

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:		Date filed:	
State Admin Rule Filing Id:		Time filed:	
	Agency No.	Rule No.	Section No.
Utah Admin. Code Ref (R no.):	R 156	- 78B	- 4
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):	General Provisions		
3.	Type of notice:	New ___; Amendment XX Repeal ___; Repeal and Reenact ___		
4.	Purpose of the rule or reason for the change:	H.B. 328 generated a review of the state's 4 10 hour workweek and resulted in a decision to return to a Monday through Friday schedule, effective September 6, 2011. Pursuant to this change, the Division of Occupational and Professional Licensing amended its operational hours to 8:00 am to 5:00 pm, Monday through Friday, beginning September 6, 2011. As a result of this changes, Fridays will be scheduled workdays and thus, Friday no longer needs to be excepted from the computation of time when a filing deadline falls on a Friday.		
5.	This change is a response to comments from the Administrative Rules Review Committee.	No XX; Yes ___		
6.	Summary of the rule or change:	Paragraph (3) is amended to reflect that Fridays are counted when determining a deadline for filing before a Division prelitigation panel.		
7.	Aggregate anticipated cost or savings to:			
	A) State budget:			
	Affected:	No ___; Yes XX		

The Division will incur minimal costs of approximately \$50.00 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 ; Yes

The proposed amendment only applies to persons who would be filing a medical malpractice prelitigation request with the Division. As a result, the proposed amendment does not apply to local governments.

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

Affected: No ; Yes

The proposed amendment only applies to persons who would be filing a medical malpractice prelitigation request with the Division. As a result, the Division anticipates no costs or savings to small businesses.

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 ; Yes

The proposed amendment only applies to persons who would be filing a medical malpractice prelitigation request with the Division. However, the Division anticipates no costs or savings as a result of this proposed amendment which removes Fridays from the list of days not to be counted when calculating the computation of time.

8. Compliance costs for affected persons:

The proposed amendment only applies to persons who would be filing a medical malpractice prelitigation request with the Division. However, the Division anticipates no costs or savings as a result of this proposed amendment which removes Fridays from the list of days not to be counted when calculating the computation of time.

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

No fiscal impact to businesses is anticipated from this clarifying rule amendment regarding computation of time.

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

Francine A. Giani, 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 78B-3-416(1)(b)

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)		
Publisher		
Date Issued		
Issue, or version		
ISBN Number (optional)		
ISSN Number (optional)		
Cost of Incorporated Reference		
Action: Adds, updates, or removes		

(If this rule incorporates more than two items by reference, please attach additional pages)

12.	The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)		
	A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy):	10/31/2011	
	B) A public hearing (optional) will be held:		
	On (mm/dd/yyyy):	At (hh:mm AM/PM):	At (place):
13.	This rule change may become effective on (mm/dd/yyyy):		11/07/2011
	NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.		
14.	Indexing information -- keywords (maximum of four, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")); may not include the name of the agency:		
	medical malpractice	prelitigation	
	certificate of compliance	affidavit of merit	
15.	Attach an RTF document containing the text of this rule change (filename):		R156-78B.pro
To the agency: Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the <i>Utah State Bulletin</i> , and delaying the first possible effective date.			
AGENCY AUTHORIZATION			
Agency head or designee, and title:	Mark B. Steinagel, Director	Date (mm/dd/yyyy):	09/15/2011

R156. Commerce, Occupational and Professional Licensing.

R156-78B. Prelitigation Panel Review Rule.

R156-78B-4. General Provisions.

(1) Purpose.

This rule is intended to secure the just, speedy and economical determination of all issues presented to the Division.

(2) Deviation from Rule.

Except as otherwise required by Title 78B, Chapter 3, the Division may permit a deviation from this rule when it finds compliance to be impractical or unnecessary.

(3) Computation of Time.

The time within which any act shall be done, as herein provided, shall be computed by excluding the first day and including the last, unless the last day is [~~Friday,~~]Saturday, Sunday or a state holiday, and then it is excluded and the period runs until the end of the next day which is a scheduled workday for the Division. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation. Whenever a party has the right or is required to do some act within a prescribed period after the service of a notice or other paper upon the party and the notice or paper is served upon the party by mail, three days shall be added to the prescribed period.

KEY: medical malpractice, prelitigation, certificate of compliance, affidavit of merit

Date of Enactment or Last Substantive Amendment: [January 10,]2011

Notice of Continuation: April 9, 2007

Authorizing, and Implemented or Interpreted Law: 78B-3-416(1)(b)