

**R37. Government Operations, Risk Management.**

**R37-3. Risk Management Adjudicative Proceedings.**

**R37-3-1. Definitions.**

The terms used in this rule are defined in Section 63G-4-103.

**R37-3-2. Authority.**

This rule is enacted in compliance with the Utah Administrative Procedures Act, Section 63G-4-102 et seq., and Section 63A-1-110.

**R37-3-3. Purpose.**

(1) The Risk Manager designates all agency action subject to the scope and applicability of the Utah Administrative Procedures Act, Title 63G, Chapter 4, as informal proceedings.

(2) Pursuant to Section 63G-4-102, all agency action with respect to questions of coverage of the risk management Fund, premiums to be charged by the Fund and the interpretation of policies issued by the Fund are actions relating to contracts for the purchase or sale of goods or services by and for the State or by and for an agency of the State and are excluded from the coverage of the Administrative Procedures Act, Section 63G-4-102 et seq., and these rules.

**R37-3-4. Procedure.**

In compliance with Section 63G-4-203, the procedure for the informal adjudicative proceedings is as follows:

(1) The agency shall not be required to respond in writing to a request for agency action.

(2) The respondent to a notice of agency action pursuant to Section 63G-4-301 shall file an answer or responsive pleading to the allegations contained in the notice of agency action within 20 days following receipt of the notice of agency action.

(3) No hearing shall be held in any agency informal adjudication unless required by statute.

(4) If the agency does not respond in writing to a request for agency action, or does not issue a written decision or order pursuant to Section 63G-4-203 within 90 days of the filing of the request for agency action, such request shall be deemed denied by the agency.

**R37-3-5. Agency Review.**

Pursuant to Section 63G-4-301, the risk manager does not recommend and the executive director does not enact a rule permitting agency review.

**KEY: risk management**

**Date of Last Change: September 9, 2021**

**Notice of Continuation: May 5, 2017**

**Authorizing, and Implemented or Interpreted Law: 63A-1-110; 63G-4-101**