

# UTAH STATE DIGEST

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT  
Filed March 16, 2023, 12:00 a.m. through March 31, 2023, 11:59 p.m.

Number 2023-08  
April 15, 2023

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

Unless otherwise noted, all information presented in this publication is in the public domain and may be reproduced, reprinted, and redistributed as desired. Materials incorporated by reference retain the copyright asserted by their respective authors. Citation to the source is requested.

Utah state digest.

Semimonthly.

1. Delegated legislation--Utah--Digests. I. Utah. Office of Administrative Rules.

KFU440.A73S7

348.792'025--DDC

85-643197

# TABLE OF CONTENTS

<b>EXECUTIVE DOCUMENTS .....</b>	<b>1</b>
PROCLAMATION	
2023-01E .....	1
<b>NOTICES OF PROPOSED RULES .....</b>	<b>3</b>
CRIME VICTIM REPARATIONS	
Administration	
R270-1-23. Sexual Assault Forensic Examinations.....	4
R270-1-25. Victim Services Awards.....	6
EDUCATION	
Administration	
R277-104. ADA Complaint Procedure .....	7
R277-329. Local School District Board Policies for Evaluation of Classified Employees.....	9
R277-419. Pupil Accounting .....	10
R277-532. Local Board Policies for Evaluation of Non-Licensed Public Education Employees (Classified Employees) .....	12
R277-751. Special Education Extended School Year (ESY) .....	14
R277-927. Teacher and Student Success Act (TSSA) Program .....	16
HEALTH AND HUMAN SERVICES	
Disease Control and Prevention, Environmental Services	
R392-200. Sanitation and Safety of Schools .....	17
Health Care Financing, Coverage and Reimbursement Policy	
R414-100. Medicaid Primary Care Network Services .....	19
Administration, Administrative Services, Licensing	
R501-12. Foster Care Services .....	21
PUBLIC SAFETY	
Highway Patrol	
R714-158. Vehicle Safety Inspection Program Requirements .....	22
R714-570. Mental Health Resources or First Responders Grant Funding.....	24
<b>NOTICES OF CHANGES IN PROPOSED RULES.....</b>	<b>27</b>
EDUCATION	
Administration	
R277-552. Charter School Timelines and Approval Process.....	28

**FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION .....31**

COMMERCE

Professional Licensing

R156-5a. Podiatric Physician Licensing Act Rule .....31

HEALTH AND HUMAN SERVICES

Family Health and Preparedness, Emergency Medical Services

R426-6. Emergency Medical Services Per Capita and Competitive Grant Program Rules ..... 32

Center for Health Data, Vital Records and Statistics

R436-1. Duties of the Department of Health..... 32

R436-2. Infants of Unknown Parentage; Foundling Registration ..... 33

R436-3. Amendments and Corrections to Vital Records ..... 34

R436-4. Delayed Registration of Birth ..... 34

R436-7. Death Registration ..... 35

R436-8. Authorization for Final Disposition of Deceased Persons ..... 35

R436-9. Persons and Institutions Required to Keep Monthly Listings of Vital Statistics Events..... 36

R436-10. Death Registration ..... 37

R436-12. Certified Copies of Vital Statistics Records ..... 37

R436-13. Disclosure of Records..... 38

R436-14. Copies of Data From Vital Records ..... 38

R436-15. Fees ..... 39

R436-17. Review and Approval of Research Requests ..... 40

Recovery Services

R527-920. Mandatory Disbursement to Obligee Through Electronic Funds Transfer..... 40

PUBLIC SERVICE COMMISSION

Administration

R746-110. Uncontested Matters to be Adjudicated Informally..... 41

R746-210. Utility Service Rules Applicable Only to Electric Utilities ..... 41

R746-240. Telecommunication Service Rules ..... 42

R746-340. Service Quality for Telecommunications Corporations ..... 43

WORKFORCE SERVICES

Unemployment Insurance

R994-201. Definition of Terms in Employment Security Act ..... 43

R994-202. Employing Units ..... 44

R994-208. Wages ..... 45

R994-306. Charging Benefit Costs to Employers ..... 45

R994-307. Social Costs -- Relief of Charges.....46

R994-315. Centralized New Hire Registry Reporting .....47

R994-403. Claim for Benefits.....47

R994-405. Ineligibility for Benefits .....48

R994-508. Appeal Procedures.....49

**NOTICES OF FIVE-YEAR REVIEW EXTENSIONS .....51**

HEALTH AND HUMAN SERVICES

Center for Health Data, Vital Records and Statistics

R436-16. Violation of Rules .....51

**NOTICES OF RULE EFFECTIVE DATES .....53**



# 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

**WHEREAS**, since the close of the 2023 General Session of the 65th Legislature of the state of Utah, certain matters have arisen which require immediate legislative attention; and

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

**NOW, THEREFORE**, I, Spencer J. Cox, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and Laws of the state of Utah, do by this Proclamation call the Senate only of the 65th Legislature of the state of Utah into the First Extraordinary Session at the Utah State Capitol in Salt Lake City, Utah, on the 12th day of April 2023, at 8:00 A.M., for the following purpose:

For the Senate to consent to appointments made by the Governor to positions within state government of the state of Utah since the close of the 2023 General Session of the Legislature of the State of Utah.

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the state of Utah. Done at the Utah State Capitol in Salt Lake City, Utah, this 11th day of April 2023.

(State Seal)

**Spencer J. Cox**  
Governor

ATTEST:

**Deidre M. Henderson**  
Lieutenant Governor

2023-01E

**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 March 16, 2023, 12:00 a.m., and March 31, 2023, 11:59 p.m. are included in this, the April 15, 2023, 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 May 15, 2023. The agency may accept comment beyond this date and will indicate the last day the agency will accept comment in the **RULE ANALYSIS**. The agency may also hold public hearings. Additionally, citizens or organizations may request the agency hold a hearing on a specific **PROPOSED RULE**. Section 63G-3-302 requires that a hearing request be received by the agency proposing the rule "in writing not more than 15 days after the publication date of the proposed rule."

From the end of the public comment period through August 14, 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: Amendment		
Rule or Section Number:	R270-1-23	Filing ID: 55308

**Agency Information**

<b>1. Department:</b>	Crime Victim Reparations	
<b>Agency:</b>	Administration	
<b>Street address:</b>	350 E 500 S	
<b>City, state and zip:</b>	Salt Lake City, UT 84111	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Gary Scheller	801-227-9375	garys@utah.gov
<b>Please address questions regarding information on this notice to the agency.</b>		

**General Information**

<b>2. Rule or section catchline:</b>
R270-1-23. Sexual Assault Forensic Examinations
<b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b>
The purpose of this change is to sustain the increased payment rate paid to forensic nurse examiners for collecting evidence and providing medical care to victims of rape and sexual assault. This standard amendment makes the emergency rule currently in effect, permanent. The Crime Victim Reparations and Assistance Board (CVRB) intended for the rule to remain in effect and the results of having the emergency rule in effect has begun to produce the positive results the CVRB intended. Maintaining this program is also essential for the state to remain eligible to receive the approximate \$1,500,000 STOP Violence Against Women Act (VAWA) funding per year.
<b>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):</b>
The purpose of this change is to sustain the increased payment rate paid to forensic nurse examiners for collecting evidence and providing medical care to victims of rape and sexual assault. The rate increased from \$750 per exam to \$1,250 per exam under an emergency rule for the purpose of stabilizing several of the private non-profit nurse examiner organizations which provided the 1,131 of the 1,252 examinations in 2021. Prior to the filing of this change under an emergency rule, several of the private non-profit forensic nursing organizations were failing to sustain their operations and were facing closure.

(EDITOR'S NOTE: The emergency rule filing on Section R270-1-23 is under ID 55186, published in the February 1, 2023, Bulletin, and is effective as of 01/05/2023.)

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
Increasing the per exam cost to the Utah Office for Victims of Crime (UOVC) by \$500 per exam could have resulted in \$625,500 in additional costs for those services in 2021. That is the estimated increased costs, per year to the program. The funds are available in the Crime Victim Reparations Trust account, the balance of which is currently more than \$9,000,000. The costs for these exams, when paid through the Reparations Program, are reimbursed from the federal Victims of Crime Act (VOCA) funds at a rate of 75%, thus reducing the cost to the state in this example, from \$625,500 to \$156,375.
<b>B) Local governments:</b>
This will not have a cost to local governments; however, if these nurse examiner programs fail, the costs of collecting the evidence in these cases would most certainly be considered the responsibility of local governments (law enforcement and prosecution entities).
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>
This rule change is intended to sustain the small businesses which are providing the services and upon which the state and local governments rely for the services so that they do not have to hire, train, and retain the staff, equipment, and expertise to provide those services themselves. More than 90% of the funding outlined in 5A will go directly to these small businesses.
<b>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</b>
Non-small businesses, if impacted at all, would possibly be the hospital organizations which grant access to their facilities to the forensic nurses who conduct these forensic exams. If the forensic nurse programs were to fail, the exams would still need to be conducted and would likely still be conducted in those facilities so it would not be accurate to indicate that non-small businesses are likely to experience any significant impact. These non-small businesses would receive the remaining estimates 10% of the funding outlined in 5A.
<b>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):</b>

This group would receive positive benefit from this rule change, as well as explained in 5C, above.

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

There will not be a compliance cost or impact upon any entity other than the agency. Those impacts will be minimal and only in the form of processing the payments at the increased rates.

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

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2023</b>	<b>FY2024</b>	<b>FY2025</b>
State Government	\$625,500	\$156,375	\$156,375
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2023</b>	<b>FY2024</b>	<b>FY2025</b>
State Government	\$1,500,000	\$1,969,125	\$1,969,125
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$874,500</b>	<b>\$1,812,750</b>	<b>\$1,812,750</b>

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

The Director of the UOVC, Gary Scheller, has supported this and requested the change be authorized by the Crime Victim Reparation and Assistance Board of Directors. The director has taken this action in the interest of the small business described and more importantly in the interest of those victimized by rape and sexual assault and in the best

interests of the state's pursuit of public safety and justice. The added and continued receipt of federal grants funds associated with the increased payment rates secures fiscal benefits which offset the fiscal costs nearly 2 to 1.

**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 63M-7-506(1)(c)	34 U.S.C. Sec. 10449	
-------------------------------	-------------------------	--

**Public Notice Information**

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

<b>A) Comments will be accepted until:</b>	05/15/2023
--	------------

**9. This rule change MAY become effective on:** 05/22/2023

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

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Gary Scheller, Director	<b>Date:</b>	03/31/2023
---	----------------------------	--------------	------------

**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> Amendment		
<b>Rule or Section Number:</b>	<b>R270-1-25</b>	<b>Filing ID:</b> <b>55311</b>

**Agency Information**

<b>1. Department:</b>	Crime Victim Reparations	
<b>Agency:</b>	Administration	
<b>Street address:</b>	350 E 500 S, Suite 200	
<b>City, state and zip:</b>	Salt Lake City, UT 84111	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Gary Scheller	801-227-9375	garys@utah.gov

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

**General Information**

<b>2. Rule or section catchline:</b>
R270-1-25. Victim Services Awards
<b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b>
Section R270-1-25 permits the Crime Victim Reparations and Assistance (CVRA) Board to award funds from the crime victims trust fund to victim service entities or programs, under certain circumstances. When Section R270-1-25 was adopted by the CVRA board, the Utah Office for Victims was not operating the statewide victim advocacy program that it now has, and it was not contemplated that the office would require a victim service award from the CVRA board. This standard proposed rule amendment makes permanent the emergency rule currently in effect (Filing ID 55215) which allows the CVRA Board to make victim services awards to the office.
<b>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):</b>
This filing will add the Utah Office for Victims of Crime (UOVC) as an allowable recipient of victim service funds awarded by the CVRA under Section R270-1-25 and makes permanent the emergency rule currently in effect. (EDITOR'S NOTE: The emergency rule filing on Section R270-1-25 is under ID 55215, published in the February 15, 2023, Bulletin, and is effective as of 02/01/2023.)

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
The change will not have any impact on the state budget because the funding is already established in the crime victims' trust fund, which is an expendable restricted revenue account. The CVRA Board is only authorized to make awards from the trust when there is an established surplus in the fund. The CVRA Board may only award funds from the trust for costs authorized in statute and for which the funds have already been allocated by the legislature.
<b>B) Local governments:</b>
Any budget impact to local governments would be a savings by this program covering costs a local government might otherwise experience. The UOVC does not yet know exactly who will apply for this funding or what their exact needs will be so the UOVC cannot provide a numerical estimate.
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>

Small businesses such as landlords, moving companies, grocery stores, etc. are the likely end recipient of these funds because these are the types of goods and services most frequently purchased with the funds used by the victim services program in the office. The UOVC does not yet know exactly who will apply for this funding or what their exact needs will be so the UOVC cannot provide a numerical estimate.

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

Non-small businesses like those mentioned in 5C are also the likely end recipient of these funds. The UOVC does not yet know exactly who will apply for this funding or what their exact needs will be so the UOVC cannot provide a numerical estimate.

**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 UOVC does not yet know exactly who will apply for this funding or what their exact needs will be so the UOVC cannot provide a numerical estimate.

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

It is not anticipated that any entity will have any compliance costs. The victim services programs in the office have existing accounting and accountability processes and abilities.

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

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2023</b>	<b>FY2024</b>	<b>FY2025</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2023</b>	<b>FY2024</b>	<b>FY2025</b>

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

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

The Director of the UOVC, Gary Scheller, has supported this and requested the change be authorized by the CVRA Board of Directors. This rule change will have positive impacts on persons, small businesses and is in the interest of state and local governments. The UOVC does not yet know exactly who will apply for this funding or what their exact needs will be so the UOVC cannot provide a numerical estimate.

**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 63M-7-506(1)(c)	Subsection 63M-7-506(1)(i)	Subsection 63M-7-526(1)(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.)

<b>A) Comments will be accepted until:</b>	05/15/2023
--	------------

<b>9. This rule change MAY become effective on:</b>	05/22/2023
---	------------

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

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Gary Scheller, Director	<b>Date:</b>	03/30/2023
---	-------------------------	--------------	------------

<b>NOTICE OF PROPOSED RULE</b>		
<b>TYPE OF RULE:</b> Amendment		
<b>Rule or Section Number:</b>	<b>R277-104</b>	<b>Filing ID:</b> <b>55288</b>

**Agency Information**

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

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

**General Information**

<b>2. Rule or section catchline:</b>
R277-104. ADA Complaint Procedure
<b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b>
This rule is being amended to clarify procedures for individuals to file complaints under the Americans with Disabilities Act (ADA) and to provide appropriate classification of the records of complaints and appeals.
<b>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):</b>
These amendments clarify specific requirements related to the filing of complaints and also make one correction to a statutory reference related to grievance procedures.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
This rule change is not expected to have fiscal impact on state government revenues or expenditures. There are no added costs associated with the clarifications to procedures. Existing staff and resources will continue to address complaints and appeals.

<b>B) Local governments:</b>			
This rule change is not expected to have major fiscal impact on local governments' revenues or expenditures. This rule change only affects the Utah State Board of Education (USBE).			
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):			
This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This rule change only affects USBE.			
<b>D) Non-small businesses</b> ("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.			
<b>E) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):			
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 not add costs for any individuals or other entities.			
<b>F) Compliance costs for affected persons</b> (How much will it cost an impacted entity to adhere to this rule or its changes?):			
There are no compliance costs for affected persons. The changes simply add clarification and do not add any costs for USBE or other entities.			
<b>G) Regulatory Impact Summary Table</b> (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)			
<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2023</b>	<b>FY2024</b>	<b>FY2025</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0

Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2023</b>	<b>FY2024</b>	<b>FY2025</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>H) Department head comments on fiscal impact and approval of regulatory impact analysis:</b>			
The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.			

**Citation Information**

<b>6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:</b>		
Article X, Section 3	Subsection 53E-3-401(3)	28 CFR 35.107

**Public Notice Information**

<b>8. The public may submit written or oral comments to the agency identified in box 1.</b> (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
<b>A) Comments will be accepted until:</b>	05/15/2023
<b>9. This rule change MAY become effective on:</b>	05/22/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Angie Stallings, Deputy Superintendent of Policy	<b>Date:</b>	03/31/2023
---	--	--------------	------------

NOTICE OF PROPOSED RULE		
<b>TYPE OF RULE:</b> New		
<b>Rule or Section Number:</b>	<b>R277-329</b>	<b>Filing ID:</b> <b>55289</b>

**Agency Information**

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

**General Information**

<b>2. Rule or section catchline:</b>
R277-329. Local School District Board Policies for Evaluation of Classified Employees
<b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b>
As part of the implementation of the Utah State Board of Education's (USBE) new licensing system, USBE is repealing and re-numbering all licensing related rules. This new rule replaces repealed Rule R277-532 as part of that process. (EDITOR'S NOTE: The proposed repeal of Rule R277-532 is under ID 55290 is this issue, April 15, 2023, Bulletin.)
<b>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):</b>
This rule specifies definitions and requirements pertaining to the adoption of school district policies on classified employees.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
This proposed rule is not expected to have fiscal impact on state government's revenues or expenditures. This rule applies to local education agency (LEA) policies and does not impact state revenue or expenditures.
<b>B) Local governments:</b>
This proposed rule is not expected to have major fiscal impact on local governments' revenues or expenditures. This rule has been in existence as Rule R277-532. There are no added costs compared to previous iterations of the rule. LEAs already follow the practice of evaluating non-licensed employees.
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>
This proposed rule is not expected to have fiscal impact on small businesses' revenues or expenditures. This only applies to LEAs.
<b>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</b>
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.
<b>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>):</b>
This proposed rule is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. This only applies to LEAs.
<b>F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):</b>
There are no compliance costs for affected persons. LEAs already evaluate their non-licensed employees.
<b>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</b>

NOTICES OF PROPOSED RULES

this table. Inestimable impacts will be included in narratives above.)

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2023</b>	<b>FY2024</b>	<b>FY2025</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2023</b>	<b>FY2024</b>	<b>FY2025</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this 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-3-401	Section 53G-11-504
----------------------	-------------------	--------------------

**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:** 05/15/2023

**9. This rule change MAY become effective on:** 05/22/2023

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

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Angie Stallings, Deputy Superintendent of Policy	<b>Date:</b>	03/31/2023
---	--	--------------	------------

**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> Amendment		
<b>Rule or Section Number:</b>	<b>R277-419</b>	<b>Filing ID:</b> <b>55294</b>

**Agency Information**

<b>1. Department:</b>	Education	
<b>Agency:</b>	Administration	
<b>Building:</b>	Board of Education	
<b>Street address:</b>	250 E 500 S	
<b>City, state and zip:</b>	Salt Lake City, UT 84111	
<b>Mailing address:</b>	PO Box 144200	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4200	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
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?):**

This rule is being amended due to requests from Local Education Agencies (LEAs) seeking clarity and guidance from the Utah State Board of Education (USBE) about requirements needed to establish their 2023-24 school year calendars.

**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 was amended to: 1) include a requirement for LEAs to provide meals on each of the LEA's 180 days, with exceptions; 2) defines the term "student with a disability"; 3) clarifies an LEAs duty to maintain the enrollment of a student with a disability under certain circumstances; and 4) allows an LEA to continue to count a student with a disability in membership for state funding purposes for up to 30 additional days if the LEA documents that the LEA is working to locate and engage with the student with a disability. This rule has also been updated to eliminate outdated requirements and references to provisions that were in effect during the recent pandemic.

**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. Students with disabilities are defined, and provisions made for students with disabilities to be counted for up to 30 days if the LEA is working to locate and engage students who have not attended for the prior 10 consecutive days. USBE does not currently have data on the potential frequency of this occurrence, but does not estimate a large fiscal impact for LEAs or USBE.

**B) Local governments:**

This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. This rule requires written verification from the student's parent that the student intends to graduate early in order to count a student for more than 180 days of regular membership. This is not expected to have a major fiscal impact on LEAs.

This rule removes COVID-19 related impacts which were only applicable during the pandemic.

Language is added to clarify which school days LEAs participating in the National School Lunch program are to provide school meals. USBE believes this generally follows current practice and does not have a major fiscal impact.

Students with disabilities are defined, and provisions made for students with disabilities to be counted for up to 30 days if the LEA is working to locate and engage students who have not attended for the prior ten consecutive days. USBE does not currently have data on the potential frequency of this occurrence, but does not estimate a large fiscal impact for LEAs or USBE.

**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. Mechanisms are already in place at USBE and LEAs to count students for longer than 10 days. It is simply an operational change. Otherwise, the removal of COVID-19 related impacts is simply a return to prior practice and does not carry additional costs for USBE or 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

NOTICES OF PROPOSED RULES

<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2023</b>	<b>FY2024</b>	<b>FY2025</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**H) Department head comments on fiscal impact and approval of regulatory impact analysis:**  
 The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this 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 53E-3-401(10)
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.)

<b>A) Comments will be accepted until:</b>	05/15/2023
--	------------

<b>9. This rule change MAY become effective on:</b>	05/22/2023
---	------------

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

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Angie Stallings, Deputy Superintendent of Policy	<b>Date:</b>	03/31/2023
---	--	--------------	------------

<b>NOTICE OF PROPOSED RULE</b>		
<b>TYPE OF RULE:</b> Repeal		
<b>Rule or Section Number:</b>	<b>R277-532</b>	<b>Filing ID:</b> <b>55290</b>

**Agency Information**

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

**General Information**

<b>2. Rule or section catchline:</b>
R277-532. Local Board Policies for Evaluation of Non-Licensed Public Education Employees (Classified Employees)
<b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b>
As part of the implementation of the Utah State Board of Education's (USBE) new licensing system, USBE is repealing and re-numbering all licensing related rules. This rule is being repealed and replaced by new rule R277-329 as part of that process. (EDITOR'S NOTE: The proposed new Rule R277-329 is under ID 55289 in this issue, April 15, 2023, Bulletin.)
<b>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):</b>
This rule is repealed in its entirety.

**Fiscal Information**

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

**A) State budget:**

This proposed repeal is not expected to have fiscal impact on state government's revenues or expenditures. The repealed rule text is being moved to Rule R277-329 so the provisions will still exist.

**B) Local governments:**

This proposed repeal is not expected to have major fiscal impact on local governments' revenues or expenditures. The repealed rule text is being moved to Rule R277-329 so the provisions will still exist.

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

This proposed repeal 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 proposed repeal is not expected to have fiscal impacts 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. The repealed rule text is being moved to Rule R277-329 so the provisions will still exist. There are no added 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**

<b>Fiscal Cost</b>	<b>FY2023</b>	<b>FY2024</b>	<b>FY2025</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2023</b>	<b>FY2024</b>	<b>FY2025</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this 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-3-401	Section 53G-11-504
-------------------------	-------------------	-----------------------

**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.)

NOTICES OF PROPOSED RULES

<b>A) Comments will be accepted until:</b>	05/15/2023
--	------------

<b>9. This rule change MAY become effective on:</b>	05/22/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Angie Stallings, Deputy Superintendent of Policy	<b>Date:</b>	03/31/2023
---	--	--------------	------------

NOTICE OF PROPOSED RULE		
<b>TYPE OF RULE:</b> Amendment		
<b>Rule or Section Number:</b>	<b>R277-751</b>	<b>Filing ID:</b> <b>55291</b>

**Agency Information**

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

**General Information**

<b>2. Rule or section catchline:</b>
R277-751. Special Education Extended School Year (ESY)
<b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b>
This rule is being amended to incorporate technical updates and new provisions based on recent case law developments.
<b>4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the</b>

substantive differences between the repealed rule and the reenacted rule):

These amendments add clarification to the definition of "ESY services", make an additional requirement for ESY Program Standards, and specifically add the inclusion of "adult students" in reference to the Division of Responsibilities.

**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's revenues or expenditures. Language is added for ESY services provided to adult students by local education agencies (LEAs). LEAs may already provide these extended year services but the rule change adds clarification for LEAs. There are no measurable impacts to the Utah State Board of Education (USBE) budgets as these are services provided by LEAs.

**B) Local governments:**

This rule change is not expected to have major fiscal impact on local governments' revenues or expenditures. The inclusion of adults in ESY services may potentially add costs for LEAs providing the services. However, USBE does not have data to estimate the need for increased services. USBE estimates that any impacts will be small and infrequent.

**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.

**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 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. There are no direct compliance costs for LEAs. LEAs can comply with existing staff and resources.

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

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2023</b>	<b>FY2024</b>	<b>FY2025</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2023</b>	<b>FY2024</b>	<b>FY2025</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this 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-3-401	Subsection 53E-3-501(1)(c)(vi) (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.)

<b>A) Comments will be accepted until:</b>	05/15/2023
--	------------

<b>9. This rule change MAY become effective on:</b>	05/22/2023
---	------------

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

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Angie Stallings, Deputy Superintendent of Policy	<b>Date:</b>	03/31/2023
---	---	--------------	------------

**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> Amendment		
<b>Rule or Section Number:</b>	<b>R277-927</b>	<b>Filing ID:</b> <b>55292</b>

**Agency Information**

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

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

**General Information**

<b>2. Rule or section catchline:</b>
R277-927. Teacher and Student Success Act (TSSA) Program
<b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b>
This rule is being amended to remove a deadline for Local Education Agencies (LEAs) to submit student success frameworks and annual assurances for the Teacher and Student Success Act (TSSA) Program. In addition, the amendments change the TSSA distribution formula.
<b>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):</b>
These amendments remove the November 1 deadline for Local Education Agencies (LEAs) to submit student success frameworks and annual assurances for the TSSA Program. Whenever an LEA submits those required items, the LEA will receive its TSSA allocation. In addition, the amendments base TSSA distributions on prior year Weighted Pupil Units (WPU) rather than current year Budget Request WPUs, in order for TSSA distribution amount to remain stable throughout the school year, to be based on actual student counts, rather than projected student counts, and to reflect all legislative changes made to programs that contain WPUs.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
This rule change is not expected to have fiscal impact on state government's revenues or expenditures. This rule change affects distribution to LEAs but not USBE budgets.
<b>B) Local governments:</b>
This rule change is not expected to have major fiscal impact on local governments' revenues or expenditures. This rule change distributes TSSA funds on prior year WPU/enrollment rather than the budget request WPUs, which are an estimate before actual enrollments. While these changes will not materially affect LEAs, they will closer approximate to actual enrollments.
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>
This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This only affects LEAs.
<b>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</b>

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 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. There are no compliance costs for USBE or LEAs to update the distribution method.

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

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2023</b>	<b>FY2024</b>	<b>FY2025</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2023</b>	<b>FY2024</b>	<b>FY2025</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0

Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this 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 53E-3-401(10)
Section 53F-2-416	Section 53G-7-1304	Section 53G-7-1306

**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:** 05/15/2023

**9. This rule change MAY become effective on:** 05/22/2023

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

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Angie Stallings, Deputy Superintendent of Policy	<b>Date:</b>	03/31/2023
---	--	--------------	------------

**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** Amendment

<b>Rule or Section Number:</b>	<b>R392-200</b>	<b>Filing ID:</b>	<b>55300</b>
--------------------------------	-----------------	-------------------	--------------

**Agency Information**

<b>1. Department:</b>	Health and Human Services	
<b>Agency:</b>	Disease Control and Prevention, Environmental Services	
<b>Room number:</b>	Second Floor	
<b>Building:</b>	Cannon Health Building	
<b>Street address:</b>	288 N 1460 W	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 142102	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-2102	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Karl Hartman	801-538-6191	khartman@utah.gov

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

**General Information**

**2. Rule or section catchline:**

R392-200. Sanitation and Safety of Schools

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

The Department of Health and Human Services (Department) repealed and reenacted this rule in September 2022. During the 30-day public comment period that began on July 16, 2022, the Department received valid comments that, if implemented, would prompt further amendments to the rule. At the time, the Department decided to proceed with the repeal and reenactment in order to comply with Executive Order No. 2021-12 with the intention to make additional amendments at a future date to address the provided comments. The proposed amendments listed in Box 4 address those comments received by the Department.

**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 filing addresses valid public comments received during the recent 30-day public comment period as follows:

Subsection R392-200-7(1)(c) was amended to allow for alternative fill depths of protective surfacing under playground equipment according to the product manufacturer's directions.

Subsection R392-200-7(1)(v) through (y) requirements pertaining to electrical components were moved to improve the flow of information.

Subsection R392-200-15(3) was amended to remove the requirement for floor drains in dressing room areas, which was not consistent with the Plumbing Code.

Subsection R392-200-16(1)(f) was amended to remove an ambiguous requirement for "conveniently located" drinking fountains. The Plumbing Code specifies a certain amount of drinking fountains per number of students in designated areas of a school, and that requirement is sufficient.

**Fiscal Information**

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

**A) State budget:**

No anticipated cost or savings because the substantive changes do not result in a change in current practice or procedures at the Department.

**B) Local governments:**

No anticipated cost or savings because the substantive changes do not result in a change in current practice or procedures at the local health departments. The proposed rule amendment does not include requirements for permit or inspection fees. Inspection frequency is not specified in this rule.

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

Amending Rule R392-200 as proposed will not result in a cost or savings to small businesses because the substantive changes reflect current industry practice. The construction, sanitation, operation, and maintenance standards established by this rule are consistent with industry standard practices, processes, and procedures as currently implemented in schools throughout Utah.

In addition, Section R392-200-4 contains a "grandfather clause" which states that, except in the case of an imminent health hazard, this rule does not require a construction change in any portion of a school if the facility was constructed in compliance with law in effect when the facility was constructed.

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

Amending Rule R392-200 as proposed will not result in a cost or savings to non-small businesses because the substantive changes reflect current industry practice. The construction, sanitation, operation, and maintenance standards established by this rule are consistent with industry standard practices, processes, and procedures as currently implemented in schools throughout Utah.

In addition, Section R392-200-4 contains a "grandfather clause" which states that, except in the case of an imminent health hazard, this rule does not require a construction change in any portion of a school if the facility

was constructed in compliance with law in effect when the facility was constructed.

**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**):

No anticipated cost or savings because the substantive changes reflect current industry practice.

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

No anticipated cost or savings because the substantive changes reflect current industry practice.

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

**Regulatory Impact Table**

<b>Fiscal Cost</b>	<b>FY2023</b>	<b>FY2024</b>	<b>FY2025</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2023</b>	<b>FY2024</b>	<b>FY2025</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

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

**Citation Information**

<b>6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:</b>		
Section 26B-1-202	Section 26-15-2	Section 26-7-1
Section 26B-7-402	Section 26B-7-113	

**Public Notice Information**

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

<b>A) Comments will be accepted until:</b>	05/15/2023
--	------------

<b>9. This rule change MAY become effective on:</b>	05/22/2023
---	------------

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

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy Gruber, Executive Director	<b>Date:</b>	03/27/2023
---	----------------------------------	--------------	------------

**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> Repeal			
<b>Rule or Section Number:</b>	<b>R414-100</b>	<b>Filing ID:</b>	<b>55298</b>

**Agency Information**

<b>1. Department:</b>	Health and Human Services
<b>Agency:</b>	Health Care Financing, Coverage and Reimbursement Policy
<b>Building:</b>	Cannon Health Building
<b>Street address:</b>	288 N 1460 W
<b>City, state and zip:</b>	Salt Lake City, UT 84116
<b>Mailing address:</b>	PO Box 143102
<b>City, state and zip:</b>	Salt Lake City, UT 84114-3102

<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Craig Devashrayee	801-538-6641	cdevashrayee@utah.gov
Jonah Shaw	385-310-2389	jshaw@utah.gov
<b>Please address questions regarding information on this notice to the agency.</b>		

**General Information**

<b>2. Rule or section catchline:</b>
R414-100. Medicaid Primary Care Network Services
<b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b>
The Department will repeal this rule because the Primary Care Network (PCN) no longer exists under the Medicaid program.
<b>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):</b>
This rule is repealed in its entirety, and no longer necessary, because PCN no longer exists under the Medicaid program.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
There is no impact to the state budget because this repeal only reflects current policy, and does not affect current or future appropriations.
<b>B) Local governments:</b>
There is no impact on local governments as they neither fund nor provide benefits under the Medicaid program.
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>
There is no impact on small businesses because this repeal only reflects current policy, and does not affect current or future appropriations.

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

There is no impact on non-small businesses because this repeal only reflects current policy, and does not affect current or future appropriations.

**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 impact on Medicaid providers and Medicaid members because this repeal only reflects current policy, and does not affect current or future appropriations.

**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 Medicaid provider or to a Medicaid member because this repeal only reflects current policy, and does not affect current or future appropriations.

**Regulatory Impact Table**

<b>Fiscal Cost</b>	<b>FY2023</b>	<b>FY2024</b>	<b>FY2025</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2023</b>	<b>FY2024</b>	<b>FY2025</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

The Executive Director of the Department of Health and Human Services, Tracy S. Gruber, has reviewed and approved this fiscal analysis. Businesses will see neither costs nor revenue as this rule repeal only reflects current policy, and does not affect current or future appropriations.

**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-1-204	Section 26-18-3	
-------------------	-----------------	--

**Public Notice Information**

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

<b>A) Comments will be accepted until:</b>	05/15/2023
--	------------

<b>9. This rule change MAY become effective on:</b>	05/22/2023
---	------------

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

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy S. Gruber, Executive Director	<b>Date:</b>	03/27/2023
---	-------------------------------------	--------------	------------

**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> Amendment		
<b>Rule or Section Number:</b>	<b>R501-12</b>	<b>Filing ID:</b> <b>55307</b>

**Agency Information**

<b>1. Department:</b>	Health and Human Services	
<b>Agency:</b>	Administration, Administrative Services, Licensing	
<b>Building:</b>	MASOB	
<b>Street address:</b>	195 N 1950 W	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Janice Weinman	385-321-5586	jweinman@utah.gov

Jonah Shaw	385-310-2389	jshaw@utah.gov
<b>Please address questions regarding information on this notice to the agency.</b>		

**General Information**

<b>2. Rule or section catchline:</b>
R501-12. Foster Care Services
<b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b>
The purpose of this amendment is to reduce burden on licensees regarding who can conduct their home studies.  In addition, terms were clarified and substantive changes added in support of DCFS to facilitate maintaining overall familial relationships for children in foster care.  Lastly, the amendment removes extensive requirements for content of home study and application documents and requires the use of an office approved template with the required information already built-in to assist child placing agencies in more easily meeting rule requirements without having to reference this rule.
<b>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):</b>
The revisions include more specific language and formatting consistent with the Utah Rulewriting Manual, defines and addresses a new category called "kinship connections" and updates respite care practices. Key stakeholders had input into this rule and the Division of Child and Family Services is working closely with the Office of Licensing to ensure our agencies are aligned in understanding and enforcing the new rule content.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
State government process was thoroughly reviewed. This change will not impact the current process for licensure and re-licensure. No change to the state budget is expected because this amendment still requires the same amount of work to regulate foster and kinship care licensees.
<b>B) Local governments:</b>
Local government city business licensing requirements were considered. This proposed rule amendment should not impact local governments' revenues or expenditures because there is no local government involvement in foster care licensing.

There are no fiscal impact to local governments resulting from the substantive or nonsubstantive changes in this rule content.
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):
Small businesses will not incur additional cost as a result of this filing. Child placing foster agencies licensed by the office may now elect to utilize non-licensed staff to conduct their home studies as a result of this rule change.  Additionally, home studies will be conducted on an office template to assist with standardization and compliance with content requirements. Although inestimable, it is anticipated that the agency licensees will realize efficiencies and cost benefits as a result.  There are no fiscal impact to small businesses resulting from the substantive or nonsubstantive changes in this rule content.
<b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):
Non-small businesses will not incur additional cost as a result of this filing. At this time, there are no child placing foster agencies with over 50 employees. Child placing foster agencies licensed by the office may now elect to utilize non-licensed staff to conduct their home studies as a result of this rule change.  Additionally, home studies will be conducted on an office template to assist with standardization and compliance with content requirements. Although inestimable, it is anticipated that the agency licensees will realize efficiencies and cost benefits as a result.  There are no fiscal impact to small businesses resulting from the substantive or nonsubstantive changes in this rule content.
<b>E) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):
It is not anticipated that there are any additional entities who will be impacted by this amendment.
<b>F) Compliance costs for affected persons</b> (How much will it cost an impacted entity to adhere to this rule or its changes?):
There are no fees charged to foster care licensees, so there will be no fiscal cost or savings to affected persons.
<b>G) Regulatory Impact Summary Table</b> (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in

NOTICES OF PROPOSED RULES

this table. Inestimable impacts will be included in narratives above.)

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2023</b>	<b>FY2024</b>	<b>FY2025</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2023</b>	<b>FY2024</b>	<b>FY2025</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

The Executive Director of 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 26B-2-104

**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:** 05/15/2023

**9. This rule change MAY become effective on:** 05/22/2023

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:** 03/30/2023

**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** Amendment

**Rule or Section Number:** R714-158  
**Filing ID:** 55305

**Agency Information**

**1. Department:** Public Safety  
**Agency:** Highway Patrol  
**Building:** Calvin Rampton Complex  
**Street address:** 4501 S 2700 W  
**City, state and zip:** Salt Lake City, UT 84119-5994  
**Mailing address:** PO Box 141100  
**City, state and zip:** Salt Lake City, UT 84114-1100  
**Contact persons:**  
**Name:** Kim Gibb  
**Phone:** 801-556-8198  
**Email:** kgibb@utah.gov

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

**General Information**

**2. Rule or section catchline:**

R714-158. Vehicle Safety Inspection Program Requirements

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

This rule amendment filing is being submitted as a result of the passage of H.B. 49, in the 2023 General Session. The bill repealed the Motor Vehicle Safety Inspection Advisory Council, so references to the council have been removed from this rule.

**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 filing removes references to the Motor Vehicle Safety Inspection Advisory Council from this rule, and establishes that a finding following an administrative proceeding may be appealed to the commissioner of the Department of Public Safety.

**Fiscal Information**

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

**A) State budget:**

There is no anticipated cost or savings to the state budget because this rule removes references to the Motor Vehicle Safety Inspection Advisory Council, which was repealed in H.B. 49 (2023), and establishes that an appeal following an administrative adjudication may be made to the commissioner of the Department of Public Safety.

**B) Local governments:**

There is no anticipated cost or savings to local governments because this rule removes references to the Motor Vehicle Safety Inspection Advisory Council, which was repealed in H.B. 49 (2023), and establishes that an appeal following an administrative adjudication may be made to the commissioner of the Department of Public Safety.

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

There is no anticipated cost or savings to small businesses because this rule removes references to the Motor Vehicle Safety Inspection Advisory Council, which was repealed in H.B. 49 (2023), and establishes that an appeal following an administrative adjudication may be made to the commissioner of the Department of Public Safety.

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

There is no anticipated cost or savings to non-small businesses because this rule removes references to the Motor Vehicle Safety Inspection Advisory Council, which was repealed in H.B. 49 (2023), and establishes that an appeal following an administrative adjudication may be made to the commissioner of the Department of Public Safety.

**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 anticipated cost or savings to persons other than small businesses, non-small businesses, state, or local government entities because this rule removes references to the Motor Vehicle Safety Inspection Advisory Council, which was repealed in H.B. 49 (2023), and establishes that an appeal following an administrative

adjudication may be made to the commissioner of the Department of Public Safety.

**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 because this rule removes references to the Motor Vehicle Safety Inspection Advisory Council, which was repealed in H.B. 49 (2023), and establishes that an appeal following an administrative adjudication may be made to the commissioner of the Department of Public Safety.

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

**Regulatory Impact Table**

<b>Fiscal Cost</b>	<b>FY2023</b>	<b>FY2024</b>	<b>FY2025</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2023</b>	<b>FY2024</b>	<b>FY2025</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

The Commissioner of the Department of Public Safety, Jess L. Anderson, has reviewed and approved this regulatory impact analysis.

**Citation Information**

<b>6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:</b>		
Section 53-8-204		

**Public Notice Information**

<b>8. The public may submit written or oral comments to the agency identified in box 1.</b> (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
<b>A) Comments will be accepted until:</b>	05/15/2023

<b>9. This rule change MAY become effective on:</b>	05/22/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Mike Rapich, Colonel UHP	<b>Date:</b>	03/30/2023
---	--------------------------	--------------	------------

NOTICE OF PROPOSED RULE		
<b>TYPE OF RULE:</b> Amendment		
<b>Rule or Section Number:</b>	<b>R714-570</b>	<b>Filing ID:</b> <b>55306</b>

**Agency Information**

<b>1. Department:</b>	Public Safety	
<b>Agency:</b>	Highway Patrol	
<b>Building:</b>	Calvin Rampton Complex	
<b>Street address:</b>	4501 S 2700 W	
<b>City, state and zip:</b>	Salt Lake City, UT 84119-5994	
<b>Mailing address:</b>	PO Box 141100	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-1100	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Kim Gibb	801-556-8198	kgibb@utah.gov
<b>Please address questions regarding information on this notice to the agency.</b>		

**General Information**

<b>2. Rule or section catchline:</b>
R714-570. Mental Health Resources or First Responders Grant Funding
<b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b>
This rule filing is being submitted as a result of the passage of H.B. 49, in the 2023 General Session. The bill language resulted in some necessary changes to this rule.
<b>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):</b>
H.B. 49 (2023) codifies definitions for "retired" and "separated" under Section 53-21-101, so the definitions are being removed from this rule. The date in Section R714-570-7 is being changed from March 31, 2023, to March 31, 2024, because the legislature appropriated additional funds for FY 2024 for the grant program administered under Section 53-21-103.
Language in this rule regarding retired or separated first responders has been modified to coincide with definitions added to Section 53-21-101, including the addition of their spouses as required in the bill. The language establishing the parameters for retired or separated first responders to receive mental health resources has been removed from the rule because the bill codified these parameters in Subsections 53-21-102(1)(d) and (1)(e), and removed the specific rulemaking authority to establish these parameters in Subsection 53-2-103(7).

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
The Division of Highway Patrol (Division) does not anticipate a cost to the state budget as a result of this rule amendment. The Utah Legislature appropriated additional funding for FY24 in the amount of \$5,000,000 to provide grant funding for first responder agencies to either establish a new program, or enhance an existing program, to provide mental health resources to first responders employed by the agencies.
This rule establishes how the grant funding will be distributed.
<b>B) Local governments:</b>
The Division anticipates a cost savings of \$5,000,000 to local governments. Local first responder agencies will continue to have the ability to apply for grant funding from the \$5,000,000 appropriation for FY24 in order to establish a new program, or enhance and existing program, to

provide mental health resources to first responders employed by the agencies.

Local law enforcement entities will apply for grant funding, and once approved, will be awarded grant funding. Those agencies awarded grant funding will see an inestimable fiscal benefit.

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

In Utah, it is estimated that there are 162 small business out-patient mental health centers (NAICS 621420), 138 small business offices of mental health physicians (NAICS 621112), 455 small business offices of mental health practitioners (NAICS 621330), and 1647 small business offices of physicians, ex. mental health (NAICS 621111). It is not clear which of these businesses might be qualified to provide mental health services to first responders in compliance with the requirements under Section 53-21-103.

First responder agencies applying for grant funding will be required to submit a request for proposal, request for qualifications or program description that meets the statutory criteria under Subsection 53-21-103(2) for consideration prior to grant funding being awarded. Through this process it will be determined which of these small businesses would meet the statutory criteria to provide required services. Those small businesses that meet statutory criteria and enter into a contract with a first responder agency to provide the required services could potentially see an inestimable fiscal benefit.

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

In Utah, it is estimated that there are 7 non-small business out-patient mental health centers (NAICS 621420), 1 non-small business offices of mental health physicians (NAICS 621112), 2 non-small business offices of mental health practitioners (NAICS 621330), and 104 non-small business offices of physicians, ex. mental health (NAICS 621111).

First responder agencies applying for grant funding will be required to submit a request for proposal, request for qualifications or program description that meets the statutory criteria under Subsection 53-21-103(2) for consideration prior to grant funding being awarded. Through this process it will be determined which of these small businesses would meet the statutory criteria to provide required services.

Those small businesses that meet statutory criteria and enter into a contract with a first responder agency to provide the required services could potentially see an inestimable fiscal benefit.

**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**):

Spouses of first responders who retire from a first responder agency or separate employment as a result of a critical incident will now be entitled to mental health resources provided by the first responder agency as a result of the passage of H.B. 49 (2023). This could result in a fiscal benefit to a person who is the spouse of a first responder who retires or separates employment and seeks mental health resources from the first responder agency with whom their spouse was previously employed.

**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 because this rule identifies the process for a first responder agency to seek grant funding to provide mental health resources to first responders employed by the agencies and their families, and first responders that retire or separate from the agencies and their spouses.

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

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2023</b>	<b>FY2024</b>	<b>FY2025</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2023</b>	<b>FY2024</b>	<b>FY2025</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

NOTICES OF PROPOSED RULES

<b>Net Benefits</b>	<b>Fiscal</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>H) Department head comments on fiscal impact and approval of regulatory impact analysis:</b>				
The Commissioner of the Department of Public Safety, Jess L. Anderson, has reviewed and approved this fiscal analysis.				

**Citation Information**

<b>6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:</b>		
Section 53-21-103		

**Public Notice Information**

<b>8. The public may submit written or oral comments to the agency identified in box 1. (The public may also</b>
--

request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
<b>A) Comments will be accepted until:</b>	05/15/2023

<b>9. This rule change MAY become effective on:</b>	05/22/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Mike Rapich, Colonel UHP	<b>Date:</b>	03/30/2023
---	--------------------------	--------------	------------

**End of the Notices of Proposed Rules Section**

## NOTICES OF CHANGES IN PROPOSED RULES

---

After an agency has published a **PROPOSED RULE** in the *Utah State Bulletin*, it may receive comment that requires the **PROPOSED RULE** to be altered before it goes into effect. A **CHANGE IN PROPOSED RULE** allows an agency to respond to comments it receives.

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

While the law does not designate a comment period for a **CHANGE IN PROPOSED RULE**, it does provide for a 30-day waiting period. An agency may accept additional comments during this period and, at its option, may designate a comment period or may hold a public hearing. The 30-day waiting period for **CHANGES IN PROPOSED RULES** published in this issue of the *Utah State Digest* ends May 15, 2023.

From the end of the 30-day waiting period through August 14, 2023, an agency may notify the Office of Administrative Rules that it wants to make the **CHANGE IN PROPOSED RULE** effective. When an agency submits a **NOTICE OF EFFECTIVE DATE** for a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** as amended by the **CHANGE IN PROPOSED RULE** becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of the **CHANGE IN PROPOSED RULE**. If the agency designates a public comment period, the effective 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. Alternatively, the agency may file another **CHANGE IN PROPOSED RULE** in response to additional comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or another **CHANGE IN PROPOSED RULE** by the end of the 120-day period after publication, the **CHANGE IN PROPOSED RULE** filing, along with its associated **PROPOSED RULE**, lapses.

**CHANGES IN PROPOSED RULES** are governed by Section 63G-3-303, Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5b, R15-4-7, R15-4-9, and R15-4-10.

---

**The Changes in Proposed Rules Begin on the Following Page**

NOTICE OF CHANGE IN PROPOSED RULE		
<b>Rule or Section Number:</b>	R277-552	<b>Filing ID: 55248</b>
<b>Date of Previous Publication:</b>	03/01/2023	

**Agency Information**

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

**General Information**

<b>2. Rule or section catchline:</b>
R277-552. Charter School Timelines and Approval Process
<b>3. Reason for this change</b> (Why is the agency submitting this filing?):
This change in proposed rule is in response to requests and feedback from the Legislature's Administrative Rules Review and General Oversight Committee to discuss Rule R277-552.
<b>4. Summary of this change</b> (What does this filing do?):
These amendments require a charter school that requests a large expansion or satellite school to meet the academic and other standards and requirements of the charter school authorizer before the authorizer may approve the request. (EDITOR'S NOTE: The original proposed amendment upon which this change in proposed rule (CPR) was based was published in the March 1, 2023, issue of the Utah State Bulletin, on page 28. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed amendment together to understand all of the

changes that will be enforceable should the agency make this rule effective.)

**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's revenues or expenditures. The change affects how charter school authorizers address charter school expansions. This will not directly impact Utah State Board of Education (USBE) budgets.

**B) Local government:**

This rule change is not expected to have major fiscal impact on local governments' revenues or expenditures. Charter authorizers can now review and grant small expansion requests, and authorizers can establish standards for academic good standing. These changes may allow for more flexibility for charter schools attempting to expand. There is not a measurable impact for charter schools or school districts.

**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 charter school expansions.

**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, or 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 charter school expansions.

**F) Compliance costs for affected persons:**

There are no compliance costs for affected persons. The changes allow flexibility for charter school expansions but do not add compliance costs for charter schools or USBE.

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

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2023</b>	<b>FY2024</b>	<b>FY2025</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2023</b>	<b>FY2024</b>	<b>FY2025</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
----------------------------	------------	------------	------------

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

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this 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-3-401	Section 53G-5-205
Section 53F-2-702	Section 53G-6-503	

**Public Notice Information**

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

<b>A) Comments will be accepted until:</b>	No Formal Comment Period
--	--------------------------

<b>9. This rule change MAY become effective on:</b>	05/15/2023
---	------------

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

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Angie Stallings, Deputy Superintendent of Policy	<b>Date:</b>	03/21/2023
---	---	--------------	------------

End of the Notices of Changes in Proposed Rules Section



# FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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

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

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

## FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

<b>Rule Number:</b>	R156-5a	<b>Filing ID:</b> 50257
<b>Effective Date:</b>	03/30/2023	

### Agency Information

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

### General Information

<b>2. Rule catchline:</b>	R156-5a. Podiatric Physician Licensing Act Rule
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>	

Title 58, Chapter 5a, provides for the licensure and regulation of podiatric physicians.

Subsection 58-1-106(1) provides that the Division of Professional Licensing may adopt and enforce rules to administer Title 58.

Subsection 58-1-202(1)(a) provides that the Podiatric Physician 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 5a, with respect to podiatric physicians.

#### **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 May 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 because it provides a mechanism to inform potential licensees of the requirements for licensure as allowed under statutory authority provided in Title 58, Chapter 5a. 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**

<b>Agency head or designee and title:</b>	Mark B. Steinagel, Division Director	<b>Date:</b>	03/30/2023
---	--------------------------------------	--------------	------------

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R426-6</b>	<b>Filing ID:</b>	<b>54719</b>
<b>Effective Date:</b>	<b>03/22/2023</b>		

**Agency Information**

<b>1. Department:</b>	Health and Human Services		
<b>Agency:</b>	Family Health and Preparedness, Emergency Medical Services		
<b>Room number:</b>	2nd Floor		
<b>Building:</b>	Cannon Building		
<b>Street address:</b>	288 N 1460 W		
<b>City, state and zip:</b>	Salt Lake City, UT 84116		
<b>Mailing address:</b>	PO Box 142100		
<b>City, state and zip:</b>	Salt Lake City, UT 84114-2100		
<b>Contact persons:</b>			
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>	
Guy Dansie	801-560-1544	gdansie@utah.gov	
<b>Please address questions regarding information on this notice to the agency.</b>			

**General Information**

<b>2. Rule catchline:</b>
R426-6. Emergency Medical Services Per Capita and Competitive Grant Program Rules
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
This rule is authorized in Sections 26-8a-105 and 26-8a-207 of the Utah Emergency Medical Services System Act. This rule provides the system for awarding grant funds.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
No public comments for or against the rule were received during the past five years. A pending revision will soon be made effective to address recent changes in the grant awards process.

**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 essential to the allocation of grant funds for qualified emergency medical services. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy Gruber, Executive Director	<b>Date:</b>	03/22/2023
---	----------------------------------	--------------	------------

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R436-1</b>	<b>Filing ID:</b>	<b>54337</b>
<b>Effective Date:</b>	<b>03/19/2023</b>		

**Agency Information**

<b>1. Department:</b>	Health and Human Services		
<b>Agency:</b>	Center for Health Data, Vital Records and Statistics		
<b>Building:</b>	Cannon Health Building		
<b>Street address:</b>	288 N 1460 W		
<b>City, state and zip:</b>	Salt Lake City, UT 84116		
<b>Mailing address:</b>	PO Box 141012		
<b>City, state and zip:</b>	Salt Lake City, UT 84114-1012		
<b>Contact persons:</b>			
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>	
Linda S. Winger	801-538-6262	lindaw@utah.gov	
<b>Please address questions regarding information on this notice to the agency.</b>			

**General Information**

<b>2. Rule catchline:</b>
R436-1. Duties of the Department of Health
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Section 26-2-3 requires the Department of Health and Human Services (Department) to establish a statewide vital records system and permits the Department to appoint local registrars.

Subsection 26-2-4(3) states that "Certificates, certifications, forms, reports, other documents and records, and the form of communications between persons required by this chapter shall be prepared in the format prescribed by department rule."

The Department establishes this rule pursuant to Section 26B-1-202.

**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 were received.

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

This rule is to provide the requirements for registration of vital events, forms for vital event business, and the appointment of additional offices. Therefore, this rule should be continued.

The Department anticipates amending this rule to update any outdated citations following the recodification of the Department's statute.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy Gruber, Executive Director	<b>Date:</b>	03/19/2023
---	--	--------------	------------

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R436-2</b>	<b>Filing ID:</b>	<b>53374</b>
<b>Effective Date:</b>	<b>03/20/2023</b>		

**Agency Information**

<b>1. Department:</b>	Health and Human Services		
<b>Agency:</b>	Center for Health Data, Vital Records and Statistics		
<b>Building:</b>	Cannon Health Building		
<b>Street address:</b>	288 N 1460 W		
<b>City, state and zip:</b>	Salt Lake City, UT 84116		
<b>Mailing address:</b>	PO Box 141012		
<b>City, state and zip:</b>	Salt Lake City, UT 84114-1012		
<b>Contact persons:</b>			
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>	
Linda S. Winger	801-538-6262	lindaw@utah.gov	

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

**General Information**

<b>2. Rule catchline:</b>
R436-2. Infants of Unknown Parentage; Foundling Registration

**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 26-2-6 creates the requirement for foundling certificates and certificates for children of unknown parentage.

Subsection 80-4-502(2)(d)(iii) directs hospital personnel to file certificates with the Department of Health and Human Services (Department) for newborn children relinquished through the Safe Relinquishment of a Newborn Child.

Section 26-2-3 directs the Department to prescribe forms for certificates and maintain a statewide system of vital records.

This rule is authorized by Section 26B-1-202 to provide the processes for filing the certificates.

**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 were received.

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

This rule is essential as it establishes the procedures for foundling certificates, certificates for a child of unknown parentage, and certificates for a newborn child relinquished under Title 80, Chapter 4, Part 5, Safe Relinquishment of a Newborn Child. Therefore, this rule should be continued.

The Department is simultaneously filing a nonsubstantive rule to amend the outdated citations to Title 62A.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy Gruber, Executive Director	<b>Date:</b>	03/20/2023
---	--	--------------	------------

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R436-3</b>	<b>Filing ID:</b>	<b>54328</b>
<b>Effective Date:</b>	<b>03/20/2023</b>		

**Agency Information**

<b>1. Department:</b>	Health and Human Services	
<b>Agency:</b>	Center for Health Data, Vital Records and Statistics	
<b>Building:</b>	Cannon Health Building	
<b>Street address:</b>	288 N 1460 W	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 141012	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-1012	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Linda S. Winger	801-538-6262	lindaw@utah.gov
<b>Please address questions regarding information on this notice to the agency.</b>		

**General Information**

<b>2. Rule catchline:</b>
R436-3. Amendments and Corrections to Vital Records
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Section 26-2-7 allows the Department of Health and Human Services (Department) to write rules governing applications to correct error or omissions on any vital record.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
No comments were received.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
This rule is essential as it sets forth the process for correcting and amending vital records. Therefore, this rule should be continued.
The Department anticipates amending this rule to update any outdated citations following the recodification of the Department's statute.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy Gruber, Executive Director	<b>Date:</b>	03/20/2023
---	--	--------------	------------

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R436-4</b>	<b>Filing ID: 54371</b>
<b>Effective Date:</b>	<b>03/20/2023</b>	

**Agency Information**

<b>1. Department:</b>	Health and Human Services	
<b>Agency:</b>	Center for Health Data, Vital Records and Statistics	
<b>Building:</b>	Cannon Health Building	
<b>Street address:</b>	288 N 1460 W	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 141012	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-1012	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Linda S. Winger	801-538-6262	lindaw@utah.gov
<b>Please address questions regarding information on this notice to the agency.</b>		

**General Information**

<b>2. Rule catchline:</b>
R436-4. Delayed Registration of Birth
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
The Department established this rule to set forth the procedures for the delayed registration of birth, Section 26-2-8 states "When a certificate of birth of a person born in this state has not been filed within the time provided in Subsection 26-2-5(2), a certificate of birth may be filed in accordance with department rules and subject to this section,"
Section 26-2-14.2 permits delayed certifications for births resulting in stillbirth to be "filed and registered in accordance with department rule."
Sections 26-2-14, 26-2-14.1, and 26-2-14.3 contain other provisions related to stillbirth certificates and fetal death certificates that impact this rule.
This rule is authorized pursuant to Section 26B-1-202.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
No comments were received.

**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 essential as it sets forth procedures for the delayed registration of birth. Therefore, this rule should be continued.

The Department anticipates amending this rule to update any outdated citations following the recodification of the Department's statute.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy Gruber, Executive Director	<b>Date:</b>	03/20/2023
---	--	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION			
<b>Rule Number:</b>	<b>R436-7</b>	<b>Filing ID:</b>	<b>54372</b>
<b>Effective Date:</b>	<b>03/21/2023</b>		

**Agency Information**

<b>1. Department:</b>	Health and Human Services		
<b>Agency:</b>	Center for Health Data, Vital Records and Statistics		
<b>Building:</b>	Cannon Health Building		
<b>Street address:</b>	288 N 1460 W		
<b>City, state and zip:</b>	Salt Lake City, UT 84116		
<b>Mailing address:</b>	PO Box 141012		
<b>City, state and zip:</b>	Salt Lake City, UT 84114-1012		
<b>Contact persons:</b>			
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>	
Linda S. Winger	801-538-6262	lindaw@utah.gov	
<b>Please address questions regarding information on this notice to the agency.</b>			

**General Information**

<b>2. Rule catchline:</b>
R436-7. Death Registration
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
In accordance with Section 26-2-13 and the Department of Health and Human Services' (Department) ability to adopt rules pursuant to Section 26B-1-202, this rule establishes the procedures for the registration of deaths.

**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 were received.

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

This rule is necessary as it sets forth the procedures for the registration of death. Therefore, this rule should be continued.

The Department anticipates amending this rule to update any outdated citations following the recodification of the Department's statute.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy Gruber, Executive Director	<b>Date:</b>	03/21/2023
---	--	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION			
<b>Rule Number:</b>	<b>R436-8</b>	<b>Filing ID:</b>	<b>54333</b>
<b>Effective Date:</b>	<b>03/20/2023</b>		

**Agency Information**

<b>1. Department:</b>	Health and Human Services		
<b>Agency:</b>	Center for Health Data, Vital Records and Statistics		
<b>Building:</b>	Cannon Health Building		
<b>Street address:</b>	288 N 1460 W		
<b>City, state and zip:</b>	Salt Lake City, UT 84116		
<b>Mailing address:</b>	PO Box 141012		
<b>City, state and zip:</b>	Salt Lake City, UT 84114-1012		
<b>Contact persons:</b>			
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>	
Linda S. Winger	801-538-6262	lindaw@utah.gov	
<b>Please address questions regarding information on this notice to the agency.</b>			

**General Information**

<b>2. Rule catchline:</b>
R436-8. Authorization for Final Disposition of Deceased Persons

**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 Department of Health and Human Services (Department), pursuant to Section 26B-1-202, establishes this rule for the removal, transportation and preservation of bodies of deceased persons including the authorization for disinterment and reinterment, and is done in accordance with Sections 26-2-13 and 26-2-16.

**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 were received.

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

This rule is essential as this rule sets forth the requirements for the removal, transportation, and preservation of bodies of deceased persons. It also provides for the authorization for disinterment and reinterment of dead bodies. Therefore, this rule should be continued.

The Department anticipates amending this rule to update any outdated citations following the recodification of the Department's statute.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy Gruber, Executive Director	<b>Date:</b>	03/20/2023
---	--	--------------	------------

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R436-9</b>	<b>Filing ID:</b>	<b>54325</b>
<b>Effective Date:</b>	<b>03/21/2023</b>		

**Agency Information**

<b>1. Department:</b>	Health and Human Services
<b>Agency:</b>	Center for Health Data, Vital Records and Statistics
<b>Building:</b>	Cannon Health Building
<b>Street address:</b>	288 N 1460 W
<b>City, state and zip:</b>	Salt Lake City, UT 84116
<b>Mailing address:</b>	PO Box 141012
<b>City, state and zip:</b>	Salt Lake City, UT 84114-1012

**Contact persons:**

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Linda S. Winger	801-538-6262	lindaw@utah.gov

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

**General Information**

**2. Rule catchline:**

R436-9. Persons and Institutions Required to Keep Monthly Listings of Vital Statistics Events

**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 26-2-23(3) requires administrators of institutions such as birthing facilities to send a list of all births which occurred in their institution to the local registrar no later than the tenth day of each month. The Department of Health and Human Services (Department) may adopt rules pursuant to Section 26-1-202.

**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 were received.

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

This rule is essential as it establishes the requirements for birthing facilities and midwives to keep a list of births and reconcile it with a report from the electronic birth registration system. Therefore, this rule should be continued.

The Department anticipates amending this rule to update any outdated citations following the recodification of the Department's statute.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy Gruber, Executive Director	<b>Date:</b>	03/21/2023
---	--	--------------	------------

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R436-10</b>	<b>Filing ID:</b>	<b>54321</b>
<b>Effective Date:</b>	<b>03/20/2023</b>		

**Agency Information**

<b>1. Department:</b>	Health and Human Services	
<b>Agency:</b>	Center for Health Data, Vital Records and Statistics	
<b>Building:</b>	Cannon Health Building	
<b>Street address:</b>	288 N 1460 W	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 141012	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-1012	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Linda S. Winger	801-538-6262	lindaw@utah.gov
<b>Please address questions regarding information on this notice to the agency.</b>		

**General Information**

<b>2. Rule catchline:</b>
R436-10. Death Registration
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Section 26-2-19 requires each local registrar to keep and transmit all records registered by the local registrar in accordance with Department of Health and Human Services' (Department) rules. This rule is authorized pursuant to Section 26B-1-202.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
No comments were received.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
This rule is essential as it sets forth the responsibility of Local Registrars to review and register deaths in their area. Therefore, this rule should be continued.
The Department anticipates amending this rule to update any outdated citations following the recodification of the Department's statute.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy Gruber, Executive Director	<b>Date:</b>	03/20/2023
---	--	--------------	------------

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R436-12</b>	<b>Filing ID: 54445</b>
<b>Effective Date:</b>	<b>03/21/2023</b>	

**Agency Information**

<b>1. Department:</b>	Health and Human Services	
<b>Agency:</b>	Center for Health Data, Vital Records and Statistics	
<b>Building:</b>	Cannon Health Building	
<b>Street address:</b>	288 N 1460 W	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 141012	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-1012	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Linda S. Winger	801-538-6262	lindaw@utah.gov
<b>Please address questions regarding information on this notice to the agency.</b>		

**General Information**

<b>2. Rule catchline:</b>
R436-12. Certified Copies of Vital Statistics Records
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Section 26-2-21 allows the state registrar to authorize local registrars to issue certified copies of Vital Statistics Records. The Department of Health and Human Services (Department) may adopt rules pursuant to Section 26B-1-202.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
No comments were received.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
This rule is essential as it sets forth the requirements for local registrars to issue certified copies of vital records. Therefore, this rule should be continued.
The Department anticipates amending this rule to update any outdated citations following the recodification of the Department's statute.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy Gruber, Executive Director	<b>Date:</b>	03/21/2023
---	--	--------------	------------

This rule is essential as it sets forth who may inspect a vital record. Therefore, this rule should be continued.

The Department anticipates amending this rule to update any outdated citations following the recodification of the Department's statute.

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R436-13</b>	<b>Filing ID:</b>	<b>54336</b>
<b>Effective Date:</b>	<b>03/21/2023</b>		

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy Gruber, Executive Director	<b>Date:</b>	03/21/2023
---	--	--------------	------------

**Agency Information**

<b>1. Department:</b>	Health and Human Services	
<b>Agency:</b>	Center for Health Data, Vital Records and Statistics	
<b>Building:</b>	Cannon Health Building	
<b>Street address:</b>	288 N 1460 W	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 141012	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-1012	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Linda S. Winger	801-538-6262	lindaw@utah.gov
<b>Please address questions regarding information on this notice to the agency.</b>		

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R436-14</b>	<b>Filing ID:</b>	<b>54373</b>
<b>Effective Date:</b>	<b>03/21/2023</b>		

**Agency Information**

<b>1. Department:</b>	Health and Human Services	
<b>Agency:</b>	Center for Health Data, Vital Records and Statistics	
<b>Building:</b>	Cannon Health Building	
<b>Street address:</b>	288 N 1460 W	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 141012	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-1012	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Linda S. Winger	801-538-6262	lindaw@utah.gov
<b>Please address questions regarding information on this notice to the agency.</b>		

**General Information**

<b>2. Rule catchline:</b>
R436-13. Disclosure of Records
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Subsection 26-2-22(2)(a) permits vital records to be open to inspection only "in compliance with the provisions of this chapter, Department of Health and Human Services' (Department) rules, and Sections 78B-6-141 and 78B-6-144." The Department may adopt rules pursuant to Section 26-1-202.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
No comments have been received.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>

**General Information**

<b>2. Rule catchline:</b>
R436-14. Copies of Data From Vital Records
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Section 26-2-26 permits the state registrar and local registrars to prepare copies of vital records and to certify their correctness. The Department of Health and Human Services (Department) may adopt rules pursuant to Section 26B-1-202, establishing standards and requirements for copies of data from vital 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:**  
 No comments were received.

**5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:**  
 This rule is essential as it sets forth standards and requirements for copies of data from Vital Records. Therefore, this rule should be continued.

The Department anticipates amending this rule to update any outdated citations following the recodification of the Department's statute.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy Gruber, Executive Director	<b>Date:</b>	03/21/2023
---	--	--------------	------------

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R436-15</b>	<b>Filing ID:</b>	<b>54335</b>
<b>Effective Date:</b>	<b>03/21/2023</b>		

**Agency Information**

<b>1. Department:</b>	Health and Human Services	
<b>Agency:</b>	Center for Health Data, Vital Records and Statistics	
<b>Building:</b>	Cannon Health Building	
<b>Street address:</b>	288 N 1460 W	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 141012	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-1012	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Linda S. Winger	801-538-6262	lindaw@utah.gov
<b>Please address questions regarding information on this notice to the agency.</b>		

**General Information**

<b>2. Rule catchline:</b>
R436-15. Fees

**3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:**  
 Section 26B-1-209 allows the Department of Health and Human Services (Department) to establish fees. Section 26B-1-202 allows the Department to adopt rules.

**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 were received.

**5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:**  
 This rule is essential as it sets forth the fees for vital records copies and searches. Therefore, this rule should be continued.

The Department anticipates amending this rule to update any outdated citations following the recodification of the Department's statute.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy Gruber, Executive Director	<b>Date:</b>	03/21/2023
---	--	--------------	------------

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R436-17</b>	<b>Filing ID:</b>	<b>54332</b>
<b>Effective Date:</b>	<b>03/21/2023</b>		

**Agency Information**

<b>1. Department:</b>	Health and Human Services	
<b>Agency:</b>	Center for Health Data, Vital Records and Statistics	
<b>Building:</b>	Cannon Health Building	
<b>Street address:</b>	288 N 1460 W	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 141012	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-1012	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Linda S. Winger	801-538-6262	lindaw@utah.gov
<b>Please address questions regarding information on this notice to the agency.</b>		

**General Information**

<b>2. Rule catchline:</b>
R436-17. Review and Approval of Research Requests
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
This rule is necessary in order to comply with the Department of Health and Human Services' (Department) statutory duty in Subsection 26-2-3(2)(a) to establish a statewide vital records system for the registration, collection, preservation, amendment, and certification of vital records and to establish the procedures and requirements that must be followed for the State Registrar to consent to research requests under Subsection 26-2-22(3)(d). The Department may adopt rules pursuant to Section 26B-1-202.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
No comments were received.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
This rule is essential as it sets forth procedures for the review and approval of research requests received by the Office of Vital Records and Statistics. Therefore, this rule should be continued.
The Department anticipates a rule amendment to update citations following the recodification of Department statute.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy Gruber, Executive Director	<b>Date:</b>	03/21/2023
---	--	--------------	------------

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R527-920</b>	<b>Filing ID:</b>	<b>54168</b>
<b>Effective Date:</b>	<b>03/22/2023</b>		

**Agency Information**

<b>1. Department:</b>	Health and Human Services
<b>Agency:</b>	Recovery Services
<b>Street address:</b>	4315 S 2700 W, 1st Floor
<b>City, state and zip:</b>	Taylorsville, UT 84129
<b>Mailing address:</b>	PO Box 45033
<b>City, state and zip:</b>	Salt Lake City, UT 84145-0033

<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Scott Weight	801-741-7435	sweigh2@utah.gov
Casey Cole	801-741-7523	cacole@utah.gov
Jonah Shaw	385-310-2389	jshaw@utah.gov
<b>Please address questions regarding information on this notice to the agency.</b>		

**General Information**

<b>2. Rule catchline:</b>
R527-920. Mandatory Disbursement to Obligee Through Electronic Funds Transfer
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
This rule is authorized by Section 62A-11-704 which requires the Office of Recovery Services (ORS) to distribute child support payments by electronic funds transfer. This statute allows ORS to make exceptions to the requirement to distribute payments via electronic funds transfer in the case where such distribution would result in undue hardship to ORS or to a person or where it is not likely the distribution would be made on a recurring basis.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
No comments have been received.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
This rule is necessary because the statute under which this rule is enacted is still in effect. This rule provides direction as to when written information regarding electronic funds transfer options will be sent to an obligee on an ORS case. This rule provides an obligee with a timeframe in which to respond regarding preferred methods for receiving electronic payments and allows ORS to enroll an obligee in a plan to receive payments in an account accessible by an electronic access card if no response is received. This rule also provides exceptions to ORS' requirement to distribute child support payments via electronic funds transfer. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy Gruber, Executive Director	<b>Date:</b>	03/22/2023
---	--	--------------	------------

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R746-110</b>	<b>Filing ID:</b>	<b>51952</b>
<b>Effective Date:</b>	<b>03/30/2023</b>		

**Agency Information**

<b>1. Department:</b>	Public Service Commission	
<b>Agency:</b>	Administration	
<b>Building:</b>	Heber M Wells Building	
<b>Street address:</b>	160 E 300 S, 4th Floor	
<b>City, state and zip:</b>	Salt Lake City, UT 84111	
<b>Mailing address:</b>	PO Box 4558	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4558	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Michael Hammer	801-530-6729	michaelhammer@utah.gov
<b>Please address questions regarding information on this notice to the agency.</b>		

**General Information**

<b>2. Rule catchline:</b>
R746-110. Uncontested Matters to be Adjudicated Informally
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
The Public Service Commission (PSC) is statutorily vested with jurisdiction to supervise and regulate every public utility in Utah. Among the PSC's responsibilities is the adjudication of administrative complaints and requests for agency action consistent with and pursuant to the Administrative Procedures Act (APA). The APA authorizes the PSC, like most agencies, to enact rules designating certain categories of adjudicative proceedings as "informal." This rule facilitates informal adjudication of proceedings before the PSC as expressly authorized under Section 63G-4-203.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>

The 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:**

This rule is necessary for the PSC to adjudicate proceedings informally and provides parties an efficient and less costly alternative to formal adjudication of matters before the PSC. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Thad LeVar, PSC Chair	<b>Date:</b>	03/30/2023
---	--------------------------	--------------	------------

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R746-210</b>	<b>Filing ID:</b>	<b>51959</b>
<b>Effective Date:</b>	<b>03/30/2023</b>		

**Agency Information**

<b>1. Department:</b>	Public Service Commission	
<b>Agency:</b>	Administration	
<b>Building:</b>	Heber M Wells Building	
<b>Street address:</b>	160 E 300 S, 4th Floor	
<b>City, state and zip:</b>	Salt Lake City, UT 84111	
<b>Mailing address:</b>	PO Box 4558	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4558	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Michael Hammer	801-530-6729	michaelhammer@utah.gov
<b>Please address questions regarding information on this notice to the agency.</b>		

**General Information**

<b>2. Rule catchline:</b>
R746-210. Utility Service Rules Applicable Only to Electric Utilities
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>

The Public Service Commission (PSC) is "vested with power and jurisdiction to supervise and regulate every public utility in this state" and "to do all things ... which are necessary or convenient in the exercise of such power and jurisdiction." under Section 54-4-1. This rule contains provisions that are integral to appropriate regulation of, specifically, electric utilities. This rule adopts federal standards for master metered multiple tenancy dwellings, certain necessary exemptions with respect to individual metering, and a process for customers to appeal an electric utility's determination as to whether an exemption applies.

**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:**

This rule provides a necessary framework and process for electric utilities and their customers to determine whether and when individual metering is necessary for multitenancy dwellings. This rule provides significant value to stakeholders and is necessary to the PSC's ordinary exercise of its regulatory jurisdiction with respect to electric utilities. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Thad LeVar, PSC Chair	<b>Date:</b>	03/30/2023
---	-----------------------	--------------	------------

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R746-240</b>	<b>Filing ID:</b>	<b>51960</b>
<b>Effective Date:</b>	<b>03/20/2023</b>		

**Agency Information**

<b>1. Department:</b>	Public Service Commission
<b>Agency:</b>	Administration
<b>Building:</b>	Heber M Wells Building
<b>Street address:</b>	160 E 300 S, 4th Floor
<b>City, state and zip:</b>	Salt Lake City, UT 84111
<b>Mailing address:</b>	PO Box 4558
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4558

<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
John Delaney	801-530-6724	jdelaney@utah.gov
<b>Please address questions regarding information on this notice to the agency.</b>		

**General Information**

<b>2. Rule catchline:</b>
R746-240. Telecommunication Service Rules

**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 54-4-1 authorizes the Public Service Commission (PSC) to regulate every public utility in Utah and supervise their business as necessary to accomplish that regulation and supervision.

Section 54-4-7 requires that the PSC provide rules to ensure that utility service and equipment is just, safe, proper, and adequate.

Section 54-7-9 directs the PSC to address complaints against utilities concerning violations of law, or PSC order or rule.

The authority and requirements of all of these statutory provisions are reflected in this rule, allowing the PSC to fulfill the statutory purposes.

**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:**

This rule is necessary because it provides guidelines for telecommunication service and resolution of customer complaints. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Thad LeVar, PSC Chair	<b>Date:</b>	03/20/2023
---	-----------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
<b>Rule Number:</b>	<b>R746-340</b>	<b>Filing ID: 51962</b>
<b>Effective Date:</b>	<b>03/20/2023</b>	

**Agency Information**

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

**General Information**

<b>2. Rule catchline:</b>
R746-340. Service Quality for Telecommunications Corporations
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Section 54-4-1 authorizes the Public Service Commission (PSC) to regulate and supervise every public utility in Utah and their business as necessary to accomplish that regulation and supervision.
Section 54-4-14 authorizes the PSC to make rules requiring every public utility to construct, maintain, and operate in a manner promoting and safeguarding the health and safety of its employees, customers, and the public, and establishing standards of construction and equipment, and requiring the performance of any other acts which the health or safety of a public utility's employees, customers, or the public may demand.
Section 54-4-23 authorizes the PSC to establish a system of accounts to be kept by public utilities subject to the PSC's jurisdiction and to determine the manner in which such accounts shall be kept.
The PSC may also, in its discretion, prescribe the forms of accounts, records, and memorandum to be kept by such public utilities and any forms, records, and memorandum which in the judgment of the PSC may be necessary to comply with the provisions of this section. The authority of

all these statutory provisions is reflected in this rule, which thus allows the PSC to fulfill the statutory purposes.

**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:**

This rule is necessary because it ensures that safe, adequate, and satisfactory service will be rendered to the public by telecommunications utilities under the jurisdiction of the PSC. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Thad LeVar, PSC Chair	<b>Date:</b>	03/20/2023
---	-----------------------	--------------	------------

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R994-201</b>	<b>Filing ID: 54908</b>
<b>Effective Date:</b>	<b>03/22/2023</b>	

**Agency Information**

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

**General Information**

<b>2. Rule catchline:</b>
R994-201. Definition of Terms in Employment Security 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:**

Section 35A-1-104 authorizes the Department of Workforce Services (Department) to adopt rules.

Subsection 35A-1-104(4) authorizes the Department to establish eligibility standards for its programs.

Subsection 35A-4-502(1)(b) authorizes the Department to make rules necessary for the administration of the Employment Security Act.

This rule adopts definitions set by the Department or by statute.

**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 during the last five years or 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 rule is necessary to assist parties in understanding the words, phrases, and acronyms found elsewhere in the rules. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Casey Cameron, Executive Director	<b>Date:</b>	03/22/2023
---	-----------------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
<b>Rule Number:</b>	R994-202	<b>Filing ID:</b> 55003
<b>Effective Date:</b>	03/22/2023	

**Agency Information**

<b>1. Department:</b>	Workforce Services
<b>Agency:</b>	Unemployment Insurance
<b>Building:</b>	Olene Walker Building
<b>Street address:</b>	140 E 300 S
<b>City, state and zip:</b>	Salt Lake City, UT 84111
<b>Mailing address:</b>	PO Box 45244
<b>City, state and zip:</b>	Salt Lake City, UT 84145-0244

**Contact persons:**

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Amanda B. McPeck	801-526-9653	ampeck@utah.gov

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

**General Information**

**2. Rule catchline:**

R994-202. Employing Units

**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 35A-1-104 authorizes the Department of Workforce Services (Department) to adopt rules.

Subsection 35A-1-104(4) authorizes the Department to establish eligibility standards for its programs.

Subsection 35A-4-502(1)(b) authorizes the Department to make rules necessary for the administration of the Employment Security Act.

Section 35A-4-202 defines an employing unit by reference to a list of various types of organizations. The statute does not provide definitions for those organizations.

This rule provides definitions for the types of organizations.

**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 during the last five years or 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 is necessary to assist parties in understanding which provisions may apply to various types of organizations. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Casey Cameron, Executive Director	<b>Date:</b>	03/22/2023
---	-----------------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
<b>Rule Number:</b>	R994-208	<b>Filing ID:</b> 54922
<b>Effective Date:</b>	03/22/2023	

**Agency Information**

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

**General Information**

<b>2. Rule catchline:</b>
R994-208. Wages
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Section 35A-1-104 authorizes the Department of Workforce Services (Department) to adopt rules.
Subsection 35A-1-104(4) authorizes the Department to establish eligibility standards for its programs.
Subsection 35A-4-502(1)(b) authorizes the Department to make rules necessary for the administration of the Employment Security Act.
Section 35A-4-208 defines wages for purposes of the Act, but the statutory definition does not fully address circumstances in which a payment to a worker may arguably constitute a wage. This rule further defines what constitutes wages in harmony with the statute.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
No written comments have been received during the last five years or since the last five-year review.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
This rule is necessary to more fully define the terms found in the statute to assist the Department and the public determine which payments are considered wages for purposes of determining unemployment insurance

benefits and contributions. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Casey Cameron, Executive Director	<b>Date:</b>	03/22/2023
---	-----------------------------------	--------------	------------

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R994-306</b>	<b>Filing ID:</b>	<b>52230</b>
<b>Effective Date:</b>	<b>03/22/2023</b>		

**Agency Information**

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

**General Information**

<b>2. Rule catchline:</b>
R994-306. Charging Benefit Costs to Employers
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Section 35A-1-104 authorizes the Department of Workforce Services (Department) to adopt rules.
Subsection 35A-1-104(4) authorizes the Department to establish eligibility standards for its programs.
Subsection 35A-4-502(1)(b) authorizes the Department to make rules necessary for the administration of the Employment Security Act.
Section 35A-4-306 sets forth the requirements for charging benefit costs to an employer and requires the Department to establish procedures by which employers may contest the charging of benefit costs. This rule

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

establishes the procedures for contesting charging decisions as required by the statute.

**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 during the last five years or 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 is necessary to explain when an employer will be charged for benefit costs, how the employer will be notified, and how the employer may protest those charges. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Casey Cameron, Executive Director	<b>Date:</b>	03/22/2023
---	-----------------------------------	--------------	------------

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R994-307</b>	<b>Filing ID:</b>	<b>52229</b>
<b>Effective Date:</b>	<b>03/22/2023</b>		

**Agency Information**

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

**General Information**

<b>2. Rule catchline:</b>
R994-307. Social Costs -- Relief of Charges

**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 35A-1-104 authorizes the Department of Workforce Services (Department) to adopt rules.

Subsection 35A-1-104(4) authorizes the Department to establish eligibility standards for its programs.

Subsection 35A-4-502(1)(b) authorizes the Department to make rules necessary for the administration of the Employment Security Act.

Section 35A-4-307 defines social costs that may not be charged to base-period employers. This rule sets forth specific applications of the definition of social costs, as well as the procedure for an employer to request relief of charges under the social cost requirements.

**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 during the last five years or 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 is necessary to fully explain when an employer will be eligible for relief of charges and when benefit costs may be charged to social costs for contributing employers. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Casey Cameron, Executive Director	<b>Date:</b>	03/22/2023
---	-----------------------------------	--------------	------------

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R994-315</b>	<b>Filing ID:</b>	<b>52243</b>
<b>Effective Date:</b>	<b>03/22/2023</b>		

**Agency Information**

<b>1. Department:</b>	Workforce Services	
<b>Agency:</b>	Unemployment Insurance	
<b>Building:</b>	Olene Walker Building	
<b>Street address:</b>	140 E 300 S	
<b>City, state and zip:</b>	Salt Lake City, UT 84111	
<b>Mailing address:</b>	PO Box 45244	
<b>City, state and zip:</b>	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**

<b>2. Rule catchline:</b>
R994-315. Centralized New Hire Registry Reporting
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Section 35A-1-104 authorizes the Department of Workforce Services (Department) to adopt rules.  Subsection 35A-1-104(4) authorizes the Department to establish eligibility standards for its programs.  Subsection 35A-4-502(1)(b) authorizes the Department to make rules necessary for the administration of the Employment Security Act.  42 U.S.C. 654 requires the state to maintain a database of newly hired or rehired employees to ensure workers' child support obligations may be met via withholding of unemployment insurance benefits otherwise due to the worker.  The Centralized New Hire Registry Act, Section 35A-7-101 et seq., delegates to the Department the duty to establish and maintain a centralized new hire registry database to receive and maintain information on newly hired or rehired employees. This rule sets forth the Department's standards and procedures for how employers are to report information to the database.
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
No written comments have been received during the last five years or since the last five-year review.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
This new hire registry is mandated by federal and state law and is used to assist in child support and detecting fraud in the unemployment insurance benefits program. This rule is necessary to assist the Department determine when an individual has returned to work and protect the trust fund. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Casey Cameron, Executive Director	<b>Date:</b>	03/22/2023
---	-----------------------------------	--------------	------------

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
<b>Rule Number:</b>	<b>R994-403</b>	<b>Filing ID:</b> 52238
<b>Effective Date:</b>	<b>03/22/2023</b>	

**Agency Information**

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

**General Information**

<b>2. Rule catchline:</b>
R994-403. Claim for Benefits
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Section 35A-1-104 authorizes the Department of Workforce Services (Department) to adopt rules.  Subsection 35A-1-104(4) authorizes the Department to establish eligibility standards for its programs.  Subsection 35A-4-502(1)(b) authorizes the Department to make rules necessary for the administration of the Employment Security Act.  Section 35A-4-403 sets forth the general criteria for workers to be considered eligible to receive unemployment insurance benefits.  Subsection 35A-4-403(4) grants the Department authority to make rules to waive or alter certain general criteria.

This rule sets forth criteria for addressing more specific situations related to eligibility for benefits that are not squarely addressed by statute, as well as the circumstances in which certain of the general criteria may be waived or excused.

**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 during the last five years or 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 is necessary to provide claimants, employers, and the Department with information regarding eligibility for benefits, incorporating case law from the Utah Supreme Court and Utah Court of Appeals interpreting the statutory criteria. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Casey Cameron, Executive Director	<b>Date:</b>	03/22/2023
---	---	--------------	------------

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R994-405</b>	<b>Filing ID:</b>	<b>52246</b>
<b>Effective Date:</b>	<b>03/22/2023</b>		

**Agency Information**

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

**General Information**

**2. Rule catchline:**

R994-405. Ineligibility for Benefits

**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 35A-1-104 authorizes the Department of Workforce Services (Department) to adopt rules.

Subsection 35A-1-104(4) authorizes the Department to establish eligibility standards for its programs.

Subsection 35A-4-502(1)(b) authorizes the Department to make rules necessary for the administration of the Employment Security Act.

Section 35A-4-405 sets forth the general criteria governing when a claimant is ineligible to receive unemployment insurance benefits.

This rule sets forth criteria for addressing more specific situations related to ineligibility for benefits that are not squarely addressed by statute.

**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 during the last five years or 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 is necessary to provide claimants, employers, and the Department with information regarding eligibility for benefits, incorporating case law from the Utah Supreme Court and Utah Court of Appeals interpreting the statutory criteria. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Casey Cameron, Executive Director	<b>Date:</b>	03/22/2023
---	---	--------------	------------

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule Number:</b>	<b>R994-508</b>	<b>Filing ID:</b>	<b>52589</b>
<b>Effective Date:</b>	<b>03/22/2023</b>		

**Agency Information**

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

**General Information**

<b>2. Rule catchline:</b>
R994-508. Appeal Procedures
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Section 35A-1-104 authorizes the Department of Workforce Services (Department) to adopt rules.
Subsection 35A-1-104(4) authorizes the Department to establish eligibility standards for its programs.

<p>Subsection 35A-4-502(1)(b) authorizes the Department to make rules necessary for the administration of the Employment Security Act.</p> <p>Section 35A-1-303 authorizes the Department to make rules regarding adjudicative procedures.</p> <p>Section 35A-4-508 sets forth the general requirements for the appeal of Department unemployment insurance decisions. This rule provides more specific requirements and procedures for those appeals, including specifying hearing procedures and rules of evidence.</p>
<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>
No written comments have been received during the last five years or since the last five-year review.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
This rule is necessary to provide claimants, employers, and the Department with information regarding the appeals procedure, including the manner of conducting hearings and taking evidence. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Casey Cameron, Executive Director	<b>Date:</b>	03/22/2023
---	---	--------------	------------

**End of the Five-Year Notices of Review and Statements of Continuation Section**



## NOTICES OF FIVE-YEAR REVIEW EXTENSIONS

Rulewriting agencies are required by law to review each of their administrative rules within five years of the date of the rule's original enactment or the date of last review (Section 63G-3-305). If the agency finds that it will not meet the deadline for review of the rule (the five-year anniversary date), it may file a **NOTICE OF FIVE-YEAR REVIEW EXTENSION (EXTENSION)** with the Office of Administrative Rules. The **EXTENSION** permits the agency to file the review up to 120 days beyond the anniversary date.

Agencies have filed **EXTENSIONS** for the rules listed below. The "Extended Due Date" is 120 days after the anniversary date.

**EXTENSIONS** are governed by Subsection 63G-3-305(6).

NOTICE OF FIVE-YEAR REVIEW EXTENSION		
<b>Rule Number:</b>	<b>R436-16</b>	<b>Filing ID: 54323</b>
<b>New Deadline Date:</b>	<b>07/19/2023</b>	

### Agency Information

<b>1. Department:</b>	Health and Human Services	
<b>Agency:</b>	Center for Health Data, Vital Records and Statistics	
<b>Building:</b>	Cannon Health Building	
<b>Street address:</b>	288 N 1460 W	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 141012	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-1012	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Linda S. Wininger	801-538-6262	lindaw@utah.gov

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

### General Information

<b>2. Rule catchline:</b>
R436-16. Violation of Rules
<b>3. Reason for requesting the extension:</b>
The Department Health and Human Services requests a five-year review extension to allow it enough time to amend this rule to more accurately reflect rulemaking authority and to more fully set out the specific penalties for violations of specific rules.

### Agency Authorization Information

<b>Agency head or designee and title:</b>	Tracy Gruber, Executive Director	<b>Date:</b>	03/21/2023
---	--	--------------	------------

**End of the Notices of Five-Year Review Extensions 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. 55243 (Amendment) R58-3: Brucellosis Vaccination Requirements

Published: 03/01/2023

Effective: 04/07/2023

No. 55228 (Amendment) R58-23: Equine Viral Arteritis (EVA)

Published: 03/01/2023

Effective: 04/07/2023

#### Plant Industry

No. 55227 (Amendment) R68-26: Cannabinoid Product Registration and Labeling

Published: 03/01/2023

Effective: 04/07/2023

#### Regulatory Services

No. 55202 (Amendment) R70-101: Bedding, Upholstered Furniture and Quilted Clothing

Published: 02/15/2023

Effective: 04/04/2023

### Commerce

#### Professional Licensing

No. 55210 (Amendment) R156-24b: Physical Therapy Practice Act Rule

Published: 02/15/2023

Effective: 03/27/2023

No. 55213 (Amendment) R156-69: Dentist and Dental Hygienist Practice Act Rule

Published: 02/15/2023

Effective: 03/27/2023

### Education

#### Administration

No. 55199 (Amendment) R277-100: Definitions for Utah State Board of Education (Board) Rules

Published: 02/01/2023

Effective: 03/10/2023

No. 55245 (Amendment) R277-115: LEA Supervision and Monitoring Requirements of Third Party Providers and Contracts

Published: 03/01/2023

Effective: 04/07/2023

No. 55246 (Amendment) R277-303: Educator Preparation Programs

Published: 03/01/2023

Effective: 04/07/2023

No. 55247 (Repeal) R277-463: Class Size Average and Pupil-Teacher Ratio Reporting

Published: 03/01/2023

Effective: 04/07/2023

No. 55200 (Repeal) R277-518: Career and Technical Education Licenses

Published: 02/01/2023

Effective: 03/10/2023

No. 55249 (Amendment) R277-600: Student Transportation Standards and Procedures

Published: 03/01/2023

Effective: 04/07/2023

No. 55250 (Repeal) R277-617: Smart School Technology Program

Published: 03/01/2023

Effective: 04/07/2023

## NOTICES OF RULE EFFECTIVE DATES

### Environmental Quality

#### Air Quality

No. 55040 (New Rule) R307-313: VOC and Blue Smoke Controls for Hot Mix Asphalt Plants

Published: 12/01/2022

Effective: 03/24/2023

No. 55040 (Change in Proposed Rule) R307-313: VOC and Blue Smoke Controls for Hot Mix Asphalt Plants

Published: 02/15/2023

Effective: 03/24/2023

#### Waste Management and Radiation Control, Waste Management

No. 54864 (Amendment) R315-101: Cleanup Action and Risk-Based Closure Standards

Published: 10/01/2022

Effective: 03/15/2023

No. 54864 (Change in Proposed Rule) R315-101: Cleanup Action and Risk-Based Closure Standards

Published: 02/01/2023

Effective: 03/15/2023

### Government Operations

#### Human Resource Management

No. 55214 (Amendment) R477-10: Employee Development

Published: 02/15/2023

Effective: 03/27/2023

### Governor

#### Criminal and Juvenile Justice (State Commission on)

No. 55209 (New Rule) R356-6: Electronic Meetings

Published: 02/15/2023

Effective: 03/24/2023

### Health and Human Services

#### Disease Control and Prevention, Epidemiology

No. 54983 (Amendment) R386-702: Communicable Disease Rule

Published: 11/15/2022

Effective: 03/14/2023

#### Health Care Financing

No. 55225 (Amendment) R410-14: Administrative Hearing Procedures

Published: 02/15/2023

Effective: 03/30/2023

Health Care Financing, Coverage and Reimbursement Policy

No. 55226 (New Rule) R414-24: Claims and Adjustments for the Provider Reimbursement Information System

Published: 02/15/2023

Effective: 04/03/2023

No. 55223 (Amendment) R414-301: Medicaid General Provisions

Published: 02/15/2023

Effective: 03/30/2023

#### Family Health and Preparedness, Licensing

No. 55196 (Amendment) R432-103: Specialty Hospital – Rehabilitation

Published: 02/01/2023

Effective: 03/22/2023

No. 55194 (Amendment) R432-104: Specialty Hospital Long-Term Acute Care

Published: 02/01/2023

Effective: 03/22/2023

### Insurance

#### Administration

No. 55232 (Amendment) R590-229: Annuity Disclosure

Published: 03/01/2023

Effective: 04/07/2023

No. 55233 (Amendment) R590-244: Individual and Agency Licensing Requirements

Published: 03/01/2023

Effective: 04/07/2023

No. 55234 (Amendment) R590-252: Use of Senior-Specific Certifications and Professional Designations

Published: 03/01/2023

Effective: 04/07/2023

### Natural Resources

#### Wildlife Resources

No. 55203 (Amendment) R657-33: Bait Sites and Prohibited bait

Published: 02/15/2023

Effective: 03/24/2023

### Transportation

#### Program Development

No. 55244 (Amendment) R926-12: Share the Road Bicycle Support Restricted Account

Published: 03/01/2023

Effective: 04/11/2023

### Transportation Commission

#### Administration

No. 55204 (Amendment) R940-5: Approval of Highway Facilities on Sovereign Lands

Published: 02/15/2023

Effective: 03/27/2023

**End of the Notices of Rule Effective Dates Section**