

UTAH STATE DIGEST

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
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Sunnie Burningham, Managing Editor

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

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

Inquiries concerning the substance or applicability of an administrative rule that appears in the *Digest* should be addressed to the contact person for the rule. Questions about the *Digest* or the rulemaking process may be addressed to: Office of Administrative Rules, PO Box 141007, Salt Lake City, Utah 84114-1007, telephone 801-957-7110. Additional rulemaking information and electronic versions of all administrative rule publications are available at <https://rules.utah.gov/>.

The *Utah State Digest* summarizes the contents of the *Utah State Bulletin* of the same volume and issue number. The *Digest* is available by e-mail subscription or online. Visit <https://rules.utah.gov/> for additional information.

Office of Administrative Rules, Salt Lake City 84114

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NOTICES OF PROPOSED RULES

A state agency may file a **PROPOSED RULE** when it determines the need for a substantive change to an existing rule. With a **NOTICE OF PROPOSED RULE**, an agency may create a new rule, amend an existing rule, repeal an existing rule, or repeal an existing rule and reenact a new rule. Filings received between January 16, 2021, 12:00 a.m., and February 01, 2021, 11:59 p.m. are included in this, the February 15, 2021, issue of the *Utah State Digest*.

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.

The law requires that an agency accept public comment on **PROPOSED RULES** published in this issue of the *Utah State Digest* until at least March 17, 2021. The agency may accept comment beyond this date and will indicate the last day the agency will accept comment in the **RULE ANALYSIS**. The agency may also hold public hearings. Additionally, citizens or organizations may request the agency hold a hearing on a specific **PROPOSED RULE**. Section 63G-3-302 requires that a hearing request be received by the agency proposing the rule "in writing not more than 15 days after the publication date of the proposed rule."

From the end of the public comment period through June 15, 2021, the agency may notify the Office of Administrative Rules that it wants to make the **PROPOSED RULE** effective. The agency sets the effective date. The date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date of this issue of the *Utah State Digest*. Alternatively, the agency may file a **CHANGE IN PROPOSED RULE** in response to comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** lapses.

The public, interest groups, and governmental agencies are invited to review and comment on **PROPOSED RULES**. *Comment may be directed to the contact person identified on the **RULE ANALYSIS** for each rule.*

PROPOSED RULES are governed by Section 63G-3-301, Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5a, R15-4-9, and R15-4-10.

The Proposed Rules Begin on the Following Page

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R21-1	Filing No. 53310

Agency Information

1. Department:	Administrative Services	
Agency:	Debt Collection	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 Wt, Floor 3	
City, state:	Taylorsville, UT 84129-3742	
Mailing address:	PO Box 141031	
City, state, zip:	Salt Lake City, UT 84114-1031	
Contact person(s):		
Name:	Phone:	Email:
Cory Weeks	801-957-7713	cweeks@utah.gov

Please address questions regarding information on this notice to the agency.

General Information

2. Rule or section catchline:
R21-1. Transfer of Collection Responsibility of State Agencies
3. Purpose of the new rule or reason for the change:
Section R21-1-10 is added on recommendation from the Office of the Legislative Auditor General. Wording referring to Section R21-1-10 is added at Section R21-1-7.
4. Summary of the new rule or change:
The amendments allow the Office of State Debt Collection (OSDC) to create policies delaying payment of fees and penalties until 90 days after an incarcerated person is released from prison.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
The OSDC Special Revenue Fund anticipates reduced revenue for collection fees but cannot estimate how the change will impact the office. The office does not, however, anticipate that the change will result in a budget shortfall.
B) Local governments:
The added language will not result in any additional costs to the local governments. None of the added language to this rule will impact local governments.

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

Because the new language deals with collection of fees from incarcerated offenders, there will be no costs to small businesses.

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

Because the new language deals with collection of fees from incarcerated offenders, there will be no costs to non-small businesses.

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

Debtors affected by this change will realize a benefit commensurate to the revenue reduction realized by OSDC.

F) Compliance costs for affected persons:

There are not compliance costs for affected persons.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table

Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0

Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head approval of regulatory impact analysis:			
The Executive Director of the Department of Administrative Services, Jenney Rees, has reviewed and approved this fiscal analysis.			
6. A) Comments by the department head on the fiscal impact this rule may have on businesses:			
I have reviewed the new language in Rule R21-1 with the Division of Finance Director and believe that these changes are reasonable and warranted. There will be no fiscal impact on businesses.			
B) Name and title of department head commenting on the fiscal impacts:			
Jenney Rees, Executive Director			

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):		
Subsection 63A-3-502(3)(m)	Subsection 63A-3-502(4)(g)	Subsection 63A-3-502(6)(a)
Subsection 63A-3-502(6)(b)	Subsection 63A-3-502(7)(f)	Section 15-1-4

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	03/17/2021

10. This rule change MAY become effective on:	03/24/2021
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and	

will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	Janica Gines, Interim Director	Date:	02/01/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment			
Utah Admin. Code Ref (R no.):	R52-7	Filing No.	53286

Agency Information

1. Department:	Agriculture and Food	
Agency:	Horse Racing Commission (Utah)	
Street address:	350 N Redwood Road	
City, state:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146500	
City, state, zip:	Salt Lake City, UT 84114-6500	
Contact person(s):		
Name:	Phone:	Email:
Amber Brown	801-982-2204	ambrown@utah.gov
Dean Taylor	801-982-2243	dtaylor@utah.gov
Kelly Pehrson	801-982-2202	kwpehrson@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R52-7. Horse Racing
3. Purpose of the new rule or reason for the change:
The Department of Agriculture and Food (Department) needs to update this rule to include a recently released version of the Controlled Therapeutic Medication Schedule for Horses and decrease the amount of time a horse must be present prior to a race based on feedback from the industry. The Department would also like to take the opportunity to make nonsubstantive changes what will make the rule text more consistent with the requirements of the Utah Rulewriting Manual.
4. Summary of the new rule or change:
In Section R52-7-8, the requirement for a horse to be present prior to a race is changed from five hours to four

hours.

In Subsection R52-7-13(3), a change is made to clarify the conditions under which some items on the list of Prohibited Substances may be used. An updated version of the Controlled Therapeutic Medication Schedule for Horses is incorporated.

Additionally, throughout this rule text, nonsubstantive changes have been made to make this rule more consistent with the Utah Rulewriting Manual, as well as more internally consistent in terms of numbering, capitalization, grammar, and list and sentence structure.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
The changes are just clarifying this rule and do not change the costs to the Horse Racing Commission or businesses as related to horse racing in Utah.
B) Local governments:
Local governments are not affected by this rule changes because they do not administer or participate in the horse racing program.
C) Small businesses ("small business" means a business employing 1-49 persons):
The changes do not affect the cost of small businesses participating in horse racing in Utah because they just add clarity to this rule.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
The changes do not affect the cost of non-small businesses participating in horse racing in Utah because they just add clarity to this rule.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
Other persons are not affected by the rule changes because they just clarify this rule with regard to prohibited substances and exemptions.
F) Compliance costs for affected persons:
The compliance costs for affected persons have not changed. Fees charged by the Horse Racing Commission will remain the same.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head approval of regulatory impact analysis:			
The Acting Commissioner of the Department of Agriculture and Food, Craig W. Buttars, has reviewed and approves the fiscal impact analysis.			
6. A) Comments by the department head on the fiscal impact this rule may have on businesses:			
The rule changes will not have a fiscal impact on businesses in the .			
B) Name and title of department head commenting on the fiscal impacts:			
Craig W. Buttars, Acting Commissioner			

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):

Section 4-38-104		
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Incorporations by Reference Information

8. A) This rule adds, updates, or removes the following title of materials incorporated by references:

	First Incorporation
Official Title of Materials Incorporated (from title page)	Controlled Therapeutic Medication Schedule for Horses
Publisher	Utah Horse Racing Commission
Date Issued	December 2020

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	03/17/2021
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10. This rule change MAY become effective on:	03/24/2021
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NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	Craig W. Buttars, Acting Commissioner	Date:	01/15/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R58-11	Filing No. 53299

Agency Information

1. Department:	Agriculture and Food	
Agency:	Animal Industry	
Street address:	350 N Redwood Road	
City, state:	Salt Lake City, UT 84115	
Mailing address:	PO Box 146500	
City, state, zip:	Salt Lake City, UT 84114-6500	
Contact person(s):		
Name:	Phone:	Email:
Amber Brown	801-982-2204	ambermbrown@utah.gov
Leann Hunting	801-982-2242	leannhunting@utah.gov
Kelly Pehrson	801-982-2202	kwpehrson@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R58-11. Slaughter of Livestock or Poultry
3. Purpose of the new rule or reason for the change:
Changes to this rule are required by H.B. 358, passed during the 2020 General Session. This legislation requires that the Department of Agriculture and Food's (Department) rules governing the 1,000 bird and 20,000 bird poultry exemptions are not more stringent than federal requirements.
4. Summary of the new rule or change:
Changes have been made to Section R58-11-7 that remove requirements for persons to receive an exemption to slaughter 1,000 or 20,000 of their own poultry per year to ensure Department requirements are not more stringent than federal requirements. This includes removing the requirement for obtaining a license from the Department to qualify for the exemption and removing some distribution and labeling requirements.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
Because the Department is no longer able to issue licenses for the 1,000 bird and 20,000 bird exemptions, the Department will lose fee revenue of approximately \$600 per year based on an average of 4 licenses issued at \$150 each.

B) Local governments:			
There are no anticipated costs or savings to local governments because they do not regulate poultry production or act as poultry producers.			
C) Small businesses ("small business" means a business employing 1-49 persons):			
There would be savings to small businesses of approximately \$300 per year given that half of exempt producers are small businesses that no longer would need to pay for an exemption license.			
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):			
There would be savings to non-small businesses of approximately \$300 per year given that half of exempt producers are non-small businesses that no longer would need to pay for an exemption license.			
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):			
There are no anticipated costs or savings to other persons who are not exempt poultry producers.			
F) Compliance costs for affected persons:			
Compliance costs for affected persons have decreased because they no longer have to pay a \$150 fee for a 1,000 bird or 20,000 bird exemption license.			
G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)			
Regulatory Impact Table			
Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$600	\$600	\$600
Local Governments	\$0	\$0	\$0
Small Businesses	\$	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$600	\$600	\$600
Fiscal Benefits			

State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$300	\$300	\$300
Non-Small Businesses	\$300	\$300	\$300
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$600	\$600	\$600
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

The Acting Commissioner of the Department of Agriculture and Food, Craig W. Buttars, has reviewed and approves the regulatory impact analysis.

6. A) Comments by the department head on the fiscal impact this rule may have on businesses:

These rule changes will positively impact businesses who no longer have to pay a fee to be exempt from poultry slaughter and processing requirements to slaughter a limited number of their own poultry.

B) Name and title of department head commenting on the fiscal impacts:

Craig W. Buttars, Acting Commissioner

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):

Section 4-32-109

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 03/17/2021

10. This rule change MAY become effective on: 03/24/2021

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	Craig W. Buttars, Acting Commissioner	Date:	01/27/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	R58-21	Filing No.	53311
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Agency Information

1. Department:	Agriculture and Food		
Agency:	Animal Industry		
Street address:	350 N Redwood Road		
City, state:	Salt Lake City, UT 84116		
Mailing address:	PO Box 146500		
City, state, zip:	Salt Lake City, UT 84114-6500		
Contact person(s):			
Name:	Phone:	Email:	
Amber Brown	801-982-2204	ambermbrown@utah.gov	
Dean Taylor	801-982-2243	djtaylor@utah.gov	
Kelly Pehrson	801-982-2202	kwpehrson@utah.gov	

Please address questions regarding information on this notice to the agency.

General Information

2. Rule or section catchline:
R58-21. Trichomoniasis
3. Purpose of the new rule or reason for the change:
These changes are needed to add clarification and additional requirements to this rule, based on the recent experience the Department of Agriculture and Food (Department) has had administering and enforcing the Trichomoniasis program. Changes are needed with regard to sampling, testing, and quarantine procedures. The changes will protect animal and human safety in Utah.

4. Summary of the new rule or change:

The changes add definitions to this rule. The changes add a requirement that samples be taken by a certified veterinarian and add criteria for pool samples. The changes also clarify testing requirements with regard to resident or imported bulls. The changes add quarantine requirements for positive bulls and females.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

There are no anticipated costs or savings to the state budget because the changes clarify and enhance procedures but do not affect existing fees charged by the Department and the Department does not anticipate an increase in compliance costs.

B) Local governments:

There are no anticipated costs or savings to local governments because they do not administer the program or own animals affected by Trichomoniasis.

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

There are no anticipated costs or savings to small businesses because the rule changes do not affect fees charged by the Department or compliance costs.

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

There are no anticipated costs or savings to non-small businesses because the rule changes do not affect fees charged by the Department or compliance costs.

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

There are no anticipated costs or savings to other persons because the rule changes do not affect fees charged by the Department or compliance costs.

F) Compliance costs for affected persons:

The rule changes clarify procedures but do not affect compliance costs for affected persons.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head approval of regulatory impact analysis:			
The Acting Commissioner of the Department of Agriculture and Food, Craig W. Butters, has reviewed and approves the regulatory impact analysis.			
6. A) Comments by the department head on the fiscal impact this rule may have on businesses:			
These changes are necessary to ensure animals and persons in Utah are kept safe and should not have a fiscal impact on businesses.			
B) Name and title of department head commenting on the fiscal impacts:			
Craig W. Butters, Acting Commissioner			

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):		
Section 4-31-109		

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	03/17/2021

10. This rule change MAY become effective on:	03/24/2021
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.	

Agency Authorization Information

Agency head or designee, and title:	Craig W. Butters, Acting Commissioner	Date:	02/01/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R156-1	Filing No. 53292

Agency Information

1. Department:	Commerce	
Agency:	Occupational and Professional Licensing	
Building:	Heber M. Wells Building	
Street address:	160 E 300 S	
City, state:	Salt Lake City, UT 84111-2316	
Mailing address:	PO Box 146741	
City, state, zip:	Salt Lake City, UT 84114-6741	
Contact person(s):		
Name:	Phone:	Email:
Deborah Blackburn	801-530-6060	deborahblackburn@utah.gov

Please address questions regarding information on this notice to the agency.

General Information

2. Rule or section catchline:

R156-1. General Rule of the Division of Occupational and Professional Licensing

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

The Division of Occupational and Professional Licensing (Division) is filing these proposed amendments to clarify and update this rule and to implement certain statutory changes made by H.B. 10, H.B. 285, H.B. 313, H.B. 455, and S.B. 23, and S.B. 201 passed in the 2020 General Session.

4. Summary of the new rule or change:

Extensive nonsubstantive formatting changes are made throughout all sections. In addition, substantive changes are made to the following sections:

Section R156-1-102 definitions are updated to remove references to "diversion" per H.B. 285 (2020).

Section R156-1-106 is amended in its entirety to clarify the procedures for requesting licensee lists from the Division.

Section R156-1-109 is amended to update the persons designated to serve as presiding officers. A Department of Commerce ALJ or licensed Administrative attorney is designated as the presiding officer for conducting Division citation hearings, and the Utah Professionals Health Program (UPHP) manager is designated as the presiding officer for conducting informal adjudicative proceedings involving the UPHP, including approval or denial of a licensee's request for entry into UPHP. References to the Residence Lien Recovery Fund Advisory Board are deleted per H.B. 10 (2020).

Section R156-1-110 is amended to clarify the requirements for service of an investigative subpoena.

Section R156-1-301 is amended to clarify that the filing date of license applications is the date the approval is input into the Division's electronic licensure database.

New Section R156-1-301.7 is added in accordance with S.B. 23 (2020) to clarify the standards for Division notification by email.

Section R156-1-308a is amended to establish: 1) that the renewal date for the new state certified veterinary technician certification created by H.B. 455 is September 30 even years, and 2) that the Division may extend the final two-year term for a funeral service intern license up to two years upon satisfactory evidence of reasonable progress towards licensure and of a circumstance of hardship beyond the control of the licensee that prevented completion of the licensure process.

Section R156-1-308c is amended per S.B. 23 (2020) to update renewal of license procedures to allow renewal notices to be sent to licensees by email, and to clarify that

a notification sent by the Division to the most recent mailing address or email address provided to the Division constitutes legal notice.

Section R156-1-308e regarding reinstatement dates for a dissolved entity is amended to update the rule to conform to Subsection 58-1-308(2).

Section R156-1-310 is updated to provide that agency review is not available for a Division order or determination for an application filed under Section 58-1-310.

Sections R156-1-404a through R156-1-404d are deleted in their entirety in accordance with H.B. 285 (2020), which repealed Section 58-1-404 regarding the Division's Diversion program and enacted Title 58, Chapter 4a, Utah Health Professionals Program.

Section R156-1-501 regarding unprofessional conduct is updated to: 1) delete the outdated 2004 Model Policy for the Use of Controlled Substance for the Treatment of Pain, and the outdated 2013 Model Policy on the Use of Opioid Analgesics in the Treatment of Chronic Pain, and replace them with the new "Guidelines for the Chronic Use of Opioid Analgesics" adopted as policy April 2017 by the Federation of State Medical Boards; and 2) add as unprofessional conduct the violation of a "program contract" under the Utah Professionals Health Program.

Section R156-1-502 administrative penalties fine table is updated to provide midrange fines for violating Subsection 58-1-501(1)(g) (aiding or abetting any other person to violate any statute, rule, or order regulating an occupation or profession under Title 58). The midrange fines are \$500 for a first offense and \$1,000 for a second offense.

Sections R156-1-602 and R156-1-603 are amended to conform the rule to statutory changes made by H.B. 313 (2020), Telehealth Parity Amendments.

Google Meets information for February 25, 2021 rule hearing before the Division:

Join with Google Meet: meet.google.com/mms-abwd-mxu
Join by phone: (US) +1 657-529-2812 (PIN: 172567001)

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

None of these proposed amendments are expected to impact state government revenues or expenditures because the changes merely update global Division administration standards, make formatting changes for clarity, and update the rules to implement statutory requirements from the bills passed in the 2020 General Session, and do not impose additional cost or savings beyond what was anticipated during the legislative process.

B) Local governments:
No impact is expected to local governments because these changes will not affect local governments' practices or procedures.
C) Small businesses ("small business" means a business employing 1-49 persons):
None of these proposed amendments are expected to impact small businesses' revenues or expenditures because the changes merely update global Division administration standards, make formatting changes for clarity, and update the rules to implement statutory requirements from the bills passed in the 2020 General Session, and do not impose additional cost or savings beyond what was anticipated during the legislative process.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
None of these proposed amendments are expected to impact non-small businesses' revenues or expenditures because the changes merely update global Division administration standards, make formatting changes for clarity, and update the rules to implement statutory requirements from the bills passed in the 2020 General Session, and do not impose additional cost or savings beyond what was anticipated during the legislative process.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):
The Division estimates that approximately two funeral service interns per year who are in their final two-year term under Title 58, Chapter 9, may experience a fiscal benefit from the proposed amendment that clarifies that the Division may extend a final two-year term up to two years upon satisfactory evidence of reasonable progress towards licensure and a circumstance of hardship beyond the control of the licensee, as these persons will not be forced to stop working because of the hardship and will have a chance to continue working towards their funeral service director license and in their career of choice. However, the exact benefit cannot be estimated because it will depend on the individual circumstances of hardship and the choices of each individual licensee. None of the remaining amendments are expected to impact other persons because the changes merely update global Division administration standards, make formatting changes for clarity, and update the rules to implement statutory requirements from the bills passed in the 2020 General Session, and do not impose additional cost or savings beyond what was anticipated during the legislative process.

F) Compliance costs for affected persons:			
None of the proposed amendments are expected to impose compliance costs on affected persons because the changes merely update global Division administration standards, make formatting changes for clarity, and update the rules to implement statutory requirements from the bills passed in the 2020 General Session, and do not impose additional costs beyond what was anticipated during the legislative process.			
G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)			
Regulatory Impact Table			
Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head approval of regulatory impact analysis:			
The Interim Executive Director of the Department of Commerce, Margaret W. Busse, has reviewed and approved this fiscal analysis.			

6. A) Comments by the department head on the fiscal impact this rule may have on businesses:

The Division proposes amendments to the Division of Occupational and Professional Licensing Act Rule. The Division is filing these proposed amendments to clarify and update the rule and to implement certain statutory changes made by H.B. 10, H.B. 285, H.B. 313, H.B. 455, S.B. 23, and S.B. 201 (2020). Among the changes are changes to the diversion program, hearing officer designation, investigative subpoena powers, notification procedures, and telehealth. Further, the Division has made minor amendments to update references and clarify this rule.

Small Businesses (less than 50 employees);
The proposed amendments are not expected to impact small businesses' revenues or expenditures because the changes merely update the global Division administration standards and make formatting changes for clarity. Further, no fiscal impact is expected for small businesses over and above any fiscal impact described in the legislative fiscal notes for H.B. 10, H.B. 285, H.B. 313, H.B. 455, S.B. 23, and S.B. 201 (2020) as these costs are either inestimable or there is no fiscal impact.

Regulatory Impact to Non-small businesses (50 or more employees):
These amendments will have no expected fiscal impact for non-small businesses in Utah for the same rationale as described above for small businesses. These costs are either inestimable, for the reasons stated above, or there is no fiscal impact.

B) Name and title of department head commenting on the fiscal impacts:

Margaret W. Busse, Interim Executive Director

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):

Subsection 58-1-106(1)(a)	Section 58-1-308	Subsection 58-1-501(2)
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Incorporations by Reference Information

8. A) This rule adds, updates, or removes the following title of materials incorporated by references:

	First Incorporation
Official Title of Materials Incorporated (from title page)	Guidelines for the Chronic Use of Opioid Analgesics (updates)
Publisher	Federation of State Medical Boards
Issue, or version	April 2017

	Second Incorporation
Official Title of Materials Incorporated (from title page)	Model Policy for the Use of Controlled Substances for the Treatment of Pain (deletes)
Publisher	Federation of State Medical Boards
Issue, or version	2004

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 03/17/2021

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

On:	At:	At:
02/25/2021	9:00 AM	Rule hearing will be held electronically before the Division. See Google Meets information in Box #4 above.

10. This rule change MAY become effective on: 03/24/2021

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	Mark B. Steinagel, Director	Date:	01/26/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R156-46b	Filing No. 53288

Agency Information

1. Department:	Commerce	
Agency:	Occupational and Professional Licensing	
Building:	Heber Wells Building	
Street address:	160 E 300 S	
City, state:	Salt Lake City, UT 84111-2316	
Mailing address:	PO Box 146741	
City, state, zip:	Salt Lake City, UT 84114-6741	
Contact person(s):		
Name:	Phone:	Email:
Deborah Blackburn	801-530-6060	deborahblackburn@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R156-46b. Division Utah Administrative Procedures Act Rule
3. Purpose of the new rule or reason for the change:
The Division of Occupational and Professional Licensing (Division) is filing these proposed amendments to update this rule in accordance with statutory changes made by H.B. 285 passed in the 2020 General Session.
4. Summary of the new rule or change:
The proposed amendments make the following changes: 1) update references to the Division's diversion program with references to the Division's new Utah Professionals Health Program (UPHP) enacted by H.B. 285 (2020); 2) clearly designate as formal a Division adjudicative proceeding regarding a board of appeal under Subsection 15A-1-207(3) (disputing the application and interpretation of a building code before the UBCC, after a city has been found to be negligent in its statutory responsibility to have an appeal process). 3) designate as informal adjudicative proceedings those initiated by a notice of agency action regarding a hunting guide or outfitter registered under Title 58, Chapter 79, Hunting Guides and Outfitters Registration Act, for unprofessional conduct under Subsections R156-79-502(12) (failing to comply with state or federal laws and rules regarding hunting guides and outfitters) or Subsection R156-79-502(14) (failing to adequately maintain general liability insurance as required by the US Forest Service or the Bureau of Land Management); and 4) make stylistic changes throughout consistent with the Rulewriting Manual for Utah.

Google Meets information for February 25, 2021 rule hearing before the Division.
Join with Google Meet: meet.google.com/mms-abwd-mxu
Join by phone: (US) +1 657-529-2812 (PIN: 172567001).

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
The proposed amendments to Subsection R156-46b-202(2) are expected to result in a cost savings to the Division by simplifying the required adjudicative proceedings for the referenced unprofessional conduct. Based on two anticipated adjudicative proceedings per year that now may be conducted informally instead of formally under the Administrative Procedures Act, it is anticipated that the Division will save approximately \$2,300 annually ongoing based on reduced labor costs and mailing savings. The remaining proposed amendments are not expected to impact state government revenues or expenditures because they only update this rule to clarify Division procedures and to refer to the Division's new UPHP program enacted by H.B. 285 (2020).
B) Local governments:
No impact is expected to local governments because these changes will not affect local government practices or procedures.
C) Small businesses ("small business" means a business employing 1-49 persons):
None of these proposed amendments are expected to impact small businesses' revenues or expenditures because the changes merely update Division procedures and terminology and will not alter the price or quantity of any exchanges involving small businesses.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
None of these proposed amendments are expected to impact non-small businesses' revenues or expenditures because the changes merely update Division procedures and terminology and will not alter the price or quantity of any exchanges involving non-small businesses.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):
The Division estimates that approximately two registrants per year will fail to comply with Subsections R156-79-502(12) or R156-79-502(14), but the typical registrant will not be impacted as it will not affect their actions in responding to the Division. The referenced unprofessional conduct provisions are based on a registrant's duty to

comply with other state or federal requirements for hunting guides and outfitters, and registrants in these cases either promptly come into compliance upon receiving notice of the failure or have ceased to practice. The remaining proposed amendments are not expected to impact other persons because they only update this rule to refer to the new Utah Professionals Health Program (UPHP) in accordance with H.B. 285 (2020) and do not impose additional costs beyond what was anticipated during the legislative process.

F) Compliance costs for affected persons:

As described above, none of the proposed amendments are expected to impose compliance costs on affected persons.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$2,300	\$2,300	\$2,300
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$2,300	\$2,300	\$2,300
Net Fiscal Benefits	\$2,300	\$2,300	\$2,300

H) Department head approval of regulatory impact analysis:

The Interim Executive Director of the Department of Commerce, Margaret W. Busse, has reviewed and approved this fiscal analysis.

6. A) Comments by the department head on the fiscal impact this rule may have on businesses:

The Division proposes amendments to the Division's Utah Administrative Procedures Act rule. The Division is filing these proposed amendments to clarify and update this rule and to implement certain statutory changes made by H.B. 285 (2020). Further, the Division has made minor amendments to update references and clarify this rule.

Small Businesses (less than 50 employees):

The proposed amendments are not expected to impact small businesses' revenues or expenditures because the changes merely update the Division procedures and make formatting changes for clarity. Further, no fiscal impact is expected for small business over and above any fiscal impact described in the legislative fiscal notes for H.B. 285 (2020) Session as these costs are either inestimable or there is no fiscal impact.

Regulatory Impact to Non-Small Businesses (50 or more employees):

These amendments will have no expected fiscal impact for non-small businesses in Utah for the same rationale as described above for small businesses. These costs are either inestimable, for the reasons stated above, or there is no fiscal impact.

B) Name and title of department head commenting on the fiscal impacts:

Margaret W. Busse, Interim Executive Director

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):

Subsection 63G-4-102(6)	Subsection 58-1-106(1)(a)	
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Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 03/17/2021

NOTICES OF PROPOSED RULES

B) A public hearing (optional) will be held:		
On:	At:	At:
02/25/2021	9:00 AM	Rule hearing will be held electronically before the Division. See Google Meets information in Box #4 above.

10. This rule change MAY become effective on:	03/24/2021
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.	

Agency Authorization Information

Agency head or designee, and title:	Mark B. Steinagel, Director	Date:	01/21/2021
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R156-72	Filing No. 53287

Agency Information

1. Department:	Commerce	
Agency:	Occupational and Professional Licensing	
Building:	Heber Wells Building	
Street address:	160 E 300 S	
City, state:	Salt Lake City, UT 84111	
Mailing address:	PO Box 146741	
City, state, zip:	Salt Lake City, UT 84114-6741	
Contact person(s):		
Name:	Phone:	Email:
Larry Marx	801-530-6254	lmarx@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R156-72. Acupuncture Licensing Act Rule

3. Purpose of the new rule or reason for the change:
This filing amends this rule to clarify the practice of acupuncture within the scope of the statutory changes made by S.B. 157, passed in the 2019 General Session, to define injection therapy, and to update licensure by endorsement procedures in accordance with H.B. 23, passed in the 2020 General Session. These amendments update references and clarify what constitutes informed consent for patients and what constitutes unprofessional conduct for practicing herbal medicine beyond the scope of the licensee's education and training.

4. Summary of the new rule or change:
Section R156-72-102 is amended to update and clarify definitions and references in accordance with the statutory changes made by S.B. 157 (2019) and recommendations made by the Board. This includes defining the phrase "according to practitioner training" and the term "modern research" as used in Subsection 58-72-102(5)(b)(ii).

Section R156-72-302a is amended in its entirety to add new language clarifying the certification requirements of Subsection 58-72-302(3) and the examination requirements of Subsection 58-72-302(3), to allow an applicant to submit proof of current and active National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) certification, or licensure in good standing as an acupuncturist in any US state, district, or territory for at least one year immediately preceding the application.

Section R156-72-302b is amended to clarify that the 50 hours of on the job training to engage in animal acupuncture may be under the "indirect" supervision of a licensed veterinarian.

Section R156-72-302c regarding informed consent is amended to add that if a patient will be receiving an adjunctive therapy the acupuncturist shall provide a written disclosure regarding the acupuncturist's education and training to perform that therapy, and amended to clarify that records shall be maintained for seven years.

Section R156-72-302d regarding unprofessional conduct is renumbered to Section R156-72-503 to conform to the practice act, and is amended to: 1) clarify what constitutes violating renewal qualifications, 2) change the reference to the medical records retention requirement from ten to seven years, and 3) define as unprofessional conduct failing to maintain current and active NCCAOM certification, failing to maintain current cardiopulmonary resuscitation/basic life support (CPR/BLS) certification, or recommending, administering, or providing dietary guidelines, herbs, supplements, homeopathics, or therapeutic exercise without having completed the required "practitioner training" as defined in new Subsection R156-72-102(2).

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

The Division of Occupational and Professional Licensing (Division) estimates that these proposed amendments will have no measurable impact on state government revenues or expenditures as they merely clarify and define terms and update references in accordance with statutory changes. The amendment and restatement of Section R156-72-302a is expected to have no impact on the Division or other state agencies as it only provides additional exam options for licensees and greater license portability. The amendments to newly renumbered Section R156-72-503 are not expected to impact the Division as they only more precisely define what constitutes unprofessional conduct. Additionally, as described below in the analysis for small businesses and non-small businesses, the Division does not expect any state governments that may be acting as employers of licensed individuals engaging in the practice of acupuncture to experience any measurable fiscal impact.

B) Local governments:

The Division estimates that these proposed amendments will have no measurable impact on local governments' revenues or expenditures as they will not impact local government practices or procedures. Additionally, as described below in the analysis for small businesses and non-small businesses, the Division does not expect any local governments that may be acting as employers of licensed individuals engaging in the practice of acupuncture to experience any measurable fiscal impact.

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

These proposed amendments will regulate individuals licensed under Title 58, Chapter 72, who are practicing or apply for licensure as an acupuncturist and may therefore, indirectly affect the estimated 300 small businesses in Utah comprising establishments of licensees engaged in the practice of acupuncture or who may employ those engaged in the practice of acupuncture, such as private or group practices (North American Industry Classification System (NAICS) 621399). However, as described below for other persons, these proposed amendments are not expected to have a measurable impact on individual small business owners or employees and therefore, will not indirectly impact small businesses' revenue or expenditures.

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

These proposed amendments will regulate individuals licensed under Title 58, Chapter 72, who are practicing or apply for licensure as an acupuncturist and may therefore, indirectly affect the estimated 25 non-small businesses in Utah comprising establishments of licensees engaged in the practice of acupuncture or who may employ those

engaged in the practice of acupuncture, such as private or group practices, hospitals, or medical centers (NAICS 621111). However, as described below for other persons, these proposed amendments are not expected to have a measurable impact on individual non-small business owners or employees and therefore, will not indirectly impact non-small businesses' revenue or expenditures.

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

There are 172 licensed acupuncturists and approximately seven potential applicants for licensure each year who will be subject to these amendments. However, no measurable fiscal impact to these persons is expected. The amendments to newly renumbered Section R156-72-503 are not expected to result in a measurable impact on licensees as they only more precisely define what constitutes unprofessional conduct, and the practices of most licensees are or should be already consistent with these professional practice standards.

Additionally, these amendments will only affect licensees who violate the rules and are disciplined for unprofessional conduct, and it is impossible to estimate what these potential indirect costs might be with any accuracy because they will vary widely depending on the individual characteristics and actions of each licensee, and this relevant data is unavailable and the cost of acquiring any such data is prohibitively expensive.

The remaining amendments are not expected to have any measurable impact on these persons as the amendments are made in accordance with statutory changes to clarify the services within the acupuncturist scope of practice and informed consent requirements for an acupuncturist, and to clarify the pathway to Utah licensure for a person who may wish to apply by endorsement.

F) Compliance costs for affected persons:

As described above for other persons, the Division does not anticipate any compliance costs for any affected persons from these proposed amendments.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table

Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0

NOTICES OF PROPOSED RULES

Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head approval of regulatory impact analysis:			
The Interim Executive Director of the Department of Commerce, Margaret W. Busse, has reviewed and approved this fiscal analysis.			
6. A) Comments by the department head on the fiscal impact this rule may have on businesses:			
The Division proposes amendments to the Acupuncture Licensing Act Rule. This filing harmonizes the statutory changes with this corresponding rule. Modifications to the statute for the practice of acupuncture were made in the S.B. 157 (2019), to define injection therapy, and to update licensure by endorsement in accordance with the H.B. 23 (2020). Further, these amendments update references, clarify informed consent and unprofessional conduct, and determine the scope of the licensee's education and training.			
Small Businesses (less than 50 employees):			
In Utah, there may be approximately 300 small business establishments that are affiliated with licensees engaged in the practice of acupuncture or who may employ those engaged in the practice of acupuncture, such as private or group practices (NAICS 621399). However, no fiscal impact is expected for small business over and above any fiscal impact described in the legislative fiscal notes in S.B. 157 (2019) and for H.B. 23 (2020) as these costs are either inestimable or there is no fiscal impact.			

Regulatory Impact to Non-Small Businesses (50 or more employees)
There are 25 non-small businesses that associate with licensees engaged in the practice of acupuncture or who may employ those engaged in the practice of acupuncture, such as private or group practices, hospitals, or medical centers in Utah (NAICS 621111). However, this amendment is conforming the rule to the statutory changes made by S.B. 157 (2019) and H.B. 23 (2020). It is not expected to impact these non-small businesses beyond expectations in the legislative fiscal notes. Similar to the above mentioned costs in small businesses, further costs are either inestimable, for the reasons stated, or there is no fiscal impact.
B) Name and title of department head commenting on the fiscal impacts:
Margaret W. Busse, Interim Executive Director

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):		
Section 58-72-101	Subsection 58-1-106(1)(a)	Subsection 58-1-202(1)(a)

Incorporations by Reference Information

8. A) This rule adds, updates, or removes the following title of materials incorporated by references:	
	First Incorporation
Official Title of Materials Incorporated (from title page)	NCCAOM Code of Ethics (Updates)
Publisher	National Commission for the Certification of Acupuncture and Oriental Medicine (NCCAOM)
Issue, or version	January 1, 2016

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	03/17/2021

B) A public hearing (optional) will be held:		
On:	At:	At:
02/16/2021	9:00 AM	For electronic Google Meets information for this rule hearing, see the Acupuncture Licensing Board February 16, 2021, agenda for this meeting date on the Public Meeting Notice website.

10. This rule change MAY become effective on:	03/24/2021
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.	

Agency Authorization Information

Agency head or designee, and title:	Mark B. Steinagel, Director	Date:	01/19/2021
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: New		
Utah Admin. Code Ref (R no.):	R380-412	Filing No. 53290

Agency Information

1. Department:	Health	
Agency:	Administration	
Building:	Martha Hughes Cannon Building	
Street address:	288 N 1460 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 14100	
City, state, zip:	Salt Lake City, UT 84114-1000	
Contact person(s):		
Name:	Phone:	Email:
Richard Oborn	385-232-4259	roborn@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R380-412. Compassionate Use Board
3. Purpose of the new rule or reason for the change:
Subsection 26-61a-105(6) of the Utah Medical Cannabis Act requires the Utah Department of Health (Department) to establish rules related to the Compassionate Use Board.
4. Summary of the new rule or change:
This proposed rule establishes a process and criteria for a petition to the Compassionate Use Board to automatically qualify for expedited final review and approval or denial by the Department.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
This proposed rule will not result in a fiscal impact to the state budget because it does not require any additional resources from the Department.
B) Local governments:
This proposed rule will not result in a fiscal impact to local governments because this rule does not establish requirements for enforcement by local agencies.
C) Small businesses ("small business" means a business employing 1-49 persons):
This proposed rule will not result in a fiscal impact to small businesses because this rule does not establish new requirements for small businesses.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
This proposed rule will not result in a fiscal impact to non-small businesses because this rule does not establish new requirements for non-small businesses.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
This proposed rule will not result in a fiscal impact to other persons because this rule does not establish new requirements for other persons.

F) Compliance costs for affected persons:			
This proposed rule will not result in a fiscal impact to affected persons because it does not establish requirements for these persons.			
G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)			
Regulatory Impact Table			
Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head approval of regulatory impact analysis:			
The Executive Director of the Utah Department of Health, Richard Saunders, has reviewed and approved this fiscal analysis.			
6. A) Comments by the department head on the fiscal impact this rule may have on businesses:			
This will not have cost impact on businesses.			
B) Name and title of department head commenting on the fiscal impacts:			
Richard Saunders, Executive Director			

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):		
Subsection 26-61a-105(6)	Subsection 26-1-5(1)	

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)		
A) Comments will be accepted until:	03/17/2021	
B) A public hearing (optional) will be held:		
On:	At:	At:
02/22/2021	02:00 PM	Google Meet Link: meet.google.com/xqr-suba-jvz Phone: (US)+1 406-848-4597 PIN: 549 352 702#

10. This rule change MAY become effective on:	03/24/2021
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.	

Agency Authorization Information

Agency head or designee, and title:	Richard Saunders, Executive Director	Date:	12/23/2020
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R414-60-5	Filing No. 53296

Agency Information

1. Department:	Health	
Agency:	Health Care Financing, Coverage and Reimbursement Policy	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
Mailing address:	PO Box 143102	
City, state, zip:	Salt Lake City, UT 84114-3102	
Contact person(s):		
Name:	Phone:	Email:
Craig Devashrayee	801-538-6641	cdevashrayee@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R414-60-5. Limitations
3. Purpose of the new rule or reason for the change:
The purpose of this change is to update and clarify provisions in this rule to be consistent with current Medicaid policy.
4. Summary of the new rule or change:
This amendment limits the further use of opioids for Medicaid members who already receive medication-assisted treatment (MAT) for opioid use disorder.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
The Department of Health expects only de minimis impact to the state budget as this amendment simply updates and clarifies current policy for the Pharmacy Program.
B) Local governments:
There is no impact on local governments because they neither fund nor provide services under the Pharmacy Program.
C) Small businesses ("small business" means a business employing 1-49 persons):
The Department expects only de minimis impact on small businesses as this amendment simply updates and clarifies current policy for the Pharmacy Program.

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

The Department expects only de minimis impact on non-small businesses as this amendment simply updates and clarifies current policy for the Pharmacy Program.

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

The Department expects only de minimis impact on Medicaid providers and Medicaid members as this amendment simply updates and clarifies current policy for the Pharmacy Program.

F) Compliance costs for affected persons:

The Department expects only de minimis compliance costs to a single Medicaid provider or Medicaid member as this amendment simply updates and clarifies current policy for the Pharmacy Program.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table

Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0

NOTICES OF PROPOSED RULES

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

H) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Health, Richard G. Saunders, has reviewed and approved this fiscal analysis.

6. A) Comments by the department head on the fiscal impact this rule may have on businesses:

Businesses should see neither revenue nor costs as this amendment simply updates current Medicaid policy.

B) Name and title of department head commenting on the fiscal impacts:

Richard G. Saunders, Executive Director

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):

Section 26-1-5	Section 26-18-3
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Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 03/17/2021

10. This rule change MAY become effective on: 03/24/2021

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	Richard G. Saunders, Executive Director	Date:	01/26/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R414-303-11	Filing No. 53307

Agency Information

1. Department:	Health	
Agency:	Health Care Financing, Coverage and Reimbursement Policy	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
Mailing address:	PO Box 143102	
City, state, zip:	Salt Lake City, UT 84114-3102	
Contact person(s):		
Name:	Phone:	Email:
Craig Devashrayee	801-538-6641	cdevashrayee@utah.gov

Please address questions regarding information on this notice to the agency.

General Information

2. Rule or section catchline:
R414-303-11. Presumptive Eligibility for Medicaid
3. Purpose of the new rule or reason for the change:
The purpose of this change is to implement a provision for presumptive eligibility determinations through the electronic eligibility portal.

4. Summary of the new rule or change:
 This amendment requires covered providers to make presumptive eligibility determinations through the electronic eligibility portal. It also makes other technical changes.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

The Department of Health (Department) does not anticipate an impact to the state budget as this change only specifies presumptive eligibility procedures for Medicaid providers. Though the possibility of individuals not becoming presumptively eligible due to procedural errors exists, there is no method to calculate how often these errors might occur or how many individuals they might affect.

B) Local governments:

There is no impact on local governments because they neither fund Medicaid eligibility groups nor make eligibility determinations.

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

The Department does not anticipate an impact on small businesses as this change only specifies presumptive eligibility procedures for Medicaid providers. Though the possibility of individuals not becoming presumptively eligible due to procedural errors exists, there is no method to calculate how often these errors might occur or how many individuals they might affect.

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

The Department does not anticipate an impact on non-small businesses as this change only specifies presumptive eligibility procedures for Medicaid providers. Though the possibility of individuals not becoming presumptively eligible due to procedural errors exists, there is no method to calculate how often these errors might occur or how many individuals they might affect.

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

The Department does not anticipate an impact on Medicaid providers as this change only specifies presumptive eligibility procedures. Though the possibility of individuals not becoming presumptively eligible due to procedural errors exists, there is no method to calculate how often these errors might occur or how many individuals they might affect.

F) Compliance costs for affected persons:

The Department does not anticipate compliance costs to a single Medicaid provider or individual as this change only specifies presumptive eligibility procedures. Though the possibility of a prospective member not becoming presumptively eligible due to a procedural error exists, there is no method to calculate how often these errors might occur.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	\$0	\$0	\$0
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Health, Richard G. Saunders, has reviewed and approved this fiscal analysis.

6. A) Comments by the department head on the fiscal impact this rule may have on businesses:

Businesses should see neither revenue nor costs as this change only specifies presumptive eligibility procedures for Medicaid providers.

B) Name and title of department head commenting on the fiscal impacts:

Richard G. Saunders, Executive Director

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):

Section 26-1-5	Section 26-18-3	
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Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	03/17/2021
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10. This rule change MAY become effective on:	03/24/2021
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NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	Richard G. Saunders, Executive Director	Date:	02/01/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	R428-1	Filing No. 53300
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Agency Information

1. Department:	Health	
Agency:	Center for Health Data, Health Care Statistics	
Room no.:	106	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 144004	
City, state, zip:	Salt Lake City, UT 84114-4004	
Contact person(s):		
Name:	Phone:	Email:
Carl Letamendi	801-538-7052	cletamendi@utah.gov
Mike Martin	801-538-9205	mikemartin@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R428-1. Health Data Plan and Incorporated Documents
3. Purpose of the new rule or reason for the change:
This filing updates material incorporated by reference to reflect technical requirements expected for compliance by the Utah Health Data Authority Act, Title 26, Chapter 33a.
4. Summary of the new rule or change:
The changes update data submittal guide (DSG) for: Healthcare Facilities Database (HFD) from Version 2.1 to Version 2.1.1; Consumer Assessment of Health Plans (CAHPS), Specifications for Survey Measures, to current measurement year 2020; Health Employer Data and Information Set (HEDIS), Compliance Audit, to current measurement year 2020; and remove reference to outdated documents incorporated by reference.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
This rule iterates forward to the current versions of documents. The Utah Department of Health (Department) determines enactment of the amended versions will not create any cost or savings impact to the state budget or the Department's budget since the changes will not increase workload and can be carried out with existing budget.

B) Local governments:			
This filing does not create any direct cost or savings impact to local governments since they are not directly affected by this rule; nor are local governments indirectly impacted because this rule does not create a situation requiring services from local governments.			
C) Small businesses ("small business" means a business employing 1-49 persons):			
None--Small businesses are not impacted by this rule change, with all potentially impacted having more than 50 or more employees. As a result, this rule will have no effect on small businesses for costs or savings.			
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):			
Some data suppliers will need to program changes to their system in order to be consistent with the updated guidelines. According to our research of carriers impacted by the HFD changes, namely those representing facilities with standalone emergency departments, the compliance costs will be \$0 per facility to comply with proposed HFD DSG 2.1.1--in large part to changes being absorbed by existing maintenance contracts between the respective facility and its vendor. There are \$0 costs anticipated for CAHPS and HEDIS suppliers since the changes are reflective of normal business processes in preparation for the next reporting year.			
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):			
This rule change is not expected to have independent fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. The changes are primarily technical and clarifying in nature.			
F) Compliance costs for affected persons:			
Based on figures reported in Box 5D above, the Department estimates an industry cost of \$0 to data suppliers expected to comply with updated DSGs for the HFD, including those for the CAHPS and HEDIS programs.			
G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)			
Regulatory Impact Table			
Fiscal Cost	FY2022	FY2023	FY2024
State Government	\$0	\$0	\$0

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

H) Department head approval of regulatory impact analysis:

The Interim Executive Director of the Department of Health, Richard G. Saunders, has reviewed and approved this fiscal analysis.

6. A) Comments by the department head on the fiscal impact this rule may have on businesses:

This will have no fiscal impact on business because the changes are technical and are consistent with business practices.

B) Name and title of department head commenting on the fiscal impacts:

Richard G. Saunders, Interim Executive Director

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):

Section 26-33a-104		
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Incorporations by Reference Information

8. A) This rule adds, updates, or removes the following title of materials incorporated by references:

NOTICES OF PROPOSED RULES

	First Incorporation
Official Title of Materials Incorporated (from title page)	Utah Healthcare Facility Data Submission Guide, Version 2.1.1
Publisher	Utah Department of Health
Date Issued	03/01/2021
Issue, or version	2.1.1

	Second Incorporation
Official Title of Materials Incorporated (from title page)	HEDIS Measurement Year 2020: Vol. 3: Specifications for Survey Measures
Publisher	National Committee for Quality Assurance
Date Issued	2020
Issue, or version	Vol. 3

	Third Incorporation
Official Title of Materials Incorporated (from title page)	HEDIS Measurement Year 2020: Vol. 5: HEDIS Compliance Audit: Standards, Policies and Procedures
Publisher	National Committee for Quality Assurance
Date Issued	2020
Issue, or version	Vol. 5

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	03/17/2021

10. This rule change MAY become effective on:	03/24/2021
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a	

Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	Richard G. Saunders, Interim Executive Director	Date:	01/15/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: New		
Utah Admin. Code Ref (R no.):	R455-16	Filing No. 53291

Agency Information

1. Department:	Heritage and Arts	
Agency:	History	
Room no.:	218	
Building:	Rio Grande Depot	
Street address:	300 S.Rio Grande St	
City, state:	Salt Lake City, UT	
Contact person(s):		
Name:	Phone:	Email:
Christopher W. Merritt	801-245-7263	cmerritt@utah.gov
Alycia Rowley	801-245-7263	aaldrich@utah.gov

Please address questions regarding information on this notice to the agency.

General Information

2. Rule or section catchline:
R455-16. Cultural Site Stewardship Program Vandalism Volunteer Selection, Training, and Certification Procedures
3. Purpose of the new rule or reason for the change:
Section 9-8-208 instructs the Utah Division of State History (Division) to create and maintain a Cultural Site Stewardship Program. This rule provides procedures on how the Division will select, train, and certify volunteers to participate in the Stewardship Program.
4. Summary of the new rule or change:
This rule outlines procedures that State History will employ for the selection, training, and certification of volunteers who are participating in the Utah Cultural Site Stewardship Program in cooperation and coordination with other state and federal agency partners.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:
None--The Division will coordinate responsibilities of volunteers through this rule. It does not require any expenditures.

B) Local governments:
None--This rule does not apply to local governments.

C) Small businesses ("small business" means a business employing 1-49 persons):
None--This rule does not apply to small businesses.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
None--This rule does not apply to non-small businesses.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):
None--Anybody who volunteers for the cultural stewardship program through this rule will not be financially impacted.

F) Compliance costs for affected persons:
None--Compliance with this rule will not require any expenditures by volunteers.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			

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

H) Department head approval of regulatory impact analysis:
The Executive Director of the Department of Heritage and Arts, Jill Love, has reviewed and approved this fiscal analysis.

6. A) Comments by the department head on the fiscal impact this rule may have on businesses:
No impact on businesses.

B) Name and title of department head commenting on the fiscal impacts:
Jill Love, Executive Director

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):

Subsection 9-8-208(5)		
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Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	03/17/2021
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10. This rule change MAY become effective on:	03/24/2021
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NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the

NOTICES OF PROPOSED RULES

date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	Josh Loftin, Communications Director	Date:	01/25/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: New

Utah Admin. Code Ref (R no.):	R455-17	Filing No.	53298
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Agency Information

1. Department:	Heritage and Arts		
Agency:	History		
Room no.:	218		
Building:	Rio Grande Depot		
Street address:	300 S Rio Grande St		
City, state:	Salt Lake City, UT		
Contact person(s):			
Name:	Phone:	Email:	
Christopher W. Merritt	801-245-7263	cmerritt@utah.gov	
Alycia Rowley	801-245-7263	aaldrich@utah.gov	

Please address questions regarding information on this notice to the agency.

General Information

2. Rule or section catchline:
R455-17. Cultural Site Stewardship Program Vandalism Reporting Procedures
3. Purpose of the new rule or reason for the change:
Under the authority of Section 9-8-208 the Utah Division of State History (Division) will create and maintain a Cultural Site Stewardship Program. This rule provides procedures on how the Division will report vandalism of a cultural site to the appropriate land-managing authority.

4. Summary of the new rule or change:

This rule outlines the procedures that the Division will employ when volunteers or Division staff identify an archaeological or cultural site has been vandalized since a previous site stewardship visit and protocols for in-progress vandalism discoveries.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

None--The rule establishes rules for reporting vandalism. It does not require any expenditures.

B) Local governments:

None--The rule establishes how vandalism should be reported. It does not require any action or expenditures from local governments.

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

None--This rule does not apply to small businesses.

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

None--This rule does not apply to non-small businesses.

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

None--This rule does not financially impact persons.

F) Compliance costs for affected persons:

None--This rule does not have any compliance costs.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table

Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0

Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head approval of regulatory impact analysis:			
The Executive Director of the Department of Heritage and Arts, Jill Love, has reviewed and approved this fiscal analysis.			
6. A) Comments by the department head on the fiscal impact this rule may have on businesses:			
No impact on businesses.			
B) Name and title of department head commenting on the fiscal impacts:			
Jill Love, Executive Director			

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):		
Section 9-8-208		

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency

not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	03/17/2021

10. This rule change MAY become effective on:	03/24/2021
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.	

Agency Authorization Information

Agency head or designee, and title:	Josh Loftin, Communications Director	Date:	01/25/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment			
Utah Admin. Code Ref (R no.):	R649-1	Filing No.	53303

Agency Information

1. Department:	Natural Resources	
Agency:	Oil, Gas and Mining; Oil and Gas	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple, Suite 1210	
City, state:	Salt Lake City, UT	
Mailing address:	1594 W North Temple, Suite 1210	
City, state, zip:	Salt Lake City, UT 84114	
Contact person(s):		
Name:	Phone:	Email:
Natasha Ballif	801-538-5328	natashaballif@utah.gov

Please address questions regarding information on this notice to the agency.

General Information

2. Rule or section catchline:
R649-1. Oil and Gas Definitions
3. Purpose of the new rule or reason for the change:
During the 2020 General Session, S.B. 148 was passed, which modifies the process for imposing and collecting administrative penalties and causes the current Oil and Gas rules to be amended.

4. Summary of the new rule or change:
 Section R649-1-1 establishes the definitions for the Oil and Gas Program. "Willful Violation" is a new term added to the definitions.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:
 There is a total of one state agency, the Division of Oil, Gas and Mining (Division), that will be associated with this proposed rule change. There is no estimated cost to the state as these amendments are administrative.

B) Local governments:
 This rule does not apply to local governments.

C) Small businesses ("small business" means a business employing 1-49 persons):
 There are 303 small business oil and gas operators (for a complete listing of North American Industry Classification System (NAICS) codes used in this analysis, please contact the agency) in the . There will be an estimated fiscal cost to oil and gas operators who receive a Division enforcement order, however, it cannot be estimated how many oil and gas operators will receive a Division enforcement order or the class of violation committed.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
 There are a total of 4 non-small business oil and gas operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the . There will be an estimated fiscal cost to oil and gas operators who receive a Division enforcement order, however, it cannot be estimated how many oil and gas operators will receive a Division enforcement order or the class of violation committed.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):
 This rule change will not affect persons other than small businesses, businesses, or local government entities.

F) Compliance costs for affected persons:
 There will be no compliance costs for oil and gas operators.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Natural Resources, Brian Steed, has reviewed and approved this fiscal analysis.

6. A) Comments by the department head on the fiscal impact this rule may have on businesses:

This rule change is estimated to have a fiscal cost to oil and gas operators who are in violation and receive a Division enforcement order, however, the number of violations and the violation classes cannot be estimated.

B) Name and title of department head commenting on the fiscal impacts:
Brian Steed; Executive Director

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):		
Section		
40-6-1 et seq.		

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	03/17/2021

10. This rule change MAY become effective on:	03/24/2021
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.	

Agency Authorization Information

Agency head or designee, and title:	John Baza, Director	Date:	01/29/2021
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NOTICE OF PROPOSED RULE	
TYPE OF RULE: Amendment	
Utah Admin. Code Ref (R no.):	R649-10 Filing No. 53306

Agency Information

1. Department:	Natural Resources
Agency:	Oil, Gas and Mining; Oil and Gas
Building:	Department of Natural Resources
Street address:	1594 W North Temple, Suite 1210
City, state:	Salt Lake City, UT

Mailing address:	1594 W North Temple, Suite 1210	
City, state, zip:	Salt Lake City, UT 84114	
Contact person(s):		
Name:	Phone:	Email:
Natasha Ballif	801-538-5328	natashaballif@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R649-10. Administrative Procedures
3. Purpose of the new rule or reason for the change:
During the 2020 General Session, S.B. 148 was passed, which modifies the process for imposing and collecting administrative penalties and causes the current Oil and Gas rules to be amended.
4. Summary of the new rule or change:
Rule R649-10 establishes the Oil and Gas Program's Administrative Procedures. A new citation is added to Section R649-10-1, Section R649-10-6 gains clarification of written and final orders, and Section R649-10-8 clarifies the exhaustion of administrative remedies.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
There is a total of one state agency, the Division of Oil, Gas and Mining (Division), that will be associated with this proposed rule change. There is no estimated cost to the state as these amendments are administrative.
B) Local governments:
This rule does not apply to local governments.
C) Small businesses ("small business" means a business employing 1-49 persons):
There are 303 small business oil and gas operators (for a complete listing of North American Industry Classification System (NAICS) codes used in this analysis, please contact the agency) in the . There will be an estimated fiscal cost to oil and gas operators who receive a Division enforcement order, however, it cannot be estimated how many oil and gas operators will receive a Division enforcement order or the class of violation committed.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There are a total of 4 non-small business oil and gas operators (for a complete listing of NAICS codes used in

this analysis, please contact the agency) in the . There will be an estimated fiscal cost to oil and gas operators who receive a Division enforcement order, however, it cannot be estimated how many oil and gas operators will receive a Division enforcement order or the class of violation committed.

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

This rule change will not affect persons other than small businesses, businesses, or local government entities.

F) Compliance costs for affected persons:

There will be no compliance costs for oil and gas operators.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Natural Resources, Brian Steed, has reviewed and approved this fiscal analysis.

6. A) Comments by the department head on the fiscal impact this rule may have on businesses:

This rule change is estimated to have a fiscal cost to oil and gas operators who are in violation and receive a Division enforcement order, however, the number of violations and the violation classes cannot be estimated.

B) Name and title of department head commenting on the fiscal impacts:

Brian Steed; Executive Director

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):

Section 40-6-1 et seq.		
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Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 03/17/2021

10. This rule change MAY become effective on: 03/24/2021

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	John Baza, Director	Date:	01/29/2021
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: New		
Utah Admin. Code Ref (R no.):	R649-11	Filing No. 53305

Agency Information

1. Department:	Natural Resources	
Agency:	Oil, Gas and Mining; Oil and Gas	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple, Suite 1210	
City, state:	Salt Lake City, UT	
Mailing address:	1594 W North Temple, Suite 1210	
City, state, zip:	Salt Lake City, UT 84114	
Contact person(s):		
Name:	Phone:	Email:
Natasha Ballif	801-538-5328	natashaballif@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R649-11. Administrative Penalties
3. Purpose of the new rule or reason for the change:
During the 2020 General Session, S.B. 148 was passed, which modifies the process for imposing and collecting administrative penalties and causes the current Oil and Gas rules to be amended.
4. Summary of the new rule or change:
Rule R649-11 establishes the rules and procedures for imposing and collecting administrative penalties, including a penalty assessment, penalty calculation, and classifications of violations.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
There is a total of one state agency, the Division of Oil, Gas and Mining (Division), that will be associated with this proposed rule change. There is no estimated cost to the state as these amendments are administrative.
B) Local governments:
This rule does not apply to local governments.

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

There are 303 small business oil and gas operators (for a complete listing of North American Industry Classification System (NAICS) codes used in this analysis, please contact the agency) in the . There will be an estimated fiscal cost to oil and gas operators who receive a Division enforcement order, however, it cannot be estimated how many oil and gas operators will receive a Division enforcement order or the class of violation committed.

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

There are a total of 4 non-small business oil and gas operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the . There will be an estimated fiscal cost to oil and gas operators who receive a Division enforcement order, however, it cannot be estimated how many oil and gas operators will receive a Division enforcement order or the class of violation committed.

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

This rule change will not affect persons other than small businesses, businesses, or local government entities.

F) Compliance costs for affected persons:

There will be no compliance costs for oil and gas operators.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0

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

H) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Natural Resources, Brian Steed, has reviewed and approved this fiscal analysis.

6. A) Comments by the department head on the fiscal impact this rule may have on businesses:

This proposed rule is estimated to have a fiscal cost to oil and gas operators who are in violation and receive a Division enforcement order, however, the number of violations and the violation classes cannot be estimated.

B) Name and title of department head commenting on the fiscal impacts:

Brian Steed; Executive Director

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):

Section 40-6-1 et seq.		
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Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 3/17/2021

10. This rule change MAY become effective on: 3/24/2021

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a

Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	John Baza, Director	Date:	01/29/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: New

Utah Admin. Code Ref (R no.):	R850-12	Filing No.	53308
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Agency Information

1. Department:	School and Institutional Trust Lands		
Agency:	Administration		
Street address:	675 E 500 S, Suite 500		
City, state:	Salt Lake City, UT 84102		
Contact person(s):			
Name:	Phone:	Email:	
Lisa Wells	801-538-5154	lisawells@utah.gov	
Michelle McConkie	801-538-5183	meastmconkie@utah.gov	

Please address questions regarding information on this notice to the agency.

General Information

2. Rule or section catchline:
R850-12. Prohibited and Restricted Use of Trust Lands

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

The purpose of this new rule is to provide parameters as to what activities are prohibited or restricted on trust lands. This will help both the public and agency staff to know how trust lands may be used.

4. Summary of the new rule or change:

This new rule will set forth prohibited uses on trust lands and will also describe restrictions on otherwise permitted uses of trust lands.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

This rule describes regulations but is not associated with any cost. Therefore, the state budget would not be impacted.

B) Local governments:

This rule describes regulations but is not associated with any cost. Therefore, local governments would not have any costs or savings due to this rule.

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

This rule describes regulations but is not associated with any cost. Therefore, small businesses would not have any costs or savings due to this rule.

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

This rule describes regulations but is not associated with any cost. Therefore, non-small businesses would not have any costs or savings due to this rule.

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

This rule describes regulations but is not associated with any cost. Therefore, persons other than small businesses, non-small businesses, state, or local government entities, or public or private organizations would not have any costs or savings due to this rule.

F) Compliance costs for affected persons:

This rule describes regulations but is not associated with any cost and is not related to compliance matters. Therefore, there are no compliance costs associated with this rule.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0

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

H) Department head approval of regulatory impact analysis:

The Director of School and Institutional Trust Lands Administration, David Ure, has reviewed and approved this fiscal analysis.

6. A) Comments by the department head on the fiscal impact this rule may have on businesses:

There are no fiscal impacts due to this new rule.

B) Name and title of department head commenting on the fiscal impacts:

David Ure, Director

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):

Subsection 53C-2-301(1)	Subsection 53C-1-302(1)	28 Stat. 107-112 Utah Enabling Act of 1894, Sections 6, 8, 10, 12
Article X	Article XX	

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an

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association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 03/17/2021

10. This rule change MAY become effective on: 03/24/2021

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	David Ure, Director	Date:	02/01/2021
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Repeal and Reenact		
Utah Admin. Code Ref (R no.):	R850-41	Filing No. 53309

Agency Information

1. Department:	School and Institutional Trust Lands	
Agency:	Administration	
Street address:	675 E 500 S, Suite 500	
City, state:	Salt Lake City, UT 84102	
Contact person(s):		
Name:	Phone:	Email:
Michelle McConkie	801-538-5183	meastmconkie@utah.gov
Lisa Wells	801-538-5154	lisawells@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R850-41. Rights of Entry
3. Purpose of the new rule or reason for the change:
This repeal and reenact revises the Rights of Entry rule to give School and Institutional Trust Lands Administration

(SITLA) discretion to charge for non-commercial uses of trust lands and to update out of date language, such as the requirement that applications be sent via mail or in-person.

4. Summary of the new rule or change:

This rule is revised to update outdated language on items such as receiving applications. This rule currently says that applications must be received via mail or in-person and do not allow for electronic receipt of applications. In addition, this rule currently provides that non-commercial uses of land that are less than 15 days do not require a permit. This does not take into account the potential impact such non-commercial uses would have on the lands and is not in the best interest of SITLA's beneficiaries.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

The purpose of the repeal of the current rule and reenactment of the revised rule is to update out of date language and to allow SITLA to charge for uses of trust lands that are non-commercial and less than 15 days in duration. The ability of SITLA to charge for non-commercial, short term uses of trust lands may increase revenue received by the state on behalf of SITLA 's beneficiaries. It is not anticipated that any costs will be incurred by the SITLA due to this rule repeal and reenactment. However, costs may be incurred by a state entity other than SITLA if it applied for a right of entry permit for the use of trust lands.

The potential for additional revenue or additional costs is unknown at this time since the revenue and costs would be based on future uses of trust lands that are not yet known.

B) Local governments:

The purpose of the repeal of the current rule and reenactment of the revised rule is to update out of date language and to allow SITLA to charge for uses of trust lands that are non-commercial and less than 15 days in duration. Local governments would only be affected as a result of this repeal and reenactment if they applied for a right of entry permit for the use of trust lands.

The potential for such additional costs is unknown at this time since the revenue would be based on future uses of trust lands that are not yet known.

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

The purpose of the repeal of the current rule and reenactment of the revised rule is to update out of date language and to allow SITLA to charge for uses of trust lands that are non-commercial and less than 15 days in duration. Small businesses would only be affected as a

result of this repeal and reenactment if they applied for a right of entry permit for the use of trust lands.

The potential for such additional costs is unknown at this time since the revenue would be based on future uses of trust lands that are not yet known.

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

The purpose of the repeal of the current rule and reenactment of the revised rule is to update out of date language and to allow SITLA to charge for uses of trust lands that are non-commercial and less than 15 days in duration. Non-small businesses would only be affected as a result of this repeal and reenactment if they applied for a right of entry permit for the use of trust lands.

The potential for such additional costs is unknown at this time since the revenue would be based on future uses of trust lands that are not yet known.

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

The purpose of the repeal of the current rule and reenactment of the revised rule is to update out of date language and to allow SITLA to charge for uses of trust lands that are non-commercial and less than 15 days in duration. Persons other than small businesses, non-small businesses, state, or local government entities would only be affected as a result of this repeal and reenactment if they applied for a right of entry permit for the use of trust lands.

The potential for such additional costs is unknown at this time since the revenue would be based on future uses of trust lands that are not yet known.

F) Compliance costs for affected persons:

The purpose of the repeal of the current rule and reenactment of the revised rule is to update out of date language and to allow SITLA to charge for uses of trust lands that are non-commercial and less than 15 days in duration. No compliance costs will be charged due to these changes.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0

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

H) Department head approval of regulatory impact analysis:

The Director of School and Institutional Trust Lands Administration, David Ure, has reviewed and approved this fiscal analysis.

6. A) Comments by the department head on the fiscal impact this rule may have on businesses:

The purpose of the repeal of the current rule and reenactment of the revised rule is to update out of date language and to allow SITLA to charge for uses of trust lands that are non-commercial and less than 15 days in duration. As such, no adverse fiscal impact for business is anticipated.

B) Name and title of department head commenting on the fiscal impacts:

David Ure, Director

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):

NOTICES OF PROPOSED RULES

28 Stat. 107-112, Utah Enabling Act of 1894, Sections 6, 8, 10, 12	Subsection 53C-2-201(1)(a)	Subsection 53C-4-101(1)
Article X	Article XX	Subsection 53C-1-302(1)(a)(ii)

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	03/17/2021
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10. This rule change MAY become effective on:	03/24/2021
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NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	David Ure, Director	Date:	02/01/2021
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End of the Notices of Proposed Rules Section

NOTICES OF 120-DAY (EMERGENCY) RULES

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

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

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

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

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

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

NOTICE OF EMERGENCY (120-DAY) RULE		
Utah Admin. Code Ref (R no.):	R414-510	Filing No. 53295

Agency Information

1. Department:	Health	
Agency:	Health Care Financing, Coverage and Reimbursement Policy	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
Mailing address:	PO Box 143102	
City, state, zip:	Salt Lake City, UT 84114-3102	
Contact person(s):		
Name:	Phone:	Email:
Craig Devashrayee	801-538-6641	cdevashrayee@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R414-510. Intermediate Care Facility for Persons with Intellectual Disabilities Transition Program and Education
3. Effective Date:
01/27/2021

4. Purpose of the new rule or reason for the change:	
The purpose of this change is to provide individuals concerned with the Coronavirus (COVID-19) Pandemic, a length-of-stay exemption at intermediate care facilities (ICFs), to help them qualify for services within the Community Supports Waiver (CSW) while the COVID-19 public health emergency continues.	
5. Summary of the new rule or change:	
This change allows individuals to request an exception to the minimum length-of-stay requirement in ICFs during the Coronavirus (COVID-19) public health emergency. It also sets forth criteria for these requests and for the Department of Health (Department) to make a final determination. Other technical changes are for consistency reasons only.	
6. Regular rulemaking would:	
<input checked="" type="checkbox"/>	cause an imminent peril to the public health, safety, or welfare;
<input type="checkbox"/>	cause an imminent budget reduction because of budget restraints or federal requirements; or
<input type="checkbox"/>	place the agency in violation of federal or state law.
Specific reason and justification:	
This emergency amendment is necessary to provide individuals concerned with COVID-19 the opportunity to qualify for CSW services.	

Fiscal Information

7. Aggregate anticipated cost or savings to:
A) State budget:
The Department does not anticipate any impact to the state budget as waiver services fall within appropriations set forth by the Legislature. Further, there is no method to estimate additional costs of individuals who might avail themselves of the opportunity to receive this exemption.
B) Local governments:
There is no impact on local governments because they neither fund nor provide waiver services under the Medicaid program.
C) Small businesses ("small business" means a business employing 1-49 persons):
The Department does not anticipate any impact to small businesses as waiver services fall within appropriations set forth by the Legislature. Further, there is no method to estimate additional costs or revenue through individuals who might avail themselves of the opportunity to receive this exemption.
D) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
The Department does not anticipate any impact to Medicaid providers as waiver services fall within appropriations set forth by the Legislature. Further, there is no method to estimate additional costs or revenue to providers, or possible savings to individuals who might avail themselves of the opportunity to receive this exemption.

8. Compliance costs for affected persons:
The Department does not anticipate any costs to a single Medicaid provider as waiver services fall within appropriations set forth by the Legislature. Further, there is no method to estimate the additional cost of an individual who might avail himself of the opportunity to receive this exemption.
9. A) Comments by the department head on the fiscal impact this rule may have on businesses:
Businesses should see neither revenue nor costs as waiver services fall within appropriations set forth by the Legislature. Other possible additional costs or revenues are incalculable.
B) Name and title of department head commenting on the fiscal impacts:
Richard G. Saunders, Executive Director

Citation Information

10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):
Section 26-1-5 Section 26-18-3

Agency Authorization Information

Agency head or designee, and title:	Richard G. Saunders, Executive Director	Date:	01/26/2021
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End of the Notices of 120-Day (Emergency) Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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

A **REVIEW** is not followed by the rule text. The rule text that is being continued may be found in the online edition of the *Utah Administrative Code* available at <https://rules.utah.gov/>. The rule text may also be inspected at the agency or the Office of Administrative Rules. **REVIEWS** are effective upon filing.

REVIEWS are governed by Section 63G-3-305.

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R414-320	Filing No. 52944

Agency Information

1. Department:	Health	
Agency:	Health Care Financing, Coverage and Reimbursement Policy	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state, zip:	Salt Lake City, UT	
Mailing address:	PO Box 143102	
City, state, zip:	Salt Lake City, UT 84114-3102	
Contact person(s):		
Name:	Phone:	Email:
Craig Devashrayee	801-538-6641	cdevashrayee@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R414-320. Medicaid Health Insurance Flexibility and Accountability Demonstration Waiver
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 26-18-3 requires the Department of Health (Health) to implement the Medicaid program through administrative rules while Section 26-1-5 authorizes the Department to adopt rules as necessary for program

implementation. Additionally, Section 1115 of the Social Security Act allows for demonstration projects that promote the objectives of Medicaid and the Children's Health Insurance Program (CHIP).

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

The Department did not receive any written comments regarding this rule.

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

The Department will continue this rule because it establishes the eligibility requirements for enrollment and the benefits enrollees receive under the Health Insurance Flexibility and Accountability Demonstration Waiver (HIFA), which is Utah's Premium Partnership for Health Insurance (UPP).

Agency Authorization Information

Agency head or designee, and title:	Richard G. Saunders, Executive Director	Date:	01/25/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R455-3	Filing No. 51143

Agency Information

1. Department:	Heritage and Arts
Agency:	History

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Building:	Rio Grande Depot	
Street address:	300 S Rio Grande St	
City, state, zip:	Salt Lake City, UT 84101	
Contact person(s):		
Name:	Phone:	Email:
Josh Loftin	801-245-7205	jloftin@utah.gov
Christopher W. Merritt	801-245-7263	cmerritt@utah.gov
Alycia Rowley	801-245-7263	aaldrich@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R455-3. Membership, Sales, Gifts, Bequests, Endowments
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Sections 9-8-206 and 9-8-207 authorizes the Division of State History (Division) to establish rules for handling disposition of proceeds and membership dues and make adjustments to prices of various publications.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments were received.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
The continuation of this rule is justified to ensure the Division to allow for paid membership and private support for the Utah State Historical Society and the Utah Historical Quarterly and to ensure the funds do not lapse in accordance with Sections 9-8-206 and 9-8-207.

Agency Authorization Information

Agency head or designee, and title:	Josh Loftin, Public Information Officer	Date:	01/27/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R455-4	Filing No. 51132

Agency Information

1. Department:	Heritage and Arts	
Agency:	History	
Building:	Rio Grande Depot	
Street address:	300 S Rio Grande St	
City, state, zip:	Salt Lake City, UT 84101	
Contact person(s):		
Name:	Phone:	Email:
Josh Loftin	801-245-7205	jloftin@utah.gov
Christopher W. Merritt	801-245-7263	cmerritt@utah.gov
Alycia Rowley	801-245-7263	aaldrich@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R455-4. Ancient Human Remains
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 9-8-309 defines the Antiquities Section's duties with respect to recovery, disposition, and determination of ownership of ancient human remains found on nonfederal lands that are not state lands in the . The primary purpose of Section 9-8-309 and this rule is to assure that ancient human remains are given respectful, lawful, and scientifically-sound treatment, that landowners are not harmed or burdened by a discovery of ancient human remains on their property, and to ensure that steps are taken to determine lawful ownership of recovered remains.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments were received.

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

The continuation of this rule is justified to ensure the Division of State History can continue to adhere to the requirement for Section 9-8-309 and respectfully and lawfully recover ancient human remains on state lands.

Agency Authorization Information

Agency head or designee, and title:	Josh Loftin, Public Information Officer	Date:	01/27/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R455-8	Filing No. 51129

Agency Information

1. Department:	Heritage and Arts	
Agency:	History	
Building:	Rio Grande Depot	
Street address:	300 S Rio Grande St	
City, state, zip:	Salt Lake City, UT 84101	
Contact person(s):		
Name:	Phone:	Email:
Josh Loftin	801-245-7205	jloftin@utah.gov
Christopher W. Merritt	801-245-7263	cmerritt@utah.gov
Alycia Rowley	801-245-7263	aaldrich@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R455-8. Preservation Easements
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Sections 9-8-503 and 9-8-504 authorize the Division of History (Division) to ensure the adequate handling of preservation easements and their proper recording.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No written comments were received.

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

The continuation of this rule is justified to ensure the Division may accept easements that meet the required conditions in Section R455-8-3.

Agency Authorization Information

Agency head or designee, and title:	Josh Loftin, Public Information Officer	Date:	12/04/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R512-44	Filing No. 51222

Agency Information

1. Department:	Human Services	
Agency:	Child and Family Services	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state, zip:	Salt Lake City, UT 84116	
Contact person(s):		
Name:	Phone:	Email:
Carol Miller	801-557-1772	carolmiller@utah.gov
Jonah Shaw	801-538-4219	jshaw@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R512-44. Choose Life Adoption Support Restricted Account
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 62A-4a-102 authorizes the Division of Child and Family Services (Division) to establish rules in order to provide programs and services that support the strengthening of family values, including services which preserve and enhance family life and relationships; protect children, youth, and families; and advocate and defend family values established by public policy and advocacy and education.

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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

No written comments were received.

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

Continuation of this rule is necessary in order for the Division to continue to administer the Choose Life Adoption Support Restricted Account.

Agency Authorization Information

Agency head or designee, and title:	Diane Moore, Director	Date:	12/16/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R590-259	Filing No. 51433
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Agency Information

1. Department:	Insurance	
Agency:	Administration	
Room no.:	3110	
Building:	State Office Building	
Street address:	450 N State St	
City, state, zip:	Salt Lake City, UT 84114	
Mailing address:	PO Box 146901	
City, state, zip:	Salt Lake City, UT 84114-6901	
Contact person(s):		
Name:	Phone:	Email:
Steve Gooch	801-538-3803	sgooch@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R590-259. Dependent Coverage to Age 26
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsection 31A-2-201(3) authorizes the insurance commissioner to make rules to implement the provisions of Title 31A, Insurance Code. Subsection 31A-2-212(5)(b) authorizes the insurance commissioner to require that insurers in Utah comply with the provisions of the Patient

Protection and Affordable Care Act (PPACA) and the administrative rules adopted by the commissioner related to regulating health benefit plans. Subsection 31A-22-605(4)(a)(iv) authorizes the insurance commissioner to adopt rules relating to standards for coverage of dependents, among other matters.

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

The Insurance Department has received no written comments regarding this rule during the past five years.

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

This rule must remain active because it provides clarification and guidance to help insurers comply with both PPACA and Utah's insurance laws. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Steve Gooch, Public Information Officer	Date:	01/22/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R657-63	Filing No. 51174
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Agency Information

1. Department:	Natural Resources	
Agency:	Wildlife Resources	
Room no.:	Suite 2110	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple	
City, state, zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146301	
City, state, zip:	Salt Lake City, UT 84114-6301	
Contact person(s):		
Name:	Phone:	Email:
Staci Coons	801-450-3093	stacicoons@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R657-63. Self Defense Against Wild Animals

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Under Sections 23-14-18 and 23-14-19, the Wildlife Board is authorized and required to regulate and prescribe the means by which wildlife may be taken.

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

The Division of Wildlife Resources (Division) has not received any written comments regarding this rule. Any comments received in opposition to this rule are resolved using existing policies and procedures or the issue is placed on the Regional Advisory Council's and Wildlife Board's agenda for review and discussion during the process for taking public input. The public is welcome to view the Regional Advisory Council minutes, Wildlife Board minutes, and administrative record for this rule at the Division.

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

This purpose of this rule is to define conditions and circumstances under which a person is legally justified in killing or seriously wounding a threatening or attacking wildlife animal. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Rory Reynolds, DWR Interim Director	Date:	02/01/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R805-5	Filing No. 52007
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Agency Information

1. Department:	Regents (Board of)
Agency:	University of Utah, Administration
Room no.:	309
Building:	Park Building
Street address:	201 S President's Cir
City, state, zip:	Salt Lake City, UT 84112-9009

Contact person(s):

Name:	Phone:	Email:
Robert Payne	801-585-7002	Robert.payne@legal.utah.edu
Scott Smith	801-585-7002	Scott.smith@legal.utah.edu

Please address questions regarding information on this notice to the agency.

General Information

2. Rule catchline:

R805-5. Enforcement of No Smoking Areas at University of Utah Hospitals and Clinics

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

This rule is authorized by Sections 26-38-1 et seq., 53B-2-106, 63G-4-102, 76-6-206, and 76-8-701 through 76-8-718.

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

No written comments were received during the specified time period.

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

This rule should be continued as it sets forth the regulations that govern smoking in the vicinity of the University of Utah's Hospitals and Clinics. This rule reiterates the requirements set forth in the Utah Indoor Clean Air Act in Rule R392-510. It also sets forth expectations regarding use of designated smoking areas and it defines the protocols for enforcing this rule, as well as the sanctions to be applied for failure to comply with this rule.

Agency Authorization Information

Agency head or designee, and title:	Robert Payne, Deputy General Counsel	Date:	01/25/2021
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End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF RULE EFFECTIVE DATES

State law provides for agencies to make their administrative rules effective and enforceable after publication in the *Utah State Bulletin*. In the case of **PROPOSED RULES** or **CHANGES IN PROPOSED RULES** with a designated comment period, the law permits an agency to make a rule effective no fewer than seven calendar days after the close of the public comment period, nor more than 120 days after the publication date. In the case of **CHANGES IN PROPOSED RULES** with no designated comment period, the law permits an agency to make a rule effective on any date including or after the thirtieth day after the rule's publication date, but not more than 120 days after the publication date. If an agency fails to file a **NOTICE OF EFFECTIVE DATE** within 120 days from the publication of a **PROPOSED RULE** or a related **CHANGE IN PROPOSED RULE** the rule lapses.

Agencies have notified the Office of Administrative Rules that the rules listed below have been made effective.

NOTICES OF EFFECTIVE DATE are governed by Subsection 63G-3-301(12), Section 63G-3-303, and Sections R15-4-5a and R15-4-5b.

Administrative Services

Purchasing and General Services

No. 53121 (Amendment) R33-1: Utah Procurement Rules, General Procurement Provisions
Published: 12/15/2020
Effective: 01/22/2021

No. 53122 (Amendment) R33-2: Rules of Procedure for Procurement Policy Board
Published: 12/15/2020
Effective: 01/22/2021

No. 53123 (Amendment) R33-3: Procurement Organization
Published: 12/15/2020
Effective: 01/22/2021

No. 53124 (Amendment) R33-4: Supplemental Procurement Procedures
Published: 12/15/2020
Effective: 01/22/2021

No. 53125 (Amendment) R33-5: Other Standard Procurement Processes
Published: 12/15/2020
Effective: 01/22/2021

No. 53126 (Amendment) R33-6: Bidding
Published: 12/15/2020
Effective: 01/22/2021

No. 53127 (Amendment) R33-7: Request for Proposals
Published: 12/15/2020
Effective: 01/22/2021

No. 53128 (Amendment) R33-8: Exceptions to Standard Procurement Process
Published: 12/15/2020
Effective: 01/22/2021

No. 53129 (Amendment) R33-9: Cancellations, Rejections, and Debarment
Published: 12/15/2020
Effective: 01/22/2021

No. 53130 (Amendment) R33-10: Preferences
Published: 12/15/2020
Effective: 01/22/2021

No. 53131 (Amendment) R33-11: Form of Bonds
Published: 12/15/2020
Effective: 01/22/2021

No. 53132 (Amendment) R33-12: Terms and Conditions, Contracts, Change Orders and Costs
Published: 12/15/2020
Effective: 01/22/2021

No. 53133 (Amendment) R33-13: General Construction Provisions
Published: 12/15/2020
Effective: 01/22/2021

No. 53134 (Amendment) R33-15: Procurement of Design Professional Services
Published: 12/15/2020
Effective: 01/22/2021

No. 53135 (Amendment) R33-16: Protests
Published: 12/15/2020
Effective: 01/22/2021

No. 53136 (Amendment) R33-19: General Provisions Related to Protest or Appeal
Published: 12/15/2020
Effective: 01/22/2021

No. 53138 (Amendment) R33-24: Unlawful Conduct and Ethical Standards
Published: 12/15/2020
Effective: 01/22/2021

NOTICES OF RULE EFFECTIVE DATES

Agriculture and Food

Plant Industry

No. 53237 (Amendment) R68-6: Utah Nursery Act
Published: 01/01/2021
Effective: 02/08/2021

No. 53241 (Amendment) R68-30: Independent Cannabis
Testing Laboratory
Published: 01/01/2021
Effective: 02/08/2021

No. 53177 (New Rule) R68-35: Academic Medical
Cannabis Research
Published: 12/15/2020
Effective: 01/22/2021

Alcoholic Beverage Control

Administration

No. 53233 (New Rule) R82-9: Event Permits
Published: 12/15/2020
Effective: 01/26/2021

Education

Administration

No. 53246 (Amendment) R277-116: Audit Procedure
Published: 01/01/2021
Effective: 02/09/2021

No. 53247 (Amendment) R277-550: Charter Schools -
Definitions
Published: 01/01/2021
Effective: 02/09/2021

No. 53248 (Amendment) R277-552: Charter School
Timelines and Approval Processes
Published: 01/01/2021
Effective: 02/09/2021

No. 53253 (Amendment) R277-625: Mental Health
Screening Program
Published: 01/01/2021
Effective: 02/09/2021

No. 53254 (New Rule) R277-627: Early Warning Program
Published: 01/01/2021
Effective: 02/09/2021

No. 53250 (Amendment) R277-929: State Council on
Military Children
Published: 01/01/2021
Effective: 02/09/2021

Environmental Quality

Waste Management and Radiation Control, Radiation

No. 53211 (Amendment) R313-36: Special Requirements
for Industrial Radiographic Operations
Published: 12/01/2020
Effective: 01/15/2021

No. 53212 (Amendment) R313-37: Physical Protection of
Category 1 or Category 2 Quantities of Radioactive Material
Published: 12/01/2020
Effective: 01/15/2021

Human Services

Recovery Services

No. 53223 (Amendment) R527-300: Income Withholding
Proceedings
Published: 01/01/2021
Effective: 02/10/2021

Insurance

Administration

No. 53229 (Amendment) R590-160: Adjudicative
Proceedings
Published: 12/15/2020
Effective: 01/22/2021

No. 53230 (Repeal) R590-231: Workers' Compensation
Market of Last Resort
Published: 12/15/2020
Effective: 01/22/2021

No. 53245 (Amendment) R590-284: Corporate
Governance Annual Disclosure Rule
Published: 01/01/2021
Effective: 02/09/2021

Natural Resources

Water Rights

No. 53224 (New Rule) R655-18: Public Water Supplier 40
Year Water Requirement Plan Standards
Published: 12/15/2020
Effective: 01/22/2021

Regents (Board of)

Administration

No. 53159 (New Rule) R765-165: Concurrent Enrollment
Published: 12/15/2020
Effective: 01/28/2021

No. 53165 (New Rule) R765-571a: Procurement
Published: 12/01/2020
Effective: 01/28/2021

Regents (Board of)

University of Utah, Commuter Services

No. 52918 (Amendment) R810-11: Appealing Parking
Tickets
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