

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 Government Operations, 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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EXECUTIVE DOCUMENTS

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

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

PROCLAMATION 2022-01

Suspending New Appropriations of Surplus and Unappropriated Waters in the Great Salt Lake Basin Pursuant to Utah Code § 73-6-1

WHEREAS, recently, the Governor and Legislature have taken actions, including a significant financial investment, to address declining water levels of the Great Salt Lake as set forth in the State Water Policy, Utah Code § 73-1-21;

WHEREAS, the state has invested significant resources to investigate and determine the extent of the available supply and any surplus or unappropriated water in the Great Salt Lake Basin;

WHEREAS, the state has committed to a significant increase in conservation efforts;

WHEREAS, the State Engineer has recommended that the right of the public to appropriate surplus or unappropriated waters in the Great Salt Lake Basin be suspended; and

WHEREAS, the welfare of the State demands such suspension from the sources and to the extent hereinafter specifically set out;

NOW, THEREFORE, I, Spencer J. Cox, Governor of the State of Utah, upon recommendation of the State Engineer and pursuant to and by virtue of the authority vested in me by Utah Code § 73-6-1, hereby suspend the right of the public to appropriate the surplus and unappropriated water of the following sources, both surface and underground:

Within the surveyed meander line of the Great Salt Lake; Bear River and its tributaries; Bear Lake and its tributaries; Weber River and its tributaries; Jordan River and its tributaries; Utah Lake and its tributaries; and all other sources tributary to Bear River Bay, Farmington Bay, and Gilbert Bay of the Great Salt Lake located in Box Elder County, Weber County, Davis County, and Salt Lake County.

PROVIDED, HOWEVER, that there is excepted from the effect of this proclamation:

1) applications for non-consumptive uses,
2) applications that include a mitigation plan to offset depletion, and
3) applications for small amounts of water, as defined in Utah Code § 73-3-5.6, that comply with State Engineer basin policies.

All such applications remain subject to all applicable requirements of state law.

EXECUTIVE DOCUMENTS

IT IS FURTHER PROCLAIMED that:

- 1) Nothing in this proclamation impairs water rights or appropriations that existed prior to this proclamation.
- 2) No later than November 1, 2023, the State Engineer shall evaluate the circumstances leading to the State Engineer's recommendation and this proclamation and shall submit a report to the Governor, the Legislative Management Committee, the Natural Resources, Agriculture, and Environment Interim Committee, and the Legislative Water Development Commission indicating the State Engineer's opinion as to whether the proclamation should remain in effect and stating the reasons for that opinion.

THIS PROCLAMATION is effective immediately and shall remain in full force and effect until the right of public appropriation of such water is restored by proclamation of the Governor as provided by Utah Code § 73-6-2.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done in Salt Lake City, Utah, on this, the 3rd day of November, 2022.

(State Seal)

Spencer J. Cox
Governor, State of Utah

ATTEST:

Deidre M. Henderson
Lieutenant Governor, State of Utah

End of the Executive Documents Section

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 October 15, 2022, 12:00 a.m., and November 01, 2022, 11:59 p.m. are included in this, the November 15, 2022, 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 December 15, 2022. 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 March 15, 2023, 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: Repeal		
Rule or Section Number:	R23-32	Filing ID: 54998

Agency Information

1. Department:	Government Operations	
Agency:	Facilities Construction and Management	
Room number:	3626	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W, 3rd Floor	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	4315 S 2700 W, 3rd Floor	
City, state and zip:	Taylorsville, UT 84129	
Contact persons:		
Name:	Phone:	Email:
Mike Kelley	801-957-7239	mkelley@agutah.gov
Michelle Adams	801-957-7240	michelledadams@agutah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R23-32. Rules of Procedure for Conduct of Utah State Building Board Meetings
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
S.B. 82, passed in the Utah Legislature in the 2022 General Session and signed into law by the Governor on 03/24/2022, eliminates the State Building Board. Because there is no longer a State Building Board, there is no longer a need for a rule of procedure for the conduct of Utah State Building Board Meetings.
Executive Order No. 21-12, Establishing Effective Oversight Over State Agency Rulemaking, Section 5(c)(i) requires each agency head to repeal rules that are no longer necessary. Rule R23-32, which establishes a rule of procedure for the conduct of Utah State Building Board Meetings, is no longer necessary because there is no longer a Utah State Building Board.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

Repeals Rule R23-32 in its entirety to conform to S.B. 82 (2022).

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:			
A) State budget:			
None--Any aggregate anticipated cost or savings to the state budget are a result of a change in statute, not a change in the rule.			
B) Local governments:			
None--Any aggregate anticipated cost or savings to the local governments are a result of a change in statute, not a change in the rule.			
C) Small businesses ("small business" means a business employing 1-49 persons):			
None--Any aggregate anticipated cost or savings to small businesses are a result of a change in statute, not a change in the rule.			
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):			
None--Any aggregate anticipated cost or savings to non-small businesses are a result of a change in statute, not a change in the 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 <i>agency</i>):			
None--Any aggregate anticipated cost or savings to persons other than small businesses, non-small businesses, state, or local government entities are a result of a change in statute, not a change in the rule.			
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):			
None--Any compliance costs for affected persons are a result of a change in statute, not a change in the 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	FY2023	FY2024	FY2025
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	FY2023	FY2024	FY2025
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 comments on fiscal impact and approval of regulatory impact analysis:			
The Executive Director of the Department of Government Operations, Jenny Rees, has no comments and has reviewed and approved this regulatory impact analysis.			

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Subsection		
63A-5b-305(2)(c)		

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	12/15/2022
9. This rule change MAY become effective on:	12/22/2022
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	James R. Russell, Director	Date:	10/20/2022
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Repeal		
Rule or Section Number:	R25-8	Filing ID: 55005

Agency Information

1. Department:	Government Operations	
Agency:	Finance	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO BOX 141031	
City, state and zip:	Salt Lake City, UT 84114	
Contact persons:		
Name:	Phone:	Email:
Janica Gines	801-957-7727	jmgines@utah.gov
Jennifer Hardy	801-957-7732	jrhardy@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R25-8. Overtime Meal Allowance
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
Overtime meal allowance guidelines and requirements are listed in Division of Finance (Division) Policy FIACCT 05-03.05 - Taxable Overtime Meal Allowance. As the information in the Taxable Overtime Meal Allowance policy is the same as the information in Rule R25-8, the Division has determined this rule is redundant. The Taxable Overtime Meal Allowance can be found at http://apps.finance.utah.gov/nxt/gateway.dll?f=templates&fn=default.htm&vid=nxtpub:app1
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

This rule, as current filed, allows state agencies to provide a \$10 meal allowance for employees working overtime. This allowance is taxable and is not considered an employee right. It is subject to agency budgets. The Division also has a policy with the same information. Since the information in this rule (R25-8) is redundant of the Division Policy FIACC 05-03.05 – Taxable Overtime Meal Allowance, since it only applies to state agencies, since it is optional and not mandatory, and since the statutory authority used to create this rule is general authority, not specific to this particular allowance, the Division is repealing this rule in its entirety.

Fiscal Information

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

A) State budget:

There will be no fiscal impact due to this repeal as all information and requirements will remain in effect in the Division FIACCT 05-03.05 - Taxable Overtime Meal Allowance policy:
<http://apps.finance.utah.gov/nxt/gateway.dll?f=templates&fn=default.htm&vid=nxtpub:app1>

B) Local governments:

None--this is a policy for state agencies and state employees only.

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

None--this is a policy for state agencies and state employees only.

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

None--this is a policy for state agencies and state employees only.

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--the Division has an existing policy (FIACCT05-03.05 – Taxable Overtime Meal Allowances) that is substantively the same as Rule R25-8, thus, there is no impact to eligible state employees from repealing this rule. Eligible state employees are the only individuals to whom this rule applies.

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

None--elimination of this rule has no resulting 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	FY2023	FY2024	FY2025
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	FY2023	FY2024	FY2025
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 comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Government Operations, Jenney Reese has reviewed and approved this fiscal analysis.

Citation Information

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

Section 63A-3-103	Subsection 63A-3-103(1)	
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Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the

agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	12/15/2022

9. This rule change MAY become effective on:	12/22/2022
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Jenney Reese, Executive Director	Date:	10/25/2022
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Repeal and Reenact		
Rule or Section Number:	R152-15	Filing ID: 55019

Agency Information

1. Department:	Commerce	
Agency:	Consumer Protection	
Building:	Heber Wells Building	
Street address:	160 E 300 S	
City, state and zip:	Salt Lake City, UT 84111	
Contact persons:		
Name:	Phone:	Email:
Daniel Larsen	801-530-6145	dblarsen@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R152-15. Business Opportunity Disclosure Act Rule
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
This rule repeal and reenactment is being submitted as a result of S.B. 26, passed in the 2022 General Session. This rule is being repealed and reenacted to reflect the significant changes made to Title 13, Chapter 15, Business Opportunity Disclosure Act (BODA) by S.B. 26, and to satisfy Executive Order No. 2021-12.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the

substantive differences between the repealed rule and the reenacted rule):
The differences between the repealed rule and the reenacted rule include: conforming to current rulewriting standards; the changing terminology and requirements for filings submitted to the Division of Consumer Protection (Division), including filings for a proof of disclosure receipt or proof of notice receipt; defining the word "principal" in accordance with BODA; no longer restricting the definition of "sales program" and "marketing program"; requiring a seller to inform the Division within 30 days if information provided in a filing materially changes; and describing when the Division may reject a filing.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This rule is not expected to have any fiscal impact on state government revenues or expenditures. Any fiscal impact on state government was addressed in the Fiscal Note to S.B. 26 (2022).
B) Local governments:
This rule is not expected to have any fiscal impact on local governments' revenues or expenditures because it does not create any new requirement local governments must follow, nor does it otherwise constrain local governments.
C) Small businesses ("small business" means a business employing 1-49 persons):
This rule is not expected to have any fiscal impact on small businesses because it does not impose requirements upon small businesses beyond what is required by Title 13, Chapter 15, BODA. Any fiscal impact on small businesses was addressed by the Fiscal Note to S.B. 26 (2022).
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
This rule is not expected to have any fiscal impact on non-small businesses because it does not impose requirements upon non-small businesses beyond what is required by Title 13, Chapter 15, BODA. Any fiscal impact on small businesses was addressed by the Fiscal Note to S.B. 26 (2022).
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 is not expected to have any fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities because it

does not impose requirements upon them beyond what is required by Title 13, Chapter 15, BODA.

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

This rule does not impose compliance costs upon affected persons beyond what is required by Title 13, Chapter 15, BODA, and what was contemplated in the Fiscal Note to S.B. 26 (2022).

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	FY2023	FY2024	FY2025
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	FY2023	FY2024	FY2025
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 comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Commerce, Margaret Busse, has reviewed and approved this regulatory impact analysis. The proposed rule reflects changes to the BODA, and does not impose estimable costs or foreseeable fiscal impacts beyond those

contemplated by the BODA and the Fiscal Note to S.B. 26 (2022).

Citation Information

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

Subsection 13-2-5(1)	Subsection 13-15-102(6)	Subsection 13-15-201(4)
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Public Notice Information

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

A) Comments will be accepted until: 12/15/2022

9. This rule change MAY become effective on: 12/22/2022

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

Agency Authorization Information

Agency head or designee and title:	Daniel Larsen, Commerce Analyst	Date:	10/28/2022
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Repeal and Reenact		
Rule or Section Number:	R152-26	Filing ID: 55018

Agency Information

1. Department:	Commerce	
Agency:	Consumer Protection	
Building:	Heber Wells Building	
Street address:	160 E 300 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 146704	
City, state and zip:	Salt Lake City, UT 84114	
Contact persons:		
Name:	Phone:	Email:
Blake Young	801-530-6606	bdyoung@utah.gov

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

General Information

2. Rule or section catchline:

R152-26. Telephone Fraud Prevention Act Rule

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

This repeal and reenact is being submitted as a result of H.B. 217, passed in the 2022 General Session. The purpose of the replacement is to ensure this rule reflects changes made to the Telephone Fraud Prevention Act (Act), including the definition of "seller" and other clarifying provisions. The replacement also revises the information required to register in accordance with the Act.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

The old Telephone Fraud Prevention Act Rule is repealed, and replaced with a new rule which is consistent with changes made to the Act in H.B. 217 (2022). The Act's usage of the defined term "seller" is reflected in the new rule. Various changes are made to conform this rule to rulewriting standards. Changes are also made to the application to revise the application for registration under the Act. Nonsubstantive changes are made to this rule to simplify the numbering and structure of this rule.

Fiscal Information

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

A) State budget:

This rule is not expected to have any fiscal impact on state government revenues or expenditures beyond those addressed in the Fiscal Note to H.B. 217 (2022).

B) Local governments:

This rule is not expected to have any fiscal impact on local governments' revenues or expenditures because it does not create any new requirement local governments must follow, nor does it otherwise constrain local governments.

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

This rule is not expected to have any fiscal impact on small businesses because it does not impose requirements upon small businesses beyond what is required by Title 13, Chapter 26, Telephone Fraud Prevention Act. Any fiscal impact on small businesses was addressed by the Fiscal Note to H.B. 217 (2022).

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

This rule is not expected to have any fiscal impact on non-small businesses because it does not impose requirements upon non-small businesses beyond what is required by Title 13, Chapter 26, Telephone Fraud Prevention Act. Any fiscal impact on non-small businesses was addressed by the Fiscal Note to H.B. 217 (2022).

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 is not expected to have any fiscal impacts on persons other than small businesses, non-small businesses, state, or local government entities because it does not impose requirements upon them beyond what is required by Title 13, Chapter 26, Telephone Fraud Prevention Act.

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

This rule is not expected to impose compliance costs because it does not impose requirements upon them beyond what is required by Title 13, Chapter 26, Telephone Fraud Prevention Act. Any compliance costs were addressed by the Fiscal Note to H.B. 217 (2022).

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	FY2023	FY2024	FY2025
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	FY2023	FY2024	FY2025
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 Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

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

The Division of Consumer Protection proposes a repeal and reenactment of Rule R152-26, the Telephone Fraud Prevention Act Rule. This replacement is being submitted to comport the rule to H.B. 217 (2022). The purpose of the replacement is to update this rule to reflect recent changes to the Act. Also, there are formatting changes throughout this rule to conform this rule to the Office of Administrative Rules' requirements in accordance with Executive Order No. 2021-1 and 2021-12. This rule does not impose foreseeable impact on businesses beyond the fiscal note to H.B. 217 (2022). Also, the other amendments are made to make the rule comport to the Utah Rulewriting Manual.

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

Citation Information

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

Subsection 13-2-5(1)	Subsection 13-26-3(5)	Subsection 13-26-3(6)
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Public Notice Information

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

A) Comments will be accepted until:	12/15/2022
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9. This rule change MAY become effective on:	12/22/2022
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Blake Young, Commerce Analyst	Date:	10/28/2022
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Rule or Section Number:	R156-17b	Filing ID: 55001

Agency Information

1. Department:	Commerce	
Agency:	Professional Licensing	
Building:	Heber M. Wells Building	
Street address:	160 E 300 S	
City, state and zip:	Salt Lake City, UT 84111-2316	
Mailing address:	PO Box 146741	
City, state and zip:	Salt Lake City, UT 84114-6741	
Contact persons:		
Name:	Phone:	Email:
Lisa Martin	801-530-7632	lmartin@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R156-17b. Pharmacy Practice Act Rule

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

The Division of Professional Licensing (Division) in collaboration with the Board of Pharmacy is filing these proposed amendments to update this rule and implement certain requirements in accordance with statutory changes made by S.B. 236 passed during the 2022 General Session. Additionally, amendments are made in accordance with Executive Order No. 2021-1 to eliminate unnecessary regulation and reduce barriers, and under Executive Order No. 2021-12 to streamline licensure pathways and to update this rule consistent with the Utah Rulewriting Manual.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

In accordance with Executive Order No. 2021-1, to eliminate unnecessary regulation and reduce barriers to working, Section R156-17b-303a is amended to clarify education requirements for pharmacy technicians, and add as approved pharmacy technician training programs those programs that are accredited by the Accrediting Bureau of Health Education Schools (ABHES). Additionally, Section R156-17b-601 is amended to increase the allowed pharmacy technician trainee-to-

pharmacist ratio by allowing two trainees to one pharmacist when a licensed pharmacy technician or intern is working during the same shift.

The amendments to Section R156-17b-606 clarify operating standards for Pharmacist Preceptors, and the amendments to Section R156-17b-607 clarify operating standards for Supportive Personnel.

In accordance with S.B. 236 (2022), the amendments to Section R156-17b-608 clarify standards for medication delivery and the accepting back and redistributing of an unused drug via United States Postal Service, licensed common carrier, or supportive personnel; the amendments to Section R156-17b-612b will reference a list on the Division's website to allow a pharmacist to dispense additional supplies for treating diabetes; and the amendments to Section R156-17b-628 establish operating standards under Subsections 58-17b-620(7) and (8) to allow a licensed nurse employed by a health department to dispense a drug to treat a sexually transmitted infection, via the new Utah Guidance for Dispensing by Health Department Nurse of STI Drug, adopted 08/23/2022, that will be posted on the Division's website.

Section R156-17b-623 is amended to add the "generic equivalent" of Latisse to the list of drugs that may be dispensed by a dispensing medical practitioner (DMP) in accordance with Subsection 58-17b-802(1) and Section 58-17b-803.

In accordance with Executive Order No. 2021-12, the remaining amendments make formatting changes throughout to update and clarify this rule to facilitate compliance and enforcement and make changes consistent with the Utah Rulewriting Manual.

Public Hearing Information:
 11/16/2022 at 9:00 AM
 Anchor location: 160 East 300 South - Conference Room 402 (fourth floor) - Salt Lake City, Utah

Google Meet information:
 Meeting link:
meet.google.com/yos-hwiy-peh

Join by phone:
 (US) +1 216-930-8257
 PIN: 998848919

Fiscal Information

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

A) State budget:

None of the proposed changes are expected to impact state government revenues or expenditures because the changes merely update this rule to establish operating standards that encompass current statutory requirements and practices in the profession, and make changes for

clarity to facilitate compliance and enforcement in accordance with Executive Order No. 2021-12, and will not affect existing state government procedures.

B) Local governments:

These proposed amendments are expected to benefit businesses in the pharmacy industry that employ pharmacists and pharmacy technicians/pharmacy technician trainees, and this may potentially include certain local government entities acting as businesses. However, as described in Boxes 5C and D of this form for businesses, the Division estimates that these proposed amendments will have no measurable impact on local governments.

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

There are approximately 372 small businesses in the pharmacies/drug retailers and hospital industries that may employ pharmacists and pharmacy technicians/pharmacy trainees (NAICS 456110, 622210). The proposed amendments to Sections R156-17b-303a and R156-17b-601 are expected to benefit these small businesses by facilitating their ability to employ pharmacy technicians and pharmacy technician trainees, as a result of the addition of the approved pharmacy technician training programs accredited by ABHES, and the increased pharmacy technician trainee-to-pharmacist ratio allowed when a licensed pharmacy technician or intern is working during the same shift.

However, the full fiscal and non-fiscal impacts on these businesses cannot be estimated because the data necessary to determine how many additional individuals may become employees is unavailable, and because the benefits that each business may experience from any resulting increased ability to employ personnel will vary widely depending on the characteristics of each individual employee and the employer. The remainder of these proposed amendments are expected to have no measurable impact on small businesses as the changes merely streamline and update this rule in accordance with Executive Order No. 2021-12 and conform this rule to statutory changes.

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

There are approximately 111 non-small businesses in the pharmacies/drug retailers and hospital industries that may employ pharmacists and pharmacy technicians/pharmacy trainees (NAICS 456110, 622110, 622210). The proposed amendments to Sections R156-17b-303a and R156-17b-601 are expected to benefit these non-small businesses by facilitating their ability to employ pharmacy technicians and pharmacy technician trainees, as a result of the addition of the approved pharmacy technician training programs accredited by ABHES, and the increased pharmacy technician trainee-to-pharmacist ratio allowed

when a licensed pharmacy technician or intern is working during the same shift.

However, the full fiscal and non-fiscal impacts on these businesses cannot be estimated because the data necessary to determine how many additional individuals may become employees is unavailable, and because the benefits that each business may experience from any resulting increased ability to employ personnel will vary widely depending on the characteristics of each individual employee and the employer.

The remainder of these proposed amendments are expected to have no measurable impact on non-small businesses as the changes merely streamline and update this rule in accordance with Executive Order No. 2021-12 and conform this rule to statutory changes.

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**):

In Utah there are currently 1,519 licensed pharmacy technician trainees. The proposed amendments to Sections R156-17b-303a and R156-17b-601 may benefit these individuals by facilitating their ability to become employed. However, the full fiscal and non-fiscal impacts on these individuals cannot be estimated because the data necessary to determine how many will obtain licensure or employment is unavailable, and because the benefits that each individual may experience from any resulting increased ability to become employed will vary widely depending on the unique characteristics of each individual and employer.

The remainder of these proposed amendments are expected to have no measurable impact on other persons as they merely streamline and update this rule in accordance with Executive Order No. 2021-12 and conform this rule to statutory changes.

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

As described in Box 5E above, there are no compliance costs expected 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	FY2023	FY2024	FY2025
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	FY2023	FY2024	FY2025
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 comments on fiscal impact and approval of regulatory impact analysis:

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

The Division, in concert with the Utah Board of Pharmacy, propose amendments to Rule R156-17b, the Pharmacy Practice Act Rule. The proposed amendments are to update the rule and implement certain requirements in accordance with statutory changes made by S.B. 236 (2022).

Additionally, the Division has made formatting changes throughout this rule to conform this rule to the Utah Rulewriting Manual in accordance with Executive Orders 2021-1 and 2021-12.

Small Businesses (less than 50 employees):

The Division finds that will not be a fiscal impact for small businesses. The Division approximates that there are 372 small businesses in the pharmacy, drug retail, and hospital industries that employ pharmacists, pharmacy technicians, and pharmacy trainees (NAICS 456110, 622210). The proposed amendments are expected to benefit these small businesses by allowing them to hire pharmacy technicians and pharmacy technician trainees that have completed technician training programs accredited by the Accrediting Bureau of Health Education Schools (ABHES). This will result in that there will be an increased pharmacy technician trainee-to-pharmacist ratio

allowed when a licensed pharmacy technician or intern working during the same shift in an approved pharmacy.

Further, the Division does not foresee any negative impact on small businesses since the grammatical amendments are made to make this rule comport to the Utah Rulewriting Manual.

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

The Division finds that there are approximately 111 non-small businesses in the pharmacy, drug retail, and hospital industries that employ pharmacists, pharmacy technicians, and pharmacy trainees (NAICS 456110, 622110, 622210). However, these amendments will have no expected fiscal impact for non-small businesses in Utah for the same rationale as described above for small businesses.

Further, any of these costs are either inestimable, for the reasons stated above, or there is no fiscal impact.

Citation Information

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

Section 58-17b-101	Subsection 58-17b-601(1)	Section 58-37-1
Subsection 58-1-106(1)(a)	Subsection 58-1-202(1)(a)	

Incorporations by Reference Information

7. Incorporations by Reference:	
A) This rule adds, updates, or removes the following title of materials incorporated by references:	
Official Title of Materials Incorporated (from title page)	Utah Guidance for Dispensing by Health Department Nurse of STI Drugs
Publisher	Utah Division of Professional Licensing/Utah Board of Pharmacy
Issue Date	August 23, 2022

Public Notice Information

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

A) Comments will be accepted until: 12/15/2022

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

On:	At:	At:
11/16/2022	9:00 AM	See information in Box 4 above

9. This rule change MAY become effective on: 12/22/2022

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

Agency Authorization Information

Agency head or designee and title:	Mark B. Steinagel, Division Director	Date:	10/20/2022
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Rule or Section Number:	R156-37	Filing ID: 55007

Agency Information

1. Department:	Commerce	
Agency:	Professional Licensing	
Building:	Heber M Wells Building	
Street address:	160 E. 300 S.	
City, state and zip:	Salt Lake City, UT 84111-2316	
Mailing address:	PO Box 146741	
City, state and zip:	Salt Lake City, UT 84114-6741	
Contact persons:		
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:
R156-37. Utah Controlled Substances Act Rule
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
This filing updates this rule to implement H.B. 265 passed during the 2021 General Session, which amended the rule governing pharmacy software for receiving and transferring electronic controlled substance prescriptions. These amendments also incorporate statutory changes made by H.B. 177 passed during the 2020 General Session, which amended the Controlled Substances Act regarding electronic transmission of controlled substance prescriptions.
Additionally, changes are made in accordance with Executive Order No. 2021-12 to update and clarify this rule to facilitate compliance and enforcement, in particular with

respect to recommendations by the Board of Pharmacy and the Division of Professional Licensing (Division) regarding certain definitions and to make changes consistent with the Utah Rulewriting Manual.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

The amendments to Section R156-37-102 add definitions for "electronic controlled substance prescribing extension," "emergency situation," "forward," and "technical difficulty or electronic failure."

The amendments to Section R156-37-502 add to the definition of unprofessional conduct for a prescribing practitioner or pharmacy, failing to seek to correct a technical difficulty or electronic failure under Subsection 58-37-22(1)(d) that is reasonably within their control.

The substantive amendments to Section R156-37-603 are at the request of the Pharmacy Board, with concurrence by the Physicians Licensing Board and the Osteopathic Physicians and Surgeons Licensing Board. These amendments eliminate the prohibitive language regarding the prescribing of schedule II stimulants, and allow the prescribing provider to ensure they are prescribing stimulants in the best interest of the patient and within the standard of care.

In compliance with Section 58-37-22, new Sections R156-37-609 and R156-37-610 provide guidance for electronic prescriptions for controlled substances by establishing: 1) that a prescribing practitioner or pharmacy experiencing a technical difficulty or electronic failure shall document it on the prescription's hard copy; 2) a protocol to follow if a pharmacy that receives an electronic prescription is not able to fill the prescription; 3) additional exemptions to electronic prescription requirements; 4) guidelines under which a prescribing practitioner or pharmacy may obtain an extension of time to comply with the electronic prescribing requirements in Subsection 58-37-22(1); and 5) a requirement to issue and dispense an electronic prescription in accordance with 21 CFR 1311.

In accordance with Executive Order No. 2021-12, the remaining amendments make formatting changes throughout to update and clarify this rule to facilitate compliance and enforcement and make changes consistent with the Utah Rulewriting Manual, including amendments to Section R156-37-305 that clarify that a practitioner shall maintain appropriate licensure when prescribing controlled substances, and amendments to Section R156-37-606 that update the reference to 21 CFR 1317.

Public Hearing Information:
 11/22/2022, 10:00 AM
 160 East 300 South, Conference Room 402, Salt Lake City, Utah

Google Meet information:
 Electronic Meeting link:
meet.google.com/har-yfec-vbm

Join by phone:
 (US) +1 443-574-7046
 PIN: 108791761

Fiscal Information

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

A) State budget:

None of these proposed changes are expected to impact state government revenues or expenditures because the changes merely update this rule to establish operating standards that encompass current statutory requirements and practices in the profession, and make nonsubstantive changes for clarity to facilitate compliance and enforcement in accordance with Executive Order No. 2021-12, and will not affect existing state government procedures.

The Division estimates that these proposed amendments will have no measurable impact on state government revenues or expenditure as none of these amendments are expected to impact state government practices or procedures beyond the fiscal analysis for H.B. 177 (2020), <https://le.utah.gov/~2020/bills/static/HB0177.html> and for H.B. 265 (2021), <https://le.utah.gov/~2021/bills/static/HB0265.html>.

B) Local governments:

These proposed amendments will impact businesses in the healthcare and pharmacy industry that employ prescribers, pharmacists, pharmacy interns, and pharmacy technicians (NAICS 446110, 621399, 621112, 621111, 621330, 622110, 622310, 621493, 623220, 621420, 621420, 623110) and this may potentially include certain local government entities acting as businesses.

However, the Division estimates that these proposed amendments will have no impact on local governments because the changes merely update the rule to establish operating standards that encompass current statutory requirements and practices in the profession, and make nonsubstantive changes for clarity to facilitate compliance and enforcement in accordance with Executive Order No. 2021-12.

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

These amendments will affect small businesses in the healthcare industry that employ controlled substance prescribers or dispense controlled substances; these involve businesses in NAICS 446110, 621399, 621112, 621111, 621330, 622110, 622310, 621493, 623220, 621420, 621420, and 623110.

However, none of the amendments are expected to impact small businesses' revenues or expenditures, as they are based on extensive collaboration with the Board of Pharmacy, as well as the Physicians Licensing Board and the Osteopathic Physicians and Surgeons Licensing Board, to update this rule to establish operating standards that encompass current statutory requirements and practices in the profession, and make nonsubstantive changes for clarity to facilitate compliance and enforcement in accordance with Executive Order No. 2021-12.

Additionally, funding for software that allows electronic health records and pharmaceutical dispensing software has been available through Centers for Medicare and Medicaid Services since 2006.

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

These amendments will affect non-small businesses in the healthcare industry that employ controlled substance prescribers and/or dispense controlled substances, these involve businesses in NAICS 446110, 621399, 621112, 621111, 621330, 622110, 622310, 621493, 623220, 621420, 621420, and 623110.

However, as described in Box 5C for small businesses, none of the amendments are expected to impact non-small businesses' revenues 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**):

These amendments will affect Utah licensed controlled substance prescribers and controlled substance dispensers. However, as described in Box 5C for small businesses, none of the amendments are expected to impact the revenues or expenditures for these persons.

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

As described in Box 5E for other persons, no compliance costs are expected for any 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	FY2023	FY2024	FY2025
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	FY2023	FY2024	FY2025
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 comments on fiscal impact and approval of regulatory impact analysis:

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

The Division in concert with the Utah Board of Pharmacy, Utah Physicians Licensing Board, and the Utah Osteopathic Physicians and Surgeons Licensing Board, propose amendments to Rule R156-37, the Utah Controlled Substances Act Rule. Changes to this rule are proposed to comply with H.B. 265 (2021), which amended the rule governing pharmacy software for receiving and transferring electronic controlled substance prescriptions.

These amendments also incorporate statutory changes made by H.B. 177 (2020), which amended the Controlled Substances Act regarding electronic transmission of controlled substance prescriptions. Also, the Division has made formatting changes throughout this rule to conform this rule to the Utah Rulewriting Manual in accordance with Executive Orders No. 2021-1 and 2021-12.

Small Businesses (less than 50 employees):

The Division finds that will not be a fiscal impact to small businesses in the Utah healthcare industry with the proposed amendments (relevant NAICS codes were identified as 446110, 621399, 621112, 621111, 621330, 622110, 622310, 621493, 623220, 621420, 621420, and 623110). The changes are to update this rule to establish operating standards that encompass current statutory requirements and practices in the profession.

NOTICES OF PROPOSED RULES

Further, the Division does not foresee any negative impact on small businesses since the grammatical amendments are made to make the rule comport to the Utah Rulewriting Manual.

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

The Division finds that the non-small businesses in the Utah healthcare industry in the NAICS codes aforementioned, will not suffer a negative fiscal impact from the proposed rule amendments. However, these amendments will have no expected fiscal impact for non-small businesses in Utah for the same rationale as described above for small businesses.

Further, any of these costs are either inestimable, for the reasons stated above, or there is no fiscal impact.

Citation Information

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

Subsection 58-1-106(1)(a)	Subsection 58-37-6(1)(a)	Subsection 58-37f-301(1)
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Incorporations by Reference Information

7. Incorporations by Reference:

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

Official Title of Materials Incorporated (from title page)	21 CFR Part 1311
Publisher	Code of Federal Regulations/US Food and Drug Administration
Issue Date	July 26, 2022

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

Official Title of Materials Incorporated (from title page)	21 CFR Part 1317
Publisher	Code of Federal Regulations/US Food and Drug Administration
Issue Date	July 26, 2022

Public Notice Information

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

A) Comments will be accepted until:	12/15/2022
B) A public hearing (optional) will be held:	
On:	At:
11/22/2022	10:00 AM
	See information in Box 4 above

9. This rule change MAY become effective on:	12/22/2022
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Mark B. Steinagel, Division Director	Date:	10/25/2022
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Rule or Section Number:	R156-55a	Filing ID: 55002

Agency Information

1. Department:	Commerce	
Agency:	Professional Licensing	
Building:	Heber M Wells Building	
Street address:	160 E 300 S	
City, state and zip:	Salt Lake City, UT 84111-2316	
Mailing address:	PO Box 146741	
City, state and zip:	Salt Lake City, UT 84114-6741	
Contact persons:		
Name:	Phone:	Email:
Allyson Pettley	801-530-6628	apettley@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R156-55a. Utah Construction Trades Licensing Act Rule
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The purpose of this rule filing is to comply with the provisions in statute and to make nonsubstantive and other technical changes as approved by the Construction

Services Commission and in accordance with Executive Orders No. 2021-1 and 2021-12.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

Numerous updates and formatting changes are made throughout this rule to update and clarify this rule using logical, understandable, and concise language consistent with the Utah Rulewriting Manual.

The amendments to Section R156-55a-102 define "hire" to clarify that this means hiring as an employee, and makes technical changes to the definition of "Maintenance."

The amendments to Section R156-55a-301 place all classifications and their corresponding scopes of work in Subsection (2) into a table format, entitled Table 1. Tables 1 and 2 are also renumbered and updated to the new table format. The E100 contractor classification is clarified to remove previous inclusion of the scope of practice of the B100 classification. B100 contractor classification is clarified for subclassifications not covered under the scope of practice for the B100 classification.

The amendments to Section R156-55a-302a codify in rule the Division of Professional Licensing (Division) and Construction Services Commission's policy that the Utah Contractor Business and Law examination is not required for an applicant for licensure by endorsement under Section 58-1-302.

The amendments to Section R156-55a-302b and Subsection R156-55a-302f(10) clarify that the degree in Construction Management must be from a program or institution recognized by the US Department of Education.

The amendments to Section R156-55a-311 codify in rule the Division and Construction Services Commission's policy that a business entity applying for licensure by endorsement shall demonstrate that at least 50% of the ownership is the same as the license held in the jurisdiction used for endorsement, and that no more than 50% of the business entity's ownership has changed in the 12 months preceding the date of application.

The amendments to Section R156-55a-700: 1) clarify that in an emergency under Subsection 58-1-307(4)(g), the Division may also exempt or modify licensure requirements, including scopes of practice; 2) remove the arbitrary expiration dates, and 3) instead provide that an emergency contractor's license and any exempted or modified licensure requirements will expire as specified by the Division in a notice to the licensee, or in a notice posted on the Division's website.

Public Hearing Information:
11/16/2022 at 10:00 AM

Anchor location: 160 E 300 S, Conference Room 402, Salt Lake City, Utah

Google Meet info:
Meeting link:
meet.google.com/ssu-ebah-thf

Join by phone:
(US) +1 315-758-1030
PIN: 858156229

Fiscal Information

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

A) State budget:

No state agencies will be directly or indirectly affected by these rule changes because the proposed changes will not result in any significant increase or decrease in administrative costs or revenue compared to the currently anticipated costs and revenues.

Additionally, there are no state government entities acting as businesses that will be impacted by these changes. Accordingly, the proposed amendments are not expected to impact the state budget.

B) Local governments:

Local governments will neither enforce nor be affected by the processes and requirements implemented by these rules, nor will local governments be indirectly impacted because none of the amendments create a situation requiring services from local governments. Therefore, no cost or savings to local governments are anticipated.

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

The U.S. Census North American Industry Classification System (NAICS) was searched and relevant NAICS codes were identified, including: 236115, 236116, 236117, 236118, 236210, 236220, 237120, 237990, 238111, 238112, 238121, 238122, 238131, 238132, 238141, 238142, 238151, 238152, 238161, 238162, 238171, 238172, 238191, 238211, 238212, 238221, 238222, 238311, 238312, 238321, 238322, 238331, 238332, 238341, 238342, 238351, 238352, 238381, 238392, 238911, 238912, 238991, and 238992. Based on these NAICS Codes, DWS Firm Find indicates that approximately 11,384 small businesses in Utah will be covered by these proposed amendments. However, no measurable impact to these small businesses is expected from the amendments.

The changes that are grammatical or nonsubstantive will have no impact on small businesses. With respect to the substantive changes, first, small businesses may be impacted by the clarified scopes of practice for the B100 and E100 classifications, but any impacts are impossible to determine because the clarifications of scope will not

necessarily result in a net increase or decrease of cost or value to either current licensees or applicants for licensure, as there is no way to determine if they will actually require any additional classifications to practice in the scope beyond their current work.

Second, small businesses may be impacted by the clarified B100 and the reduced scope of practice E100 classification by a potential reduction in the number of fines to small businesses for practicing beyond the scope of licensure. However, since it is impossible to determine whether the clarified scopes of practice will increase compliance with the unprofessional conduct provisions, there is no measurable direct cost attributable to these changes.

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

DWS Firm Find indicates that approximately 254 non-small businesses in Utah will be covered by these rule changes. As described in Box 5D for small businesses, there is no expected measurable impact to non-small businesses from these proposed amendments.

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

The proposed amendments are not expected to result in cost or savings to other persons as the classifications at issue are granted to businesses, and other persons will not be subject to enforcement of or affected by the processes and requirements implemented by the proposed amendments.

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

As described in boxes 5D and E, there are no expected 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	FY2023	FY2024	FY2025
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	FY2023	FY2024	FY2025
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 comments on fiscal impact and approval of regulatory impact analysis:

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

The Division propose amendments to Rule R156-55a, the Construction Trades Licensing Act Rule. Changes to this rule have been made to comply with the provisions in statute and to make nonsubstantive and other technical changes as approved by the Construction Services Commission. Clarification has been made to the E100 and B100 classifications, removal the Utah Contractor Business and Law examination from the application process, clarification to the degree in construction management, and clarification to the emergency powers of the Division to modify licensure requirements. Also, the Division has made formatting changes throughout this rule to conform this rule to the Utah Rulewriting Manual in accordance with Executive Orders No. 2021-1 and 2021-12.

Small Businesses (less than 50 employees):
 The Division finds that approximately 11,384 small businesses in Utah will be effected by these proposed amendments (relevant NAICS codes were identified, including: 236115, 236116, 236117, 236118, 236210, 236220, 237120, 237990, 238111, 238112, 238121, 238122, 238131, 238132, 238141, 238142, 238151, 238152, 238161, 238162, 238171, 238172, 238191, 238211, 238212, 238221, 238222, 238311, 238312, 238321, 238322, 238331, 238332, 238341, 238342, 238351, 238352, 238381, 238392, 238911, 238912, 238991, and 238992). The Division sees that small businesses may be impacted positively by the clarified B100 classification changes and the reduced scope of practice of the E100 classification through a decrease in sanctions for practicing beyond the scope of licensure.

Further, the Division does not foresee any negative impact on small businesses since the grammatical amendments are made to make this rule comport to the Utah Rulewriting Manual.

Regulatory Impact to Non-Small Businesses (50 or more employees)
 The Division finds that there are 554 non-small businesses in Utah in the NAICS codes aforementioned. However, these amendments will have no expected fiscal impact for non-small businesses in Utah for the same rationale as described above for small businesses.

Further, any of these costs are either inestimable, for the reasons stated above, or there is no fiscal impact.

Citation Information

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

Subsection 58-1-106(1)(a)	Subsection 58-1-202(1)(a)	Section 58-55-101
Subsection 58-55-308(1)(a)	Subsection 58-55-102(39)(a)	

Public Notice Information

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

A) Comments will be accepted until:	12/15/2022	
B) A public hearing (optional) will be held:		
On:	At:	At:
11/16/2022	10:00 AM	See information in Box 4 above

9. This rule change MAY become effective on:	12/22/2022
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Mark B. Steinagel, Division Director	Date:	10/20/2022
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Rule or Section Number:	R156-60a	Filing ID: 55006

Agency Information

1. Department:	Commerce	
Agency:	Professional Licensing	
Building:	Heber M Wells Building	
Street address:	160 E 300 S	
City, state and zip:	Salt Lake City, UT 84111-2316	
Mailing address:	PO Box 146741	
City, state and zip:	Salt Lake City, UT 84114-6741	
Contact persons:		
Name:	Phone:	Email:
Jana Johansen	801-530-6628	janajohansen@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R156-60a. Social Worker Licensing Act Rule
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
This filing updates this rule to conform to statutory amendments made by H.B. 283 passed during the 2022 General Session. The Division of Professional Licensing (Division) in collaboration with the Social Service Worker Licensing Board also proposes amending this rule to clarify Certified Social Worker Intern (CSWI) licensure.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
The amendments to Section R156-60a-102 add a definition of "CSWI" and "clinical social worker intern" for clarity and references to statutes are updated.
The amendments to Section R156-60a-302c update this rule to reflect the H.B. 283 (2022) experience hour reduction from 4,000 hours to 3,000 hours , and correspondingly remove the time needed to gather the hours.
Section R156-60a-302f is a new section that outlines the Qualifications for Licensure as a CSWI.
The amendments to Section R156-60a-308 experience hours are reduced due to H.B. 283 (2022).
Nonsubstantive formatting changes are also made throughout this rule to streamline and update this rule in accordance with the Utah Rulewriting Manual.
Public Hearing Information:

11/22/2022 at 10:00 AM
 Anchor location: 160 E 300 S, Conference Room 402, Salt Lake City, Utah

Electronically with Google Meeting information:
 Meeting link:
 meet.google.com/wvr-cboa-ajt

Join by phone:
 (US) +1 321-215-4407
 PIN: 226703394

Fiscal Information

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

A) State budget:

The Division estimates that these proposed amendments will have no measurable impact on state budget revenues or expenditure because the amendments only conform this rule to the statutory changes made by H.B. 283 (2022) and will not impact existing state government practices or procedures.

B) Local governments:

The Division estimates that these proposed amendments will have no measurable impact on local governments' revenues or expenditure as none of the amendments are expected to impact local governments' practices or procedures.

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

The Division does not expect small businesses to be impacted by the proposed amendments because the amendments only conform this rule to the statutory changes made by H.B. 283 (2022) and streamline and update this rule for clarity.

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

The Division does not expect non-small businesses to be impacted by the proposed amendments because the amendments only conform this rule to the statutory changes made by H.B. 283 (2022) and streamline and update this rule for clarity.

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 Division does not expect other persons to be impacted by the proposed amendments because the amendments only conform this rule to the statutory changes made by H.B. 283 (2022) and streamline and update this rule for clarity.

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

As described in Box 5E for other persons, the proposed amendments are not expected to result in 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	FY2023	FY2024	FY2025
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	FY2023	FY2024	FY2025
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 comments on fiscal impact and approval of regulatory impact analysis:

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

The Division, in concert with the Service Worker Licensing Board, propose amendments to Rule R156-60a, the Social Worker Licensing Act Rule. Amendments to this rule are proposed to conform it to statutory amendments made by H.B. 283 (2022). The Division wishes to clarify Certified Social Worker Intern (CSWI) licensure, and add an

alternate exam to obtain Social Service Worker (SSW) licensure due to the inability to extend the exam waiver previously granted by Association of Social Work Boards (ASWB).

Also, the Division has made formatting changes throughout this rule to conform this rule to the Utah Rulewriting Manual in accordance with Executive Orders No. 2021-1 and 2021-12.

Small Businesses (less than 50 employees):

The Division finds that will not be a fiscal impact for small businesses. The rule changes are to conform this rule to the statutory changes made by H.B. 283 (2022) to end the ASWB exam waiver, and streamline and update this rule for clarity. The changes are to update this rule to establish operating standards that encompass current statutory requirements and practices in the profession.

Further, the Division does not foresee any negative impact on small businesses since the grammatical amendments are made to make this rule comport to the Utah Rulewriting Manual.

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

The Division finds that the non-small businesses in the Utah involving licensed social workers will not suffer a negative fiscal impact from the proposed rule amendments. However, these amendments will have no expected fiscal impact for non-small businesses in Utah for the same rationale as described above for small businesses. Further, any of these costs are either inestimable, for the reasons stated above, or there is no fiscal impact.

Citation Information

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

Section 58-60-201	Subsection 58-1-106(1)(a)	Subsection 58-1-202(1)(a)
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Incorporations by Reference Information

7. Incorporations by Reference:

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

Official Title of Materials Incorporated (from title page)	Code of Ethics of the National Association of Social Workers (NASW)
Publisher	National Association of Social Workers (NASW)
Issue Date	2020/2021

Public Notice Information

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

A) Comments will be accepted until:	12/15/2022
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B) A public hearing (optional) will be held:

On:	At:	At:
11/22/2022	9:00 AM	See information in Box 4 above

9. This rule change MAY become effective on:	12/22/2022
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Mark B. Steinagel, Division Director	Date:	10/24/2022
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NOTICE OF PROPOSED RULE

TYPE OF RULE: New

Rule or Section Number:	R156-70b	Filing ID:	55023
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Agency Information

1. Department:	Commerce	
Agency:	Professional Licensing	
Building:	Heber M Wells Building	
Street address:	160 E 300 S	
City, state and zip:	Salt Lake City, UT 84111-2316	
Mailing address:	PO Box 146741	
City, state and zip:	Salt Lake City, UT 84114-6741	
Contact persons:		
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:
R156-70b. Anesthesiologist Assistant Practice Act Rule

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

During the 2022 General Session, S.B. 121 passed and created the Anesthesiologist Assistant Licensing Act (Title 58, Chapter 70b). This rule defines licensing, supervision, renewal, continuing education requirements and unprofessional conduct.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

The amendment in Section R156-70b-102 provides additional definitions related to the practice of anesthesiology.

The amendment in Section R156-70b-103 establishes supervision standards for anesthesiologist to supervise anesthesiologist assistants.

The amendment in Section R156-70b-302a describes the qualifications for licensure as an anesthesiologist assistant.

The amendment in Section R156-70b-303a establishes the renewal requirements.

The amendment in Section R156-70b-303b defines the continuing education requirements for anesthesiologist assistants.

The amendment in Section R156-70b-402 defines unprofessional conduct for anesthesiologist assistants.

Public Hearing Information:
Anchor location: 160 E 300 S, Conference Room 402 (fourth floor), Salt Lake City, Utah
11/22/2022 at 10:00 AM

Electronically by Google Meet:
Meeting link:
meet.google.com/har-yfec-vbm

Join by phone:
(US) +1 443-574-7046
PIN: 108791761

Fiscal Information

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

A) State budget:

The Division of Professional Licensing (Division) does not anticipate any fiscal impact beyond that determined by the S.B. 121 (2022) Fiscal Note which can be found at <https://le.utah.gov/~2022/bills/static/SB0121.html>.

B) Local governments:

The Division does not anticipate any fiscal impact for local governments beyond that determined by the S.B. 121 (2022) Fiscal Note which can be found at <https://le.utah.gov/~2022/bills/static/SB0121.html>.

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

The Division does not anticipate any fiscal impact for small businesses beyond that determined by the S.B. 121 (2022) Fiscal Note which can be found at <https://le.utah.gov/~2022/bills/static/SB0121.html>.

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

The Division does not anticipate any fiscal impact for non-small businesses beyond that determined by the S.B. 121 (2022) Fiscal Note which can be found at <https://le.utah.gov/~2022/bills/static/SB0121.html>.

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 Division does not anticipate a fiscal impact for other persons beyond that determined by the S.B. 121 (2022) Fiscal Note which can be found at <https://le.utah.gov/~2022/bills/static/SB0121.html>.

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

As described in Box 5E for other persons, the Division does not anticipate a compliance cost 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	FY2023	FY2024	FY2025
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	FY2023	FY2024	FY2025
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 comments on fiscal impact and approval of regulatory impact analysis:

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

The Division proposes Rule R156-70b, the Anesthesiologist Assistant Practice Act Rule. This rule is proposed to comply with S.B. 121 (2022). These amendments incorporate definitions for licensing, supervision, renewal, continuing education requirements, and unprofessional conduct.

Also, the Division proposes this rule to conform this rule to the Utah Rulewriting Manual in accordance with Executive Orders No. 2021-1 and 2021-12.

Small Businesses (less than 50 employees):
The Division finds that will not be a fiscal impact to small businesses in the Utah healthcare industry with the proposed rule. This rule encompasses current statutory requirements and practices in the profession.

Further, the Division does not foresee any negative impact on small businesses since the proposed rule comports to the Utah Rulewriting Manual.

Regulatory Impact to Non-Small Businesses (50 or more employees)
The Division finds that the non-small businesses will not suffer a negative fiscal impact from the proposed rule. However, this rule will have no expected fiscal impact for non-small businesses in Utah for the same rationale as described above for small businesses.

Further, any of these costs are either inestimable, for the reasons stated above, or there is no fiscal impact.

Citation Information

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

Subsection 58-1-106(1)(a)	Section 58-70b-101	
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Incorporations by Reference Information

7. Incorporations by Reference:

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

Official Title of Materials Incorporated (from title page)	American Society of Anesthesiologists Physical Status Classification System
Publisher	American Society of Anesthesiologists
Issue Date	December 13, 2020

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

Official Title of Materials Incorporated (from title page)	American Society of Anesthesiologists Guidelines for the Ethical Practice of Anesthesiology
Publisher	American Society of Anesthesiologists
Issue Date	December 13, 2020

Public Notice Information

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

A) Comments will be accepted until:	12/15/2022	
B) A public hearing (optional) will be held:		
On:	At:	At:
11/22/2022	10:00 AM	See information in Box 4 above

9. This rule change MAY become effective on: 12/22/2022

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

Agency Authorization Information

Agency head or designee and title:	Mark B. Steinagel, Division Director	Date:	10/31/2022
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Rule or Section Number:	R277-419	Filing ID: 54992

Agency Information

1. Department:	Education	
Agency:	Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact persons:		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R277-419. Pupil Accounting
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
Rule R277-419 is being amended in order to clarify when an local education agency (LEA) can receive more additional funding for a student participating in the Statewide Online Education Program.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
The amendments specifically clarify that, with written verification from the student's parent that the student intends to graduate early, an early graduation student may be counted for more than 180 days of regular membership in accordance with the student's plan for college and career readiness.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have fiscal impact on state government revenues or expenditures. This will not

change appropriations for the Utah State Board of Education (USBE), it simply clarifies distribution to LEAs.

B) Local governments:

This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. The mechanism for LEAs to report more that 180 days of regular membership already exists. This amendment requires LEAs to collect written parent verification of intent for early graduation. The USBE does not estimate a fiscal impact on LEAs to implement these changes, and LEAs can continue to receive more than 180 days of regular membership for students graduating early.

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

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

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

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

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

This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. This change only affects LEAs.

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

There are no compliance costs for affected persons. LEAs will simply have to obtain written verification from parents or guardians that a student intends to graduate early in order to claim over 180 days of regular membership. USBE does not estimate a quantifiable cost.

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	FY2023	FY2024	FY2025
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	FY2023	FY2024	FY2025
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 comments on fiscal impact and approval of regulatory impact analysis:

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.

Citation Information

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

Article X, Section 3	Subsection 53E-3-401(4)	Subsection 53F-2-102(7)
Subsection 53E-3-501(1)(e)	Subsection 53E-3-602(2)	Subsection 53E-3-301(3)(d)
Section 53G-4-404		

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also

request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 12/15/2022

9. This rule change MAY become effective on: 12/22/2022

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

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	10/14/2022
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NOTICE OF PROPOSED RULE

TYPE OF RULE: New		
Rule or Section Number:	R277-630	Filing ID: 54993

Agency Information

1. Department:	Education	
Agency:	Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact persons:		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov

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

General Information

2. Rule or section catchline:
R277-630. Child Sex Abuse and Human Trafficking Prevention Training and Instruction
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
This rule is being created to outline the process required by Section 53G-9-207 that requires the Utah State Board of Education (USBE) in partnership with the Department of Health and Human Services to approve instructional

materials used for training teachers and parents, as well as materials for optional instruction to students regarding child sex abuse and human trafficking prevention.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

This rule outlines the process for creating a review committee established by the Superintendent and provides the scoring rubric that the review committee will use to determine if materials are forwarded to the State Board of Education for final approval of the materials. This rule also provides for the establishment of deadlines, application form, and notice of denial of application.

Fiscal Information

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

A) State budget:

This rule change is not expected to have fiscal impact on state government revenues or expenditures. This requires third party providers to received USBE approval before being used by an LEA. USBE can approve the providers through the review committee and regular board meetings and will not incur additional costs through the process.

B) Local governments:

This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. LEAs will not incur any additional costs as USBE will approve the providers and LEAs can use any board approved provider.

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

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

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

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

E) Persons other than small businesses, non-small businesses, state, or local government entities

("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. This only affects USBE and LEAs.

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

There are no compliance costs for affected persons. USBE can approve providers within its regular processes and will not incur additional 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	FY2023	FY2024	FY2025
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	FY2023	FY2024	FY2025
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 comments on fiscal impact and approval of regulatory impact analysis:

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.

Citation Information

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

Article X, Section 3	Subsection 53E-3-401(4)	Section 53G-9-207
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Public Notice Information

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

A) Comments will be accepted until:	12/15/2022
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9. This rule change MAY become effective on:	12/22/2022
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	10/14/2022
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Repeal and Reenact

Rule or Section Number:	R277-911	Filing ID: 55000
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Agency Information

1. Department:	Education
Agency:	Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state and zip:	Salt Lake City, UT 84111
Mailing address:	PO Box 144200

City, state and zip:	Salt Lake City, UT 84114-4200	
Contact persons:		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R277-911. Secondary Career and Technical Education
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
Rule R277-911 is being repealed and reenacted to create new definitions that are more consistent with current practices and to better outline the processes followed for a local education agency (LEA) to qualify for varying streams of funding for the state Career and Technical Education (CTE) appropriation. The changes are extensive in relation to cleaning up verbiage and reordering items for better of ease of understanding.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
The amendments include changes to how funding is awarded and provide more streamlined requirements that align with current practice including how the multiple opportunities for funding are calculated. This rule also provides the criteria (referred to as standards in state code) for qualifying for each different opportunity for funding disbursements. This rule also outlines the requirements of an LEA that chooses to run an approved CTE program including being subject to an annual review and what must be provided for that annual review process.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have fiscal impact on state government revenues or expenditures. This will not impact the Utah State Board of Education (USBE) budgets but simply changes how funds are awarded to LEAs.

B) Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. This rule change disallows CTE directors from qualifying for administrative Weighted Pupil Units (WPU) who are still in the process of licensure, and reduces the number of pathways required to qualify for high school CTE WPU. This may slightly impact CTE funding for certain LEAs, but will not have a large impact on any CTE program overall and the cost is inestimable as the number of directors working on licensure is unknown.
C) Small businesses ("small business" means a business employing 1-49 persons):
This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This only affects USBE and LEAs.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. This only affects USBE and LEAs.
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):
There are no compliance costs for affected persons. This only applies to distribution for courses and does not change compliance requirements.
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	FY2023	FY2024	FY2025
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	FY2023	FY2024	FY2025
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 comments on fiscal impact and approval of regulatory impact analysis:			
The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.			

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Article X, Section 3	Section 53E-3-507	Section 53F-2-311
Section 53G-6-708		

Public Notice Information

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

A) Comments will be accepted until:	12/15/2022
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9. This rule change MAY become effective on:	12/22/2022
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	10/14/2022
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Rule or Section Number:	R277-919	Filing ID: 54995

Agency Information

1. Department:	Education	
Agency:	Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact persons:		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R277-919. Regulatory Sandbox Innovation Schools
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
This rule was created as a result of S.B. 191, passed in the 2022 General Session, that established the Education Regulatory Sandbox program allowing a local education agency (LEA) to create an innovation school with an innovation plan and seek approval from the Board to use up to 35% of the LEA's restricted funds to pay for the innovation plans.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
The amendments specifically clarify that the LEA is required to report on the impacts of using restricted funds outside of the originating program that the funds were designated for, as the funds are repurposed for the innovation plan instead of predicting potential impacts as a requirement for approval. The predicted impact requirement would then only apply to programs with delineated minimums outlined in code or rule. The other change would require these reports happen annually as opposed to regularly.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have fiscal impact on state government revenues or expenditures. The amendments apply to LEAs and do not impact the Utah State Board of Education (USBE) budgets.
B) Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. The amendments clarify LEA reporting requirements for funds used with an innovation plan. At this time, it is uncommon for LEAs to use restricted funds to pay for an innovation plan. This does allow for LEAs to have some flexibility with existing funds, and it is estimated that no additional costs will be incurred by LEAs due to the clarified reporting requirements.
C) Small businesses ("small business" means a business employing 1-49 persons):
This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This only affects LEAs and the USBE.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.

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

This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. This only affects USBE and LEAs.

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

There are no compliance costs for affected persons. Reporting requirements are clarified, but should not add measurable costs to LEAs.

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

Regulatory Impact Table			
Fiscal Cost	FY2023	FY2024	FY2025
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	FY2023	FY2024	FY2025
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 comments on fiscal impact and approval of regulatory impact analysis:

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.

Citation Information

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

Article X, Section 3	Subsection 53G-7-221(9)	Subsection 53G-7-222(4)
Subsection 53E-3-401(4)		

Public Notice Information

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

A) Comments will be accepted until: 12/15/2022

9. This rule change MAY become effective on: 12/22/2022

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

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	10/14/2022
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Rule or Section Number:	R277-925	Filing ID: 54996

Agency Information

1. Department:	Education
Agency:	Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state and zip:	Salt Lake City, UT 84111
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, UT 84114-4200

Contact persons:		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R277-925. Effective Teachers in High Poverty Schools Incentive Program
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
Rule R277-925 is being amended due to the passage of H.B. 315 in the 2022 General Session, Effective Teachers in High Poverty Schools Incentive Program Amendments, which included kindergarten teachers as eligible for the incentive.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
The amendments specifically clarify that the Superintendent will identify eligible teachers in kindergarten or grade 1, 2, or 3, where at least 85% of the teacher's students assess as typical or better on an end of year benchmark assessment.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have fiscal impacts on state government revenues or expenditures. The change prioritizes funding for schools with under 1,000 students. Program allocations are unchanged, but kindergarten teachers are now eligible to be included in the program. This will not affect the Utah State Board of Education (USBE) budgets.
B) Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. Local education agencies (LEAs) can now also apply for the program on behalf of kindergarten teachers in addition to 1-3 grade teachers. Approved teachers receive a salary bonus supplied by the program allocation and there are thus not major fiscal impacts for LEAs.
C) Small businesses ("small business" means a business employing 1-49 persons):

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

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

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

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

This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. This does impact kindergarten teachers, but the impact was already captured in the Fiscal Note to H.B. 315 (2022). No other individuals should be impacted by the change.

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

There are no compliance costs for affected persons. There are no additional costs for including kindergarten teachers.

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	FY2023	FY2024	FY2025
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

NOTICES OF PROPOSED RULES

Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
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 comments on fiscal impact and approval of regulatory impact analysis:			
The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.			

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Article X, Section 3	Subsection 53E-3-401(4)	Section 53F-2-513

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	12/15/2022

9. This rule change MAY become effective on:	12/22/2022
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	10/14/2022
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Rule or Section Number:	R357-14	Filing ID: 53055

Agency Information

1. Department:	Governor	
Agency:	Economic Opportunity	
Building:	World Trade Center	
Street address:	60 E South Temple	
City, state and zip:	Salt Lake City, UT 84111	
Contact persons:		
Name:	Phone:	Email:
Dane Ishihara	801-792-8764	dishihara@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R357-14. Electronic Meetings
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
H.B. 22, passed during the 2022 General Session, requires a public body to establish the conditions under which a remote member of the meeting is calculated in establishing a quorum. This rule is meeting the statutory requirement.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
This rule amendment establishes how a remote public body member is included when establishing a quorum during an electronic meeting.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
There is no new aggregate anticipated cost or savings to the state budget because this rule is merely procedural.
B) Local governments:
There is no new aggregate anticipated cost or savings to local governments because this rule is specific to office procedures.

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

There is no new aggregate anticipated cost or savings to small businesses because this proposed amendment does not create new obligations for small businesses, nor does it increase the costs associated with any existing obligation.

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

There is no new aggregate anticipated cost or savings to non-small businesses because this proposed amendment does not create new obligations for non-small businesses, nor does it increase the costs associated with any existing obligation.

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 is no new aggregate anticipated cost or savings to persons other than small businesses, businesses, or local government entities because this proposed amendment does not create new obligations for persons other than small businesses, businesses, or local government entities, nor does it increase the costs associated with any existing obligation.

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

There are no new 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	FY2023	FY2024	FY2025
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	FY2023	FY2024	FY2025

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 comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Governor's Office of Economic Opportunity, Dan Hemmert, has reviewed and approved this fiscal analysis.

Citation Information

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

Section 52-4-207		
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Public Notice Information

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

A) Comments will be accepted until:	12/15/2022
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9. This rule change MAY become effective on:	12/22/2022
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Dan Hemmert, Executive Director	Date:	11/01/2022
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: New		
Rule or Section Number:	R380-350	Filing ID: 55025

Agency Information

1. Department:	Health and Human Services	
Agency:	Administration	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Contact persons:		
Name:	Phone:	Email:
Christine Espinel	385-239-2733	cespinel@utah.gov
Jonah Shaw	385-310-2389	jshaw@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R380-350. Community Health Worker Certification
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
Per S.B. 104, passed in the 2022 General Session) the Department of Health and Human Services (Department) is establishing rules to implement the state certification for community health workers.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
This rule establishes the state certification standards for community health workers by: 1) defining the 300 hours of community involvement and establishing; 2) a procedure to notify each state certified community health worker when the certification is due for renewal; 3) a renewal process for the certification; 4) continuing education requirements; and 5) standards of professional conduct.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
The state budget will incur the following costs to operationalize the Community Health Worker (CHW) Certification service.

Acquire My Licensing Office (MLO) training and testing for staff to track, store, and update CHW certifications and renewals: \$9,000. Calculation includes estimate from vendor for training and testing. Years 2024 and 2025 are estimated at no cost, CHW certification costs will be absorbed by current Department programs license users.
A full time employee to implement and oversee the program for the following three years, totaling \$270,000, calculated at \$90,000 per fiscal year.
New email as required by the administrative rule, totaling \$340.56, calculated at the current rate of \$113.52 per fiscal year.
New website portal for information, application instructions, and application submissions: \$648 for implementation only. Website portal maintenance as provided by a Division of Technology Services (DTS) annual contract. Calculated at the current contracted rate of \$648, per fiscal year for 6 hours of work. Current rate is \$108/hour.
Fee collection waived for the first fiscal year, equal to 6 months, January 2023 through June 2023, calculated at: Current CHW Certification eligibility of 350 CHWs who have completed Core Skills training divided by 2 = 175 CHWs \$50 application waived fee for 175 CHWs who may be certified in Year 2023. Total \$8,750.
The Department also anticipates that it will have the following fiscal benefits: 1) Fiscal note as stated in S.B. 104 of \$25,000 annually, a total of \$75,000 for fiscal years 2023, 2024, and 2025. 2) Fees from applicants for the CHW Certification for fiscal years 2024 and 2025, after the end of the fee waiver for the implementation year. \$13,125 for fees collected from CHWs for certification and certification renewal. 3) Renewal fee set at \$25 every 2 years for recertification. Calculated at current number of CHWs eligible to apply for certification divided by 2 = 175.
B) Local governments:
The 13 local health departments of Utah will have an inestimable direct non-fiscal benefit from the CHW Certification. Certified CHWs could provide LHDs with additional skills when engaging in community health work. LHDs will not incur direct costs because CHW certification is optional. However, LHDs could potentially incur costs via increased salaries from a certified CHW workforce overall.
C) Small businesses ("small business" means a business employing 1-49 persons):
A review of 18 NAICS Industry Codes and a count of 14 of those applicable NAICS Codes revealed that the number of small businesses were inestimable. Small businesses

in Utah could be affected by CHW certification in that they could potentially incur costs via increased salaries from a certified CHW workforce overall. Small businesses would also benefit from the CHW Certification by having a more skilled workforce overall.

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

A review of 18 NAICS Industry Codes and a count of 14 of those applicable NAICS Codes revealed that the number of potentially affected non-small businesses in Utah is 295. Non-small businesses could have a direct non-fiscal benefit from the CHW Certification because certified CHWs could provide non-small businesses with additional skills when engaging in community health work. Non-small businesses will not incur direct costs because CHW certification is optional. However, they could potentially incur costs via increased salaries from a certified CHW workforce overall. These costs are inestimable.

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**):

Persons other than small businesses, non-small businesses, state, or local government entities in Utah will have a direct fiscal cost and inestimable fiscal benefit. There are currently 500 CHW members of the Utah Public Health Association CHW Section who will incur a direct fiscal cost of \$20,625. This calculation includes:

- 1) The Department waived fees for fiscal Year 2023 for 175 CHWs.
- 2) The application fees of \$50 for (500 - 175 = 325) CHWs in Year 2024 and the renewal fees of \$25 for 175 CHWs in Year 2025.

A review of 5 Occupation and Labor Statics Codes estimated there are 152,720 individuals working in healthcare and healthcare related fields. Because a CHW is a new, community-level field, numbers for health care professions were not included in the calculation for direct fiscal cost because they do not realistically reflect the number of practicing CHWs in Utah.

Persons other than small businesses, non-small businesses, state, or local government entities will have an inestimable benefit by the CHW Certification via potential increased salaries from a certified CHW workforce overall.

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

Ongoing in 2024, if an applicant is certified as a CHW, or renews their CHW certification, they will accrue the \$50 application fee.

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	FY2023	FY2024	FY2025
State Government	\$108,511.52	\$90,761.52	\$90,761.52
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$16,250	\$4,375
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$25,000	\$33,750	\$29,375
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 comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Health and Human Services, Tracy S. Gruber, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Section 26-71-102	Section 26B-1-202	
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Incorporations by Reference Information

7. Incorporations by Reference:

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

NOTICES OF PROPOSED RULES

Official Title of Materials Incorporated (from title page)	Code of Ethics of the Utah Community Health Workers Association
Publisher	The American Community Health Worker Association
Issue Date	Adopted by the CHW Coalition (HEAL Program) on 7/7/2016

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	12/15/2022

9. This rule change MAY become effective on:	12/22/2022
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Tracy Gruber, Executive Director	Date:	10/31/2022
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Rule or Section Number:	R386-702	Filing ID: 54983

Agency Information

1. Department:	Health and Human Services	
Agency:	Disease Control and Prevention, Epidemiology	
Room number:	Second Floor	
Building:	Cannon Building	
Street address:	288 N 1460 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 142104	
City, state and zip:	Salt Lake City, UT 84114	
Contact persons:		
Name:	Phone:	Email:
Cindy Burnett	801-538-6692	cburnett@utah.gov

Rachelle Boulton	801-538-6185	rboulton@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R386-702. Communicable Disease Rule
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The purpose of this rule change is to modify COVID-19 reporting requirements in response to changes in surveillance needs as the pandemic has evolved.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
This rule change will eliminate reporting of negative COVID-19 rapid antigen and antibody lab results and will change COVID-19 from immediately reportable to reportable within three working days from the time of identification. In addition, it will add a requirement that all positive NAAT samples be submitted to UPHL from medium to high complexity laboratories.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
Change to reporting requirements: The DPH Informatics Program will save significant staff time since they will no longer need to process the large volume of negative results. Of reports received electronically, approximately 5% require manual resolution.
Calculation: 522,000 negative tests x 5% (the percent that need manual resolution) / 100 (the number of manual resolutions we can complete in an hour) x \$15 (the salary for an intern) = \$4,000 cost savings.
Change to sample submission requirements: UPHL will incur additional costs of \$5,850 per year.
Calculations: Sample will be packed with other samples and transported by routine courier service from sites around the state. An additional courier service will be required every 4 weeks from 1 of 10 sites. Contractor courier services charge \$33 for each regularly scheduled pick-up. 13 additional pickups x 10 sites x \$33 = \$4,290.
Samples will be processed alongside those already being tested and will add 2 hours of intern staff time each week. 2 hours x \$15 (salary for inter) x 52 weeks = \$1,560.

B) Local governments:

There will be a benefit to local health department staff due to reduced volume of reports; however, it is not possible to calculate the cost savings. There is no expected cost change for the sample submission requirement.

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

Change to reporting requirements: It is estimated there will be cost savings to small businesses from decreased volume of reporting.

Calculation: 522,000 negative tests x 9% (the proportion of reporters that are small businesses) / 60 (assume it takes 1 minute to enter a result) x \$20 (the salary for med tech) = \$15,660 cost savings.

Change to sample submission requirements: These laboratories will need to identify positive samples and pack them for shipment. The Department of Health and Human Services (Department) expect small laboratories will submit 20 samples a week, for a total of an additional 30 minutes of time. This will result in a cost of \$520 for the typical small laboratory. A search on DWS Firm Find cross-matched with a list of Utah laboratories that reported COVID results in the last year identified approximately 54 small businesses that would be impacted for a total cost of \$28,080 per year.

Calculation: 0.5 hours x 52 weeks x \$20 (the salary for technologist) = \$520 x 54 small businesses = \$28,080.

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

Change to reporting requirements: It is estimated there will be a cost savings to large businesses from decreased volume of reporting, although an initial investment of time will be needed to change electronic laboratory reporting automation.

Calculation: 522,000 negative tests x 90% (the proportion of reporters that are non-small businesses) / 120 (assume it takes 30 seconds to enter a result) x \$20 (the salary for med tech) = \$78,000 cost savings. 93 organizations x 2 hours of programming x \$75/hour to configure electronic laboratory reporting systems x = \$13,950 investment in system configuration changes.

Change to sample submission requirements: These laboratories will need to identify positive samples and pack them for shipment. The Department expects non-small laboratories will submit 200 samples a week, for a total of an additional 2 hours of time. This will result in a cost of \$2,080 for the typical non-small laboratory. A search on DWS Firm Find identified 6 non-small businesses that would be affected for a total cost of \$12,480.

Calculation: 2 hours x 52 weeks x \$20 (the salary for technologist) = \$2,080 x 6 non-small business = \$12,480

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**):

Change to reporting requirements: It is estimated there will be cost savings to other organizations that perform COVID testing from decreased volume of reporting.

Calculation: 522,000 negative tests x 1% (the proportion of reporters that are small businesses) / 60 (assume it takes 1 minute to enter a result) x \$20 (the salary for data entry personnel) = \$1,740 cost savings.

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

Electronic laboratory reporting feeds from laboratories and other testing facilities will need to be reconfigured. This is estimated to cost a total of \$13,950 for one-time system configurations across all affected facilities.

Laboratories will need to identify positive samples and pack them for shipment. This is estimated to cost \$28,080 for small businesses and \$12,480 for non-small businesses.

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	FY2023	FY2024	FY2025
State Government	\$5,850	\$5,850	\$5,850
Local Governments	\$0	\$0	\$0
Small Businesses	\$28,080	\$28,080	\$28,080
Non-Small Businesses	\$12,480	\$12,480	\$12,480
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$46,410	\$46,410	\$46,410
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$4,000	\$4,000	\$4,000
Local Governments	\$0	\$0	\$0
Small Businesses	\$17,400	\$17,400	\$17,400
Non-Small Businesses	\$78,000	\$78,000	\$78,000

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Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$99,400	\$99,400	\$99,400
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
The Executive Director of the Department of Health and Human Services, Tracy Gruber has reviewed and approved this fiscal analysis.			

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Section 26-6-3	Title 26, Chapter 23b	Section 26B-1-202

Incorporations by Reference Information

7. Incorporations by Reference:	
A) This rule adds, updates, or removes the following title of materials incorporated by references :	
Official Title of Materials Incorporated (from title page)	Control of Communicable Diseases Manual
Publisher	American Public Health Association
Issue Date	2022
Issue or Version	21st Edition

B) This rule adds, updates, or removes the following title of materials incorporated by references:	
Official Title of Materials Incorporated (from title page)	Human Rabies Prevention – United States, 2008: Recommendations of the Advisory Committee on Immunization Practices
Publisher	Centers for Disease Control and Prevention
Issue Date	May 23, 2008
Issue or Version	57

C) This rule adds, updates, or removes the following title of materials incorporated by references:	
Official Title of Materials Incorporated (from title page)	Compendium of Animal Rabies Prevention and Control, 2016
Publisher	National Association of State Public Health Veterinarians Committee

Issue Date	October 18, 2016
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D) This rule adds, updates, or removes the following title of materials incorporated by references:	
Official Title of Materials Incorporated (from title page)	Red Book 2021-24 Report of the Committee on Infectious Diseases
Publisher	American Academy of Pediatrics
Issue Date	2021
Issue or Version	32nd Edition

E) This rule adds, updates, or removes the following title of materials incorporated by references:	
Official Title of Materials Incorporated (from title page)	Compendium of Measures to Prevent Disease Associated with Animals in Public Settings, 2017
Publisher	National Association of State Public Health Veterinarians Animal Contact Compendium Committee
Issue Date	2017
Issue or Version	243

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	12/15/2022

9. This rule change MAY become effective on:	12/22/2022
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Tracy Gruber, Executive Director	Date:	10/10/2022
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Rule or Section Number:	R414-520	Filing ID: 55021

Agency Information

1. Department:	Health and Human Services	
Agency:	Health Care Financing, Coverage and Reimbursement Policy	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 143102	
City, state and zip:	Salt Lake City, UT 84114-3102	
Contact persons:		
Name:	Phone:	Email:
Craig Devashrayee	801-538-6641	cdevashrayee@utah.gov
Jonah Shaw	385-310-2389	jshaw@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R414-520. Admission Criteria for Medically Complex Children's Waiver
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The purpose of this change is to provide waiver services for children with complex medical needs in accordance with H.B. 200, passed in the 2022 General Session.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
This amendment includes level-of-care requirements to prioritize waiver participation, as increased funding allows for more children to receive waiver services. Criteria is based on scores derived from dependence on medical devices, treatments, therapies, subspecialty services, and impact on parents or guardians. This amendment also includes technical changes.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
The Department of Health and Human Services (Department) expects an increase of about \$1,000,000 to the state budget to provide waiver services to additional children who qualify for the Medically Complex Children's

Waiver. This amount is based on gross expenditures of \$3,505,600 versus gross revenues of \$2,505,600 to provide these services.

B) Local governments:

Local education agencies will see an initial cost due to this legislation. This cost, however, will be offset by funding to provide Medicaid-eligible services in school settings to children with complex medical needs. After costs, these agencies will see net funding of about \$350,000. This amount is based on \$180,000 in total costs offset by \$530,000 in total funding.

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

There is no impact on small businesses as this change will not result in additional costs, fees, taxes, or revenue.

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

There is no impact on non-small businesses as this change will not result in additional costs, fees, taxes, or revenue.

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*):

Up to 130 children who qualify for the waiver, with their families, may see a share of about \$1,000,000 in out-of-pocket savings. Additionally, service providers may see an increase in revenue, but there is no data to estimate an amount.

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

There are no compliance costs to a single person or entity as this change will not result in additional costs, fees, taxes, or revenue.

Regulatory Impact Table

Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$1,000,000	\$1,000,000	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0

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Total Fiscal Cost	\$1,000,000	\$1,000,000	\$0
Fiscal Benefits	FY2023	FY2023	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$350,000	\$350,000	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$1,000,000	\$1,000,000	\$0
Total Fiscal Benefits	\$1,350,000	\$1,350,000	\$0
Net Fiscal Benefits	\$350,000	\$350,000	\$0
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
The Executive Director of the Department of Health and Human Services, Tracy S. Gruber, has reviewed and approved this fiscal analysis. Businesses will not see additional costs, fees, taxes, or revenue.			

Citation Information

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

Section 26B-1-213	Section 26-18-3	Section 26-18-410
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Public Notice Information

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

A) Comments will be accepted until:	12/15/2022
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9. This rule change MAY become effective on:	12/22/2022
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	10/31/2022
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Rule or Section Number:	R426-3	Filing ID: 55026

Agency Information

1. Department:	Health and Human Services	
Agency:	Family Health and Preparedness, Emergency Medical Services	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Contact persons:		
Name:	Phone:	Email:
Guy Dansie	801-560-1544	gdansie@utah.gov
Jonah Shaw	385-310-2389	jshaw@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R426-3. Licensure
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
Following H.B. 441, passed in the 2022 General Session and the consolidation of the Department of Health and Human Services (Department), the Department is updating Rule R426-3 to reflect the statutory requirements for community paramedicine.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
This amendment updates the scope of operations to allow for a ground ambulance provider to provide arranged patient care services through a community paramedicine program. It also updates language and subsections not currently compliant with the Utah Rulewriting Manual.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
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A) State budget:			
The Department does not anticipate that this rule will result in a fiscal impact to the state budget. This rule amendment serves as authorization for an EMS provider to provide local services to patients. The Department's role in the process is receiving notification that they are providing the service. The Department simply documents their information as part of their existing license or designation record.			
B) Local governments:			
There is no aggregate anticipated cost or savings to local governments because this rule does not impose any additional requirements upon them.			
C) Small businesses ("small business" means a business employing 1-49 persons):			
If a small business chooses to provide these EMS services it may result in a fiscal benefit due to the collection of fees for the service. It is inestimable how many businesses will provide this service.			
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):			
If a non-small business chooses to provide these EMS services it may result in a fiscal benefit due to the collection of fees for the service. It is inestimable how many businesses will provide this service.			
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 persons other than small businesses, non-small businesses, state, or local government entities because this amendment does not fiscally impact the requirements for persons other than small businesses, non-small businesses, state, or local government entities.			
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):			
There are no compliance costs 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	FY2023	FY2024	FY2025
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	FY2023	FY2024	FY2025
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 comments on fiscal impact and approval of regulatory impact analysis:			
The Executive Director of the Department of Health and Human Services, Tracy Gruber, has reviewed and approved this regulatory impact analysis.			

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Subsection 26-8a-105(5)(a)	Title 26, Chapter 8a	

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	12/15/2022
9. This rule change MAY become effective on:	12/22/2022
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Tracy Gruber, Executive Director	Date:	10/31/2022
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Rule or Section Number:	R501-1	Filing ID:	55022
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Agency Information

1. Department:	Health and Human Services		
Agency:	Administration, Services, Licensing	Administrative	
Building:	MASOB		
Street address:	195 N 1950 W		
City, state and zip:	Salt Lake City, UT 84116		
Contact persons:			
Name:	Phone:	Email:	
Janice Weinman	385-321-5586	jweinman@utah.gov	
Jonah Shaw	385-310-2389	jshaw@utah.gov	
Please address questions regarding information on this notice to the agency.			

General Information

2. Rule or section catchline:
R501-1. General Provisions for Licensing
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
This proposed amendment brings this rule into compliance with the requirements of providers as outlined in H.B. 239 passed in the 2022 General Session.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
This amendment updates congregate care weekly voice to voice communication requirements to allow a modification plan to be submitted to the Office of Licensing (Office). This amendment also adds requirement for congregate care programs to only accept transport of youth to Utah if registered with Utah.

Fiscal Information

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

A) State budget:

There is no aggregate anticipated cost or savings to state budget, as the legislature built collection of fees into the statute to pass on to the registrants which will allow the Office to recover the costs associated with setting up a transportation company registry. This filing mirrors the emergency filing while the Office works to make comprehensive rule updates in the coming months.

B) Local governments:

There is no aggregate anticipated cost or savings to local governments because this rule does not impose any additional requirements upon them.

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

The Office has determined that small business transportation companies will be impacted by this rule change. The Office has no idea how many transportation companies exist or how many employees each may have, which prevents the Office from providing an aggregate anticipated cost for them. These entities will be required to submit an application, pay a registration fee and complete the Utah Department Health and Human Services (DHHS) background clearances for all individuals transporting youth to Utah congregate care programs. The fees assessed will cover the following added tasks to our staff: creating applications and posting publicly, messaging to programs regarding the new requirement and registry process, manually processing applications, collecting proof of insurance and business licenses, entering applications and background clearances (via 2 databases), developing and monitoring databases, managing public inquiries and educating the registrants. An additional manual task will be enlisting the Management Information Center (MIC) to develop a means to collect data to inform the legislator of the outcome of this registry. Cost to each company during this first year of registrations will be \$500 per agency application (as approved by the Executive Director's office of DHHS). Individual background clearances will already be covered by the already built-in \$9 per application fee.

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

The Office is unable to provide data for non-small businesses who may run or operate transportation companies. Any non-small business transportation companies would be required to submit an application, pay a registration fee and complete the Utah DHHS background clearances for all individuals transporting youth to Utah congregate care programs. The fees assessed will cover the following added tasks to our staff: creating applications and posting publicly, messaging to programs regarding the new requirement and registry

process, manually processing applications, collecting proof of insurance and business licenses, entering applications and background clearances (via 2 databases), developing and monitoring databases, managing public inquiries and educating the registrants. An additional manual task will be enlisting the Management Information Center (MIC) to develop a means to collect data to inform the legislator of the outcome of this registry. Cost to each company during this first year of registrations will be \$500 per agency application (as approved by the Executive Director's office of DHHS). Individual background clearances will already be covered by the already built-in \$9 per application fee.

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**):

Persons who may incur a cost would be employees of the transportation companies if the company does not pay for their background clearance. The Office does not have any data to reference to estimate how many companies exist or how many may absorb or pass on their fee costs to their employees. All clearances for employees and associates of licensees in Utah incur a \$42.50 per application cost to cover Department of Public Safety (\$33.50) and Office processing (\$9).

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

Flat registration one-time fee of \$500 per company, which could be an individual or a grouping of individuals, with \$42.50 per employee for background clearances.

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	FY2023	FY2024	FY2025
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	FY2023	FY2024	FY2025
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 comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Health and Human Services, Tracy Gruber, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Section 62A-2-123		
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Public Notice Information

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

A) Comments will be accepted until:	12/15/2022
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9. This rule change MAY become effective on:	12/22/2022
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Tracy Gruber, Executive Director	Date:	10/31/2022
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Rule or Section Number:	R612-300-4	Filing ID:	55017
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Agency Information

1. Department:	Labor Commission	
Agency:	Industrial Accidents	
Room number:	3rd Floor	
Building:	Heber M. Wells Building	
Street address:	160 E 300 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 146600	
City, state and zip:	Salt Lake City, UT 84114-6600	
Contact persons:		
Name:	Phone:	Email:
Ron Dressler	801-530-6841	rdressler@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R612-300-4. General Method of Computing Medical Fees
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The purpose of this amendment is to adopt, with modifications, the Optum 2022 Essential Resource-Based Relative Value Schedule (RBRVS) 2022 1st Quarter Update and to adjust procedures for certain medical specialties, and increase conversion factors.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
The amendment incorporates by reference current versions of the Resource-Based Relative Value Scale (RBRVS), and adjusts the conversion factors for reimbursement codes.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
The National Council on Compensation Insurance projects that overall workers' compensation costs will increase by 0.7% as a result of adoption of the new conversion factors. The Commission presumes that this increase will be passed on to the state in increased workers' compensation premiums.

B) Local governments:			
The National Council on Compensation Insurance projects that overall workers' compensation costs will increase by 0.7% as a result of adoption of the new conversion factors. The Commission presumes that this increase will be passed on to local governments in increased workers' compensation premiums.			
C) Small businesses ("small business" means a business employing 1-49 persons):			
The National Council on Compensation Insurance projects that overall workers' compensation costs will increase by 0.7% as a result of adoption of the new conversion factors. The Commission presumes that this increase will be passed on to small businesses in increased workers' compensation premiums.			
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):			
The National Council on Compensation Insurance projects that overall workers' compensation costs will increase by 0.7% as a result of adoption of the new conversion factors. The Commission presumes that this increase will be passed on to non-small businesses in increased workers' compensation premiums.			
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 National Council on Compensation Insurance projects that overall workers' compensation costs will increase by 0.7% as a result of adoption of the new conversion factors. The Commission presumes that this increase will be passed on in increased workers' compensation premiums.			
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):			
The National Council on Compensation Insurance projects that overall workers' compensation costs will increase by 0.7% as a result of adoption of the new conversion factors. The Commission presumes that this increase will be passed on in increased workers' compensation premiums.			
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	FY2023	FY2024	FY2025
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	FY2023	FY2024	FY2025
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 comments on fiscal impact and approval of regulatory impact analysis:			
The Commissioner of the Labor Commission, Jaceson R. Maughan, has reviewed and approved the regulatory impact analysis of this rule change.			

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Section 34A-1-101	Section 34A-2-201	

Incorporations by Reference Information

7. Incorporations by Reference:	
A) This rule adds, updates, or removes the following title of materials incorporated by references:	
Official Title of Materials Incorporated (from title page)	Essential RBRVS Data File User Guide
Publisher	Optum
Issue or Version	2022 1st Quarter Update

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

Official Title of Materials Incorporated (from title page)	Current Procedural Coding Expert
Publisher	Optum360
Issue or Version	2022

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	12/15/2022

9. This rule change MAY become effective on:	12/22/2022
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Jaceson R. Maughan, Commissioner	Date:	10/28/2022
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Rule or Section Number:	R612-400-4	Filing ID: 55015

Agency Information

1. Department:	Labor Commission	
Agency:	Industrial Accidents	
Room number:	3rd Floor	
Building:	Heber M. Wells	
Street address:	160 E 300 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 146600	
City, state and zip:	Salt Lake City, UT 84114-6600	
Contact persons:		
Name:	Phone:	Email:
Ron Dressler	801-530-6841	rdressler@utah.gov

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

General Information

2. Rule or section catchline:
R612-400-4. Waivers
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The purpose of this amendment is to allow for electronic processing of workers' compensation waivers.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
The amendment incorporates proposed changed to Section R612-400-4, specifically, entering Electronic Processing under Item D1-2 and moving the remaining sections down one letter.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
There will be no cost or savings to the state budget since this change just allows for electronic processing of waivers.
B) Local governments:
There will be no cost or savings to local governments since this change just allows for electronic processing of waivers.
C) Small businesses ("small business" means a business employing 1-49 persons):
There will be no cost or savings to small businesses since this change just allows for electronic processing of waivers.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There will be cost or savings to non-small businesses since this change just allows for electronic processing of waivers.
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>):
There should be no cost or savings since this change just allows for the electronic processing of waivers.
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There should be no compliance costs for affected person since the change just allows of the electronic processing of waivers.

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	FY2023	FY2024	FY2025
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	FY2023	FY2024	FY2025
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 comments on fiscal impact and approval of regulatory impact analysis:

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

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:
Subsection 59-9-001(2)

Public Notice Information

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

A) Comments will be accepted until:	12/15/2022
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9. This rule change MAY become effective on:	12/22/2022
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Jaceson R. Maughan, Commissioner	Date:	10/28/2022
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Rule or Section Number:	R612-400-5	Filing ID:	55014
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Agency Information

1. Department:	Labor Commission		
Agency:	Industrial Accidents		
Room number:	3rd Floor		
Building:	Heber M Wells		
Street address:	160 E 300 S		
City, state and zip:	Salt Lake City, UT 84111		
Mailing address:	PO Box 146600		
City, state and zip:	Salt Lake City, UT 84114-6600		
Contact persons:			
Name:	Phone:	Email:	
Ron Dressler	801-530-6841	rdressler@utah.gov	
Please address questions regarding information on this notice to the agency.			

General Information

2. Rule or section catchline:
R612-400-5. Premium Rates for the Uninsured Employers' Fund and the Employers' Reinsurance Fund
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

The purpose of this rule change is to establish the premium rates for the Uninsured Employers' Fund and the Employers' Reinsurance Fund for the 2023 calendar year.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

There will be no change in the rates for the 2023 calendar year, so the only change is to the effective date of 01/02/2023.

Fiscal Information

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

A) State budget:

There should be no cost or savings to the state budget as the rates will remain the same as in 2022.

B) Local governments:

There should be no cost or savings to local governments as the rates will remain the same as in 2022.

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

There should be no cost or savings to small businesses as the rates will remain the same as in 2022.

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

There should be no cost or savings to non-small businesses as the rates will remain the same as in 2022.

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 should be no cost or savings as the rates will remain the same for 2023 as they were in 2022.

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

There should be no compliance costs for affected persons as the rates are remaining the same as in 2022.

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	FY2023	FY2024	FY2025
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	FY2023	FY2024	FY2025
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 comments on fiscal impact and approval of regulatory impact analysis:			
The Commissioner of the Labor Commission, Jaceson R. Maughan, has reviewed and approved the regulatory impact analysis of this rule change.			

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Subsection 59-9-001(2)		

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	12/15/2022

9. This rule change MAY become effective on:	12/22/2022
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Jaceson R. Maughan, Commissioner	Date:	10/28/2022
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Rule or Section Number:	R990-200	Filing ID: 55024

Agency Information

1. Department:	Workforce Services	
Agency:	Housing and Community Development	
Building:	Olene Walker Building	
Street address:	140 E 300 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 45244	
City, state and zip:	Salt Lake City, UT 84145-0244	
Contact persons:		
Name:	Phone:	Email:
Amanda B. McPeck	801-526-9653	ampeck@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R990-200. Private Activity Bonds
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
This rule change clarifies application criteria and requirements to ensure bonds are allocated to the most appropriate borrowers; and makes changes to require compliance with Private Activity Bond Board of Review (Board of Review) policy and procedure and ensure program staff have sufficient time to thoroughly review applications before a Board of Review meeting.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

The rule change adds to the current "good standing" criteria by providing that an applicant for a multi-family project is not in good standing if, at any time in the five years preceding the submission of the application, the applicant has been in bad standing with the Utah Housing Corporation; changes the application deadline to 55 calendar days before the Board of Review meeting at which the Board of Review will consider the application; allows applicants to submit application documents after the deadline only if program staff first request that they do so; explicitly references Board of Review policies and provides information regarding where applicants may access the most recent version online; changes the extension request deadline to 55 days before the Board of Review meeting; and imposes an extension fee for each extension request, including the first extension request.

This rule change also makes technical, conforming, and stylistic changes in accordance with the Utah Rulewriting Manual and current Department of Workforce Services organization, policy, and procedure.

Fiscal Information

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

A) State budget:

This rule change is not expected to have any fiscal impact on state revenues or expenditures. There are no additional state employees or resources needed to oversee this rule change. This rule change will not increase workload and can be carried out with existing budget. This rule change does not change the current available bond cap.

B) Local governments:

This rule change is not expected to have any fiscal impact on local governments' revenues or expenditures because the program does not rely on local governments for funding, administration, or enforcement. A small positive impact could be realized in increased local tax revenue provided by applicants utilizing bonds to create or grow a housing or manufacturing project in any given local municipality.

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

This rule change is expected to have indirect positive fiscal impact on small businesses because it provides a more transparent process for an applicant ascertaining the viability of their application. Otherwise, there is no impact to small businesses because this rule change does not address any general business practices outside of offering a specific financing mechanism.

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

This rule change is expected to have indirect positive fiscal impact on non-small businesses because it provides a more transparent process for an applicant ascertaining the viability of their application. Otherwise, there is no impact to non-small businesses because this rule change does not address any general business practices outside of offering a specific financing mechanism.

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 is no fiscal impact to other persons. The rule change requires no action or compliance by a person other than a business submitting an application to the Board of Review.

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

The Board of Review is required to charge reasonable fees pursuant to Subsection 35A-8-2104(8). This rule change imposes an administrative fee to a recipient seeking an extension of a previously approved and current volume cap allocation. The proposed rule change does not establish the amount of the fee.

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	FY2023	FY2024	FY2025
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	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0

NOTICES OF PROPOSED RULES

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 comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Workforce Services, Casey Cameron, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Section		
35A-8-2104		

Incorporations by Reference Information

7. Incorporations by Reference:

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

Official Title of	Private Activity Bond Program-
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Materials Incorporated (from title page)	Policies and Procedures ("Policies")
Publisher	Utah Department of Workforce Services, Housing & Community Development
Issue Date	October 2022

Public Notice Information

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

A) Comments will be accepted until:	12/15/2022
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9. This rule change MAY become effective on:	12/22/2022
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Casey Cameron, Executive Director	Date:	10/31/2022
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End of the Notices of Proposed Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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

A **REVIEW** is not followed by the rule text. The rule text that is being continued may be found in the online edition of the *Utah Administrative Code* available at adminrules.utah.gov. 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		
Rule Number:	R17-5	Filing ID: 53479
Effective Date:	10/18/2022	

Agency Information

1. Department:	Government Operations	
Agency:	Archives and Records Service	
Street address:	346 S Rio Grande Street	
City, state and zip:	Salt Lake City, UT 84101	
Contact persons:		
Name:	Phone:	Email:
Kendra Yates	801-531-3856	kendrayates@utah.gov
Rebekkah Shaw	801-531-3851	rshaw@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R17-5. Definitions of Rules in Title 17
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
The authorizing, implemented, or interpreted law is Section 63A-12-104.

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:
There are no comments since the last five-year review.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
The definitions identified in Section R17-5-1 are specific to the Utah State Archives records management and records access information. Without context it is difficult to understand the use of the word in the law. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Kenneth Williams, Director	Date:	10/18/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R17-6	Filing ID: 53480
Effective Date:	10/18/2022	

Agency Information

1. Department:	Government Operations
Agency:	Archives and Records Service
Street address:	346 S Rio Grande Street
City, state and zip:	Salt Lake City, UT 84101

Contact persons:		
Name:	Phone:	Email:
Kendra Yates	801-531-3856	kendrayates@utah.gov
Rebekkah Shaw	801-531-3851	rshaw@utah.gov

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

General Information

2. Rule catchline:
R17-6. Records Storage and Disposal at the State Records Center
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 63A-12-104(1) authorizes rules regarding the storage and management of records. The State Record Center destroys records in accordance with retention schedules approved by the Records Management Committee which was created under Section 63A-12-112.
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 comments have been received in support or opposition of 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:
This rule clarifies ownership of the records stored at the State Records Center. It also clarifies the responsibilities of the Division of Archives regarding the storage of government records at the State Records Center and the responsibilities of the owning governmental entity. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Kenneth Williams, Director	Date:	10/18/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R17-7	Filing ID: 53481
Effective Date:	10/18/2022	

Agency Information

1. Department:	Government Operations	
Agency:	Archives and Records Service	
Street address:	346 S Rio Grande Street	
City, state and zip:	Salt Lake City, UT 84101	
Contact persons:		
Name:	Phone:	Email:
Kendra Yates	801-531-3856	kendrayates@utah.gov
Rebekkah Shaw	801-531-3851	rshaw@utah.gov

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

General Information

2. Rule catchline:
R17-7. Archival Records Care and Access at the State Archives
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 Subsection 63A-12-104(1). Records are property of the state under Section 63A-12-105. Historical records are placed in the custody of the State Archivist per Utah Code Sections 63G-2-604, 63A-12-102, 63A-12-103, and 63A-12-105.
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 comments have been received in support or opposition of 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:
This rule clarifies ownership of the records managed at the State Archives and how the public may access those records in the Research Center. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Kenneth Williams, Director	Date:	10/18/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R17-8	Filing ID: 53482
Effective Date:	10/24/2022	

Agency Information

1. Department:	Government Operations	
Agency:	Archives and Records Service	
Street address:	346 S Rio Grande Street	
City, state and zip:	Salt Lake City, UT 84101	
Contact persons:		
Name:	Phone:	Email:
Kendra Yates	801-531-3856	kendrayates@utah.gov
Rebekkah Shaw	801-531-3851	rshaw@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R17-8. Application of Microfilm Standards
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
The authorizing, implemented, or interpreted law is under Subsection 63A-12-104(1) this rule establishes a procedure for the microfilming standards of permanent and long-term records.
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:
There are no comments since the last five-year review.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule establishes a procedure for the microfilming standards of permanent and long-term records. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Kenneth Williams, Director	Date:	10/24/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R156-31b	Filing ID: 54045
Effective Date:	10/27/2022	

Agency Information

1. Department:	Commerce	
Agency:	Professional Licensing	
Building:	Heber M Wells Building	
Street address:	160 E 300 S	
City, state and zip:	Salt Lake City, UT 84111-2316	
Mailing address:	PO Box 146741	
City, state and zip:	Salt Lake City, UT 84114-6741	
Contact persons:		
Name:	Phone:	Email:
Jeff Busjahn	801-530-6628	jbusjahn@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R156-31b. Nurse Practice Act Rule
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Title 58, Chapter 31b, provides for the licensure and regulation of various classifications of nurses (licensed practical nurse, registered nurse apprentice, registered nurse, advanced practice registered nurse intern, advanced practice registered nurse, advanced practice registered nurse/CRNA (certified registered nurse anesthetist) without prescriptive practice and medication aide certified). Subsection 58-1-106(1) provides that the Division of Professional Licensing (Division) may adopt and enforce rules to administer Title 58. Subsection 58-1-202(1)(a) provides that the Board of Nursing's duties, functions and responsibilities includes recommending to the director appropriate rules. This rule was enacted to clarify the provisions of Title 58, Chapter 31b, with respect to various classifications of nurses identified above.
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:
Since this rule was last reviewed in January 2018, the rule has been amended four times. The Division received a December 1, 2020 email from Jeanette Johnson with Chrysalis in support of proposed amendments especially the delegation of some tasks to unlicensed assistive

personnel. This written comment was received by the Division in response to proposed amendments which were filed and made effective on 01/08/2021. With regards to OAR file ID 44112, the Division received a 11/07/2019 email from Jennifer Clifton with University of Utah College of Nursing in which she asked the Division nursing bureau manager a clarifying question related to proposed amendments in this file ID 44112. With regards to OAR file ID 43825, the Division received the following written comments in support of the Division's proposed amendments: 08/04/2019 email from Kathleen Kaufman; 07/15/2019 email from Diane Forster-Burke; 04/10/2019 email from Dirk with Utah Health Care Association, and an 04/29/2019 email from Scott Ambrose with Utah Assisted Living Association.

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

This rule is necessary as it provides a mechanism to inform potential licensees of the requirements for licensure as allowed under statutory authority provided in Title 58, Chapter 31b. This rule is also necessary as it provides information to ensure applicants for licensure are adequately trained and meet minimum licensure requirements, and provides licensees with information concerning unprofessional conduct, definitions, and ethical standards relating to the profession. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Mark B. Steinagel, Division Director	Date:	10/27/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R156-49	Filing ID:	50284
Effective Date:	10/27/2022		

Agency Information

1. Department:	Commerce
Agency:	Professional Licensing
Building:	Heber M Wells Building
Street address:	160 E 300 S
City, state and zip:	Salt Lake City, UT 84111-2316
Mailing address:	PO Box 146741
City, state and zip:	Salt Lake City, UT 84114-6741

Contact persons:		
Name:	Phone:	Email:
Lynne Anthony	801-530-6628	lanthony@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R156-49. Dietitian Certification Act Rule
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Title 58, Chapter 49, provides for the certification and regulation of dietitians. Subsection 58-1-106(1) provides that the Division of Professional Licensing (Division) may adopt and enforce rules to administer Title 58. Subsection 58-1-202(1)(a) provides that the Dietitian Board's duties, functions, and responsibilities includes recommending to the director appropriate rules. This rule was enacted to clarify the provisions of Title 58, Chapter 49, with respect to certified dietitians.
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:
Since this rule was last reviewed in November 2017, the Division has received no written comments with respect to 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:
This rule is necessary as it provides a mechanism to inform potential certified dietitians of the requirements for certification as allowed under statutory authority provided in Title 58, Chapter 49. This rule is also necessary as it provides information to ensure applicants for certification are adequately trained and meet minimum certification requirements, and provides certified dietitians with information concerning unprofessional conduct, definitions, and ethical standards relating to the profession. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Mark B. Steinagel, Division Director	Date:	07/18/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R156-68	Filing ID: 52272
Effective Date:	10/31/2022	

Agency Information

1. Department:	Commerce	
Agency:	Professional Licensing	
Building:	Heber M Wells Building	
Street address:	160 E 300 S	
City, state and zip:	Salt Lake City, UT 84111-2316	
Mailing address:	PO Box 146741	
City, state and zip:	Salt Lake City, UT 84114-6741	
Contact persons:		
Name:	Phone:	Email:
Larry Marx	801-530-6628	lmarx@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R156-68. Utah Osteopathic Medical Practice Act Rule
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Title 58, Chapter 68, provides for the licensure and regulation of osteopathic physicians and surgeons. Subsection 58-1-106(1) provides that the Division of Professional Licensing (Division) may adopt and enforce rules to administer Title 58. Subsection 58-1-202(1)(a) provides that the Osteopathic Physician and Surgeon's Licensing Board's duties, functions, and responsibilities includes recommending to the director appropriate rules. This rule was enacted to clarify the provisions of Title 58, Chapter 68, with respect to osteopathic physicians and surgeons.
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:
Since this rule was last reviewed in January 2018, the Division has received no written comments with respect to 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:
This rule is necessary as it provides a mechanism to inform potential licensees of the requirements for licensure

as allowed under statutory authority provided in Title 58, Chapter 68. This rule is also necessary as it provides information to ensure applicants for licensure are adequately trained and meet minimum licensure requirements, and provides licensees with information concerning unprofessional conduct, definitions, and ethical standards relating to the profession. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Mark B. Steinagel, Division Director	Date:	10/31/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R357-21	Filing ID: 54825
Effective Date:	11/01/2022	

Agency Information

1. Department:	Governor	
Agency:	Economic Opportunity	
Building:	World Trade Center	
Street address:	60 E. South Temple	
City, state and zip:	Salt Lake City, UT 84111	
Contact persons:		
Name:	Phone:	Email:
Dane Ishihara	801-792-8764	dishihara@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R357-21. Rural Jobs Act
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 63N-4-304(4) requires the Office of Economic Opportunity to make rules describing the administration of the rural jobs act and documentation requirements for a business to receive a tax credit certificate.
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 comments have been received.

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

This rule is authorized and mandated by state law. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Dane Hemmert, Executive Director	Date:	11/01/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R380-50	Filing ID:	50886
Effective Date:	10/31/2022		

Agency Information

1. Department:	Health and Human Services		
Agency:	Administration (Health)		
Room number:	4th Floor		
Building:	MASOB		
Street address:	195 N 1950 W		
City, state and zip:	Salt Lake City, UT 84116		
Contact persons:			
Name:	Phone:	Email:	
Heather Borski	385-348-1340	hborski@utah.gov	
Jonah Shaw	385-310-2389	jshaw@utah.gov	
Please address questions regarding information on this notice to the agency.			

General Information

2. Rule catchline:
R380-50. Local Health Department Funding Allocation Formula
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 promulgated under the authority of Section 26A-1-116, which directs the Utah Department of Health and Human Services to establish, by rule, a formula for allocating funds by contract to local health departments. This rule specifies the formula for allocating state-appropriated funds to local health departments by contract.

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 have been received.

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

This rule is required by statute. It specifies the formula for allocating state-appropriated funds to local health departments by contract. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Tracy Gruber, Executive Director	Date:	10/30/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R414-517	Filing ID:	52747
Effective Date:	10/31/2022		

Agency Information

1. Department:	Health and Human Services		
Agency:	Health Care Financing, Coverage and Reimbursement Policy		
Building:	Cannon Health Building		
Street address:	288 N 1460 W		
City, state and zip:	Salt Lake City, UT 84116		
Mailing address:	PO Box 143102		
City, state and zip:	Salt Lake City, UT 84114-3102		
Contact persons:			
Name:	Phone:	Email:	
Craig Devashrayee	801-538-6641	cdevashrayee@utah.gov	
Jonah Shaw	385-310-2389	jshaw@utah.gov	
Please address questions regarding information on this notice to the agency.			

General Information

2. Rule catchline:
R414-517. Inpatient Hospital Provider Assessments

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 and Human Services (Department) to implement Medicaid policy through administrative rules, and Title 26, Chapter 36b, governs provisions for inpatient hospital assessments.

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 has determined that this rule is necessary because it implements the Inpatient Hospital Assessment Act with its provisions for hospital audits, changes in hospital status, intergovernmental transfers, and penalties and interest. An amendment to correct outdated information is in the Department's workflow. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	10/30/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R495-861	Filing ID:	51173
Effective Date:	10/17/2022		

Agency Information

1. Department:	Health and Human Services		
Agency:	Administration (Human Services)		
Building:	MASOB		
Street address:	195 N 1950 W		
City, state and zip:	Salt Lake City, UT 84116		
Contact persons:			
Name:	Phone:	Email:	
Jonah Shaw	385 310-2389	jshaw@utah.gov	
Curt Williams	385 272-4220	chwilliams@utah.gov	

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

General Information

2. Rule catchline:

R495-861. Requirements for Local Discretionary Social Services Block Grant Funds

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 was authorized by Section 62A-1-111, now Section 26B-1-202, and provides explanation for how applicable grant funds will be allocated among the counties. This rule includes an expectation for the counties to also provide some local funding to participate.

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 have been received.

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

This rule is suggested for continuation to support the applicable grant funds allocation for local discretionary purposes and continued local government funding participation, subject to Department of Health and Human Services' (Department) decision regarding continuing the distribution of the grant funds each year. The Department is working to amend this rule to clean up outdated language and citations. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Tracy Gruber, Executive Director	Date:	10/17/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R590-152	Filing ID:	54582
Effective Date:	10/31/2022		

Agency Information

1. Department:	Insurance
Agency:	Administration
Room number:	Suite 2300
Building:	Taylorville State Office Building
Street address:	4315 S 2700 W

City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 146901	
City, state and zip:	Salt Lake City, UT 84114-6901	
Contact persons:		
Name:	Phone:	Email:
Steve Gooch	801-957-9322	sgooch@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R590-152. Health Discount Programs and Value-Added Benefit Rule
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 31A-2-201 authorizes the insurance commissioner to write rules to implement Title 31A, the Insurance Code. Section 31A-8a-210 authorizes the insurance commissioner to write rules to enforce Chapter 8a, Health Discount Program Consumer Protection Act, and to protect the public interest.
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 of 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 is necessary because it authorizes the Department to license and regulate health discount programs and those who market and operate them. It also allows the Department to review the forms these programs use to ensure that they comply with the law and avoid using words and terms that would give the purchaser the impression that the program is insurance. This rule also requires managers of health discount programs to provide a website so members can view a current list of health discount plan providers. This rule reduces fraud and uncertainty in the market. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	10/31/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R590-242	Filing ID: 51423
Effective Date:	10/31/2022	

Agency Information

1. Department:	Insurance	
Agency:	Administration	
Room number:	Suite 2300	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 146901	
City, state and zip:	Salt Lake City, UT 84114-6901	
Contact persons:		
Name:	Phone: Email:	
Steve Gooch	801-957-9322	sgooch@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R590-242. Military Sales Practices
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)(a) authorizes the insurance commissioner to write rules to implement Title 31A, the Insurance Code. Subsection 31A-23a-402(8)(a) authorizes the insurance commissioner to implement rules after a finding of fact that determines certain actions to be unfair or deceptive methods of competition in the business of insurance.
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 of Insurance 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 is necessary because it set standards to protect active duty service members of the United States Armed Forces from dishonest and predatory insurance sales practices by declaring certain practices to be false,

misleading, deceptive, or unfair. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	10/31/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R590-265	Filing ID:	51438
Effective Date:	10/31/2022		

Agency Information

1. Department:	Insurance	
Agency:	Administration	
Room number:	Suite 2300	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 146901	
City, state and zip:	Salt Lake City, UT 84114-6901	
Contact persons:		
Name:	Phone:	Email:
Steve Gooch	801-957-9322	sgooch@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R590-265. Hazardous Financial Condition Rule
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 31A-2-201 authorizes the insurance commissioner to write rules to implement Title 31A, the Insurance Code. Subsection 31A-27-503(1)(a)(v) authorizes the insurance commissioner to take action whenever an insurer is determined to be in a hazardous financial condition or a potentially hazardous financial condition. Subsection 31A-27a-101(3)(c) authorizes the insurance commissioner to align the definition of "hazardous financial condition" with definitions set forth in the Model Regulation to Define Standards and Commissioner's Authority for Companies Deemed to be in Hazardous Financial Condition.

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 of 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 comprises a national standard set by the NAIC. This rule is necessary for the Department to maintain its accreditation status. This rule sets forth standards that the commissioner may use to identify insurers that may be in a hazardous financial condition, which protects policyholders, creditors, and the general public from potential default. It also shows insurers the standards that are indicative of a hazardous financial condition and can help them avoid such a condition. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	10/31/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R655-5	Filing ID:	51717
Effective Date:	10/19/2022		

Agency Information

1. Department:	Natural Resources	
Agency:	Water Rights	
Room number:	220	
Street address:	1594 W North Temple	
City, state and zip:	Salt Lake City, UT 84116	
Contact persons:		
Name:	Phone:	Email:
Marianne Burbidge	801-538-7370	marianneburbidge@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R655-5. Maps Submitted to the Division of Water Rights
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Subsection 73-2-1(3)(b)(i) and Sections 73-3-2, 73-3-3, and 73-3-16 establish when maps must be submitted and the minimum standards that must be met for the maps to be accepted by the State Engineer.

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 comments have been received in 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 is still required for processing and acceptance by the State Engineer. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Teresa Wilhelmson, State Engineer/Director	Date:	10/19/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R657-23	Filing ID:	51744
Effective Date:	10/31/2022		

Agency Information

1. Department:	Natural Resources		
Agency:	Wildlife Resources		
Room number:	Suite 2110		
Building:	DNR – Salt Lake Complex		
Street address:	1594 W North Temple		
City, state and zip:	Salt Lake City, UT 84116		
Mailing address:	PO Box 146301		
City, state and zip:	Salt Lake City, UT 84114-6301		
Contact persons:			
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:
R657-23. Utah Hunter Education and Furharvester Education Programs

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

Under Sections 23-14-18, 23-14-19, and 23-19-11, the Wildlife Board is authorized to adopt rules to prescribe safety measures and provide the process for obtaining proof of successfully completing an approved hunter education course.

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 supporting or opposing Rule R657-23 were received since 2017, when this rule was last reviewed.

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

Rule R657-23 provides the procedures and requirements for presenting and obtaining proof of having successfully completed an approved hunter education course. The procedures adopted in this rule have provided an effective and efficient process. This rule is necessary for continued success of the hunter education program. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Justin Shirley, DWR Director	Date:	10/31/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R657-33	Filing ID:	54340
Effective Date:	10/31/2022		

Agency Information

1. Department:	Natural Resources		
Agency:	Wildlife Resources		
Room number:	Suite 2110		
Building:	DNR – Salt Lake Complex		
Street address:	1594 W North Temple		
City, state and zip:	Salt Lake City, UT 84116		
Mailing address:	PO Box 146301		
City, state and zip:	Salt Lake City, UT 84114-6301		

Contact persons:		
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:
R657-33. Taking Bear
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:
No written comments supporting or opposing Rule R657-33 were received since 2017, when this rule was last reviewed. This rule has been amended during the five-year period and was presented at Regional Advisory Councils and approved by the Wildlife Board in accordance to Section 23-14-18.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Rule R657-33 provides the procedures, standards, and requirements for taking and pursuing bear. The provisions adopted in this rule are effective in providing the standards and requirements for taking and pursuing bear. This rule is necessary for continued success of this program. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Justin Shirley, DWR Director	Date:	10/31/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R746-200	Filing ID:	51947
Effective Date:	10/31/2022		

Agency Information

1. Department:	Public Service Commission
Agency:	Administration

Building:	Heber M Wells Building
Street address:	160 E 300 S, 4th Floor
City, state and zip:	Salt Lake City, UT 84111
Mailing address:	PO Box 4558
City, state and zip:	Salt Lake City, UT 84114-4558

Contact persons:		
Name:	Phone:	Email:
Michael Hammer	801-530-6729	michaelhammer@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R746-200. Residential Utility Service Rules for Electric, Gas, Water, and Sewer Utilities
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
The Public Service Commission (PSC) is charged with regulating public utilities and ensuring the rates and terms that customers receive are just, reasonable, and non-discriminatory, see Sections 54-4-1 and 54-4-4. The PSC is statutorily empowered and required to adopt rules to ensure rate regulation is just, reasonable, and in the public interest. The PSC is also statutorily required to hear and adjudicate customer complaints with respect to utility service, and where appropriate to impose statutory penalties for utility violations of statute, rule, or order, see Sections 54-7-9 and 54-7-25. This Rule, R746-200, establishes residential utility service rules for electric, gas, water, and sewer utilities consistent with and as required by these statutory provisions. This rule also establishes processes by which customers may file complaints, the manner in which the PSC will resolve such complaints, and any penalties that may attach to utility violations of statute, rule, or order.
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 PSC has received no written comments from any interested person supporting or opposing this rule since the last five-year review.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
The PSC has received no notice of opposition to continuation of this rule. This rule is necessary because it is required to comply with Title 54 as discussed in Box 3

above, see Sections 54-4-1, 54-4-4, 54-4-4.1, 54-4-7, 54-7-9, and 54-7-25. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Thad LeVar, PSC Chair	Date:	10/31/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R746-346	Filing ID: 51967
Effective Date:	10/31/2022	

Agency Information

1. Department:	Public Service Commission	
Agency:	Administration	
Building:	Heber M Wells Building	
Street address:	160 E 300 S, 4th Floor	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 4558	
City, state and zip:	Salt Lake City, UT 84114-4558	
Contact persons:		
Name:	Phone:	Email:
John Delaney	801-530-6724	jdelaney@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R746-346. Operator-Assisted Services
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 54-8b-13 requires the Utah Public Service Commission (PSC) to establish rules to implement requirements for operator-assisted services in Utah. Section 54-4-1 provides the legislative grant of supervisory and regulatory authority to the PSC over public utilities in Utah, including with respect to operator-assisted services.
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 PSC has received no written comments from any interested person supporting or opposing this rule since the last five-year review.

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

Section 54-8b-13 continues to require this rule. This rule ensures that customers of operator-assisted services are informed of rates, surcharges, and terms and conditions of using operator-assisted services. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Thad LeVar, PSC Chair	Date:	10/31/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R746-356	Filing ID: 51969
Effective Date:	10/31/2022	

Agency Information

1. Department:	Public Service Commission	
Agency:	Administration	
Building:	Heber M Wells Building	
Street address:	160 E 300 S, 4th Floor	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 4558	
City, state and zip:	Salt Lake City, UT 84114-4558	
Contact persons:		
Name:	Phone:	Email:
John Delaney	801-530-6724	jdelaney@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R746-356. Intrastate (IntraLATA) Equal Access To Toll Calling Services By Telecommunications Carriers
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 54-8b-2.2(3) requires the Utah Public Service Commission (PSC) to establish rules to implement the competitive provision of facilities-based intrastate (intraLATA) toll and local exchange services.

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 PSC has received no written comments from any interested person supporting or opposing this rule since the last five-year review.

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

Section 54-8b-2.2(3) continues to require this rule. This rule establishes procedures and methods by which all PSC-certified local exchange carrier telecommunication entities (LECs) will provide and maintain equal access, and customer dialing parity, to intraLATA toll services when requested by one or more PSC or Federal Communications Commission certified telecommunication entities or common carriers. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Thad LeVar, PSC Chair	Date:	10/31/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R810-1	Filing ID:	54923
Effective Date:	10/18/2022		

Agency Information

1. Department:	Higher Education (Utah Board of)		
Agency:	University of Utah, Commuter Services		
Building:	947		
Street address:	311 Fort Douglas Blvd		
City, state and zip:	Salt Lake City, UT 84113		
Contact persons:			
Name:	Phone:	Email:	
Jennifer Hanson	801-585-9481	Jennifer.hanson@utah.edu	
Please address questions regarding information on this notice to the agency.			

General Information

2. Rule catchline:
R810-1. University of Utah Parking Regulations

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

The University of Utah, through the Commuter Services department, is authorized to enact and enforce regulations that govern parking on campus through interpretation of Sections 53B-3-103 and 53B-3-107.

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:

There haven't been any comments received during or since the last five-year review of 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:

University parking rules exist to ensure a safe, orderly campus environment and a fair allocation, and use of, available parking space. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Collin Simmons, Director	Date:	10/18/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R810-8	Filing ID:	54927
Effective Date:	10/18/2022		

Agency Information

1. Department:	Higher Education (Utah Board of)		
Agency:	University of Utah, Commuter Services		
Building:	947		
Street address:	311 Fort Douglas Blvd		
City, state and zip:	Salt Lake City, UT 84113		
Contact persons:			
Name:	Phone:	Email:	
Jennifer Hanson	801-585-9481	Jennifer.hanson@utah.edu	
Please address questions regarding information on this notice to the agency.			

General Information

2. Rule catchline:
R810-8. Vendor Regulations

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

The University of Utah, through the Commuter Services department, is authorized to enact and enforce regulations that govern parking on campus through interpretation of Sections 53B-3-103 and 53B-3-107.

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:

There haven't been any comments received during or since the last five-year review of 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:

University parking rules exist to ensure a safe, orderly campus environment and a fair allocation, and use of, available parking space for all including vendors. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Collin Simmons, Director	Date:	10/18/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R850-83	Filing ID:	52052
Effective Date:	10/20/2022		

Agency Information

1. Department:	School and Institutional Trust Lands		
Agency:	Administration		
Room number:	Suite 500		
Street address:	675 E 500 S		
City, state and zip:	Salt Lake City, UT 84102-2818		
Contact persons:			
Name:	Phone:	Email:	
Mike Johnson	801-538-5180	mjohnson@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 catchline:

R850-83. Administration of Previous Sales to Subdivisions of the State

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

Subsections 53C-1-302(l)(a)(ii) and 53C-4-101(l) authorize the Director of the School and Institutional Trust Lands Administration to establish rules for the sale of land to subdivisions of the state. This particular rule addressed the process for administering lands which were previously sold under Section 65-1-29 and Subsection 65A-7-4(5), both of which have been repealed, when the provisions of the sale have been violated and the lands revert back to the Trust.

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 have been received by the agency since the previous five-year review.

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

Under Section 65-1-29 and Subsection 65A-7-4(5), both of which have been repealed, trust lands were sold to subdivisions of the state under a determinable fee process whereby the subdivision could purchase lands at a specific price for a specific purpose. If the use of the land changed for any reason, the land automatically reverted back to the Trust. This rule is necessary because it outlines the process whereby a breach of the sale terms is determined and the remedies available to the subdivision and Trust to cure the breach. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Michelle McConkie, Director	Date:	10/17/2022
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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.

Agriculture and Food

Animal Industry

No. 54816 (Amendment) R58-18: Elk Farming
Published: 09/15/2022
Effective: 10/24/2022

Plant Industry

No. 54791 (Amendment) R68-22: Industrial Hemp
Research
Published: 09/01/2022
Effective: 10/24/2022

No. 54735 (Amendment) R68-28: Cannabis Processing
Published: 07/15/2022
Effective: 10/24/2022

No. 54735 (Change in Proposed Rule) R68-28: Cannabis
Processing
Published: 09/15/2022
Effective: 10/24/2022

No. 54833 (Amendment) R68-32: Sale and Transfer of
Industrial Hemp Waste Material to Medical Cannabis
Cultivators
Published: 09/15/2022
Effective: 10/24/2022

Commerce

Consumer Protection

No. 54688 (Amendment) R152-23: Health Spa Services
Protection Act Rule
Published: 07/01/2022
Effective: 10/24/2022

No. 54691 (Amendment) R152-32a: Pawnshop,
Secondhand Merchandise Transaction Information Act Rule
Published: 07/01/2022
Effective: 10/24/2022

Professional Licensing

No. 54769 (Amendment) R156-71: Naturopathic Physician
Practice Act Rule
Published: 08/15/2022
Effective: 10/20/2022

Education

Administration

No. 54885 (Amendment) R277-123: Process for Members
of the Public to Report Violations of Statute and Board Rule
Published: 10/01/2022
Effective: 11/07/2022

No. 54886 (Amendment) R277-324:
Paraprofessional/Paraeducator Programs, Assignments, and
Qualifications
Published: 10/01/2022
Effective: 11/07/2022

No. 54887 (Amendment) R277-426: Definition of Private
and Non-Profit Schools for Federal Program Services
Published: 10/01/2022
Effective: 11/07/2022

No. 54888 (Amendment) R277-436: Gang Prevention and
Intervention Programs in the Schools
Published: 10/01/2022
Effective: 11/07/2022

No. 54889 (Amendment) R277-454: Construction
Management of School Building Projects
Published: 10/01/2022
Effective: 11/07/2022

No. 54890 (Amendment) R277-468: Parents Review of
Public Education Curriculum and Review of Complaint
Process
Published: 10/01/2022
Effective: 11/07/2022

NOTICES OF RULE EFFECTIVE DATES

No. 54891 (Amendment) R277-469: Instructional Materials Commission Operating Procedures
Published: 10/01/2022
Effective: 11/07/2022

No. 54892 (Amendment) R277-496: K-3 Reading Software Licenses
Published: 10/01/2022
Effective: 11/07/2022

No. 54893 (Amendment) R277-614: Athletes and Students with Head Injuries
Published: 10/01/2022
Effective: 11/07/2022

No. 54894 (Amendment) R277-625: Mental Health Screeners
Published: 10/01/2022
Effective: 11/07/2022

No. 54895 (Amendment) R277-726: Statewide Online Education Program
Published: 10/01/2022
Effective: 11/07/2022

No. 54896 (New Rule) R277-728: Honors Courses
Published: 10/01/2022
Effective: 11/07/2022

Environmental Quality

Drinking Water

No. 54837 (New Rule) R309-230: Lead in School Sampling and Remediation Requirements
Published: 09/15/2022
Effective: 11/01/2022

Government Operations

Finance

No. 54697 (Amendment) R25-7: Travel-Related Reimbursements for State Travelers
Published: 07/01/2022
Effective: 10/18/2022

Governor

Economic Opportunity

No. 54817 (Amendment) R357-3: Economic Development Tax Increment Financing Rule
Published: 09/15/2022
Effective: 10/27/2022

No. 54826 (Repeal and Reenact) R357-11: Utah Technology Innovation Funding Rule
Published: 09/15/2022
Effective: 10/27/2022

No. 54819 (Repeal) R357-16: Utah Outdoor Recreation Infrastructure Grant
Published: 09/15/2022
Effective: 10/27/2022

No. 54820 (Repeal) R357-16a: Restoration Recreation Infrastructure Grant Program Rule
Published: 09/15/2022
Effective: 10/27/2022

No. 54823 (Repeal) R357-16b: Utah Children's Outdoor Recreation and Education Grant Program Rule
Published: 09/15/2022
Effective: 10/27/2022

No. 54825 (Amendment) R357-21: Rural Jobs Act
Published: 09/15/2022
Effective: 10/27/2022

No. 54824 (Repeal) R357-24: Utah Works Program
Published: 09/15/2022
Effective: 10/27/2022

No. 54821 (Repeal) R357-26: Rural Rapid Manufacturing Grant Program
Published: 09/15/2022
Effective: 10/27/2022

No. 54818 (Repeal) R357-41: Utah Main Street Program Rule
Published: 09/15/2022
Effective: 10/27/2022

No. 54839 (New Rule) R357-43: Housing and Transit Reinvestment Zone Act Rule
Published: 09/15/2022
Effective: 10/27/2022

No. 54855 (New Rule) R357-44: State Small Business Credit Initiative Program Fund
Published: 09/15/2022
Effective: 10/27/2022

Higher Education (Utah Board of Administration)

No. 54859 (New Rule) R765-901: Talent Ready Utah Program
Published: 10/01/2022
Effective: 11/08/2022

No. 54857 (New Rule) R765-902: Utah Works Program
Published: 10/01/2022
Effective: 11/08/2022

No. 54858 (New Rule) R765-1001: Utah Data Research Center
Published: 10/01/2022
Effective: 11/08/2022

Insurance

Administration

No. 54850 (Amendment) R590-164: Uniform Health Billing Rule
Published: 09/15/2022
Effective: 10/24/2022

No. 54851 (Amendment) R590-208: Uniform Application for
Certificates of Authority
Published: 09/15/2022
Effective: 10/24/2022

No. 54852 (Amendment) R590-283: Defrayal of State-
Required Benefits
Published: 09/15/2022
Effective: 10/24/2022

Natural Resources

Water Resources

No. 54854 (New Rule) R653-11: Water Conservation
Requirements and Incentives
Published: 09/15/2022
Effective: 10/24/2022

Wildlife Resources

No. 54870 (Amendment) R657-28: Use of Division Lands
Published: 10/01/2022
Effective: 11/07/2022

Tax Commission

Property Tax

No. 54829 (Amendment) R884-24P-33: 2022 Personal
Property Valuation Guides and Schedules Pursuant to Utah
Code Ann. Section 59-2-10743
Published: 09/15/2022
Effective: 11/03/2022

Workforce Services

Employment Development

No. 54840 (Amendment) R986-200-239: How to Determine
the Amount of the Financial Assistance Payment
Published: 09/15/2022
Effective: 10/24/2022

Employment Development

No. 54872 (Amendment) R986-300-307: Refugee
Transitional Cash Assistance
Published: 10/01/2022
Effective: 12/01/2022

End of the Notices of Rule Effective Dates Section