

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
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Kenneth A. Hansen, Director
Nancy L. Lancaster, Editor

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Inquiries concerning administrative rules or other contents of the *Bulletin* may be addressed to the responsible agency or to: Division of Administrative Rules, PO Box 141007, Salt Lake City, Utah 84114-1007, telephone (801) 538-3218, FAX (801) 538-1773. To view rules information, and on-line versions of the division's publications, visit: <http://www.rules.state.ut.us/>

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EDITOR'S NOTES

NOTICE OF PUBLICATION ERRORS IN THE MARCH 1, 1999, ISSUE OF THE *UTAH STATE BULLETIN*

In the March 1, 1999, issue of the *Utah State Bulletin* (99-5, page 9), the date filed for R307-101-2 (DAR No. 21851) was incorrectly listed as 12/10/1999. The date should have been 02/10/1999. Also, in the Table of Contents, the page number for R307-101-2 should be 9 instead of 7.

Questions regarding these errors to the *Utah State Bulletin* may be directed to: Nancy L. Lancaster, Publications Editor, Division of Administrative Rules, PO Box 141007, Salt Lake City UT 84114-1007; Phone: (801) 538-3218; FAX: (801) 538-1773; or E-mail at: asdomain.asitmain.nlancast@email.state.ut.us.

LEGISLATION WHICH AFFECTS THE RULEMAKING PROCESS

The 1999 General Session of the 53rd Legislature ended on March 3, 1999. During the session, the Legislature passed one bill dealing with administrative rules in general.

1st Sub. H.B. 193 (Amended) Administrative Rules Reauthorization (Stephens)

This is the Administrative Rules Review Committee's annual bill which is required by Section 63-46a-11.5. The long title describes H.B. 193 as an act "reauthorizing rules of state agencies" The bill was substituted on March 2, 1999. The substitute bill reauthorizes all rules except Subsection R277-458-3(C)(3)(a). The bill also provides that the "Division of Administrative Rules shall make amendments to any rules necessary to conform the rule content and structure, including renumbering subsections and deleting cross-references made obsolete by the repeal of [R277-458-3(C)(3)(a)]." The bill provides for an effective date of May 1, 1999. The substitute bill passed the Legislature on March 2, 1999.

Other Rules-Related Legislation Failed

H.B. 331 Administrative Rules Review Committee (Ure), published in the March 1, 1999, issue of the *Utah State Bulletin*, failed to pass the Senate.

General Information

Information about legislation may be found on the Legislature's 1999 General Session page at:

<http://www.le.state.ut.us/~1999/1999.htm>.

An enrolled copy of 1st Sub. H.B. 193 should be available within the next several weeks on the Legislature's web site.

Questions about rules-related legislation may be directed to: Ken Hansen, Director, Division of Administrative Rules, PO Box 141007, Salt Lake City, UT 84114-1007, phone: (801) 538-3777, FAX: (801) 538-1773, or Internet E-mail at: asitmain.khansen@email.state.ut.us.

The Bill Text Begins on the Next Page

NOTICES OF PROPOSED RULES

A state agency may file a PROPOSED RULE when it determines the need for a new rule, a substantive change to an existing rule, or a repeal of an existing rule. Filings received between February 17, 1999, 12:00 a.m., and March 1, 1999, 11:59 p.m., are included in this, the March 15, 1999, issue of the *Utah State Bulletin*.

In this publication, each PROPOSED RULE is preceded by a RULE ANALYSIS. This analysis provides summary information about the PROPOSED RULE including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

Following the RULE ANALYSIS, the text of the PROPOSED RULE is usually printed. New rules or additions made to existing rules are underlined (e.g., example). Deletions made to existing rules are struck out with brackets surrounding them (e.g., [~~example~~]). Rules being repealed are completely struck out. A row of dots in the text (•••••) indicates that unaffected text was removed to conserve space. If a PROPOSED RULE is too long to print, the Division of Administrative Rules will include only the RULE ANALYSIS. A copy of rules that are too long to print is available from the filing agency or from the Division of Administrative Rules.

The law requires that an agency accept public comment on PROPOSED RULES published in this issue of the *Utah State Bulletin* until at least April 14, 1999. The agency may accept comment beyond this date and will list the last day the agency will accept comment in the RULE ANALYSIS. The agency may also hold public hearings. Additionally, citizens or organizations may request the agency to hold a hearing on a specific PROPOSED RULE. Section 63-46a-5 (1987) requires that a hearing request be received "in writing not more than 15 days after the publication date of the PROPOSED RULE."

From the end of the public comment period through July 13, 1999, the agency may notify the Division of Administrative Rules that it wants to make the PROPOSED RULE effective. The agency sets the effective date. The date may be no fewer than 31 days nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file a CHANGE IN PROPOSED RULE in response to comments received. If the Division of Administrative Rules does not receive a NOTICE OF EFFECTIVE DATE or a CHANGE IN PROPOSED RULE, the PROPOSED RULE filing lapses and the agency must start the process over.

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

PROPOSED RULES are governed by *Utah Code* Section 63-46a-4 (1996); and *Utah Administrative Code* Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5, R15-4-9, and R15-4-10.

The Proposed Rules Begin on the Following Page.

Commerce, Occupational and
Professional Licensing
R156-31b
Nurse Practice Act Rules

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 21903

FILED: 03/01/1999, 14:12

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division and Board of Nursing have received several requests to broaden the definition of approved continuing education. Also, many have requested that physicians be allowed to provide quality review for Advanced Practice Registered Nurses (APRNs) who must participate in a quality review program to renew their licenses. Changes are being made to inactive licensure and reinstatement of licensure to comply with statute changes made during the 1998 legislative session (H.B. 351).

(DAR Note: H.B. 351 is found at 1998 Utah Laws 288 and is effective as of July 1, 1998.)

SUMMARY OF THE RULE OR CHANGE: The definition to "approved continuing education" was broadened to include health-related course work from an accredited educational institution. The criteria for a quality review program was expanded to include physicians as the reviewer. Changed the time to reactivate or reinstate a license from five years to three years.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-31b-101, and Subsections 58-1-106(1) and 58-1-202(1)

ANTICIPATED COST OR SAVINGS TO:

❖**THE STATE BUDGET:** This rule change may provide a potential cost savings to any state agency which hires advanced practice registered nurses (APRNs) because either an APRN or a physician can provide the quality review. An additional reviewer would not need to be hired.

❖**LOCAL GOVERNMENTS:** This rule change may provide a potential cost savings to any local government which hires APRNs because either an APRN or a physician can provide the quality review. An additional reviewer would not need to be hired.

❖**OTHER PERSONS:** Those individuals who choose to keep their license current with continuing education will have a greater choice of courses which can be taken. Those who are studying in a related field will not have to take additional

courses approved by a national approver of continuing education. Therefore, nursing licensees may notice an undeterminable savings with respect to their continuing education. Under the current rules, an APRN who works in a physician's office would need to hire another APRN to provide the quality review. The proposed change will allow more flexibility and decrease the costs of participating in a quality review program. The changes made with respect to reactivation/reinstatement may increase the number of persons (licensees) who need to take the nursing examination because the period of time was shortened by two years. The current cost for the nursing examination is \$88.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There should be a reduction in costs for licensees to comply with continuing education requirements. There may be an increase in costs for those licensees who need to reactivate or reinstate their license after the three year time period.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The purpose of this rule change is to enlarge the group of professionals able to participate in quality review programs for advanced practice nurses to include physicians. The proposed rule also expands the scope of acceptable continuing education. Additionally, the period of time to reinstate lapsed licenses has been reduced to three years to comply with the provisions of last year's amendments to the licensing act. There is a potential savings to the state budget and local governments as there will be a greater likelihood that existing employees will be able to perform quality review without bringing in a reviewer from outside government. This reduction in cost would also be applicable to advanced practice registered nurses working in physicians offices as the only APRN since it would not be necessary to hire another APRN to provide the quality review mandated for relicensure. With an increase in the sources of continuing education, there could be a reduction in the cost to the affected profession depending upon the form of continuing education chosen by the individual professional. The only impact upon the regulated profession through the reduction of the five-year period to three years would be those persons with lapsed licenses not licensed in another jurisdiction who would be required to take the examination two years earlier--Douglas C. Borba.

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

Commerce
Occupational and Professional Licensing
Fourth Floor, Heber M. Wells Building
160 East 300 South
PO Box 146741
Salt Lake City, UT 84114-6741, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Laura Poe at the above address, by phone at (801) 530-6789, by FAX at (801) 530-6511, or by Internet E-mail at brdopl.poe@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 04/14/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 04/15/1999

AUTHORIZED BY: Diane J. Blake, Acting Director

R156. Commerce, Occupational and Professional Licensing.

R156-31b. Nurse Practice Act Rules.

R156-31b-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 31b, as defined or used in these rules:

- (1) "APRN" means an advanced practice registered nurse.
- (2) "Approved continuing education" in Subsection R156-31b-303(3) means:
 - (a) continuing education that has been approved by a professional nationally recognized approver of health related continuing education; ~~and~~
 - (b) nursing education courses taken from an approved education program as defined in Section R156-31b-601; and
 - (c) health related course work taken from an educational institution accredited by a regional institutional accrediting body identified in the "Accredited Institutions of Postsecondary Education", 1997-98 edition, published for the Commission of Recognition of Postsecondary Accreditation of the American Council on Education.
- (3) "Approved education program" as defined in Subsection 58-31b-102(3) is further defined to include any nursing education program published in the documents entitled "State-Approved Schools of Nursing RN", 1997, and "State-Approved Schools of Nursing LPN/LVN", 1997, published by the National League for Nursing Accrediting Commission, which are hereby adopted and incorporated by reference as a part of these rules.
- (4) "CCNE" means the Commission on Collegiate Nursing Education.
- (5) "Contact hour" means 50 minutes.
- (6) "CGFNS" means the Commission on Graduates of Foreign Nursing Schools.
- (7) "CRNA" means a certified registered nurse anesthetist.
- (8) "Delegation" means transferring to an individual the authority to perform a selected nursing task in a selected situation. The nurse retains accountability for the delegation.
- (9) "Direct supervision" is the supervision required in Subsection 58-31b-306(1)(a)(iii) and means:
 - (a) the person providing supervision shall be available on the premises at which the supervisee is engaged in practice; or
 - (b) if the supervisee is specializing in psychiatric mental health nursing, the supervisor may be remote from the supervisee if there is personal direct voice communication between the two prior to administering or prescribing a prescription drug.
- (10) "Generally recognized scope and standards of advanced practice registered nursing" means the scope and standards of practice set forth in the "Scope and Standards of Advanced Practice Registered Nursing", 1996, published by the American Nurses Association, which is hereby adopted and incorporated by reference, or as established by the professional community.

(11) "Generally recognized scope of practice of licensed practical nurses" means the scope of practice set forth in the "Model Nursing Administrative Rules", 1994, published by the National Council of State Boards of Nursing, which is hereby adopted and incorporated by reference, or as established by the professional community.

(12) "Generally recognized scope of practice of registered nurses" means the scope of practice set forth in the "Standards of Clinical Nursing Practice", 2nd edition, 1998, published by the American Nurses Association, which is hereby adopted and incorporated by reference, or as established by the professional community.

(13) "Licensure by equivalency" as used in these rules means licensure as a licensed practical nurse after successful completion of course work in a registered nurse program which meets the criteria established in Section R156-31b-601.

(14) "LPN" means a licensed practical nurse.

(15) "NLNAC" means the National League for Nursing Accrediting Commission.

(16) "NCLEX" means the National Council Licensure Examination of the National Council of State Boards of Nursing.

(17) "Non-approved education program" means any foreign nurse education program.

(18) "Other specified health care professionals", as used in Subsection 58-31b-102(12), who may direct the licensed practical nurse means:

- (a) advanced practice registered nurse;
- (b) certified nurse midwife;
- (c) chiropractic physician;
- (d) dentist;
- (e) osteopathic physician;
- (f) physician assistant;
- (g) podiatric physician; and
- (h) optometrist.

(19) "RN" means a registered nurse.

(20) "Supervision" in Section R156-31b-701 means the provision of guidance or direction, evaluation and follow up by the licensed nurse for accomplishment of a task delegated to unlicensed assistive personnel or other licensed individuals.

(21) "Unprofessional conduct" as defined in Title 58, Chapters 1 and 31b, is further defined in Section R156-31b-502.

R156-31b-304. Quality Review Program.

In accordance with Subsection 58-31b-305(3)(b), quality review programs must meet the following criteria for division approval.

(1) The program shall consist of a program provider (provider), program staff, and APRNs or physicians, and shall be under the direction of the quality review provider.

(2) The provider shall clearly demonstrate that its personnel have the knowledge and expertise in the practice of advanced practice registered nursing and quality review to permit the provider to competently conduct a quality review program.

(3) The review process shall be conducted on a regular, systematic basis.

(4) A quality review program shall provide in its agreement between the provider and the licensee that:

(a) Upon a finding of gross incompetence, gross negligence, or a pattern of incompetence or negligence, the provider shall submit its findings to the division for appropriate action.

(b) If the licensee fails to substantially comply with a corrective action plan determined appropriate by the provider after a negative review by the provider, said failure shall be reported to the division for appropriate action.

(c) The provider shall make available to the division the results of a quality review upon the proper issuance of a subpoena by the division.

R156-31b-306. Inactive Licensure.

(1) A licensee may apply for inactive licensure status in accordance with Sections 58-1-305 and R156-1-305.

(2) To reactivate a license which has been inactive for ~~five~~three years or less, the licensee must document current compliance with the continuing competency requirements as established in Subsection R156-31b-303(3).

(3) To reactivate a license which has been inactive for more than ~~five~~three years, the licensee must document active licensure in another state or jurisdiction or pass the required examinations as defined in Section R156-31b-302c within six months prior to making application to reactivate a license.

R156-31b-307. Reinstatement of Licensure.

~~(1) In accordance with [in addition to] Section 58-1-308 and Subsection[s] R156-1-308[(e)](3)(b), (f), (g), (h) and (i), an applicant for reinstatement of a license which has been expired for three years or less, shall [licensure shall meet the following:~~

~~(1) To reinstate a license which has been expired for five years or less, the applicant must] document current compliance with the continuing competency requirements as established in Subsection R156-31b-303(3).~~

~~(2) [To reinstate a license which has been expired for more than five years, the applicant must document active licensure in another state or jurisdiction or pass the required examinations as defined in Section R156-31b-302c within six months prior to making application to reinstate a license.]For purposes of reinstatement, the examination must be taken within three years of application, but need not be taken within two years of completing a nursing education program.~~

**KEY: licensing, nurses
[September 1, 1998]1999**

**58-31b-101
58-1-106(1)
58-1-202(1)**

◆ ————— ◆
**Commerce, Occupational and
Professional Licensing
R156-62-302
Qualifications for Registration**

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE No.: 21899
FILED: 03/01/1999, 11:01
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: During the 1998 legislative session, the regulation of assistive personnel (health care assistants) was divided between the Department of Health and the Department of Commerce, Division of Occupational and Professional Licensing (S.B. 64). The Department of Health has adopted stringent rules regarding who is eligible to provide direct care. This proposed change simply adopts the same standards thus bringing consistency with the regulation of these individuals. **(DAR Note:** S.B. 64 is found at 1998 Utah Laws 169, and is effective as of July 1, 1998.)

SUMMARY OF THE RULE OR CHANGE: Added Section R156-62-302 which provides the standards for determining a crime of moral turpitude is the standard defined in Subsections R432-35-4(2) and R432-35-4(3) as established and adopted by the Department of Health.

(DAR Note: R432-35 was a proposed new rule and is effective as of August 28, 1998.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-62-101, and Subsections 58-1-106(1) and 58-1-202(1)

ANTICIPATED COST OR SAVINGS TO:

◆**THE STATE BUDGET:** This rule amendment should save money because the applications that are currently being reviewed by the Health Care Assistant Registration Board can be reviewed by Division staff. The need for Board meetings will decrease from monthly to six times a year thus saving approximately \$2,940 on an annual basis in board member per diem. Also, less people will need to be placed on probation and monitored, thus saving some additional Division costs which cannot be calculated.

◆**LOCAL GOVERNMENTS:** This rule amendment does not affect local governments as local governments are exempt from needing registered health care assistants.

◆**OTHER PERSONS:** Some individuals who have been granted a probationary registration as a health care assistant in the past may not qualify under the proposed rules and hence would be unable to practice as a health care assistant which would result in a negative impact for the person with a significant criminal history. There may be a savings of the \$20 application fee for a person who wants to apply for registration as a health care assistant but has a significant criminal history in that they would know up-front whether or not to apply for registration.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There should not be a cost to those affected persons. Potentially, those individuals with a criminal history will know up-front whether or not to apply for registration. This may save the \$20 application fee for someone with a significant criminal history.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Both the Division of Occupational and Professional Licensing and the Department of Health have regulatory authority over health care assistants and this amendment is proposed to adopt the more stringent standards utilized by the Department of Health to make the eligibility standards uniform between the regulatory agencies. The division represents that the change would have a positive effect upon the state budget by lessening the number of applications requiring scrutiny by the licensing board and thereby decreasing the number of board meetings and accompanying per diem expenses. The more stringent rules will also result in fewer persons being monitored on probation with a decrease in division staff time being devoted to such supervision. The effect of the adoption of these rule changes upon the persons seeking registration, those hiring them, and the general public would be mixed. On the negative side, with a restriction on employment by those with certain criminal records there would be a smaller pool of candidates available for employment which might result in higher costs to facilities employing health care assistants, which additional cost would undoubtedly be passed on to the public utilizing such services. The more stringent requirements would have the positive effect of providing greater safety to the served public while saving potential registration applicants and potential employers the time and expense of attempting registration which would ultimately be rejected due to the criminal record of the potential applicant--Douglas C. Borba.

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

Commerce
Occupational and Professional Licensing
Fourth Floor, Heber M. Wells Building
160 East 300 South
PO Box 146741
Salt Lake City, UT 84114-6741, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Laura Poe at the above address, by phone at (801) 530-6789, by FAX at (801) 530-6511, or by Internet E-mail at brdopl.lpoe@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 04/14/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 04/15/1999

AUTHORIZED BY: Diane J. Blake, Acting Director

**R156. Commerce, Occupational and Professional Licensing.
R156-62. Health Care Assistant Registration Act Rules.
R156-62-302. Qualifications for Registration.**

In accordance with Subsections 58-1-401(2)(a) and 58-1-501(2)(c), the standards for determining a crime of moral turpitude or any crime which bears a reasonable relationship to the safe

practice as a health care assistant, shall be those established for covered individuals in R432-35-4(2) and (3).

KEY: licensing, health care assistant*
~~[September 15, 1994]~~1999

58-1-106(1)
58-1-202(1)
58-62-101



**Crime Victim Reparations,
Administration
R270-1
Award and Reparation Standards**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 21904

FILED: 03/01/1999, 15:43

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Crime Victim Reparations (CVR) Board authorized changes to the existing rules for Sexual Assault Forensic Examinations and medical awards.

SUMMARY OF THE RULE OR CHANGE: Deletes the use of the workers' compensation fee schedule for outpatient medical practices, clarifies the wording of the Sexual Assault Forensic Examinations section, allows for the gathering of evidence for minors with the permission of legal guardian, allows for payment of first four weeks of preventative drug treatment for sexual assault victims, and deletes reasonable and customary rates section.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 63-25a-406(c)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Increase of approximately \$300,000 annually in expenditures to medical providers from Crime Victim Reparations (CVR) Trust Fund.

❖LOCAL GOVERNMENTS: CVR rule changes would have no effect on local government.

❖OTHER PERSONS: There would be a savings to victims because of the increase in payments to medical providers.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There would be a savings to the affected person but no compliance costs because the CVR program does not impose fees on victims of crime or service providers.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Award payments to medical providers for services provided to victims would increase approximately \$300,000 a year.

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

Crime Victim Reparations
Administration
Suite 200
350 East 500 South
Salt Lake City, UT 84111, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dan R. Davis at the above address, by phone at (801) 238-2367, by FAX at (801) 533-4127, or by Internet E-mail at ddavis@gv.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 04/14/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 04/15/1999

AUTHORIZED BY: Dan R. Davis, Director

R270. Crime Victim Reparations, Administration.

R270-1. Award and Reparation Standards.

R270-1-1. Authorization and Purpose.

As provided in Section 63-25a-406 the purpose of this rule is to provide interpretation and standards for the administration of crime victim reparations.

R270-1-2. Funeral and Burial Award.

A. Pursuant to Subsection 63-25a-411(4)(f), total award for funeral and burial expenses is \$4,000 for any reasonable and necessary charges incurred directly relating to the funeral and burial of a victim. This amount includes transportation of the deceased within the United States. Allowable expenses in this category may include the emergency acquisition of a burial plot for victims who did not previously possess or have available to them a plot for burial.

B. Transportation of immediate family members (spouse, father, mother, stepparents, child, brother, sister, stepchild, stepbrother and stepsister) or legal guardian to attend a funeral and burial service shall be considered as an allowable expense in addition to the \$4,000.

C. Loss of earnings for immediate family members (spouse, father, mother, stepparents, child, brother, sister, stepchild, stepbrother and stepsister) or legal guardian, to attend a funeral and burial service shall be allowed as follows:

1. Three days in-state
2. Five days out-of-state

D. When a victim dies leaving no identifying information, claims made by a provider cannot be considered.

R270-1-3. Negligent Homicide and Hit and Run Claims.

A. Negligent homicide claims shall be considered criminally injurious conduct as defined in Subsection 63-25a-402(9).

B. Pursuant to Subsection 63-25a-402(9)(e), criminally injurious conduct shall not include victims of hit and run crimes.

R270-1-4. Counseling Awards.

A. Pursuant to Subsections 63-25a-402(20) and 63-25a-411(4)(c), out-patient mental health counseling awards are subject to limitations as follows:

1. Primary victims of a crime shall be eligible for a \$2500 maximum mental health counseling award. The reparation officer shall approve a standardized treatment plan based on these limitations. Extenuating circumstances warranting consideration of counseling beyond the \$2500 maximum may be submitted by the mental health provider after the maximum award has been reached. The cost of a mental health evaluation may not exceed \$300 and shall be part of the \$2500 maximum. For purposes herein, an evaluation shall be defined as a diagnostic interview examination including history, mental status, or disposition, in order to determine a plan of mental health treatment.

2. Secondary victims who are not primary victims pursuant to Subsections 63-25a-402(37)(39) and who witness or are traumatically affected by the violent crime shall be eligible for a \$1000 maximum mental health counseling award only under the following circumstances:

(a) counseling for immediate family members (spouse, father, mother, stepparents, child, brother, sister, stepchild, stepbrother and stepsister) or legal guardian of homicide victims, and victims of child physical or sexual abuse;

(b) counseling for children of domestic violence crimes.

The reparation officer shall approve a standardized treatment plan based on these limitations. Extenuating circumstances warranting consideration of counseling beyond the \$1000 maximum award may be submitted by the mental health provider after the maximum award has been reached. The cost of a mental health evaluation may not exceed \$300 and shall be part of the \$1000 maximum. For purposes herein, an evaluation shall be defined as diagnostic interview examination including history, mental status, or disposition, in order to determine a plan of mental health treatment.

3. Counseling costs will not be paid in advance but will be paid on an ongoing basis as victim is being billed.

4. In-patient hospitalization shall only be considered when the treatment has been recommended by a licensed therapist in life-threatening situations. In these cases the Crime Victim Reparations Board shall consider reimbursement of in-patient treatment or contract with a managed mental health care provider to make recommendations to the Reparations Officer regarding treatment. A direct relationship to the crime needs to be established. Acute in-patient hospitalization shall not exceed \$600 per day, which includes all ancillary expenses, and will be considered payment in full to the provider. Inpatient psychiatric visits will be limited to one visit per day with payment for the visit made to the institution at the highest rate of the individuals providing therapy as set by rule. Reimbursement for testing costs may also be allowed. Secondary victims shall not be considered for in-patient hospitalization.

5. Residential and day treatment shall only be considered when the treatment has been recommended by a licensed therapist to stabilize the victim's behavior and symptoms. Residential and day treatment shall not be used for extended care of dysfunctional families and containment placements. A direct relationship to the crime needs to be established. Only facilities with 24 hour nursing care can be considered. Residential treatment shall not exceed \$300

per day and will be considered payment in full to the provider. Residential treatment shall be limited to 30 days. Day treatment shall not exceed \$200 per day and will be considered payment in full to the provider. Secondary victims shall not be considered for residential or day treatment.

6. Child sexual abuse victims under the age of 13 who become perpetrators shall only be considered for mental health treatment awards directly related to the victimization. Perpetrators age 13 and over who have been child sexual abuse victims shall not be eligible for compensation. The CVR Board or contracting agency for managed mental health care shall help establish a reasonable percentage regarding victimization treatment for inpatient, residential and day treatment. Out-patient claims shall be determined by the Reparation Officer on a case by case basis upon review of the mental health treatment plan.

7. Payment for mental health counseling shall only be made to licensed therapists; or to individuals working towards a license, registered with the State of Utah Department of Commerce, Division of Professional and Occupational Licensing and supervised by a licensed therapist.

8. Payment of hypnotherapy shall only be considered when treatment is performed by a licensed mental health therapist based upon an approved Treatment Plan.

9. The following maximum amounts shall be payable for mental health counseling:

(a) up to \$125 per hour for individual and family therapy performed by licensed psychiatrists, and up to \$62.50 per hour for group therapy;

(b) up to \$85 per hour for individual and family therapy performed by licensed psychologists and up to \$42.50 per hour for group therapy;

(c) up to \$65 per hour for individual and family therapy performed by an L.C.S.W., M.S.W. or marriage and family therapist, and up to \$32.50 per hour for group therapy. These rates shall also apply to therapists working towards a license and supervised by a licensed therapist;

(d) The above-mentioned rates shall apply to individuals performing treatment, and not those supervising treatment.

10. Chemical dependency specific treatment will not be compensated unless the Reparation Officer determines that it is directly related to the crime. The CVR Board may review extenuating circumstance cases.

R270-1-5. Attorney Fees.

Pursuant to Subsection 63-25a-424(2) attorney fees shall be made within the reparation award and not in addition to the award. If an award is paid in a lump sum, the attorney's fee shall not exceed 15% of the total award; if payments are awarded on an on going basis, attorney fees will be paid when warrants are generated but not to exceed 15%. When appeal hearing denials are overturned, attorney fees shall be calculated only on the appealed reparation issue.

R270-1-6. Reparation Awards.

Pursuant to Section 63-25a-403, reparation awards can be made to victims of violent crime where restitution has been ordered by the court but appears unlikely the restitution can be paid within a reasonable time period. However, notification of the award will be sent to the courts, prosecuting attorneys, Board of Pardons or

probation and parole counselors indicating any restitution monies collected up to the amount of the award will be forwarded to the Crime Victim Reparations Trust Fund.

R270-1-7. Abortion.

Expenses for an abortion that is permitted pursuant to Sections 76-7-301 through 76-7-325 shall be eligible for a reparation award as long as all the requirements of Section 63-25a-411 have been met.

R270-1-8. Emergency Awards.

Pursuant to Section 63-25a-422, emergency awards up to \$1000 can be granted. No time limit is required for filing an emergency claim. Processing of emergency claims is three to five days.

R270-1-9. Loss of Earnings.

A. Pursuant to Subsection 63-25a-411(4)(d), the 66-2/3% of the person's weekly salary or wages is calculated on gross earnings.

B. Loss of earnings by parents on behalf of child victims can be reimbursed if the losses were incurred on behalf of a dependent.

C. Loss of earnings for victims may be reimbursed for up to a maximum of twelve (12) weeks work loss, at an amount not to exceed the maximum allowed per week by Worker's Compensation guidelines in effect at the time of work loss. Reference should be made to Section R270-1-12 for guidelines on sick leave, annual leave or bereavement leave as a collateral source. The Crime Victim Reparations Board may review extenuating circumstances on loss of earnings claims. [~~Extenuating circumstances may be further defined through written internal policy and procedures.~~]

R270-1-10. Moving, Transportation Expenses.

A. Pursuant to Subsection 63-25a-411(4)(a), victims of violent crime who suffer a traumatic experience or threat of bodily harm are allowed moving expenses up to \$2000. Board approval is needed where extenuating circumstances exist.

B. Transportation expenses up to \$500 are allowed for court, medical or mental health visits. Board approval is needed where extenuating circumstances exist.

R270-1-11. Witnesses.

Pursuant to Subsection 63-25a-402(37)(a), witnesses to a violent crime who are traumatically affected and require psychological or medical attention can be reviewed on a case-by-case basis to determine if they qualify as a victim.

R270-1-12. Collateral Source.

A. Pursuant to Section 63-25a-413, sick leave and annual leave shall be considered as a collateral source. If there are extenuating circumstances, the director may make an exception to this requirement.

B. Only insurance policies that itemize specific coverages under the policy, such as funeral and burial expenses, shall be considered as a collateral source.

C. Crime Victim Reparations Trust Fund monies shall be used before State Social Services contract monies when considering out-of-pocket expenses in child sexual abuse cases, if the individuals qualify as victims. If the victim qualifies for Medicaid, the contract monies should be used first.

D. Crime Victim Reparations Trust Fund monies shall be used before the Utah Medical Assistance Program funds when considering allowable benefits for victims of violent crime.

R270-1-13. Record Retention.

A. Pursuant to Section 63-25a-401, retention of Crime Victim Reparations annual report and crime victim case files shall be as follows:

1. Annual reports and other statistical information shall be retained in office for a period of three years and then transferred to State Archives.

2. Crime victim case files shall be retained in office as needed for administrative use. After closure or denial of a case file, case file shall be retained in office for two years and then transferred to State Archives. Case files will be retained in the State Records Center for ten years and then destroyed.

R270-1-14. Awards.

A. Pursuant to Section 63-25a-421, when billing from the providers exceeds the maximum allowed, the Reparation Officer shall pay the bills by the date of service. The Reparation Officer shall solicit input from the victim when making this determination. When the services and the billings have occurred at the same time, the Reparation Officer shall determine payment on a percentage basis.

R270-1-15. Essential Personal Property.

Pursuant to Subsection 63-25a-411(4)(h), essential personal property covers all personal articles necessary and essential for the health and safety of the victim. The Reparation Officer may allow up to \$1500 for replacement of such items as eyeglasses, hearing aids, burglar alarms, door locks, crime scene cleanup, repair of walls and broken windows, etc. The board shall review any exceptions over \$1500.

R270-1-16. Subrogation.

Pursuant to Section 63-25a-419, subrogation monies collected from the perpetrator, insurance, etc., will be placed in the Crime Victim Reparations Trust Fund and will not be credited toward a particular victim or claimant award amount.

R270-1-17. Unjust Enrichment.

A. Pursuant to Subsection 63-25a-410(1)(d), the following criteria shall be used when considering claims involving possible unjust enrichment of an offender:

1. Unjust enrichment determination shall not be based solely on the presence of the offender in the household at the time of the award.

2. Awards shall not be denied on the basis that the offender would be unjustly enriched, if the victim cooperates with investigation and prosecution of the crime and does what is possible to prevent access by the offender to substantial compensation.

3. Payment to third party providers shall be made to prevent monies intended for victim expenses be used by or on behalf of the offender.

4. Collateral resources such as court-ordered restitution and medical insurance that are available to the victim from the offender shall be examined. However, the victim shall not be penalized for

failure of an offender to meet legal obligations to pay for the cost of the victim's recovery.

5. Factors to be considered in determining whether enrichment is substantial or inconsequential include the amount of the award and whether a substantial portion of the compensation award will be used directly by or on behalf of the offender. If the offender has direct access to a cash award and/or if a substantial portion of it will be used to pay for his living expenses, that portion of the award that will substantially benefit the offender may be reduced or denied. When enrichment is inconsequential or minimal, the award shall not be reduced or denied.

R270-1-18. Prescription or Over-the-Counter Medications.

A. Reimbursement of prescription or over-the-counter medications used in conjunction with mental health therapy shall be considered only for the duration of an approved Treatment Plan.

B. Reimbursement of prescription or over-the-counter medications used in conjunction with medical treatment shall be considered only during the course of treatment by the physician.

R270-1-19. Peer Review Committee.

A. A volunteer Peer Review Committee may be established to review issues and/or provide input to Crime Victim Reparations staff on out-patient mental health counseling claims. The composition, duties, and responsibilities of this Committee shall be defined by the Crime Victim Reparations Board by written internal policy and procedure.

R270-1-20. Medical Awards.

A. Pursuant to Subsection 63-25a-411(4)(b), medical awards are subject to limitations as follows:

1. All medical costs must be related directly to the victimization and all treatment must be considered [“]usual and customary.[“]

2. The reparation officer reserves the right to audit any and all billings associated with medical care.

3. The reparation officer will not pay any interest, finance, or collection fees as part of the award.

4. After the effective date of this rule, in-patient hospital medical bills shall be reimbursed at a rate established between the CVR office and individual hospitals and shall be considered payment in full. A Memorandum of Agreement shall be signed and kept on file.

~~[—5. The Workers' Compensation fee schedule shall be used to set limits on out-patient medical procedures.]~~

~~**R270-1-21. Reasonable and Customary Rates.**~~

~~—Pursuant to Section 63-25a-411 the Crime Victim Reparations Board may establish reasonable and customary rates for various types of reparations through the writing of internal policy and procedures. (Examples: eyeglasses, tooth implants, headstones, etc.)]~~

R270-1-2[2]1. Misconduct.

Pursuant to Subsections 63-25a-402(21) and 63-25a-412(1)(b) misconduct shall be considered conduct which contributed to the victim's injury or death or engaged in conduct in which the victim could have reasonably foreseen could lead to injury or death. In determining whether the victim engaged in misconduct, the CVR

staff shall consider any behavior of the victim that may have directly or indirectly contributed to the victim's injury or death including consent, provocation, verbal utterance, gesture, incitement, prior conduct of the victim or the ability of the victim to have reasonably avoided the incident upon which the claim is based.

R270-1-2[3]2. Three Year Limitation.

Pursuant to Subsections 63-25a-406(1)(c) and 63-25a-428(2) a claim for benefits expires and no further payments will be made with regard to the claim after three years have elapsed from the date of application with the CVR office. All claimants who have filed a claim for benefits with the CVR office prior to the effective date of this rule shall be notified in writing of the three year limitation for payment of benefits. Any claimant who filed a claim for benefits more than two and one-half years prior to the effective date of this rule, other than a claim for benefits for permanent disability or loss of support, shall be notified in writing that they have six months in which to submit any remaining expenses before the three year limitation is imposed and the claim is closed. Claims for benefits for permanent disability or loss of support filed prior to the effective date of this rule shall not be subject to the three year limitation. The Crime Victim Reparations Board may review extenuating circumstances on claims that have been closed because of the Three Year Limitation rule. ~~Extenuating circumstances may be further defined by the CVR Board by written internal policy and procedures.~~

R270-1-2[4]3. Sexual Assault Forensic Examinations.

A. Pursuant to Subsections 63-25a-402(19) and 63-25a-411(4)(i), the cost of sexual assault forensic examinations for gathering evidence and providing treatment may be paid by the CVR office. The following agency guidelines need to be adhered to when making payments for sexual assault forensic examinations:

1. A sexual assault forensic examination shall be reported to law enforcement.
2. Victims shall not be charged for sexual assault forensic examinations.
3. The agency may reimburse any licensed health care facility that provides services for sexual assault forensic examinations.
4. The agency may reimburse licensed medical personnel trained to gather evidence of sexual assaults who perform sexual assault forensic examinations.
5. CVR may pay for the collection of evidence and not attempt to prove or disprove the allegation of sexual assault.
6. A request for reimbursement shall include the law enforcement case number or be signed by a law enforcement officer or victim/witness coordinator.
7. The application or billing for the sexual assault forensic examination must be submitted to CVR within 90 days of the examination.
8. The billing for the sexual assault forensic examination shall:
 - a. identify the victim by name, address, date of birth, Social Security number, telephone number, patient number;
 - b. indicate the claim is for a sexual assault forensic examination; and
 - c. itemize services and fees for services.

9. All collateral sources that are available for payment of the sexual assault forensic examination shall be considered before CVR Trust Fund monies are used. Pursuant to Subsection 63-25a-411(i), the Director may determine that reimbursement for a sexual assault forensic examination will not be reduced even though a claim could be recouped from a collateral source.

10. Evidence will be collected only with the permission of the victim or the legal guardian of the victim. Permission shall not be required in instances where the victim is unconscious, mentally incapable of consent or intoxicated.

11. Restitution for the cost of the sexual assault forensic examination may be pursued by the CVR office.

12. Sexual assault victims have a right to an informal hearing pursuant to Section R270-2-2 if they disagree with the agency's decision concerning payment or the amount of payment.

13. Payment for sexual assault forensic examinations shall be considered for the following:

- a. Fees for the collection of evidence, for forensic documentation only, to include:
 - i. history;
 - ii. physical;
 - iii. collection of specimens and wet mount for sperm; and
 - iv. treatment for the prevention of ~~venereal disease~~ sexually transmitted disease up to four weeks.
- b. Emergency department services to include:
 - i. emergency room, clinic room or office room fee;
 - ii. cultures for gonorrhea, chlamydia, trichomonas, and tests for other sexually transmitted disease ~~for children under 14 years of age~~;
 - iii. serum blood test for pregnancy; and
 - iv. morning after pill or high dose oral contraceptives for the prevention of pregnancy.

14. The victim of a sexual assault that is requesting payment by CVR for services needed or rendered beyond the sexual assault forensic examination needs to submit an application for compensation to the CVR office.

R270-1-2[5]4. Loss of Support Awards.

A. Pursuant to Subsection 63-25a-411(4)(g), loss of support awards shall be covered on death claims only.

R270-1-2[6]5. Rent Awards.

A. Pursuant to Subsection 63-25a-411(4)(a), victims of domestic violence or child abuse may be awarded a one time only rental award for actual rent expenses of \$1800 for a maximum of three months if the following conditions apply:

1. The perpetrator was living with the victim at the time of the crime or the rent assistance appears directly related to the victim's ability to distance herself/himself from the perpetrator.
2. It appears reasonable that the perpetrator was assisting or was solely responsible for rent.
3. The victim agrees that the perpetrator is not allowed on the premises.

KEY: victim compensation, victims of crimes
~~July 1, 1998~~ **April 15, 1999** 63-25a-401 et seq.
Notice of Continuation December 23, 1996



Education, Administration
R277-436
 Gang Prevention and Intervention
 Programs in the Schools

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 21902

FILED: 03/01/1999, 12:52

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to provide for statewide inservice and accountability of funds directed at gang prevention/intervention.

SUMMARY OF THE RULE OR CHANGE: The amendment adds a short section describing and limiting inservice and statewide coordination of gang prevention/intervention funds.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53A-1-401(3)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: No additional costs--funds will be retained by the Utah State Office of Education for accountability purposes as approved by Legislative sponsors of the appropriation.

❖LOCAL GOVERNMENTS: No additional costs--funds will be retained by the Utah State Office of Education for accountability purposes as approved by Legislative sponsors of the appropriation.

❖OTHER PERSONS: No additional costs--funds will be retained by the Utah State Office of Education for accountability purposes as approved by Legislative sponsors of the appropriation.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons because funds have been appropriated by the Legislature for a specific purpose.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule, and I see no fiscal impact on businesses--Steven O. Laing.

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

Education
 Administration
 250 East 500 South
 Salt Lake City, UT 84111, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Carol B. Lear at the above address, by phone at (801) 538-7835, by FAX at (801) 538-7768, or by Internet E-mail at clear@usoe.k12.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 04/14/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 04/15/1999

AUTHORIZED BY: Carol B. Lear, School Law Specialist

R277. Education, Administration.

R277-436. Gang Prevention and Intervention Programs in the Schools.

R277-436-1. Definitions.

A. "Student at risk" means any student who because of his individual needs requires some kind of uniquely designed intervention in order to achieve literacy, graduate and be prepared for transition from school to post-school options.

B. "Board" means the Utah State Board of Education.

C. "Gang" (as defined in this rule) means a group of people who form an allegiance and engage in a range of anti-social behaviors that may include violent or unlawful activity or both. These groups may have a name, turf, colors, symbols, or distinct dress, or any combination of the preceding characteristics.

D. "Gang prevention" means instructional and support strategies, activities, programs, or curricula designed and implemented to provide successful experiences for youth and families. These components shall promote cultural and social competence, self-management skills, citizenship, preparation for life skills, academic achievement, literacy, and interpersonal relationship skills required for school completion and full participation in society.

E. "Gang intervention" means specially designed services required by an individual student experiencing difficulty in cultural and social competence, self-management skills, citizenship, preparation for life skills, academic achievement, literacy, and interpersonal relationships within or outside of the school which may impact the individual's susceptibility to gang membership or gang-like activities or both.

F. "Gang Prevention and Intervention Program" means specifically designed projects and activities to help at-risk students stay in school and enhance their cultural and social competence, self-management skills, citizenship, preparation for life skills, academic achievement, literacy, and interpersonal relationship skills required for school completion and full participation in society.

G. "In kind services" means those materials, staff and equipment which are required to develop and implement gang prevention and intervention services, strategies, activities, programs, and curricula with individual students, families, or both. In kind services do not include office space and related office support.

H. "Superintendent" means the State Superintendent of Public Instruction.

I. "USOE" means the Utah State Office of Education.

R277-436-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and authority over public education in the Board, by Section 53A-1-401(4) which directs the Board to adopt rules mandating school productivity and cost

effective measures, Section 53A-15-601 which appropriates funds to be used for Gang Prevention and Intervention Programs in the Schools, allows the Board to develop an application process, and to distribute funds, and Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to establish standards and procedures for distributing funding for gang prevention and intervention programs in the schools.

R277-436-3. Application and Distribution of Funds.

A. Awards shall be made to individual schools and funds allocated to school districts to distribute to designated schools.

B. School districts may submit a single district-wide application for one or more schools within the district. The application shall:

- (1) provide for distribution of funds to individual schools;
- (2) require individual schools included within the application to satisfy criteria designated in law and rule; and
- (3) provide explanations of program variation from school to school, if any.

C. Applications shall be provided by the USOE.

D. Schools shall submit applications to the Director of Services for At Risk Students or designee who shall make final funding recommendations to the USOE Finance Committee by June 30 of the year prior to the fiscal year in which the money is available.

E. Applicants shall provide evidence and intent of their ability to supply the required school contribution percentage as designated in 53A-15-601(5).

F. In kind services shall be provided consistent with Section 53A-15-601(5) and R277-436-1G.

G. Awards per school shall be based on funds available and specific funding limits shall be prescribed in the application provided by the USOE.

H. Schools may submit joint applications.

I. Priority shall be given to applications reflecting interagency collaboration.

J. Projects receiving funding shall be notified by July 1.

K. Schools or joint school applications that were funded and complied with all requirements of law and rule may reapply in subsequent years using an abbreviated application form provided by the USOE At-Risk Director or designee.

L. The USOE may retain up to five percent of the annual legislative appropriation for the following specific purposes:

- (1) an amount not to exceed 2.5 percent for:
 - (a) site visits; and
 - (b) inservice.
- (2) an amount not to exceed 2.5 percent for:
 - (a) administrative oversight; and
 - (b) statewide coordination training.

R277-436-4. Limitation on Funds.

A. Funds shall be used exclusively for purposes set forth in Section 53A-15-601.

B. Transfer of funds between line items or the extension of project completion dates may be made only with prior written approval of the USOE At Risk Director or designee.

R277-436-5. Evaluation and Reports.

A. A school in a district that accepts Gang Prevention and Intervention Program funds shall provide the USOE with a year-end evaluation report by June 30 of the fiscal year in which the award was made.

B. The year-end report shall include:

- (1) an expenditure report;
- (2) a narrative description of all activities funded;
- (3) copies of any and all products developed;
- (4) effectiveness report detailing evidence of individual and overall program impact on gang and gang-related activities and involvement;
- (5) verification that the required school contribution percentage of program costs were provided by the individual school; and
- (6) other information or data as required by the USOE At Risk Director.

C. The USOE may require additional evaluation or audit procedures from the grant recipient to demonstrate use of funds consistent with the law and Board rules.

R277-436-6. Waivers.

The Superintendent may grant a written request for a waiver of a requirement or deadline which a district finds unduly restrictive. The waiver shall be consistent with the Utah Public Education Strategic Plan, January 1992, pages 17 and 21, or the express purpose of this rule.

KEY: public schools, disciplinary problems, students at risk*, gangs*

[July 2, 1998]

Notice of Continuation June 4, 1998

**Art X Sec 3
53A-1-401(4)
53A-15-601
53A-1-401(3)**



**Health, Health Care Financing,
Coverage and Reimbursement Policy**

R414-1

Utah Medicaid Program

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 21890

FILED: 02/25/1999, 12:41

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is the general rule that denotes the scope of the Medicaid program in Utah, and the provisions that are necessary to administer the program.

SUMMARY OF THE RULE OR CHANGE: The definition of "categorically needy" is modified in Section R414-1-2. There are modifications to Section R414-1-12 (Utilization Review)

and Section R414-1-14 (Utilization Control), taken from R414-31X, which is being repealed as redundant.
(DAR Note: The proposed repeal of R414-31x is found under DAR No. 21891 in this *Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 26-1-5, 26-18-2.1, and 26-18-2.3
 FEDERAL REQUIREMENT FOR THIS RULE: Title XIX of the Social Security Act

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: InterQual Medical Review Criteria and System, January 1998 ed.

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: The changes in this rule do not impose any additional requirements nor rescind any benefits, so there should be no fiscal impact on the state budget.
- ❖LOCAL GOVERNMENTS: This rule does not apply to local government, so there should be no fiscal impact.
- ❖OTHER PERSONS: The requirements for Medicaid eligibility in this rule have remained unchanged for some time, so there should be no fiscal impact on clients, recipients, advocates, or others.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There should be no involvement for affected persons other than that described under "Other persons."

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The definition of "categorically needy" is modified by this rule to match current federal definitions. Providers and recipients will see no change in eligibility, since the Department has been following federal guidelines. Other changes support current policies of the Department to maintain fiscal controls on the program and avoid paying for inappropriate services--Rod Betit.

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

Health
 Health Care Financing,
 Coverage and Reimbursement Policy
 Cannon Health Building
 288 North 1460 West
 Box 143102
 Salt Lake City, UT 84114-3102, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Blake Anderson at the above address, by phone at (801) 538-9925, by FAX at (801) 538-6099, or by Internet E-mail at banderso@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 04/14/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 04/15/1999

AUTHORIZED BY: Rod L. Betit, Executive Director

R414. Health, Health Care Financing, Coverage and Reimbursement Policy.

R414-1. Utah Medicaid Program.

R414-1-1. Introduction and Authority.

(1) This rule generally characterizes the scope of the Medicaid Program in Utah, and defines all of the provisions necessary to administer the program.

(2) The rule is authorized by Title XIX of the Social Security Act, and Sections 26-1-5, 26-18-2.1, 26-18-2.3, UCA.

R414-1-2. Definitions.

The following definitions are used throughout the rules of the Division:

- (1) "Act" means the federal Social Security Act.
- (2) "Applicant" means any person who requests assistance under the medical programs available through the Division.
- (3) "Categorically needy" means aged, blind or disabled individuals or families and children:
 - (a) who are otherwise eligible for Medicaid; and
 - (i) who meet the financial eligibility requirements for AFDC as in effect in the Utah State Plan on July 16, 1996;[-] or
 - (ii) who meet the financial eligibility requirements for SSI[-] or an optional State supplement, or are considered under section 1619(b) of the federal Social Security Act to be SSI recipients; or
 - (iii) who is a pregnant woman whose household income does not exceed 133% of the federal poverty guideline; or
 - (iv) is under age six and whose household income does not exceed 133% of the federal poverty guideline; or
 - (v) who is a child under age one born to a woman who was receiving Medicaid on the date of the child's birth and the child remains with the mother; or
 - (vi) who is least age six but not yet age 18, or is at least age six but not yet age 19 and was born after September 30, 1983, and whose household income does not exceed 100% of the federal poverty guideline; or
 - (vii) who is aged or disabled and whose household income does not exceed 100% of the federal poverty guideline; or
 - (viii) who is a child for whom an adoption assistance agreement with the state is in effect.

(b) whose categorical eligibility is protected by statute.

(4) "Code of Federal Regulations" (CFR) means the publication by the Office of the Federal Register, specifically Title 42, used to govern the administration of the Medicaid Program.

(5) "Client" means a person the Division or its duly constituted agent has determined to be eligible for assistance under the Medicaid program.

(6) "Department" means the Department of Health.

(7) "Director" means the director of the Division.

(8) "Division" means the Division of Health Care Financing within the Department.

(9) "Emergency medical condition" means a medical condition showing acute symptoms of sufficient severity that the absence of immediate medical attention could reasonably be expected to result in:

- (a) placing the patient's health in serious jeopardy;
- (b) serious impairment to bodily functions;
- (c) serious dysfunction of any bodily organ or part; or
- (d) death.

(10) "Emergency service" means immediate medical attention and service performed to treat an emergency medical condition. Immediate medical attention is treatment rendered within 24 hours of the onset of symptoms or within 24 hours of diagnosis.

(11) "Emergency Services Only Program" means a health program designed to cover a specific range of emergency services.

(12) "Executive Director" means the executive director of the Department.

(13) "InterQual" means the InterQual Medical Review Criteria and System, a comprehensive, clinically based, patient focused medical review criteria and system developed by InterQual Inc.

(14) "Medicaid agency" means the Department of Health.

(15) "Medical assistance program" or "Medicaid program" means the state program for medical assistance for persons who are eligible under the state plan adopted pursuant to Title XIX of the federal Social Security Act; as implemented by Title 26, Chapter 18, UCA.

(16) "Medical or hospital assistance" means services furnished or payments made to or on behalf of recipients under medical programs available through the Division.

(17) "Medically necessary service" means that:

(a) it is reasonably calculated to prevent, diagnose, or cure conditions in the recipient that endanger life, cause suffering or pain, cause physical deformity or malfunction, or threaten to cause a handicap; and

(b) there is no other equally effective course of treatment available or suitable for the recipient requesting the service that is more conservative or substantially less costly.

(18) "Medically needy" means aged, blind, or disabled individuals or families and children who are otherwise eligible for Medicaid, who are not categorically needy, and whose income and resources are within limits set under the Medicaid State Plan.

(19) "Provider" means any person, individual or corporation, institution or organization, qualified to perform services available under the Medicaid program and who has entered into a written contract with the Medicaid program.

(20) "Recipient" means a person who has received medical or hospital assistance under the Medicaid program, or has had a premium paid to a managed care entity.

(21) "Undocumented alien" means an alien who is not recognized by Immigration and Naturalization Services as being lawfully present in the United States.

R414-1-3. Single State Agency.

The Utah Department of Health is the Single State Agency designated to administer or supervise the administration of the Medicaid program under Title XIX of the federal Social Security Act.

R414-1-4. Medical Assistance Unit.

Within the Utah Department of Health, the Division of Health Care Financing has been designated as the medical assistance unit.

R414-1-5. State Plan.

As a condition for receipt of federal funds under title XIX of the Act, the Utah Department of Health must submit a State Plan contract to the federal government for the medical assistance program, and agree to administer the program in accordance with the provisions of the State Plan, the requirements of Titles XI and XIX of the Act, and all applicable federal regulations and other official issuances of the United States Department of Health and Human Services. A copy of the State Plan is available for public inspection at the Division's offices during regular business hours.

R414-1-6. Services Available.

(1) Medical or hospital services available under the Medical Assistance Program are generally limited by federal guidelines as set forth under Title XIX of the federal Social Security Act and Title 42 of the Code of Federal Regulations (CFR).

(2) The following services provided in the State Plan are available to both the categorically needy and medically needy:

(a) inpatient hospital services, with the exception of those services provided in an institution for mental diseases;

(b) outpatient hospital services and rural health clinic services;

(c) other laboratory and x-ray services;

(d) skilled nursing facility services, other than services in an institution for mental diseases, for individuals 21 years of age or older;

(e) early and periodic screening and diagnoses of individuals under 21 years of age, and treatment of conditions found, are provided in accordance with federal requirements;

(f) family planning services and supplies for individuals of child-bearing age;

(g) physician's services, whether furnished in the office, the patient's home, a hospital, a skilled nursing facility, or elsewhere;

(h) podiatrist's services;

(i) optometrist's services;

(j) psychologist's services;

(k) interpreter's services;

(l) home health services:

(i) intermittent or part-time nursing services provided by a home health agency;

(ii) home health aide services by a home health agency; and

(iii) medical supplies, equipment, and appliances suitable for use in the home;

(m) private duty nursing services for children under age 21;

(n) clinic services;

(o) dental services;

(p) physical therapy and related services;

(q) services for individuals with speech, hearing, and language disorders furnished by or under the supervision of a speech pathologist or audiologist;

(r) prescribed drugs, dentures, and prosthetic devices and eyeglasses prescribed by a physician skilled in diseases of the eye or by an optometrist;

(s) other diagnostic, screening, preventive, and rehabilitative services other than those provided elsewhere in the State Plan;

(t) services for individuals age 65 or older in institutions for mental diseases;

- (i) inpatient hospital services for individuals age 65 or older in institutions for mental diseases;
- (ii) skilled nursing services for individuals age 65 or older in institutions for mental diseases; and
- (iii) intermediate care facility services for individuals age 65 or older in institutions for mental diseases;
- (u) intermediate care facility services, other than services in an institution for mental diseases. These services are for individuals determined, in accordance with section 1902(a)(31)(A) of the Social Security Act, to be in need of this care, including those services furnished in a public institution for the mentally retarded or for individuals with related conditions;
- (v) inpatient psychiatric facility services for individuals under 22 years of age;
- (w) nurse-midwife services;
- (x) family or pediatric nurse practitioner services;
- (y) hospice care in accordance with section 1905(o) of the Social Security Act;
- (z) case management services in accordance with section 1905(a)(19) or section 1915(g) of the Social Security Act;
- (aa) extended services to pregnant women, pregnancy-related services, postpartum services for 60 days, and additional services for any other medical conditions that may complicate pregnancy;
- (bb) ambulatory prenatal care for pregnant women furnished during a presumptive eligibility period by a qualified provider in accordance with section 1920 of the Social Security Act; and
- (cc) other medical care and other types of remedial care recognized under state law, specified by the Secretary of the United States Department of Health and Human Services, pursuant to 42 CFR 440.60 and 440.170, including:
 - (i) medical or remedial services provided by licensed practitioners, other than physician's services, within the scope of practice as defined by state law;
 - (ii) transportation services;
 - (iii) skilled nursing facility services for patients under 21 years of age;
 - (iv) emergency hospital services; and
 - (v) personal care services in the recipient's home, prescribed in a plan of treatment and provided by a qualified person, under the supervision of a registered nurse.
- (dd) other medical care, medical supplies, and medical equipment not otherwise a Medicaid service if the Division determines that it meets both of the following criteria:
 - (i) it is medically necessary and more appropriate than any Medicaid covered service; and
 - (ii) it is more cost effective than any Medicaid covered service.

R414-1-7. Aliens.

- (1) Certain qualified aliens described in Title IV of Public Law 104-193 may be eligible for the Medicaid program. All other aliens are prohibited from receiving non-emergency services, as described in Section 1903(v) of the Social Security Act, which is adopted and incorporated by reference.
- (2) Aliens who are prohibited from receiving non-emergency services will have "Emergency Services Only Program" printed on their Medical Identification Cards, as noted in R414-3A.

R414-1-8. Statewide Basis.

The medical assistance program is state-administered and operates on a statewide basis in accordance with 42 CFR 431.50.

R414-1-9. Medical Care Advisory Committee.

There is a Medical Care Advisory Committee that advises the Medicaid agency director on health and medical care services. The committee is established in accordance with 42 CFR 431.12.

R414-1-10. Discrimination Prohibited.

In accordance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 70b), and the regulations at 45 CFR Parts 80 and 84, the Medicaid agency assures that no individual shall be subjected to discrimination under the plan on the grounds of race, color, gender, national origin, or handicap.

R414-1-11. Administrative Hearings.

The Medicaid agency has a system of administrative hearings for medical providers and dissatisfied applicants, clients, and recipients that meets all the requirements of 42 CFR Part 431, Subpart E.

R414-1-12. Utilization Review.

~~— (1) In order to approve or deny payment of claims, the Medicaid agency shall use InterQual to determine medical necessity and appropriateness of services. The InterQual Medical Review Criteria and System, published by InterQual, Inc., January, 1997, edition, 293 Boston Post Road West, Suite 180, Marlborough, MA, 07152, which is adopted and incorporated by reference in this rule.]~~ (1) Utilization review provides for review and evaluation of the utilization of Medicaid services provided in acute care general hospitals, and by members of the medical staff to patients entitled to benefits under the Medicaid plan.

(2) The Department shall conduct hospital utilization review as outlined in the Superior Utilization Waiver implementation plan, November 1997 edition, which is incorporated by reference in this rule, or in Federal Regulations.

(3) The Department shall determine medical necessity and appropriateness of inpatient admissions during utilization review by use of InterQual Medical Review Criteria and System, published by InterQual, Inc., January 1998 edition, 293 Boston Post Road West, Suite 180, Marlborough, MA, 07152, which is incorporated by reference in this rule, or by following other criteria and protocols outlined in ATTACHMENT 4.19-A, Section 180, of the Medicaid State Implementation Plan.

(~~2~~)4) The standards in the InterQual ~~[document]~~ Medical Review Criteria and System shall not apply to services that are:

- (a) excluded as a Medicaid benefit by rule or contract;
- (b) provided in an intensive physical rehabilitation center as described in R414-2B; or
- (c) organ transplant services as described in R414-10A. In these three exceptions, or where InterQual is silent, the Medicaid agency shall approve or deny claims based upon appropriate administrative rules or its own criteria as incorporated in provider contracts that incorporate the Medicaid Provider Manuals.

(5) The Department may take remedial action as outlined in ATTACHMENT 4.19-A, Section 180, of the Medicaid State Implementation Plan for inappropriate services identified through utilization review.

(6) In accordance with 42 CFR 431, Subpart E, the Utilization Review Committee shall send written notification of remedial action to the provider.

R414-1-13. Provider and Client Agreements.

(1) To meet the requirements of 42 CFR 431.107, the Department contracts with each provider who furnishes services under the Utah Medicaid Program.

(2) By signing a provider agreement with the Department, the provider agrees to follow the terms incorporated into the provider agreements, including policies and procedures, provider manuals, Medicaid Information Bulletins, and provider letters.

(3) By signing an application for Medicaid coverage, the client agrees that the Department's obligation to reimburse for services is governed by contract between the Department and the provider.

R414-1-14. Utilization Control.

(1) The Medicaid agency has implemented a statewide program of surveillance and utilization control that safeguards against unnecessary or inappropriate use of Medicaid services available under the plan. The plan also safeguards against excess payments, ~~and~~ assesses the quality of services, and provides for control and utilization of inpatient services as outlined in the Superior Utilization Waiver implementation plan, or in Federal Regulations. The program meets the requirements of 42 CFR Part 456.

(2) In order to control utilization, and in accordance with 42 CFR 440.230(d), services, equipment, or supplies not specifically identified by the Department as covered services under the Medicaid program, are not a covered benefit.

R414-1-15. Medicaid Fraud.

The Medicaid agency has established and will maintain methods, criteria, and procedures that meet all requirements of 42 CFR 455.13 through 455.21 for prevention and control of program fraud and abuse.

R414-1-16. Confidentiality.

State statute, Title 63, Chapter 2, and Section 26-1-17.5, impose legal sanctions and provide safeguards that restrict the use or disclosure of information concerning applicants, clients, and recipients to purposes directly connected with the administration of the plan.

All other requirements of 42 CFR Part 431, Subpart F are met.

R414-1-17. Eligibility Determinations.

Determinations of eligibility for Medicaid under the plan are made by the Division of Health Care Financing, ~~and~~ the Utah Department of Workforce Services, and the Utah Department of Human Services. There is a written agreement ~~between~~ among the Utah Department of Health, ~~and~~ the Utah Department of Workforce Services, and the Utah Department of Human Services. The agreement defines the relationships and respective responsibilities of the agencies.

R414-1-18. Professional Standards Review Organization.

All other provisions of the State Plan shall be administered by the Medicaid agency or its agents according to written contract, except for those functions for which final authority has been granted to a Professional Standards Review Organization under Title XI of the Act.

R414-1-19. Timeliness in Eligibility Determinations.

The Medicaid agency shall adhere to all timeliness requirements of 42 CFR 435.911, for processing applications, determining eligibility, and approving Medicaid requests. If these requirements are not completed within the defined time limits, clients may notify the Division of Health Care Financing at 288 North, 1460 West, Salt Lake City, UT 84114-2906.

R414-1-20. Residency.

Medicaid is furnished to eligible individuals who are residents of the State under 42 CFR 435.403.

R414-1-21. Out-of-state Services.

Medicaid services shall be made available to eligible residents of the state who are temporarily in another state. Reimbursement for out-of-state services shall be provided in accordance with 42 CFR 431.52.

R414-1-22. Retroactive Coverage.

Individuals are entitled to Medicaid services under the plan during the three months preceding the month of application if they were, or would have been, eligible at that time.

R414-1-23. Freedom of Choice of Provider.

Unless an exception under 42 CFR 431.55 applies, any individual eligible under the plan may obtain Medicaid services from any institution, pharmacy, person, or organization that is qualified to perform the services and has entered into a Medicaid provider contract, including an organization that provides these services or arranges for their availability on a prepayment basis.

R414-1-24. Availability of Program Manuals and Policy Issuances.

In accordance with 42 CFR 431.18, the state office, local offices, and all district offices of the Department maintain program manuals and other policy issuances that affect recipients, providers, and the public. These offices also maintain the Medicaid agency's rules governing eligibility, need, amount of assistance, recipient rights and responsibilities, and services. These manuals, policy issuances, and rules are available for examination and, upon request, are available to individuals for review, study, or reproduction.

R414-1-25. General Rule Format.

The following format is used generally throughout the rules of the Division. Section headings as indicated and the following general definitions are for guidance only. The section headings are not part of the rule content itself. In certain instances, this format may not be appropriate and will not be implemented due to the nature of the subject matter of a specific rule.

(1) Introduction and Authority. A concise statement as to what Medicaid service is covered by the rule, and a listing of

specific federal statutes and regulations and state statutes that authorize or require the rule.

(2) Definitions. Definitions that have special meaning to the particular rule.

(3) Client Eligibility. Categories of Medicaid clients eligible for the service covered by the rule: Categorically Needy or Medically Needy or both. Conditions precedent to the client's obtaining coverage such as age limitations or otherwise.

(4) Program Access Requirements. Conditions precedent external to the client's obtaining service, such as type of certification needed from attending physician, whether available only in an inpatient setting or otherwise.

(5) Service Coverage. Detail of specific services available under the rule, including limitations, such as number of procedures in a given period of time or otherwise.

(6) Prior Authorization. As necessary, a description of the procedures for obtaining prior authorization for services available under the particular rule. However, prior authorization must not be used as a substitute for regulatory practice that should be in rule.

(7) Other Sections. As necessary under the particular rule, additional sections may be indicated. Other sections include regulatory language that does not fit into sections (1) through (5).

KEY: medicaid

~~[June 16, 1998]~~

Notice of Continuation May 1, 1997

26-1-5

26-18-1

◆ ————— ◆

**Health, Health Care Financing,
Coverage and Reimbursement Policy
R414-31x
Hospital Utilization Review**

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE NO.: 21891

FILED: 02/25/1999, 12:41

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule addressed requirements concerning utilization control for medical services. Practically all of the information in the rule is outdated and does not reflect current Department and Division practices.

SUMMARY OF THE RULE OR CHANGE: This rule is repealed in its entirety.

(DAR Note: A few sentences of value regarding utilization review and utilization control will be incorporated into the amendment to R414-1. The proposed amendment to R414-1 is found under DAR No. 21890 in this *Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-1-5

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The original rule did not impose any additional requirements nor rescind any benefits, and is redundant, so its repeal will not affect the state budget.

❖LOCAL GOVERNMENTS: This rule does not apply to local government, so there should be no fiscal impact.

❖OTHER PERSONS: Since this rule will no longer exist, there should be no fiscal impact regarding other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There should be no costs for affected persons, as mentioned under "Other persons."

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT

THE RULE MAY HAVE ON BUSINESSES: This rule is outdated. Necessary utilization review requirements will now appear in R414-1. Repeal is appropriate and will not jeopardize utilization control of the Medicaid budget--Rod Betit.

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

Health
Health Care Financing,
Coverage and Reimbursement Policy
Cannon Health Building
288 North 1460 West
Box 143102
Salt Lake City, UT 84114-3102, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Urla Jeane Maxfield at the above address, by phone at (801) 538-9144, by FAX at (801) 538-6099, or by Internet E-mail at umaxfiel@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 04/14/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 04/15/1999

AUTHORIZED BY: Rod L. Betit, Executive Director

R414. Health, Health Care Financing, Coverage and Reimbursement Policy.

~~[R414-31x. Hospital Utilization Review.~~

~~**R414-31x-1:**~~

~~— Hospital Utilization Review Protocols is amended to include Hospital Utilization Review Program: 1) Hospital Utilization Review Program Committee "Adoption 83-01" 2) Override Option I: Appropriateness Evaluation Protocol 3) Override Option IV: Appropriateness of Day Care.~~

~~— 1. The committee, adopts the following set of criteria for determining the medical appropriateness of admissions:~~

~~— (a) Committee authorized nurses shall first apply the admission criteria of the Concurrent Review Screening, Criteria for Hospital Admission and Assignment of Length of Stay, 2nd Edition Using ICD-9-CM.~~

~~— (1) If the admission is found to be in Category 1 under this criteria the admission will be deemed to be appropriate. If these~~

criteria are not met then the case shall be reviewed under AEP Criteria adopted in paragraph b below:

— (2) If the admission is found to be in Category 2 under this criteria, the nurse shall determine if the surgery or special investigative procedure meets the criteria for Category 2. If the criteria are met the admission will be deemed to be appropriate. If these criteria are not met then the case shall be reviewed under AEP Criteria adopted in paragraph b below:

— (3) If the admission is found to be in Category 3 under this criteria, the nurse shall determine if the severity of the illness or the comorbidity meets the criteria for Category 3. If the criteria is met the admission will be deemed to be appropriate. If these criteria are not met then the case shall be reviewed under AEP Criteria adopted in paragraph b below:

— (4) If the admission is found to be in Category 4 under this criteria, the case shall be reviewed under AEP Criteria adopted in paragraph b below:

— (b) Committee authorized nurses shall secondly apply the admission criteria of the Appropriateness Evaluation Protocol as amended by the Committee for appropriateness of admission. The authorized nurses may apply overrides as they deem appropriate to either pass or fail an admission. However, all adverse actions shall be presented to and approved by the Committee:

— 2. The Committee, adopts the following criteria for determining the medical appropriateness of continued stay for cases exceeding the day outlier limit established by the Medicaid prospective payment system by diagnostic related group:

— Committee authorized nurses shall apply the criteria of appropriateness of day of care of the Appropriateness Evaluation Protocol as amended by the Committee for appropriateness of continued stay. The authorized nurses may apply overrides as they deem appropriate to either pass or fail each day of continued stay beyond the outlier limit. However, all adverse actions shall be presented to and approved by the Committee:

— In conjunction with the criteria adopted above, the Committee recommends the following additional materials be used as resources and guidelines in the exercise of professional judgment by authorized nurses:

— (a) Patient Care Classification Protocol to be used for appropriateness of day of admission and continued stay review:

— (b) The Commission on Professional and Hospital Activities (CPHA) Length of Stay By Diagnosis By Operation Pediatric, United States, 1982;

— (c) The Commission on Professional and Hospital Activities (CPHA) Length of Stay By Diagnosis By Operation Geriatric, United States, 1982;

— (d) The Commission on Professional and Hospital Activities (CPHA) Length of Stay By Diagnosis Western Region, 1982;

— (e) The Commission on Professional and Hospital Activities (CPHA) Length of Stay By Operation Western Region, 1982;

— (f) The American Medical Association sample criteria for short-stay hospital review, 1976

— The Committee reserves the right to review all cases and determinations made by the authorized nurse reviewers for the purposes of overriding individual determinations and for the purpose of assuring uniformity in the application of criteria:

— 3. The Committee, has reviewed the professional competence of the Section's registered nurses. Based on the Committee's knowledge of the nurses' experience and competency, approves the

following persons to apply the above stated criteria and guidelines and to exercise professional judgment in the process of admission and continuing stay review:

— Elizabeth M. Heuermann, R.N.

— Barbara Novis, R.N.

— Carolyn Pritchard, R.N.

— Lois M. Combs, R.N.

— Signatures: Joseph D. Halgren, M.D., Chairman /s/ 12/1/83

— Carlos N. Madsen, M.D., /s/ 12/15/83

— John E. Smith, M.D., /s/ 1/9/84

— Harold E. Merkley, M.D., /s/ 12/1/83

R414-31x-2. Override Option I:

— Appropriateness Evaluation Protocol (Form)

R414-31x-3. Override Option VI:

— Appropriateness of Day of Care (Form)

KEY: medicaid

1987

26-1-5

Notice of Continuation 1998]



Health, Health Care Financing,
Coverage and Reimbursement Policy
R414-307
Eligibility Determination and
Redetermination

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 21892

FILED: 02/25/1999, 12:41

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule outlines the procedures for eligibility determination, redetermination, and verification.

SUMMARY OF THE RULE OR CHANGE: Application form numbers for determining eligibility have changed. The changes in this rule are the acceptance of any Department-approved application form for determining eligibility rather than listing specifically numbered forms in the present rule. In the present rule, every time the form numbers change, the rule would have to be amended, and specifically numbered forms may or may not be available at whatever location a client applies for eligibility. The rule numbering system is changed to conform to Health Care Financing (HCF) standards.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-1-5, and Title 26, Chapter 18

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 42 CFR 435.911, 435.912, 435.916, 435.919, 435.945, 435.948, 435.952, 435.955, and 435.960, 1997 ed.

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The rule changes simplify the process for clients seeking eligibility determination. There are no additional requirements imposed nor any benefits lost. Therefore, there should be no fiscal impact.

❖LOCAL GOVERNMENTS: This rule does not apply to local government, so there should be no fiscal impact.

❖OTHER PERSONS: The rule changes simplify the process for clients seeking eligibility determination. There are no additional requirements imposed nor any benefits lost. Therefore, there should be no fiscal impact.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There should be no costs for affected persons other than that described under "Other persons."

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The simplification of the eligibility process should benefit both Medicaid recipients and the state--Rod Betit.

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

Health
Health Care Financing,
Coverage and Reimbursement Policy
Cannon Health Building
288 North 1460 West
Box 143102
Salt Lake City, UT 84114-3102, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Gayleen Henderson at the above address, by phone at (801) 538-6135, by FAX at (801) 538-6952, or by Internet E-mail at ghendens@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 04/14/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 04/15/1999

AUTHORIZED BY: Rod L. Betit, Executive Director

R414. Health, Health Care Financing, Coverage and Reimbursement Policy.

R414-307. Eligibility Determination and Redetermination.

R414-307-[70]1. Application.

(1)[:] The [d]Department adopts 42 CFR 435.907 and 435.908, [1991]1997 ed., which are incorporated by reference.

(2) Definitions:

The definitions in R414-1 and R414-301 apply to this rule.

~~[2. Current department practices:~~

~~a.](3) The Department [form 61A, or 61M or form 61FC are accepted as]accepts any Department-approved application form[s] for Medicaid, UMAP, QMB, SLMB, or QI assistance.~~

~~b.](a) If the applicants cannot write, they[applicant] must make their mark on the application form and have at least one witness to the signature.~~

~~e.](b) The date of application is[shall be] the day the signed application form is received by the local office.~~

~~d.](c) [When]If a legal guardian or power of attorney has been appointed, or there is a payee for the individual, the Department shall make all forms and other documents ~~[shall be made]~~in the name of both the individual and the individual's representative.~~

~~e.](d) [When]If the Division of Child and Family Services (DCFS) has custody of a child and the child is placed in foster care, DCFS shall complete the application and forward it to the local office.~~

~~f.](e) An authorized representative may apply for the client if unusual circumstances or death prevent an individual from appearing in person. The applicant must sign the application form if possible.~~

~~g. If there is no responsible person available as a representative, the director or designee shall evaluate the circumstances to determine the need for a home visit.~~

~~h.](f) [A worker]The Department shall reinstate a medical case without requiring a new application if the case was closed in error. The [worker]Department shall not require a new application ~~[when]if~~ the case was closed for failure to complete a review or comply with a request for verification if the client complies before the effective date of the case closure.~~

R414-307-[70]2. Eligibility Decisions.

The [d]Department adopts 42 CFR 435.911 and 435.912, [1991]1997 ed., which are incorporated by reference.

R414-307-[70]3. Eligibility Period.

~~h.](1) The [d]Department adopts 42 CFR 435.916 and 435.919, [1991]1997 ed., which are incorporated by reference.~~

~~[2. Current department practices:~~

~~a.](1) The first month of eligibility ~~[shall be]is~~ the first month for which assistance is approved.~~

~~b.](2) The last month of eligibility ~~[shall be]is~~ the recertification month.~~

~~e.](3) The Department requires [R]recertification~~[shall be]~~ at least once every 12 months.~~

~~d.](4) [Workers]The Department may require recertification whenever necessary to ensure continued eligibility.~~

~~e. Recertification forms shall be given to clients the month before recertification is due.~~

~~f.](5) Clients must turn in completed [R]recertification forms to the Department[are due] by the first working day of the recertification month.~~

~~g.](6) The Department shall issue [N]notice of eligibility~~[shall be issued]~~ by the end of the recertification month, provided the client completes the recertification process and is eligible for continued assistance.~~

~~(7)~~ For individuals selected for coverage under the Qualifying Individuals program, eligibility extends through the end of the calendar year if the individual continues to meet eligibility criteria.

R414-307-~~70~~4. Verification.

(1-~~1~~) The ~~(d)~~Department adopts 42 CFR 435.945, 435.948, 435.952, 435.955, and 435.960, ~~[1991]~~1997 ed., which are incorporated by reference.

(2-~~1~~) Applicants must verify ~~(A)~~all factors of eligibility in accordance with the CFR sections listed above~~[must be verified]~~.

~~3. Workers will help the client obtain requested verification if help is needed.~~

~~4. As a prudent person, a worker may use professional judgment to decide if something may be left unverified.]~~

KEY: public assistance programs, eligibility
~~[April 1, 1998]~~1999
Notice of Continuation February 6, 1998

26-18

◆ ————— ◆
Public Safety, Fire Marshal
R710-9
Rules Pursuant to the Utah Fire
Prevention Law

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 21901
FILED: 03/01/1999, 12:06
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Utah Fire Prevention Board proposes to amend the currently enacted rule by adding requirements in Subsection R710-9-9(5), that fire agencies wishing to receive a grant from the Fire Academy meet certain requirements, make procedural changes in Section R710-9-10 to the Standards and Training Council, create a Fire Prevention Board Budget Sub-Committee in Section R710-9-11, and form a separate section for the Utah Fire and Rescue Academy and the Fire Academy Liaison in Section R710-9-12.

SUMMARY OF THE RULE OR CHANGE: On February 26, 1999, the Utah Fire Prevention Board met and addressed the following proposed changes: (1) in Section R710-9-2, "Definitions," the currently enacted definitions section is proposed to be numbered, add three new definitions to this section, and strike one definition; (2) in Subsection R710-9-9(5), the Board proposes to add the requirement that to receive a grant the applying fire agency must be working towards certification and reporting in the Utah Fire Incident Reporting System (UFIRS) statistics program; (3) in Section R710-9-10, the

Board proposes to redefine some of the Standard and Training Council members requirements and further define the procedural requirements of the council; (4) in Section R710-9-11, a new section is proposed to be created to establish a Fire Prevention Board Budget Sub-Committee made up of some Board members who will assist in the review and preparation of the Fire Academy's annual budget; and (5) in Section R710-9-12, the requirements for the Utah Fire and Rescue Academy to be moved from Section R710-9-10 to this new section, and also moving and renaming the Fire Academy Curriculum Facilitator to be known as the Fire Academy Liaison.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53-7-204

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: There will be a very minimal cost to the state to reprint the changed rule, R710-9, and redistribute this rule to those who are affected by the rule change. There might also be a minimal increase in cost to the state for per diem and expenses for Board members to attend additional Fire Prevention Board Sub-Committee meetings. The aggregate cost would be estimated at approximately \$500.

❖LOCAL GOVERNMENTS: There is no anticipated cost or savings to local government because these proposed amendments are procedural in nature for the various councils and sub-committees.

❖OTHER PERSONS: There is no anticipated cost or savings to others persons because these proposed changes are procedural in nature and do not affect other people outside the created committees.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no anticipated compliance cost for affected persons because this amendment only affects those that are members of various councils and sub-committees and are procedural in nature.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no fiscal impact to business that will result from this rule amendment.

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

Public Safety
Fire Marshal
Suite 302
5272 South College Drive
Murray, UT 84123-2611, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Brent R. Halladay at the above address, by phone at (801) 284-6350, by FAX at (801) 284-6351, or by Internet E-mail at psdomain.psudi.bhallada@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 04/14/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 04/15/1999

AUTHORIZED BY: Brent R. Halladay, Chief Deputy State Fire Marshal

R710. Public Safety, Fire Marshal.

R710-9. Rules Pursuant to the Utah Fire Prevention Law.

R710-9-1. Title and Authority.

1.1 These rules shall be known as the "Rules Pursuant to the Utah Fire Prevention Law", and may be cited as such, and will be hereafter referred to as "these rules".

1.2 These rules are promulgated in accordance with Title 53, Chapter 7, Section 204, Utah Code Annotated 1953, as amended.

R710-9-2. Definitions.

2.1 "Academy" means Utah Fire and Rescue Academy.

2.2 "Board" means Utah Fire Prevention Board.

2.3 "Council" means Fire Service Standards and Training Council.

2.4 "Director" means the Director of the Utah Fire and Rescue Academy.

2.5 "Division" means State Fire Marshal.

~~["Facilitator" means Fire Academy Curriculum Facilitator.]~~

2.6 "Institutional occupancy" means asylums, mental hospitals, hospitals, sanitariums, homes for the aged, residential health care facilities, children's homes or institutions, or any similar institutional occupancy.

2.7 "LFA" means Local Fire Authority.

2.8 "Liaison" means Fire Academy Liaison.

2.9 "NFPA" means National Fire Protection Association.

2.10 "Place of assembly" means where 50 or more people gather together in a building, structure, tent, or room for the purpose of amusement, entertainment, instruction, or education.

2.11 "Plan" means Fire Academy Strategic Plan.

2.12 "SFM" means State Fire Marshal.

2.13 "Sub-Committee" means Fire Prevention Board Budget Sub-Committee.

2.14 "UCA" means Utah Code Annotated, 1953.

2.15 "UFC" means Uniform Fire Code.

2.16 "UFCS" means Uniform Fire Code Standards.

R710-9-3. Specific Editions of the Fire Code and Standards.

3.1 The Uniform Fire Code (UFC), Volume 1, 1997 edition, excluding appendices, as promulgated by the International Fire Code Institute, is hereby adopted and incorporated by reference as the state fire code, for the safeguarding of life and property from the hazards of fire and explosion, except as amended by provisions listed in R710-9-6, et seq.

3.2 The Uniform Fire Code Standards (UFCS), Volume 2, 1997 edition, as promulgated by the International Fire Code Institute, is hereby adopted and incorporated by reference, as a set of standards that are specifically referred to within various sections of the UFC. The following Uniform Fire Code Standards are amended as follows:

a. Uniform Fire Code Standard 10-1, Selection, Installation, Inspection, Maintenance and Testing of Portable Fire Extinguishers is amended to adopt NFPA, Standard 10, 1998 edition, except as amended by provisions listed in R710-9-6, et seq.

b. Uniform Fire Code Standard 10-2, Installation, Maintenance and Use of Fire Protection Signaling Systems is amended to adopt NFPA, Standard 72, 1996 edition.

c. Uniform Fire Code Standard 52-1, Compressed Natural Gas (CNG) Vehicular Fuel Systems is amended to adopt NFPA, Standard 52, 1995 edition.

d. Uniform Fire Code Standard 79-1, Foam Fire-Protection Systems is amended to adopt NFPA, Standard 11, 1994 edition.

e. Uniform Fire Code Standard 82-1, Liquefied Petroleum Gas Storage and Use is amended to adopt NFPA, Standard 58, 1995 edition, except as amended by provisions listed in R710-9-6, et seq.

R710-9-4. Conduct of Board Meetings.

4.1 Board meetings shall be presided over and conducted by the chairman and in his absence the vice chairman or the chairman's designee.

4.2 A quorum shall be required to approve any action of the Board.

4.3 The chairman of the Board and Board members shall be entitled to vote on all issues considered by the Board. A Board member who declares a conflict of interest or where a conflict of interest has been determined, shall not vote on that particular issue.

4.4 Meetings of the Board shall be conducted in accordance with an agenda, which shall be submitted to the members by the division, not less than 21 days before the regularly scheduled Board meetings.

4.5 Public notice of Board meetings shall be made by the Division as prescribed in UCA Section 52-4-6.

4.6 The division shall provide the Board with a secretary who shall prepare minutes and shall perform all secretarial duties necessary for the Board to fulfill its responsibility. The minutes of Board meetings shall be completed and sent to Board members at least 14 days prior to the scheduled Board meeting.

4.7 A Board members standing on the Board shall come under review after two unexcused absences in one year from regularly scheduled board meetings. The Board members name shall be submitted to the governors office for status review.

R710-9-5. Procedures to Amend the Uniform Fire Code.

5.1 All requests for amendments which would be less restrictive than the adopted edition of the UFC, shall be submitted to the division to be presented to the Board.

5.2 Requests for amendments received by the division less than 21 days prior to any regularly scheduled meeting of the Board may be delayed in presentation until the next meeting of the Board.

5.3 Upon presentation of a proposed amendment, the Board may:

a. make a recommendation to accept the proposed amendment as submitted or as modified by the Board;

b. make a recommendation to reject adoption of the proposed amendment;

c. make a recommendation to submit the proposed amendment to an ad hoc committee or formal organization for further study; or

d. make a recommendation that the proposed amendment be returned to the requesting agency, accompanied by Board comments, for the purpose of reconsidering and resubmitting the proposed amendment with modification.

5.4 The ad hoc committee or organization assigned a proposed amendment shall report its recommendation to the Board within forty-five (45) days after the proposed amendment is submitted to that committee or organization.

5.5 The Board shall make a final decision on the proposed amendment at the next Board meeting.

5.6 The Board may reconsider any request for amendment, or reverse or modify any previous action by majority vote.

R710-9-6. Amendments and Additions.

The following amendments and additions are hereby adopted by the Board:

6.1 Class K Portable Fire Extinguishers

UFC, Section 1006.2.7, 1997 edition, and NFPA, Standard 10, Section 2-3.2, 1998 edition, is deleted and replaced with the following:

a. Class K labeled portable fire extinguishers shall be provided for the protection of commercial food heat-processing equipment using vegetable or animal oils and fat cooking media. A placard shall be provided and placed above the Class K portable fire extinguisher that states that if a fire protection system exists, it shall be activated prior to use of the Class K portable fire extinguisher.

b. Those existing sodium or potassium bicarbonate dry-chemical portable fire extinguishers, having a minimum rating of 40-B, and specifically placed for protection of commercial food heat-processing equipment, shall be allowed to remain in use until July 1, 1999, and then shall be replaced with a Class K rated portable fire extinguisher.

6.2 Door Closures

UFC, Section 1111.2.2 Operation. Add the following Exception: In Group E Occupancies, Divisions 1 and 2, door closures may be of the friction hold-open type on classroom doors only.

6.3 Fireworks

UFC, Section 7802.1 is amended to include the following Exception: 4. The use of fireworks for display and retail sales is allowed as set forth in the "Utah Fireworks Act", as adopted in Title 11, Chapter 3, UCA.

6.4 Liquefied Petroleum Gas

UFC, Section 8212.12 is deleted and replaced with NFPA, Standard 58, Section 5-4.1, 1995 edition.

R710-9-7. Publications of Amendments to the Uniform Fire Code.

7.1 The division shall publish a list of amendments to the UFC, that have been granted by the Board.

7.2 The division shall make available to any person or agency copies of these amendments upon request, and may charge a reasonable fee for multiple requests from a person or agency in accordance with the provisions of UCA, Section 63-2.

R710-9-8. Local Ordinances.

8.1 The legislative body of a political subdivision shall provide to the Board within forty-five (45) days after passage, a copy of any ordinances enacted that are more restrictive than the adopted fire code.

8.2 The division shall maintain an indexed copy of these ordinances for the Board.

8.3 The division shall publish an indexed list of these ordinances that have been made by political subdivisions.

8.4 The division shall make available to any person or agency copies of these ordinances upon request, and may charge a reasonable fee for multiple requests from a person or agency.

R710-9-9. Enforcement of the Rules of the State Fire Marshal.

9.1 Fire and life safety plan reviews of new construction, additions, and remodels of state owned facilities shall be conducted by the SFM, or his authorized deputies. State owned facilities shall be inspected by the SFM, or his authorized deputies.

9.2 Fire and life safety plan reviews of new construction, additions, and remodels of public and private schools shall be completed by the SFM, or his authorized deputies, and the LFA.

9.3 Fire and life safety plan reviews of new construction, additions, and remodels of publicly owned buildings, privately owned colleges and universities, and institutional occupancies, with the exception of state owned buildings, shall be completed by the LFA. If not completed by the LFA, the SFM, or his authorized deputies shall complete the plan review.

9.4 The following listed occupancies shall be inspected by the LFA. If not completed by the LFA, the SFM, or his authorized deputies shall inspect.

(a) Publicly owned buildings other than state owned buildings as referenced in 9.1 of this rule.

(b) Public and private schools.

(c) Privately owned colleges and universities.

(d) Institutional occupancies as defined in Section 9-2 of this rule.

(e) Places of assembly as defined in Section 9-2 of this rule.

9.5 The Board shall require prior to approval of a grant the following:

(a) That the applying fire agency be actively participating in the statewide fire statistics reporting program.

(b) The Board shall also require that the applying fire agency be actively working towards structural or wildland firefighter certification through the Utah Fire Service Certification System.

R710-9-10. [~~Utah Fire and Rescue Academy,~~]Fire Service Standards and Training Council[~~, and Fire Academy Curriculum Facilitator~~].

~~[10.1 The fire service training school shall be known as the Utah Fire and Rescue Academy.~~

~~—10.2]10.1~~ There is created the Fire Service Standards and Training Council whose members shall be appointed by the Board for three year terms.

~~[10.3]10.2~~ This Council shall serve in an advisory position to the Board, Utah Fire and Rescue Academy, and the Utah Valley State College, on matters relating to fire service standards, training, and certification, and shall consist of the following members:

(a) a member of the Utah State Fire Chiefs Association.

(b) a member of the Utah State Firemen's Association.

(c) a member of the Utah Fire Marshal's Association.

(d) a specialist in hazardous materials representing the Hazardous Materials Institute.

(e) a fire/arson investigator representing the Utah Chapter of the International Association of Arson Investigators.

(f) a specialist in wildland fire suppression and prevention from the Utah ~~State Division of [Sovereign Lands and]~~Forestry, Fire and State Lands.

(g) a representative from the International Association of Firefighters.

(h) a representative from the Utah Fire and Rescue Academy, Certification Council.

(i) a representative from the fire service that sits on the Utah State Emergency Medical Services Committee.

(j) a representative from the training officers association or a training officer recommended by the Fire Academy.

10.3 The Council shall meet quarterly and may hold other meetings as necessary for proper transaction of business. The majority of the Council shall be present to constitute a quorum.

10.4 The Council shall select one of its members to act in the position of chair[man], and another member to act as vice chair[man]. The chair and vice chair shall serve one year terms on a calendar year basis. Elections for chair and vice chair shall occur at the meeting conducted in the last quarter of the calendar year. If voted upon by the council, the vice chair will become the chair the next succeeding calendar year.

~~[10.5 The majority of the Council shall be present to constitute a quorum.]~~10.5 A Council members standing on the Council shall come under review after two unexcused absences in one year from regularly scheduled Council meetings. The Council members name shall be submitted to the Board for status review.

10.6 A member of the Council may have a representative of their respective organization sit in proxy of that member, if submitted in writing and approved by the Liaison prior to the meeting.

10.7 The Chair or Vice Chair of the Council shall report to the Board the activities of the Council at regularly scheduled Board meetings. The Liaison may report to the Board the activities of the Council in the absence of the Chair or Vice Chair.

10.8 The Council shall consider all subjects presented to them, subjects assigned to them by the Board, and shall report their recommendations to the Board at regularly scheduled Board meetings.

~~[10.6 The Fire Academy Curriculum Facilitator, in cooperation with the Director of the Utah Fire and Rescue Academy shall report to the Board activities of the Academy, to include certification, development of programs, facilities, instruction for firefighters, and budgetary matters.~~

~~10.7 The Facilitator, in cooperation with the Director shall recommend to the Council new or expanded standards regarding education and training for the fire service.~~

~~10.8 The Facilitator, in cooperation with the Director shall recommend to the Council minimum certification standards required for firefighter, apparatus driver/pump operator, fire officer, instructor, inspector, investigator and hazardous materials responder.~~

~~10.9 The Council shall consider all subjects presented to them, and any other subjects assigned to them by the Board, and shall report their recommendations to the Board.]~~

R710-9-11. Fire Prevention Board Budget Sub-Committee.

11.1 There is created a Fire Prevention Board Budget Sub-Committee whose makeup shall be appointed from members of the Utah Fire Prevention Board.

11.2 Membership on the Sub-Committee shall be by appointment of the Fire Prevention Board Chair or as volunteered by Board members. Membership on the Sub-Committee shall be limited to four Board members.

11.3 The Sub-Committee shall meet as necessary and shall vote and appoint a chair to represent the Sub-Committee at regularly scheduled Board meetings.

11.4 The Sub-Committee shall review the Academy's budget to insure that the budget is being properly dispersed according to the contract, shall review the proposed budget for the next contract year, and report their findings to the Board.

R710-9-12. Utah Fire and Rescue Academy and Fire Academy Liaison.

12.1 The fire service training school shall be known as the Utah Fire and Rescue Academy.

12.2 The Director of the Utah Fire and Rescue Academy shall report to the Board the activities of the Academy at regularly scheduled Board meetings.

12.3 The Director may recommend to the Board new or expanded standards regarding fire suppression, fire prevention, fire education, safety, certification, and any other items of necessary interest to the Board about the Academy.

12.4 The Fire Academy Liaison shall report to the Board completion of the training agreements covered in the contract, non-completion of those training agreements, budgetary items, audits, and any other items of necessary interest or concern to the Board about the Academy.

12.5 The Director, in cooperation with the Fire Academy Liaison, shall present to the Board by February of each year, the proposed Academy contract for the next fiscal year.

12.6 The proposed Academy contract shall be reviewed by the Liaison for its compliance with the Fire Academy Strategic Plan and accepted budgeting practices. The Liaison shall report to the Sub-Committee and the Board the findings of this review.

12.7 The Board shall direct the Fire Academy Liaison to coordinate with all interested fire officials, fire organizations, and the Academy, the updating of the Plan every two years beginning in year 2000.

12.8 The Board shall review each new edition of the Plan to insure that the Plan is applicable and satisfies the training needs of the fire service.

R710-9-[11]13. Deputizing Persons to Act as Special Deputy State Fire Marshals.

~~[11-1]13.1~~ Special deputy state fire marshals may be appointed by the SFM to positions of expertise within the regular scope of the Fire Marshal's Office.

~~[11-2]13.2~~ Special deputy state fire marshals may also be appointed to assist the Fire Marshal's Office in establishing and maintaining minimum fire prevention standards in those occupancies listed in the Fire Prevention Law.

~~[11-3]13.3~~ Special deputy state fire marshals shall be appointed after review by the State Fire Marshal in regard to their qualifications and the overall benefit to the Office of the State Fire Marshal.

~~[11-4]13.4~~ Special deputy state fire marshals shall be appointed by completing an oath and shall be appointed for a specific period of time.

[11-5]13.5 Special deputy state fire marshals shall have a picture identification card and shall carry that card when performing their assigned duties.

R710-9-[12]14. Repeal of Conflicting Board Actions.

All former Board actions, or parts thereof, conflicting or inconsistent with the provisions of this Board action or of the codes hereby adopted, are hereby repealed.

R710-9-[13]15. Validity.

The Utah Fire Prevention Board hereby declares that should any section, paragraph, sentence, or word of this Board action, or of the codes hereby adopted, be declared invalid, it is the intent of the Utah Fire Prevention Board that it would have passed all other portions of this action, independent of the elimination of any portion as may be declared invalid.

R710-9-[14]16. Adjudicative Proceedings.

[14-1]16.1 All adjudicative proceedings performed by the agency shall proceed informally as set forth herein and as authorized by UCA, Sections 63-46b-4 and 63-46b-5.

[14-2]16.2 If a city, county, or fire protection district refuses to establish a method of appeal regarding a portion of the UFC, the appealing party may petition the Board to act as the board of appeals.

[14-3]16.3 A person may request a hearing on a decision made by the SFM, his authorized deputies, or the LFA, by filing an appeal to the Board within 20 days after receiving final decision.

[14-4]16.4 All adjudicative proceedings, other than criminal prosecution, taken by the SFM, his authorized deputies, or the LFA, to enforce the Utah Fire Prevention and Safety Act and these rules, shall commence in accordance with UCA, Section 63-46b-3.

[14-5]16.5 The Board shall act as the hearing authority, and shall convene as an appeals board after timely notice to all parties involved.

[14-6]16.6 The Board shall direct the SFM to issue a signed order to the parties involved giving the decision of the Board within a reasonable time of the hearing pursuant to UCA, Section 63-46b-5(i).

[14-7]16.7 Reconsideration of the Board's decision may be requested in writing within 20 days of the date of the decision pursuant to UCA, Section 63-46b-13.

[14-8]16.8 Judicial review of all final Board actions resulting from informal adjudicative proceedings is available pursuant to UCA, Section 63-46b-15.

KEY: fire prevention, law

[September 1, 1998]April 15, 1999

53-7-204

Notice of Continuation June 19, 1997



Public Safety, Highway Patrol
R714-600
Performance Standards for Tow-Truck
Motor Carriers

NOTICE OF PROPOSED RULE

(New)

DAR FILE NO.: 21882

FILED: 02/18/1999, 12:23

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Utah Highway Patrol utilizes certain tow truck motor carriers to tow motor vehicles when the vehicle's owner has not selected a motor carrier to tow his/her vehicle. The motor carriers that choose to participate in this tow program are placed on a list and are called on a rotating basis to tow vehicles at the request of the Utah Highway Patrol. This rule allows the Highway Patrol to select a contractor to administer the rotating list and allows the contractor to charge a fee to motor carriers who choose to participate in the tow program.

SUMMARY OF THE RULE OR CHANGE: This rule allows the Utah Highway Patrol to select a contractor to administer its non-preference vehicle towing program and allows the contractor to charge a fee to motor carriers who choose to participate in the tow program.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 41-6-102 and 53-1-106

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The State (specifically the Department of Public Safety/Weber Communications Center) will realize a savings of approximately \$7,440 annually as a result of this rule. This estimation is based on an analysis of the following: the average number of wrecker calls per month; the average dispatcher time spent per call; the amortized cost of computer software program to maintain the rotation list; manager/supervisor time spent resolving problems and complaints associated with administering the rotation list; and manager/supervisor time spent updating the rotation list.

❖LOCAL GOVERNMENTS: This rule will have no fiscal impact on local government because it does not apply to local government.

❖OTHER PERSONS: A contractor selected by the Utah Highway Patrol to administer its non-preference towing program will be able to charge a coordinated rotation-dispatch fee of up to \$10 per call.

COMPLIANCE COSTS FOR AFFECTED PERSONS: A tow-truck motor carrier that volunteers to participate in the non-preference towing program may be charged a rotation-dispatch fee not to exceed \$10 each time the motor carrier is called by the contractor to perform a non-preference tow.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Whether or not this rule will have a fiscal impact on tow truck motor carrier businesses is up to each motor carrier itself because participation in the non-preference tow program is optional with each motor carrier. A motor carrier that chooses to participate in the program will have the opportunity to engage in non-preference towing when called by the contractor. A motor carrier that chooses not to participate in the program will not be called, and thus, will incur no expense.

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

Public Safety
Highway Patrol
First Floor, Calvin L. Rampton Complex
4501 South 2700 West
Box 141100
Salt Lake City, UT 84114-1100, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
J. Francis Valerga at the above address, by phone at (801) 965-4463, by FAX at (801) 965-4608, or by Internet E-mail at psdomain.psmain.jfvalerg@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 04/14/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 04/15/1999

AUTHORIZED BY: Richard A. Greenwood, Superintendent

R714. Public Safety, Highway Patrol.
R714-600. Performance Standards for Tow-Truck Motor Carriers.

R714-600-1. Authority and Purpose.
Pursuant to Subsection 41-6-102(1) which directs law-enforcement officers to remove vehicles found upon a road or highway, and Subsections 41-6-102(4) and 53-1-106(1) which require that rules set performance standards for towing companies used by the department, this rule sets a procedure for coordinated dispatch services.

R714-600-2. Definitions.
As used in this rule:
(1) "Participating Carrier" means a tow-truck motor carrier as defined in Section 27-17-102 and certified under Section 27-17-601, that agrees to accept a rotation-dispatch notification to provide non-preference vehicle towing services, as requested by law-enforcement officers.
(2) "Contractor" means a tow-truck motor carrier owner/operator authorized by the department to operate a rotation-dispatch service to coordinate non-preference vehicle towing service in accordance with this rule.
(3) "Department" means the Utah Department of Public Safety.
(4) "Non-preference vehicle-towing service" means the removal and towing of motor vehicles by tow-truck motor carriers when requested by a law-enforcement officer, at times when a vehicle's owner/operator has not consented to, nor selected a tow-truck motor carrier to provide towing services in response to a:
(a) law-enforcement officer's call for rotation-dispatched non-preference vehicle towing;
(b) call initiated by a governmental entity, in accordance with Chapter 41-1(a), or
(c) notification or call for non-consent towing services.

R714-600-3. Non-Preference Vehicle Towing.
(1) The department may authorize rotation-dispatch towing services in specific areas of the state.

(2) The contractor shall operate a rotation-dispatch program by agreement with carriers who agree to accept rotation-dispatch notifications to provide non-preference vehicle towing services.

(3) In addition to fees provided under rules promulgated by the Utah Department of Transportation, the contractor may charge participating carriers a coordinated rotation-dispatch fee of up to \$10 per/call.

(4) The department may rescind this rule at any time as deemed necessary.

KEY: towing, motor carrier, law enforcement
1999 **41-6-102(1)**
41-6-102(4)
53-1-106(1)



End of the Notices of Proposed Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the responsible agency is required to review the rule. This review is designed to remove obsolete rules from the *Utah Administrative Code*.

Upon reviewing a rule, an agency may: repeal the rule by filing a PROPOSED RULE; continue the rule as it is by filing a NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (NOTICE); or amend the rule by filing a PROPOSED RULE and by filing a NOTICE. By filing a NOTICE, the agency indicates that the rule is still necessary.

NOTICES are not followed by the rule text. The rule text that is being continued may be found in the most recent edition of the *Utah Administrative Code*. The rule text may also be inspected at the agency or the Division of Administrative Rules. NOTICES are effective when filed. NOTICES are governed by *Utah Code* Section 63-46a-9 (1996).

Agriculture and Food, Administration **R51-5** Grazing Advisory Boards

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 21884
FILED: 02/22/1999, 10:35
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsections 4-2-2(1)(f) and 4-2-2(1)(j) authorize Agriculture and Food to administer and enforce rules. Section 4-20-9 authorizes the Agriculture and Food commission to supervise distribution of undistributed funds if the United States alters or discontinues funding leaving funds or resources available.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is established for the purpose of reinstating the Grazing Advisory Boards. The reinstated boards will direct the expenditure of the funds collected by the Secretary of the Interior under the Taylor Grazing Act.

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

Agriculture and Food
Administration
350 North Redwood Road
PO Box 146500
Salt Lake City, UT 84114-6500, or

at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Van Burgess at the above address, by phone at (801) 538-7102, by FAX at (801) 538-7126, or Internet E-mail at agmain.vburgess@state.ut.us.

AUTHORIZED BY: Cary G. Peterson, Commissioner

EFFECTIVE: 02/22/1999



Commerce, Occupational and Professional Licensing **R156-39a** Alternative Dispute Resolution Providers Certification Act Rules

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 21905
FILED: 03/01/1999, 16:36
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Title 58, Chapter 39a provides for the certification of alternative dispute resolution providers. Subsection 58-1-106(1) provides the Division may adopt and enforce rules to administer Title 58. Subsection 58-39a-3(3) provides that the Alternative Dispute Resolution Providers Certification Board's duties and responsibilities shall be in accordance with Section 58-1-202. Subsection 58-1-202(1) provides that one of the duties of each board is to recommend to the Division Director appropriate rules. These rules were enacted to

clarify the provisions of Title 58, Chapter 39a with respect to alternative dispute resolution providers.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Since the rule was originally enacted in 1994, no written comments have been received by the Division.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule should be continued as it clarifies the provisions of Title 58, Chapter 39a with respect to alternative dispute resolution providers.

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

Commerce
Occupational and Professional Licensing
Fourth Floor, Heber M. Wells Building
160 East 300 South
PO Box 146741
Salt Lake City, UT 84114-6741, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Dan S. Jones at the above address, by phone at (801) 530-6720, by FAX at (801) 530-6511, or Internet E-mail at brdopl.dsJones@email.state.ut.us.

AUTHORIZED BY: Diane J. Blake, Acting Director

EFFECTIVE: 03/01/1999

Education, Administration
R277-102
Adjudicative Proceedings

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR File No.: 21893
FILED: 02/26/1999, 15:15
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 63-46b-5 directs agencies to make rules for a state entity's adjudicative proceedings.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The law still requires the agency to make rules regarding adjudicative proceedings. Many administrative proceedings, both formal and informal, are held under the direction of the State Board of Education.

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

Education
Administration
250 East 500 South
Salt Lake City, UT 84111, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Carol B. Lear at the above address, by phone at (801) 538-7835, by FAX at (801) 538-7768, or Internet E-mail at clear@usoe.k12.ut.us.

AUTHORIZED BY: Carol B. Lear, School Law Specialist

EFFECTIVE: 02/26/1999

Education, Administration
R277-425
Budgeting, Accounting, and Auditing
for Utah School Districts

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR File No.: 21894
FILED: 02/26/1999, 15:15
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 53A-1-402(1)(f) requires the State Board of Education to adopt rules regarding financial, statistical, and student accounting requirements.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The law continues to require the State Board of Education to have rules regarding financial, statistical, and student accounting requirements.

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

Education
Administration
250 East 500 South
Salt Lake City, UT 84111, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Carol B. Lear at the above address, by phone at (801) 538-7835, by FAX at (801) 538-7768, or Internet E-mail at clear@usoe.k12.ut.us.

AUTHORIZED BY: Carol B. Lear, School Law Specialist

EFFECTIVE: 02/26/1999



Education, Administration
R277-455
Standards and Procedures for Building
Plan Review

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 21895
FILED: 02/26/1999, 15:15
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 53A-1-402(1)(d) requires the State Board of Education to adopt rules relative to district building projects.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The law continues to require the State Board of Education to have rules relative to district building projects.

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

Education
Administration
250 East 500 South
Salt Lake City, UT 84111, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Carol B. Lear at the above address, by phone at (801) 538-7835, by FAX at (801) 538-7768, or Internet E-mail at clear@usoe.k12.ut.us.

AUTHORIZED BY: Carol B. Lear, School Law Specialist

EFFECTIVE: 02/26/1999



Education, Administration
R277-601
Standards for Utah School Buses and
Operations

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 21896
FILED: 02/26/1999, 15:15
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 53A-1-402(1)(e) requires the State Board of Education to adopt rules for state-reimbursed bus routes, bus safety and operations requirements, and other transportation needs.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The law continues to require the State Board of Education to have rules for state-reimbursed bus routes, bus safety and operations requirements, and other transportation needs.

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

Education
Administration
250 East 500 South
Salt Lake City, UT 84111, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Carol B. Lear at the above address, by phone at (801) 538-7835, by FAX at (801) 538-7768, or Internet E-mail at clear@usoe.k12.ut.us.

AUTHORIZED BY: Carol B. Lear, School Law Specialist

EFFECTIVE: 02/26/1999

EFFECTIVE: 02/26/1999

Education, Administration
R277-712
 Advanced Placement Programs

Education, Administration
R277-734
 Standards and Procedures for Adult
 Education Section 353 Funds

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 21897
FILED: 02/26/1999, 15:15
RECEIVED BY: NL

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 21898
FILED: 02/26/1999, 15:15
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 53A-17a-120 requires the State Board of Education to adopt rules for the expenditure of funds appropriated for accelerated learning programs.

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 53A-15-401(2)(a) authorizes the State Board of Education to make rules to organize, conduct, and supervise adult education.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The law continues to require the State Board of Education to adopt rules for the expenditure of funds appropriated for accelerated learning programs.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The law still authorizes the State Board of Education to make rules to organize, conduct, and supervise adult education.

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

Education
Administration
250 East 500 South
Salt Lake City, UT 84111, or
at the Division of Administrative Rules.

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

Education
Administration
250 East 500 South
Salt Lake City, UT 84111, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Carol B. Lear at the above address, by phone at (801) 538-7835, by FAX at (801) 538-7768, or Internet E-mail at clear@usoe.k12.ut.us.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Carol B. Lear at the above address, by phone at (801) 538-7835, by FAX at (801) 538-7768, or Internet E-mail at clear@usoe.k12.ut.us.

AUTHORIZED BY: Carol B. Lear, School Law Specialist

AUTHORIZED BY: Carol B. Lear, School Law Specialist

EFFECTIVE: 02/26/1999

Environmental Quality, Air Quality
R307-415
 Permits: Operating Permit
 Requirements

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

DAR FILE No.: 21900
 FILED: 03/01/1999, 11:58
 RECEIVED BY: NL

**NOTICE OF REVIEW AND
 STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 19-2-104(1)(f) allows the Air Quality Board to make rules to implement Titles IV and V of the Clean Air Act (42 U.S.C. 7401 et seq.). Subsection 19-2-109.1(2)(a) states, "A person may not operate any source of air pollution required to have a permit under Title V of the 1990 Clean Air Act without having obtained an operating permit from the executive secretary under procedures the board establishes by rule." R307-415 is the rule establishing those procedures for obtaining an operating permit. The rule was originally numbered R307-15 and became effective on March 17, 1994.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have received outside the comment periods for amendments to the rule. The rule has been amended seven times since it became effective. There were five amendments for which no comments were received: DAR No. 15588, published February 15, 1994, change in proposed rule (CPR) published April 15, 1994, effective May 16, 1994; DAR No. 17919, published August 1, 1996, effective November 15, 1996; DAR No. 19421, published July 1, 1997, effective September 4, 1997; DAR No. 21114, published June 1, 1998, effective September 15, 1998; and DAR No. 21589, published November 15, 1998, effective January 7, 1999. For DAR No. 16328, published November 15, 1994, effective February 15, 1995, a letter, dated November 7, 1994, was received from Mark D. Dinterman, Amoco Oil Company, supporting the proposed amendment. For DAR No. 16635, published January 15, 1995, CPR published March 15, 1995, effective April 15, 1995, comments were received from the Environmental Protection Agency (EPA), from Kennecott, and from Barrick Resources (USA) Inc. 2 commentors suggested that the language of the proposed change in Subsection R307-15-4(6) was confusing; the Air Quality Board clarified by adopting language referring to the definition of "potential to emit" found in Section R307-1-1. In Subsection R307-15-5(5)(d), EPA suggested a clarification

of the cutoff limits for insignificant activities, and the Board adopted the change. In Section R307-15-3, a commentor requested that the definition of "major source" include a cut-off date, August 7, 1980, whereby sources that were not subject a New Source Performance Standard (NSPS) or National Emission Standard for Hazardous Air Pollutants (NESHAP) on that date would not be required to count fugitive emission in determining their major source status. The Board did not adopt that change, as it is contrary to the definition of "major source" found in 40 CFR 70.2.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: 42 U.S.C. 7661a(d)(1) requires that each state submit an operating permit program to the Environmental Protection Agency (EPA) no later than November 15, 1993. The Utah program was submitted to EPA and was approved on July 10, 1995. 42 U.S.C 7661a(d)(3) provides that EPA shall operate the program in any state which does not submit its own program. The Legislature by adopting Section 19-2-109.1 expressed the intent that Utah operate the program, and R307-415 implements that statute.

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

Environmental Quality
 Air Quality
 150 North 1950 West
 Box 144820
 Salt Lake City, UT 84114-4820, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jan Miller at the above address, by phone at (801) 536-4042, by FAX at (801) 536-0099, or Internet E-mail at jmiller@deq.state.ut.us.

AUTHORIZED BY: Rick Sprott, Planning Branch Manager

EFFECTIVE: 03/01/1999



Human Services, Aging and Adult
 Services
R510-111
 Policy on Use of State Funding for
 Travel Expenses to Assist the National
 Senior Service Corps (NSSC)

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

DAR FILE No.: 21885
 FILED: 02/23/1999, 12:27
 RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 62A-3-104 allows the Division of Aging and Adult Services to receive and distribute funds.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is required for the Division of Aging and Adult Services to provide guidelines for the use of these funds.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Human Services
Aging and Adult Services
Room 325
120 North 200 West
PO Box 45500
Salt Lake City, UT 84145-0500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Sally Anne Brown at the above address, by phone at (801) 538-3910, by FAX at (801) 538-4395, or Internet E-mail at sbrown@email.state.ut.us.

AUTHORIZED BY: Helen Goddard, Director

EFFECTIVE: 02/23/1999

Public Safety, Driver License
R708-30
Motorcycle Rider Training Schools

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 21881
FILED: 02/17/1999, 17:51
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 53-3-903 requires the division to develop standards and rules for administering the Motorcycle Rider Education Program. Section 53-3-903 also defines what needs to be included in

a school motorcycle training program such as enhancing public awareness of motorcycle riders, increasing the awareness of motorcycle riders of the effect of alcohol and drugs, etc., all of which are in this rule.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: We need to continue this rule so the public can have an opportunity to receive motorcycle training that will help them to operate motorcycles in a safe manner.

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

Public Safety
Driver License
Calvin Rampton Complex
4510 South 2700 West
PO Box 30560
Salt Lake City, UT 84130-0560, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Vinn Roos at the above address, by phone at (801) 965-4456, by FAX at (801) 964-4482, or Internet E-mail at vroos@email.state.ut.us.

AUTHORIZED BY: David A. Beach, Director

EFFECTIVE: 02/17/1999

Workforce Services, Employment
Development
R986-501
Displaced Homemaker Program

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 21883
FILED: 02/19/1999, 14:43
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized as it pertains to the Utah Displaced Homemaker Act, per Subsection 35A-3-114(2) of the Utah Code. That statute requires the Department of Workforce Services to establish, administer, and maintain services directed to provide accessible and comprehensive employment-related

training, education, and supportive services to displaced homemakers.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: To the Department's knowledge, there have been no comments from interested persons opposing this rule since the last five-year review.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule contains the guidelines for administering the Utah Displaced Homemaker Act. As established by the Act and defined in this rule, the Displaced Homemaker Program offers comprehensive employment-related training, education, and supportive services to women who unexpectedly find themselves with the responsibility of supporting themselves and their families. Although the Department offers similar services through the Family Employment Program (FEP), there are "displaced homemakers" in our communities who do not qualify for the FEP program. The Department believes that services provided through the Displaced Homemaker Program continue to be a viable alternative for addressing the needs of Utah's citizens who are economically and educationally disadvantaged. This program provides a critical safety net for those Utah families who find themselves outside the parameters of other Department of Workforce Services programs.

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

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

Workforce Services
Employment Development
Second Floor
1385 South State Street
Salt Lake City, UT 84115, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Gordon Mendenhall at the above address, by phone at (801) 468-0125, by FAX at (801) 468-0160, or Internet E-mail at gmenden@wscdomain.wscfam.

AUTHORIZED BY: Robert C Gross, Executive Director

EFFECTIVE: 02/19/1999



NOTICES OF RULE EFFECTIVE DATES

These are the effective dates of PROPOSED RULES or CHANGES IN PROPOSED RULES published in earlier editions of the *Utah State Bulletin*. These effective dates are at least 31 days and not more than 120 days after the date the following rules were published.

Abbreviations

AMD = Amendment
CPR = Change in Proposed Rule
NEW = New Rule
R&R = Repeal and Reenact
REP = Repeal

Commerce

Occupational and Professional Licensing
No. 21753 (AMD): R156-28. Veterinary Practice Act Rules.
Published: January 15, 1999
Effective: February 18, 1999

Health

Health Care Financing, Coverage and Reimbursement Policy
No. 21764 (AMD): R414-304. Income and Budgeting.
Published: January 15, 1999
Effective: February 25, 1999

Health Systems Improvement, Emergency Medical Services
No. 21693 (AMD): R426-1. Ambulance Rules.
Published: December 15, 1998
Effective: February 26, 1999

No. 21657 (AMD): R426-6. Emergency Medical Services Grants Program Rules.
Published: December 1, 1998
Effective: March 1, 1999

Health Data Analysis
No. 21755 (AMD): R428-10. Health Data Authority Hospital Inpatient Reporting Rule.
Published: January 15, 1999
Effective: March 1, 1999

Health Systems Improvement, Child Care Licensing
No. 21769 (AMD): R430-100-13. Infection Control.
Published: January 15, 1999
Effective: February 25, 1999

Health Systems Improvement, Health Facility Licensure
No. 21752 (R&R): R432-150. Nursing Care Facility Rules.
Published: January 15, 1999
Effective: February 25, 1999

No. 21734 (AMD): R432-750. Hospice Rule.
Published: January 1, 1999
Effective: February 25, 1999

Natural Resources

Oil, Gas and Mining; Non-Coal
No. 21757 (AMD): R647-2. Exploration.
Published: January 15, 1999
Effective: February 26, 1999

No. 21758 (AMD): R647-3. Small Mining Operations.
Published: January 15, 1999
Effective: February 26, 1999

No. 21759 (AMD): R647-4. Large Mining Operations.
Published: January 15, 1999
Effective: February 26, 1999

Public Safety

Fire Marshal
No. 21712 (CPR): R710-8. Day Care Rules.
Published: January 15, 1999
Effective: February 23, 1999

Workforce Services

Workforce Information and Payment Services
No. 21745 (AMD): R994-405. Ineligibility for Benefits.
Published: January 15, 1999
Effective: February 17, 1999

No. 21746 (AMD): R994-405. Ineligibility for Benefits.
Published: January 15, 1999
Effective: February 17, 1999

No. 21748 (AMD): R994-405. Ineligibility for Benefits.
Published: January 15, 1999
Effective: February 17, 1999

No. 21749 (AMD): R994-405. Ineligibility for Benefits.
Published: January 15, 1999
Effective: February 17, 1999

1998 CORRELATION TABLE

Department, Agency, and R-Number changes from January 2, 1998, through January 1, 1999. This table is arranged sequentially by the old agency code number (R-number). The table is divided into two columns. The first column contains the old agency code number and agency name and the second contains the new agency code number and agency name. This table is useful when researching previous rules enforced by an agency or the evolution of an agency's rules over time.

OLD -- DEPARTMENT, Agency, and R-Number

NEW -- DEPARTMENT, Agency, R-Number, and effective date

GOVERNOR

GOVERNOR

R365. Planning and Budget, Information
Technology Coordinator

R365. Planning and Budget, Chief Information
Officer -- 09/10/98

HEALTH

HEALTH

Title did not exist prior to 07/14/98.

R382. Children's Health Insurance Program --
07/14/98

Title did not exist prior to 08/12/98.

R396. Family Health Services, Child Health --
08/12/98

HUMAN SERVICES, Administration

**COMMUNITY AND ECONOMIC
DEVELOPMENT, Community Development,
Community Services**

R495-601 through R495-608

R202-201 through R202-208 -- 10/23/98

**HUMAN SERVICES, Administration,
Administrative Services, Management Services**

**HUMAN SERVICES, Administration,
Administrative Services, Management Services**

R503-5

Only rule was repealed -- 05/02/98

1998 CORRELATION TABLE

OLD -- DEPARTMENT, Agency, and R-Number

NATURAL RESOURCES

Title was reintroduced on 01/15/98.

R636. Energy

Title did not exist prior to 03/05/98.

**PROFESSIONAL PRACTICES ADVISORY
COMMISSION**

Title did not exist prior to 02/09/98.

**STATEHOOD CENTENNIAL COMMISSION
(UTAH)**

R855. Administration

WORKERS' COMPENSATION FUND

R980. Administration

**NEW -- DEPARTMENT, Agency, R-Number, and
effective date**

NATURAL RESOURCES

R634. Administration -- 01/15/98

Rules expired -- 02/01/98

R637. Energy and Resource Planning -- 03/05/98

**PROFESSIONAL PRACTICES ADVISORY
COMMISSION**

R686. Administration -- 02/09/98

**STATEHOOD CENTENNIAL COMMISSION
(UTAH)**

Rules expired -- 03/17/98

WORKERS' COMPENSATION FUND

Only rule was repealed -- 08/07/98

The 1998 Agency Index Begins on the Next Page.

1998 RULES INDEX BY AGENCY (CODE NUMBER)

The *Rules Index* is a cumulative index that reflects all effective changes to Utah's administrative rules. The current *Index* lists changes made effective from January 2, 1998, through January 1, 1999. The *Rules Index* is published in the *Utah State Bulletin* and in the annual *Index of Changes*. Nonsubstantive changes, while not published in the *Bulletin*, do become part of the *Utah Administrative Code (Code)* and are included in this *Index*, as well as 120-Day (Emergency) rules that do not become part of the *Code*. The rules are indexed by Agency (Code Number) and Keyword (Subject).

A copy of the *Rules Index* is available for public inspection at the Division of Administrative Rules (4120 State Office Building, Salt Lake City, UT), or may be viewed online at the Division's web site (<http://www.rules.state.ut.us/>).

DAR Note: The complete *1998 Rules Index by Agency* was published in the January 15, 1999, issue of the *Utah State Bulletin*. During a review, the Division discovered some minor errors. The following is the corrected version of the *1998 Rules Index by Agency*.

RULES INDEX - BY AGENCY (CODE NUMBER)

ABBREVIATIONS

AMD = Amendment	NSC = Nonsubstantive rule change
CPR = Change in proposed rule	REP = Repeal
EMR = Emergency rule (120 day)	R&R = Repeal and reenact
NEW = New rule	* = Text too long to print in <i>Bulletin</i> , or repealed text not printed in <i>Bulletin</i>
5YR = Five-Year Review	
EXD = Expired	

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
ADMINISTRATIVE SERVICES					
<u>Administration</u>					
R13-1	Public Petitions for Declaratory Orders	21435	5YR	09/11/98	98-19/104
R13-2	Access to Records	20537	NSC	01/06/98	Not Printed
R13-3	Americans With Disabilities Act Grievance Procedures	20631	5YR	01/08/98	98-3/89
<u>Administrative Rules</u>					
R15-4	Administrative Rulemaking Procedures	20976	AMD	07/01/98	98-9/3
R15-4-3	Publication Dates and Deadlines	20952	AMD	07/01/98	98-8/2
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R280-200	Rehabilitation	21078	NSC	05/07/98	Not Printed
R280-200	Rehabilitation	21256	NSC	07/07/98	Not Printed
R280-201	USOR ADA Complaint Procedure	21643	EXD	11/01/98	98-22/144
R280-202	USOR Procedures for Individuals with the Most Severe Disabilities	21644	EXD	11/01/98	98-22/144
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R307-1	Utah Air Conservation Rules	21100	AMD	09/15/98	98-11/37
R307-1	Utah Air Conservation Rules	21587	NSC	11/12/98	Not Printed
R307-1-1	Foreword and Definitions	20096	AMD	01/08/98	97-21/4
R307-1-1	Foreword and Definitions	20202	AMD	01/08/98	97-23/10
R307-1-1	Foreword and Definitions	20736	AMD	04/22/98	98-5/16
R307-1-2	General Requirements	21015	AMD	08/13/98	98-10/26
R307-1-3	Control of Installations	20219	AMD	02/05/98	97-23/20
R307-1-3	Control of Installations	20740	NSC	02/05/98	Not Printed

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R307-1-6 (Changed to R307-120)	Eligibility of Pollution Control Expenditures for Sales Tax Exemption and Income Tax Credit	21105	AMD	09/15/98	98-11/39
R307-1-6 (Changed to R307-121)	Eligibility of Pollution Control Expenditures for Sales Tax Exemption and Income Tax Credit	21105	AMD	09/15/98	98-11/39
R307-1-6 (Changed to R307-122)	Eligibility of Pollution Control Expenditures for Sales Tax Exemption and Income Tax Credit	21105	AMD	09/15/98	98-11/39
R307-1-8 (Changed to R307-801)	Asbestos Certification, Asbestos Work Practices, and Implementation of Toxic Substances Control Act, Title II	21106	AMD	09/15/98	98-11/43
R307-2 (Changed to R307-110)	State Implementation Plan	21107	AMD	09/15/98	98-11/55
R307-2-12	Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide	20099	AMD	01/08/98	97-21/14
R307-2-12	Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide	21280	NSC	07/27/98	Not Printed
R307-2-13	Section IX, Control Measures for Area and Point Sources, Part D, Ozone	21031	AMD	see CPR	98-10/28
R307-2-13	Section IX, Control Measures for Area and Point Sources, Part D, Ozone	21031	CPR	11/02/98	98-19/93
R307-3 (Changed to R307-342)	Qualification of Contractors, Test Procedures for Testing of Vapor Recovery Systems for Gasoline Delivery Tanks	21108	AMD	09/15/98	98-11/58
R307-4 (Changed to R307-130)	Air Quality Board Penalty Policy and AHERA Enforcement Response Policy	21109	AMD	09/15/98	98-11/61
R307-4 (Changed to R307-135)	Air Quality Board Penalty Policy and AHERA Enforcement Response Policy	21109	AMD	09/15/98	98-11/61
R307-6	De minimis Emissions from Air Strippers and Soil Venting Projects	21009	REP	08/13/98	98-10/29
R307-7	Exemption from Notice of Intent Requirements for Used Oil Fuel Burned for Energy Recovery	21101	REP	09/15/98	98-11/65
R307-7-3	Requirements	21563	NSC	11/12/98	Not Printed
R307-8	Oxygenated Gasoline Program	20771	AMD	04/22/98	98-5/26
R307-8 (Changed to R307-301)	Oxygenated Gasoline Program	21110	AMD	09/15/98	98-11/66
R307-8-3	Average Oxygen Content Standard	20100	AMD	01/08/98	97-21/15
R307-10 (Changed to R307-214)	National Emission Standards for Hazardous Air Pollutants	21111	AMD	09/15/98	98-11/74
R307-10-2	Part 63 Sources	20737	AMD	06/26/98	98-5/34
R307-11 (Changed to R307-320)	Employer-Based Trip Reduction Program	21112	AMD	09/15/98	98-11/75

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R307-14	Requirements for Ozone Nonattainment Areas and Davis and Salt Lake Counties	21102	REP	09/15/98	98-11/82
R307-15 (Changed to R307-415)	Operating Permit Requirements	21114	AMD	09/15/98	98-11/83
R307-16 (Changed to R307-215)	Acid Rain Requirements	21115	AMD	09/15/98	98-11/99
R307-16 (Changed to R307-417)	Acid Rain Requirements	21115	AMD	09/15/98	98-11/99
R307-17	Emissions Standards for Residential Solid Fuel Burning Devices and Fireplaces	21103	REP	09/15/98	98-11/100
R307-18 (Changed to R307-210)	Stationary Sources	21011	AMD	08/13/98	98-10/32
R307-19 (Changed to R307-115)	General Conformity	21116	AMD	09/15/98	98-11/101
R307-20 (Changed to R307-220)	Emission Standards: Plan for Designated Facilities	21117	AMD	09/15/98	98-11/101
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R307-102	General Requirements: Broadly Applicable Requirements	21120	NEW	09/15/98	98-11/110
R307-107	General Requirements: Unavoidable Breakdown	21121	NEW	09/15/98	98-11/112
R307-110-27	Section XIV, Small Business Assistance Program	21564	NSC	11/12/98	Not Printed
R307-110-31	Section X, Basic Inspection and Maintenance, Part A, General Requirements and Applicability	21272	AMD	11/20/98	98-15/4
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R307-155	Emission Inventories	21123	NEW	09/15/98	98-11/114
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R307-202	Emission Standards: General Burning	21126	NEW	09/15/98	98-11/119
R307-203	Emission Standards: Sulfur Content of Fuels	21127	NEW	09/15/98	98-11/121
R307-206	Emission Standards: Abrasive Blasting	21128	NEW	09/15/98	98-11/123
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R307-220	Emission Standards: Plan for Designated Facilities	21671	NSC	11/25/98	Not Printed
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R307-307	Davis, Salt Lake, and Utah Counties: Road Salting and Sanding	21131	NEW	09/15/98	98-11/128
R307-307-3	Alternatives	21273	NSC	09/15/98	Not Printed
R307-325	Davis and Salt Lake Counties and Ozone Nonattainment Areas: Ozone Provisions	21132	NEW	09/15/98	98-11/129
R307-326	Davis and Salt Lake Counties and Ozone Nonattainment Areas: Control of Hydrocarbon Emissions in Refineries	21133	NEW	09/15/98	98-11/131
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R307-332	Davis and Salt Lake Counties and Ozone Nonattainment Areas: Stage II Vapor Recovery Systems	21136	NEW	09/15/98	98-11/137
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R307-341	Davis and Salt Lake Counties and Ozone Nonattainment Areas: Cutback Asphalt	21139	NEW	09/15/98	98-11/150
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R307-405	Permits: Prevention of Significant Deterioration of Air Quality (PSD)	21142	NEW	09/15/98	98-11/157
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R307-410	Permits: Emissions Impact Analysis	21144	NEW	09/15/98	98-11/163
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R307-414	Permits: Fees for Approval Orders	21146	NEW	09/15/98	98-11/170
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R309-114	Drinking Water Source Protection Funding	20693	CPR	06/15/98	98-9/60
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R311-210	Administrative Procedures for Underground Storage Tank Act Adjudicative Proceedings	21366	AMD	10/09/98	98-17/30
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R313-15	Standards for Protection Against Radiation	20235	CPR	03/20/98	98-4/120
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R315-7	Interim Status Requirements for Hazardous Waste Treatment, Storage, and Disposal Facilities	20386	AMD	02/20/98	98-1/36
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R315-13	Land Disposal Restrictions	21463	AMD	12/15/98	98-19/34
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R315-301-2	Definitions	20686	NSC	02/03/98	Not Printed
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R315-317-1	Other Processes, Methods, and Equipment	20692	NSC	02/03/98	Not Printed
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R414-1	Utah Medicaid Program	20945	NSC	03/28/98	Not Printed
R414-1	Utah Medicaid Program	20998	AMD	06/16/98	98-10/42
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R414-4X	Policy Statement on Denial of Payment to Medicaid Provider When Client Fails to Keep Scheduled Appointment	20648	5YR	01/12/98	98-3/97
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R414-10A	Transplant Services Standards	20652	AMD	03/19/98	98-3/44
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R414-13x	Section V of all Medicaid Provider Manuals: "Provider Compliance"	20922	EXD	03/15/98	98-7/80
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R414-22	Administrative Sanction Procedures and Regulations	20653	5YR	01/13/98	98-3/97
R414-22	Administrative Sanction Procedures and Regulations	20654	AMD	03/19/98	98-3/56

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R414-28	Record Keeping and Disclosure for Medicaid Providers	20993	EXD	04/14/98	98-9/74
R414-30	Bureau of Facility Management Policy and Procedures Manual Part B, Hospital Preadmission and Continued Stay Review	20655	REP	03/19/98	98-3/60
R414-31x	Hospital Utilization Review	20766	5YR	02/09/98	98-5/67
R414-32	Hospital Record-keeping Policy	20767	5YR	02/09/98	98-5/68
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R414-39	Home and Community-Based Services Waiver	20935	REP	05/27/98	98-8/18
R414-42	Limitations on Scope of Service for Inpatient Hospitals and Outpatient Hospitals and Limitations on Scope of Service for Physician Services	20994	EXD	04/14/98	98-9/74
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R414-51	Dental, Orthodontia	21189	AMD	07/17/98	98-12/13
R414-52	Optometry Services	21232	5YR	06/22/98	98-14/101
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R426-1	Ambulance Rules	21372	NSC	10/17/98	Not Printed
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R426-3	Utah Mobile Paramedic Rules	21373	NSC	10/19/98	Not Printed
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R426-4	Emergency Medical Dispatcher Rules	21374	NSC	10/19/98	Not Printed
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R428-13	Health Data Authority. Audit and Reporting of HMO Performance Measures	20731	NEW	04/05/98	98-5/40
R428-13	Health Data Authority. Audit and Reporting of HMO Performance Measures	21158	AMD	07/22/98	98-11/189
R428-13	Health Data Authority. Audit and Reporting of HMO Performance Measures	21637	AMD	12/24/98	98-22/71
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R430-50	Residential Certificate Child Care Standards	21472	NSC	10/19/98	Not Printed
R430-60	Hourly Child Care Center	21276	NEW	09/10/98	98-15/5
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R430-100	Child Care Facilities	20269	NEW	02/05/98	97-24/79
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R432-100	General Hospital Standards	21036	CPR	10/01/98	98-16/61
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R432-103	Speciality Hospital - Rehabilitation	20607	NSC	01/06/98	Not Printed
R432-150	Nursing Care Facility Rules	21483	NSC	10/19/98	Not Printed
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R432-152	Mental Retardation Facility	21484	NSC	10/19/98	Not Printed
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R432-550	Birthing Centers (Five or Less Birth Rooms)	20559	AMD	02/24/98	98-2/34
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R495-602 (Changed to R202-202)	Energy Assistance Program Standards	21519	NSC	10/23/98	Not Printed
R495-603 (Changed to R202-203)	Energy Assistance Income Standards, Income Eligibility, and Payment Determination	21520	NSC	10/23/98	Not Printed
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R495-605 (Changed to R202-205)	Energy Assistance: Program Benefits	21522	NSC	10/23/98	Not Printed
R495-606 (Changed to R202-206)	Energy Assistance: Eligibility Determination	21523	NSC	10/23/98	Not Printed
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R501-2	Core Standards	21083	EMR	05/04/98	98-10/139
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R501-17	Adult Foster Care Standards	20286	NSC	03/15/98	Not Printed
R501-17	Adult Foster Care Standards	20880	NSC	03/17/98	Not Printed
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R510-103	Use of Senior Centers by Long Term Care Facility Residents and Senior Citizens' Groups Participating in Activities Outside Their Planning and Service Area	20637	5YR	01/08/98	98-3/100
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R512-25	Child Protective Services Notification and Due Process	21336	NEW	09/15/98	98-16/26
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R527-56	In-Kind Support	20978	5YR	04/13/98	98-9/69
R527-56	In-Kind Support	20979	NSC	04/20/98	Not Printed
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R527-301	Non IV-D Income Withholding	20724	AMD	03/18/98	98-4/80
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R590-132	Insurance Treatment of Human Immunodeficiency Virus (HIV) Infection	18730	CPR (First)	see CPR (Second)	97-15/102
R590-132	Insurance Treatment of Human Immunodeficiency Virus (HIV) Infection	18730	CPR (Second)	03/01/98	97-22/105
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R612-2-5	Regulation of Medical Practitioner Fees	21662	NSC	12/01/98	Not Printed
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R614-1-4	Incorporation of Federal Standards	20835	AMD	05/04/98	98-7/45
R614-1-4	Incorporation of Federal Standards	21453	AMD	12/02/98	98-19/83
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R614-1-6	Personal Protective Equipment	21544	AMD	12/04/98	98-21/63
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R614-2-3	Drilling Industry -- General Safety and Health Provisions	21545	AMD	12/04/98	98-21/64
R614-2-12	Drilling Industry -- Hoisting Equipment	21546	AMD	12/04/98	98-21/67
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R614-7-1	Roofing, Tar-Asphalt Operations	21551	AMD	12/04/98	98-21/78
R614-7-2	Grizzlies Over Chutes, Bins, and Tank Openings	21552	AMD	12/04/98	98-21/80
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R641-102	Appearances and Representations	21043	5YR	05/01/98	98-10/159
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R645-301-700	Hydrology	20191	AMD	03/15/98	97-22/59
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R651-217	Fire Extinguishers	21411	NSC	10/20/98	Not Printed
R651-219	Additional Safety Equipment	21412	NSC	10/20/98	Not Printed
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R651-227	Boating Safety Course Fees	21495	NEW	12/01/98	98-20/21
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R651-603-5	Hunting Wildlife	20839	AMD	07/06/98	98-7/47
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R653-3	Selecting Private Consultants	20597	AMD	02/18/98	98-2/58
R653-4	Investigation Account	20694	AMD	03/18/98	98-4/88
R653-5	Cloud Seeding	20593	AMD	02/18/98	98-2/60
R653-5	Cloud Seeding	20791	NSC	03/05/98	Not Printed
R653-7	Administrative Procedures for Informal Proceedings	20554	AMD	02/18/98	98-2/63
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R653-8	Flaming Gorge Water Right Segregation	20792	NSC	03/23/98	Not Printed
R653-8	Flaming Gorge Water Right Segregation	20936	NSC	03/30/98	Not Printed
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R657-5	Taking Big Game	21185	AMD	07/16/98	98-12/14
R657-5	Taking Big Game	21414	AMD	10/16/98	98-18/23
R657-6	Taking Upland Game	21238	AMD	08/19/98	98-14/74
R657-9	Taking Waterfowl, Wilson's Snipe and Coot	21400	AMD	10/16/98	98-18/26
R657-10	Taking Cougar	20928	EMR	03/19/98	98-8/57
R657-10	Taking Cougar	21401	AMD	10/16/98	98-18/29
R657-13	Taking Fish and Crayfish	21498	AMD	12/28/98	98-20/21
R657-17	Lifetime Hunting and Fishing License	21718	NSC	12/30/98	Not Printed
R657-33	Taking Bear	20929	EMR	03/19/98	98-8/58
R657-33	Taking Bear	20938	5YR	03/24/98	98-8/65
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R657-34	Procedures for Confirmation of Ordinances on Hunting Closures	21499	AMD	11/19/98	98-20/25
R657-37	Cooperative Wildlife Management Units for Big Game	20243	AMD	01/15/98	97-24/104
R657-38	Dedicated Hunter Program	20244	AMD	01/15/98	97-24/105
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R657-42	Big Game Hunting Permit Exchanges	21240	AMD	08/19/98	98-14/81
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R671-201	Original Parole Grant Hearing Schedule and Notice	21199	NSC	06/17/98	Not Printed
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R671-204	Pending Charges	20435	AMD	02/18/98	98-1/76
R671-204	Hearing Continuance	21596	REP	01/01/99	98-22/95
R671-205	Credit for Time Served	20486	AMD	02/18/98	98-1/76
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R671-205	Credit for Time Served	21310	EMR	07/17/98	98-16/81
R671-205	Credit for Time Served	21311	NEW	12/09/98	98-16/48
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R671-312	Commutation Hearings for Death Penalty Cases	21312	EMR	07/17/98	98-16/82
R671-312	Commutation Hearings for Death Penalty Cases	21313	NEW	09/15/98	98-16/49
R671-312	Commutation Hearings for Death Penalty Cases	21428	NSC	09/15/98	Not Printed
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R671-317	Interim Decisions	21201	NSC	06/17/98	Not Printed
R671-401	Parole Incident Reports	21597	REP	01/01/99	98-22/95
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R671-402	Special Conditions of Parole	21202	NSC	06/17/98	Not Printed
R671-403	Restitution	20490	AMD	02/18/98	98-1/92
R671-403	Restitution	21645	EXD	11/01/98	98-22/144
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R671-405	Parole Termination	20471	AMD	02/18/98	98-1/93
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R671-501	Warrants of Arrest	21598	REP	01/01/99	98-22/96
R671-503	Prerevocation Hearings	20475	AMD	02/18/98	98-1/95
R671-503	Prerevocation Hearings	21600	REP	01/01/99	98-22/97
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R671-505	Parole Revocation Hearings	20479	AMD	02/18/98	98-1/96
R671-505	Parole Revocation Hearings	21602	REP	01/01/99	98-22/99
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R671-507	Restarting the Parole Period	21604	REP	01/01/99	98-22/100
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R671-512	Execution of the Warrant	21609	NEW	01/01/99	98-22/104
R671-513	Expedited Determination on Parolee Challenge to Probable Cause	21610	NEW	01/01/99	98-22/105
R671-514	Waiver and Pleas of Guilt	21611	NEW	01/01/99	98-22/106
R671-515	Timeliness of Parole Revocation Hearings	21612	NEW	01/01/99	98-22/107
R671-516	Parole Revocation Hearings	21613	NEW	01/01/99	98-22/108
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R671-517	Evidentiary Hearings and Proceedings	21703	NSC	01/01/99	Not Printed
R671-518	Conduct of Proceedings When a Criminal Charge Results in Conviction	21615	NEW	01/01/99	98-22/110
R671-519	Conduct of Proceedings When Criminal Charge Results in Acquittal	21616	NEW	01/01/99	98-22/111
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R686-101	Alcohol Related Offenses	21262	NEW	08/15/98	98-14/84
R686-102	Drug Related Offenses	21263	NEW	08/15/98	98-14/85
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R710-3	Residential Care and Assisted Living Facilities	21290	AMD	09/01/98	98-15/44
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R710-4	Buildings Under the Jurisdiction of the State Fire Prevention Board	21291	AMD	09/01/98	98-15/46
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R710-6	Liquefied Petroleum Gas Rules	21292	AMD	09/01/98	98-15/49
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R710-7	Concerns Servicing Automatic Fire Suppression Systems	21293	AMD	09/01/98	98-15/53
R710-7	Concerns Servicing Automatic Fire Suppression Systems	21711	NSC	12/30/98	Not Printed
R710-8	Day Care Rules	20716	AMD	03/18/98	98-4/103
R710-8	Day Care Rules	21294	AMD	09/01/98	98-15/55
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R714-158	Vehicle Safety Inspection Program Requirements	21176	AMD	07/30/98	98-12/17
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R714-210	Air Conditioning Equipment - Requirements	20908	R&R	05/05/98	98-7/59
R714-220	Standards for Protective Headgear	20909	R&R	05/05/98	98-7/60
R714-230	Standards and Specifications for Seat Belts	20910	R&R	05/05/98	98-7/61
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R714-300	Brake Equipment Requirements	20912	R&R	05/05/98	98-7/63
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R722-2	Review and Challenge of Criminal Record	21346	CPR	12/15/98	98-20/34
R722-2	Review and Challenge of Criminal Record	21744	5YR	12/16/98	99-2/93
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R728-401	Requirements For Approval and Certification of Peace Officer Basic Training Programs and Applicants	20782	NSC	02/23/98	Not Printed
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R728-403	Qualifications For Admission To Certified Peace Officer Training Academies	20784	NSC	02/23/98	Not Printed
R728-404	Basic Training Basic Academy Rules	20810	AMD	04/15/98	98-6/52
R728-406	Requirements For Approval and Certification of Basic Correctional, Reserve and Special Function Training Programs and Applicants	20786	NSC	02/23/98	Not Printed
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R728-411	Guidelines Regarding Administrative Action Taken Against Individuals Functioning As Peace Officers Without Peace Officer Certification Or Powers	20832	5YR	03/04/98	98-7/77
R728-501	Career Development Courses	21539	5YR	10/14/98	98-21/101
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R746-340	Substantive Rules Governing Telecommunications Utilities	21250	5YR	06/26/98	98-14/103
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R746-360	Universal Public Telecommunications Service Support Fund	20956	EMR	03/31/98	98-8/59
R746-360	Universal Public Telecommunications Service Support Fund	21317	EMR	07/28/98	98-16/84
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R861-1A-9	Tax Commission as Board of Equalization Pursuant to Utah Code Ann. Sections 59-2-212, 59-2-1004, and 59-2-1006	21416	NSC	10/30/98	Not Printed
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R909-75	Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous Wastes	20918	AMD	05/28/98	98-7/67
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R986-220	Financial Assistance Tables	20853	NSC	04/01/98	Not Printed
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R986-301	Medicaid General Provisions	20743	5YR	02/06/98	98-5/70
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R986-302	Eligibility Requirements	20744	5YR	02/06/98	98-5/70
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R986-305	Resources	20675	AMD	05/28/98	98-3/84
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R986-309-901	UMAP General Eligibility Requirements	20732	EMR	02/12/98	98-5/62
R986-309-901	UMAP General Eligibility Requirements	20960	AMD	05/18/98	98-8/50
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R986-412	Conditions of Eligibility	20857	NSC	04/01/98	Not Printed
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R986-413	Program Standards	21496	EMR	10/01/98	98-20/35
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R986-602	General Administrative Provisions	21254	5YR	06/29/98	98-14/106
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R986-603	Participant Data System Procedures	21255	5YR	06/29/98	98-14/106
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R986-701	Child Care Assistance General Provisions	20870	NSC	04/01/98	Not Printed
R986-701	Child Care Assistance General Provisions	21283	AMD	10/01/98	98-15/71
R986-702	Conditions of Eligibility and Client Payment Amount	20755	5YR	02/06/98	98-5/76
R986-702	Conditions of Eligibility and Client Payment Amount	20871	NSC	04/01/98	Not Printed
R986-702	Conditions of Eligibility and Client Payment Amount	21284	AMD	10/01/98	98-15/73
R986-703	Child Care Programs	20756	5YR	02/06/98	98-5/77
R986-703	Child Care Programs	20872	NSC	04/01/98	Not Printed
R986-703	Child Care Programs	21285	AMD	10/01/98	98-15/74
R986-704	Income Rules and Eligibility Calculations	20757	5YR	02/06/98	98-5/77
R986-704	Income Rules and Eligibility Calculations	20873	NSC	04/01/98	Not Printed
R986-705	Resources	20758	5YR	02/06/98	98-5/78
R986-705	Resources	20874	NSC	04/01/98	Not Printed
R986-706	Provider Payment and Contracting	20759	5YR	02/06/98	98-5/78
R986-706	Provider Payment and Contracting	20875	NSC	04/01/98	Not Printed
R986-706	Provider Payment and Contracting	21286	AMD	10/01/98	98-15/75
R986-707	Eligibility	20760	5YR	02/06/98	98-5/79
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R986-707	Eligibility	21287	AMD	10/01/98	98-15/77
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R986-709	Cash Out Child Care Program	21288	REP	10/01/98	98-15/78

Employment Development (Changed to Health, Health Care Financing, Coverage and Reimbursement Policy -- 06/01/98--these rules only)

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R986-301 (Changed to R414-301)	Medicaid General Provisions	21164	NSC	06/01/98	Not Printed
R986-302 (Changed to R414-302)	Eligibility Requirements	21165	NSC	06/01/98	Not Printed
R986-303 (Changed to R414-303)	Coverage Groups	21166	NSC	06/01/98	Not Printed
R986-304 (Changed to R414-304)	Income and Budgeting	21167	NSC	06/01/98	Not Printed
R986-305 (Changed to R414-305)	Resources	21168	NSC	06/01/98	Not Printed
R986-306 (Changed to R414-306)	Program Benefits	21169	NSC	06/01/98	Not Printed
R986-307 (Changed to R414-307)	Eligibility Determination and Redetermination	21170	NSC	06/01/98	Not Printed
R986-308 (Changed to R414-308)	Record Management	21171	NSC	06/01/98	Not Printed
R986-309 (Changed to R414-309)	Utah Medical Assistance Program (UMAP)	21172	NSC	06/01/98	Not Printed
R986-310 (Changed to R414-310)	Demonstration Programs	21173	NSC	06/01/98	Not Printed
<u>Workforce Information and Payment Services</u>					
R994-201	Definition of Terms in Employment Security Act	21178	5YR	05/29/98	98-12/38
R994-202	Employing Units	21179	5YR	05/29/98	98-12/38
R994-207	Unemployment	21578	AMD	12/16/98	98-22/137
R994-208	Definition of Wages	21180	5YR	05/29/98	98-12/39
R994-306	Charging Benefit Costs to Employers	21209	5YR	06/12/98	98-13/34
R994-307	Social Costs -- Relief of Charges	21210	5YR	06/12/98	98-13/34
R994-315	Centralized New Hire Registry Reporting	21012	NEW	06/25/98	98-10/135
R994-508	Appeal Procedures	21211	5YR	06/12/98	98-13/35
R994-600	Dislocated Workers	21181	5YR	05/29/98	98-12/39

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1999 RULES INDEX BY AGENCY (CODE NUMBER) AND BY KEYWORD (SUBJECT)

The *Rules Index* is a cumulative index that reflects all effective changes to Utah's administrative rules. The current *Index* lists changes made effective from January 2, 1999, including notices of effective date received through March 1, 1999, the effective dates of which are no later than March 15, 1999. The *Rules Index* is published in the *Utah State Bulletin* and in the annual *Index of Changes*. Nonsubstantive changes, while not published in the *Bulletin*, do become part of the *Utah Administrative Code (Code)* and are included in this *Index*, as well as 120-Day (Emergency) rules that do not become part of the *Code*. The rules are indexed by Agency (Code Number) and Keyword (Subject).

A copy of the *Rules Index* is available for public inspection at the Division of Administrative Rules (4120 State Office Building, Salt Lake City, UT), or may be viewed online at the Division's web site (<http://www.rules.state.ut.us/>).

RULES INDEX - BY AGENCY (CODE NUMBER)

ABBREVIATIONS

AMD = Amendment	NSC = Nonsubstantive rule change
CPR = Change in proposed rule	REP = Repeal
EMR = Emergency rule (120 day)	R&R = Repeal and reenact
NEW = New rule	* = Text too long to print in <i>Bulletin</i> , or repealed text not printed in <i>Bulletin</i>
5YR = Five-Year Review	
EXD = Expired	

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
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R25-5	Payment of Per Diem to Boards	21887	NSC	03/05/99	Not Printed
R25-7	Travel-Related Reimbursements for State Employees	21888	NSC	03/05/99	Not Printed
R25-8	Meal Allowance	21889	NSC	03/05/99	Not Printed
AGRICULTURE AND FOOD					
<u>Administration</u>					
R51-5	Grazing Advisory Boards	21884	5YR	02/22/99	99-6/27
<u>Plant Industry</u>					
R68-15	Quarantine Pertaining to Japanese Beetle, (Popillia Japonica)	21701	AMD	01/15/99	98-24/8
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R156-28	Veterinary Practice Act Rules	21753	AMD	02/18/99	99-2/3
R156-39a	Alternative Dispute Resolution Providers Certification Act Rules	21905	5YR	03/01/99	99-6/27

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R251-105	Applicant Qualifications for Employment with Department of Corrections	21828	5YR	02/01/99	99-4/65
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<u>Administration</u>					
R277-102	Adjudicative Proceedings	21893	5YR	02/26/99	99-6/28
R277-425	Budgeting, Accounting, and Auditing for Utah School Districts	21894	5YR	02/26/99	99-6/28
R277-437	Student Enrollment Options	21677	NEW	01/05/99	98-23/4
R277-455	Standards and Procedures for Building Plan Review	21895	5YR	02/26/99	99-6/29
R277-470	Distribution of Funds for Charter Schools	21773	NSC	01/27/99	Not Printed
R277-601	Standards for Utah School Buses and Operations	21896	5YR	02/26/99	99-6/29
R277-712	Advanced Placement Programs	21897	5YR	02/26/99	99-6/30
R277-734	Standards and Procedures for Adult Education Section 353 Funds	21898	5YR	02/26/99	99-6/30
R277-735	Standards and Procedures for Corrections Education Programs Serving Inmates of the Utah Department of Corrections	21678	NEW	01/05/99	98-23/6
<u>Applied Technology Education (Board for), Rehabilitation</u>					
R280-201	USOR ADA Complaint Procedure	21679	NEW	01/05/99	98-23/8
R280-202	USOR Procedures for Individuals with the Most Severe Disabilities	21680	NEW	01/05/99	98-23/10
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<u>Air Quality</u>					
R307-101-2	Definitions	21588	AMD	01/07/99	98-22/49
R307-214	National Emission Standards for Hazardous Air Pollutants	21844	5YR	02/03/99	99-5/57
R307-221	Emission Standards: Emission Controls for Existing Municipal Solid Waste Landfills	21595	AMD	01/07/99	98-22/66
R307-221	Emission Controls for Existing Municipal Solid Waste Landfills	21850	NSC	02/27/99	Not Printed
R307-302-2	No-Burn Periods for PM10	21570	AMD	01/07/99	98-22/67
R307-415	Permits: Operating Permit Requirements	21900	5YR	03/01/99	99-6/31
R307-415-3	Definitions	21589	AMD	01/07/99	98-22/68
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R309-104	Monitoring, Reporting and Public Notification	21553	AMD	01/15/99	98-21/16
R309-113	Drinking Water Source Protection	21554	AMD	01/15/99	98-21/20
<u>Environmental Response and Remediation</u>					
R311-201	Underground Storage Tanks: Certification Program	21854	NSC	02/27/99	Not Printed

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R313-21	General Licenses	21805	5YR	01/25/99	99-4/65
R313-30	Therapeutic Radiation Machines	21806	5YR	01/25/99	99-4/66
R313-38	Radiation Safety Requirements for Wireline Service Operation and Subsurface Tracer Studies	21807	5YR	01/25/99	99-4/66
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R315-2	General Requirements - Identification and Listing of Hazardous Waste	21459	AMD	see CPR	98-19/10
R315-2	General Requirements - Identification and Listing of Hazardous Waste	21459	CPR	02/15/99	99-1/28
R315-304	Industrial Solid Waste Landfill Requirements	21439	AMD	see CPR	98-19/50
R315-304	Industrial Solid Waste Landfill Requirements	21439	CPR	01/05/99	98-23/45
R315-304-1	Applicability	21772	NSC	01/05/99	Not Printed
<u>Water Quality</u>					
R317-10	Certification of Wastewater Works Operators	21449	AMD	see CPR	98-19/70
R317-10	Certification of Wastewater Works Operators	21449	CPR	02/04/99	99-1/35
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<u>Children's Health Insurance Program</u>					
R382-10	Eligibility	21669	AMD	01/07/99	98-23/12
R382-10	Eligibility	21843	NSC	02/27/99	Not Printed
<u>Health Care Financing</u>					
R410-14	Division of Health Care Financing Administrative Hearing Procedures for Medicaid/UMAP Applicants, Recipients and Providers, and Non-Medicaid/UMAP Nursing Home Residents as per "OBRA" Preadmission Screening and Annual Resident Review (PASARR) Determinations/Resident Rights Requirements	21668	AMD	01/07/99	98-23/14
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R414-29	Client Review/Education and Restriction Policy	21687	AMD	01/21/99	98-24/50
R414-58	Children's Organ Transplants	21857	5YR	02/12/99	99-5/58
R414-303	Coverage Groups	21529	AMD	01/05/99	98-21/31
R414-304	Income and Budgeting	21764	AMD	02/25/99	99-2/4
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R426-1	Ambulance Rules	21693	AMD	02/26/99	98-24/51
R426-1-8	Maximum Licensed Services Transportation Rates and Charges	21649	AMD	01/07/99	98-23/22
R426-2	Air Medical Service Rules	21688	AMD	01/22/99	98-24/59
R426-3	Utah Mobile Paramedic Rules	21694	AMD	01/22/99	98-24/61

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R426-4	Emergency Medical Dispatcher Rules	21695	AMD	01/22/99	98-24/67
R426-6	Emergency Medical Services Grants Program Rules	21657	AMD	03/01/99	98-23/23
<u>Health Data Analysis</u>					
R428-10	Health Data Authority Hospital Inpatient Reporting Rule	21755	AMD	03/01/99	99-2/10
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R430-100-13	Infection Control	21769	AMD	02/25/99	99-2/13
<u>Health Systems Improvement, Health Facility Licensure</u>					
R432-1	General Health Care Facility Rules	21795	5YR	01/20/99	99-4/67
R432-2	General Licensing Provisions	21775	5YR	01/11/99	99-3/68
R432-3	General Health Care Facility Rules Inspection and Enforcement	21776	5YR	01/11/99	99-3/68
R432-4	General Construction	21815	5YR	01/29/99	99-4/68
R432-5	Nursing Facility Construction	21816	5YR	01/29/99	99-4/68
R432-6	Assisted Living Facility General Construction	21700	AMD	01/29/99	98-24/69
R432-6	Assisted Living Facility General Construction	21817	5YR	01/29/99	99-4/69
R432-149	Intermediate Care Facility	21818	5YR	01/29/99	99-4/69
R432-150	Nursing Care Facility Rules	21752	R&R	02/25/99	99-2/15
R432-250	Residential Health Care Facilities	21528	REP	01/20/99	98-21/42
R432-270	Assisted Living Facilities	21722	R&R	01/29/99	98-24/70
R432-300	Residential Health Care Facility - Limited Capacity - Type N	21561	R&R	01/11/99	98-22/73
R432-650	End Stage Renal Disease Facility Rules	21562	AMD	01/11/99	98-22/82
R432-750	Hospice Rule	21734	AMD	02/25/99	99-1/3
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R434-20	Special Population Health Care Provider Financial Assistance Program	21666	NEW	01/07/99	98-23/26
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<u>Administration, Administrative Services, Licensing</u>					
R501-1	General Provisions	21768	NSC	01/27/99	Not Printed
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R510-111	Policy on Use of State Funding for Travel Expenses to Assist the National Senior Service Corps (NSSC)	21885	5YR	02/23/99	99-6/31
R510-111	Policy on Use of State Funding for Travel Expenses to Assist the National Senior Service Corps (NSSC)	21886	NSC	02/27/99	Not Printed

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R527-210	Guidelines for Setting Child Support Awards	21809	5YR	01/26/99	99-4/70
R527-210	Guidelines for Setting Child Support Awards	21810	NSC	01/27/99	Not Printed
R527-378	Garnishment of Social Security Benefits	21726	AMD	01/15/99	98-24/90
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R590-160	Administrative Proceedings	21804	5YR	01/22/99	99-4/71
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R647-2	Exploration	21757	AMD	02/26/99	99-2/54
R647-3	Small Mining Operations	21758	AMD	02/26/99	99-2/55
R647-4	Large Mining Operations	21759	AMD	02/26/99	99-2/56
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R652-70-2300	Management of Bear Lake Sovereign Lands	21672	AMD	01/14/99	98-23/36
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R657-38	Dedicated Hunter Program	21719	AMD	01/15/99	98-24/107
R657-42	Exchanges, Surrenders, Refunds and Reallocation of Licenses, Certificates of Registration and Permits	21720	AMD	01/15/99	98-24/109
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R710-3	Assisted Living Facilities	21709	AMD	01/15/99	98-24/116

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R710-6	Liquefied Petroleum Gas Rules	21733	AMD	02/02/99	99-1/17
R710-8	Day Care Rules	21712	AMD	see CPR	98-24/120
R710-8	Day Care Rules	21712	CPR	02/23/99	99-2/88
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R746-365	Intercarrier Service Quality	20997	NEW	see CPR	98-9/50
R746-365	Intercarrier Service Quality	20997	CPR	01/13/99	98-18/39
R746-365	Intercarrier Service Quality	21774	NSC	01/15/99	Not Printed
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R765-607	Utah Higher Education Tuition Assistance Program	21673	NEW	01/04/99	98-23/38
R765-607	Utah Higher Education Tuition Assistance Program	21771	NSC	01/27/99	Not Printed
R765-685	Utah Educational Savings Plan Trust	21674	AMD	01/04/99	98-23/40
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<u>Property Tax</u>					
R884-24P-52	Criteria for Determining Primary Residence Pursuant to Utah Code Ann. Sections 59-2-102 and 59-2-103	21326	AMD	see CPR	98-16/58
R884-24P-52	Criteria for Determining Primary Residence Pursuant to Utah Code Ann. Sections 59-2-102 and 59-2-103	21326	CPR	01/12/99	98-23/46
R884-24P-53	1999 Valuation Guides for Valuation of Land Subject to the Farmland Assessment Act Pursuant to Utah Code Ann. Section 59-2-515	21777	EMR	01/12/99	99-3/64
TRANSPORTATION					
<u>Motor Carrier, Ports of Entry</u>					
R912-3	Restriction of Truck Traffic on SR-128. Legal and Permitted Vehicles	21799	NSC	01/27/99	Not Printed
R912-8	Minimum Tire, Axle and Suspension Ratings for Heavy Vehicles and the Use of Retractable or Variable Load Suspension Axles in Utah	21800	NSC	01/27/99	Not Printed
R912-76	Single Tire Configuration	21801	NSC	01/27/99	Not Printed
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R986-413	Program Standards	21705	AMD	01/20/99	98-24/122
R986-414	Income	21581	AMD	01/20/99	98-22/133
R986-417	Documentation	21582	AMD	01/20/99	98-22/134
R986-419	Income Limits	21706	AMD	01/20/99	98-24/124
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R986-501	Displaced Homemaker Program	21883	5YR	02/19/99	99-6/32
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R994-405	Ineligibility for Benefits	21745	AMD	02/17/99	99-2/65
R994-405	Ineligibility for Benefits	21746	AMD	02/17/99	99-2/72
R994-405	Ineligibility for Benefits	21748	AMD	02/17/99	99-2/77
R994-405	Ineligibility for Benefits	21749	AMD	02/17/99	99-2/83
R994-405	Ineligibility for Benefits	21747	NSC	02/20/99	Not Printed

RULES INDEX - BY KEYWORD (SUBJECT)

ABBREVIATIONS

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<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
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<u>ADMINISTRATIVE PROCEDURES</u>					
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	21886	R510-111	NSC	02/27/99	Not Printed

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
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	21595	R307-221	AMD	01/07/99	98-22/66
	21850	R307-221	NSC	02/27/99	Not Printed
	21570	R307-302-2	AMD	01/07/99	98-22/67
	21900	R307-415	5YR	03/01/99	99-6/31
	21589	R307-415-3	AMD	01/07/99	98-22/68
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<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
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	21843	R382-10	NSC	02/27/99	Not Printed
<u>CHILD SUPPORT</u>					
Human Services, Recovery Services	21675	R527-200	AMD	01/04/99	98-23/33
	21809	R527-210	5YR	01/26/99	99-4/70
	21810	R527-210	NSC	01/27/99	Not Printed
	21726	R527-378	AMD	01/15/99	98-24/90
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	21828	R251-105	5YR	02/01/99	99-4/65
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	21712	R710-8	CPR	02/23/99	99-2/88
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<u>DEMONSTRATION</u>					
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	21680	R280-202	NEW	01/05/99	98-23/10
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	21554	R309-113	AMD	01/15/99	98-21/20
<u>EDUCATION</u>					
Education, Administration	21773	R277-470	NSC	01/27/99	Not Printed

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	21649	R426-1-8	AMD	01/07/99	98-23/22
	21688	R426-2	AMD	01/22/99	98-24/59
	21694	R426-3	AMD	01/22/99	98-24/61
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	21657	R426-6	AMD	03/01/99	98-23/23
<u>EMISSION FEE</u>					
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	21589	R307-415-3	AMD	01/07/99	98-22/68
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	21746	R994-405	AMD	02/17/99	99-2/72
	21748	R994-405	AMD	02/17/99	99-2/77
	21749	R994-405	AMD	02/17/99	99-2/83
	21747	R994-405	NSC	02/20/99	Not Printed
<u>EMPLOYEE TERMINATION</u>					
Workforce Services, Workforce Information and Payment Services	21745	R994-405	AMD	02/17/99	99-2/65
	21746	R994-405	AMD	02/17/99	99-2/72
	21748	R994-405	AMD	02/17/99	99-2/77
	21749	R994-405	AMD	02/17/99	99-2/83
	21747	R994-405	NSC	02/20/99	Not Printed
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	21746	R994-405	AMD	02/17/99	99-2/72
	21748	R994-405	AMD	02/17/99	99-2/77
	21749	R994-405	AMD	02/17/99	99-2/83
	21747	R994-405	NSC	02/20/99	Not Printed

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	21589	R307-415-3	AMD	01/07/99	98-22/68
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	21771	R765-607	NSC	01/27/99	Not Printed
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	21459	R315-2	CPR	02/15/99	99-1/28
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	21775	R432-2	5YR	01/11/99	99-3/68
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	21700	R432-6	AMD	01/29/99	98-24/69
	21817	R432-6	5YR	01/29/99	99-4/69
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	21528	R432-250	REP	01/20/99	98-21/42
	21722	R432-270	R&R	01/29/99	98-24/70
	21561	R432-300	R&R	01/11/99	98-22/73
	21562	R432-650	AMD	01/11/99	98-22/82
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	21771	R765-607	NSC	01/27/99	Not Printed
	21674	R765-685	AMD	01/04/99	98-23/40
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	20997	R746-365	CPR	01/13/99	98-18/39
	21774	R746-365	NSC	01/15/99	Not Printed
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Administrative Services, Finance	21887	R25-5	NSC	03/05/99	Not Printed
	21888	R25-7	NSC	03/05/99	Not Printed
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	21889	R25-8	NSC	03/05/99	Not Printed
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