

UTAH STATE BULLETIN

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

The *Utah State Bulletin (Bulletin)* is an official noticing publication of the executive branch of Utah State Government. The Department of Administrative Services, Division of Administrative Rules produces the *Bulletin* under authority of Section 63-46a-10, *Utah Code Annotated* 1953.

Inquiries concerning administrative rules or other contents of the *Bulletin* may be addressed to the responsible agency or to: Division of Administrative Rules, 4120 State Office Building, Salt Lake City, Utah 84114, 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.utah.gov/>

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Division of Administrative Rules, Salt Lake City 84114

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SPECIAL NOTICES

GOVERNOR'S PROCLAMATION: CALLING THE FIFTY-FIFTH LEGISLATURE INTO A SIXTH EXTRAORDINARY SESSION (SENATE ONLY)

WHEREAS, since the close of the 2003 General Session of the 55th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

WHEREAS, Article VII, Section 6 of the Constitution of the State of Utah provides that the Governor may, by proclamation, convene the Legislature in Extraordinary Session;

NOW, THEREFORE, I, MICHAEL O. LEAVITT, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and the Laws of the State of Utah, do by this Proclamation call the Senate only of the 55th Legislature of the State of Utah into a Sixth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 15th day of October, 2003, at 12:00 noon, for the following purpose:

For the Senate to advise and consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2003 General Session of the 55th Legislature of the State of Utah.

IN TESTIMONY WHEREOF, I have here unto set my hand and cause to be affixed the Great Seal of the State of Utah. Done at the State Capitol in Salt Lake City, Utah, this 30th day of September, 2003.

(STATE SEAL)

MICHAEL O. LEAVITT
Governor

OLENE S. WALKER
Lieutenant Governor

End of the Special Notices Section

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 September 16, 2003, 12:00 a.m., and October 1, 2003, 11:59 p.m. are included in this, the October 15, 2003, 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 each rule that is 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 November 14, 2003. 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 February 12, 2004, 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 (2001); 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.

**Administrative Services, Fleet
Operations
R27-4
Vehicle Replacement and Expansion of
State Fleet**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 26660

FILED: 09/23/2003, 13:19

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 63A-9-401 was amended during the 2003 legislative session by H.B. 145 to allow the Director of Fleet Operations to delegate functions to other state agencies upon the approval of the executive director of the Department of Administrative Services. This amendment establishes rules governing the delegation of the authority to procure or dispose of motor vehicles to institutions of higher education pursuant to Subsection 63A-9-401(6). The filing also amends rules relating to voluntarily surrendered motor vehicles clarifying agency options and extending the period in which to exercise the option by an additional fiscal year. (DAR NOTE: H.B. 145 is found at UT L 2003 Ch 5, and was effective May 5, 2003.)

SUMMARY OF THE RULE OR CHANGE: This filing: adds "and 63A-9-401(6)" to Subsection R27-4-1(1); amends the title of Section R27-4-3 to "Delegation of Division Duties"; amends Subsection R27-4-3(1) by inserting "Pursuant to the provisions of Section 63A-9-401(6)..." and striking "Agreements made pursuant to Section 63A-9-401(7)... state appropriations", and adds Subsections R27-4-3(1)(a), (b) and (c); inserts "by the institution of higher education" in the first sentence of Subsection R27-4-3(2)(d) and insert a second sentence stating "The institution of higher education shall, at the request of DFO, ... procure or dispose of in the coming year"; deletes the phrases "and that" and "agency or" from the first sentence; inserts "by the institution of higher education" in the first sentence of Subsection R27-4-3(2)(e); adds Subsection R27-4-3(2)(f); redesignates Subsection R27-4-3(2)(f) as (g) and amends it by inserting the phrase "by the institution of higher education that it shall enter into" and adding the phrase "all information that would be otherwise required ... institution of higher education" and striking the sentence "would be required ... fleet information system"; adds Subsection R27-4-3(2)(h); redesignates Subsection (g) as (i) and add (j); amends Section R27-4-11 catchline by adding the phrase "Capital Credit or"; adds Subsection R27-4-11(2) and (3); redesignates Subsection R27-4-11(2) as (4), and eliminates the phrase "Except as provided in paragraph 3 of this section," and inserts "or maintain the capital credit" and adds "plus an additional fiscal year" to the end of the section; redesignates Subsection R27-4-11(3) as Subsection R27-4-11(5); inserts the phrase "period set forth in R27-4-11(4), above," and strikes "fiscal year within which the surrender took place" and inserts "the loss of the agency's capital credit"; redesignates Subsection R27-4-11(4) as Subsection

R27-4-11(6) and inserts "or to provide capital credit to"; and redesignates Subsection R27-4-11(5) as Subsection R27-4-11(7), inserts the phrase "period set forth in R27-4-11(4)" and eliminates "fiscal year within which the surrender took place".

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsections 63A-9-401(1) and 63A-9-401(6)

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** Anticipated costs or savings to the state budget, if any, are unknown. The provisions for delegation of motor vehicle procurement and disposal authority apply only to vehicles funded from sources other than state appropriations and vehicles obtained through the federal surplus property program. It is presumed that institutions of higher education will abide by delegation provisions requiring that new vehicles will be procured at state contract prices, and that the disposal of these vehicles will be held in a manner that insures the highest possible return to the agency given current market conditions. A possibility exists that institutions of higher education may individually be required to purchase some alternative fuel vehicles (AFV) for the state to remain in compliance with federal AFV mandates. Generally, AFVs tend to be more expensive than their gasoline powered counterparts. The capital credit and vehicle allocation reservation programs allow agencies to avoid paying monthly lease payments by voluntarily surrendering vehicles to DFO. In the event that agencies do not exercise the option to reacquire the vehicle in the period provided, replacement will require legislative approval. Agencies surrendering vehicles will initially realize some savings by not having to make lease payments on vehicles surrendered voluntarily. However, the magnitude of savings is dependent on the number of vehicles surrendered. Further, agencies may have to request additional funding when requesting replacement of surrendered vehicles. The capital credit is limited to depreciation paid plus salvage value. Therefore, it is possible that replacement vehicle costs may be greater than capital credit accrued.

❖ **LOCAL GOVERNMENTS:** There are no anticipated costs or savings to local governments. The rules and amendments apply only to state agencies.

❖ **OTHER PERSONS:** There are no anticipated costs or savings to others. The rules and amendments apply only to state agencies.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no anticipated compliance costs for affected persons. The rules and amendments apply only to state agencies.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The amendments' fiscal impact on business is unknown. The magnitude of the fiscal impact would depend on the amount institutions of higher education receive from sources other than state appropriations.

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

ADMINISTRATIVE SERVICES
FLEET OPERATIONS
Room 4120 STATE OFFICE BLDG

450 N MAIN ST
SALT LAKE CITY UT 84114-1201, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Sal Petilos at the above address, by phone at 801-538-3091,
by FAX at 801-538-3844, or by Internet E-mail at
spetilos@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY
SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER
THAN 5:00 PM on 11/14/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 11/15/2003

AUTHORIZED BY: Steve Saltzgeber, Director

R27. Administrative Services, Fleet Operations.

R27-4. Vehicle Replacement and Expansion of State Fleet.

R27-4-1. Authority.

(1) This rule is established pursuant to Subsections 63A-9-401(1)(a), 63A-9-401(1)(c)(v), 63A-9-401(1)(c)(ix), 63A-9-401(1)(c)(x), 63A-9-401(1)(c)(xi) ~~and 63A-9-401(1)(c)(xii) and 63A-9-401(6)~~ which require the Division of Fleet Operations (DFO) to: coordinate all purchases of state vehicles; make rules establishing requirements for the procurement of state vehicles, whether for the replacement or upgrade of current fleet vehicles or fleet expansion; make rules establishing requirements for cost recovery and billing procedures; make rules establishing requirements for the disposal of state vehicles; make rules establishing requirements for the reassignment and reallocation of state vehicles and make rules establishing rate structures for state vehicles.

(a) All agencies exempted from the DFO replacement program shall provide DFO with a complete list of intended vehicle purchases prior to placing the order with the vendor.

(b) DFO shall work with each agency to coordinate vehicle purchases to make sure all applicable mandates, including but not limited to alternative fuel mandates, and safety concerns are met.

(c) DFO shall assist agencies, including agencies exempted from the DFO replacement program, in their efforts to insure that all vehicles in the possession, control, and/or ownership of agencies are entered into the fleet information system.

(2) Pursuant to Subsection 63-38-3.5(8)(f)(ii), vehicles acquired by agencies, or monies appropriated to agencies for vehicle purchases, may be transferred to DFO and, when transferred, become part of the Consolidated Fleet Internal Service Fund.

R27-4-3. ~~Agreements made pursuant to Section 63A-9-401(7)~~ Delegation of Division Duties.

(1) ~~Agreements made pursuant to Section 63A-9-401(7) shall be permitted only in cases where the vehicles that are the subject matter of the agreements were, or are, funded from sources other than state appropriations.~~ Pursuant to the provisions of UCA 63A-9-401(6), the Director of DFO, with the approval of the Executive director of the Department of Administrative Services, may delegate motor vehicle procurement and disposal functions to institutions of higher education by contract or other means authorized by law, provided that:

(a) The funding for the procurement of vehicles that are subject to the agreement comes from funding sources other than state appropriations, or the vehicle is procured through the federal surplus property donation program;

(b) Vehicles procured with funding from sources other than state appropriations, or through the federal surplus property donation program shall be designated "do not replace;" and

(c) In the event that the institution of higher education is unable to designate said vehicles as "do not replace," the institution shall warrant that it shall not use state appropriations to procure their respective replacements without legislative approval.

(2) Agreements made pursuant to Section 63A-9-401(~~7~~) shall, at a minimum, contain:

(a) a precise definition of each duty or function that is being allowed to be performed; and

(b) a clear description of the standards to be met in performing each duty or function allowed; and

(c) a provision for periodic administrative audits by either the DFO or the Department of Administrative Services; and

(d) a representation by the institution of higher education that the procurement or disposal of the vehicles that are the subject matter of the agreement shall be coordinated with DFO. The institution of higher education shall, at the request of DFO, provide DFO with a list of all conventional fuel and alternative fuel vehicles it anticipates to procure or dispose of in the coming year. ~~and that a~~ Alternative fuel vehicles shall be purchased by the agency or institution of higher education, when necessary, to insure state compliance with federal AFV mandates; and

(e) a representation by the institution of higher education that the purchase price is less than or equal to the state contract price for the make and model being purchased; and in the event that the state contract price is not applicable, that the provisions of Section 63-56-1 shall be complied with; and

(f) a representation that the agreement is subject to the provisions of UCA 63-38-3.5, Internal Service Funds - Governance and review; and

~~(g)~~ (g) a representation by the institution of higher education that it shall enter into ~~that all the information whose entry into~~ DFO's fleet information system ~~would be required if the vehicles that are the subject matter of the agreement were funded with state appropriations, shall be entered into DFO's fleet information system;~~ all information that would be otherwise required for vehicles owned, leased, operated or in the possession of the institution of higher education; and

(h) a representation by the institution of higher education that it shall follow state surplus rules, policies and procedures on related parties, conflict of interest, vehicle pricing, retention, sales, and negotiations; and

~~(g)~~ (i) a date on which the agreement shall terminate if the agreement has not been previously terminated or renewed~~[-]; and~~

(j) any other condition required by DFO.

(3) An agreement made pursuant to Section 63A-9-401(7) may be terminated by DFO if the results of administrative audits conducted by either DFO or the Department of Administrative Services reveal a lack of compliance with the terms of the agreement.

R27-4-11. Capital Credit or Reservation of Vehicle Allocation for Surrendered Vehicles.

(1) This section implements that part of Item 59 of S.B. 1 of the 2002 General Session which requires the Division of Fleet Operations to "create a capitalization credit program that will allow

agencies to divest themselves of vehicles without seeing a future capitalization cost if programs require replacement of the vehicle."

(2) In the event that an agency voluntarily surrenders a vehicle to DFO under the capitalization credit program, the agency shall receive a capital credit equal to: the total depreciation collected by DFO on the vehicle (D), plus the estimated salvage value for the vehicle (S), for use towards the purchase of the replacement vehicle.

(3) Prior to the purchase of the replacement vehicle, the surrendering agency shall pay DFO, an amount equal to the difference between the purchase price of the replacement vehicle and amount of the capital credit.

~~(2)4~~ ~~[Except as provided in paragraph 3 of this section,]~~ DFO shall, in the event that an agency voluntarily surrenders a vehicle to DFO, hold the vehicle allocation open, or maintain the capital credit for the surrendering agency, for a period not to exceed the remainder of the fiscal year within which the surrender [takes]took place[-], plus an additional fiscal year.

~~(3)5~~ The surrendering agency's failure to request the return of the vehicle surrendered prior to the end of the ~~[fiscal year within which the surrender took place,]~~ period established in R27-4-11(4), above, shall result in the removal of the surrendered vehicle or allotment from the state fleet, the loss of the agency's capital credit, and effect a reduction in state fleet size.

~~(4)6~~ DFO shall not hold vehicle allocations ~~[for]~~ or provide capital credit to an agency when the vehicle that is being surrendered:

- (a) has been identified for removal from the state fleet in order to comply with legislatively mandated reductions in state fleet size; or
- (b) is identified as a "do not replace" vehicle in the fleet information system; or
- (c) is a state vehicle not purchased by DFO; or
- (d) is a seasonal vehicle that has already been replaced.

~~(5)7~~ Any agency that fails to request the return of a voluntarily surrendered vehicle prior to the end of the ~~[fiscal year within which the surrender took place,]~~ period set forth in R27-4-11(4), above, must comply with the requirements of R27-4-5, Fleet Expansion, to obtain a vehicle to replace the one surrendered.

KEY: fleet expansion, vehicle replacement

~~September 9, 2002~~ **2003**

63A-9-401(1)(a)

63A-9-401(c)(v)

63A-9-401(c)(ix)

63A-9-401(c)(xi)

63A-9-401(c)(xii)



**Health, Community and Family Health
Services, Children with Special Health
Care Needs**

R398-10

**Autism Spectrum Disorders and Mental
Retardation Reporting**

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 26672

FILED: 09/30/2003, 10:54

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule will require the reporting of autism spectrum disorders (ASD) and related disabilities

SUMMARY OF THE RULE OR CHANGE: This rule will require mandatory reporting of ASDs and related disabilities by treatment facilities specializing in autism. It also provides legal protection for health care providers who report ASDs and related disabilities upon the request of the Utah Department of Health.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsections 26-1-30(2)(c), (d), (f), and (g); and Section 26-3-2

ANTICIPATED COST OR SAVINGS TO:

- ❖ **THE STATE BUDGET:** No state funds are being used for this project. Early identification may result in cost savings.
- ❖ **LOCAL GOVERNMENTS:** This rule has no effect on local governments and therefore, there is no impact on local governments.
- ❖ **OTHER PERSONS:** Savings may be incurred to individuals if autism spectrum disorders are recognized and treated early, however it is not possible to quantify the savings. It is anticipated that approximately 120 new cases would be identified each year for a cost of \$5 per patient with a total cost of reporting of \$600 per year.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Treatment facilities would incur minimal costs in reporting cases to the Utah Department of Health. The form requires less than five minutes to complete per patient. It is estimated that individual programs specializing in ASD will diagnose an average of 20 patients per year at a cost of \$5 per patient for a total facility cost of \$100. Costs incurred by facilities would vary depending on the number of patient's identified through the program annually.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The Utah Registry for Autism and Developmental Disabilities (URADD) is being proposed to measure the prevalence of ASDs, determine demographic distribution in the state, investigate clusters in communities, examine trends over time, and describe causes if known. Current, accurate, and comprehensive prevalence data for ASDs in Utah are not available, but it is acknowledged that more children are being identified and receiving services for these conditions today than in the past. Exact causes for these disorders are not known. Evidence for a possible gene for autism has been recently identified. The role of environmental factors has also been reported. Ultimately, in order to describe risk and protective factors for the disorders we must obtain personal identifiers so that cross-referencing may occur so cases are counted only once. Autism was once believed to be rare, occurring in 4-5 children of every 10,000.

Researchers are now estimating that the reported cases of autism has increased 10-fold in the last few decades. In 2001, the Center for Disease Control and Prevention indicates that autism is now thought to be one of the most common of the developmental disorders of childhood, occurring in 3-4 children of every 1,000. It has been speculated that the increased incidence of autism can be partially attributed to a broader definition of autism, better diagnostics and increased public awareness, but the exact reasons for the increase are not known. Parents are now refusing the MMR (Mumps, Measles, and Rubella) vaccination because of concerns that the vaccine causes or triggers the onset of autism. While preliminary studies in England and California argue against this, no statewide study of autism has been done in the U.S. since 1988 when it was done in Utah. Utah is in a unique position to answer questions about autism epidemiology for our own population, as well as that of the rest of the world. In addition, an integral part of the registry is to educate health care providers about ASDs, standards of care, and services available to assist families and their children. Health care providers and educators have expressed strong support of the registry but would need legal authority that grants them the ability to report the information. The Centers for Disease Control and Prevention has awarded the Utah Department of Health \$1,200,000 dollars over the next three years to develop and implement this registry. However, the Registry needs a rule to require reporting of ASDs so that all reporting entities have the legal protection to provide confidential information regarding developmental disabilities. Personally identifiable data on these cases are needed in order to match with other data sources, to abstract medical and educational records for further information, and to provide information to families and providers about appropriate health resources. The rule will target and require reporting from mental health units specializing in autism, and medical clinics specializing in autism. Other health care providers may be asked to report information upon request. Rod L. Betit, Executive Director

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

HEALTH
COMMUNITY AND FAMILY HEALTH SERVICES,
CHILDREN WITH SPECIAL HEALTH CARE NEEDS
44 N MEDICAL DR
SALT LAKE CITY UT 84113, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Judith Zimmerman at the above address, by phone at 801-584-8510, by FAX at 801-584-8579, or by Internet E-mail at jjzimmerman@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 11/14/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 11/15/2003

AUTHORIZED BY: Rod L. Betit, Executive Director

R398. Health, Community and Family Health Services, Children with Special Health Care Needs.

R398-10. Autism Spectrum Disorders and Mental Retardation Reporting.

R398-10-1. Purpose and Authority.

This rule establishes reporting requirements for autism spectrum disorder (ASD) and mental retardation and related test results in individuals aged birth to 18 years in Utah. Sections 26-1-30(2)(c), (d), (e), (f), (g), 26-5-3, and 26-5-4 authorize this rule.

R398-10-2. Definitions.

As used in this rule:

(1) "Autism Spectrum Disorder" or "ASD" means a pervasive developmental disorder described by the American Psychiatric Association or the World Health Organization diagnostic manuals as: Autistic disorder, Atypical autism, Asperger Syndrome, Rett Syndrome, Childhood Disintegrative Disorder, or Pervasive Developmental Disorder-Not Otherwise Specified; or a special education classification for autism or other disabilities related to autism.

(2) "Mental Retardation" means a condition marked by an intelligence quotient of less than or equal to 70 on the most recently administered psychometric test (or for infants, a clinical judgment of significantly subaverage intellectual functioning) and concurrent deficits or impairments in adaptive functioning in at least two of the following areas: communication, self-care, home living, social and interpersonal skills, use of community resources, self-direction, functional academic skills, work, leisure, health, and safety. This condition must have its onset before age 18 years.

(3) "Qualified professional" means a medical, clinical or educational professional in a position to observe children with developmental disabilities, including, psychologists, physicians, teachers, speech/language pathologists, occupational therapists, physical therapists, nurses, and social workers.

R398-10-3. Reporting by Diagnostic or Treatment Facilities.

Diagnostic or treatment facilities that provide specialized care for ASD and related disorders shall report or cause to report the following to the Department within thirty days of making an ASD diagnosis on a child aged birth to 18:

- (1) patient's name;
- (2) patient's date of birth;
- (3) patient's address;
- (4) home phone;
- (5) patient's sex;
- (6) mother's name;
- (7) mother's date of birth;
- (8) provider name;
- (9) provider degree;
- (10) provider specialty;
- (11) provider address;
- (12) provider phone number;
- (13) diagnosis of autistic disorder, atypical autism, pervasive developmental disorder-not otherwise specified, Asperger's syndrome, or special education classification that makes the individual eligible to receive special education services; and
- (14) date of diagnosis.

R398-10-4. ASD and Mental Retardation Records Review.

Upon Department request, qualified professionals and diagnostic or treatment facilities that provide specialized care for

ASD and related disorders shall allow the Department or its agents to review medical and educational records of individuals with ASD, mental retardation, and related disorders to clarify duplicate names and to collect demographic characteristics, medical and educational histories, and assessments.

R398-10-5. Confidentiality of Reports.

All reports herein required are confidential and are not open to public inspection. The confidentiality of personal information obtained under this rule shall be maintained according to the provisions of Utah Code, Title 26, Chapter 3.

R398-10-6. Liability.

As provided in Title 26, Chapter 25, persons who report information covered by this rule may not be held liable for reporting the information to the Department of Health.

KEY: autism spectrum, mental retardation, reporting 2003

26-1-30(2)(c)
26-1-30(2)(d)
26-1-30(2)(e)
26-1-30(2)(f)
26-1-30(2)(g)
26-5-3
26-5-4



Health, Health Systems Improvement,
 Emergency Medical Services
R426-13
 Emergency Medical Services Provider
 Designations

NOTICE OF PROPOSED RULE
 (Amendment)

DAR FILE NO.: 26669
 FILED: 09/30/2003, 10:16

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The changes clarify Emergency Medical Services (EMS) agency designation requirements. They include the minimum requirements for designation, the application process including denial criteria, and change of service level requirements. The rule will further delineate Department powers, service delivery levels, and minimum designation requirements to keep the designation and licensure rules consistent with each other. These changes are necessary to make each level of licensure consistent and comply with the changes in Title 26, Chapter 8a, due to the passage of S.B. 180 and S.B. 72 in the 2003 General Session. (DAR NOTE: S.B. 72 is found at UT L 2003 Ch 257, and was effective May 5, 2003; and S.B. 180 is found at UT L 2003 Ch 213, and will be effective January 1, 2004.)

SUMMARY OF THE RULE OR CHANGE: Designation levels for quick responders and emergency medical dispatch centers are

clarified, minimum designation requirements listed, and the process for changing service delivery levels updated. The rule also clarifies the need for designated agencies to have current dispatch agreements, treatment protocols, operational procedures, policies, and agreements with an off-line medical director. Dispatch centers will be required to have on-going medical call review and a quality assurance program.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-8a-105

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The Utah Department of Health does not anticipate any significant costs as a result of these changes and can handle any added expenses imposed by this rule within current appropriations.

❖ LOCAL GOVERNMENTS: Local Governments who desire to be designated as a quick response unit or a dispatch center will need protocols, operational plans, a call review process, and agreements with an off-line medical director. There may be some costs incurred to Local Governments to develop the protocols, plans, and enter into the required agreements if they are not already in place. In reviewing the information we have 44% of the 50 designated agencies that have already met the requirements and 100% of the dispatch centers. The total for all the remaining governmental agencies is an estimated statewide cost of \$11,000 to \$55,000. These costs were considered by the Legislature prior to passing S.B. 180 and S.B. 72 in the 2003 General Session.

❖ OTHER PERSONS: The resource hospital requirements did not change in this rule so there will be no increased requirements or costs to resource hospitals. There are no private designated agencies or dispatch centers that would be impacted by the rule changes so there is no cost to them. These costs were considered by the Legislature prior to passing S.B. 180 and S.B. 72 in the 2003 General Session.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The total compliance cost for a local government agency that chooses to become a quick response unit will range from \$500 to \$2,500. No other compliance costs are anticipated. These costs were considered by the Legislature prior to passing S.B. 180 and S.B. 72 in the 2003 General Session.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: With the changes in the EMS Act, Title 26, Chapter 8a, that will become effective January 1, 2004, this rule is needed to further delineate Department powers, service delivery levels, and minimum designation requirements to keep the designation and licensure rules consistent. Impacted businesses in government have been involved in the development of the new designation requirements. The benefit of these changes is much greater than the cost. Rod L. Betit, Executive Director.

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

HEALTH
 HEALTH SYSTEMS IMPROVEMENT, EMERGENCY
 MEDICAL SERVICES
 CANNON HEALTH BLDG

288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Paul Patrick at the above address, by phone at 801-538-6291, by FAX at 801-538-6808, or by Internet E-mail at paulpatrick@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 11/14/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 11/15/2003

AUTHORIZED BY: Rod L. Betit, Executive Director

R426. Health, Health Systems Improvement, Emergency Medical Services.

R426-13. Emergency Medical Services Provider Designations.
R426-13-100. Authority and Purpose.

This rule is established under Title 26, Chapter 8a. It establishes standards for the designation of emergency medical service providers.

R426-13-200. Designation Types.

(1)(a) An entity that provides pre-hospital emergency medical care, but that does not provide ambulance transport or paramedic service, may obtain a designation from the ~~[Committee]~~Department as a quick response unit.

(b) An entity that accepts calls for 9[-]1[-]1 EMS assistance from the public, and dispatches emergency medical vehicles and field EMS personnel may obtain a designation from the ~~[Committee]~~Department as an emergency medical dispatch center.

(2) ~~[Commencing July 1, 2000, a]~~A hospital that provides on-line medical control for prehospital emergency care must first obtain a designation from the ~~[Committee]~~Department as a resource hospital.

R426-13-300. Service Levels.

A quick response unit may only operate and perform the skills at the service level at which it is designated. The ~~[Committee]~~Department may issue designat[e]ions ~~[at service levels that correspond to the]~~for the following types of service at the given levels:

- ~~(a) quick response unit;~~
 - ~~(i) Basic; and~~
 - ~~(ii) Intermediate.~~
- ~~(b) emergency medical dispatch center; and~~
- ~~(c) resource hospital.~~

~~(1) 1994 United States Department of Transportation's "EMT-Basic Training Program: National Standard Curriculum;"~~

~~(2) 1999 United States Department of Transportation's "EMT-Intermediate Training Program: National Standard Curriculum;"~~

~~(3) 1994 United States Department of Transportation's "EMT-Basic Training Program: National Standard Curriculum," with the IV module from the 1999 United States Department of Transportation's "EMT-Intermediate Training Program: National Standard Curriculum;"~~

R426-13-400. Quick Response Unit Minimum Designation Requirements.

A quick response unit must meet the following minimum requirements:

(1) ~~[h]~~Have sufficient ~~[rescue-]~~vehicles, equipment, and supplies that meet the requirements of this rule and as may be necessary to carry out its responsibilities under its designation;

(2) ~~[h]~~Have locations for stationing its ~~[rescue]~~ vehicles;

~~(3) Have a current dispatch agreement with a public safety answering point that answers and responds to 911 or E911 calls, or with a local single access public safety answering point that answers and responds to requests for emergency assistance;~~

~~([3]4)~~ ~~[h]~~Have a Department-certified training officer;

~~(4)5)~~ ~~[h]~~Have a current plan of operations, which shall include:

(a) the number, training, and certification of personnel;

(b) ~~[the scope of]~~operation[s]al procedures; and

(c) a description of how the designee proposes to interface with other EMS agencies;

~~([5]6)~~ ~~[h]~~Have sufficient trained and certified staff that meet the requirements of ~~[this rule,]~~R426-15[;] Licensed and Designated provider Operations~~[- and as may be necessary to carry out its responsibilities under its designation];~~

~~([6]7)~~ ~~[h]~~Have a current agreement with a Department-certified off-line medical director;

~~(8) Have current treatment protocols approved by the agencies off-line medical director for the designated service level;~~

~~(9) Provide the Department with a copy of its certificate of insurance; and~~

~~([7]10)~~ ~~[h]~~Not be disqualified for any of the following reasons:

(a) violation of Subsection 26-8a-504~~(4)~~; or

(b) a history of disciplinary action relating to an EMS license, permit, designation or certification in this or any other state.

R426-13-500. Emergency Medical Dispatch Center Minimum Designation Requirements.

An emergency medical dispatch center must:

(1) ~~[h]~~Have in effect a selective medical dispatch system approved by the off-line medical directors and the Department, which includes:

(a) systemized caller interrogation questions;

(b) systemized pre-arrival instructions; and

(c) protocols matching the dispatcher's evaluation of injury or illness severity with vehicle response mode and configuration;

~~(2) Have a current updated plan of operations, which shall include:~~

~~(a) the number, training, and certification of EMD personnel;~~

~~(b) operational procedures; and~~

~~(c) a description of how the designee proposes to communicate with EMS agencies;~~

~~([2]3)~~ ~~[h]~~Have a certified off-line medical director; and

~~([3]4)~~ ~~[h]~~Have an ongoing medical call review quality assurance program.

R426-13-600. Quick Response Unit and Emergency Medical Dispatch Center Application.

An entity desiring a designation or a renewal of its designation as a quick response unit or an emergency medical dispatch center shall submit the applicable fees and an application on Department-approved forms to the Department. As part of the application, the

applicant shall submit documentation that it meets the minimum requirements for the designation listed in this rule and the following:

(1) ~~(f)~~ Identifying information about the entity and its principals;

(2) ~~(g)~~ The name of the person or governmental entity financially and otherwise responsible for the service provided by the designee and documentation from that entity accepting the responsibility;

(3) ~~(h)~~ Identifying information about the entity that will provide the service and its principals;

(4) ~~(i)~~ If the applicant is not a governmental entity, a statement of type of entity and certified copies of the documents creating the entity;

(5) ~~(j)~~ A description of the geographical area that it will serve;

(6) Documentation of the on-going medical call review and quality assurance program~~[a plan of operation meeting the requirements of the application];~~

(7) Documentation of any modifications to the medical dispatch protocols; and

~~(8)~~ ~~(k)~~ Other information that the Department determines necessary for the processing of the application and the oversight of the designated entity.

R426-13-700. Resource Hospital Minimum Requirements.

A resource hospital must meet the following minimum requirements:

(1) ~~(b)~~ Be licensed in Utah or another state as a general acute hospital or be a Veteran's Administration hospital operating in Utah;

(2) ~~(c)~~ Have protocols for providing on-line medical direction to pre-hospital emergency medical care providers;

(3) ~~(d)~~ Have the ability to communicate with other EMS providers operating in the area; and

(4) ~~(e)~~ Be willing and able to provide on-line medical direction to quick response units, ambulance services and paramedic services operating within the state;

R426-13-800. Resource Hospital Application.

A hospital desiring to be designated as a resource hospital shall submit the applicable fees and an application on Department-approved forms to the Department. As part of the application, the applicant shall provide:

(1) ~~(f)~~ The name of the hospital to be designated;

(2) ~~(g)~~ The hospital's address;

(3) ~~(h)~~ The name and phone number of the individual who supervises the hospital's responsibilities as a designated resource hospital; and

(4) ~~(i)~~ Other information that the Department determines necessary for the processing of the application and the oversight of the designated entity.

R426-13-900. ~~Immediate Application~~ Criteria for Denial of Designation.

(1) The Department may deny an application for a designation for any of the following reasons:

(a) failure to meet requirements as specified in the rules governing the service;

(b) failure to meet vehicle, equipment, or staffing requirements;

(c) failure to meet requirements for renewal or upgrade;

(d) conduct during the performance of duties relating to its responsibilities as an EMS provider that is contrary to accepted

standards of conduct for EMS personnel described in Sections 26-8a-502 and 26-8a-504;

(e) failure to meet agreements covering training standards or testing standards;

(f) a history of disciplinary action relating to a license, permit, designation, or certification in this or any other state;

(g) a history of criminal activity by the licensee or its principals while licensed or designated as an EMS provider or while operating as an EMS service with permitted vehicles;

(h) falsifying or misrepresenting any information required for licensure or designation or by the application for either;

(i) failure to pay the required designation or permitting fees or failure to pay outstanding balances owed to the Department;

(j) failure to submit records and other data to the Department as required by statute or rule;

(k) misuse of grant funds received under Section 26-8a-207; and

(l) violation of OSHA or other federal standards that it is required to meet in the provision of the EMS service.

(2) An applicant who has been denied a designation may request a Department review by filing a written request for reconsideration within thirty calendar days of the issuance of the Department's denial.

R426-13-1000. Application Review and Award.

(1) If the Department finds that an application for designation is complete and that the applicant meets all requirements, it may approve the designation.

(2) Issuance of a designation by the Department is contingent upon the applicant's demonstration of compliance with all applicable rules and a successful Department quality assurance review.

(3) A designation may be issued for up to a four-year period. The Department may alter the length of the designation to standardize renewal cycles.

R426-13-1100. Change in Service Level.

(1) A quick response unit EMT-Basic may apply to provide a higher level of service at the EMT-Intermediate service level by~~[that desires to upgrade its designation shall submit the applicable fees and an application on Department-approved forms to the Department. As part of the application, the applicant shall provide];~~

(a) ~~[a letter of support from its off-line medical director];~~submitting the applicable fees; and

(b) submitting an application on Department-approved forms to the Department.

(2) As part of the application, the applicant shall provide:

~~(b)~~ a ~~(b)~~ a copy of the new treatment protocols for the~~[upgraded]higher level of service approved by the off-line medical director;~~~~and~~

~~(c)~~ (e) ~~(c)~~ an updated plan of operations demonstrating the applicant's ability to provide the higher level of service~~[-]; and~~

~~(d)~~ (c) ~~(d)~~ a written assessment of the performance of the applicant's field performance by the applicant's off-line medical director.

~~(2)~~ (3) ~~(2)~~ If the Department finds that the applicant has demonstrated the ability to provide the upgraded service, it shall issue a new designation reflecting the ~~[upgraded]higher level of service.~~

~~R426-13-1200. Criteria for Denial of Designation.~~

~~(1) The Department may deny an application for designation for any of the following reasons:~~

~~—(a) failure to meet requirements as specified in the rules governing the service;~~
~~—(b) failure to meet vehicle or equipment requirements;~~
~~—(c) failure to meet requirements for renewal or upgrade;~~
~~—(d) conduct during the performance of duties relating to the responsibilities that is contrary to accepted standards of conduct for EMS personnel described in Sections 26-8a-502 and 26-8a-504;~~
~~—(e) a history of disciplinary action relating to an EMS license, permit, designation or certification in this or any other state;~~
~~—(f) a history of criminal activity while licensed or designated as an EMS provider or while operating as an EMS service with permitted vehicles;~~
~~—(g) falsifying the application or related documents for an EMS provider license or designation;~~
~~—(h) failure to pay the required designation, permitting, or other fees or failure to pay outstanding balances owed to the Department;~~
~~—(i) misrepresenting any information required for licensure or designation or by the application for either;~~
~~—(j) failure to submit records and other data to the Department as required by R426-8;~~
~~—(k) misuse of grant funds received under Section 26-8a-207; and~~
~~—(l) violation of OSHA or other federal standards that it is required to meet in the provision of the EMS service.~~
~~—(2) An applicant who has been denied a designation may appeal by filing an appeal within thirty calendar days of the issuance of the Department's denial.~~

JR426-13-1300. Penalties.

As required by Subsection 63-46a-3(5): Any person that violates any provision of this rule may be assessed a civil money penalty not to exceed the sum of \$5,000 or be punished for violation of a class B misdemeanor for the first violation and for any subsequent similar violation within two years for violation of a class A misdemeanor as provided in Section 26-23-6.

KEY: emergency medical services

[October 12, 1999]2004

26-8a

**Health, Health Systems Improvement,
Emergency Medical Services**

R426-14

**Ambulance Service and Paramedic
Service Licensure**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 26670

FILED: 09/30/2003, 10:27

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This change lists the licensure levels, deletes the Basic-IV level, and clarifies the minimum licensure requirements. It also changes the scope of operations by clarifying subcontracting language, listing what should be in an automatic aid agreement, and

outlining the criteria for selecting a provider by public bid. The rule will clearly list at what levels agencies can be licensed, the application process, including denial criteria, and the requirements to change service levels. These changes are necessary to make each level of licensure consistent and comply with the changes in Title 26, Chapter 8a, due to the passage of S.B. 180 and S.B. 72 in the 2003 General Session. (DAR NOTE: S.B. 72 is found at UT L 2003 Ch 257, and was effective May 5, 2003; and S.B. 180 is found at UT L 2003 Ch 213, and will be effective January 1, 2004.)

SUMMARY OF THE RULE OR CHANGE: Service levels are clarified separating licensure levels into ground ambulance, inter-facility transfer, and nontransport. The scope of operations is changed to define when a subcontract is present. Minimum licensure requirements are listed, insurance requirements modified, the process to change service delivery levels updated, automatic aid agreements detailed, and the process to select a provider by public bid is outlined. These changes are necessary to make each level of licensure consistent and comply with the changes in Title 26, Chapter 8a, due to the passage of S.B. 180 (that will be effective January 1, 2004) and S.B. 72 (that was effective May 5, 2003).

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-8a-105

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The Utah Department of Health can handle any added expenses imposed by this rule within current appropriations.

❖ LOCAL GOVERNMENTS: Local governments that are currently licensed have no new or added responsibilities covering licensure but will need to have written aid agreements in place. The cost for securing these agreements for all local government agencies is estimated at \$12,000. These costs were considered by the Legislature prior to passing S.B. 180 and S.B. 72 in the 2003 General Session.

❖ OTHER PERSONS: Private providers that are licensed have no new or added responsibilities concerning licensure but will need to have written aid agreements in place. The estimated statewide cost for all private providers to secure these agreements is estimated at \$4,000. These costs were considered by the Legislature prior to passing S.B. 180 and S.B. 72 in the 2003 General Session.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The total compliance cost for each affected agency is estimated at \$750. These costs were considered by the Legislature prior to passing S.B. 180 and S.B. 72 in the 2003 General Session.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: With the changes in the EMS Act, Title 26, Chapter 8a, that will become effective January 1, 2004, this rule is needed to further delineate licensure levels, minimum licensure requirements, automatic aid, and the criteria for selecting a provider by public bid. This rule provides guidance on how to obtain department approval of a proposed bid and should save costs for any municipality that chooses to implement this option. The costs are outweighed

by benefit offered by changes to this rule. Rod L. Betit, Executive Director

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

HEALTH
HEALTH SYSTEMS IMPROVEMENT, EMERGENCY
MEDICAL SERVICES
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Paul Patrick at the above address, by phone at 801-538-6291, by FAX at 801-538-6808, or by Internet E-mail at paulpatrick@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 11/14/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 11/15/2003

AUTHORIZED BY: Rod L. Betit, Executive Director

R426. Health, Health Systems Improvement, Emergency Medical Services.

R426-14. Ambulance Service and Paramedic Service Licensure.

R426-14-100. Authority and Purpose.

This rule is established under Title 26, Chapter 8a. It establishes standards for the licensure of ambulance and paramedic services.

R426-14-101. Requirement for Licensure.

A person or entity that provides or represents that it provides ambulance or paramedic services must first be licensed by the ~~[d]~~Department.

R426-14-200. Licensure Types.

The Department issues licenses for a type of service at a certain service level.

(1) The Department may issue ambulance licenses for the following types of service at the given levels:

- (a) ~~[ground ambulance, EMT-]Basic;~~
- (b) ~~[ground ambulance, EMT-B-]Intermediate[✓];~~
- (c) ~~[ground ambulance, EMT-]Intermediate Advanced; and~~
- (d) Paramedic.

(2) The Department may issue ground ambulance inter-facility transfer licenses for the following types of service at the given levels:

- ~~((e)a) [inter facility transfer ground ambulance, EMT-]Basic;~~
- ~~((d)b) [inter facility transfer ground ambulance, EMT-B-]Intermediate[✓];[and]~~
- ~~((e)c) [inter facility transfer ground ambulance, EMT-]Intermediate Advanced; and[-]~~
- (d) Paramedic.

~~((2)3) The Department may issue paramedic, non-transport licenses for the following types of service at the given response configurations:~~

- ~~(a) [p]Paramedic [r]Rescue; and~~
- ~~(b) [p]Paramedic [t]Tactical [r]Rescue[-];[~~
- ~~(c) paramedic ground ambulance; and~~
- ~~(d) paramedic ground ambulance inter-facility transfer service.]~~

R426-14-201. Scope of Operations.

~~(1)(a) A ground ambulance, EMT-B, licensee may only provide service to a specific geographic service area and is responsible to provide service to its entire specific geographic service area. It may provide emergency medical transport and emergency medical services corresponding to the 1994 United States Department of Transportation's "EMT-Basic Training Program: National Standard Curriculum" to a geographic service area.~~

~~(b) A ground ambulance, EMT-B-IV, licensee may only provide service to a specific geographic service area and is responsible to provide service to its entire specific geographic service area. It may provide emergency medical transport and emergency medical services corresponding to the 1994 United States Department of Transportation's "EMT-Basic Training Program: National Standard Curriculum" and the IV module of the 1999 United States Department of Transportation's "EMT-Intermediate Training Program: National Standard Curriculum."~~

~~(c) A ground ambulance, EMT-I, licensee may only provide service to a specific geographic service area and is responsible to provide service to its entire specific geographic service area. It may provide emergency medical transport and emergency medical services corresponding to the 1999 United States Department of Transportation's "EMT-Intermediate Training Program: National Standard Curriculum."~~

~~(d) An inter-facility transfer ground ambulance, EMT-B, licensee may only provide service to a specific geographic service area. It may only provide emergency medical transport and emergency medical services during transport corresponding to the 1994 United States Department of Transportation's "EMT-Basic Training Program: National Standard Curriculum." It may not provide emergency medical services in response to emergency dispatch, except as provided as a special condition to the license.~~

~~(e) An inter-facility transfer ground ambulance, EMT-B-IV, licensee may only provide service to a specific geographic service area. It may only provide emergency medical transport and emergency medical services during transport corresponding to the 1994 United States Department of Transportation's "EMT-Basic Training Program: National Standard Curriculum" and the IV module of the 1999 United States Department of Transportation's "EMT-Intermediate Training Program: National Standard Curriculum." It may not provide emergency medical services in response to emergency dispatch.~~

~~(f) An inter-facility transfer ground ambulance, EMT-I, licensee may only provide service to a specific geographic service area. It may only provide emergency medical transport and emergency medical services during transport corresponding to the 1999 United States Department of Transportation's "EMT-Intermediate Training Program: National Standard Curriculum." It may not provide emergency medical services in response to emergency dispatch.~~

~~(2) A paramedic licensee may only provide service to a specific geographic service area and is responsible to provide service~~

to its entire specific geographic service area. It may only provide emergency medical services during transport corresponding to the 1998 United States Department of Transportation's "EMT-Paramedic Training Program: National Standard Curriculum." Paramedic licensees that are licensed for adjacent areas are encouraged to enter into mutual aid agreements to facilitate rapid response from the paramedic licensee closest to the scene. The Department licenses paramedic providers in one of the following response configurations:

— (a) A paramedic rescue that relies on a licensed ambulance service to transport a patient.

— (b) A paramedic tactical rescue may only provide combat medical response where the primary mission is the retrieval and field treatment of injured peace officers or victims of traumatic confrontations. It may only function at the invitation of the local or state public safety authority. When called upon for assistance, it must immediately notify the local ambulance licensee to coordinate patient transportation.

— (c) A paramedic ground ambulance may be used routinely to transport patients. It must also comply with the requirements applicable to ground ambulances;

— (d) A paramedic ground ambulance inter-facility transfer service may only be used to transport patients upon physician request between medical or nursing facilities. Unless otherwise licensed to do so, it may not provide paramedic rescue, paramedic quick response, or paramedic tactical rescue services. It may only provide service to a specific geographic service area.] A licensee may only provide service to its specific licensed geographic service area and is responsible to provide service to its entire specific geographic service area. It may provide emergency medical services for its category of licensure that corresponds to the certification levels in R426-12 Emergency Medical Services Training and Certification Standards.

(2) A licensee may not subcontract. A subcontract is present if a licensee engages a person that is not licensed to provide emergency medical services to all or part of its specific geographic service area. A subcontract is not present if multiple licensees allocate responsibility to provide ambulance services between them within a specific geographic service area for which they are licensed to provide ambulance service.

(3) A ground ambulance inter-facility transfer licensee may only transport patients from a hospital, nursing facility, emergency patient receiving facility, mental health facility, or other medical facility when arranged by the transferring physician for the particular patient.

R426-14-300. Minimum Licensure Requirements.

(1) A licensee must meet the following minimum requirements:

([1]a) have sufficient ambulances, emergency response[~~rescue~~] vehicles, equipment, and supplies that meet the requirements of this rule and as may be necessary to carry out its responsibilities under its license or proposed license without relying upon aid agreements with other licensees;

([2]b) have locations or staging areas for stationing its vehicles;

([3]c) have a current written dispatch agreement with a public safety answering point that answers and responds to 911 or E911 calls, or with a local single access public safety answering point that answers and responds to requests for emergency assistance;

([4]d) [~~enter into~~] have current written[~~mutual~~] aid agreements with other licensees to give assistance in times of unusual demand;

([5]e) have a Department certified EMS training officer;

([6]f) have a current plan of operations, which shall include:

— (i) a business plan demonstrating its:

— (A) ability to provide the service; and

— (B) financial viability.

([a]ii) the number, training, and certification of personnel;

([b]iii) [the scope of] operation[s]al procedures; and

([e]iv) a description of the how the licensee or applicant proposes to interface with other EMS agencies;

([7]g) have sufficient trained and certified staff that meet the requirements of [this rule—]R426-15 Licensed and Designated Provider Operations[and as may be necessary to carry out its responsibilities under its license];

([8]h) have a current written agreement with a Department-certified off-line medical director;

— (i) have current treatment protocols approved by the agency's off-line medical director for the existing service level or new treatment protocols if seeking approval under 26-8a-405;

— (j) be able to pay its debts as they become due;

— (k) provide the Department with a copy of its certificate of insurance or if seeking application approval under 26-8a-405, provide proof of the ability to obtain insurance to respond to damages due to operation of a vehicle in the manner and minimum amounts specified in R426-15-204. All licensees shall:

— (i) obtain insurance from an insurance carrier authorized to write liability coverage in Utah or through a self-insurance program;

— (ii) report any coverage change to the Department within 60 days after the change; and

— (iii) direct the insurance carrier or self-insurance program to notify the Department of all changes in insurance coverage.]

— (9) if a paramedic tactical rescue, be a public safety agency or have a letter of recommendation from a county or city law enforcement agency within the paramedic tactical rescue's geographic service area; and]

([10]l) not be disqualified for any of the following reasons:

([a]i) violation of Subsection 26-8a-504[~~(+)~~]; or

([b]ii) [a history of]disciplinary action relating to an EMS license, permit, designation, or certification in this or any other state that adversely affect its service under its license.

(2) A paramedic tactical rescue must be a public safety agency or have a letter of recommendation from a county or city law enforcement agency within the paramedic tactical rescue's geographic service area.

R426-14-301. Application, Department Review, and Issuance.

(1) An applicant desiring to be licensed or to renew its license shall submit the applicable fees and an application on Department-approved forms to the Department. As part of the application, the applicant shall submit documentation that it meets the requirements listed in R426-14-300 and the following:]

— (a) identifying information about the entity and its principals;

— (b) the name of the person or governmental entity financially and otherwise responsible for the service provided by the licensee and documentation from that entity accepting the responsibility;

— (c) identifying information about the entity that will provide the service and its principals;]

([d]a) a [legal]detailed description[, general description,] and detailed map of the exclusive geographical area that it will serve;

(i) if the requested geographical service area is for less than all ground ambulance or paramedic services, the applicant shall include a written description and detailed map showing how the areas not included will receive ground ambulance or paramedic services;

(ii) if an applicant is responding to a public bid as described in 26-8a-405.2 the applicant shall include detailed maps and descriptions of all geographical areas served in accordance with 26-8a-405.2 (2).[

(e) a detailed plan of operation meeting the requirements of the application;

(f) financial and insurance information; and]

(b) for an applicant for a new service, documentation showing that the applicant meets all local zoning and business licensing standards within the exclusive geographical service area that it will serve;

(c) a written description of how the applicant will communicate with dispatch centers, law enforcement agencies, on-line medical control, and patient transport destinations;

(d) for renewal applications, a written assessment of field performance from the applicant's off-line medical director; and

([g]e) other information that the Department determines necessary for the processing of the application and the oversight of the licensed entity.

(2) A ground ambulance or paramedic service holding a license under 26-8a-404, including any political subdivision that is part of a special district or unified fire authority holding such a license, may respond to a request for proposal if it complies with 26-8a-405(2).

([2]3) If, upon Department review, the application is complete and [it appears that the applicant] meets all the requirements, the Department shall; [issue a notice of agency action as required in Section 26-8a-405.]

(a) for a new license application, issue a notice of approved application as required by 26-8a-405 and 406;

(b) issue a renewal license to an applicant in accordance with 26-8a-413(1) and (2);

(c) issue a license to an applicant selected by a political subdivision in accordance with 26-8a-405.1(3);

(d) issue a four-year renewal license to a license selected by a political subdivision if the political subdivision certifies to the Department that the licensee has met all of the specifications of the original bid and requirements of 26-8a-413(1) through (3); or

(e) issue a second four-year renewal license to a licensee selected by a political subdivision if:

(i) the political subdivision certifies to the Department that the licensee has met all of the specifications of the original bid and requirements of 26-8a-413(1) through (3); and

(ii) if the Department or the political subdivision has not received, prior to the expiration date, written notice from an approved applicant desiring to submit a bid for ambulance or paramedic services.

([3]4) Award of a new license or a renewal license is contingent upon the applicant's demonstration of compliance with all applicable statutes and rules and a successful Department quality assurance review.

([4]5) A license may be issued for up to a four-year period. The Department may alter the length of the license to standardize renewal cycles.

R426-14-302. Selection of a Provider by Public Bid.

(1) A political subdivision that desires to select a provider through a public bid process as provided in 26-8a-405.1, shall submit its draft request for proposal to the Department in accordance with 26-8a-405.2(2), together with a cover letter listing all contact information. The proposal shall include all the criteria listed in 26-8a-405.1 and 405.2.

(2) The Department shall, within 14 business days of receipt of a request for proposal from a political subdivision, review the request according to 26-8a-405.2(2) and:

(a) approve the proposal by sending a letter of approval to the political subdivision;

(b) require the political subdivision to alter the request for proposal to meet statutory and rule requirements; or

(c) deny the proposal by sending a letter detailing the reasons for the denial and process for appeal.

R426-14-30[2]3. [Immediate] Application Denial.

(1) The Department may deny an application for a license or a renewal of a license without reviewing whether a license must be granted or renewed to meet public convenience and necessity for any of the following reasons:

(a) failure to meet substantial requirements as specified in the rules governing the service;

(b) failure to meet vehicle, equipment, staffing, or insurance requirements;

(c) failure to meet agreements covering training standards or testing standards;

(d) substantial violation of Subsection 26-8a-504(1);

(e) a history of disciplinary action relating to a license, permit, designation, or certification in this or any other state;

(f) a history of serious or substantial public complaints;

([f]g) a history of criminal activity by the licensee or its principals while licensed or designated as an EMS provider or while operating as an EMS service with permitted vehicles;

([g]h) falsification or misrepresentation of any information in the application or related documents;

([h]i) failure to pay the required licensing or permitting fees or other fees or failure to pay outstanding balances owed to the Department;

(j) financial insolvency;

(k) failure to submit records and other data to the Department as required by R426-8;

(l) a history of inappropriate billing practices, such as:

(i) charging a rate that exceeds the maximum rate allowed by rule;

(ii) charging for items or services for which a charge is not allowed by statute or rule; or

(iii) Medicare or Medicaid fraud.

(m) misuse of grant funds received under Section 26-8a-207; and

(n) violation of OSHA or other federal standards that it is required to meet in the provision of the EMS service.

(2) An applicant that has been denied a license may appeal by filing a written appeal within thirty calendar days of the issuance of the Department's denial.

R426-14-400. Change in Service Level.

(1) A ground ambulance service licensee ~~[- EMT B licensee that desires] may apply to [upgrade to a ground ambulance, EMT B-IV or EMT I and a ground ambulance, EMT B-IV licensee that desires to upgrade to a ground ambulance EMT-I] provide a higher level of non-911 ambulance or paramedic service. The applicant shall submit:~~

~~_____ (a) the applicable fees; and
_____ (b) an application on Department-approved forms to the Department. [As part of the application, the applicant shall provide:]~~

~~_____ (a) [c] a copy of the new treatment protocols for the [upgraded] higher level of service approved by the off-line medical director;~~

~~_____ (b) [d] an updated plan of operations demonstrating the applicant's ability to provide the higher level of service; and~~

~~_____ (e) [e] a [n] written assessment of the performance of the applicant's field performance by the [licensee's] applicant's off-line medical director.~~

(2) If the Department ~~[finds] determines~~ that the applicant has demonstrated the ability to provide the ~~[upgraded] higher level of service, it shall issue a revised license reflecting the [new] higher level of service without making a separate finding of public convenience and necessity.~~

R426-14-401. Change of Owner ~~[- or Operator].~~

~~[(1)-] A license and the vehicle permits terminate if the holder of a licensed service transfers ownership of the service to another party. As outlined in 26-8a-415, [F] the new owner must submit, within ten business days of acquisition, applications and fees for a new license and vehicle permits. [The new owner must meet all the statutory and rules requirements as if applying for a new license.~~

~~_____ (2) A license and the vehicle permits terminate if the operator listed on the license no longer provides the service. Any successor must file, within ten business days of succession, an application and submit fees for a new license and vehicle permits. The party applying for the license must meet all the statutory and rules requirements as if applying for a new license.]~~

R426-14-500. ~~[Mutual] Aid Agreements.~~

(1) A ~~[n] ground ambulance service [may] must~~ have in place ~~aid agreements with other ground ambulance services to call upon them for assistance during times of unusual demand. [A time of unusual demand exists in circumstances that the management of the ground ambulance service has determined that its current personnel and equipment are not sufficient to meet the needs of a particular incident, event or combination of incidents or events. A mutual aid agreement may not provide for the provision of ongoing service for a specified area or for specified time periods.]~~

~~_____ (2) Aid agreements shall be in writing, signed by both parties, and detail the:~~

~~_____ (a) purpose of the agreement;~~

~~_____ (b) type of assistance required;~~

~~_____ (c) circumstances under which the assistance would be given; and~~

~~_____ (d) duration of the agreement.~~

~~_____ (3) The parties shall provide a copy of the aid agreement to the emergency medical dispatch centers that dispatch the licensees.~~

~~[(2)]4 A ground ambulance licensee must provide all ambulance service, including standby services, for any special event that requires ground ambulance service within its geographic service~~

area. If the ground ambulance licensee is unable or unwilling to provide the special event coverage, the licensee may arrange with a ground ambulance licensee through the use of ~~[a mutual-]aid agreements~~ to provide all ground ambulance service for the special event.

R426-14-600. Penalties.

As required by Subsection 63-46a-3(5): Any person that violates any provision of this rule may be assessed a civil money penalty not to exceed the sum of \$5,000 or be punished for violation of a class B misdemeanor for the first violation and for any subsequent similar violation within two years for violation of a class A misdemeanor as provided in Section 26-23-6.

KEY: emergency medical services

**[October 4, 1999]2004
26-8a**



Health, Health Systems Improvement, Emergency Medical Services

R426-15

Licensed and Designated Provider Operations

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 26671

FILED: 09/30/2003, 10:39

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This change makes the operations rules consistent across all levels of licensure or designation. It also brings the State into compliance with the Federal Safe Harbor legislation dealing with restocking ambulances and adds to the rule the Bureau's variance policy. The change is due to the Federal Safe Harbor legislation and to comply with the changes in Title 26, Chapter 8a, due to the passage of S.B. 180 and S.B. 72 in the 2003 General Session. (DAR NOTE: S.B. 72 is found at UT L 2003 Ch 257, and was effective May 5, 2003; and S.B. 180 is found at UT L 2003 Ch 213, and will be effective January 1, 2004.)

SUMMARY OF THE RULE OR CHANGE: The rule clarifies staffing requirements for licensed agencies and adds staffing requirements for designated agencies. The main clarification is the allowing one paramedic and one EMT to respond on an inter-facility transfer if the physician describes the condition of the patient as serious or potentially critical. The equipment and supply requirements are added to the rule along with the process to obtain a variance. The liability insurance minimum amounts are increased and the requirement for hospitals to resupply medications to agencies is deleted.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-8a-105

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The Utah Department of Health can handle any added expenses imposed by this rule within current appropriations.

❖ LOCAL GOVERNMENTS: Local governments that provide inter-facility transports will see a reduction in cost if only a single paramedic is required to respond on some calls. This may result in a cost savings to local governmental paramedic agencies of up to \$175,000. There are no costs associated with adding the equipment since it is already required. The restocking of medications will add a cost to the governmental agencies of approximately \$5,000. The designated agencies have already been staffing at the proposed level so there will be no increase in costs associated with this requirement. In reviewing all the insurance policies for government providers, there would be no increased costs for premiums since the current coverage either meets or exceeds the proposed amounts. These costs were considered by the Legislature prior to passing S.B. 180 and S.B. 72 in the 2003 General Session.

❖ OTHER PERSONS: Private services that provide inter-facility transports will see a reduction in cost if only a single paramedic is required to respond on some calls. This will result in a statewide cost savings to private providers licensed as paramedic agencies of up to \$50,000. There are no costs associated with adding the equipment since it is already required. The restocking of medications will add statewide cost of approximately \$1,000. In reviewing all the insurance policies for private providers, there would be no increased costs for premiums since the current coverage either meets or exceeds the proposed amounts. These costs were considered by the Legislature prior to passing S.B. 180 and S.B. 72 in the 2003 General Session.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The total compliance cost for affected agencies to restock medications will be approximately \$70, which will be more than offset by the savings. These costs were considered by the Legislature prior to passing S.B. 180 and S.B. 72 in the 2003 General Session.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: With the changes in the EMS Act, Title 26, Chapter 8a, that will become effective January 1, 2004, this rule is needed to make the operations rules consistent with each level of licensure or designation. It is also needed to bring the State into compliance with the Federal Safe Harbor legislation dealing with restocking ambulances and to put into rule the variance policy of the Bureau. In most cases regulated businesses have voluntarily complied with these standards. The overall fiscal impact will be positive for business. Rod L. Betit, Executive Director

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

HEALTH
HEALTH SYSTEMS IMPROVEMENT, EMERGENCY
MEDICAL SERVICES
CANNON HEALTH BLDG

288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Paul Patrick at the above address, by phone at 801-538-6291, by FAX at 801-538-6808, or by Internet E-mail at paulpatrick@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 11/14/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 11/15/2003

AUTHORIZED BY: Rod L. Betit, Executive Director

R426. Health, Health Systems Improvement, Emergency Medical Services.

R426-15. Licensed and Designated Provider Operations.

R426-15-100. Authority and Purpose.

This rule is established under Title 26, Chapter 8a. It establishes standards for the operation of EMS providers licensed or designated under the provisions of the Emergency Medical Services System Act.

R426-15-200. Staffing.

(1) EMT ground ~~[A]~~ ambulances, while providing ambulance services, shall have the following minimum complement of personnel:

(a) ~~[F]~~ two attendants, each of whom is a certified EMT-Basic, EMT-~~[B-]~~Intermediate~~[V]~~, EMT-Intermediate Advanced, or Paramedic.

(b) ~~[A]~~ a driver, 18 years of age or older, who is the holder of a valid driver's license. If the driver is also an EMT-Basic, EMT-~~[B-]~~Intermediate~~[V]~~, EMT-Intermediate Advanced, or ~~[EMT-]~~Paramedic, the driver qualifies as one of the two required attendants.

(c) EMT ground ~~[A]~~ ambulance services authorized by the Department to provide Intermediate~~[V]~~ or Intermediate Advanced services shall assure that at least one EMT-Intermediate or EMT-~~[B-]~~~~[V]~~Intermediate Advanced responds on each call along with another certified EMT.

(d) ~~[F]~~ if on-line medical control determines the condition of the patient to be "serious or potentially critical," at least one paramedic shall accompany the patient on board the ambulance to the hospital, if a ~~[p]~~Paramedic~~[s]~~ rescue is~~[are]~~ on scene.

(e) ~~[F]~~ if on-line medical control determines the condition of the patient to be "critical," the ambulance driver and two ~~[p]~~Paramedics shall accompany the patient on board the ambulance to the hospital, if ~~[p]~~Paramedics are on scene.

(2) Quick response units, while providing services, shall have the following minimum complement of personnel:

(a) one attendant, who is an EMT-Basic, EMT-Intermediate, EMT-Intermediate Advanced, or Paramedic.

(b) quick response units authorized by the Department to provide Intermediate services shall assure that at least one EMT-

Intermediate, EMT Intermediate Advanced or Paramedic responds on each call.

(~~2~~)3 Paramedic ground ambulance or rescue services shall have the following minimum complement of personnel:

(a) [S]staffing at the scene of an accident or medical emergency shall be no less than two persons, each of whom is a Paramedic;

(b) a paramedic ground ambulance service while providing paramedic ambulance services, shall have two attendants, each of whom is a Paramedic;

(c) a driver, 18 years of age or older, who is the holder of a valid driver's license. If the driver is also a Paramedic, the driver qualifies as one of the two required attendants; and

(~~b~~)d [4]if a paramedic ground ambulance [or paramedic ground ambulance inter-facility transfer service] has been requested by a transferring physician for inter-facility movement of a patient, the staffing shall be as follows:

(i) [4]if the physician describes the condition of the patient as "serious or potentially critical," minimum staffing shall be [two]one [P]Paramedic[s], and one EMT-Basic, EMT-Intermediate, or EMT Intermediate Advanced;

(ii) [4]if the physician describes the condition of the patient as "critical," minimum staffing shall be [the]an ambulance driver and two [P]Paramedics.

(4) Paramedic inter-facility transfer services shall have the following minimum complement of personnel:

(a) if the physician describes the condition of the patient as "serious or potentially critical," minimum staffing shall be one Paramedic, and one EMT-Basic, EMT-Intermediate, or EMT-Intermediate Advanced;

(b) if the physician describes the condition of the patient as "critical," minimum staffing shall be two Paramedics and an ambulance driver.

(~~3~~)5 Each licensee shall maintain a personnel file for each certified individual. The personnel file must include records documenting the individual's qualifications, training, certification, immunizations, and continuing medical education.

(6) An EMT or Paramedic may only perform to the service level of the licensed or designated service, regardless of the certification level of the EMT or Paramedic.

R426-15-201. Vehicle Permit.

(1) EMS provider organizations that operate vehicles that Section 26-8a-304 requires to have a permit must annually obtain a permit and display a permit decal for each of its vehicles used in providing the service.

(2) The Department shall issue annual permits for vehicles used by licensees only if the new or replacement ambulance meets the:

(a) Federal General Services Administration Specification for ground ambulances as of the date of manufacture; and

(b) equipment and vehicle supply requirements.[of "R426 Equipment, Drug and Supplies List."]

(3) The [Committee]Department may give consideration for a variance from the requirements of Subsection (2) to communities with limited populations or unique problems for purchase and use of ambulance vehicles.

(4) The permittee shall display the permit decal showing the expiration date and number issued by the Department on a publicly visible place on the vehicle.

(5) Permits and decals are not transferrable to other vehicles.

R426-15-202. Permitted Vehicle Operations.

(1) Ambulance licensees shall notify the Department of the permanent location or where the vehicles will be staged if using staging areas. [of each vehicle and] The licensee shall notify the Department in writing whenever it changes the permanent location [or staging areas] for each vehicle.

(2) Vehicles shall be maintained on a premises suitable to make it available for immediate use, in good mechanical repair, properly equipped, and in a sanitary condition.

(3) Each ambulance shall be maintained in a clean condition with the interior being thoroughly cleaned after each use in accordance with OSHA standards.

(4) Each ambulance shall be equipped with adult and child safety restraints and to the point practicable all occupants must be restrained.

R426-15-203. Vehicle Supply Requirements.

(1) In accordance with the licensure or designation type and level, the permittee shall carry on each permitted vehicle the minimum quantities of supplies, medications, and equipment as described in ["R426 Equipment, Drug and Supplies List."]this subsection. Optional items are marked with an asterisk.

EQUIPMENT AND SUPPLIES FOR BASIC QUICK RESPONSE

2 Blood pressure cuffs, one adult, one pediatric

2 Stethoscopes, one adult and one pediatric or combination

2 Heavy duty shears

2 Universal sterile dressings, 9"x5", 10"x8", 8"x9", or equivalent

12 Gauze pads, sterile, 4"x4"

8 Bandages, self-adhering, soft roller type, 4"x5 yards or equivalent

2 Rolls of tape

4 Cervical collars, one adult, one child, one infant, plus one other size

2 Triangular bandages

2 Boxes of gloves, one box non-sterile and one box latex free or equivalent

2 Concentrated oral glucose tubes or equivalent

1 Portable jump kit stocked with appropriate medical supplies

AIRWAY EQUIPMENT AND SUPPLIES

1 Portable or fixed suction, with wide bore tubing and rigid pharyngeal suction tip

2 Bag mask ventilation units, one adult, one pediatric, with adult, child, and infant size masks

1 Baby syringe, bulb type, separate from the OB kit

3 Oropharyngeal airways, with one adult, one child, and one infant size

3 Nasopharyngeal airways, one adult, one child, and one infant

2 Non-rebreather or partial non-rebreather oxygen masks, one adult and one pediatric

1 Nasal cannula, adult

1 Portable oxygen apparatus, capable of metered flow with adequate tubing

AUTOMATIC DEFIBRILLATOR EQUIPMENT AND SUPPLIES

1 Defibrillator, automatic portable battery operated, per vehicle or response unit

2 Sets of electrode pads for defibrillation

REQUIRED DRUGS

650mg Aspirin

2 Epinephrine auto-injectors, one standard and one junior
EQUIPMENT AND SUPPLIES FOR AN INTERMEDIATE

QUICK RESPONSE

2 Blood pressure cuffs, one adult, one pediatric
2 Stethoscopes, one adult and one pediatric or combination
2 Heavy duty shears
2 Universal sterile dressings, 9"x5", 10"x8", 8"x9", or
equivalent

12 Gauze pads, sterile, 4"x4"
8 Bandages, self-adhering, soft roller type, 4"x5 yards or
equivalent

2 Rolls of tape
4 Cervical collars, one adult, one child, one infant, plus one
other size

2 Triangular bandages
2 Boxes of gloves, one box non-sterile and one box latex free
or equivalent

2 Concentrated oral glucose tubes or equivalent
1 Portable jump kit stocked with appropriate medical supplies
1 Glucose measuring device

AIRWAY EQUIPMENT AND SUPPLIES

1 Portable or fixed suction, with wide bore tubing and rigid
pharyngeal suction tip

2 Bag mask ventilation units, one adult, one pediatric, with
adult, child, and infant size masks

1 Baby syringe, bulb type, separate from the OB kit
3 Oropharyngeal airways, with one adult, one child, and one
infant size

3 Nasopharyngeal airways, one adult, one child, and one infant
2 O2 masks, non-rebreather or partial non-rebreather, one adult
and one pediatric

1 Nasal cannula, adult
1 Portable oxygen apparatus, capable of metered flow with
adequate tubing

2 Small volume nebulizer container for aerosol solutions
1 Laryngoscope with batteries curved and straight blades with
bulbs and two extra batteries and two extra bulbs*

1 Water based lubricant, one tube or equivalent*
7 Endotracheal tubes, one each: cuffed 8, 7.5, 7, 6, uncuffed 5,
4, 3*

2 Stylets, one adult and one pediatric*
1 Device for securing the endotracheal tube*
2 Endotracheal tube confirmation device*

2 Flexible sterile endotracheal suction catheters from 5-12
French*

2 Oro-nasogastric tubes, one adult, and one pediatric *
AUTOMATIC DEFIBRILLATOR EQUIPMENT AND
SUPPLIES

1 Defibrillator, automatic portable battery operated, per vehicle
or response unit

2 Sets of electrode pads for defibrillation

IV SUPPLIES

10 Alcohol or Iodine preps
2 IV start kits or equivalent
12 Over-the-needle catheters, two each, sizes 14g, 16g, 18g,
20g, 22g & 24g

2 Arm boards, two different sizes
2 IV tubings with micro drip chambers
3 IV tubings with standard drip chambers

5 Extension tubings
4 Syringes, one 30 or 60cc, one 10cc, one 5cc, and one 3cc

1 Sharps container

1 Safety razor

1 Vacutainer holder

4 Vacutainer tubes

REQUIRED DRUGS

2 25gm Activated Charcoal

1 2.5mg premixed Albuterol Sulfate or equivalent

1 25gm preload 20mg/cc Dextrose 50% or Glucagon (must
have 1 D50)

1 1cc (1mg/1cc) Epinephrine 1:1,000

2 Epinephrine 1:10,000 1mg each

2 Naloxone HCL 2mg each or equivalent

1 bottle or 0.4mg Nitroglycerine (tablets or spray)

650mg Aspirin

4,000cc Ringers Lactate or Normal Saline

EQUIPMENT AND SUPPLIES FOR A BASIC
AMBULANCE

2 Blood pressure cuffs, one adult, one pediatric

2 Stethoscopes, one adult and one pediatric or combination

2 Pillows, with vinyl cover or single use disposable pillows

2 Emesis basins, emesis bags, or large basins

1 Fire extinguisher, with current inspection sticker, of the dry
chemical type with a rating of 2A10BC or halogen extinguisher of
minimum weight 2.5 - 10 pounds

2 Head immobilization devices or equivalent

2 Lower extremity traction splints or equivalent, one adult and
one pediatric

2 Non-traction extremity splints, one upper, one lower, or
PASG pants

2 Spine boards, one short and one long (Wood must be coated
or sealed)

2 Heavy duty shears

2 Urinals, one male, one female, or two universal

1 Printed Pediatric Reference Material

2 Blankets

2 Sheets

6 Towels

2 Universal sterile dressings, 9"x5", 10"x8", 8"x9", or
equivalent

12 Gauze pads, sterile, 4"x4"

8 Bandages, self-adhering, soft roller type, 4"x5 yards or
equivalent

2 Rolls of tape

4 Cervical collars, one adult, one child, one infant, plus one
other size

2 Triangular bandages

2 Boxes of gloves, one box non-sterile and one box latex free
or equivalent

1 Obstetrical kit, sterile

2 Concentrated oral glucose tubes or equivalent

2 Occlusive sterile dressings or equivalent

1 Car seat, approved by Federal Safety standard

1 Portable jump kit stocked with appropriate medical supplies

2 Preventive T.B. transmission masks

2 Protective eye wear (goggles or face shields)

2 Full body substance isolation protection, or one for each
crew member

1 Thermometer or equivalent

1 Water based lubricant, one tube or equivalent

2 Biohazard bags

1 Disinfecting agent for cleaning vehicle and equipment of body fluids

1 Glucose measuring device

AIRWAY EQUIPMENT AND SUPPLIES

1 Portable or fixed suction, with wide bore tubing and rigid pharyngeal suction tip

2 Bag mask ventilation units, one adult, one pediatric, with adult, child, and infant size masks

1 Baby syringe, bulb type, separate from the OB kit

3 Oropharyngeal airways, with one adult, one child, and one infant size

3 Nasopharyngeal airways, one adult, one child, and one infant

4 Non-rebreather or partial non-rebreather oxygen masks, two adult and two pediatric

2 Nasal cannulas, adult

1 Portable oxygen apparatus, capable of metered flow with adequate tubing

1 Permanent large capacity oxygen delivery system

AUTOMATIC DEFIBRILLATOR EQUIPMENT AND SUPPLIES

1 Defibrillator, automatic portable battery operated, per vehicle or response unit

2 Sets of electrode pads for defibrillation

REQUIRED DRUGS

1 500cc Irrigation solution

650mg Aspirin

2 Epinephrine auto-injectors, one standard and one junior

EQUIPMENT AND SUPPLIES FOR AN INTERMEDIATE AMBULANCE

2 Blood pressure cuffs, one adult, one pediatric

2 Stethoscopes, one adult and one pediatric or combination

2 Pillows, with vinyl cover or single use disposable pillows

2 Emesis basins, emesis bags, or large basins

1 Fire extinguisher, with current inspection sticker, of the dry chemical type with a rating of 2A10BC or halogen extinguisher of minimum weight 2.5 - 10 pounds

2 Head immobilization devices or equivalent

2 Lower extremity traction splints or equivalent, one adult and one pediatric

2 Non-traction extremity splints, one upper, one lower, or PASG pants

2 Spine boards, one short and one long (Wood must be coated or sealed)

2 Heavy duty shears

2 Urinals, one male, one female, or two universal

1 Printed Pediatric Reference Material

2 Blankets

2 Sheets

6 Towels

2 Universal sterile dressings, 9"x5", 10"x8", 8"x9", or equivalent

12 Gauze pads, sterile, 4"x4"

8 Bandages, self-adhering, soft roller type, 4"x5 yards or equivalent

2 Rolls of tape

4 Cervical collars, three adult and one pediatric or equivalent

2 Triangular bandages

2 Boxes of gloves, one box non-sterile and one box latex free or equivalent

1 Obstetrical kit, sterile

2 Concentrated oral glucose tubes or equivalent

2 Occlusive sterile dressings or equivalent

1 Car seat, approved by Federal Safety standard

1 Portable jump kit stocked with appropriate medical supplies

2 Preventive T.B. transmission masks

2 Protective eye wear (goggles or face shields)

2 Full body substance isolation protection or one for each crew member

1 Thermometer or equivalent

2 Biohazard bags

1 Disinfecting agent for cleaning vehicle and equipment of body fluids

1 Glucose measuring device

AIRWAY EQUIPMENT AND SUPPLIES

1 Portable or fixed suction, with wide bore tubing and rigid pharyngeal suction tip

2 Bag mask ventilation units, one adult, one pediatric, with adult, child, and infant size masks

1 Baby syringe, bulb type, separate from the OB kit

3 Oropharyngeal airways, with one adult, one child, and one infant size

3 Nasopharyngeal airways, one adult, one child, and one infant

4 Non-rebreather or partial non-rebreather oxygen masks, two adult and two pediatric

2 Nasal cannulas, adult

1 Portable oxygen apparatus, capable of metered flow with adequate tubing

1 Permanent large capacity oxygen delivery system

2 Small volume nebulizer container for aerosol solutions

1 Laryngoscope with batteries curved and straight blades with bulbs and two extra batteries and two extra bulbs *

1 Water based lubricant, one tube or equivalent*

7 Endotracheal tubes, one each: cuffed 8, 7.5, 7, 6, uncuffed 5, 4, 3*

2 Stylets, one adult and one pediatric*

1 Device for securing the endotracheal tube*

2 Endotracheal tube confirmation device*

2 Flexible sterile endotracheal suction catheters from 5-12 french*

2 Oro-nasogastric tubes, one adult, and one pediatric *

AUTOMATIC DEFIBRILLATOR EQUIPMENT AND SUPPLIES

1 Defibrillator, automatic portable battery operated, per vehicle or response unit

2 Sets of electrode pads for defibrillation

IV SUPPLIES

10 Alcohol or Iodine preps

2 IV start kits or equivalent

12 Over-the-needle catheters, two each, sizes 14g, 16g, 18g, 20g, 22g & 24g

2 Arm boards, two different sizes

2 IV tubings with micro drip chambers

3 IV tubings with standard drip chambers

5 Extension tubings

4 Syringes, one 30 or 60cc, one 10cc, one 5cc, and one 3cc

1 Three-way stopcock

1 Sharps container

1 Safety razor

1 Vacutainer holder

4 Vacutainer tubes

2 Intraosseous needles, two each, 15 or 16, and 18 guage*

REQUIRED DRUGS

- 2 25gm Activated Charcoal
 - 2 2.5mg premixed Albuterol Sulfate or equivalent
 - 2 Dextrose 50% or Glucagon (must have 1 D50)
 - 4 1cc (1mg/1cc) Epinephrine 1:1,000
 - 2 Epinephrine 1:10,000 1mg each
 - 2 100 mg preload Lidocaine
 - 2 10mg Morphine Sulfate
 - 2 Naloxone HCL 2mg each or equivalent
 - 1 bottle or 0.4mg Nitroglycerine (tablets or spray)
 - 1 2gm Lidocaine IV Drip
 - 1 500cc Irrigation solution
 - 650mg Aspirin
 - 4,000cc Ringers Lactate or Normal Saline
- EQUIPMENT AND SUPPLIES FOR AN INTERMEDIATE ADVANCED AMBULANCE
- 2 Blood pressure cuffs, one adult, one pediatric
 - 2 Stethoscopes, one adult and one pediatric or combination
 - 2 Pillows, with vinyl cover or single use disposable pillows
 - 2 Emesis basins, emesis bags, or large basins
 - 1 Fire extinguisher, with current inspection sticker, of the dry chemical type with a rating of 2A10BC or halogen extinguisher of minimum weight 2.5 - 10 pounds
 - 2 Head immobilization devices or equivalent
 - 2 Lower extremity traction splints or equivalent, one adult and one pediatric
 - 2 Non-traction extremity splints, one upper, one lower, or PASG pants
 - 2 Spine boards, one short and one long (Wood must be coated or sealed)
 - 2 Heavy duty shears
 - 2 Urinals, one male, one female, or two universal
 - 1 Printed Pediatric Reference Material
 - 2 Blankets
 - 2 Sheets
 - 6 Towels
 - 2 Universal sterile dressings, 9"x5", 10"x8", 8"x9", or equivalent
 - 12 Gauze pads, sterile, 4"x4"
 - 8 Bandages, self-adhering, soft roller type, 4"x5 yards or equivalent
 - 2 Rolls of tape
 - 4 Cervical collars, three adult and one pediatric or equivalent
 - 2 Triangular bandages
 - 2 Boxes of gloves, one box non-sterile and one box latex free or equivalent
 - 1 Obstetrical kit, sterile
 - 2 Concentrated oral glucose tubes or equivalent
 - 4 Occlusive sterile dressings or equivalent
 - 1 Car seat, approved by Federal Safety standard
 - 1 Portable jump kit stocked with appropriate medical supplies
 - 2 Preventive T.B. transmission masks
 - 2 Protective eye wear (goggles or face shields)
 - 2 Full body substance isolation protection or one for each crew member
 - 1 Thermometer or equivalent
 - 2 Biohazard bags
 - 1 Disinfecting agent for cleaning vehicle and equipment of body fluids
 - 1 Glucose measuring device

AIRWAY EQUIPMENT AND SUPPLIES

- 1 Portable or fixed suction, with wide bore tubing and rigid pharyngeal suction tip
 - 2 Bag mask ventilation units, one adult, one pediatric, with adult, child, and infant size masks
 - 1 Baby syringe, bulb type, separate from the OB kit
 - 3 Oropharyngeal airways, with one adult, one child, and one infant size
 - 3 Nasopharyngeal airways, one adult, one child, and one infant
 - 2 Magill forceps, one adult and one child
 - 4 Non-rebreather or partial non-rebreather oxygen masks, two adult and two pediatric
 - 2 Nasal cannulas, adult
 - 1 Portable oxygen apparatus, capable of metered flow with adequate tubing
 - 1 Oxygen saturation monitor
 - 1 Permanent large capacity oxygen delivery system
 - 2 Small volume nebulizer container for aerosol solutions
 - 1 Laryngoscope with batteries curved and straight blades with bulbs and two extra batteries and two extra bulbs
 - 1 Water based lubricant, one tube or equivalent
 - 7 Endotracheal tubes, one each: cuffed 8, 7.5, 7, 6, uncuffed 5, 4, 3
 - 2 Stylets, one adult and one pediatric.
 - 1 Device for securing the endotracheal tube
 - 2 Endotracheal tube confirmation device
 - 2 Flexible sterile endotracheal suction catheters from 5-12 french
 - 2 Oro-nasogastric tubes, one adult, and one pediatric
- DEFIBRILLATOR EQUIPMENT AND SUPPLIES
- 1 Portable cardiac monitor/defibrillator/pacer with adult and pediatric capabilities
 - 2 Sets Electrodes or equivalent
 - 2 Sets Combination type defibrillator pads or equivalent
 - 2 Combination type TCP Pads or equivalent
- IV SUPPLIES
- 10 Alcohol or Iodine preps
 - 2 IV start kits or equivalent
 - 12 Over-the-needle catheters, two each, sizes 14g, 16g, 18g, 20g, 22g & 24g
 - 2 Arm boards, two different sizes
 - 2 IV tubings with micro drip chambers
 - 3 IV tubings with standard drip chambers
 - 5 Extension tubings
 - 4 Syringes, one 30 or 60cc, one 10cc, one 5cc, and one 3cc
 - 1 Three-way stopcock
 - 1 Sharps container
 - 1 Safety razor
 - 1 Vacutainer holder
 - 4 Vacutainer tubes
 - 2 Intraosseous needles, two each, 15 or 16, and 18 gauge
- REQUIRED DRUGS
- 2 25gm Activated Charcoal
 - 3 6mg Adenosine
 - 2 2.5mg premixed Albuterol Sulfate or equivalent
 - 2 Atropine Sulfate 1mg
 - 2 Dextrose 50% or Glucagon (must have 1 D50)
 - 2 10mg vials
 - Diazepam
 - 1 Epinephrine 1:1,000 15mg or equivalent

2 Epinephrine 1:10,000 1mg each
2 Furosemide 40mg each
2 100 mg preload Lidocaine
2 10mg Morphine Sulfate
2 Naloxone HCL 2mg each or equivalent
1 Bottle or 0.4mg Nitroglycerine (tablets or spray)
1 2gm Lidocaine IV Drip
1 500cc Irrigation solution
650mg Aspirin
4,000cc Ringers Lactate or Normal Saline
EQUIPMENT AND SUPPLIES FOR PARAMEDIC SERVICES
2 Blood pressure cuffs, one adult, one pediatric
2 Stethoscopes, one adult and one pediatric or combination
1 Thermometer or equivalent
1 Glucose measuring device
2 Head immobilization devices or equivalent
2 Lower extremity traction splints or equivalent, one adult and one pediatric
2 Non-traction extremity splints, one upper, one lower, or PASG pants
2 Spine boards, one short and one long. Wooden boards must be coated or sealed
1 Full body pediatric immobilization device. (Paramedic transfer units excluded)
2 Heavy duty shears
2 Blankets
2 Towels
2 Universal sterile dressings, 9"x5", 10"x8", 8"x 9", or equivalent
12 Gauze pads, sterile, 4" x 4"
8 Bandages, self-adhering, soft roller type, 4"x 5 yards or equivalent
2 Rolls of tape
4 Cervical collars, three adult and one pediatric or equivalent
2 Triangular bandages
2 Boxes of gloves, one box non-sterile and one box latex free or equivalent
2 Pairs Sterile gloves
1 Obstetrical kits, sterile
4 Occlusive sterile dressings or equivalent
1 Portable jump kit stocked with appropriate medical supplies
2 Emesis basins, emesis bags, or large basins
1 Printed Pediatric Reference Material
AIRWAY EQUIPMENT AND SUPPLIES
1 Portable or fixed suction, with wide bore tubing and rigid pharyngeal suction tip
1 Oxygen saturation monitor
1 Baby syringe, bulb type separate from the OB kit
1 Laryngoscope with batteries curved and straight blades with bulbs and two extra batteries and two extra bulbs
1 Water based lubricant, one tube or equivalent
18 Endotracheal tubes, two each, uncuffed 3, 4 and 5, cuffed 5.5, 6, 6.5, 7, 7.5, 8
1 Device for securing the endotracheal tube
2 Endotracheal tube confirmation devices
2 Flexible sterile endotracheal suction catheters from 5-12 french
3 Oropharyngeal airways, one adult, one child, and one infant size

3 Nasopharyngeal airways, one adult, one child, and one infant size
2 Magill forceps, one child and one adult
1 Portable oxygen apparatus, capable of metered flow with adequate tubing
2 Oro-nasogastric tubes, one adult, and one pediatric
4 Non-rebreather or partial non-rebreather oxygen masks, two adult and two pediatric
2 Nasal cannulas, adult
2 Bag mask ventilation units, one adult, one pediatric, with adult, child, and infant size masks
2 Stylettes, one pediatric and one adult
2 Tongue blades
1 Meconium aspirator
1 Cricothyroidotomy kit or equivalent
2 Small volume nebulizer container for aerosol solutions
DEFIBRILLATOR EQUIPMENT AND SUPPLIES
1 Portable cardiac monitor/defibrillator/pacer with adult and pediatric capabilities
2 Sets Electrodes or equivalent
2 Sets Combination type defibrillator pads or equivalent
2 Sets Electrode wire sets or equivalent. (One only for paramedic transfer service)
2 Combination type TCP Pads or equivalent
IV SUPPLIES
10 Alcohol or iodine preps
2 IV start kits or equivalent
12 Over-the-needle catheters, two each, sizes 14g, 16g, 18g, 20g, 22g, 24g
4 Intraosseous needles, two each, 15 or 16 gauge and two 18 gauge
2 Arm boards, two different sizes
2 IV tubings with micro drip chambers
3 IV tubings with standard drip chambers
2 IV tubings with blood administration sets
5 Extension tubings
6 Syringes with luer lock, two each 3cc, 10cc, 60cc
1 Cath tipped syringe, 30cc or 60cc
2 Three-way stopcocks
1 Sharps container
1 Vacutainer holder
2 Vacutainer multiple sample luer adapters
4 Vacutainer tubes
SAFETY AND PERSONAL PROTECTION EQUIPMENT
2 Preventive T.B. transmission masks
2 Protective eye wear (goggles or face shields)
2 Biohazard bags
2 Full body substance isolation protection or one for each crew member
1 Disinfecting agent for cleaning vehicle and equipment of body fluids
2 Protective headware
2 Pair leather gloves
2 Reflective safety vests or equivalent
REQUIRED DRUGS
2 Bottles Activated Charcoal 25gm each
2 Albuterol Sulfate 2.5mg pre-mixed or equivalent
2 Atropine Sulfate 1mg
650mg Aspirin
2 Dextrose 50% or Glucagon (must have 1 D50)

2 Diazepam 10mg each
2 Diphenhydramine 50mg each
2 Dopamine HCL 400mg each
1 Epinephrine 1:1,000 15mg or equivalent
2 Epinephrine 1:10,000 1mg each
2 Furosemide 40mg each
2 Lidocaine 100mg each
1 Lidocaine IV drip 2g
2 Meperidine 100mg each
2 Morphine Sulfate 10mg each
4 Naloxone HCL 2mg each or equivalent
1 Bottle Nitroglycerine 0.4mg or equivalent tablets or spray
2 Oxytocin 20units each
2 Promethazine HCL 25mg each
1 Sodium Bicarbonate 10mEq
2 Sodium Bicarbonate 50mEq each
1 Irrigation solution, 500cc
4 Ammonia capsules
4,000cc Ringers Lactate or Normal Saline
1 Normal Saline for injection/inhalation (nebulizer and saline locks)

~~(2) The department shall develop, enforce, maintain and modify "R426 Equipment, Drug and Supplies List" as other needs or new methodologies become known.~~

~~(3) The permittee may carry on a permitted vehicle only equipment, supplies, and medications that are authorized by the Department.~~ (2) If a licensed or designated agency desires to carry different equipment, supplies, or medication from the vehicle supply requirements, it must submit a written request from the off-line medical director to the Department requesting the variance. The request shall include:

- (a) a detailed training outline;
- (b) protocols;
- (c) proficiency testing;
- (d) support documentation;
- (e) local EMS Council or committee comments; and
- (f) a detailed letter of justification.

(4) All equipment, except disposable items, shall be so designed, constructed, and of such materials that under normal conditions and operations, it is durable and capable of withstanding repeated cleaning. The permittee:

- (a) shall clean the equipment after each use in accordance with OSHA standards;
- (b) shall sanitize or sterilize equipment prior to reuse;
- (c) may not reuse equipment intended for single use;
- (d) shall clean and change linens after each use; and
- (e) shall store or secure all equipment in a readily accessible and protected manner and in a manner to prevent its movement during a crash.

(5) The permittee shall have all equipment tested, maintained, and calibrated ~~its equipment~~ in accordance with the manufacturer's standards.

(a) ~~The permittee shall maintain a working agreement with an authorized technician for regular maintenance and annual inspection for certification of the equipment's ability to function correctly.~~

~~(b)~~ ~~the~~ permittee shall document all equipment inspections, testing, maintenance, and calibrations. Testing or calibration conducted by an outside service shall be documented and available for Department review.

~~(e)~~ ~~b~~ ~~A~~ permittee required to carry any of the following equipment shall perform monthly inspections to ensure its ability to function correctly:

- (i) defibrillator, manual or automatic;
- (ii) autovent;
- (iii) infusion pump;
- (iv) glucometer;
- (v) flow restricted, oxygen-powered ventilation devices;
- (vi) suction equipment;
- (vii) electronic Doppler device;
- (viii) automatic blood pressure/pulse measuring device;
- (ix) pulse oximeter.

~~(d)~~ ~~c~~ ~~F~~ for all pieces of required equipment that require consumables for the operation of the equipment; power supplies; electrical cables, pneumatic power lines, hydraulic power lines, or related connectors, the permittee shall perform monthly inspections to ensure their correct function.

(7) A licensee shall:

(a) store all medications according to the manufacturers' recommendations for temperature control and packaging requirements; and

(b) return to the supplier ~~licensee's designated resource hospital~~ for replacement any medication known or suspected to have been subjected to temperatures outside the recommended range.

R426-15-204. Insurance.

(1) An ambulance licensee shall obtain insurance ~~provide the Department with a copy of his certificate of insurance, showing proof of his ability~~ to respond to damages due to operation of the vehicle, in the manner and minimum amounts specified below:

(a) ~~L~~ liability insurance in the amount of \$[4]300,000 for each individual claim and \$[3]500,000 for total claims for personal injury from any one occurrence.

(b) ~~L~~ liability insurance in the amount of \$[25]100,000 for property damage from any one occurrence.

(2) The ambulance licensee shall obtain the insurance from an insurance company authorized to write liability coverage in ~~the state of~~ Utah or through a self-insurance program. The ambulance licensee shall provide the Department with a copy of its certificate of insurance demonstrating compliance with this section.

(3) The ambulance licensee shall report any coverage change and reportable vehicle accident occurring during the provision of emergency medical services to the Department within 60 days after the change or reportable vehicle accident. The ambulance licensee must direct the insurance carrier or self-insurance program to notify the Department of all changes in insurance coverage.

R426-15-205. Communications.

All permitted vehicles shall be equipped to allow field EMS personnel to be able to:

(1) ~~e~~ Communicate with hospital emergency departments, dispatch centers, EMS providers, and law enforcement services; and

(2) ~~e~~ Communicate on radio frequencies assigned to the Department for EMS use by the Federal Communications Commission.

R426-15-300. Emergency Medical Dispatch Center.

An emergency medical dispatch center must annually provide organizational information to the Department including:

- (1) The number of EMD certified personnel;
- (2) Name of the dispatch supervisor;
- (3) Name of the agency's off-line medical director; and
- (4) Updated address and contact information.

R426-15-400. Resource Hospital.

(1) A resource hospital must provide on-line medical control for all prehospital EMS providers who request assistance for patient care, 24 hours-a-day, seven days a week. A resource hospital must:

- (a) create and abide by written prehospital emergency patient care protocols for use in providing on-line medical control for prehospital EMS providers;
- (b) train new staff on the protocols before the new staff is permitted to provide on-line medical control; and annually review with physician and nursing staff
- (c) annually provide in-service training on the protocols to all physicians and nurses who provide on-line medical control; and
- (d) make the protocols immediately available to staff for reference.

(2) The on-line medical control shall be by direct voice communication with a physician or a registered nurse or physician's assistant licensed in Utah who is in voice contact with a physician.

(3) A resource hospital must establish and actively implement a quality improvement process.

(a) ~~[(F)]~~the hospital must designate a medical control committee.

(b) ~~[(F)]~~the committee must meet at least quarterly to review and evaluate prehospital emergency runs, continuing medical education needs, and EMS system administration problems.

(i) ~~[(C)]~~committee members must include an emergency physician representative, hospital nurse representative, hospital administration representative, and ambulance and emergency services representatives.

(ii) ~~[(F)]~~the hospital must keep minutes of the medical control committee's meetings and make them available for Department review.

(c) ~~[(F)]~~the hospital must appoint a quality review coordinator for the prehospital quality improvement process.

(d) ~~[(F)]~~the hospital must cooperate with the prehospital EMS providers' off-line medical directors in the quality review process, including granting access to hospital medical records of patients served by the particular prehospital EMS provider.

(e) ~~[(F)]~~the hospital must assist the Department in evaluating EMS system effectiveness by submitting to the Department, in an electronic format specified by the Department, quarterly data specified by the ~~[Committee]~~Department. ~~[~~

~~(4) A resource hospital shall make initial and replacement medications and IV fluids available to all EMS providers authorized to use them.]~~

R426-15-401. Medical Control.

(1) All licensees, designated dispatch centers, and quick response units must enter into a written agreement with a physician to serve as its off-line medical director to supervise the medical care or instructions provided by the field EMS personnel and dispatchers. The physician must be familiar with:

- (a) the design and operation of the local prehospital EMS system; and
 - (b) local dispatch and communication systems and procedures.
- (2) The off-line medical director shall develop and implement patient care standards which include written standing orders and

triage, treatment, and transport protocols or pre-arrival instructions to be given by designated emergency medical dispatch centers.

(3) The off-line medical director shall ensure the qualification of field EMS personnel involved in patient care and dispatch through the provision of ongoing continuing medical education programs and appropriate review and evaluation;

(4) The off-line medical director shall:

(a) develop and implement an effective quality improvement program, including medical audit, review, and critique of patient care;

(b) annually review triage, treatment, and transport protocols and update them as necessary;

(c) suspend from patient care, pending Department review, a field EMS personnel or dispatcher who does not comply with local medical triage, treatment and transport protocols, pre-arrival instruction protocols, or who violates any of the EMS rules, or who the medical director determines is providing emergency medical service in a careless or unsafe manner. The medical director must notify the Department within one business day of the suspension.

(d) ~~[(A)]~~attend meetings of the local EMS Council, if one exists, to participate in the coordination and operations of local EMS providers.

R426-15-402. Scene and Patient Management.

(1) Upon arrival at the scene of an injury or illness, the field EMS personnel shall secure radio or telephonic contact with ~~the resource hospital to establish~~ on-line medical control as quickly as possible.

(2) If radio or telephonic contact cannot be obtained, the field EMS personnel shall so indicate on the EMS report form and follow local written protocol;

(3) If there is a physician at the scene who wishes to assist or provide on-scene medical direction to the field EMS personnel, the field EMS personnel must follow his instructions, but only until communications are established with on-line medical control ~~the physician at the resource hospital~~. If the proposed treatment from the on-scene physician differs from existing EMS triage, treatment, and transport protocols and is contradictory to quality patient care, the field EMS personnel may revert to existing EMS triage, treatment, and transport protocols for the continued management of the patient.

~~[(4)a]~~ ~~[(F)]~~if the physician at the scene wishes to continue directing the field EMS personnel's activities, the field EMS personnel shall so notify on-line medical control;

~~[(S)b]~~ ~~[(F)]~~the on-line medical control may:

~~[(a)]~~(i) allow the on-scene physician to assume or continue medical control;

~~[(b)]~~(ii) assume medical control, but allowing the physician at the scene to assist; or

~~[(e)]~~(iii) assume medical control with no participation by the on-scene physician.

~~[(S)c]~~ ~~[(F)]~~if on-line medical control allows the on-scene physician to assume or continue medical control, the field EMS personnel shall repeat the on-scene physician's orders to the on-line medical control for evaluation and recording. If, in the judgment of the on-line medical control who is monitoring and evaluating the at-scene medical control, the care is inappropriate to the nature of the medical emergency, the on-line medical control may reassume medical control of the field EMS personnel at the scene.

(5) A paramedic tactical rescue may only function at the invitation of the local or state public safety authority. When called

upon for assistance, it must immediately notify the local ground ambulance licensee to coordinate patient transportation.

R426-15-500. Pilot Projects~~[-, Variances, Waivers].~~

(1) A person[s] who proposes to undertake a research or study project which requires waiver of any rule must have a project director who is a physician licensed to practice medicine in ~~[the state of]~~ Utah, and must submit a written proposal to the Department for presentation to the EMS Committee for recommendation.

(2) The proposal shall include the following:

(a) ~~[A]~~a project description that describes the:

(i) need for project;

(ii) project goal;

(iii) specific objectives;

~~(iv) approval by the agency off-line medical director;~~

~~(v) methodology for the project implementation;~~

~~(vi) geographical area involved by the proposed project;~~

~~(vii) specific rule or portion of rule to be waived;~~

~~(viii) proposed waiver language; and~~

~~(ix) evaluation methodology.~~

(b) ~~[A]~~a list of the EMS providers and hospitals participating in the project;

(c) ~~[A]~~a signed statement of endorsement from the participating hospital medical directors and administrators, the director of each participating paramedic and ambulance licensee, other project participants, and other parties who may be significantly affected.

(d) ~~[F]~~if the pilot project requires the use of additional skills, a description of the skills to be utilized by the field EMS personnel and provision for training and supervising the field EMS personnel who are to utilize these skills, including the names of the field EMS personnel.

(e) ~~[F]~~the name and signature of the project director attesting to his support and approval of the project proposal.

(3) If the pilot project involves human subjects research, the applicant must also obtain Department Institutional Review Board approval.

(4) The ~~[EMS]Department or Committee, as appropriate,~~ may require the applicant to meet additional conditions as it considers necessary or helpful to the success of the project, integrity of the EMS system, and safety to the public.

(5) The ~~Department or Committee, as appropriate,~~ may initially grant project approval for one year. The ~~Department or Committee, as appropriate,~~ may grant approval for continuation beyond the initial year based on the achievement and satisfactory progress as evidenced in written progress reports to be submitted to the Department at least 90 days prior to the end of the approved period. A pilot project may not exceed three years;

(6) The ~~Department or Committee, as appropriate,~~ may only waive a rule if:

(a) the applicant has met the requirements of this section;

(b) the waiver is not inconsistent with statutory requirements;

(c) there is not already another pilot project being conducted on the same subject; and

(d) it finds that the pilot project has the potential to improve pre-hospital medical care.

(7) Approval of a project allows the field EMS personnel listed in the proposal to exercise the specified skills of the participants in the project. The project director shall submit the names of field EMS personnel not initially approved to the Department ~~[-for consideration by the EMS Committee].~~

(8) The ~~[EMS]Department or Committee, as appropriate,~~ may rescind approval for the project at any time if:

(a) those implementing the project fail to follow the protocols and conditions outlined for the project;

(b) it determines that the waiver is detrimental to public health; or

(c) it determines that the project's risks outweigh the benefits that have been achieved.

(9) The ~~Department or Committee, as appropriate,~~ shall allow the EMS provider involved in the study to appear before the ~~Department or Committee, as appropriate,~~ to explain and express its views before determining to rescind ~~[-the]~~ the waiver for the project.

(10) At least six months prior to the planned completion of the project, the medical director shall submit to the Department a report with the preliminary findings of the project and any recommendations for change in the project requirements;

R426-15-600. Confidentiality of Patient Information.

Licensees, designees, and EMS certified individuals shall not disclose patient information except as necessary for patient care or as allowed by statute or rule.

R426-15-700. Penalties.

As required by Subsection 63-46a-3(5): Any person that violates any provision of this rule may be assessed a civil money penalty not to exceed the sum of \$5,000 or be punished for violation of a class B misdemeanor for the first violation and for any subsequent similar violation within two years for violation of a class A misdemeanor as provided in Section 26-23-6.

KEY: emergency medical services

~~[October 12, 1999]~~**2004**

26-8a



Human Services, Child and Family Services **R512-31-5** Foster Parent Conflict Resolution Procedure

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 26673

FILED: 09/30/2003, 10:58

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This section must be amended to reflect the removal of the Consumer Hearing Panel from Utah Statute. H.B. 5005, Repeal of Unfunded Consumer Hearing Panel, sponsored by Rep. Matt Throckmorton during the Fifth Special Session of 2002 repealed the Consumer Hearing Panel from statute. H.B. 5005 is found at UT L 2002, 5th Spec. Sess., Ch 6, and was effective July 23, 2002. This filing supercedes the filing for R512-31-5 published in the September 15, 2003, Bulletin, under DAR No. 26578.

SUMMARY OF THE RULE OR CHANGE: This amendment removes the references to the Consumer Hearing Panel from Section R512-31-5.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 62A-4a-102 and 62A-4a-207

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: Any savings to the state budget were realized during the 2002 General Session when funding for the Consumer Hearing Panel was cut. There is no further anticipated fiscal impact.

❖ LOCAL GOVERNMENTS: The rule does not affect local government. Therefore, there is no cost to local government.

❖ OTHER PERSONS: Because of the legislative action prompting this amendment, complainants to the Office of Child Protection Ombudsman who are not satisfied with the findings of that office will no longer be able to appeal to the Consumer Hearing Panel. Complainants may incur the cost of retaining their own counsel to represent them at an administrative hearing.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because of the legislative action prompting this amendment, complainants to the Office of Child Protection Ombudsman who are not satisfied with the findings of that office will no longer be able to appeal to the Consumer Hearing Panel. Complainants may incur the cost of retaining their own counsel to represent them at an administrative hearing.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no anticipated fiscal impact on businesses.

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

HUMAN SERVICES
CHILD AND FAMILY SERVICES
Room 225
120 N 200 W
SALT LAKE CITY UT 84103-1500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Vanessa Thompson at the above address, by phone at 801-538-9877, by FAX at 801-538-4016, or by Internet E-mail at vthompson@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 11/14/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 11/15/2003

AUTHORIZED BY: Robin Arnold-Williams, Executive Director

R512. Human Services, Child and Family Services.

R512-31. Foster Parent Due Process.

R512-31-5. Foster Parent Conflict Resolution Procedure.

A. The Foster Parent Conflict Resolution Procedure consists of the following:

1. A foster parent must first attempt to resolve a conflict with the Division informally through discussion with the caseworker or supervisor. If a conflict is not resolved through informal discussion, an agency conference may be requested by the foster parent.

2. The foster parent shall have the opportunity to provide written and oral comments to the Division in an agency conference chaired by the regional director or designee. The agency conference shall include the foster parent, foster care caseworker and the caseworker's supervisor, and may include other individuals at the request of the foster parent or caseworker.

3. If the foster parent is not satisfied with the results of the agency conference with the Division and a foster child is to be removed from the foster home, an administrative hearing shall be held through the Department of Human Services, Office of Administrative Hearings. The Office of Administrative Hearings shall serve as the neutral fact finder required by Subsection 62A-4a-206(2)(b)(ii).

4. If the foster parent conflict is based upon an issue other than removal of a child, and the conflict is not satisfactorily resolved by an agency conference with the Division, the foster parent may address the concern with the Office of the Child Protection Ombudsman [~~and the Consumer Hearing Panel~~] in accordance with [~~R512-70 and~~]R512-75.

KEY: child welfare, foster care, due process

~~[April 1, 1998]~~**2003**

Notice of Continuation December 13, 2002

62A-4a-105

62A-4a-206

63-46b-3

62A-4a-101

78-3a-315



**Insurance, Administration
R590-172-4
Rule**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 26667

FILED: 09/29/2003, 14:19

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purposes for changing this rule are to add a new Pool logo; to add needed portability language; to give a new extension for reaching someone at the Pool to request an application; and to remove language no longer applicable to the current code.

SUMMARY OF THE RULE OR CHANGE: The following are changes that are being made to the rule: changes the Pool abbreviation is being changed from HIP to HIPUtah; eliminates the eligibility qualification of "an unmarried dependent child, 25 years of age or younger, of a person who qualifies;" allows those coming from another state high risk pool to qualify for HIPUtah; and adds an extension to the in-state long distance toll free phone number.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 31A-29-116

ANTICIPATED COST OR SAVINGS TO:

- ❖ **THE STATE BUDGET:** The changes to this rule will not increase or decrease the department's workload nor will it create revenue or expense affecting the general fund. Insurance companies will not be required to file forms or rates which will eliminate additional revenues to the general fund.
- ❖ **LOCAL GOVERNMENTS:** The changes to this rule will not affect local government because the rule and its changes only deal with the relationship between the department and their licensed health insurers.
- ❖ **OTHER PERSONS:** There will be a cost to health insurers for the rewriting and reprinting of the notice they are required to give applicants to whom they deny coverage. These costs will be minimal and probably will not be passed on to the consumer.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be a cost to health insurers for the rewriting and reprinting of the notice they are required to give applicants to whom they deny coverage. These costs will be minimal and probably will not be passed on to the consumer.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The changes to this rule will have a minimal cost impact on the nearly 600 health insurers licensed to do business in Utah.

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

INSURANCE
ADMINISTRATION
Room 3110 STATE OFFICE BLDG
450 N MAIN ST
SALT LAKE CITY UT 84114-1201, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jilene Whitby at the above address, by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at jwhitby@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 11/14/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 11/15/2003

AUTHORIZED BY: Jilene Whitby, Information Specialist

R590. Insurance, Administration.

R590-172. Notice to Uninsurable Applicants for Health Insurance. R590-172-4. Rule.

Every health insurer writing health insurance in the State of Utah will provide a written notice containing the following language to each applicant for health insurance coverage that is denied coverage by the insurer for reasons relating to health:

"You have been denied health insurance coverage due to a health condition which is uninsurable. The Utah Comprehensive Health Insurance Pool (HIPUtah) was created to provide health insurance to residents of Utah who are denied health insurance and who are considered uninsurable. If you have lived in the State of Utah for 12 consecutive months prior to applying for insurance with this company [~~for you are an unmarried dependent child, 25 years of age or younger, of a person who qualifies,~~] you may be eligible for health insurance coverage with the HIPUtah.

"However, if you have not lived in the state of Utah for 12 consecutive months, but you are a Utah resident and you are coming from another State's high risk pool or have had 18 months of continuous coverage with the most recent coverage being through a group health plan, you may still be eligible for health insurance coverage with the Utah Comprehensive Insurance Pool.

"The preexisting waiting period will be waived if your previous coverage was involuntarily terminated for reasons other than for nonpayment of premium or fraud, and application for HIPUtah is made within 63 days of that termination. The amount of credit given will depend on the length of time an applicant was previously covered under that health insurance.

"If application for coverage with HIPUtah is made within 30 days of this denial letter and you are declined coverage with the pool, HIPUtah will issue a certificate of insurability and you may reapply for coverage with this company within 30 days of the certificate date.

"To find out whether you qualify for pool coverage or to make application for pool coverage, Salt Lake City area residents should call 333-5573. Residents of other areas in Utah should call 1-800-662-3398, ext. 5573, toll free. The HIPUtah's mailing address is P.O. Box 27797, Salt Lake City, Utah 84127-0797."

KEY: health insurance

~~[January 9,]~~2003

Notice of Continuation June 15, 2000

31A-29-116

▼ ————— ▼

Labor Commission, Safety

R616-2-3

Safety Codes and Rules for Boilers and Pressure Vessels

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 26674

FILED: 09/30/2003, 14:56

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the rule change is to adopt the yearly Addenda for the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code Construction Codes.

SUMMARY OF THE RULE OR CHANGE: This rule amendment incorporates by reference, the 2003 addenda to the (2001) ASME Boiler and Pressure Vessel Construction Codes.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 34A-7-101 et seq.

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 2003 addenda to Sections I, VI, and VIII of the ASME Boiler and Pressure Vessel Code (2001), published July 1, 2003

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There will be no cost or savings to the state budget. The Safety Division has previously purchased the ASME Codes which include the cost of annual addenda. The provisions of the addenda do not require any additional expense for administration or enforcement. As to the impact of the addenda on the states cost to own or operate boilers/pressure vessels, since the 2003 addenda contains only editorial changes there should be no decrease or increase in the cost to state government.

❖ LOCAL GOVERNMENTS: As to the impact of the addenda on local governments, since the 2003 addenda contains only editorial changes, there should be no decrease or increase in cost to local government.

❖ OTHER PERSONS: As to the impact of the addenda on other persons, since the 2003 addenda contains only editorial changes, there should be no decrease or increase in cost to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This addenda will not increase compliance costs for affected persons, i.e., manufactures or owner/operators of boilers and pressure vessels. Since the 2003 addenda contains only editorial changes, there should be no decrease or increase in cost to affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The primary purpose of the yearly addenda is to refine and clarify existing standards. Any changes imposed by the addenda have, for the most part, already been incorporated in the practices of the boiler and pressure vessel industry. Consequently, the Commission does not expect the addenda to impose any fiscal burden on business.

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

LABOR COMMISSION

SAFETY

HEBER M WELLS BLDG

160 E 300 S

SALT LAKE CITY UT 84111-2316, or

at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Pete Hackford at the above address, by phone at 801-530-7605, by FAX at 801-530-6390, or by Internet E-mail at phackford@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 11/14/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 11/15/2003

AUTHORIZED BY: R Lee Ellertson, Commissioner

R616. Labor Commission, Safety.**R616-2. Boiler and Pressure Vessel Rules.****R616-2-3. Safety Codes and Rules for Boilers and Pressure Vessels.**

The following safety codes and rules shall apply to all boilers and pressure vessels in Utah, except those exempted pursuant to Section 34A-7-101, and are incorporated herein by this reference in this rule.

A. ASME Boiler and Pressure Vessel Code (2001).

1. Section I Rules for Construction of Power Boilers published July 1, 2001 and 200[2]3 Addenda published July 1, 200[2]3.

2. Section IV Rules for Construction of Heating Boilers published July 1, 2001 and 200[2]3 Addenda published July 1, 200[2]3.

3. Section VIII Rules for Construction of Pressure Vessels published July 1, 2001 and 200[2]3 Addenda published July 1, 200[2]3.

B. Power Piping ASME B31.1 (2001), issued December 10, 2001.

C. Controls and Safety Devices for Automatically Fired Boilers ASME CSD-1-1998; the ASME CSD-1a-1999 addenda, issued March 10, 2000; and the ASME CSD-1b (2001) addenda, issued November 30, 2001.

D. National Board Inspection Code ANSI/NB-23 (2001) issued August 2001; the (2001) addenda, issued December 31, 2001; and the (2002) addenda, issued December 31, 2002.

E. Standard for the Prevention of Furnace Explosions/Implosions in Single Burner Boilers, NFPA 8501 (1997).

F. Standard for the Prevention of Furnace Explosions/Implosions in Multiple Burner Boilers, NFPA 8502 (1995).

G. Recommended Administrative Boiler and Pressure Vessel Safety Rules and Regulations NB-132 Rev. 4.

H. Pressure Vessel Inspection Code: Maintenance Inspection, Rating, Repair and Alteration API 510 (1997); the 1998 Addenda,

published December 1998, and Addendum 2, published December 2000.

KEY: boilers, certification, safety
~~June 3,~~ 2003
 Notice of Continuation January 10, 2002
 34A-7-101 et seq.



**Money Management Council,
 Administration**
R628-19
**Requirements for the Use of Investment
 Advisers by Public Treasurers**

NOTICE OF PROPOSED RULE
 (New Rule)

DAR FILE NO.: 26676
 FILED: 10/01/2003, 13:44

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to outline basic requirements for the use of investment advisers for public treasurers who contract with investment advisers to invest public funds.

SUMMARY OF THE RULE OR CHANGE: This rule will require investment advisers or investment adviser representatives that want to work with public treasurers, to become licensed with the Securities Division if they are not already licensed. It requires that the public treasurer request a fee structure and examples of report formats when considering using an investment adviser to manage public funds. The rule requires certain types of information on the report formats. It also reminds public treasurers that all transactions done with an investment adviser are to be done in compliance with all aspects of the Money Management Act and are to be reported to the Council in the format described in the Money Management Act. It also requires that the certified dealer provide transaction confirmations within five business days to the public treasurer.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 51-7-18(2)(b)

ANTICIPATED COST OR SAVINGS TO:

- ❖ **THE STATE BUDGET:** None--The annual fee for registration as an investment adviser is minimal and will not add income to the state budget.
- ❖ **LOCAL GOVERNMENTS:** None--In theory, any management fee charged by advisers will be offset by earnings on the funds under management.
- ❖ **OTHER PERSONS:** A minimal \$30 annual fee to become a licensed investment adviser, and if not licensed with the NASD, an additional one-time fee could be either \$110 or \$310 depending on which license the person chooses to

obtain. These fees would be offset by potential income from managing public funds. It is not known how many advisers are not licensed with the Securities Division nor how many would register once this rule goes into effect so there is no way to know what the total costs would be.

COMPLIANCE COSTS FOR AFFECTED PERSONS: For those firms and individuals not already licensed with the Division of Securities, an annual \$30 fee is required. Individuals that do not have a NASD Series 65, or Series 66 and Series 7 license will also have to obtain that license at a one-time cost of \$110 for either the Series 65 and 66, and \$200 for Series 7.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The licensing requirement is a minimal fee to the individual or firm. In many cases, the individuals and firms are already licensed with the Division of Securities. Because these firms will be managing public funds, it is important that the state have some oversight authority to insure compliance with existing laws.

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

**MONEY MANAGEMENT COUNCIL
 ADMINISTRATION
 Room 215 STATE CAPITOL
 350 N STATE ST
 SALT LAKE CITY UT 84114-1103, or
 at the Division of Administrative Rules.**

DIRECT QUESTIONS REGARDING THIS RULE TO:

Ann Pedroza at the above address, by phone at 801-538-1883, by FAX at 801-538-1465, or by Internet E-mail at apedroza@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 11/14/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 11/15/2003

AUTHORIZED BY: Larry Richardson, Chair

**R628. Money Management Council, Administration.
 R628-19. Requirements for the Use of Investment Advisers by
 Public Treasurers.**

R628-19-1. Authority.

This rule is issued pursuant to Section 51-7-18(2)(b).

R628-19-2. Scope.

This rule establishes basic requirements for public treasurers when using investment advisers.

R628-19-3. Purpose.

The purpose of this rule is to outline requirements for public treasurers who are considering utilizing investment advisers to invest public funds. These are minimum requirements and not exhaustive criteria to be used when choosing an adviser.

R628-19-4. Definitions.

- (1) For purposes of this rule:
(a) Investment adviser as used in this rule has the same meaning as defined in Section 61-1-13(15).
(b) Investment adviser representative as used in this rule has the same meaning as defined in Section 61-1-13(16).
(c) Realized rate of return means: yield calculated by combining interest earned, discounts accreted and premiums amortized, plus any gains or losses realized during the month, less all fees, divided by the average daily balance during the reporting period. The realized return should then be annualized.

R628-19-5. General Rule.

When considering and using an investment adviser the public treasurer shall follow these minimum requirements:

(1) A person offering investment advisory services to a public treasurer shall at all times be licensed as an investment adviser or an investment adviser representative with the Utah Securities Division. Any unlicensed investment adviser or investment adviser representative currently serving a public treasurer has 120 days from the effective date of this rule to comply.

(2) The public treasurer shall request and the investment adviser shall furnish, a clear and concise written explanation of any and all fees and the fee structure.

(3) The public treasurer shall request and the investment adviser shall furnish, examples of report formats which shall reflect at a minimum the following information:

(a) the realized rate of return on the funds under the advisers management reported monthly on an actual over 360 day basis; and

(b) a description of the security including the name, interest rate, maturity date and purchase date of the security.

(4) All transactions must be in full compliance with all aspects of the Money Management Act and Rules of the Council particularly those requirements governing safekeeping, utilizing certified dealers, qualified depositories and purchasing only the types of securities listed in 51-7-11, 51-7-12, and 51-7-13, as applicable.

(5) Transaction confirmations shall be provided on every trade transacted for the public entity, within five business days of trade date by the certified dealer, to the public treasurer.

R628-19-6. Reporting to the Council.

When a public treasurer has contracted with an investment adviser for the management of public funds, the public treasurer shall provide the detail of those investments to the Council, pursuant to Section 51-7-18.2.

KEY: securities, investment adviser, public funds**2003****51-7-18(2)(b)**

Natural Resources, Wildlife Resources
R657-13
 Taking Fish and Crayfish

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 26659

FILED: 09/22/2003, 08:47

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife's fish and crayfish management program.

SUMMARY OF THE RULE OR CHANGE: Subsection R657-13-6(4) is being amended to delete the restriction that a person may not use or possess hooks, single or multipoint, larger than 9/16 inches at the shortest point, between the shank and the point on specific waters. Section R657-13-12 is being amended to: 1) add Starvation as one of the waters where dead yellow perch may be used as bait; 2) add that dead shad from Lake Powell, may be used as bait only in Lake Powell; and 3) prohibit dead shad from being removed from the Glen Canyon National Recreation Area. Section R657-13-14 is being amended to add that cast nets must not exceed 10 feet in diameter.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 23-14-18 and 23-14-19

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: This amendment adds or clarifies existing requirements, therefore, the Division of Wildlife (DWR) determines that this amendment will not create any cost or savings impact to the state budget or DWR's budget.

❖ LOCAL GOVERNMENTS: None--This filing does not create any direct cost or savings impact to local governments because they are not directly affected by the amendment. Nor are local governments indirectly impacted because the amendment does not create a situation requiring services from local governments.

❖ OTHER PERSONS: The amendments are for clarification, therefore, the amendments do not impose any additional requirements on other persons, nor generate a cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The amendments are for clarification. DWR determines that there are no additional compliance costs associated with this amendment.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The amendments to this rule do not create an impact on businesses.

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

NATURAL RESOURCES
 WILDLIFE RESOURCES
 1594 W NORTH TEMPLE
 SALT LAKE CITY UT 84116-3154, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Debbie Sundell at the above address, by phone at 801-538-4707, by FAX at 801-538-4745, or by Internet E-mail at debbiesundell@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 11/14/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 11/15/2003

AUTHORIZED BY: Kevin Conway, Director

R657. Natural Resources, Wildlife Resources.**R657-13. Taking Fish and Crayfish.****R657-13-6. Angling.**

(1) While angling, the angler shall be within sight (not to exceed 100 feet) of the equipment being used at all times, except setlines.

(2) Angling with more than one line is unlawful, except while fishing for crayfish without the use of fish hooks and on selected waters with a valid second pole permit. A second pole permit is not required when fishing for crayfish with lines without hooks.

(3) No artificial lure may have more than three hooks.

(4) ~~—A person may not use or possess hooks, single or multipoint, larger than 9/16 inches at the shortest point, between the shank and the point on specific waters as specified in the proclamation of the Wildlife Board for taking fish and crayfish.~~

~~—(5)]~~ No line may have attached to it more than two baited hooks, two artificial flies, or two artificial lures, except for a setline or while fishing at Flaming Gorge Reservoir.

~~[(6)](5)~~ When angling through the ice, the hole may not exceed 12 inches across at the widest point, except at Bear Lake, Flaming Gorge Reservoir, and Fish Lake where specific limitations apply.

R657-13-12. Bait.

(1)(a) Fishing is permitted with any bait, except corn, hominy, or live fish.

(b) Possession or use of corn or hominy while fishing is unlawful.

(2) Use or possession of any bait while fishing on waters designated artificial fly and lure only is unlawful.

(3) Game fish or their parts may not be used, except for the following:

(a) Dead Bonneville cisco may be used as bait only in Bear Lake.

(b) Dead yellow perch may be used as bait only in: Deer Creek, Echo, Fish Lake, Gunnison, Hyrum, Johnson, Jordanelle, Newton, Pineview, Rockport, ~~[Sevier Bridge (Yuba)]~~ Starvation, Utah Lake and Willard Bay reservoirs.

(c) Dead white bass may be used as bait only in Utah Lake.

(d) Dead shad, from Lake Powell, may be used as bait only in Lake Powell. Dead shad must not be removed from the Glen Canyon National Recreation Area.

~~_____~~ (e) The eggs of any species of fish, except prohibited fish, may be used. However, eggs may not be taken or used from fish that are being released.

(4) Use of live crayfish for bait is legal only on the water where the crayfish is captured. It is unlawful to transport live crayfish away from the water where captured.

(5) Manufactured, human-made items that may not be digestible, that are chemically treated with food stuffs, chemical fish attractants, or feeding stimulants may not be used on waters where bait is prohibited.

R657-13-14. Taking Nongame Fish.

(1)(a) Except as provided in Subsections (b) and (c), a person possessing a valid Utah fishing or combination license may take nongame fish for personal, noncommercial purposes during the open fishing season set for the given body of water.

(b) A person may not take any species of fish designated as prohibited in Section R657-13-13.

(c) Nongame fish may not be taken in the following waters, except carp may be taken by angling, archery, spear, or underwater spearfishing:

(i) San Juan River;

(ii) Colorado River;

(iii) Green River (from confluence with Colorado River upstream to Colorado state line in Dinosaur National Monument);

(iv) Green River (from Colorado state line in Brown's Park upstream to Flaming Gorge Dam, including Gorge Creek, a tributary entering the Green River at Little Hole);

(v) White River (Uintah County);

(vi) Duchesne River (from Myton to confluence with Green River);

(vii) Virgin River (Main stem, North, and East Forks).

(viii) Ash Creek;

(ix) Beaver Dam Wash;

(x) Fort Pierce Wash;

(xi) La Verkin Creek;

(xii) Santa Clara River (Pine Valley Reservoir downstream to the confluence with the Virgin River);

(xiii) Diamond Fork;

(xiv) Thistle Creek;

(xv) Main Canyon Creek (tributary to Wallsburg Creek);

(xvi) South Fork of Provo River (below Deer Creek Dam); and

(xvii) Snake Valley waters (west and north of US-6 and that part of US-6 and US-50 in Millard and Juab counties).

(2) Nongame fish, except those species listed in Section R657-13-13, may be taken by spear or underwater spearfishing in the waters specified in Subsection R657-13-9(3), angling, traps, bow and arrow, liftnets, or seine.

(3) Seines shall not exceed 10 feet in length or width.

(4) Cast nets must not exceed 10 feet in diameter.

~~_____~~ (5) Lawfully taken nongame fish shall be either released or killed immediately upon removing them from the water, however, they may not be left or abandoned on the shoreline.

KEY: fish, fishing, wildlife, wildlife law

~~[January 1, 2003]~~2004

Notice of Continuation September 20, 2002

23-14-18

23-14-19

23-19-1

23-22-3



Pardons (Board Of), Administration
R671-312
 Commutation Hearings for Death
 Penalty Cases

NOTICE OF PROPOSED RULE

(Amendment)
 DAR FILE NO.: 26663
 FILED: 09/28/2003, 11:06

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The proposed changes to this rule are to correct an inaccurate date in the previously published rule and to clarify procedures in conducting commutation hearings.

SUMMARY OF THE RULE OR CHANGE: A correction was made to a date in Section R671-312-1 by changing 1993 to 1992. The rule has been clarified so the State of Utah may respond to Petitions for Commutation and that the Rules of Evidence do not apply.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Utah Constitution, Article VII, Section 12; and Title 77, Chapter 27

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: Rule R671-312 outlines the procedure to be followed when conducting a commutation hearing. There are no anticipated costs to the State of Utah.
- ❖ LOCAL GOVERNMENTS: Local government does not participate in this process nor are there any costs passed on to local government. Consequently, there are no anticipated costs or savings to local government.
- ❖ OTHER PERSONS: The amendment to this rule does not affect other persons and consequently, there are no anticipated costs or savings to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Rule R671-312 outlines the procedure to be followed when conducting a commutation hearing. There are no compliance costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The department head believes this rule amendment is necessary to outline process to be followed when conducting a commutation hearing. There is no cost to business by amending this rule.

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

PARDONS (BOARD OF)
 ADMINISTRATION
 Room 300
 448 E 6400 S
 SALT LAKE CITY UT 84107-8530, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Nannette Johnson at the above address, by phone at 801-261-6485, by FAX at 801-261-6481, or by Internet E-mail at njohnson@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 11/14/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 11/15/2003

AUTHORIZED BY: Mike Sibbett, Chairman

R671. Pardons (Board of), Administration.
R671-312. Commutation Hearings for Death Penalty Cases.
R671-312-1. Applicability of Rules to Petitioners.

The limitations on the authority of the Board that are imposed by Utah Code Ann. Section 77-27-5 (Supp. 1994) do not apply to a commutation proceeding pertinent to any person sentenced to the death penalty before April 27, 1992. Procedures applicable to commutation hearings of pre-April 27, 1992, death penalty inmates will be governed by Section R671-312-2. Procedures to be used in the commutation hearing of any person sentenced to the death penalty after April 26, 1992, are governed by Section R671-312-3.

R671-312-2. Commutation Procedures Applicable to Inmates Sentenced to Death Before April 27, 1992.

(1) A petition for commutation may be filed anytime after the sentencing court has issued an order of execution after completion of the inmate's appeal from his conviction. For purposes of this rule, "appeal" does not include any action for post-conviction relief or any other form of collateral attack. The inmate shall file his petition no later than seven days after the sentencing court signs a warrant setting a new execution date. The inmate shall mail a copy, by U.S. Mail, postage prepaid, to the attorney representing the state. If the execution date is stayed by any court between the time of the sentencing court's issuance of the warrant and the beginning of the commutation hearing, the commutation proceeding shall terminate. If the execution date is stayed during the commutation hearing, the hearing shall continue and the Board shall render its decision in accordance with this rule.

(2) The petition shall include:

- (a) the petitioner's name and address of any attorney who is requesting the petitioner in the commutation proceeding;
- (b) a statement of reasons why the petitioner believes the sentence of death should be commuted;
- (c) copies of all written evidence upon which petitioner intends to rely at the hearing along with the names of all witnesses it intends to call and a summary of their anticipated testimony.

(3) If the petitioner previously received a commutation hearing, the petition will include a statement reciting what, if any, new and significant information exists currently and why the information requires a new hearing.

(4) The Board may temporarily stay an execution to fully hear the petition for commutation.

(5) Within seven days of receiving the petition, the State of Utah will have an opportunity to respond. [¶]The Attorney General or County Attorney shall send the Board and the petitioner copies of

written evidence, names of witnesses, and summary of anticipated testimony that he intends to rely on to rebut petitioner's claim that the sentence of death should be commuted. The Board may request either the petitioner or the state to provide additional information.

(6) The day after receiving the state's response, the Board will hold a pre-hearing conference to limit the number of witnesses that each side calls, clarify the issues that will be addressed, and take whatever other action it considers necessary and appropriate to control and direct the proceedings.

(7) The commutation hearing is not adversarial and neither side is allowed to cross-examine the other party's witnesses. However, the Board may ask questions freely of any witness, the inmate, the inmate's representative, or the state's representative. The role of the state's representative is limited to rebutting the petitioner's claim and otherwise assisting the Board to determine all facts relevant to the inquiry. The Rules of Evidence do not apply.

(8) The Board will place all witnesses under oath and may impose a time limit on each side for presenting its case. The Board will record the commutation hearing in accordance with Utah Code Ann. Subsection 77-27-8(2). Rule R672-302 "News Media and Public Access to Hearings" will govern access. During the hearing, the Board may take whatever actions it considers necessary and appropriate to maintain order.

(9) The Board will reconvene in open session to announce and distribute its written decision.

R671-312-3. Commutation Procedures Applicable to Persons Sentenced to Death After April 27, 1992.

(1) A petition for commutation may be filed anytime after the sentencing court has issued an order of execution after completion of the inmate's appeal from his conviction. For purposes of this rule, "appeal" does not include any action for post-conviction relief or any other form of collateral attack. The inmate shall file his petition no later than 23 days before the scheduled execution date and shall mail a copy by U.S. Mail, postage prepaid, to the attorney representing the state. If the execution date is stayed by any court between the time of the sentencing court's issuance of the warrant and the beginning of the commutation hearing, the commutation proceeding will terminate. If the execution date is stayed during the commutation hearing, the hearing will continue and the Board will render its decision in accordance with this rule.

(2) The petition shall include:

(a) the petitioner's name and address of any attorney who is requesting the petitioner in the commutation proceeding;

(b) a statement of reasons why the petitioner believes the sentence of death is not appropriate due to the specific circumstances pertinent to him;

(c) whether any of the reasons stated as grounds for the have been reviewed in the judicial process;

(d) if new information is alleged, a statement why the information is considered new, why it could not have been reviewed in the judicial process, and why the information is not still subject to judicial review;

(e) if legal or constitutional reasons are claimed, a statement explaining why Utah Code Ann. Section 77-27-5.5(6) does not prohibit the Board from considering the issue; and

(f) if petitioner has received one commutation hearing, the petition shall include a statement explaining what, if any, new and significant information exists that justifies a second hearing; and

(g) copies of all written evidence upon which petitioner intends to rely at the hearing along with the names of all witnesses it intends to call and a summary of their anticipated testimony.

(3) If the Board believes that it cannot consider the claims pursuant to Section 77-27-5.5, it will deny the petition for a hearing, determining that it does not present a substantial issue.

(4) If the Board grants the petition, a commutation hearing shall be scheduled as soon as reasonably possible.

(5) The Board may temporarily stay an execution to fully hear the petition for commutation.

(6) Within seven days of receiving the petition, the Attorney General or County Attorney shall provide to the Board and the petitioner copies of all written evidence, names of witnesses, and summary of anticipated testimony. The Board may request additional information from either side.

(7) The day after receiving the state's response, the Board shall hold a pre-hearing conference to limit the number of witnesses that each side calls, clarify the issues that will be addressed, and take whatever other action it considers necessary and appropriate to control and direct the proceedings.

(8) The commutation hearing is not adversarial and neither side is allowed to cross-examine the other party's witnesses. However, the Board may ask questions freely of any witness, the inmate, the inmate's representative, and the state's representative. The role of the State's representative is limited to rebutting petitioner's claim that his sentence should be commuted and otherwise assisting the board to determine all facts relevant to the inquiry and petitioner's claims. The Rules of Evidence do not apply.

(9) The Board will place all witnesses under oath and may impose a time limit on each side for presenting its case. The Board will record the commutation hearing in accordance with Utah Code Ann. Subsection 77-27-8(2). Rule R672-302 "News Media and Public Access to Hearings" will govern access. During the hearing, the Board may take whatever actions it considers necessary and appropriate to maintain order.

(10) The Board will reconvene in open session to announce and distribute its written decision.

KEY: capital punishment
[September 15, 1998]2003
77-19-7

Art VII, Sec 12

▼ ————— ▼

Pardons (Board Of), Administration
R671-510
Evidence for Issuance of Warrants

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 26661

FILED: 09/28/2003, 10:05

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The proposed amendments are designed to clarify the requirements when an arrest warrant is requested.

SUMMARY OF THE RULE OR CHANGE: Modifications to the rule clarify what is required when an arrest warrant is requested and when an offender has been detained on a Board warrant.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Utah Constitution, Article VII, Section 12; and Title 77, Chapter 27

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: Rule R671-510 outlines what is required when an arrest warrant is requested and when an offender has been detained on a Board warrant. There are no anticipated costs to the State of Utah.

❖ LOCAL GOVERNMENTS: Local government does not participate in this process nor are there any costs passed on to local government. Consequently, there are no anticipated costs or savings to local government.

❖ OTHER PERSONS: The amendment to this rule does not affect other persons and consequently, there are no anticipated costs or savings to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Rule R671-510 outlines what is required when an arrest warrant is requested and when an offender has been detained on a Board warrant. There are no compliance costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The department head believes this rule amendment is necessary to outline what is required when an arrest warrant is executed and when an offender has been detained on a Board warrant. There is no cost to business by amending this rule.

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

PARDONS (BOARD OF)
ADMINISTRATION
Room 300
448 E 6400 S
SALT LAKE CITY UT 84107-8530, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Nannette Johnson at the above address, by phone at 801-261-6485, by FAX at 801-261-6481, or by Internet E-mail at njohnson@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 11/14/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 11/15/2003

AUTHORIZED BY: Mike Sibbett, Chairman

R671. Pardons (Board of), Administration.

R671-510. Evidence for Issuance of Warrants.

R671-510-1. Evidence for Issuance of Warrants.

Warrants shall be issued only upon a showing that there is probable cause to believe that a parole violation has occurred.

A certified Warrant Request shall be submitted by the parole agent setting forth reasons to believe that the named parolee committed specific parole violations. The request may be accompanied by supporting documentation such as police reports, incident reports, and judgment and commitment orders. Upon approval of the request by the Board, a Warrant of Arrest shall be issued to arrest, detain, and return to actual custody the parolee named therein.

R671-510-2. Warrant Request.

Warrant requests shall include:

- a. the name of the parolee, ~~and~~ prison number~~;~~ date of birth, and offender number;
- b. the nature of the allegations that justify possible revocation of parole;
- c. ~~the [substance of the evidence substantiating the allegations] elements substantiating probable cause for each allegation which should include how, when, where, and what occurred;~~
- d. the condition of the parole agreement that the parolee is alleged to have violated, along with the date and approximate location where the violation occurred;
- e. the name, signature, and telephone number and/or pager of the parole officer and supervisor;
- f. the fax cover sheet will include the phone number or numbers where the reporting agent can be contacted if needed.

R671-510-3. Background Information.

The agent will also give the Board background information about the parolee, including overall status, adjustment to parole, and any other information requested in the warrant request form, which the Board shall promulgate. The background information shall accompany the warrant request if it can be completed in time. If it cannot be completed in time, the agent shall send it to the Board, and the parolee, within seven (7) days after issuance of the warrant. Once the parolee is detained on the Board warrant, the agent will track the case and notify the Board of updates. No less than ten days prior to the hearing the agent will send updated allegations and recommendations and any other information needed to ensure that full information regarding allegations and general parole performance is in the file prior to the hearing.

KEY: warrants, parole, probable cause

~~January 1, 1999~~ **2003**
77-27-11



Pardons (Board Of), Administration

R671-512

Execution of the Warrant

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 26662

FILED: 09/28/2003, 10:15

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The proposed amendments are designed to clarify the procedure when executing an arrest warrant.

SUMMARY OF THE RULE OR CHANGE: Modifications to the rule clarify the procedure to be followed when a warrant of arrest is executed.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Utah Constitution, Article VII, Section 12; and Title 77, Chapter 27

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: Rule R671-512 outlines the procedure to be followed when an arrest warrant is executed. There are no anticipated costs to the State of Utah.
- ❖ LOCAL GOVERNMENTS: Local government does not participate in this process nor are there any costs passed on to local government. Consequently, there are no anticipated costs or savings to local government.
- ❖ OTHER PERSONS: The amendment to this rule does not affect other persons and consequently, there are no anticipated costs or savings to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Rule R671-512 outlines the procedure to be followed when a warrant of arrest is executed. There are no compliance costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The department head believes this rule amendment is necessary to outline the process to be followed when an arrest warrant is executed. There is no cost to business by amending this rule.

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

PARDONS (BOARD OF)
ADMINISTRATION
Room 300
448 E 6400 S
SALT LAKE CITY UT 84107-8530, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Nannette Johnson at the above address, by phone at 801-261-6485, by FAX at 801-261-6481, or by Internet E-mail at njohnson@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 11/14/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 11/15/2003

AUTHORIZED BY: Mike Sibbett, Chairman

R671. Pardons (Board of), Administration.**R671-512. Execution of the Warrant.****R671-512-1. Execution of the Warrant.**

When the agent executes the warrant, or as soon thereafter as possible, the agent shall provide the parolee copies of the warrant and the warrant request[;]. [a]At the same time, the agent shall also provide the parolee with the Notice Regarding Parole Allegations, the Challenge to Probable Cause Determination, and the Affidavit of Waiver and Plea of Guilt as published by the Board.

~~The agent shall inform the Board of any arrests on a Board warrant occurring within the state within 24 hours if possible. An agent's failure to inform the Board of an arrest does not give any rights to the parolee.~~

~~Promptly after the warrant is issued, the Board or parole agent shall tell the parolee the date on which a hearing will be held where he can plead guilty or not guilty to the allegations.]~~

KEY: parole, [execute,]warrant

[January 1, 1999]2003

77-27-11

77-27-27

77-27-28

77-27-29

77-27-30

▼ ————— ▼

Pardons (Board Of), Administration

R671-516

Parole Revocation Hearings

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 26666

FILED: 09/28/2003, 11:14

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The proposed amendment clarifies the procedure to be followed at parole revocation hearings.

SUMMARY OF THE RULE OR CHANGE: Modifications to the rule clarify and update the process to conduct a parole revocation hearing.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Utah Constitution, Article VII, Section 12; and Title 77, Chapter 27

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: Rule R671-516 outlines the procedure to be followed at parole revocation hearings. There are no anticipated costs to the State of Utah.
- ❖ LOCAL GOVERNMENTS: Local government does not participate in this process nor are there any costs passed on to local government. Consequently, there are no anticipated costs or savings to local government.

❖ OTHER PERSONS: The amendment to this rule does not affect other persons and consequently, there are no anticipated costs or savings to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Rule R671-516 outlines the procedure to be followed during the parole revocation process. There are no compliance costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The department head believes this rule amendment is necessary to outline process to be followed during the parole revocation process. There is no cost to business by amending this rule.

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

PARDONS (BOARD OF)
ADMINISTRATION
Room 300
448 E 6400 S
SALT LAKE CITY UT 84107-8530, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Nannette Johnson at the above address, by phone at 801-261-6485, by FAX at 801-261-6481, or by Internet E-mail at njohnson@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 11/14/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 11/15/2003

AUTHORIZED BY: Mike Sibbett, Chairman

R671. Pardons (Board of), Administration.

R671-516. Parole Revocation Hearings.

R671-516-1. Allegations.

At the hearing, the hearing officer shall inform the parolee of the allegations against him and take his plea on the record.

R671-516-2. All Guilty Pleas.

If the parolee pleads guilty to all the allegations, the hearing officer shall proceed directly to disposition. The parolee shall present any reasons for mitigation. ~~[The]~~ If present, the parole agent or representative of the Department of Corrections ~~[shall]~~ may discuss reasons for aggravation or mitigation and recommend a disposition.

R671-516-3. Not Guilty Pleas.

If the parolee pleads not guilty to any allegation, the Board shall either schedule an evidentiary hearing on the ~~[remaining]~~ allegation[s] or dismiss ~~[them]~~ it as soon as practical. See also Utah Admin. Code R671-514, Waiver and Pleas of Guilt.

R671-516-4. Insufficient Evidence.

If the hearing officer believes there is insufficient evidence to justify continued detention and an evidentiary hearing, the matter shall be promptly routed to a majority of the Board. If the majority agrees

there is insufficient evidence to justify detention and an evidentiary hearing, the warrant shall be withdrawn and the parolee released. ~~[Time spent incarcerated counts toward service of the parole term.]~~

KEY: parole, revocation, hearings

~~[January 1, 1999]~~ 2003

77-27-5

77-27-9

77-27-11



Pardons (Board Of), Administration **R671-518** Conduct of Proceedings When a Criminal Charge Results in Conviction

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 26665

FILED: 09/28/2003, 11:12

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The proposed amendments outline actions by the Board when receiving notice of a conviction of a new crime.

SUMMARY OF THE RULE OR CHANGE: Modifications to the rule allow the Board to take judicial notice of a new Judgment and Commitment and revoke parole when an offender has been convicted of a new crime without first having a hearing.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Utah Constitution, Article VII, Section 12; and Title 77, Chapter 27

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There are no anticipated costs but there may be a savings to the State of Utah by reducing the number of hearings which might otherwise be held.

❖ LOCAL GOVERNMENTS: Local government does not participate in this process nor are there any costs passed on to local government. Consequently, there are no anticipated costs or savings to local government.

❖ OTHER PERSONS: The amendment to this rule does not effect other persons and consequently, there are no anticipated costs or savings to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Rule R671-518 streamlines the revocation process when courts have found offenders guilty of crimes. There are no compliance costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The department head believes this rule amendment is necessary to accurately state the process when the Board takes judicial notice of court orders and judgments. There is no cost to business by amending this rule.

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

PARDONS (BOARD OF)
ADMINISTRATION
Room 300
448 E 6400 S
SALT LAKE CITY UT 84107-8530, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Nannette Johnson at the above address, by phone at 801-261-6485, by FAX at 801-261-6481, or by Internet E-mail at njohnson@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 11/14/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 11/15/2003

AUTHORIZED BY: Mike Sibbett, Chairman

R671. Pardons (Board of), Administration.

R671-518. Conduct of Proceedings When a Criminal Charge Results in Conviction.

R671-518-1. Conduct of Proceedings When a Criminal Charge Results in Conviction.

If a parolee has been ~~[charged with a new criminal offense, which is also the basis for revocation, and the parolee is convicted of a criminal charge]~~ convicted of a new crime, the Board may revoke parole upon receipt of verification of conviction. The Board need not hold [a]n [parole revocation or] evidentiary hearing even if the parolee continues to deny guilt. It is sufficient that a trial court has adjudicated guilt. ~~[However, the Board may schedule a special appearance hearing or parole rehearing if it wishes to ask questions of the parolee or a victim asks to give testimony. The Board may revoke parole and reincarcerate even if the criminal trial court or appellate court has granted a Certificate of Probable Cause in the criminal matter. After a conviction of guilt and revocation of parole, the Board may then place the parolee on a hearing calendar.]~~

KEY: parole, conviction, criminal charges

~~[January 1, 1999]~~ 2003

77-27-5

77-27-9

77-27-11



Pardons (Board Of), Administration

R671-522

Continuances Due to Pending Charges

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 26664

FILED: 09/28/2003, 11:10

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the amendment to this rule is to provide clarification regarding when the Board will consider continuing cases pending criminal charges.

SUMMARY OF THE RULE OR CHANGE: Modifications to the rule clarify when the Board will consider continuing cases pending the outcome of unadjudicated criminal charges. The Board is concerned about offenders who might remain incarcerated waiting to see if new criminal charges will be filed. The rule change sets guidelines as to when cases will be continued.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Utah Constitution, Article VII, Section 12; and Title 77, Chapter 27

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** There are no anticipated costs but there may be a savings to the State of Utah by reducing the time an offender remains incarcerated waiting to see if new criminal charges will be filed.

❖ **LOCAL GOVERNMENTS:** Local government does not participate in this process nor are there any costs passed on to local government. Consequently, there are no anticipated costs or savings to local government.

❖ **OTHER PERSONS:** The amendment to this rule does not affect other persons and consequently, there are no anticipated costs or savings to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Rule R671-522 outlines the procedure to be followed when considering continuation of cases pending criminal charges. There are no compliance costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The department head believes this rule amendment is necessary to outline process to be followed when considering continuation of cases pending criminal charges. There is no cost to business by amending this rule.

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

PARDONS (BOARD OF)
ADMINISTRATION
Room 300
448 E 6400 S
SALT LAKE CITY UT 84107-8530, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Nannette Johnson at the above address, by phone at 801-261-6485, by FAX at 801-261-6481, or by Internet E-mail at njohnson@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 11/14/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 11/15/2003

AUTHORIZED BY: Mike Sibbett, Chairman

R671. Pardons (Board of), Administration.

R671-522. Continuances Due to Pending Criminal Charges.

R671-522-1. Continuances Due to Pending Criminal Charges.

[It is the Board's policy to consider continuing an original parole grant hearing, parole violation hearing, rehearing or rescission hearing pending the resolution of felony or misdemeanor charges. When determining a continuance, the Board will consider the gravity of the new charges, whether a date has been set for trial, whether the presentence or post-sentence reports have been completed, or any other information that could address the pending charges.]The Board will limit the continuance of hearings whenever possible. Every effort possible is to be made to avoid the continuance of hearings. This applies to all types of hearings, i.e., originals, rehearings, parole violation, and rescission hearings. Delays due to failure to prosecute a pending charge or due to late or missing information will not be accepted. Continuance will not be approved beyond 60 days without Board approval. Hearings will not be continued based on information suggesting that felony charges may be filed. If a felony charge has been filed and the case is actively being processed the scheduled Board hearing may be continued. Hearings will not be postponed for any pending misdemeanor cases except for parole violations where it has been verified that the charges have been filed and court action is moving forward. Hearings may be continued for up to 60 days to allow the Department of Corrections to complete Post Sentence Reports. Hearings will not be continued due to late or missing Therapy Progress Reports or other information unless the case has been routed to the Board and continued by the Board. Any case where a continuance has been granted will be reviewed a minimum of every 60 days for a status update and routed to the Board for reconsideration as needed based upon the Case Analyst's judgment.

R671-522-2. Notification and Verification.

If the Board determines that pending charges warrant a continuance of a hearing, the Board will notify the offender in writing and the reasons for doing so. When the Board receives verification that the criminal charges have been resolved, the hearing will be rescheduled as soon as practical.

KEY: parole, continuing, hearings

[January 1, 1999]2003

77-27-5

77-27-9

77-27-11

**School and Institutional Trust Lands,
Administration**

R850-61

**Native American Grave Protection and
Repatriation**

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE No.: 26658

FILED: 09/17/2003, 16:38

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: In April of 1997, the Board of Trustees adopted a policy directing the agency's actions in instances where Native American remains are discovered on school and institutional trust lands. It has been determined that the actions taken by the agency pursuant to this policy meet the statutory definition of a 'rule,' and this rule is being promulgated to implement the policy.

SUMMARY OF THE RULE OR CHANGE: Statute allows the Board to determine how the agency will deal with cultural resources on trust lands. The Board adopted a policy in April of 1997 which outlined the manner in which the agency would provide for the ownership and control of Native American remains discovered on trust lands. This rule implements the current policy.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53C-1-201(5)(b), 53C-1-302(1)(a)(ii), and 53C-2-201(1)(a); and Sections 76-9-704 and 9-9-401 et seq.

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** It is anticipated that the implementation of this new rule will not create any additional cost or savings to the State budget as the policy has been in effect since April of 1997 and this rule is to implement the policy.

❖ **LOCAL GOVERNMENTS:** It is anticipated that the implementation of this new rule will not create any additional cost or savings to local government as the agency has been following this policy since it was adopted by the Board of Trustees in April of 1997 and this rule is to implement the policy.

❖ **OTHER PERSONS:** It is anticipated that the implementation of this new rule will not create any additional cost or savings to other persons as the agency implemented the policy following its adoption in April of 1997 and this rule is simply to implement the policy by rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: It is anticipated that the implementation of this new rule will not create any additional cost for affected persons due to compliance. The agency has been following this procedure since April 1997 when the Board of Trustees adopted it as policy. The purpose of this rule is to implement the current policy by rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The intent of this action is to promulgate rules to implement a policy of the Board of Trustees which has been in effect since 1997. The policy is specifically authorized by statute. No actual management change is anticipated. Consequently, it is not anticipated that any compliance costs to businesses will be incurred.

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

SCHOOL AND INSTITUTIONAL TRUST LANDS
ADMINISTRATION

Room 500
675 E 500 S
SALT LAKE CITY UT 84102-2818, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Kevin S. Carter at the above address, by phone at 801-538-5101, by FAX at 801-538-5118, or by Internet E-mail at kevincarter@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 11/14/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 11/17/2003

AUTHORIZED BY: Kevin S. Carter, Director

R850. School and Institutional Trust Lands, Administration.
R850-61. Native American Grave Protection and Repatriation.
R850-61-100. Authorities.

1. This rule implements Sections 6, 8, 10 and 12 of the Enabling Act, Articles X and XX of the Utah Constitution, and Sections 53C-1-302(1)(a)(ii) and 53C-2-201(1)(a) which authorize the Director of the School and Institutional Trust Lands Administration to prescribe the management of cultural resources on trust lands. This rule outlines the manner by which the agency shall, pursuant to Section 53C-1-201(5)(b), provide policies for the ownership and control of Native American remains as defined in Section 9-9-402, that are discovered or excavated on school and institutional trust lands.

R850-61-200. Scope and Applicability.

1. This rule applies to all Native American remains found on school and institutional trust lands.

R850-61-300. Duties Upon Discovery of Remains.

1. Human remains are to be treated at all times with dignity and respect. Any person who discovers human remains on school and institutional trust lands must immediately cease all activity which might disturb the remains, take reasonable steps to protect the remains, and report the discovery to local law enforcement (in accordance with Section 76-9-704) and to the Director

2. If discontinuation of the activity is reasonable and prudent, and consistent with the Director's fiduciary responsibilities, the immediate site shall be restored and all activity in the area shall be re-routed or discontinued to limit any further disturbance to the site

3. If discontinuation is not reasonable or prudent, the agency shall follow the Utah Division of Indian Affairs' process (as contained in Utah Administrative Code R230-1) except when the Director concludes by written finding that:

(a) the determination of whether the remains in question are Native American, pursuant to U.A.C. R230-1-6(3), will unduly impact an authorized use of trust lands; or

(b) the time needed to prepare a preservation plan or the requirements of such a plan, pursuant to U.A.C. R230-1-7(1), will violate the fiduciary duty to the trust. When such a finding is made, the Director will assume control over the process.

4. Ownership or control of any Native American human remains that are excavated or removed from the site shall be determined pursuant to Utah Code Annotated Section 9-9-401 et seq.

KEY: cultural resources, Native American Grave Protection and Repatriation

November 17, 2003

53C-1-201(5)(b)

53C-1-302(1)(a)(ii)

53C-2-201(1)(a)



Tax Commission, Property Tax
R884-24P-53
2003 Valuation Guides for Valuation of
Land Subject to the Farmland
Assessment Act Pursuant to Utah Code
Ann. Section 59-2-515

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 26677

FILED: 10/01/2003, 16:16

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 59-2-515 authorizes the State Tax Commission to promulgate rules regarding the Property Tax Act, Part 5, "Farmland Assessment Act". Section 59-2-514 authorizes the State Tax Commission to receive valuation recommendations from the State Farmland Advisory Committee for implementation as outlined in Section R884-24P-53.

SUMMARY OF THE RULE OR CHANGE: This amendment annually updates the agricultural use-values to be applied by county assessors to land qualifying for valuation and assessment under the Farmland Assessment Act. The values are recommended to the Commission by the State Farmland Evaluation Advisory Committee, which meets under the authority of Section 59-2-514.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-2-515

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The amount of savings or cost to state government is undetermined. The State receives tax revenue for assessing and collecting and for the Uniform School Fund based on increased or decreased real and personal property valuation, including property assessed under the Farmland Assessment Act (FAA) (greenbelt). Property valuation (taxable value) changes have been recommended by class and by county. This year, 156 class/county valuations will increase, 75 will decrease and 93 will remain unchanged. No total cost or savings could be calculated without an exhaustive study of farmland acreage in each county by class, a listing of

property newly-qualified for FAA assessment during 2004, and a listing of property no longer qualifying which is removed from greenbelt during 2004. However, it is estimated that the overall change is minimal due to this amendment.

❖ LOCAL GOVERNMENTS: The amount of saving or cost to local government is undetermined. Local governmental entities receive tax revenue based on increased or decreased property valuation, including property on "greenbelt." Property valuation changes have been recommended by class and by county. This year 156 class/county valuations will increase, 75 will decrease and 93 will remain unchanged. No total cost or savings could be calculated without an exhaustive study of farmland acreage in each county by class, a listing of property newly-qualified for greenbelt during 2004, and a listing of property no longer qualifying which is removed from greenbelt during 2004. However, it is estimated that the overall change is minimal due to this amendment. County assessor offices statewide will be required to input the new value indicators into their computer systems to be applied against the acreage for individual properties. This input process is easily done and represents no significant cost in time or money to the assessors' offices.

❖ OTHER PERSONS: Each property owner with property eligible for assessment under the FAA may see a change in value, depending on property class and situs county; 156 such value indicators will increase, 75 will decrease and 93 will not change. The affect on the property owner will be valuation increase, decrease or no change depending on the mix of property types and situs. No aggregate compliance cost can be determined without an exhaustive study of farmland acreage in each county by class, a listing of property newly-qualified for greenbelt during 2003, and a listing of property no longer qualifying which is removed from greenbelt during 2004. In addition, the compliance cost will further be altered by changes to local property tax rates. However, it is estimated that the overall change due to this amendment is minimal.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Each property owner with property eligible for assessment under the FAA may see a change in value, depending on property class and situs county; 156 such value indicators will increase, 75 will decrease and 93 will not change. The affect on the property owner will be valuation increase, decrease or no change depending on the mix of property types and situs. No aggregate compliance cost can be determined without an exhaustive study of farmland acreage in each county by class, a listing of property newly-qualified for greenbelt during 2003, and a listing of property no longer qualifying which is removed from greenbelt during 2004. In addition, the compliance cost will further be altered by changes to local property tax rates. However, it is estimated that the overall change due to this amendment is minimal.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The fiscal impact to businesses will vary depending on the county and the property classification. The impact is estimated to be minimal.

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

TAX COMMISSION
PROPERTY TAX
210 N 1950 W
SALT LAKE CITY UT 84134, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Cheryl Lee at the above address, by phone at 801-297-3900, by FAX at 801-297-3919, or by Internet E-mail at clee@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 11/14/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 11/15/2003

AUTHORIZED BY: Pam Hendrickson, Commissioner

R884. Tax Commission, Property Tax.

R884-24P. Property Tax.

R884-24P-53. [2003]2004 Valuation Guides for Valuation of Land Subject to the Farmland Assessment Act Pursuant to Utah Code Ann. Section 59-2-515.

A. Each year the Property Tax Division shall update and publish schedules to determine the taxable value for land subject to the Farmland Assessment Act on a per acre basis.

1. The schedules shall be based on the productivity of the various types of agricultural land as determined through crop budgets and net rents.

2. Proposed schedules shall be transmitted by the Property Tax Division to county assessors for comment before adoption.

3. County assessors may not deviate from the schedules.

4. Not all types of agricultural land exist in every county. If no taxable value is shown for a particular county in one of the tables, that classification of agricultural land does not exist in that county.

B. All property defined as farmland pursuant to Section 59-2-501 shall be assessed on a per acre basis as follows:

1. Irrigated farmland shall be assessed under the following classifications.

a) Irrigated I. The following counties shall assess Irrigated I property based upon the per acre values listed below:

TABLE 1
Irrigated I

1) Box Elder	[800] 830
2) Cache	[650] 680
3) Carbon	[525] 550
4) Davis	[775] 815
5) Emery	[500] 530
6) Iron	[800] 805
7) Kane	[465] 475
8) Millard	[780] 790
9) Salt Lake	[680] 705
10) Utah	[725] 740
11) Washington	[650] 665
12) Weber	[760] 775

b) Irrigated II. The following counties shall assess Irrigated II property based upon the per acre values listed below:

TABLE 2
Irrigated II

1) Box Elder	[700] 730
2) Cache	[550] 580
3) Carbon	[425] 450
4) Davis	[675] 715
5) Duchesne	[480] 495
6) Emery	[400] 430
7) Grand	410
8) Iron	[700] 705
9) Juab	[440] 430
10) Kane	[365] 375
11) Millard	[680] 690
12) Salt Lake	[580] 605
13) Sanpete	[550] 540
14) Sevier	575
15) Summit	[450] 470
16) Tooele	[450] 440
17) Utah	[625] 640
18) Wasatch	[500] 510
19) Washington	[550] 565
20) Weber	[660] 675

7) Duchesne	[230] 245
8) Emery	[150] 180
9) Garfield	[100] 110
10) Grand	160
11) Iron	[450] 455
12) Juab	[190] 180
13) Kane	[115] 125
14) Millard	[430] 440
15) Morgan	[260] 280
16) Piute	[250] 255
17) Rich	[125] 110
18) Salt Lake	[330] 355
19) San Juan	[90] 85
20) Sanpete	[300] 290
21) Sevier	325
22) Summit	[200] 220
23) Tooele	[200] 190
24) Uintah	[260] 270
25) Utah	[375] 390
26) Wasatch	[250] 260
27) Washington	[300] 315
28) Wayne	[260] 265
29) Weber	[410] 425

2. Fruit orchards shall be assessed per acre based upon the following schedule:

TABLE 5
Fruit Orchards

1) Beaver	[590] 600
2) Box Elder	[625] 650
3) Cache	[590] 600
4) Carbon	[590] 600
5) Davis	[620] 640
6) Duchesne	[590] 600
7) Emery	[590] 600
8) Garfield	[590] 600
9) Grand	[590] 600
10) Iron	[590] 600
11) Juab	[590] 600
12) Kane	[590] 600
13) Millard	[590] 600
14) Morgan	[590] 600
15) Piute	[590] 600
16) Salt Lake	[590] 600
17) San Juan	[590] 600
18) Sanpete	[590] 600
19) Sevier	[590] 600
20) Summit	[590] 600
21) Tooele	[590] 600
22) Uintah	[590] 600
23) Utah	[590] 630
24) Wasatch	[590] 600
25) Washington	[750] 760
26) Wayne	[590] 600
27) Weber	[620] 640

c) Irrigated III. The following counties shall assess Irrigated III property based upon the per acre values listed below:

TABLE 3
Irrigated III

1) Beaver	[560] 565
2) Box Elder	[550] 580
3) Cache	[400] 430
4) Carbon	[275] 300
5) Davis	[525] 565
6) Duchesne	[330] 345
7) Emery	[250] 280
8) Garfield	[200] 210
9) Grand	260
10) Iron	[550] 555
11) Juab	[290] 280
12) Kane	[215] 225
13) Millard	[530] 540
14) Morgan	[360] 380
15) Piute	[350] 355
16) Rich	[225] 210
17) Salt Lake	[430] 455
18) San Juan	[190] 185
19) Sanpete	[400] 390
20) Sevier	425
21) Summit	[300] 320
22) Tooele	[300] 290
23) Uintah	[360] 370
24) Utah	[475] 490
25) Wasatch	[350] 360
26) Washington	[400] 415
27) Wayne	[360] 365
28) Weber	[510] 525

3. Meadow IV property shall be assessed per acre based upon the following schedule:

TABLE 6
Meadow IV

1) Beaver	230
2) Box Elder	[235] 240
3) Cache	[250] 255
4) Carbon	130
5) Daggett	170
6) Davis	[250] 260
7) Duchesne	160
8) Emery	[120] 125
9) Garfield	[110] 95
10) Grand	[130] 125
11) Iron	225

d) Irrigated IV. The following counties shall assess Irrigated IV property based upon the per acre values listed below:

TABLE 4
Irrigated IV

1) Beaver	[460] 465
2) Box Elder	[450] 480
3) Cache	[300] 330
4) Carbon	[175] 200
5) Daggett	[220] 230
6) Davis	[425] 465

12) Juab	140
13) Kane	100
14) Millard	190
15) Morgan	[170] 175
16) Piute	160
17) Rich	[130] 110
18) Salt Lake	[210] 225
19) Sanpete	[190] 185
20) Sevier	[205] 200
21) Summit	[190] 195
22) Tooele	[185] 175
23) Uintah	180
24) Utah	[225] 230
25) Wasatch	210
26) Washington	215
27) Wayne	160
28) Weber	[280] 285

20) Uintah	[40] 5
21) Utah	[40] 5
22) Washington	[40] 5
23) Weber	[45] 10

4. Dry land shall be classified as one of the following two categories and shall be assessed on a per acre basis as follows:

a) Dry III. The following counties shall assess Dry III property based upon the per acre values listed below:

TABLE 7
Dry III

1) Beaver	[45] 40
2) Box Elder	[75] 70
3) Cache	[70] 65
4) Carbon	[45] 40
5) Davis	[55] 50
6) Duchesne	[45] 40
7) Garfield	[45] 40
8) Grand	[45] 40
9) Iron	[45] 40
10) Juab	[45] 40
11) Kane	[45] 40
12) Millard	[50] 45
13) Morgan	[55] 50
14) Rich	[50] 45
15) Salt Lake	[45] 40
16) San Juan	[50] 40
17) Sanpete	[45] 40
18) Summit	[45] 40
19) Tooele	[45] 40
20) Uintah	[45] 40
21) Utah	[45] 40
22) Washington	[45] 40
23) Weber	[50] 45

b) Dry IV. The following counties shall assess Dry IV property based upon the per acre values listed below:

TABLE 8
Dry IV

1) Beaver	[40] 5
2) Box Elder	[40] 35
3) Cache	[35] 30
4) Carbon	[40] 5
5) Davis	[20] 15
6) Duchesne	[40] 5
7) Garfield	[40] 5
8) Grand	[40] 5
9) Iron	[40] 5
10) Juab	[40] 5
11) Kane	[40] 5
12) Millard	[45] 10
13) Morgan	[20] 15
14) Rich	[45] 10
15) Salt Lake	[40] 5
16) San Juan	[45] 5
17) Sanpete	[40] 5
18) Summit	[40] 5
19) Tooele	[40] 5

5. Grazing land shall be classified as one of the following four categories and shall be assessed on a per acre basis as follows:

a) Graze I. The following counties shall assess Graze I property based upon the per acre values listed below:

TABLE 9
[Grazing Land] GR I

[a) Graze I	
	1) All Counties	60
	b) Graze II	
	2) All Counties	17
	c) Graze III	
	3) All Counties	11
	d) Graze IV	
	4) All Counties	5
]	1) Beaver	57
	2) Box Elder	56
	3) Cache	61
	4) Carbon	56
	5) Daggett	65
	6) Davis	60
	7) Duchesne	64
	8) Emery	56
	9) Garfield	58
	10) Grand	67
	11) Iron	57
	12) Juab	62
	13) Kane	71
	14) Millard	70
	15) Morgan	52
	16) Piute	54
	17) Rich	65
	18) Salt Lake	65
	19) San Juan	56
	20) Sanpete	62
	21) Sevier	60
	22) Summit	52
	23) Tooele	72
	24) Uintah	58
	25) Utah	50
	26) Wasatch	51
	27) Washington	56
	28) Wayne	63
	29) Weber	61

b) Graze II. The following counties shall assess Graze II property based upon the per acre values listed below:

TABLE 10
GR II

	1) Beaver	16
	2) Box Elder	16
	3) Cache	17
	4) Carbon	16
	5) Daggett	18
	6) Davis	17
	7) Duchesne	18
	8) Emery	16
	9) Garfield	16
	10) Grand	19
	11) Iron	16
	12) Juab	18
	13) Kane	20
	14) Millard	20
	15) Morgan	15
	16) Piute	15
	17) Rich	18
	18) Salt Lake	18

19) San Juan	16
20) Sanpete	17
21) Sevier	17
22) Summit	15
23) Tooele	20
24) Uintah	17
25) Utah	14
26) Wasatch	14
27) Washington	16
28) Wayne	18
29) Weber	17

22) Summit	5
23) Tooele	6
24) Uintah	5
25) Utah	5
26) Wasatch	5
27) Washington	5
28) Wayne	5
29) Weber	5

6. Land classified as nonproductive shall be assessed as follows on a per acre basis:

c) Graze III. The following counties shall assess Graze III property based upon the per acre values below:

TABLE 11
GR III

1) Beaver	10
2) Box Elder	10
3) Cache	11
4) Carbon	10
5) Daggett	12
6) Davis	11
7) Duchesne	12
8) Emery	10
9) Garfield	11
10) Grand	12
11) Iron	10
12) Juab	11
13) Kane	13
14) Millard	13
15) Morgan	10
16) Piute	10
17) Rich	12
18) Salt Lake	12
19) San Juan	10
20) Sanpete	11
21) Sevier	11
22) Summit	10
23) Tooele	13
24) Uintah	11
25) Utah	9
26) Wasatch	9
27) Washington	10
28) Wayne	12
29) Weber	11

TABLE [49]13
Nonproductive Land

a) Nonproductive Land	
1) All Counties	5

KEY: taxation, personal property, property tax, appraisals
[April 23,]2003
59-2-501 through 59-2-515

▼ ————— ▼

Tax Commission, Property Tax

R884-24P-67

Information Required for Valuation of Low-Income Housing Pursuant to Utah Code Ann. Sections 59-2-102 and 59-2-301.3

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE No.: 26675
FILED: 10/01/2003, 12:59

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 59-2-102 provides that low-income housing tax credits are intangible property. Section 59-2-301.3 requires the assessor to consider the effects of a low-income housing covenant when determining the fair market value of the property. The proposed rule indicates information that the Utah Housing Corporation and low-income housing property owners must provide in order for the county to properly value the low-income housing property.

SUMMARY OF THE RULE OR CHANGE: The proposed rule indicates information that the Utah Housing Corporation and low-income housing property owners must provide in order for the county to properly value the low-income housing property.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 59-2-102 and 59-2-301.3

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: None--Any fiscal impacts were taken into account by H.B. 87 (2003). (DAR NOTE: H.B. 87 is found at UT L 2003 Ch 113, and was effective May 1, 2003.)
- ❖ LOCAL GOVERNMENTS: None--Any fiscal impacts were taken into account by H.B. 87 (2003).

d) Graze IV. The following counties shall assess Graze IV property based upon the per acre values listed below:

TABLE 12
GR IV

1) Beaver	5
2) Box Elder	5
3) Cache	5
4) Carbon	5
5) Daggett	5
6) Davis	5
7) Duchesne	5
8) Emery	5
9) Garfield	5
10) Grand	6
11) Iron	5
12) Juab	5
13) Kane	6
14) Millard	6
15) Morgan	5
16) Piute	5
17) Rich	5
18) Salt Lake	5
19) San Juan	5
20) Sanpete	5
21) Sevier	5

❖ OTHER PERSONS: None--Any fiscal impacts were taken into account by H.B. 87 (2003).

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The Utah Housing Corporation will be required to provide information to the Tax Commission, and low-income housing property owners will be required to provide information to the county assessor.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Property owners of low-income housing projects will be required to provide information to assessors in counties where they own projects but the fiscal impact will be minimal.

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

TAX COMMISSION
PROPERTY TAX
210 N 1950 W
SALT LAKE CITY UT 84134, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Cheryl Lee at the above address, by phone at 801-297-3900, by FAX at 801-297-3919, or by Internet E-mail at cleee@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 11/14/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 11/15/2003

AUTHORIZED BY: Pam Hendrickson, Commissioner

R884. Tax Commission, Property Tax.
R884-24P. Property Tax.
R884-24P-67. Information Required for Valuation of Low-Income Housing Pursuant to Utah Code Ann. Sections 59-2-102 and 59-2-301.3.

A. The purpose of this rule is to provide an annual reporting mechanism to assist county assessors in gathering data necessary for accurate valuation of low-income housing projects.

B. The Utah Housing Corporation shall provide the following information that it has obtained from the owner of a low-income housing project to the commission:

- 1. for each low-income housing project in the state that is eligible for a low-income housing tax credit:
 - a) the Utah Housing Corporation project identification number;
 - b) the project name;
 - c) the project address;

- d) the city in which the project is located;
 - e) the county in which the project is located;
 - f) the building identification number assigned by the Internal Revenue Service for each building included in the project;
 - g) the building address for each building included in the project;
 - h) the total apartment units included in the project;
 - i) the total apartment units in the project that are eligible for low-income housing tax credits;
 - j) the period of time for which the project is subject to rent restrictions under an agreement described in B.2.;
 - k) whether the project is:
 - (1) the rehabilitation of an existing building; or
 - (2) new construction;
 - l) the date on which the project was placed in service;
 - m) the total square feet of the buildings included in the project;
 - n) the maximum annual federal low-income housing tax credits for which the project is eligible;
 - o) the maximum annual state low-income housing tax credits for which the project is eligible; and
 - p) for each apartment unit included in the project:
 - (1) the number of bedrooms in the apartment unit;
 - (2) the size of the apartment unit in square feet; and
 - (3) any rent limitation to which the apartment unit is subject;
- and
- 2. a recorded copy of the agreement entered into by the Utah Housing Corporation and the property owner for the low-income housing project; and
 - 3. construction cost certifications for the project received from the low-income housing project owner.

C. The Utah Housing Corporation shall provide the commission the information under B. by January 31 of the year following the year in which a project is placed into service.

D. 1. Except as provided in D.2., by April 30 of each year, the owner of a low-income housing project shall provide the county assessor of the county in which the project is located the following project information for the prior year:

- a) operating statement;
- b) rent rolls; and
- c) federal and commercial financing terms and agreements.

2. Notwithstanding D.1., the information a low-income project housing owner shall provide by April 30, 2004 to a county assessor shall include a 3-year history of the information required under D.1.

E. A county assessor shall assess and list the property described in this rule using the best information obtainable if the property owner fails to provide the information required under D.

KEY: taxation, personal property, property tax, appraisals
~~April 23,~~ 2003
59-2-102
59-2-301.3



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 (1998).

Commerce, Occupational and Professional Licensing **R156-49** Dietitian Certification Act Rules

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 26668
FILED: 09/29/2003, 16:18

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 49, provides for the certification of dietitians. Subsection 58-1-106(1)(a) provides that the Division may adopt and enforce rules to administer Title 58. Subsection 58-49-3(3) provides that the Dietitian Board's duties and responsibilities shall be in accordance with Section 58-1-202. Subsection 58-1-202(1)(a) provides that one of the duties of each board is to recommend appropriate rules to the division director. This rule was enacted to clarify the provisions of Title 58, Chapter 49, with respect to dietitians.

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 this rule was last reviewed in October 1998, no amendments have been made to the rule since that time. Therefore, the Division has not received any written comment with respect to this rule.

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 49, with respect to dietitians.

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

COMMERCE
OCCUPATIONAL AND PROFESSIONAL LICENSING
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY UT 84111-2316, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Douglas Vilnius at the above address, by phone at 801-530-6621, by FAX at 801-530-6511, or by Internet E-mail at dvilnius@utah.gov

AUTHORIZED BY: J. Craig Jackson, Director

EFFECTIVE: 09/29/2003



Health, Health Care Financing, Coverage and Reimbursement Policy **R414-55** Medicaid Policy for Hospital Emergency Department Copayment Procedures

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 26656
FILED: 09/16/2003, 16:19

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 26-1-5 grants the Utah Department of Health the authority to adopt, amend, or rescind rules which shall have the force and effect of law. In addition, Section 26-18-3 requires the department to implement the Medicaid program through administrative rules. Furthermore, federal statute authorizes the continuation of this rule. For example, 42 CFR 431.57 authorizes the

department by waiver, to double the nominal copayment amount of \$3 to \$6 for nonemergency services furnished in a hospital emergency room. Finally, this rule conforms to 42 CFR 447.53, which requires the exclusion of copayment requirements for exempted groups.

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 or oral comments have been received regarding this rule.

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 necessary to control nonemergency use of hospital emergency room services and should be continued.

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

HEALTH
HEALTH CARE FINANCING, COVERAGE AND
REIMBURSEMENT POLICY
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Ross Martin at the above address, by phone at 801-538-6592, by FAX at 801-538-6099, or by Internet E-mail at rmartin@utah.gov

AUTHORIZED BY: Rod L. Betit, Executive Director

EFFECTIVE: 09/16/2003



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

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

Administrative Services

Fleet Operations

No. 26459 (AMD): R27-3. Vehicle Use Standards.
Published: August 1, 2003
Effective: September 17, 2003

Commerce

Occupational and Professional Licensing

No. 26500 (AMD): R156-60a. Social Worker Licensing Act Rules.
Published: August 15, 2003
Effective: September 16, 2003

Environmental Quality

Air Quality

No. 26468 (AMD): R307-214-2. Part 63 Sources.
Published: August 1, 2003
Effective: October 1, 2003

Insurance

Administration

No. 26285 (R&R): R590-176. Small Employer Open Enrollment Rule.
Published: June 1, 2003
Effective: September 25, 2003

Tax Commission

No. 26514 (AMD): R861-1A-16. Utah State Tax Commission Management Plan Pursuant to Utah Code Ann. Section 59-1-207.
Published: August 15, 2003
Effective: September 25, 2003

No. 26517 (AMD): R861-1A-21. Rulings by the Commission Pursuant to Utah Code Ann. Section 59-1-205.
Published: August 15, 2003
Effective: September 25, 2003

Auditing

No. 26519 (AMD): R865-4D-23. State Participation in the International Fuel Tax Agreement Pursuant to Utah Code Ann. Section 59-13-501.

Published: August 15, 2003
Effective: September 25, 2003

No. 26527 (AMD): R865-9I-3. Credit for Income Tax Paid by an Individual to Another State Pursuant to Utah Code Ann. Section 59-10-106.

Published: August 15, 2003
Effective: September 25, 2003

No. 26522 (AMD): R865-9I-16. Collection and Payment of Income Tax Pursuant to Utah Code Ann. Section 59-10-406.

Published: August 15, 2003
Effective: September 25, 2003

No. 26521 (AMD): R865-9I-48. Adoption Expenses Deduction Pursuant to Utah Code Ann. Section 59-10-114.

Published: August 15, 2003
Effective: September 25, 2003

No. 26523 (AMD): R865-19S-90. Telephone Service Pursuant to Utah Code Ann. Section 59-12-103.

Published: August 15, 2003
Effective: September 25, 2003

Property Tax

No. 26518 (AMD): R884-24P-26. Requirements of the Farmland Assessment Act of 1969 Pursuant to Utah Code Ann. Sections 59-2-501 through 59-2-515.

Published: August 15, 2003
Effective: September 25, 2003

Transportation

Operations, Traffic and Safety

No. 26510 (AMD): R920-5. Manual and Specifications on School Crossing Zones. Supplemental to Part VII of the Manual on Uniform Traffic Control Devices.

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Preconstruction

No. 26501 (AMD): R930-6. Manual of Accommodation of Utility Facilities and the Control and Protection of State Highway Rights-of-Way.

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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, 2003, including notices of effective date received through October 1, 2003, the effective dates of which are no later than October 15, 2003. 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).

DAR NOTE: The index may contain inaccurate page number references. Also the index is incomplete in the sense that index entries for Changes in Proposed Rules (CPRs) are not preceded by entries for their parent Proposed Rules. These difficulties with the index are related to a new software package used by the Division to create the Bulletin and related publications; we hope to have them resolved as soon as possible. Bulletin issue information and effective date information presented in the index are, to the best of our knowledge, complete and accurate. If you have any questions regarding the index and the information it contains, please contact Nancy Lancaster (801 538-3218), Mike Broschinsky (801 538-3003), or Kenneth A. Hansen (801 538-3777).

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.utah.gov/>).

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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	5YR = Five-Year Review
EXD = Expired	

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R884-24P-60	Age-Based Uniform Fee on Tangible Personal Property Required to be Registered with the State Pursuant to Utah Code Ann. Section 59-2-405.1	26044	AMD	04/23/2003	2003-5/15
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ABBREVIATIONS

AMD = Amendment
 CPR = Change in proposed rule
 EMR = Emergency rule (120 day)
 NEW = New rule
 EXD = Expired
 NSC = Nonsubstantive rule change
 REP = Repeal
 R&R = Repeal and reenact
 5YR = Five-Year Review

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	25883	R307-110-12	NSC	01/01/2003	Not Printed
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	25881	R307-110-17	NSC	01/01/2003	Not Printed
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	26480	R512-202	NEW	09/03/2003	2003-15/40
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	26241	R657-5	AMD	06/17/2003	2003-10/111
	25720	R657-5	AMD	01/15/2003	2002-24/29
	26689	R657-5-13	EMR	10/06/2003	Not Printed
	26165	R657-5-70	AMD	06/03/2003	2003-9/103
	26570	R657-9	AMD	10/02/2003	2003-17/53
	26571	R657-10	AMD	10/02/2003	2003-17/57
	26575	R657-11	AMD	10/02/2003	2003-17/58
	25360	R657-13	AMD	01/01/2003	2002-20/92
	25721	R657-17	AMD	01/15/2003	2002-24/46
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	26573	R657-19	AMD	10/02/2003	2003-17/63
	25890	R657-23	AMD	02/16/2003	2003-2/41
	26169	R657-26-8	AMD	06/03/2003	2003-9/104
	26273	R657-27	AMD	07/02/2003	2003-11/36
	25892	R657-33	AMD	02/16/2003	2003-2/43
	26056	R657-33-6	AMD	04/15/2003	2003-6/15
	26272	R657-34	AMD	07/02/2003	2003-11/41
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	26271	R657-37	AMD	07/02/2003	2003-11/42
	26275	R657-37	5YR	05/14/2003	2003-11/96
	25722	R657-38	AMD	01/15/2003	2002-24/48
	26278	R657-42	5YR	05/14/2003	2003-11/97
	26277	R657-42	AMD	07/02/2003	2003-11/45
	25723	R657-42	AMD	01/15/2003	2002-24/52
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	26366	R612-2-24	NSC	07/01/2003	Not Printed
	26363	R612-2-26	NSC	07/01/2003	Not Printed
	26316	R612-3	5YR	05/28/2003	2003-12/76
	26364	R612-3-4	NSC	07/01/2003	Not Printed
	26317	R612-5	5YR	05/28/2003	2003-12/76
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	26055	R501-16	5YR	02/26/2003	2003-6/17
	25703	R501-16	NSC	02/26/2003	Not Printed
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