

State of Utah
Administrative Rule Analysis

NOTICE OF PROPOSED RULE

- * The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301.
- * Please address questions regarding information on this notice to the agency.
- * The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- * The full text of all rule filings may also be inspected at the Division of Administrative Rules.

DAR file no:	39980	Date filed:	12/7/2015
State Admin Rule Filing Id:		Time filed:	
	Agency No.	Rule No.	Section No.
Utah Admin. Code Ref (R no.):	R 156	- 82	- 201
Changed to Admin. Code Ref. (R no.):	R	-	-

1. Agency:	Commerce/Division of Occupational and Professional Licensing		
Room no.:			
Building:	Heber M. Wells Building		
Street address 1:	160 East 300 South		
Street address 2:			
City, state, zip:	Salt Lake City UT 84111-2316		
Mailing address 1:	PO Box 146741		
Mailing address 2:			
City, state, zip:	Salt Lake City UT 84114-6741		
Contact person(s):			
Name:	Phone:	Fax:	E-mail:
W. Ray Walker	801-530-6256	801-530-6511	raywalker@utah.gov

(Interested persons may inspect this filing at the above address or at the Division of Administrative Rules during business hours)

2. Title of rule or section (catchline):	Security		
3. Type of notice:	New ___; Amendment XXX; Repeal ___; Repeal and Reenact ___		
4. Purpose of the rule or reason for the change:	Arthur Hunsaker, in a November 10, 2015 email to the Division, notified the Division that an incorporation by reference in this rule may need to be adjusted. The purpose of this filing is to correct an awkward and unnecessary Code of Federal Regulation (CFR) incorporation by reference in this rule.		
5. This change is a response to comments from the Administrative Rules Review Committee.	No XXX; Yes ___		
6. Summary of the rule or change:			

The awkward incorporation by reference of 21 CFR 1311, dated April 1, 2012, is removed in favor of a clarified citation to the CFR as amended March 31, 2010, and subsequently amended.

7. Aggregate anticipated cost or savings to:

A) State budget:

Affected: No ; Yes XXX

The Division will incur minimal costs of approximately \$25.00 to print and distribute the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.

B) Local government:

Affected: No XXX; Yes

The proposed amendments apply to licensed practitioners and pharmacies who transmit and receive controlled substances prescriptions. As a result, the proposed amendments do not apply to local governments.

C) Small businesses ("small business" means a business employing fewer than 50 persons)

Affected: No XXX; Yes

The proposed amendments apply to licensed practitioners and pharmacies who transmit and receive controlled substance prescriptions. The proposed amendments are a technical clarification and will not have any cost or savings impact on small business.

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

Affected: No XXX; Yes

The proposed amendments apply to licensed practitioners and pharmacies who transmit and receive controlled substance prescriptions. The proposed amendments are a technical clarification and will not have any cost or savings impact on other persons.

8. Compliance costs for affected persons:

The proposed amendments apply to licensed practitioners and pharmacies who transmit and receive controlled substance prescriptions. The proposed amendments are a technical clarification and will not have any cost or savings impact on affected persons.

9. A) Comments by the department head on the fiscal impact the rule may have on businesses:

This filing is a technical clarification, which rewords a reference to the Code of Federal Regulations, and will not impact businesses. No fiscal impact to businesses is anticipated.

B) Name and title of department head commenting on the fiscal impacts:

Francine A. Gian, Executive Director

10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.

State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV):

Subsection 58-1-106(1)(a)

Section 58-82-101

11. This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Division of Administrative Rules; if none, leave blank):

	First Incorporation	Second Incorporation
Official Title of Materials Incorporated (from title page)	21 CFR 1311	
Publisher	Code of Federal Regulations	
Date Issued	April 1, 2012	

R156. Commerce, Occupational and Professional Licensing.

R156-82. Electronic Prescribing Act Rule.

R156-82-201. Security.

(1) Practitioners and pharmacies who transmit and receive controlled substance prescriptions shall comply with 21 CFR 1311, [~~dated April 1, 2012, which is adopted and incorporated by reference~~] as amended March 31, 2010, and subsequently amended.

(2) Electronic prescribing for non-controlled substances shall be conducted in a secure manner, consistent with industry standards.

KEY: licensing, electronic prescribing

Date of Enactment or Last Substantive Amendment: [~~March 11, 2013~~] 2016

Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-82-101