Gas and Mining; Administration	Five-Year Review-Applicability	1	R642-200	01/15/99	12/17/98
21751	12/18/98 13:50	Jeffery O. Johnson	Administrative Services, Records Committee	Proposed Rule (New)-State Records Committee Appeal Hearing Procedures	2	R35-1	01/15/99	

RULES REGISTER

DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
21752	12/21/98 16:37	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Proposed Rule (Repeal and Reenact)-Nursing Care Facility Rules	32	R432-150	01/15/99	02/25/99
21753	12/21/98 16:57	J. Craig Jackson	Commerce, Occupational and Professional Licensing	Proposed Rule (Amendment)-Veterinary Practice Act Rules	2	R156-28	01/15/99	02/18/99
21754	12/22/98 09:15	J. Craig Jackson	Commerce, Occupational and Professional Licensing	Nonsubstantive Change-Utah Uniform Building Standard Act Rules	22	R156-56	Not Printed	01/01/99
21755	12/22/98 16:31	Rod L. Betit	Health, Health Data Analysis	Proposed Rule (Amendment)-Health Data Authority Hospital Inpatient Reporting Rule	4	R428-10	01/15/99	03/01/99
21756	12/23/98 07:48	Tamy L. Scott	Transportation, Motor Carrier	Proposed Rule (Amendment)-Safety Regulations for Motor Carriers	3	R909-1	01/15/99	03/15/99
21757	12/23/98 11:22	Ronald W. Daniels	Natural Resources; Oil, Gas and Mining; Non-Coal	Proposed Rule (Amendment)-Exploration	2	R647-2	01/15/99	02/26/99
21758	12/23/98 11:22	Ronald W. Daniels	Natural Resources; Oil, Gas and Mining; Non-Coal	Proposed Rule (Amendment)-Small Mining Operations	2	R647-3	01/15/99	02/26/99
21759	12/23/98 11:22	Ronald W. Daniels	Natural Resources; Oil, Gas and Mining; Non-Coal	Proposed Rule (Amendment)-Large Mining Operations	3	R647-4	01/15/99	02/26/99
21760	12/23/98 16:00	Pam Hendrickson	Tax Commission, Auditing	Proposed Rule (Amendment)-Qualified Subchapter S Subsidiaries Pursuant to Utah Code Ann. Section 59-7-701	2	R865-6F-34	01/15/99	03/16/99
21761	12/23/98 16:00	Pam Hendrickson	Tax Commission, Auditing	Proposed Rule (Amendment)-S Corporation Determination of Tax Pursuant to Utah Code Ann. Section 59-7-703	2	R865-6F-35	01/15/99	03/16/99
21762	12/23/98 16:00	Pam Hendrickson	Tax Commission, Property Tax	Proposed Rule (Amendment)-1.5 Percent Uniform Fee on Tangible Personal Property Required to be Registered with the State Pursuant to Utah Code Ann. Sections 41-1a-202, 59-2-104, 59-2-401, 59-2-402, and 59-2-405	3	R884-24P-61	01/15/99	03/16/99
21763	12/28/98 09:36	Robert C. Gross	Workforce Services, Employment Development	Proposed Rule (Amendment)-Income	2	R986-414	01/15/99	
21764	12/28/98 11:59	Rod L. Betit	Health, Health Care Financing, Coverage and Reimbursement Policy	Proposed Rule (Amendment)-Income and Budgeting	7	R414-304	01/15/99	02/25/99
21765	12/28/98 18:31	Jilene Whitby	Insurance, Administration	Proposed Rule (New)-Coverage of Dietary Products for Inborn Errors of Amino Acid or Urea Cycle Metabolism	3	R590-194	01/15/99	
21766	12/29/98 17:29	Jilene Whitby	Insurance, Administration	Proposed Rule (Amendment)-Rule to Recognize New Annuity Mortality Tables for Use in Determining Reserve Liabilities for Annuities	2	R590-96	01/15/99	

DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
21767	12/30/98 09:08	Jilene Whitby	Insurance, Administration	Proposed Rule (New)-Unfair Property, Liability and Title Claims Settlement Practices Rule	6	R590-190	01/15/99	
21768	12/30/98 10:17	Reta Oram	Human Services, Administration, Administrative Services, Licensing	Nonsubstantive Change-General Provisions	8	R501-1	Not Printed	01/27/99
21769	12/31/98 13:19	Rod L. Betit	Health, Health Systems Improvement, Child Care Licensing	Proposed Rule (Amendment)-Infection Control	2	R430-100-13	01/15/99	02/25/99

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DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
21770	01/04/99 12:56	Robert C. Gross	Workforce Services, Workforce Information and Payment Services	Proposed Rule (Amendment)-Dislocated Workers	4	R994-600	02/01/99	03/05/99
21771	01/06/99 17:22	Chalmers Gail Norris	Regents (Board of), Administration	Nonsubstantive Change-Utah Higher Education Tuition Assistance Program	5	R765-607	Not Printed	01/27/99
21772	01/07/99 11:19	Dennis R. Downs	Environmental Quality, Solid and Hazardous Waste	Nonsubstantive Change-Applicability	3	R315-304-1	Not Printed	01/05/99
21773	01/08/99 16:31	Carol B. Lear	Education, Administration	Nonsubstantive Change-Distribution of Funds for Charter Schools	5	R277-470	Not Printed	01/27/99
21774	01/11/99 16:16	Barbara Stroud	Public Service Commission, Administration	Nonsubstantive Change-Intercarrier Service Quality	20	R746-365	Not Printed	01/15/99
21775	01/11/99 16:59	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Five-Year Review-General Licensing Provisions	1	R432-2	02/01/99	01/11/99
21776	01/11/99 16:59	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Five-Year Review-General Health Care Facility Rules Inspection and Enforcement	1	R432-3	02/01/99	01/11/99
21777	01/12/99 16:59	Pam Hendrickson	Tax Commission, Property Tax	120-Day (Emergency) Rule-1999 Valuation Guides for Valuation of Land Subject to the Farmland Assessment Act Pursuant to Utah Code Ann. Section 59-2-515	4	R884-24P-53	02/01/99	01/12/99 for 120 days
21778	01/13/99 08:30	Neal F. Christensen	Transportation, Administration	Proposed Rule (New)-Longitudinal and Wireless Access to Interstate Highway Rights-of-way for Installation of Telecommunications Facilities		R907-64		Withdrawn by Agency 01/20/99
21779	01/13/99 13:52	Craig L. Dearden	Public Safety, Administration	Proposed Rule (New)-Certification of the Law Enforcement Agency of a Private College or University	2	R698-4	02/01/99	03/05/99

RULES REGISTER

DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
21725	01/14/99 14:49	Jilene Whitby	Insurance, Administration	Change in Proposed Rule-Fiduciary and Trust Account Obligations	2	R590-170	02/01/99	
21716	01/14/99 15:20	J. Craig Jackson	Commerce, Occupational and Professional Licensing	Change in Proposed Rule-Physical Therapist Practice Act Rules	2	R156-24a	02/01/99	03/09/99
21780	01/14/99 15:44	Dennis Pennington	Transportation, Motor Carrier	Proposed Rule (Amendment)-Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous Wastes	3	R909-75	02/01/99	
21781	01/14/99 16:57	Jilene Whitby	Insurance, Administration	Proposed Rule (New)-Unfair Life Insurance Claims Settlement Practices Rule	4	R590-191	02/01/99	
21782	01/14/99 17:19	Rick Sprott	Environmental Quality, Air Quality	Proposed Rule (Amendment)-Definitions	7	R307-101-2	02/01/99	
21591	01/14/99 17:19	Rick Sprott	Environmental Quality, Air Quality	Change in Proposed Rule-Emission Inventories	3	R307-150	02/01/99	03/04/99
21593	01/14/99 17:19	Rick Sprott	Environmental Quality, Air Quality	Change in Proposed Rule-Hazardous Air Pollutant Inventory	2	R307-155	02/01/99	03/04/99
21594	01/14/99 17:19	Rick Sprott	Environmental Quality, Air Quality	Change in Proposed Rule-Emission Statement Inventory	3	R307-158	02/01/99	03/04/99
21783	01/15/99 09:27	Dennis R. Downs	Environmental Quality, Solid and Hazardous Waste	Proposed Rule (Amendment)-Definitions	5	R315-301-2	02/01/99	03/15/99
21784	01/15/99 09:27	Dennis R. Downs	Environmental Quality, Solid and Hazardous Waste	Proposed Rule (Amendment)-Landfilling Standards	5	R315-303	02/01/99	see CPR Apr. 1, '99 Bulletin
21785	01/15/99 09:27	Dennis R. Downs	Environmental Quality, Solid and Hazardous Waste	Proposed Rule (Amendment)-Requirements for Operation	2	R315-305-5	02/01/99	03/15/99
21786	01/15/99 09:27	Dennis R. Downs	Environmental Quality, Solid and Hazardous Waste	Proposed Rule (Amendment)-PCB Containing Waste	2	R315-315-6	02/01/99	03/15/99
21787	01/15/99 09:27	Dennis R. Downs	Environmental Quality, Solid and Hazardous Waste	Proposed Rule (Amendment)-Other Processes, Variances, and Violations	2	R315-317	02/01/99	03/15/99
21788	01/15/99 09:27	Dennis R. Downs	Environmental Quality, Solid and Hazardous Waste	Proposed Rule (Amendment)-Permit by Rule	2	R315-318	02/01/99	see CPR Apr. 1, '99 Bulletin
21789	01/15/99 14:26	Pam Hendrickson	Tax Commission, Property Tax	Proposed Rule (Amendment)-1999 Valuation Guides for Valuation of Land Subject to the Farmland Assessment Act Pursuant to Utah Code Ann. Section 59-2-515	4	R884-24P-53	02/01/99	03/16/99
21790	01/15/99 16:59	Jilene Whitby	Insurance, Administration	Proposed Rule (Amendment)-Health Benefit Plans	2	R590-165	02/01/99	
21791	01/15/99 16:59	Jilene Whitby	Insurance, Administration	Proposed Rule (Amendment)-Individual and Small Employer Health Insurance Rule	6	R590-167	02/01/99	03/11/99

DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
21792	01/15/99 16:59	Jilene Whitby	Insurance, Administration	Proposed Rule (Amendment)-Basic Health Care Plan Rule	2	R590-175	02/01/99	03/11/99
21793	01/15/99 17:46	Barbara Stroud	Public Service Commission, Administration	Proposed Rule (Amendment)-Practice and Procedure Governing Formal Hearings	8	R746-100	02/01/99	
21794	01/15/99 17:46	Barbara Stroud	Public Service Commission, Administration	Proposed Rule (Amendment)-Residential Utility Service Rules for Electric, Gas, Water, and Sewer Utilities	6	R746-200	02/01/99	

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DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
21795	01/20/99 14:44	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Five-Year Review-General Health Care Facility Rules	1	R432-1	02/15/99	01/20/99
21796	01/20/99 14:53	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Proposed Rule (Amendment)-Blood Services	2	R432-100-23	02/15/99	
21797	01/20/99 14:53	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Proposed Rule (Repeal)-Intermediate Care Facility	11	R432-149	02/15/99	
21798	01/20/99 17:00	Barbara Stroud	Public Service Commission, Administration	Proposed Rule (Amendment)-Uniform Rules Governing Natural Gas Service by Gas Utilities	6	R746-320	02/15/99	
21799	01/21/99 08:54	Tamy L. Scott	Transportation, Motor Carrier, Ports of Entry	Nonsubstantive Change-Restriction of Truck Traffic on SR-128. Legal and Permitted Vehicles	3	R912-3	Not Printed	01/27/99
21800	01/21/99 10:50	Tamy L. Scott	Transportation, Motor Carrier, Ports of Entry	Nonsubstantive Change-Minimum Tire, Axle and Suspension Ratings for Heavy Vehicles and the Use of Retractable or Variable Load Suspension Axles in Utah	4	R912-8	Not Printed	01/27/99
21801	01/21/99 11:04	Tamy L. Scott	Transportation, Motor Carrier, Ports of Entry	Nonsubstantive Change-Single Tire Configuration	4	R912-76	Not Printed	01/27/99
21579	01/21/99 17:31	David A. Beach	Public Safety, Driver License	Change in Proposed Rule-Commercial Driver Training Schools	4	R708-2	02/15/99	
21802	01/22/99 09:19	Rod L. Betit	Health, Health Systems Improvement, Primary Care and Rural Health	Proposed Rule (Amendment)-Physicians and Physician Assistants Grant and Scholarship Program	7	R434-10	02/15/99	
21803	01/22/99 12:18	Conroy Whipple	Human Resource Management, Administration	Proposed Rule (Amendment)-Working Conditions	6	R477-8	02/15/99	
21804	01/22/99 16:53	Jilene Whitby	Insurance, Administration	Five-Year Review-Administrative Proceedings	1	R590-160	02/15/99	01/22/99

RULES REGISTER

DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
21805	01/25/99 12:35	William J. Sinclair	Environmental Quality, Radiation Control	Five-Year Review-General Licenses	1	R313-21	02/15/99	01/25/99
21806	01/25/99 12:35	William J. Sinclair	Environmental Quality, Radiation Control	Five-Year Review-Therapeutic Radiation Machines	1	R313-30	02/15/99	01/25/99
21807	01/25/99 12:35	William J. Sinclair	Environmental Quality, Radiation Control	Five-Year Review-Radiation Safety Requirements for Wireline Service Operation and Subsurface Tracer Studies	1	R313-38	02/15/99	01/25/99
21808	01/25/99 14:15	Cary G. Peterson	Agriculture and Food, Plant Industry	Proposed Rule (Amendment)-Quarantine Pertaining to Japanese Beetle, (Popillia Japonica)	3	R68-15	02/15/99	
21809	01/26/99 12:11	Emma Chacon	Human Services, Recovery Services	Five-Year Review-Guidelines for Setting Child Support Awards	1	R527-210	02/15/99	01/26/99
21810	01/26/99 12:11	Emma Chacon	Human Services, Recovery Services	Nonsubstantive Change-Guidelines for Setting Child Support Awards	4	R527-210	Not Printed	01/27/99
21811	01/27/99 17:04	Emma Chacon	Human Services, Recovery Services	Proposed Rule (Amendment)-Administrative Notice of Lien-Levy Procedures	3	R527-430	02/15/99	
21812	01/28/99 10:15	J. Craig Jackson	Commerce, Occupational and Professional Licensing	Proposed Rule (New)-Certified Shorthand Reporters Licensing Act Rules	2	R156-74	02/15/99	
21813	01/28/99 10:15	J. Craig Jackson	Commerce, Occupational and Professional Licensing	Proposed Rule (Repeal)-Rules of the Certified Shorthand Reporters Licensing Board	3	R156-78	02/15/99	
21814	01/28/99 14:57	J. Craig Jackson	Commerce, Occupational and Professional Licensing	Five-Year Review (120-Day Extension)-Rules of the Certified Shorthand Reporters Licensing Board	1	R156-78	02/15/99	
21815	01/29/99 10:17	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Five-Year Review-General Construction	1	R432-4	02/15/99	01/29/99
21816	01/29/99 10:17	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Five-Year Review-Nursing Facility Construction	1	R432-5	02/15/99	01/29/99
21817	01/29/99 10:17	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Five-Year Review-Assisted Living Facility General Construction	1	R432-6	02/15/99	01/29/99
21818	01/29/99 10:17	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Five-Year Review-Intermediate Care Facility	1	R432-149	02/15/99	01/29/99
21819	01/29/99 11:30	Tany L. Scott	Transportation, Motor Carrier, Ports of Entry	Proposed Rule (Repeal)-Limitation of Special Permit Vehicles in Provo Canyon. Legal and Permitted Vehicles	2	R912-4	02/15/99	
21820	01/29/99 11:35	Nancy Sanchez	Regents (Board of), Salt Lake Community College	Proposed Rule (New)-Government Records Access and Management Act Rules	2	R784-1	02/15/99	

DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
21821	01/29/99 12:06	Reta D. Oram	Human Services, Administration, Administrative Services, Licensing	Proposed Rule (Amendment)-Criminal Background Screening	3	R501-14	02/15/99	
21822	02/01/99 12:32	J. Craig Jackson	Commerce, Occupational and Professional Licensing	Proposed Rule (Amendment)-Private Probation Provider Licensing Act Rules	4	R156-50	02/15/99	
21823	02/01/99 14:33	Carol B. Lear	Education, Administration	Proposed Rule (New)-Accreditation of Secondary Schools, Alternative or Special Purpose Schools	4	R277-413	02/15/99	
21824	02/01/99 14:33	Carol B. Lear	Education, Administration	Proposed Rule (Amendment)-Educator In-service Procedures and Credit	2	R277-519	02/15/99	
21825	02/01/99 14:33	Carol B. Lear	Education, Administration	Proposed Rule (Amendment)-Procedures for the Utah General Educational Development Certificate	3	R277-702	02/15/99	
21826	02/01/99 14:33	Carol B. Lear	Education, Administration	Proposed Rule (Amendment)-Adult Basic Skills and Adult High School Programs	4	R277-733	02/15/99	
21827	02/01/99 16:12	John Kimball	Natural Resources, Wildlife Resources	Proposed Rule (Amendment)-License Agent Procedures	2	R657-27	02/15/99	
21828	02/01/99 16:57	H. L. Haun	Corrections, Administration	Five-Year Review-Applicant Qualifications for Employment with Department of Corrections	1	R251-105	02/15/99	02/01/99
21829	02/01/99 16:57	H. L. Haun	Corrections, Administration	Proposed Rule (Amendment)-Applicant Qualifications for Employment with Department of Corrections	2	R251-105	02/15/99	

Filings received for the March 1, 1999, Bulletin

DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
21830	02/02/99 12:57	Kelly West	Fair Corporation (Utah State), Administration	Proposed Rule (Amendment)-Protests		R325-1-4		Withdrawn by Agency 02/03/99
21831	02/02/99 12:57	Kelly West	Fair Corporation (Utah State), Administration	Proposed Rule (Amendment)-Selection of Exhibitors		R325-2-2		Withdrawn by Agency 02/03/99
21832	02/02/99 12:57	Kelly West	Fair Corporation (Utah State), Administration	Proposed Rule (Amendment)-Advertising Material Prohibited Without Lease Agreement		R325-2-4		Withdrawn by Agency 02/03/99
21833	02/02/99 12:57	Kelly West	Fair Corporation (Utah State), Administration	Proposed Rule (Amendment)-Admission Charge		R325-3-1		Withdrawn by Agency 02/03/99
21834	02/02/99 12:57	Kelly West	Fair Corporation (Utah State), Administration	Proposed Rule (Amendment)-Unauthorized Business		R325-3-5		Withdrawn by Agency 02/03/99

RULES REGISTER

DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
21835	02/02/99 12:57	Kelly West	Fair Corporation (Utah State), Administration	Proposed Rule (Amendment)-Handling Complaints		R325-3-6		Withdrawn by Agency 02/03/99
21836	02/02/99 12:57	Kelly West	Fair Corporation (Utah State), Administration	Proposed Rule (Amendment)-Pets, Bicycles and Miscellaneous		R325-3-8		Withdrawn by Agency 02/03/99
21837	02/02/99 12:57	Kelly West	Fair Corporation (Utah State), Administration	Proposed Rule (Amendment)-Fairpark Roads		R325-4-12		Withdrawn by Agency 02/03/99
21838	02/02/99 12:57	Kelly West	Fair Corporation (Utah State), Administration	Proposed Rule (Amendment)-Complaints		R325-4-17		Withdrawn by Agency 02/03/99
21839	02/02/99 12:57	Kelly West	Fair Corporation (Utah State), Administration	Proposed Rule (Amendment)-Complaint Against Renter		R325-4-18		Withdrawn by Agency 02/03/99
21840	02/02/99 12:57	Kelly West	Fair Corporation (Utah State), Administration	Proposed Rule (Amendment)-Written Contracts		R325-5-1		Withdrawn by Agency 02/03/99
21841	02/02/99 12:57	Kelly West	Fair Corporation (Utah State), Administration	Proposed Rule (Amendment)-Traffic on Roads		R325-5-9		Withdrawn by Agency 02/03/99
21842	02/02/99 12:57	Kelly West	Fair Corporation (Utah State), Administration	Proposed Rule (Amendment)-Horses		R325-5-11		Withdrawn by Agency 02/03/99
21843	02/03/99 15:21	Kemeth A. Hansen	Health, Children's Health Insurance Program	Nonsubstantive Change-Eligibility	13	R382-10	Not Printed	02/27/99
21844	02/03/99 16:10	Rick Sprott	Environmental Quality, Air Quality	Five-Year Review-National Emission Standards for Hazardous Air Pollutants	1	R307-214	03/01/99	02/03/99
21845	02/04/99 08:04	R. Lee Ellertson	Labor Commission, Adjudication	Proposed Rule (Amendment)-Pleadings and Discovery	2	R602-2-1	03/01/99	
21846	02/04/99 08:04	R. Lee Ellertson	Labor Commission, Adjudication	Proposed Rule (Amendment)-Attorney Fees	2	R602-2-4	03/01/99	
21847	02/04/99 08:04	R. Lee Ellertson	Labor Commission, Occupational Safety and Health	Proposed Rule (Amendment)-Incorporation of Federal Standards	2	R614-1-4	03/01/99	
21848	02/04/99 11:52	Jilene Whitby	Insurance, Administration	Proposed Rule (New)-Rental Car Related Licensing Rule	3	R590-195	03/01/99	
21849	02/08/99 17:15	Rod L. Betit	Health, Community Health Services, Chronic Disease	Proposed Rule (New)-Cancer Reporting Rule	3	R384-100	03/01/99	
21850	02/08/99 17:30	Rick Sprott	Environmental Quality, Air Quality	Nonsubstantive Change-Emission Controls for Existing Municipal Solid Waste Landfills	6	R307-221	Not Printed	02/27/99

DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
21504	02/10/99 15:19	Rick Sprott	Environmental Quality, Air Quality	Change in Proposed Rule-Continuous Emission Monitoring Program	6	R307-170	03/01/99	
21851	02/10/99 15:21	Rick Sprott	Environmental Quality, Air Quality	Proposed Rule (Amendment)-Definitions	7	R307-101-2	03/01/99	
21852	02/10/99 15:24	Rick Sprott	Environmental Quality, Air Quality	Proposed Rule (Amendment)-Permits: New and Modified Sources in Nonattainment Areas and Maintenance Areas	3	R307-403	03/01/99	
21853	02/10/99 15:24	Rick Sprott	Environmental Quality, Air Quality	Proposed Rule (New)-Permits: Ozone Offset Requirements in Davis and Salt Lake Counties	4	R307-420	03/01/99	
21854	02/11/99 09:16	Brent C. Bradford	Environmental Quality, Environmental Response and Remediation	Nonsubstantive Change-Underground Storage Tanks: Certificate Programs	13	R311-201	Not Printed	02/27/99
21855	02/11/99 09:41	Diane J. Blake	Commerce, Occupational and Professional Licensing	Proposed Rule (Amendment)-Security Personnel Licensing Act Rules	3	R156-63	03/01/99	
21856	02/12/99 09:12	Dennis R. Downs	Environmental Quality, Solid and Hazardous Waste	Proposed Rule (Amendment)-Definition of Solid Waste	3	R315-2-2	03/01/99	
21857	02/12/99 11:34	Rod L. Betit	Health, Health Care Financing, Coverage and Reimbursement Policy	Five-Year Review-Children's Organ Transplants	1	R414-58	03/01/99	02/12/99
21858	02/12/99 15:58	H. L. Haun	Corrections, Administration	Five-Year Review-Undercover Roles of Offenders	1	R251-103	03/01/99	02/12/99
21859	02/12/99 16:46	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Proposed Rule (Amendment)-General Licensing Provisions	4	R432-2	03/01/99	
21860	02/12/99 16:46	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Proposed Rule (Amendment)-General Construction		R432-4		Withdrawn by Agency 02/18/99
21861	02/12/99 16:46	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Proposed Rule (Amendment)-Nursing Facility Construction		R432-5		Withdrawn by Agency 02/18/99
21862	02/12/99 16:46	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Proposed Rule (Amendment)-Specialty Hospital - Psychiatric Hospital Construction		R432-7		Withdrawn by Agency 02/18/99
21863	02/12/99 16:46	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Proposed Rule (Amendment)-Specialty Hospital - Chemical Dependency/Substance Abuse Construction		R432-8		Withdrawn by Agency 02/18/99
21864	02/12/99 16:46	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Proposed Rule (Amendment)-Specialty Hospital - Rehabilitation Construction Rule		R432-9		Withdrawn by Agency 02/18/99

RULES REGISTER

DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
21865	02/12/99 16:46	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Proposed Rule (Amendment)-Specialty Hospital - Chronic Disease Construction Rule		R432-10		Withdrawn by Agency 02/18/99
21866	02/12/99 16:46	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Proposed Rule (Amendment)-Orthopedic Hospital Construction		R432-11		Withdrawn by Agency 02/18/99
21867	02/12/99 16:46	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Proposed Rule (Amendment)-Small Health Care Facility (Four to Sixteen Beds) Construction Rule		R432-12		Withdrawn by Agency 02/18/99
21868	02/12/99 16:46	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Proposed Rule (Amendment)-Freestanding Ambulatory Surgical Center Construction Rule		R432-13		Withdrawn by Agency 02/18/99
21869	02/12/99 16:46	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Proposed Rule (Amendment)-Birthing Center Construction Rule		R432-14		Withdrawn by Agency 02/18/99
21870	02/16/99 13:02	Emma Chacon	Human Services, Recovery Services	Proposed Rule (Amendment)-Applicant/Recipient Cooperation	3	R527-39	03/01/99	
21871	02/16/99 13:02	Emma Chacon	Human Services, Recovery Services	Proposed Rule (Amendment)-In-Kind Support	2	R527-56	03/01/99	
21872	02/16/99 15:05	Kelly West	Fair Corporation (Utah State), Administration	Proposed Rule (Amendment)-Utah State Fair Competitive Exhibitor Rules	2	R325-1	03/01/99	
21873	02/16/99 15:05	Kelly West	Fair Corporation (Utah State), Administration	Proposed Rule (Amendment)-Utah State Fair Commercial Exhibitor Rules	2	R325-2	03/01/99	
21874	02/16/99 15:05	Kelly West	Fair Corporation (Utah State), Administration	Proposed Rule (Amendment)-Utah State Fair Patron Rules	2	R325-3	03/01/99	
21875	02/16/99 15:05	Kelly West	Fair Corporation (Utah State), Administration	Proposed Rule (Amendment)-Interim Patrons Rules (Other Than Utah State Fair)	2	R325-4	03/01/99	
21876	02/16/99 15:05	Kelly West	Fair Corporation (Utah State), Administration	Proposed Rule (Amendment)-Interim Renters Rules (Other Than Utah State Fair)	2	R325-5	03/01/99	
21877	02/16/99 16:48	Emma Chacon	Human Services, Administration	Five-Year Review-Parental Support for Children in Care		R495-879		Withdrawn by Agency 02/18/99
21878	02/16/99 16:48	Emma Chacon	Human Services, Administration	Proposed Rule (Amendment)-Parental Support for Children in Care		R495-879		Withdrawn by Agency 02/18/99
21879	02/16/99 17:11	Barbara Stroud	Public Service Commission, Administration	Proposed Rule (Amendment)-Service Quality Guidelines	5	R746-365-4	03/01/99	
21880	02/16/99 17:11	Barbara Stroud	Public Service Commission, Administration	Proposed Rule (Amendment)-Rules Governing the Filing of Tariffs for Gas, Electric, Telephone, Water and Heat Utilities	5	R746-405	03/01/99	

Filings received for the March 15, 1999, Bulletin

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21881	02/17/99 17:51	David A. Beach	Public Safety, Driver License	Five-Year Review-Motorcycle Rider Training Schools	1	R708-30	03/15/99	02/17/99
21882	02/18/99 12:23	Richard A. Greenwood	Public Safety, Highway Patrol	Proposed Rule (New)-Performance Standards for Tow-Truck Motor Carriers	2	R714-600	03/15/99	02/19/99
21883	02/19/99 14:43	Robert C. Gross	Workforce Services, Employment Development	Five-Year Review-Displaced Homemaker Program	1	R986-501	03/15/99	02/19/99
21884	02/22/99 10:35	Cary G. Peterson	Agriculture and Food, Administration	Five-Year Review-Grazing Advisory Boards	1	R51-5	03/15/99	02/22/99
21885	02/23/99 12:27	Helen Goddard	Human Services, Aging and Adult Services	Five-Year Review-Policy on Use of State Funding for Travel Expenses to Assist the National Senior Service Corps (NSSC)	1	R510-111	03/15/99	02/23/99
21886	02/23/99 12:27	Helen Goddard	Human Services, Aging and Adult Services	Nonsubstantive Change-Policy on Use of State Funding for Travel Expenses to Assist the National Senior Service Corps (NSSC)	4	R510-111	Not Printed	02/27/99
21887	02/24/99 10:48	Kim S. Thorne	Administrative Services, Finance	Nonsubstantive Change-Payment of Per Diem to Boards	3	R25-5	Not Printed	03/05/99
21888	02/24/99 10:48	Kim S. Thorne	Administrative Services, Finance	Nonsubstantive Change-Travel-Related Reimbursements for State Employees	11	R25-7	Not Printed	03/05/99
21889	02/24/99 10:48	Kim S. Thorne	Administrative Services, Finance	Nonsubstantive Change-Meal Allowance	3	R25-8	Not Printed	03/05/99
21890	02/25/99 12:41	Rod L. Betit	Health, Health Care Financing, Coverage and Reimbursement Policy	Proposed Rule (Amendment)-Utah Medicaid Program	6	R414-1	03/15/99	
21891	02/25/99 12:41	Rod L. Betit	Health, Health Care Financing, Coverage and Reimbursement Policy	Proposed Rule (Repeal)-Hospital Utilization Review	2	R414-31x	03/15/99	
21892	02/25/99 12:41	Rod L. Betit	Health, Health Care Financing, Coverage and Reimbursement Policy	Proposed Rule (Amendment)-Eligibility Determination and Redetermination	3	R414-307	03/15/99	
21893	02/26/99 15:15	Carol B. Lear	Education, Administration	Five-Year Review-Adjudicative Proceedings	1	R277-102	03/15/99	02/26/99
21894	02/26/99 15:15	Carol B. Lear	Education, Administration	Five-Year Review-Budgeting, Accounting, and Auditing for Utah School Districts	1	R277-425	03/15/99	02/26/99
21895	02/26/99 15:15	Carol B. Lear	Education, Administration	Five-Year Review-Standards and Procedures for Building Plan Review	1	R277-455	03/15/99	02/26/99
21896	02/26/99 15:15	Carol B. Lear	Education, Administration	Five-Year Review-Standards for Utah School Buses and Operations	1	R277-601	03/15/99	02/26/99

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21897	02/26/99 15:15	Carol B. Lear	Education, Administration	Five-Year Review-Advanced Placement Programs	1	R277-712	03/15/99	02/26/99
21898	02/26/99 15:15	Carol B. Lear	Education, Administration	Five-Year Review-Standards and Procedures for Adult Education Section 353 Funds	1	R277-734	03/15/99	02/26/99
21899	03/01/99 11:01	Diane J. Blake	Commerce, Occupational and Professional Licensing	Proposed Rule (Amendment)-Qualifications for Registration	2	R156-62-302	03/15/99	
21900	03/01/99 11:58	Rick Sprott	Environmental Quality, Air Quality	Five-Year Review-Permits: Operating Permit Requirements	1	R307-415	03/15/99	03/01/99
21901	03/01/99 12:06	Brent R. Halladay	Public Safety, Fire Marshal	Proposed Rule (Amendment)-Rules Pursuant to the Utah Fire Prevention Law	5	R710-9	03/15/99	
21902	03/01/99 12:52	Carol B. Lear	Education, Administration	Proposed Rule (Amendment)-Gang Prevention and Intervention Programs in the Schools	2	R277-436	03/15/99	
21903	03/01/99 14:12	Diane J. Blake	Commerce, Occupational and Professional Licensing	Proposed Rule (Amendment)-Nurse Practice Act Rules	3	R156-31b	03/15/99	
21904	03/01/99 15:43	Dan R. Davis	Crime Victim Reparations, Administration	Proposed Rule (Amendment)-Award and Reparation Standards	4	R270-1	03/15/99	
21905	03/01/99 16:36	Diane J. Blake	Commerce, Occupational and Professional Licensing	Five-Year Review-Alternative Dispute Resolution Providers Certification Act Rules	1	R156-39a	03/15/99	03/01/99

Filings received for the April 1, 1999, Bulletin

DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
21906	03/02/99 08:50	Rod L. Betit	Health, Health Systems Improvement, Emergency Medical Services	Proposed Rule (Amendment)-Emergency Medical Services Grants Program Rules	3	R426-6	04/01/99	
21907	03/02/99 10:31	Diane J. Blake	Commerce, Occupational and Professional Licensing	Five-Year Review-Podiatric Physician Licensing Act Rules	1	R156-5a	04/01/99	03/02/99
21908	03/02/99 10:31	Diane J. Blake	Commerce, Occupational and Professional Licensing	Five-Year Review-Utah Controlled Substance Precursor Act Rules	1	R156-37c	04/01/99	03/02/99
21909	03/03/99 15:00	John W. Andrews	School and Institutional Trust Lands, Administration	Expedited Rule-Coal Leasing of Lands Acquired in Public Law 105-335 Exchange	2	R850-20-175	04/01/99	03/03/99
21910	03/05/99 12:06	Rick Sprott	Environmental Quality, Air Quality	Five-Year Review-Permits: Acid Rain Sources	1	R307-417	04/01/99	03/05/99
21911	03/05/99 12:13	Rick Sprott	Environmental Quality, Air Quality	Proposed Rule (Amendment)-Section XII, Involvement	2	R307-110-20	04/01/99	
21912	03/05/99 15:05	Meredith Alden	Human Services, Mental Health	Proposed Rule (Amendment)-Prohibited Items and Devices on the Grounds of Public Mental Health Facilities	2	R523-1-19	04/01/99	

DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
21913	03/08/99 08:15	Craig L. Dearden	Public Safety, Administration	Nonsubstantive Change-Certification of the Law Enforcement Agency of a Private College or University	4	R698-4	Not Printed	
21914	03/08/99 13:43	Rod L. Betit	Health, Community Health Services, Environmental Services	Proposed Rule (New)-Food Safety Manager Certification	5	R392-101	04/01/99	
21915	03/09/99 12:45	Theodore "Ted" Boyer	Commerce, Real Estate	Proposed Rule (Amendment)-Licensing Procedures	3	R162-102	04/01/99	
21916	03/11/99 14:31	Emma L. Chacon	Human Services, Administration	Five-Year Review-Parental Support for Children in Care	1	R495-879	04/01/99	03/11/99
21917	03/11/99 14:31	Emma L. Chacon	Human Services, Administration	Proposed Rule (Amendment)-Parental Support for Children in Care	3	R495-879	04/01/99	
21918	03/11/99 15:33	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Proposed Rule (Amendment)-Mental Retardation Facility	15	R432-152	04/01/99	
21784	03/12/99 15:11	Dennis R. Downs	Environmental Quality, Solid and Hazardous Waste	Change in Proposed Rule-Landfilling Standards	3	R315-303	04/01/99	
21919	03/12/99 15:11	Dennis R. Downs	Environmental Quality, Solid and Hazardous Waste	Nonsubstantive Change-Special Waste Requirements	3	R315-315	Not Printed	
21788	03/12/99 15:11	Dennis R. Downs	Environmental Quality, Solid and Hazardous Waste	Change in Proposed Rule-Permit by Rule	2	R315-318	04/01/99	
21920	03/12/99 15:11	Dennis R. Downs	Environmental Quality, Solid and Hazardous Waste	Five-Year Review-Waste Tire Transporter and Recycler Requirements	1	R315-320	04/01/99	03/12/99
21697	03/15/99 15:56	Rick Sprott	Environmental Quality, Air Quality	Change in Proposed Rule-Emission Standards: Fugitive Emissions and Fugitive Dust	2	R307-12 (Changed to R307-205)	04/01/99	
21698	03/15/99 15:56	Rick Sprott	Environmental Quality, Air Quality	Change in Proposed Rule-Davis, Salt Lake and Utah Counties, Ogden City and Any Nonattainment Area for PM10: Fugitive Emissions and Fugitive Dust	3	R307-309	04/01/99	
21921	03/15/99 16:27	Carol B. Lear	Professional Practices Advisory Commission, Administration	Proposed Rule (Amendment)-Professional Practices Advisory Commission, Rules of Procedure: Complaints and Hearings	10	R686-100	04/01/99	
21922	03/15/99 16:27	Carol B. Lear	Professional Practices Advisory Commission, Administration	Proposed Rule (New)-Professional Practices and Conduct for Utah Educators	3	R686-103	04/01/99	