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MATT BLUNT

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MAT T BLUNT

Administrative Rules Division
James C. Kirkpatrick State Information Center
600 W. Main
Jefferson City, MO 65101
(573) 751-4015

DIRECTOR

LYNNE C. ANGLE

•

EDITORS

BARBARA McDOUGAL

KATHREN CHOATE

•

ASSOCIATE EDITORS

CURTIS W. TREAT

SALLY L. REID

JAMES McCLURE

•

PUBLISHING STAFF

CARLA HERTZING

WILBUR HIGHBARGER

SANDY SANDERS

JOHN STEGMANN

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IN THIS ISSUE:

FROM THIS ANGLE

News from Administrative Rules1005

PROPOSED RULES

Department of Economic Development
 State Board of Embalmers and Funeral Directors1007
 Missouri Board of Geologist Registration1011
 State Board of Registration for the Healings Arts1014
 State Board of Pharmacy1025
 Real Estate Appraisers1026
 Missouri Veterinary Medical Board1030

Department of Public Safety
 Missouri Gaming Commission1054

Department of Revenue
 Director of Revenue1060

Department of Social Services
 Child Support Enforcement1060

Retirement Systems
 The Public School Retirement System of Missouri1060

Department of Health
 Office of the Director1061

Department of Social Services

Division of Family Services1094
 Division of Legal Services1094
 Division of Medical Services1094

IN ADDITIONS

Department of Economic Development
 Division of Credit Unions1096

BID OPENINGS

Office of Administration
 Division of Purchasing1097

RULE CHANGES SINCE UPDATE1098

EMERGENCY RULES IN EFFECT1106

REGISTER INDEX1108

ORDERS OF RULEMAKING

Department of Labor and Industrial Relations
 Missouri Commission on Human Rights1093
 Missouri Assistive Technology Advisory Council1093

Register Filing Deadlines	Register Publication	Code Publication	Code Effective
March 1, 2001 March 15, 2001	April 2, 2001 April 16, 2001	April 30, 2001 April 30, 2001	May 30, 2001 May 30, 2001
March 30, 2001 April 13, 2001	May 1, 2001 May 15, 2001	May 31, 2001 May 31, 2001	June 30, 2001 June 30, 2001
May 1, 2001 May 15, 2001	June 1, 2001 June 15, 2001	June 30, 2001 June 30, 2001	July 30, 2001 July 30, 2001
June 1, 2001 June 15, 2001	July 2, 2001 July 16, 2001	July 31, 2001 July 31, 2001	Aug. 30, 2001 Aug. 30, 2001
June 29, 2001 July 13, 2001	Aug. 1, 2001 Aug. 15, 2001	Aug. 31, 2001 Aug. 31, 2001	Sept. 30, 2001 Sept. 30, 2001
Aug. 1, 2001 Aug. 15, 2001	Sept. 4, 2001 Sept. 17, 2001	Sept. 30, 2001 Sept. 30, 2001	Oct. 30, 2001 Oct. 30, 2001
Aug. 31, 2001 Sept. 14, 2001	Oct. 1, 2001 Oct. 15, 2001	Oct. 31, 2001 Oct. 31, 2001	Nov. 30, 2001 Nov. 30, 2001
Oct. 2, 2001 Oct. 16, 2001	Nov. 1, 2001 Nov. 15, 2001	Nov. 30, 2001 Nov. 30, 2001	Dec. 30, 2001 Dec. 30, 2001
Nov. 1, 2001 Nov. 15, 2001	Dec. 3, 2001 Dec. 17, 2001	Dec. 31, 2001 Dec. 31, 2001	Jan. 30, 2002 Jan. 30, 2002

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule.

Missouri Depository Libraries

The *Missouri Register* and the *Code of State Regulations*, as required by the Missouri Depository Documents Law (section 181.100, RSMo 2000), are available in the listed depository libraries, as selected by the Missouri State Library:

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Maryville University Library 13550 Conway Road St. Louis, MO 63141-7232 (314) 529-9494	Law Library University of Missouri-Kansas City 5100 Rockhill Road Kansas City, MO 64110-2499 (816) 235-2438	Library State Historical Society of Missouri 1020 Lowry St. Columbia, MO 65201-7298 (573) 882-7083	Springfield-Greene County Library PO Box 737, 397 E. Central Springfield, MO 65801-0760 (417) 869-4621
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Truman State University Pickler Memorial Library 100 E. Normal Kirksville, MO 63501-4221 (660) 785-7416			

HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 26, *Missouri Register*, page 27. The approved short form of citation is 26 MoReg 27.

The rules are cited in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation, i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—Cite material in the RSMo by date of legislative action. The note in parentheses gives the original and amended legislative history. The Office of the Revisor of Statutes recognizes that this practice gives users a concise legislative history.

FROM THIS ANGLE

First Organizational Meeting

The first organizational meeting of our “Users’ Group” to undertake the rewrite of our rulemaking manual is, *at last*, scheduled. Mark your calendars, plan to attend and participate! We will hold our organizational meeting on Wednesday, May 31, 2001, from 9:00 – 11:00 a.m., in the Interpretive Center located in our building, the James C. Kirkpatrick Information Center, 600 West Main Street, here in Jefferson City. Please bring your notes, suggestions, tips, and thinking caps! We plan to provide you with a *very rough*, first draft and are looking forward to editing this edition, as we work together to prepare a more “user friendly” product.

If you have volunteered your time, you should receive an e-mail or letter from us; if *we* have volunteered your time, you should receive an e-mail or letter from us. If you still wish to volunteer, but have had no contact from/with our office, please feel free to attend. The more input and help we receive, the better our product will be!

It would be helpful to us to know approximately how many “users” will be attending. Therefore, please drop us an e-mail or give us a call at 751-4015.

For those of you who simply do not have the time to attend a users’ group meeting – but have suggestions/tips you would like to share, please feel free to e-mail those suggestions to us at our e-mail address which is: rules@sosmail.state.mo.us. We appreciate your input and need your suggestions/tips.

Delegation of Authority Signatures

With the change of administration, we are aware there are many new names and faces of the people in charge of various departments and divisions of state government. Please, please provide us with a letter stating who the Directors are in your Department/Division, and, also, please provide us with a written record of their signature. Further, in the event someone else is authorized to sign for the

Director in his or her absence, please provide us with those signatures as well. This is a very important piece of information we need to maintain in our files so that we allow filing of rules on behalf of your agency only by those persons designated to do so by your respective agency.

A handwritten signature in cursive script, appearing to read "Lynne".

**Lynne C. Angle, Director
Administrative Rules Division**

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rule-making process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least 30 days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than 30 days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the 90-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than 30 days from the date of publication of the new notice.

Chapter 333, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of Chapter 333, RSMo. This proposed amendment is necessary because the board's fund balance and projected revenue will not support the expenditures necessary to enforce and administer the provisions of Chapter 333, RSMo, which will result in an endangerment to the health, welfare, and safety of the public.

(1) The following fees hereby are established by the State Board of Embalmers and Funeral Directors:

(C) Embalmer Apprenticeship Registration Fee	<i>[\$ 100.00]</i> \$200.00
(E) Embalmer Reciprocity Application Fee	<i>[\$ 200.00]</i> \$300.00
(F) Embalmer Biennial Renewal Fee	<i>[\$ 130.00]</i> \$200.00
(H) Funeral Director Application Fee	<i>[\$ 100.00]</i> \$200.00
(J) Funeral Director Reciprocity Application Fee	<i>[\$ 200.00]</i> \$300.00
(K) Funeral Director Biennial Renewal Fee	<i>[\$ 130.00]</i> \$200.00
(N) Establishment Application Fee	<i>[\$ 200.00]</i> \$300.00
(P) Establishment Biennial Renewal Fee	<i>[\$ 200.00]</i> \$300.00
Prior to January 1, 2002	\$190.00
Effective January 1, 2002	\$250.00

AUTHORITY: section 333.III.1, RSMo [Supp. 1999] 2000. Emergency rule filed June 30, 1981, effective July 9, 1981, expired Nov. 11, 1981. Original rule filed June 30, 1981, effective Oct. 12, 1981. For intervening history, please consult the Code of State Regulations. Amended: Filed April 6, 2001.

PUBLIC COST: This proposed amendment is estimated to cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities an estimated increase of \$268,800 during fiscal year 2002; an estimated increase of \$19,500 during fiscal year 2003 and each year thereafter; and an estimated increase of \$302,500 during fiscal year 2004 and each biennial year thereafter for the life of the rule. It is anticipated that the total increase will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Embalmers and Funeral Directors, Patricia A. Handly, Executive Director, 3605 Missouri Boulevard, PO Box 423, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 120—State Board of Embalmers and Funeral Directors

Chapter 2—General Rules

PROPOSED AMENDMENT

4 CSR 120-2.100 Fees. The board is proposing to amend subsections (1)(C), (1)(E), (1)(F), (1)(H), (1)(J), (1)(K), (1)(N) and (1)(P).

PURPOSE: The State Board of Embalmers and Funeral Directors is statutorily obligated to enforce and administer the provisions of Chapter 333, RSMo. Pursuant to section 333.III, RSMo, the board shall by rule and regulation set the amount of fees authorized by

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: Title 4 – Department of Economic Development

Division: 120 – Embalmers and Funeral Directors

Chapter: 2 – General Rules

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 4 CSR 120-2.100 Fees

II. SUMMARY OF FISCAL IMPACT**FISCAL INCREASE DURING FISCAL YEAR 2002**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate annual cost of compliance with the rule by the affected entities:
15	Embalmer Apprenticeship Registration Applicants (\$100 increase)	\$1,500
50	Funeral Director Applicants (\$100 increase)	\$5,000
20	Establishment Applicants (\$100 increase)	\$2,000
5	Embalmer Reciprocity Applicants (\$100 increase)	\$500
8	Funeral Director Reciprocity Applicants (\$100 increase)	\$800
1200	Embalmer Biennial Renewal (\$70.00 increase)	\$84,000
2500	Funeral Director Biennial Renewal (\$70.00 increase)	\$175,000

**TOTAL ESTIMATED FISCAL INCREASE \$268,800
DURING FISCAL YEAR 2002**

FISCAL INCREASE DURING FISCAL YEAR 2003 AND EACH YEAR THEREAFTER

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate annual cost of compliance with the rule by the affected entities:
30	Embalmer Apprenticeship Registration Applicants (\$100 increase)	\$3,000
100	Funeral Director Applicants (\$100 increase)	\$10,000

40	Establishment Applicants (\$100 increase)	4,000
10	Embalmer Reciprocity Applicants (\$100 increase)	1,000
15	Funeral Director Reciprocity Applicants (\$100 increase)	\$1,500

**TOTAL ESTIMATED FISCAL INCREASE
DURING FISCAL YEAR 2003 AND EACH
YEAR THEREAFTER FOR THE LIFE OF
THE RULE** **\$19,500**

**FISCAL INCREASE DURING FISCAL YEAR 2004 AND EACH BIENNIAL YEAR
THEREAFTER**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate annual cost of compliance with the rule by the affected entities:
1200	Embalmer Biennial Renewal - (\$70.00 increase)	\$84,000
2500	Funeral Director Biennial Renewal - (\$70.00 increase)	\$175,000
725	Establishment Biennial Renewal - (\$60 increase)	\$43,500

**TOTAL ESTIMATED FISCAL INCREASE
DURING FISCAL YEAR 2004 AND EACH
BIENNIAL YEAR THEREAFTER FOR THE
LIFE OF THE RULE** **\$302,500**

III. WORKSHEET

See Table above.

IV. ASSUMPTIONS

- The number of entities used in this fiscal note are based on actual figures from FY00 and projected figures in FY01.
- The board estimates that this rule amendment will become effective approximately October 30, 2001. In order to estimate the fiscal increase for fiscal year 2002, the board estimates the following number of applications will be received between November, 2001 and June 30, 2002:
 - 15 Embalmer Apprenticeship Registration Applications
 - 50 Funeral Director Applications
 - 20 Establishment Applications
 - 5 Embalmer Reciprocity Applications
 - 8 Funeral Director Reciprocity Applications

In addition to the above application fees, the board also anticipates 1,200 embalmer licensees and 2,500 funeral director licensees will renew their license between March 1, 2002 and May 30, 2002. Therefore, the board estimates that private entities will incur an estimated increase of \$268,800 during fiscal year 2002.

- The board also estimates the following number of applications will be received during fiscal year 2003 and each year thereafter:

- 30 Embalmer Apprenticeship Registration Applications
- 100 Funeral Director Applications
- 40 Establishment Applications
- 10 Embalmer Reciprocity Applications
- 15 Funeral Director Reciprocity Applications

Therefore, the board estimates that private entities will incur an estimated annual increase of \$19,500 during fiscal year 2003 and each year thereafter for the life of the rule.

- The board further estimates that during fiscal year 2004 the following number of licensees will renew their license:

- 1200 Embalmer Licensees
- 2500 Funeral Director Licensees
- 725 Establishments

The board estimates that private entities will incur an estimated \$302,500 biennially.

- It is anticipated that the total increase will recur for the life of the rule, however, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 145—Missouri Board of Geologist Registration
Chapter 1—General Rules**

PROPOSED AMENDMENT

4 CSR 145-1.040 Fees. The board is proposing to amend section (1).

PURPOSE: This amendment allows licensees who renew their license late to pay a lesser penalty fee. The board is also proposing to delete subsection (1)(K) pursuant to section 610.026, which states fees for copying records shall not exceed the actual cost of document search and duplication.

(1) The following fees are established by the Board of Geologist Registration and are payable in the form of a cashier's check, personal check or money order:

(F) License Renewal Fee	\$100.00
and in addition—	
1. One (1) day to [60 (1–60) days] two (2) years late;	\$ 50.00
[and]	
2. Sixty-one (61) days to two (2) years late	\$200.00]
[(I) Computer Printout and Copy Fee (per page)	\$.50]
[(J)] (I) Educational Review	\$ 35.00
[(K)] (J) Insufficient Funds Check Fee Charge	\$ 50.00
[and]	
(L) Research Fee (per hour; one-half hour minimum)	\$ 5.00]

AUTHORITY: section 256.465.2, RSMo [1994] 2000. Emergency rule filed June 29, 1995, effective July 9, 1995, expired Nov. 5, 1995. Original rule filed Sept. 28, 1995, effective May 30, 1996. Amended: Filed April 13, 2001.

PUBLIC COST: This proposed amendment will result in a decrease of \$5,250 annually to the Missouri Board of Geologist Registration Fund for the life of the rule. It is anticipated that the loss will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed amendment is estimated to save private entities \$5,250 annually for the life of the rule as a result of the late penalty fee decrease. It is anticipated that the total costs will recur annually for the life of the rule, may vary with inflation and is expected to decrease at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Geologist Registration, Pamela Groose, Executive Director, PO Box 1335, Jefferson City, MO 65102-1335. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

FISCAL NOTE PUBLIC ENTITY COST

I. RULE NUMBER

Title: 4 -- Department of Economic Development

Division: 145 -- Missouri Board of Geologist Registration

Chapter: 2 -- Licensure Requirements

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 145-1.040 Fees

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Loss of Revenue
Missouri Board of Geologist Registration (35 licensees saving an estimated \$150 annually)	\$5,250.00
Total Estimated Loss of Revenue For the Life of the Rule	
	\$5,250.00

III. WORKSHEET

See table above.

IV. ASSUMPTIONS

1. The board estimates 50 licensees renew their license annually after the expiration date. Of these 50 licensees, the board estimates that 35 of those individuals renew at least 60 days after the expiration date. Therefore, the board estimates this amendment will result in a decrease of \$5,250 annually to the Missouri Geologists Registration Fund for the life of the rule.
2. These annual costs will recur each year for the life of the rule, may vary with inflation and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

**FISCAL NOTE
 PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 4 -- Department of Economic Development

Division: 145-Missouri Board of Geologist Registration

Chapter: 1-General Rules

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 4 CSR 145-1.040 Fees

Prepared April 6, 2001 by the Division of Professional Registration and the Missouri Board of Geologist Registration.

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate annual cost of compliance with the rule by the affected entities:
35	Licensees (renewing 61 days – 2 years after the expiration of the license) cost savings of \$150.00	\$5,250.00
Total Cost Savings for the Life of the Rule		\$5,250.00

III. WORKSHEET

See Table Above

IV. ASSUMPTIONS

1. The board estimates 50 licensees renew their license after the expiration date. Of these 50 licensees, the board estimates that 35 of those individuals renew at least 60 days after the expiration date. Therefore, the board anticipates that 35 individuals will be affected by this amendment.
2. It is anticipated that the total savings will recur for the life, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
**Division 150—State Board of Registration for the
Healing Arts**
Chapter 2—Licensing of Physicians and Surgeons

PROPOSED AMENDMENT

4 CSR 150-2.050 [Annual] Biennial Registration Penalty. The board is proposing to amend the title, section (1) and the original Purpose statement.

PURPOSE: This amendment allows the board to implement a biennial renewal.

PURPOSE: This rule provides information to physicians and surgeons permanently licensed in Missouri regarding penalty of not registering [annually] biennially.

(1) Whenever a licensed practitioner fails to renew his/her registration for any period in excess of six (6) months after the expiration of his/her last [prior] registration, his/her application for renewal of registration shall be denied unless it is accompanied by all fees required by statute, **4 CSR 150-2.125** and this rule, together with a [statement of all addresses where s/he has practiced and resided since the expiration of his/her last period of registration, the nature of his/her practice since the expiration and whether, since the expiration, any license or right of his/her to practice in any other state or country has been suspended or revoked; whether s/he has been the subject of any disciplinary action by any licensing agency of any state or country or by any professional organization or society; whether s/he has been charged or convicted of any crime in any court of any state or country; whether s/he has been addicted to a drug habit or has been guilty of any unprofessional or dishonorable conduct as defined by section 334.100, RSMo, and all details pertaining to all such occurrences. This statement shall be completed upon forms provided by the executive secretary and shall be made by the applicant under oath.] **completed renewal application.** The application shall be made under oath on a form furnished by the board. The application shall include, but not be limited to, disclosure of the following: the applicant's full name and the office and residence addresses and the issuance date and number of the license; all final disciplinary actions taken against the applicant by any professional medical or osteopathic association or society, licensed hospital or medical staff of the hospital, state, territory, federal agency or country; and information concerning the applicant's current physical and mental fitness to practice as a physician and surgeon.

AUTHORITY: sections 334.075, 334.080 and 334.125, RSMo [1986] 2000. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed July 3, 1989, effective Dec. 1, 1989. Amended: Filed April 13, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Healing Arts, 3605 Missouri Boulevard, PO Box 4, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
**Division 150—State Board of Registration for the
Healing Arts**
Chapter 2—Licensing of Physicians and Surgeons

PROPOSED AMENDMENT

4 CSR 150-2.080 Fees. The board is proposing to amend section (1).

PURPOSE: This amendment allows the board to implement a biennial renewal, decrease the renewal fee and increase the continuing education extension fee due to the amount of time for processing such requests. Fees for document searches and duplication are being deleted pursuant to section 610.026, which states fees for copying records shall not exceed the actual costs.

(1) The following fees are established by the State Board of Registration for the Healing Arts:

(J) Renewal of Certificate of Registration	
Fee	\$[120.00] 200.00
(M) Fee for Renewing Limited License	\$ [25.00] 50.00
(P) Delinquent Fee	\$ [25.00] 50.00
(Q) Continuing Medical Education Extension	
Fee	\$ [15.00] 50.00
[(R) Photocopy Fee—public records (per page)	\$.25
(S) Document Search Fee—public records	
(per hour)	\$20.00
with a minimum fee of	\$ 5.00
(T) Access Fee—public records maintained on	
computer facilities, recording tapes or discs,	
video tapes or films, pictures, slides, graphics,	
illustrations or similar audio or visual items or	
devices. Actual cost of reproduction plus document	
search fee (per hour)	\$20.00
with a minimum fee of	\$ 5.00]
[(U)] (R) Duplicate License Fee	\$ 30.00.

AUTHORITY: sections 334.090.2], RSMo 1994] and 334.125, RSMo 2000 [and 610.026, RSMo Supp. 1999]. Emergency rule filed July 1, 1981, effective July 11, 1981, expired Nov. 8, 1981. Original rule filed July 14, 1981, effective Oct. 11, 1981. For intervening history, please consult the Code of State Regulations. Amended: Filed April 13, 2001.

PUBLIC COST: This proposed amendment is estimated to cost state agencies and political subdivisions an estimated \$2,495.14 biennially for the life of the rule. It is anticipated that the total cost will recur biennially for the life of the rule, may vary with inflation and is expected to increase biennially at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed amendment is estimated to cost private entities an increase of \$6,510 biennially for the life of the rule as a result of the continuing medical education extension fee increase; and a cost savings of \$746,000 biennially with a continuous cost savings of \$81,440 biennially for the life of the rule as a result of the renewal fee decrease. It is anticipated that the total costs will recur biennially for the life of the rule, may vary with inflation and is expected to increase biennially at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Healing Arts, 3605 Missouri Boulevard, PO Box 4, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

FISCAL NOTE
PUBLIC ENTITY COST

I. RULE NUMBER

Title: 4 - Department of Economic Development

Division: 150 - Professional Registration/State Board of Registration for the Healing Arts

Chapter: 2 – Licensing of Physician and Surgeons

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 4 CSR 150-2.080 Fees

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance
State Board of Registration for the Healing Arts	\$2,495.14
Estimated Biennial Cost of Compliance for the Life of the Rule	\$2,495.14

III. WORKSHEET

Based on figures from calendar year 2000, the board estimates 186 individuals will apply for a continuing medical education extension each biennial renewal period. The following is a breakdown of the expense and equipment costs associated with printing and mailing the continuing medical education extension forms and correspondence to licensees.

CLASSIFICATION	FEE AMOUNT	NUMBER IN CLASS	AGGREGATE COST
Request for Continuing Medical Education Extension Form	\$.15	186	\$27.90
Envelope for Mailing Application	\$.16	186	\$29.76
Postage for Mailing Application	\$.34	186	\$171.02
Correspondence to licensee (3 letters per licensee)	\$.16	186	\$29.76
Envelope for Mailing Correspondence (3 letters per licensee)	\$.48	186	\$89.28
Postage for Mailing Correspondence (3 letters per licensee)	\$1.02	186	\$189.72
Total:			\$537.44

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFITS	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL COST
Clerk Steno II	\$19,104	\$25,471.37	\$12.12	.21	30 minutes	\$6.30	\$1,171.80
Executive Director	\$58,215.36	\$77,618.36	\$37.32	.63	5 minutes	\$3.15	\$585.90
Total:							\$1,757.70

The above staff salaries were calculated using the following formula:

Employee's salaries were calculated using their annual salary multiplied by 33.33% for fringe benefits and then was divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing requests for extensions. The total cost was based on the cost per requests multiplied by the estimated 186 licensees.

The Chair of the Licensure Committee receives per diem for reviewing continuing medical education extension requests. Based on the estimated 186 licensees to request such an extension, the board anticipates the Chair of the Licensure Committee spends approximately 4 days each renewal period reviewing such requests and receives \$200.00 per diem each biennial renewal period.

BIENNIAL COST OF COMPLIANCE: \$2,495.14

IV. ASSUMPTIONS

- It is estimated that the following staff time will be devoted on each application for registration and devoted to the following duties:

Clerk Stenographer II – .5 hour per licensee

Duties: telephone time devoted to applicants requesting continuing medical education extension forms, mailing forms to licensees, processing the requests for continuing medical education extensions, providing written correspondence to the licensee, mailing request to the Chair of the Licensure Committee, and notifying the licensee of the board's decision.

Executive Director -- 5 minutes per licensee

Duties: Discussion with the Chair of the Licensure Committee regarding continuing medical education extension request and relaying the chair's decision to the Clerk Stenographer II.

- It is anticipated that the total cost will recur biennially for the life of the rule, however, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 4 - Department of Economic Development

Division: 150 - State Board of Registration for the Healing Arts

Chapter: 2 - Licensing of Physicians and Surgeons

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 4 CSR 150-2.080 Fees

II. SUMMARY OF FISCAL IMPACT

Biennial Increase

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate Biennial Increase of Compliance for the Life of the Rule:
186	Physicians and Surgeons Continuing Education Extension Increase @ \$35.00	\$6,510

Total Biennial Increase for the life of the rule: \$6,510

Biennial Decrease

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate Cost Savings for Compliance for the Life of the Rule:
18,650	Physicians and Surgeons Renewal of Certificate of Registration Fee Decrease @ \$40.00	\$746,000

Total Biennial Cost Savings for the life of the rule: \$746,000 biennially with a continuous costs savings of \$81,440 biennially for the life of the rule

III. WORKSHEET

See above table.

IV. ASSUMPTIONS

1. Based on figures from calendar year 2000, the board estimates that approximately 186 licensed physicians and surgeons will apply for a continuing medical education extension each renewal period. The private entity cost for this proposed rule is estimated to be \$6,510 biennially for the life of the rule as a result of the continuing medical education extension fee increase.
2. Currently 18,650 physicians and surgeons are licensed by the board. The board anticipates an annual growth rate of 1,018. Therefore, the board estimates that private entities will incur a cost savings of \$746,000 biennially with a continuous cost savings of \$81,440 biennially for the life of the rule as a result of the renewal fee decrease.
3. It is anticipated that the total biennial cost will recur each year for the life of the rule, however, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
**Division 150—State Board of Registration for the
Healing Arts**
Chapter 2—Licensing of Physicians and Surgeons

PROPOSED AMENDMENT

4 CSR 150-2.125 Continuing Medical Education. The board is proposing to amend sections (1)–(8), and (10) and (11).

PURPOSE: This amendment allows the board to implement a biennial renewal.

(1) **Effective February 1, 2002,** *[E]ach licensee[, on a yearly basis,]* shall complete and report at least *[twenty-five (25)]* **fifty (50)** hours of continuing medical education **each renewal period.** The board shall not issue a renewal of a licensee's certificate of registration unless the licensee demonstrates completion of *[twenty-five (25)]* **fifty (50)** hours of continuing medical education accredited by the American Osteopathic Association (AOA) as Category 1-A or 2-A, by the American Medical Association (AMA) as Category 1 or Category 2—as further specified in this rule, or American Academy of Family Practice Prescribed Credit, in the immediately preceding reporting period. A maximum of *[ten (10)]* **twenty (20)** hours of AMA Category 2 education for which documented credit is given may be counted towards the *[twenty-five (25)]* **fifty (50)**-hour requirement. A licensee is not required to complete any continuing medical education hours in the renewal *[year following the year]* **period** in which the licensee is initially licensed to practice the healing arts in Missouri if the licensee has not previously held a permanent license to practice the healing arts in Missouri or any other *[jurisdiction]* **state of the United States of America.** The period for completion of the continuing medical education requirements shall be the *[twelve (12)]* **twenty-four (24)**-month period beginning January 1 of each **even-numbered year** and ending December 31 of each **odd-numbered year.** A licensee who has failed to obtain and report, in a timely fashion, *[twenty-five (25)]* **fifty (50)** hours of continuing medical education shall not engage in the practice of medicine unless an extension is obtained pursuant to section (4) of this rule.

(A) A licensee shall be deemed to have complied with section (1) of this rule if the licensee completes forty (40) hours of continuing medical education and each course, seminar or activity includes a post-test of the material covered in the forty (40) continuing medical education hours. The forty (40) hours must all be accredited by the AOA as Category 1-A or by the AMA as Category 1.

(B) Of the fifty (50) required hours in section (1) or, alternatively, the forty (40) hours in subsection (1)(A), the licensee shall complete at least four (4) hours of accredited continuing medical education in the subject area of professionalism, medical ethics or risk management.

(2) Each licensee shall certify by signature, under penalty of perjury, that s/he has completed the required *[twenty-five (25)]* hours of continuing medical education listed by him/her on the renewal form (see 4 CSR 150-2.040).

(3) Each licensee shall retain records documenting his/her attendance at and completion of the required *[twenty-five (25)]* hours of continuing medical education for a minimum of three (3) years after the reporting period in which the continuing medical education was completed. The records shall document the titles of the courses taken, dates, locations, course sponsors, category of hours earned and number of hours earned. The board may conduct an audit of licensees to verify compliance with the continuing medical

education requirement. Licensees shall assist the board in its audit by providing timely and complete responses to the board's inquiries.

(4) A licensee who cannot complete the required *[twenty-five (25)]* hours of continuing medical education because of personal illness, military service or other circumstances beyond the licensee's control which the board deems to be sufficient to impose an insurmountable hardship may apply for an extension of time to complete the continuing medical education requirements. Any extension of time to complete the continuing medical education requirements will be granted solely in the discretion of the board. The licensee must make a written application for extension of time prior to the December 31 deadline for completion of the continuing medical education requirement. The application for extension shall be accompanied by a processing fee of *[fifteen dollars (\$15)]* **fifty dollars (\$50)**, together with the application for extension. The licensee shall provide full and complete written documentation of the grounds supporting the reasons for which an extension is sought. A licensee who requests an extension of time to complete the required *[twenty-five (25)]* hours of continuing medical education shall not engage in the active practice of the healing arts until the board grants the licensee's request for extension and the licensee receives express written authorization to do so.

(D) A licensee who is granted an extension of time shall complete the balance of his/her continuing medical education requirements no later than *[February 28]* **April 30** immediately following the end of the reporting period for which an extension was sought and shall provide the board with written documentation of his/her completion of the continuing medical education requirements no later than *[March 10]* **May 10** immediately following the end of the reporting period for which an extension was sought. Failure to complete the continuing medical education requirements by *[February 28]* **April 30** or to file the documentation with the board by *[March 10]* **May 10** shall constitute a violation of section 334.075, RSMo and this rule.

(E) An extension of time shall not be granted to any licensee who obtained an extension in the immediately preceding reporting *[year]* **period** in which the licensee held an active license, except in the case of a licensee who is unable to complete the requirements due to military service commitment pursuant to a combat or national emergency assignment.

(5) A licensee who has obtained American Specialty Board certification or recertification during the reporting *[year]* **period** shall be deemed to have obtained *[twenty-five (25)]* **the required** hours of continuing medical education. The licensee shall provide the board with documentation evidencing the certification or recertification upon request.

(6) A licensee who participated in an AMA- or AOA-approved internship or residency program during the reporting period shall be deemed to have obtained *[twenty-five (25)]* **the required** hours of continuing medical education if at least *[thirty (30)]* **sixty (60)** days of the reporting period were spent in the internship or residency.

(7) A licensee who participated in a fellowship program in an approved teaching institution shall be deemed to have obtained *[twenty-five (25)]* **the required** hours of continuing medical education if at least *[thirty (30)]* **sixty (60)** days of the reporting period were spent in the fellowship and the fellowship is determined to be advanced training. Upon request, the licensee shall provide documentation from the fellowship program director verifying the number of days in the program and that the program is advanced training.

(8) A licensee who holds a limited license to practice medicine in the state of Missouri shall obtain and report to the board *[five (5)/ten (10) hours of AMA Category 1 or AOA Category 1-A or 2-A continuing medical education each [calendar year] reporting period*. The obtaining and reporting of these hours shall be done in accordance with this rule.

(10) To reinstate the license of a physician whose license has been in a noncurrent state for any reason, including retirement, for a period of two (2) years or less, that physician shall obtain, in addition to any other requirements of law, *[all the continuing medical education that physician would otherwise have been required to obtain if the physician's license had been current and active during that period] twenty-five (25) hours of continuing medical education for each calendar year in which the license was in a noncurrent state*. To reinstate the license of any physician whose license has been in a noncurrent state for any reason, including retirement, for more than two (2) years, that physician shall comply with 4 CSR 150-2.150 and any other requirements of law. No license of a physician whose license has been noncurrent shall be reinstated unless and until all required continuing medical education is obtained and reported to the board and all other requirements of law have been satisfied.

(11) Violation of any provision of this rule shall be deemed by the board to constitute misconduct, fraud, misrepresentation, dishonesty, unethical conduct or unprofessional conduct in the performance of the functions or duties of a physician depending on the licensee's conduct. In addition, a licensee who has failed to complete and report in a timely fashion the required *[twenty-five (25)]* hours of continuing medical education and engages in the active practice of the healing arts without the express written authority of the board shall be deemed to have engaged in the unauthorized practice of medicine.

AUTHORITY: sections 334.075[, RSMo 1994] and 334.125, RSMo [Supp. 1996] 2000. Original rule filed Oct. 16, 1991, effective March 9, 1992. For intervening history, please consult the Code of State Regulations. Amended: Filed April 13, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate as the board is merely implementing a biennial renewal.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Healing Arts, 3605 Missouri Boulevard, PO Box 4, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 150—State Board of Registration for the
Healing Arts
Chapter 2—Licensing of Physicians and Surgeons**

PROPOSED RULE

4 CSR 150-2.165 Chelation of No Medical or Osteopathic Value

PURPOSE: This rule provides clarification of the approved use of ethylenediaminetetracetic acid (EDTA).

(1) Pursuant to authority granted to the board by section 334.100.2(4)(f), RSMo, the board declares the use of ethylenedi-

aminetetracetic acid (EDTA) chelation on a patient is of no medical or osteopathic value except for those uses approved by the Food and Drug Administration (FDA) by federal regulation.

(2) The board shall not seek disciplinary action against a licensee based solely upon a non-approved use of EDTA chelation if the licensee has the patient sign the Informed Consent for EDTA Chelation Therapy form, included herein, before beginning the non-approved use of EDTA chelation on a patient.

INFORMED CONSENT FOR ETHYLENEDIAMINETETRACETIC ACID (EDTA) CHELATION THERAPY

PATIENT'S NAME: _____

ADDRESS:

AGE: _____ **SEX:** Male Female

NAME AND ADDRESS OF TREATING PHYSICIAN

Malignancy, disease, illness or physical condition diagnosed for medical treatment by EDTA chelation therapy:

My physician has explained to me and I fully understand:

- (a) that the use of ethylenediaminetetracetic acid (EDTA) has been approved by the federal Food and Drug administration (FDA) only for the use of removing heavy metals from the body;
- (b) that the FDA has not approved the drug EDTA for treatment of diseases or conditions other than heavy metals poisoning;
- (c) that it has not been established through controlled trials that EDTA chelation therapy is effective for the treatment of circulatory diseases, specifically including atherosclerosis, hardening of the arteries, vascular insufficiency or diabetes;
- (d) that two controlled trials were completed in 1992 and 1994, respectively, which trials demonstrated that EDTA chelation therapy was not effective in the treatment of vascular diseases;
- (e) that the federal government and most insurance companies do not pay for or reimburse for treatment with EDTA chelation therapy;
- (f) that the Missouri State Board of Registration for the Healing Arts has monitored the development of the scientific literature on EDTA chelation therapy and has concluded that EDTA chelation therapy has been authoritatively demonstrated to be ineffective in the treatment of vascular diseases;
- (g) that the Missouri State Board of Registration for the Healing Arts has determined that the use of EDTA chelation therapy by Missouri citizens may be harmful to their health in that such patients may forego the use of medical treatments and drugs of proven usefulness in the treatment of vascular disease;
- (h) that neither the American Medical Association, the American Osteopathic Association, the American College of Cardiology, the American Heart Association nor any other recognized independent medical association recommends the use of EDTA chelation therapy for the treatment of any human disease, illness, malady or physical condition other than heavy metals poisoning;
- (i) that the Missouri State Board of Registration for the Healing Arts strongly recommends that Missouri citizens not undergo EDTA chelation therapy for the treatment of any human disease, illness, malady or physical condition other than heavy metals poisoning;
- (j) that therapy with EDTA chelation may not be begun until three working days have expired after the date of my execution of this informed consent form.

Physician

Date

I HAVE READ AND UNDERSTAND THE ABOVE. NOTWITHSTANDING HAVING READ AND UNDERSTOOD THE ABOVE, I HEREBY ELECT TO UNDERGO TREATMENT WITH EDTA CHELATION THERAPY UNDER THE PROTOCOL RECOMMENDED BY THE AMERICAN COLLEGE FOR THE ADVANCEMENT IN MEDICINE (ACAM).

Patient

Date

AUTHORITY: section 334.100.2(4)(f), RSMo 2000. Original rule filed April 13, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Board of Healing Arts, 3605 Missouri Boulevard, PO Box 4, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 150—State Board of Registration for the
Healing Arts
Chapter 8—Licensing of Clinical Perfusionists**

PROPOSED AMENDMENT

4 CSR 150-8.060 Fees. The board is proposing to amend section (1).

PURPOSE: This amendment reduces the annual renewal fee for perfusionists inasmuch as the Advisory Commission for Clinical Perfusionists has completed the initial licensing period for its licensees and established an operating fund.

(1) The following fees are established by the State Board of Registration for the Healing Arts:

(F) Renewal Fee ~~\$/250.00~~ **125.00**

AUTHORITY: section 324.159, RSMo [Supp. 1997] 2000. Original rule filed Dec. 2, 1998, effective June 30, 1999. Amended: Filed April 13, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment is estimated to save private entities \$14,500 biennially for the life of the rule. It is anticipated that the total savings will recur each year for the life of the rule, however, may vary with inflation and is expected to decrease at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Healing Arts, 3605 Missouri Boulevard, PO Box 4, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 4 - Department of Economic Development

Division: 150 - State Board of Registration for the Healing Arts

Chapter: 8 - Licensing of Clinical Perfusionists

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 4 CSR 150-8.060 Fees

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate Annual Cost of Compliance for the Life of the Rule:
116	Clinical Perfusionists (decrease of \$125.00 per renewal period)	\$14,500

Estimated Cost Savings for the
life of the rule:

\$14,500

III. WORKSHEET

Renewal Fee Decrease @ \$125.00

IV. ASSUMPTIONS

1. The board estimates that 116 currently licensed clinical perfusionists will apply for a renewal license each renewal period.
2. The private entity cost for this proposed rule is estimated to save private entities \$14,500 biennially for the life of the rule. It is anticipated that the total savings will for the life of the rule, however, may vary with inflation and is expected to decrease at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 220—State Board of Pharmacy
Chapter 2—General Rules**

PROPOSED AMENDMENT

4 CSR 220-2.085 Electronic Transmission of Prescription Data.
The board is proposing to add new subsections (1)(D), (2)(C), (2)(D), and (2)(E) and renumber the remaining subsection accordingly.

PURPOSE: This amendment will provide a definition of the term "electronic signature" in order to allow pharmacists and pharmacies to utilize such technology in receiving and processing prescriptions.

(1) Definitions.

(D) Electronic signature—Means a confidential personalized digital key, code, number or other identifier used for secure electronic data transmissions which identifies and authenticates the signatory. Electronic signatures may be sent as part of an electronic transmission prescription to a pharmacy or it may be applied to a hard copy to be provided to the patient.

(2) When a prescription is transmitted to a pharmacy electronically, the following requirements must be met:

(B) To maintain the confidentiality of patient records, the system shall have adequate security and systems safeguards designed to prevent and detect unauthorized access, modification, or manipulation of patient records. Once the drug has been dispensed, any alterations in prescription drug order data shall be documented including the identification of the pharmacist responsible for the alteration; *[and]*

(C) In verifying the authenticity of a transmitted prescription, the pharmacist shall ensure the validity of the prescription as to its source of origin. Measures to be considered in authenticating prescription drug orders received via electronic transmission include:

1. Maintenance of a practitioner's facsimile number reference or other electronic signature file;

2. Verification of the telephone number of the originating facsimile equipment;

3. Telephone verification with the practitioner's office that the prescription as both written by the practitioner and transmitted by the practitioner or the practitioner's authorized agent;

4. Other efforts which, in the professional judgment of the pharmacist, may be necessary to ensure the transmission was initiated by the prescriber;

(D) At the option of the patient, an electronically produced prescription may be sent to a pharmacy electronically or provided as a hard copy generated from the prescriber's electronic prescribing system;

(E) Hard copy prescriptions presented to the patient generated from electronic media shall be applied to paper that utilizes security features that will ensure that the prescription is not subject to any form of copying and/or alteration; and

[[C]] **(F) Electronic transmission technology utilized by pharmacy personnel shall not be used to circumvent or violate any provision of state and federal drug laws or the Pharmacy Practice Act and accompanying regulations.**

AUTHORITY: sections 338.010, 338.095, 338.140I, *RSMo Supp. 1999*] and 338.280, *RSMo [1994] 2000. Original rule filed Sept. 25, 1995, effective April 30, 1996. Amended: Filed July 28, 2000, effective Jan. 30, 2001. Amended: Filed April 6, 2001.*

PUBLIC COST: The proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: The proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Pharmacy, Kevin Kinkade, Executive Director, PO Box 625, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 220—State Board of Pharmacy
Chapter 5—Drug Distributor**

PROPOSED AMENDMENT

4 CSR 220-5.020 Drug Distributor Licensing Requirements.
The board is proposing to amend subparagraph (8)(A)1.B.

PURPOSE: This amendment provides a more precise definition of reasons for disciplinary action. This proposed amendment has been reviewed by the Drug Distributor Advisory Committee, as required by section 338.140.4, *RSMo*.

(8) The Board of Pharmacy may grant a temporary license to a wholesale or pharmacy drug distributor to allow for the conduct of business within the state until a determination by the board is made on the issuance of a permanent license.

(A) Temporary licenses shall remain valid until a time the board shall find that the applicant meets or fails to meet the requirements for regular licensure or one (1) year, whichever is less.

1. The board will consider, at a minimum, the following factors in reviewing the qualifications of persons who apply or renew as a drug distributor:

A. Any convictions of the applicant under any federal, state or local laws relating to drug samples, wholesale or retail drug distribution, or distribution of controlled substances;

B. *[Any felony convictions of the applicant under federal, state or local laws]* The person has been finally adjudicated and found guilty, or entered a plea of guilty or *nolo contendere*, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

C. The applicant's past experience in the manufacture or distribution of prescription drugs, including controlled substances;

D. The applicant furnishing false or fraudulent material in any application made in connection with drug manufacturing or distribution;

E. Suspension, revocation or probation by federal, state or local government of any license or registration currently or previously held by the applicant for the manufacture or distribution of any drugs, including controlled substances;

F. Compliance with licensing requirements under previously granted licenses, if any; and

G. Requirements to maintain or make available, or both, to the board or the federal, state or local law enforcement officials those records required under this section are followed.

2. If an applicant for a license in any way fails to provide information as requested by the board or does not cooperate with

requests and inquiries made by the board or provides false or misleading information to the board and the temporary license expires or is denied, all fees paid by the applicant shall be forfeited.

3. During the period of time that a temporary license is in effect, the applicant may conduct business in this state as a drug distributor as long as all state and federal laws governing drug distribution are followed and no action that results in professional misconduct as outlined in section 338.055, RSMo is documented.

4. If it is determined by the board that a permanent license is to be denied to an applicant, a denial notification letter shall be sent to the applicant. The temporary license will be considered invalid ten (10) days after notification is sent to the applicant by certified mail.

AUTHORITY: sections 338.330, 338.333, 338.335, 338.337, 338.340 and 338.350, [RSMo Supp. 1999] RSMo [1994] 2000. Original rule filed Feb. 4, 1991, effective June 10, 1991. Amended: Filed April 28, 1992, effective Feb. 26, 1993. Amended: Filed Jan. 27, 1995, effective Sept. 30, 1995. Amended: Filed March 15, 2000, effective Sept. 30, 2000. Amended: Filed Nov. 1, 2000. Amended: Filed April 6, 2001.

PUBLIC COST: The proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: The proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Pharmacy, Kevin Kinkade, Executive Director, PO Box 625, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 245—Real Estate Appraisers
Chapter 5—Fees**

PROPOSED AMENDMENT

4 CSR 245-5.010 Payment. The board is proposing to amend sections (2) and (4).

PURPOSE: This amendment increases the minimum prorated fee to coincide with the fees established in 4 CSR 245-5.020 Application, Certificate and License Fees.

(2) Beginning January 1, 2000, all certificates and licenses will expire on June 30 of even-numbered years. The commission may prorate continuing education and fees in order to put all licensees on a biennial renewal. Initial certificates and licenses may be prorated on a quarterly *[bases]* basis. The prorated fee shall not be less than *[seventy-five dollars (\$75)]* **one hundred dollars (\$100)**. That proration shall not apply to expired certificates and license renewal. All renewal applications and fees must be delivered to the commission office or be postmarked prior to June 30 of even-numbered years.

(4) To renew a current, valid real estate appraiser certificate or license, *as of April 29, 1991,* the licensee shall file an application on a form approved by the commission and pay the prescribed renewal fee to the commission not earlier than one hundred twenty (120) days *[nor later than thirty (30) days]* prior to the expiration date of the certificate or license. Each application for renewal shall be accompanied by evidence in the form prescribed

by the commission of having completed the continuing education requirements for renewal specified in this rule.

AUTHORITY: sections 339.509 and 339.513, RSMo [Supp. 1998] 2000. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. For intervening history, please consult the Code of State Regulations. Amended: Filed April 13, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate as the commission is implementing a biennial renewal for its licensees without changing the cost of renewal.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Real Estate Appraisers Commission, 3605 Missouri Boulevard, PO Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 245—Real Estate Appraisers
Chapter 5—Fees**

PROPOSED AMENDMENT

4 CSR 245-5.020 Application, Certificate and License Fees. The board is proposing to amend section (2).

PURPOSE: The Missouri Real Estate Appraisers Commission is statutorily obligated to enforce and administer the provisions of Chapter 339, RSMo. Pursuant to sections 339.509 and 339.513, RSMo, the board shall by rule and regulation set the amount of fees authorized by Chapter 339, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of Chapter 339, RSMo. This proposed amendment is necessary because the board's fund balance and projected revenue will not support the expenditures necessary to enforce and administer the provisions of Chapter 339, RSMo, which will result in an endangerment to the health, welfare, and safety of the public.

(2) The following fees shall be paid for original issuance and renewal of certificates or licenses:

(A) <i>[State-]</i> Initial Certified General Real Estate Appraiser Fee—	
Prior to July 1, 2002	\$300.00
Effective July 1, 2002	\$400.00
(B) <i>[State-]</i> Initial Certified Residential Real Estate Appraiser Fee—	
Prior to July 1, 2002	\$300.00
Effective July 1, 2002	\$400.00
(C) <i>[State-]</i> Initial Licensed Real Estate Appraiser Fee—	
Prior to July 1, 2002	\$300.00
Effective July 1, 2002	\$400.00
(D) <i>Nonresident State-Certified General Real Estate Appraiser Fee</i>	\$300.00
(E) <i>Nonresident State-Certified Residential Real Estate Appraiser Fee</i>	\$300.00

(F) Nonresident State-Licensed Real Estate Appraiser Fee	\$300.00/
(D) Certified General Real Estate Appraiser Renewal Fee—	
Prior to April 1, 2002	\$300.00
Effective April 1, 2002	\$400.00
(E) Certified Residential Real Estate Appraiser Renewal Fee—	
Prior to April 1, 2002	\$300.00
Effective April 1, 2002	\$400.00
(F) Licensed Real Estate Appraiser Renewal Fee—	
Prior to April 1, 2002	\$300.00
Effective April 1, 2002	\$400.00

AUTHORITY: sections 339.509, 339.513 and 339.525.5, RSMo [Supp. 1998] 2000. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. For intervening history, please consult the Code of State Regulations. Amended: Filed April 13, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment is estimated to cost private entities a total biennial increase of \$217,800 with a continuous biennial increase of \$32,000 for the life of the rule. It is anticipated that the total cost will recur biennially for the life of the rule, may vary with inflation and is expected to increase biennially at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Real Estate Appraisers Commission, 3605 Missouri Boulevard, PO Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 4 – Department of Economic Development
Division: 245 – Real Estate Appraisers
Chapter: Chapter 5 – Fees
Type of Rulemaking: Proposed Amendment
Rule Number and Name: 4 CSR 245-5.020 Application, Certificate and License Fees

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate biennial cost of compliance with the rule by the affected entities:
320	Certified Real Estate Appraisers, Certified Residential Real Estate Appraisers, and Licensed Real Estate Appraisers Biennially Applying for Initial Licensure (\$100.00 initial license fee increase)	\$32,000
1858	Currently licensed Certified Real Estate Appraisers, Certified Residential Real Estate Appraisers, and Licensed Real Estate Appraisers (\$100.00 renewal fee increase)	\$185,800
Total biennial increase for the life of the rule		\$217,800 biennially with a continuous biennial increase of \$32,000

III. WORKSHEET

See above table

IV. ASSUMPTIONS

- The number of entities used in this fiscal note are based on actual figures from FY00 and projected figures in FY01.

2. The commission anticipates that 320 applicants will apply for licensure biennially. Therefore, the commission estimates that private entities will incur a biennial increase of \$32,000 for the life of the rule as a result of the initial licensure fee increase.
3. Currently 1,858 certified real estate appraisers, certified residential real estate appraisers, and licensed real estate appraisers are certified/licensed by the commission. The commission anticipates an annual growth rate of 320 applicants biennially. Therefore, the commission estimates that private entities will incur an increase of \$185,800 biennially with a continuous biennial increase of \$32,000 for the life of the rule as a result of the renewal fee increase.
4. The commission estimates that private entities will incur a total biennial increase of \$217,800 with a continuous biennial increase of \$32,000 for the life of the rule.
5. It is anticipated that the total biennial cost will recur for the life, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 270—Missouri Veterinary Medical Board
Chapter 1—General Rules**

PROPOSED AMENDMENT

4 CSR 270-1.011 Organization of [Board/Duties] Veterinary Technician Committee. The board is proposing to amend the title and sections (1) and (2).

PURPOSE: This proposed amendment is to eliminate the different effective terms that were necessary when the Veterinary Technician Examining Committee was initially formed and clarifies that members of the Veterinary Technician Examining Committee shall have five (5) years of veterinary experience. This amendment also implements Senate Bill 424 of the 90th General Assembly, which made various changes to Chapter 340.

(1) The board [shall] may appoint a Veterinary Technician Examining Committee comprised of at least four (4) persons, one (1) of whom shall be the executive director, who will administer the veterinary technician examination and report the results with raw scores to the board within sixty (60) days of the examination. The committee shall consist of two (2) currently registered veterinary technicians, two (2) members of the Missouri Veterinary Medical Board and the executive director. The veterinary technicians shall have at least five (5) years' veterinary experience and not be associated in practice with an appointed member of the board.

(2) [Nothing shall prohibit the board from appointing the members of the Veterinary Technician Examining Committee currently serving on the effective date of these rules. Beginning with the committee appointed under these rules, one (1) member shall be appointed for four (4) years, one (1) member shall be appointed for three (3) years, one (1) member shall be appointed for two (2) years and one (1) member shall be appointed for one (1) year. After that, all] All members shall be appointed to serve four (4) years. The terms of the members of the Veterinary Medical Board serving on the committee shall coincide with their terms on the board. [The terms shall be effective March 1 of each year.]

AUTHORITY: sections 340.208 and 340.210 [and 340.308], RSMo [Supp. 1992] 2000. Original rule filed Nov. 4, 1992, effective July 8, 1993. Amended: Filed April 13, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Veterinary Medical Board, Dana Hoelscher, Executive Director, PO Box 633, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 270—Missouri Veterinary Medical Board
Chapter 1—General Rules**

PROPOSED AMENDMENT

4 CSR 270-1.021 Fees. The board is proposing to amend subsections (1)(A), (1)(B) and (1)(C), and delete paragraphs (1)(A)3. and (1)(A)4. and subsection (1)(E).

PURPOSE: This amendment establishes provisional license fees and deletes photocopy fees from this rule to coincide with the provisions of section 610.026, which states fees for copying records shall not exceed the actual cost of document search and duplication. This amendment also implements Senate Bill 424 of the 90th General Assembly, which made various changes to Chapter 340.

(1) The following fees are established by the Missouri Veterinary Medical Board:

- (A) Veterinarians—
- | | |
|---|------------|
| 1. Registration Fee | \$ 50.00 |
| 2. State Board Examination Fee | \$100.00 |
| [3. National Board Examination Fee | \$65.00 |
| 4. Clinical Competency Test Fee | \$ 140.00] |
| [5.] 3. Reciprocity Fee | \$150.00 |
| [6.] 4. Grade Transfer Fee | \$150.00 |
| [7.] 5. [Restricted] Faculty License Fee | \$200.00 |
| [8.] 6. Temporary or Provisional License Fee | \$100.00 |
| A. Temporary or Provisional License Extension | \$ 50.00 |
| [9.] 7. Annual Renewal Fee— | |
| A. Active | \$100.00 |
| B. Inactive | \$ 50.00 |
| C. [Restricted] Faculty | \$100.00 |
| [10.] 8. Penalty Fee | \$100.00 |
| [11.] 9. Name Change Fee | \$ 15.00 |
| [12.] 10. Wall Hanging Replacement Fee | \$ 15.00 |
- (B) Veterinary Technicians—
- | | |
|---|----------|
| 1. Registration Fee | \$ 50.00 |
| 2. State Board Examination Fee | \$ 30.00 |
| 3. National [Board] Examination Fee | \$100.00 |
| 4. Reciprocity Fee | \$ 50.00 |
| 5. Grade Transfer Fee | \$ 50.00 |
| 6. [Temporary] Provisional Registration Fee | \$ 50.00 |
| 7. Annual Renewal Fee— | |
| A. Active | \$ 20.00 |
| B. Inactive | \$ 10.00 |
| 8. Penalty Fee | \$ 50.00 |
| 9. Name Change Fee | \$ 15.00 |
| 10. Wall Hanging Replacement Fee | \$ 15.00 |
- (C) Facility Permit Fee—
- | | |
|--------------------------------------|------------------|
| 1. Initial Fee | \$100.00 |
| 2. Annual Review Fee [Not to Exceed] | \$ [50.00] 25.00 |
| 3. Penalty Fee | \$ 50.00 |
- (D) Certification of Professional Corporations Fee \$ 25.00
- [(E) Inspection and Copying of Documents—
- | | |
|---|----------|
| 1. Photocopy Fee (per page) | \$.25 |
| 2. Microfiche Reproduction Fee (per page) | \$.25 |
| 3. Microfilm Reproduction Fee (per page) | \$.25.] |

AUTHORITY: sections 340.210 and 340.232, RSMo [Supp. 1997] 2000. Original rule filed Nov. 4, 1992, effective July 8, 1993. Amended: Filed April 14, 1994, effective Sept. 30, 1994. Amended: Filed March 10, 1995, effective Sept. 30, 1995. Amended: Filed Oct. 10, 1995, effective April 30, 1996. Amended: Filed Aug. 31, 1998, effective March 30, 1999. Amended: Filed April 13, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Veterinary Medical Board, Dana Hoelscher, Executive Director, PO Box 633, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 270—Missouri Veterinary Medical Board
Chapter 1—General Rules

PROPOSED RESCISSION

4 CSR 270-1.050 Renewal Procedures. This rule provided information to veterinarians and veterinary technicians licensed in Missouri regarding renewal of that license.

PURPOSE: The board is proposing to rescind this rule and readopt a new rule that more clearly outlines the procedures for renewal of a license.

AUTHORITY: sections 340.210, RSMo Supp. 1993, and 340.258, 340.260, 340.262, 340.312, 340.314, 340.316, 340.318, 340.320, 340.322, 340.324 and 340.326, RSMo Supp. 1992. Original rule filed Nov. 4, 1992, effective July 8, 1993. Amended: Filed April 14, 1994, effective Sept. 30, 1994. Rescinded: Filed April 13, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Veterinary Medical Board, Dana Hoelscher, Executive Director, PO Box 633, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 270—Missouri Veterinary Medical Board
Chapter 1—General Rules

PROPOSED RULE

4 CSR 270-1.050 Renewal Procedures

PURPOSE: This rule provides information to veterinarians licensed and veterinary technicians registered in Missouri regarding renewal of their license or certificate of registration.

(1) Definitions:

(A) "Inactive veterinarian or inactive veterinary technician" is defined as a currently licensed veterinarian or registered veterinary technician who has signed an affidavit that s/he is not practicing or involved in any aspect, administrative or otherwise, of veterinary medicine in Missouri as defined in section 340.200(24), RSMo;

(B) "License" shall include certificate of registration and the term "licensee" shall include registrant; and

(C) "Retired veterinarian or veterinary technician" is defined as a veterinarian or veterinary technician who has signed an affidavit

that s/he is not practicing or involved in any aspect, administrative or otherwise, of veterinary medicine as defined in section 340.200(24), RSMo.

(2) Renewal of an Active or Inactive License/Certificate of Registration.

(A) In order for a veterinarian to renew an active or inactive license, the licensee shall submit the following to the board office prior to the expiration date of the license:

1. A completed, signed, and notarized renewal application, which shall certify that the licensee has completed the required number of approved continuing education credits in accordance with 4 CSR 270-4.042; and

2. The appropriate renewal fee.

(B) In order for a veterinary technician to renew the active or inactive certificate of registration, the licensee shall submit the following to the board office prior to the expiration date of the registration:

1. A completed, signed, and notarized renewal application, which has been signed by the supervising veterinarian and certifies that the licensee has completed the required number of approved continuing education credits in accordance with 4 CSR 270-4.050; and

2. The appropriate renewal fee.

(C) If a veterinary technician is not employed under the supervision of a licensed veterinarian, his/her certificate of registration will be placed on an inactive status. An inactive veterinary technician shall sign an affidavit stating that s/he will not practice as a veterinary technician in Missouri and submit that affidavit with the renewal application and the appropriate fee to the board office.

(D) Failure to provide the requested information will result in the renewal application being returned to the licensee.

(E) Failure of a licensee to receive the notice and application to renew his/her license/registration shall not excuse him/her from the requirements of sections 340.258 or 340.314, RSMo to renew that license/certificate of registration.

(F) Failure to renew a license/registration, either active or inactive, within thirty (30) days of the license renewal date shall result in the license/certificate of registration being declared non-current as authorized by sections 340.258 and 340.314, RSMo.

(G) Any licensee who fails to renew his/her license/registration or whose license/certificate of registration has been declared non-current shall not perform or offer to perform any act for which a license is required.

(3) Restoration of a Non-Current License/Certificate of Registration.

(A) Any veterinarian whose license has been declared non-current under section 340.262, RSMo and who wishes to restore the license shall make application to the board by submitting the following within two (2) years of the license renewal date:

1. An application for renewal of licensure;

2. The current renewal fee and all delinquent renewal fees as set forth in 4 CSR 270-1.021;

3. The penalty fee as set forth in 4 CSR 270-1.021; and

4. Certification of completion of the required number of approved continuing education credits in accordance with 4 CSR 270-4.042.

(B) Any veterinary technician whose registration has been declared non-current under section 340.320.2, RSMo and who wishes to restore the certificate of registration shall make application to the board by submitting the following within one (1) year of the registration renewal date.

1. An application for renewal of registration;

2. The current renewal fee and all delinquent renewal fees as set forth in 4 CSR 270-1.021;

3. The penalty fee as set forth in 4 CSR 270-1.021;

4. Certification of completion of the required number of approved continuing education credits in accordance with 4 CSR 270-4.050; and

5. Verification of employment under the supervision of a licensed veterinarian.

(4) Inactive License/Certificate of Registration.

(A) A veterinarian or veterinary technician may choose to place his/her license/registration on an inactive status by signing an affidavit stating that s/he will not engage in the practice or be involved in any aspect, administrative or otherwise, of veterinary medicine in Missouri and submitting that affidavit with the renewal application and the appropriate fee to the board office. The license/certificate of registration issued to all these applicants shall be stamped "Inactive."

(B) In order for a veterinarian to activate an inactive license, the licensee shall submit to the board office:

1. The renewal application which shall certify that the licensee has completed the required continuing education credits in accordance with 4 CSR 270-4.042;

2. The balance of the active renewal fee; and

3. The license stamped "Inactive."

(C) In order for a veterinary technician to activate an inactive registration, the licensee shall submit to the board office:

1. The renewal application which shall certify that the licensee has completed the required continuing education credits in accordance with 4 CSR 270-4.050;

2. The balance of the active renewal fee;

3. The license stamped "Inactive"; and

4. Verification of current employment under the supervision of a licensed veterinarian.

(D) The board will issue an active license/certificate of registration, which shall be effective until the next regular renewal date. No penalty fee shall apply.

(5) Retired License/Certificate of Registration.

(A) A veterinarian or veterinary technician may place his/her license/registration on a retired status by signing an affidavit stating the date of retirement and submitting that affidavit with the renewal application to the board office. No fee is required and no certificate will be issued. The retired status will prevent the license/registration from being declared non-current pursuant to section 340.258.5, RSMo.

(B) If a retired veterinarian decides to again practice veterinary medicine, s/he must submit to the board office a completed renewal application which shall certify that the licensee has completed the required continuing education credits in accordance with 4 CSR 270-4.042 and the current renewal fee. The board will issue an active license which shall be effective until the next regular renewal date. No penalty fee shall apply. If it has been more than two (2) years since the retirement affidavit was submitted, evidence of ten (10) hours of continuing education for each year of retirement must be submitted with the renewal application. The board reserves the right pursuant to section 340.268, RSMo to direct any such applicant to take an examination(s) to reactivate his/her license.

(C) If a retired veterinary technician decides to again practice veterinary medicine, s/he shall submit to the board office a completed renewal application along with the current renewal fee. The renewal application shall verify current employment under the supervision of a licensed veterinarian and certify completion of the required number of approved continuing education credits in accordance with 4 CSR 270-4.050. The board will issue an active registration which shall be effective until the next regular renewal date. No penalty fee shall apply. The board reserves the right pursuant to section 340.268, RSMo to direct any such applicant to take an examination(s) to reactivate his/her registration.

(D) Any retired veterinarian or veterinary technician or any veterinarian or veterinary technician with an inactive license is not currently eligible to practice in Missouri and will be subject to disciplinary action under sections 340.264, 340.294 and 340.330, RSMo if s/he practices or offers to practice in Missouri.

AUTHORITY: sections 340.210, 340.258, 340.262, 340.312, 340.314, 340.320, 340.322, 340.324 and 340.326, RSMo 2000. Original rule filed Nov. 4, 1992, effective July 8, 1993. Amended: Filed April 14, 1994, effective Sept. 30, 1994. Rescinded and readopted: Filed April 13, 2001.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions an estimated \$24,360.13 annually for the life of the rule with a continuous annual increase cost of \$292.80. It is anticipated that these annual costs will recur for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule will cost private entities an estimated \$248,510 annually with a continuous annual increase of \$2,000 for the life of the rule. It is anticipated that these annual costs will recur for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Veterinary Medical Board, Dana Hoelscher, Executive Director, PO Box 633, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
 PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 4 - Department of Economic Development
 Division: 270 – Missouri Veterinary Medical Board
 Chapter: 2 – General Rules
 Type of Rulemaking: Proposed Rule
 Rule Number and Name: 4 CSR 270-1.050 Renewal Procedures

Prepared March 15, 2000 by the Division of Professional Registration and the Missouri Veterinary Medical Board

II. SUMMARY OF FISCAL IMPACT	
Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Missouri Veterinary Medical Board (renewal of veterinary and veterinary technician licenses)	\$24,360.13

Total annual cost for the life of the rule **\$24,360.13 annually for the life of the rule with a continuous annual increased cost of \$292.80.**

III. WORKSHEET

VETERINARY AND VETERINARY TECHNICIAN LICENSE RENEWAL COST

Veterinary and Veterinary Technician licenses are valid for 1 year. It is estimated that 2,206 Active Veterinarians, 484 Inactive Veterinarians, 338 Active Veterinary Technicians and 139 Inactive Veterinary Technicians will renew their licenses during the first year of implementation of the rule. Thereafter, the board anticipates an annual growth rate of 13 veterinarians and 35 veterinary technicians per year.

CLASSIFICATION	FEE AMOUNT	NUMBER IN CLASS	TOTAL ANNUAL COST
Renewal Application Printing Cost	\$.15	3167	\$475.05
Envelope for Mailing Renewal Application	\$.16	3167	\$506.72
Envelope for Mailing Renewal Application	\$.16	3167	\$506.72
Postage for Mailing Renewal Application	\$.33	3167	\$1,045.11
License Printing Cost	\$.11	3167	\$348.37
License Mailing Cost	\$.33	3167	\$1,045.11
Total:			\$ 3,927.08

Renewal applications are processed by the division central processing unit. In FY02 the board transferred \$5,706.50 to the division for this service.

After the renewals are processed in the central processing unit, the applications are forwarded to the board for review by the Licensure Technician I who reviews the application and updates the information contained on the renewal to the licensing computer system. The Executive Director reviews any questions or problems on renewals and addresses those problems with necessary action such as correspondence, telephone calls or placing on the agenda for Board review. The Clerk IV will assist the Licensure Technician in any renewals containing problems with the employing facility and assist with high volume mail.

Staff resources are shared with another board. The figures below represent the personal service and expense and equipment costs paid by the Veterinary Medical Board for implementation of this rule.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFITS	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL ANNUAL COST
Executive Director	\$43,038	\$56,272.19	\$27.05	.45	7 minutes	\$3.15	\$9,976.05
Clerk IV	\$23,436	\$30,642.57	\$14.73	.25	2 minutes	\$.50	\$1,583.50
Licensure Technician II	\$19,040	\$24,894.85	\$11.97	.20	5 minutes	\$1.00	\$3167.00
Total:							\$5,706.50
Total:							\$14,726.55

The board anticipates 3167 veterinarians and veterinary technicians will renew their licenses annually. Thereafter, the board anticipates an annual growth rate of 13 veterinarians and 35 veterinary technicians. The board estimates this process to cost the board approximately \$7.69 per application. Based on this assumption, the board estimates this renewal process will cost the board approximately \$24,360.13 for the first year of implementation of the rule with a continuous annual increased cost of \$292.80.

IV. ASSUMPTIONS

- Employee's salaries were calculated using their annual salary multiplied by 30.75% for fringe benefits and then were divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications or renewals.
- The total annual cost will recur each year for the life of the rule, may vary with inflation and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

**FISCAL NOTE
 PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 4 – Economic Development

Division: 270 – Missouri Veterinary Medical Board

Chapter: 1 – General Rules

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 4 CSR 270-1.050 Renewal Procedures

Prepared March 15, 2000 by the Division of Professional Registration and the Missouri Veterinary Medical Board

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate annual cost of compliance with the rule by the affected entities:
2155	Veterinarians (Renewal of an Active License)	\$215,500
484	Veterinarians (Renewal of an Inactive License)	\$24,200
2	Veterinarians (Renewal of a Non-Current License)	\$400
1	Veterinarians (Renewal of a Retired License)	\$100
338	Veterinarian Technicians (Renewal of an Active License)	\$6,760
139	Veterinarian Technicians (Renewal of an Inactive License)	\$1,390
1	Veterinary Technician (Renewal of a Non-Current License)	\$140
2	Veterinarians (Renewal of a Retired License)	\$20

Estimate annual cost of compliance for the life of the rule.

\$248,510 annually with a continuous annual increase of \$2,000 for the life of the rule.

III. WORKSHEET

Veterinarians

- Annual Renewal Fee @ \$100
- Renewal of Inactive License @ \$50
- Renewal of Noncurrent License – Renewal Fee @ \$100 plus Penalty Fee @\$100
- Reactivation of a Retired License – Renewal Fee @ \$100

Veterinary Technicians

- Annual Registration Fee @ \$20
- Renewal of Inactive Registration Fee @ \$10
- Renewal of Noncurrent License – Renewal Fee @ \$20 plus Penalty Fee @\$50
- Reactivation of a Retired License – Renewal Fee \$20

IV. ASSUMPTIONS

Veterinarians –

The board anticipates:

- 2155 veterinarians will renew their active license annually and estimates an annual growth rate of 13 applicants per year for the life of the rule based FY98 and FY99 figures. Therefore, the board estimates that the private entity cost to comply with this rule will be \$215,500 annually with a continuous biennial increase of \$1,300 for the life of the rule.
- 484 veterinarians will renew their inactive license annually and estimates an annual growth rate of 15 applicants placing their license on an inactive status per year for the life of the rule based FY98 and FY99 figures. Therefore, the board estimates that the private entity cost to comply with this rule will be \$48,400 annually with a continuous biennial increase of \$1,500 for the life of the rule.
- 2 veterinarians will renew their non-current license each year. Therefore, the board estimates that that the private entity cost to comply with this provision will be \$400.
- 1 veterinarian will reactive their retired license each year. Therefore, the board estimates that that the private entity cost to comply with this provision will be \$100.

Veterinary Technicians –

The board anticipates:

- 338 veterinary technicians will renew their license annually and estimates an annual growth rate of 35 applicants per year for the life of the rule based FY98 and FY99 figures. Therefore, the board estimates that the private entity cost to comply with this rule will be \$6,760 annually with a continuous biennial increase of \$700 for the life of the rule.
- 139 veterinary technicians will renew their inactive license annually and estimates an annual growth rate of 15 applicants placing their license on an inactive status per year for the life of the rule based FY98 and FY99 figures. Therefore, the board estimates that the private entity cost to comply with this rule will be \$48,400 annually with a continuous biennial increase of \$1,500 for the life of the rule.
- 2 veterinary technicians will renew their non-current license each year. Therefore, the board estimates that that the private entity cost to comply with this provision will be \$140.
- 1 veterinary technician will reactive their retired license each year. Therefore, the board estimates that that the private entity cost to comply with this provision will be \$20.

It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.