

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 If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission.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.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 30—Missouri Board for Architects,
Professional Engineers and Land Surveyors
Chapter 8—Land Surveying**

PROPOSED RESCISSION

4 CSR 30-8.020 Professional Development Requirements for Land Surveyors. This rule established professional development requirements for renewal of land surveyor certificate registration.

PURPOSE: This rule is being rescinded and readopted to outline the professional development standards for professional land surveyors applying for renewal of licensure under the provisions of section 327.041, RSMo.

AUTHORITY: section 327.041, RSMo Supp. 1993. Original rule filed Dec. 8, 1981, effective March 11, 1982. Amended: Filed Nov. 8, 1984, effective Feb. 11, 1985. Amended: Filed July 6, 1992, effective April 8, 1993. Rescinded: Filed May 3, 1994, effective Dec. 30, 1994. Readopted: Filed July 11, 1994, effective Dec. 30, 1994. Rescinded: Filed June 15, 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 Board for Architects, Professional Engineers and Professional Land Surveyors, PO Box 184, 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 30—Missouri Board for Architects,
Professional Engineers
and Professional Land Surveyors
Chapter 8—Land Surveying**

PROPOSED RULE

4 CSR 30-8.020 Professional Land Surveyor—Professional Development Units

PURPOSE: This rule outlines the professional development standards for professional land surveyors applying for renewal of licensure under the provisions of section 327.041, RSMo.

(1) Each licensed professional land surveyor, as a condition for renewal of his/her license, shall complete a minimum of twenty (20) professional development units (PDU) each two (2)-year period immediately preceding renewal, except as provided in section (2) of this rule.

(2) The following are exceptions to the requirement that licensees successfully complete twenty (20) PDUs prior to renewal:

(A) The licensee can show good cause why he/she was unable to complete the PDU requirements. In the event good cause is shown, the licensee will be required to make up all outstanding required PDUs within a reasonable amount of time as established by the board; or

(B) The licensee received his/her initial licensure during the preceding two (2)-year period. The licensee will be required to complete an average of one (1) PDU per month for each month of licensure; provided however that the licensee will not be required to complete more than twenty (20) PDUs; or

(C) If the licensee served honorably on full-time active duty in the military, the licensee may renew his/her license without completing the PDU requirement for the renewal period during which the licensee served.

(3) A licensee who completes more than twenty (20) PDUs during the two (2) years immediately preceding renewal may carry forward into the next two (2)-year period up to ten (10) PDUs.

(4) In evaluating PDUs for licensure renewal, the board will be guided by the following standards and guidelines:

(A) Criteria: In order to qualify as acceptable PDU credit, each activity must:

1. Have a clear purpose and objective to maintain, improve and/or expand skills and knowledge obtained prior to licensure or to develop new and relevant skills and knowledge;
2. Have a well organized content presented in a sequential manner;
3. Show evidence of pre-planning, including an opportunity for input by the target group to be served;
4. Be presented by persons qualified by education and experience; and
5. Provide information to the licensee necessary for PDU record keeping and reporting purposes.

(B) Except as otherwise stated in this rule, licensees shall earn one (1) PDU for every fifty (50) to sixty (60) minutes of activity that qualifies as acceptable PDU credit pursuant to this rule.

(C) Activities.

1. PDU activities must be relevant to the practice of land surveying and may include technical, ethical or business related content.

2. PDUs may be earned at locations outside Missouri, so long as the activity qualifies as acceptable PDU credit pursuant to this rule.

3. Assuming they otherwise qualify as acceptable PDU credit pursuant to this rule, the following activities are acceptable sources of PDU credits:

A. Successful completion of college or university course earns thirty (30) PDUs per semester hour and twenty (20) PDUs per quarter hour. Auditing or "hearing" a course qualifies for one-third (1/3) PDU credit of that stated herein.

B. Active participation and successful completion of seminars, tutorials, workshops, short courses, correspondence courses, or televised or videotaped courses.

C. Attending program presentations at related technical or professional meetings.

D. Authoring a paper or article earns five (5) PDUs upon actual publication in a regionally or nationally circulated technical journal or trade magazine.

E. Teaching or instructing a course or seminar that satisfies the PDU criteria described in this rule, or making a presentation at a technical meeting or convention. For the original instruction or presentation, a licensee shall earn two (2) PDUs for each PDU a participant could earn pursuant to this rule. For subsequent instructions or presentations, a licensee shall earn only one (1) PDU for each PDU a participant could earn pursuant to this rule. Licensees shall not earn more than ten (10) PDUs per two (2)-year renewal period for teaching, instruction, or making presentations.

(5) All licensees shall maintain and retain records of PDU activities completed for a period of four (4) years after the reporting period in which the PDU was completed. The board may conduct an audit of licensees to verify compliance with the PDU requirements. Licensees shall assist the board in any audit by providing timely and complete responses to the board's inquiries. At a minimum, licensees must keep the following records:

(A) A log identifying the type of activity claimed, the sponsoring organization, location of the program, duration of the program, the name of the instructor(s) or speaker(s), and the PDU credits earned; and

(B) Attendance verification records such as certificates of attendance, signed attendance receipts, paid receipts, a copy of a listing of all attendees signed by a person in responsible charge of the activity, or other documentation verifying attendance.

(6) Any person or entity may seek pre-approval of a PDU activity by providing the board the following information. The professional land surveying division will approve or deny credit for the activity within forty-five (45) calendar days of receipt of the information.

(A) Date(s) of the program or activity;

(B) An outline or syllabus of the program;

(C) Presentation abstract(s);

(D) Preliminary program with time frames;

(E) Course or program description; and

(F) Names of the instructor(s) or speaker(s) with biographical information showing their education and professional experience.

(7) The board will review all PDUs claimed in support of a renewal application. If it is determined that a portion of the claimed PDUs fail to meet PDU requirements, the licensee will be notified in writing of the denied PDUs. If PDUs are denied to the extent that the licensee has failed to obtain the required number of PDUs for renewal, then the board will deny issuance of the renewal and will notify the licensee in writing of their right to appeal the board's decision to the Administrative Hearing Commission.

AUTHORITY: section 327.041, RSMo 2000. Original rule filed Dec. 8, 1981, effective March 11, 1982. Amended: Filed Nov. 8, 1984, effective Feb. 11, 1985. Amended: Filed July 6, 1992, effective April 8, 1993. Rescinded: Filed May 3, 1994, effective Dec. 30, 1994. Readopted: Filed July 11, 1994, effective Dec. 30, 1994. Rescinded and readopted: Filed June 15, 2001.

PUBLIC COST: This proposed rule is estimated to cost state agencies and political subdivisions \$1,672.30 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 rule is estimated to cost private entities \$456,000 biennially for the life of the rule. 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 rule with the Missouri Board for Architects, Professional Engineers and Professional Land Surveyors, PO Box 184, 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: 30 – Missouri Board of Architects, Professional Engineers and Professional Land

Chapter: 8 -- Land Surveying

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 30-8.020 Professional Land Surveyor – Professional Development Units

Prepared May 21, 2001 by the Division of Professional Registration and the Missouri Board of Architects, Professional Engineers and Professional Land Surveyors.

II. SUMMARY OF FISCAL IMPACT

| Affected Agency or Political Subdivision | Estimated Biennial Cost of Compliance |
|--|--|
| Missouri Board of Architects, Professional Engineers and Professional Land Surveyors (review of professional development hours for professional land surveyors) | \$1,672.30 |
| Total biennial cost for the life of the rule | |
| | \$1,672.30 |

III. WORKSHEET

CONTINUING PROFESSIONAL DEVELOPMENT UNITS (PDU) SUBMITTED BY PROFESSIONAL LAND SURVEYORS AUDITED BY THE MISSOURI BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS

The board may conduct an audit of licensees to verify compliance with the continuing professional development requirements. Licensees shall assist the board in its audits by providing timely and complete responses to the board's inquires. Based on the 912 currently licensed professional land surveyors, it is estimated that the board will audit approximately 5% (approximately 45) of current licensees biennially and request verification of their attendance at approved professional development programs.

The following is a breakdown of the expense and equipment costs associated with auditing PDUs.

| CLASSIFICATION | FEE AMOUNT | NUMBER IN CLASS | TOTAL BIENNIAL COST |
|--|-------------------|------------------------|----------------------------|
| Letterhead Printing Cost | \$.15 | 45 | \$6.75 |
| Envelope for Mailing Letter Requesting Verification of | \$.16 | 45 | \$7.20 |

| | | | |
|---|--------|----|---------|
| Professional Development Units | | | |
| Postage for Mailing Request for Information | \$.34 | 45 | \$15.30 |

Total expense and equipment costs \$103.00 associated with auditing PDHs:

The following is a breakdown of the personal service costs associated with with auditing PDUs.

| STAFF | ANNUAL SALARY | SALARY TO INCLUDE FRINGE BENEFITS | HOURLY SALARY | COST PER MINUTE | TIME PER AUDIT | COST PER AUDIT | TOTAL BIENNIAL COST |
|--------------------|---------------|-----------------------------------|---------------|-----------------|----------------|----------------|---------------------|
| Executive Director | \$50,172 | \$66,894 | \$32.16 | \$.54 | 60 minutes | \$32.16 | \$1,447.20 |
| Executive I | \$30,780 | \$41,038 | \$19.73 | \$.44 | 30 minutes | \$13.20 | \$594 |

Total personal service costs associated \$2,041.20 with auditing PDUs:

The Executive Director will request and monitor receipt of the PDUs from licensees. The Executive I will prepare letters requesting licensees to submit the information, assist with monitoring their receipt, update the computer licensing and mail the information to the members of the board. Three members of the Land Surveying Division of the board will review for approval all PDUs received. The board estimates that each member of the Land Surveying Division will receive a per diem of \$50.00 per day for this review. It is estimated that board members will spend a total of 1 day reviewing the licensee's PDUs, therefore, the board will pay \$150.00 in per diem for this review. Because other board correspondence may be mailed to the members of the board with PDUs audits, the cost for this mailing was not calculated into this fiscal note.

IV. ASSUMPTIONS

- The number of licensees by class are based on actual figures from FY00 and projected figures in FY01.
- Employee's salaries were calculated using their annual salary multiplied by 33.33% 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.
- It is anticipated that the public entity cost will be \$1,672.30 biennially for the life of the rule. The total biennially cost will recur each year for the life of the rule, may vary with inflation and are 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: 30 – Missouri Board of Architects, Professional Engineers and Professional Land Surveyors

Chapter: 8 – Land Surveying

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 30-8.020 Professional Land Surveyor – Professional Development Units

Prepared May 21, 2001 by the Division of Professional Registration and the Missouri Board of Architects, Professional Engineers and Professional Land Surveyors.

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: |
|--|---|--|
| 912 | Active Professional Land Surveyors Obtaining Professional Development Units (average of \$500) | \$456,000 |
| Estimate biennial cost of compliance for the life of the rule. | | \$456,000.00 |

III. WORKSHEET

20 Professional Development Hours @ \$25.00 per hour

IV. ASSUMPTIONS

- The number of licensees by class are based on actual figures from FY00 and projected figures in FY01.
- It is not possible to estimate all costs (i.e., mileage, meals, and lodging) that a licensee could incur in obtaining the required professional development units (PDU).
- It is anticipated that the private entity cost will be \$456,000 biennially for the life of the rule. The total biennially cost will recur each year for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 30—Missouri Board for Architects, Professional Engineers and Land Surveyors
Chapter 11—Renewals

PROPOSED RESCISSION

4 CSR 30-11.010 Renewal Period. This rule established the licensing period for the Missouri Board of Architects, Professional Engineers and Land Surveyors and established the information required to keep the records of the board current.

PURPOSE: This rule is being rescinded and readopted to more clearly outline the licensing period for the Missouri Board of Architects, Professional Engineers and Land Surveyors and establishes the information required to keep the records of the board current.

AUTHORITY: section 327.041, RSMo 1994. Emergency rule filed Sept. 14, 1981, effective Sept. 24, 1981, expired Jan. 22, 1982. Original rule filed Sept. 14, 1981, effective Dec. 11, 1981. Amended: Filed Feb. 4, 1992, effective June 25, 1992. Amended: Filed Oct. 3, 1995, effective April 30, 1996. Rescinded: Filed June 15, 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 Board for Architects, Professional Engineers and Professional Land Surveyors, PO Box 184, 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 30—Missouri Board for Architects, Professional Engineers and Professional Land Surveyors
Chapter 11—Renewals

PROPOSED RULE

4 CSR 30-11.010 Renewal Period

PURPOSE: This rule establishes the licensing period for the Missouri Board of Architects, Professional Engineers and Professional Land Surveyors and establishes the information required to keep the records of the board current.

(1) Effective January 1, 2002 the license issued to every registered architect, professional engineer and professional land surveyor in Missouri shall, except as set forth in subsections (1)(A) and (1)(B) of this rule, be renewed biennially. Licenses originally issued in an odd numbered year shall be renewed by December 31 of each odd numbered year. Licenses originally issued in an even numbered year shall be renewed by December 31 of each even numbered year.

(A) Licenses originally issued in an odd numbered year and currently scheduled for renewal in December 2002 shall be renewed for one (1) year only, whereafter they shall be renewed biennially as set forth in section (1) of this rule.

(B) Licenses originally issued in an even numbered year and currently scheduled for renewal in December 2003 shall be renewed for one (1) year only, whereafter they shall be renewed biennially as set forth in section (1) of this rule.

(C) The fee for renewal of a license under subsections (1)(A) and (1)(B) of this rule shall be prorated based on the renewal fee set forth in 4 CSR 30-6.015.

(2) Effective January 1, 2002 the certificates of authority issued to corporations authorized to offer architectural, engineering and land surveying services in Missouri shall, except as set forth in subsections (2)(A), (2)(B), (2)(C), and (2)(D) of this rule, be renewed biennially. Certificates of authority originally issued in an odd numbered year shall be renewed by December 31 of each odd numbered year. Certificates of authority originally issued in an even numbered year shall be renewed by December 31 of each even numbered year.

(A) Certificates of authority originally issued in an odd numbered year and currently scheduled for renewal in February 2002 shall be renewed through December 31, 2003, whereafter they shall be renewed biennially as set forth in section (2) of this rule.

(B) Certificates of authority originally issued in an even numbered year and currently scheduled for renewal in February 2002 shall be renewed through December 31, 2002, whereafter they shall be renewed biennially as set forth in section (2) of this rule.

(C) Certificates of authority originally issued in an odd numbered year and currently scheduled for renewal in February 2003 shall be renewed through December 31, 2003, whereafter they shall be renewed biennially as set forth in section (2) of this rule.

(D) Certificates of authority originally issued in an even numbered year and currently scheduled for renewal in February 2003 shall be renewed through December 31, 2004, whereafter they shall be renewed biennially as set forth in section (2) of this rule.

(E) The fee for renewal of a certificate of authority under subsections (2)(A) through (2)(D) of this rule shall be prorated based on the renewal fee set forth in 4 CSR 30-6.015

(3) Each renewal application from every registered architect, professional engineer and professional land surveyor in Missouri shall be accompanied by the following information, in addition to any other information the board may require:

- (A) Name;
- (B) Address; and
- (C) Place of employment.

(4) Each person holding a license and corporation holding a certificate of authority to practice architecture, professional engineering and professional land surveying in Missouri shall file, in writing, their proper and current mailing address of record with the board at its office in Jefferson City and immediately notify the board, in writing, at its office of any changes of mailing address, giving both the old and the new addresses.

(5) Failure to receive an application for renewal of a license or certificate of authority shall not relieve the licensee or certificate holder from their duty to timely renew, nor shall it relieve them from the obligation to pay any additional fee(s) necessitated by any late renewal.

AUTHORITY: section 327.041, RSMo 2000. Emergency rule filed Sept. 14, 1981, effective Sept. 24, 1981, expired Jan. 22, 1982. Original rule filed Sept. 14, 1981, effective Dec. 11, 1981. Amended: Filed Feb. 4, 1992, effective June 25, 1992. Amended: Filed Oct. 3, 1995, effective April 30, 1996. Rescinded and readopted: Filed June 15, 2001.

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

associated with the renewal of a license or certificate of authority have been disclosed with the rule governing such fees.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate as the costs associated with the renewal of a license or certificate of authority have been disclosed with the rule governing such fees.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Board for Architects, Professional Engineers and Professional Land Surveyors, PO Box 184, 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 30—Missouri Board for
Architects, Professional Engineers
and Professional Land Surveyors
Chapter 11—Renewals**

PROPOSED RULE

**4 CSR 30-11.020 Professional Land Surveyor—Renewal and
Reactivation of Licensure**

PURPOSE: This rule clarifies the requirements and conditions for renewing and reactivating a professional land surveyor's certificate of licensure.

(1) Licenses not renewed on or before the renewal date become non-current and subject to the provisions of section 327.351, RSMo. No person is entitled to practice as a professional land surveyor unless he/she holds a current and active license.

(2) In order to renew a license, the licensee must:

(A) Submit a completed renewal application form furnished by the board; and

(B) Pay the required fee; provided however, no fee shall be paid by a licensee who is at least seventy-five (75) years of age at the time the renewal is due; and

(C) Submit a completed Professional Development Unit ("PDU") form furnished by the board verifying that the licensee has completed at least twenty (20) PDUs during the preceding two (2) calendar years unless otherwise exempted.

(3) Licensees who request to be classified as inactive pursuant to section 327.351.5, RSMo, may maintain their inactive status by paying the renewal fee as provided in 4 CSR 30-6.015. Inactive licensees need not complete the PDU requirement. However, an inactive licensee shall not have his/her license reactivated until he/she pays the required reactivation fee, and in addition, either:

(A) Completes the PDU requirements as described in section 327.351.6(1), RSMo; or

(B) Successfully completes the Missouri Specific Examination for professional land surveyors pursuant to section 327.351.6(2), RSMo.

AUTHORITY: section 327.041, RSMo 2000. Original rule filed June 15, 2001.

PUBLIC COST: This proposed rule is estimated to cost state agencies and political subdivisions \$3,126.40 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 rule is estimated to cost private entities \$9,000 biennially for the life of the rule. 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 rule with the Missouri Board for Architects, Professional Engineers and Professional Land Surveyors, PO Box 184, 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: Division 30 - Missouri Board for Architects, Professional Engineers and Professional Land Surveyors

Chapter: Chapter 11-Renewals

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 30-11.020 Professional Land Surveyor - Renewal and Reactivation of Licensure.

Prepared May 21, 2001 by the Division of Professional Registration and the Missouri Board of Architects, Professional Engineers and Professional Land Surveyors.

II. SUMMARY OF FISCAL IMPACT

| Affected Agency or Political Subdivision | Estimated Biennial Cost of Compliance |
|---|---------------------------------------|
| Missouri Board for Architects, Professional Engineers and Professional Land Surveyors (Professional Land Surveyor Renewal and Reactivation) | \$3,126.40 |

Total biennial cost for the life of the rule \$3,126.40

III. WORKSHEET

The office estimates that 900 land surveyors will apply for renewal and reactivation biennially. The following breakdown of the expense and equipment costs associated renewal and reactivation biennially.

| CLASSIFICATION | FEE AMOUNT | NUMBER OF APPLICANTS | TOTAL ANNUAL COST |
|--|------------|----------------------|-------------------|
| Renewal Application Printing Cost | \$.15 | 912 | \$136.80 |
| Envelope for Mailing Renewal Application | \$.16 | 912 | \$145.92 |
| Postage for Mailing Renewal Application | \$.34 | 912 | \$310.08 |
| Renewal License Printing Cost | \$.15 | 912 | \$136.80 |
| Envelope for Mailing Renewal License | \$.16 | 912 | \$145.92 |
| Postage for Mailing Renewal License | \$.34 | 912 | \$310.08 |

Total expense and equipment costs associated with professional land surveyor renewal and reactivation: \$1185.60

Renewal applications are processed by the division central processing unit. In FY00 the Missouri Board for Architects, Professional Engineers and Professional Land Surveyors transferred \$892 to the division for this service.

The board estimates that approximately biennially 45 land surveyors will renew their license after the expiration date. The Clerk Stenographer II who reviews these renewal applications and updates the information contained on the renewal to the licensing computer system.

The figures below represent the personal service costs paid by the Missouri Board for Architects, Professional Engineers and Professional Land Surveyors for the renewal and reactivation process.

| STAFF | ANNUAL SALARY | SALARY TO INCLUDE FRINGE BENEFITS | HOURLY SALARY | COST PER MINUTE | TIME PER APPLICATION | COST PER APPLICATION | TOTAL ANNUAL COST |
|-----------------------|---------------|-----------------------------------|---------------|-----------------|----------------------|----------------------|-------------------|
| Clerk Stenographer II | \$21,192 | \$28,255 | \$13.59 | \$.23 | 5 minutes | \$1.15 | \$1,048.80 |

**Total personal service costs associated with
associated with land surveyor
renewal and reactivation: \$1,048.80**

IV. ASSUMPTIONS

- The number of licensees by class are based on actual figures from FY00 and projected figures in FY01.
- Employee's salaries were calculated using their annual salary multiplied by 33.33% 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 costs will recur for the life of the rule, may vary with inflation and are 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: Division 30 - Missouri Board for Architects, Professional Engineers and Professional Land Surveyors

Chapter: Chapter 11 - Renewals

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 30-11.020 Professional Land Surveyor - Renewal and Reactivation of Licensure.

Prepared May 21, 2001 by the Division of Professional Registration and the Missouri Board of Architects, Professional Engineers and Professional Land Surveyors.

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: |
|--|--|--|
| 912 | Professional Land Surveyors (Renewal - \$100) | \$9,000 |

**Total biennial cost
 for the life of the rule \$9,000.00**

III. WORKSHEET

See above Table

IV. ASSUMPTIONS

- The number of licensees by class are based on actual figures from FY00 and projected figures in FY01.
- It is anticipated that the total annual cost will recur for the life, 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 110—Missouri Dental Board
Chapter 2—General Rules**

PROPOSED RESCISSION

4 CSR 110-2.170 Fees. This rule established the various fees authorized by Chapter 332.

PURPOSE: As a result of several deletions and additions to the fees rule, this rule is being rescinded and replaced by a new rule.

AUTHORITY: section 332.031.3, RSMo Supp. 1997. Emergency rule filed June 30, 1981, effective July 9, 1981, expired Nov. 6, 1981. Original rule filed June 30, 1981, effective Oct. 11, 1981. Rescinded and readopted: Filed Feb. 10, 1982, effective May 13, 1982. Emergency rescission and rule filed Oct. 13, 1983, effective Oct. 23, 1983, expired Jan. 12, 1984. Rescinded and readopted: Filed Oct. 13, 1983, effective Jan. 13, 1984. Amended: Filed April 16, 1985, effective Aug. 26, 1985. Amended: Filed Oct. 30, 1985, effective Jan. 26, 1986. Amended: Filed Oct. 17, 1986, effective Dec. 25, 1986. Amended: Filed June 13, 1988, effective Aug. 25, 1988. Amended: Filed June 16, 1989, effective Sept. 11, 1989. Amended: Filed Sept. 3, 1991, effective Jan. 13, 1992. Amended: Filed May 9, 1995, effective Nov. 30, 1995. Rescinded and readopted: Filed Sept. 15, 1998, effective April 30, 1999. Rescinded: Filed June 12, 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 Dental Board, Sharlene Rimiller, Executive Director, PO Box 1367, 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 110—Missouri Dental Board
Chapter 2—General Rules**

PROPOSED RULE

4 CSR 110-2.170 Fees

PURPOSE: This rule establishes the various fees authorized by Chapter 332, RSMo.

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

| | |
|---|----------|
| (A) Application Fees * | |
| 1. Dentist | \$230.00 |
| 2. Dental Specialist | \$330.00 |
| 3. Dental Hygienist | \$155.00 |
| (B) Reexamination Fees | |
| 1. Dentist Jurisprudence Examination | \$100.00 |
| 2. Dental Hygienist Jurisprudence Examination | \$ 50.00 |
| 3. Specialist Examination | \$300.00 |
| (C) Annual License Renewal Fee | |
| 1. Dentist License | \$115.00 |
| 2. Dental Specialist License | \$125.00 |
| 3. Dental Hygienist License | \$ 60.00 |

(D) Renewal Penalty Fee—Dentist/Dental

Specialist/Dental Hygienist \$100.00

(The renewal penalty fee applies to any renewal application not completed or postmarked by the post office before December 1 and to any renewal application whose processing is delayed due to the licensee's failure to meet the required continuing education requirements by the end of the time block as defined in 4 CSR 110-2.240 (1)(B). Should November 30 fall on a Saturday, Sunday or legal holiday, completed renewal applications postmarked by the post office on the next business day will not be considered delinquent.)

(E) Certification/Permit Fees

1. Dentists

A. Deep Sedation/General Anesthesia

(I) Individual Permit Fee \$100.00

(II) Site Certificate Permit Fee \$100.00

B. Parenteral Conscious Sedation

(I) Individual Permit Fee \$100.00

(II) Site Certificate Permit Fee \$100.00

C. Renewal of Individual Permit

(I) Deep Sedation/General Anesthesia \$100.00

(II) Parenteral Conscious Sedation \$100.00

D. Renewal of Site Certificate Permit

(I) Deep Sedation/General Anesthesia \$100.00

(II) Parenteral Conscious Sedation \$100.00

2. Dental Hygienists

A. Administration of Nitrous Oxide Analgesia \$ 10.00

B. Local Anesthesia \$ 10.00

3. Dental Assistants

A. Monitoring Nitrous Oxide Analgesia \$ 10.00

(F) Miscellaneous Fees

1. Corporation Name Approval \$ 15.00

2. Verification of Licensure—Dentist/Dental

Specialist/Dental Hygienist \$ 20.00

3. Duplicate Original License \$ 50.00

4. Duplicate Renewal License (over two (2))

(per duplicate) \$ 5.00

5. Uncollected Fee (for any uncollectible check

or other uncollectible financial instrument) \$ 25.00

*All application fees authorized by the Missouri Dental Board include the fee for the initial jurisprudence examination, the initial specialist examination fee, if applicable, and the initial licensure fee.

(2) All fees are nonrefundable.

(3) All licenses will be renewed annually and will expire on November 30 of each year.

(4) The provisions of this rule are declared severable. If any fee fixed by this rule is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions of this rule shall remain in full force and effect, unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

AUTHORITY: section 332.031.3, RSMo 2000. Emergency rule filed June 30, 1981, effective July 9, 1981, expired Nov. 6, 1981. Original rule filed June 30, 1981, effective Oct. 11, 1981. For intervening history, please consult the Code of State Regulations. Rescinded and readopted: Filed June 12, 2001.

PUBLIC COST: This proposed rule will cost state agencies and political subdivisions an estimated \$15,269.35 with a continuous annual decrease of \$79.10 annually for the life of the rule. It is anticipated that the total cost to the board to implement this rule 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. 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 \$898,465 with a continuous annual decrease of \$10,455 annually for the life of the rule. It is anticipated that the total cost for private entities will recur annually for the life of the rule, may vary with inflation and is expected to decrease annually at the rate projected by the Legislative Oversight Committee. The decrease in total cost to private entities is due to the continual decline in the number of dentists renewing their license. 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 Dental Board, Sharlene Rimiller, Executive Director, PO Box 1367, 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: 110 - Missouri Dental Board****Chapter: 2 - General Rules****Type of Rulemaking: Proposed Rule****Rule Number and Name: 4 CSR 110-2.170 Fees**

Prepared April 17, 2001 by the Division of Professional Registration and the Missouri Dental Board

| II. SUMMARY OF FISCAL IMPACT | |
|---|--|
| Affected Agency or Political Subdivision | Estimated Annual Cost of Compliance |
| Missouri Dental Board (renewal licenses) | \$13,568.77 with a continuous annual decrease of \$79.10 |
| Missouri Dental Board (corporate name approval) | \$1,193.60 |
| Missouri Dental Board (verification of licensure) | \$424.80 |
| Missouri Dental Board (duplicate original license) | \$7.68 |
| Missouri Dental Board (uncollectible) | \$74.50 |

**Total annual cost for the
life of the rule \$15,269.35 with a
continuous annual
decrease of \$79.10**

III. WORKSHEET

- RENEWALS**

The following is a breakdown of the expense and equipment costs associated with renewing licensed for dentists, dental specialists and dental hygienists.

| CLASSIFICATION | FEE AMOUNT | NUMBER IN CLASS | TOTAL ANNUAL COST |
|--|------------|-----------------|-------------------|
| Renewal Application Printing Cost | \$.15 | 6019 | \$902.85 |
| Envelope for Mailing Renewal Application | \$.16 | 6019 | \$963.04 |
| Postage for Mailing Renewal Application | \$.34 | 6019 | \$2,046.46 |
| Printing the Renewal License | \$.11 | 6019 | \$662.09 |
| Postage for Mailing Renewal License | \$.34 | 6019 | \$2,046.46 |

Total expense and equipment costs associated with renewing
licensed for dentists, dental specialists and dental hygienists: \$6,620.90

Renewal applications are processed by the division central processing unit. In the past licensees were given the option of requesting up to 5 duplicate renewal licenses without additional costs. Due to the amount of duplicates being issued, the board will now allow 2 duplicate renewal licenses per licensee for no additional cost. Additionally duplicates can be requested for an additional \$5.00 per license. These duplicate licenses are issued by the cash receiving room (CRR) as part of the renewal process. If the request for a duplicate renewal license occurs after the renewal processing time by CRR, dental board staff will be responsible for processing the request. Since this will be the first time the board has charged for duplicate renewal licenses, it is difficult to estimate the number of requests the board staff will process.

In FY02 the board transferred \$5,438.55 to the division for this service.

Once the renewal period has ended, late renewals are processed by board staff. The board estimates that 194 licensees will renew their license after the expiration date annually. The following is a breakdown of the personal services costs associated with renewing licenses after the expiration date.

| STAFF | ANNUAL SALARY | SALARY TO INCLUDE FRINGE BENEFITS | HOURLY SALARY | COST PER MINUTE | TIME PER APPLICATION | COST PER APPLICATION | TOTAL ANNUAL COST |
|---------------------------|---------------|-----------------------------------|---------------|-----------------|----------------------|----------------------|-------------------|
| Executive I | \$31,782 | \$42,375 | \$20.38 | \$.34 | 15 minutes | \$5.10 | \$989.40 |
| Clerk Typist II | \$20,820 | \$27,759 | \$13.35 | \$.23 | 10 minutes | \$2.03 | \$393.82 |
| .5 Licensure Technician I | \$11,388 | \$15,184 | \$7.30 | \$.13 | 5 minutes | \$.65 | \$126.10 |

Total personal service costs associated with renewing licensed for dentists, dental specialists and dental hygienists: \$1,509.32

It is estimated that the following staff time will be devoted on each late renewal for the following duties:

Executive I – 15 minutes per application

Duties: reviews and approves rejected renewal from the Division's Cash Receiving Room for final processing; reviews, approves and processes all late renewals; and answers the majority of telephone inquiries regarding late renewals.

Clerk Typist II – 10 minutes per application

Duties: assists with processing late renewal forms by entering late renewal fees and data in the computerized licensing system for approval; assists with mailing late renewal notifications; assists with telephone inquiries regarding renewals, and files all renewal forms.

Licensure Technician II – 5 minutes per application

Duties: processes money received for late renewals, refunds for renewal overpayments and collects fees for insufficient funds for renewals submitted

- The board anticipates the following:
 - 3,122 dentists will apply for renewal during the first year of implementation of the rule and thereafter, the board is anticipating an annual decrease rate of 71 licensees causing a decrease in the fund of \$160.46 annually for the life of the rule.
 - 603 dental specialists will apply for renewal during the first year of implementation of the rule and thereafter, the board is anticipating an annual growth rate of 2 licensees causing a public entity cost of \$4.52 annually for the life of the rule.
 - The board estimates that 2,294 dental hygienists will apply for renewal during the first year of implementation of the rule and thereafter, the board is anticipating an annual growth rate of 34 licensees causing a public entity cost of \$76.84 annually for the life of the rule.

Therefore, the board estimates that renewals will cost the Missouri Dental Board \$13,568.77 with a continuous decrease of \$75.18 annually for the life of the rule.

• **CORPORATE NAME APPROVAL**

The board estimates that 72 licensees will request corporate name approval by sending in a letter to the board office along with the appropriate fees. The following is a breakdown of the expense and equipment costs associated with corporate name approvals.

| CLASSIFICATION | FEE AMOUNT | NUMBER IN CLASS | TOTAL ANNUAL COST |
|---|------------|-----------------|-------------------|
| Letterhead Printing Costs | \$.15 | 72 | \$10.80 |
| Printing the Renewal Certificate | \$.11 | 72 | \$7.92 |
| Postage for Mailing Renewal Certificate | \$.34 | 72 | \$24.48 |

Total expense and equipment costs associated with corporate name approval: \$43.20

The following is a breakdown of the personal services costs associated with corporate name approvals.

| STAFF | ANNUAL SALARY | SALARY TO INCLUDE FRINGE BENEFITS | HOURLY SALARY | COST PER MINUTE | TIME PER APPLICATION | COST PER APPLICATION | TOTAL ANNUAL COST |
|---------------------------|---------------|-----------------------------------|---------------|-----------------|----------------------|----------------------|-------------------|
| Clerk Typist II | \$20,820 | \$27,759 | \$13.35 | \$.23 | 5 minutes | \$1.15 | \$82.80 |
| .5 Licensure Technician I | \$11,388 | \$15,184 | \$7.30 | \$.13 | 15 minutes | \$1.95 | \$140.40 |
| Licensure Technician II | \$25,380 | \$33,572.47 | \$16.14 | \$.27 | 5 minutes | \$1.35 | \$927.20 |

Total personal service costs associated with corporate name approval: \$1,150.40

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

Clerk Typist II - 5 minutes

Duties - Enters the money into the licensure system.

Licensure Technician I - 15 minutes

Duties- Reviews and processes the request for a certificate, prepares and mails certificate to licensee.

Licensure Technician II - 5 minutes

Duties -- Deposits the money into the licensure system.

• **VERIFICATION OF LICENSURE**

The board estimates that 144 licensees will submit verification of licensure forms from other state boards along with the appropriate fees. The board will then issue a computer-generated form to be mailed to the other state board. The following is a breakdown of the expense and equipment costs associated with verification of licensures.

| CLASSIFICATION | FEE AMOUNT | NUMBER IN CLASS | TOTAL ANNUAL COST |
|--|------------|-----------------|-------------------|
| Printing the Verification of Licensure | \$.11 | 144 | \$15.84 |
| Postage for Mailing Renewal License | \$.34 | 144 | \$48.96 |

Total expense and equipment costs associated with verification of licensures: \$64.80

The following is a breakdown of the personal services costs associated with verification of licensures.

| STAFF | ANNUAL SALARY | SALARY TO INCLUDE FRINGE BENEFITS | HOURLY SALARY | COST PER MINUTE | TIME PER APPLICATION | COST PER APPLICATION | TOTAL ANNUAL COST |
|-------------------------|---------------|-----------------------------------|---------------|-----------------|----------------------|----------------------|-------------------|
| Clerk Typist II | \$20,820 | \$27,759 | \$13.35 | \$.23 | 20 minutes | \$1.15 | \$165.60 |
| Licensure Technician II | \$25,380 | \$33,572.47 | \$16.14 | \$.27 | 5 minutes | \$1.35 | \$194.40 |

Total personal service costs associated with verification of licensures: \$360.00

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

Clerk Typist II – 20 minutes

Duties – Enters the money into the licensure system and processes the verification.

Licensure Technician II – 5 minutes

Duties – Deposits the money into the licensure system.

• **DUPLICATE ORIGINAL LICENSE**

The board estimates that 2 licensees will submit requests for duplicate original wall-hanging licenses along with the appropriate fees. The following is a breakdown of the expenses and equipment costs associated with issuing duplicate original licenses.

| CLASSIFICATION | FEE AMOUNT | NUMBER IN CLASS | TOTAL ANNUAL COST |
|---|------------|-----------------|-------------------|
| Printing the Duplicate License (large wall-hanging) | \$.11 | 2 | \$.22 |
| Postage for Mailing Duplicate License | \$1.23 | 2 | \$2.46 |

Total expense and equipment costs associated with issuing initial duplicate original licenses: \$2.68

The following is a breakdown of the personal services costs associated with duplicate original licenses.

| STAFF | ANNUAL SALARY | SALARY TO INCLUDE FRINGE BENEFITS | HOURLY SALARY | COST PER MINUTE | TIME PER APPLICATION | COST PER APPLICATION | TOTAL ANNUAL COST |
|-------------------------|---------------|-----------------------------------|---------------|-----------------|----------------------|----------------------|-------------------|
| Clerk Typist II | \$20,820 | \$27,759 | \$13.35 | \$.23 | 5 minutes | \$1.15 | \$2.30 |
| Licensure Technician II | \$25,380 | \$33,572.47 | \$16.14 | \$.27 | 15 minutes | \$1.35 | \$2.70 |

Total personal service costs associated with issuing duplicate original licenses: \$5.00

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

Clerk Typist II – 5 minutes

Duties – Enters the money into the licensure system.

Licensure Technician II – 15 minutes

Duties – Deposits the money into the licensure system, processes the request for the duplicate and mails the license.

• **UNCOLLECTED FEE**

The board estimates that 10 licensees will submit insufficient funds annually. The following is a breakdown of the expenses and equipment costs associated with processing uncollectible fees.

| CLASSIFICATION | FEE AMOUNT | NUMBER IN CLASS | TOTAL ANNUAL COST |
|----------------|------------|-----------------|-------------------|
|----------------|------------|-----------------|-------------------|

| | | | |
|---|--------|----|--------|
| Letterhead Printing Cost (average of 2 letters) | \$.22 | 10 | \$2.20 |
| Postage for Mailing Correspondence (average of 2 letters) | \$.68 | 10 | \$6.80 |

Total expense and equipment costs associated with processing uncollectible fees: \$9.00

The following is a breakdown of the personal services costs associated with duplicate original licenses.

| STAFF | ANNUAL SALARY | SALARY TO INCLUDE FRINGE BENEFITS | HOURLY SALARY | COST PER MINUTE | TIME PER APPLICATION | COST PER APPLICATION | TOTAL ANNUAL COST |
|-------------------------|---------------|-----------------------------------|---------------|-----------------|----------------------|----------------------|-------------------|
| Clerk Typist II | \$20,820 | \$27,759 | \$13.35 | \$.23 | 5 minutes | \$1.15 | \$11.50 |
| Licensure Technician II | \$25,380 | \$33,572.47 | \$16.14 | \$.27 | 20 minutes | \$5.40 | \$54.00 |

Total personal service costs associated with processing uncollectible fees: \$65.50

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

Clerk Typist II -- 5 minutes

Duties -- Enters the money into the licensure system.

Licensure Technician II -- 20 minutes

Duties -- Corresponds with the licensee concerning the insufficient funds. Deposits the money into the licensure system and processes the license.

- The fiscal costs associated with
 - application and reexamination fees are reported in the rules governing licensure and reexamination;
 - licensees obtaining continuing education are reported in the rules governing continuing education; and
 - certification/permit fees are reported in the rule governing deep sedation/general anesthesia, parenteral conscious sedation, dental hygienists and dental assistants;
- The number of individuals by class are based on actual figures from FY00 and projected figures in FY01.
- Applications requiring additional clarification or board review may be reviewed first by the Executive Director.
- Employee's salaries were calculated using their annual salary multiplied by 33.33% 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 is 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: 110 -- Missouri Dental Board

Chapter: 2 -- General Rules

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 110-2.170 Fees

Prepared April 17, 2001 by the Division of Professional Registration and the Missouri Dental 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: |
|--|--|--|
| 3,122 | Licensed Dentists (Annual License Renewal - \$115) | \$483,910 with a continuous annual decrease of \$8,165 |
| 603 | Licensed Dental Specialists (Annual License Renewal - \$125) | \$73,375 with a continuous annual increase of \$250 |
| 2,294 | Licensed Dental Hygienists (Annual License Renewal - \$60) | \$137,640 with a continuous annual increase of \$2,040 |
| 194 | Licensed Dentist, Dental Specialists, and Hygienists (Late Renewals - \$100) | \$194,000 |
| 72 | Licensed Dentists and Dental Specialists (Corporate Name Approval - \$15.00) | \$1,080 |
| 144 | Licensed Dentists, Dental Specialists and Hygienists (Verification of Licensure - \$15.00) | \$2,880 |
| 2 | Licensed Dentists, Dental Specialists and Hygienists (Duplication of Original License - \$50) | \$100 |

| | | |
|---|---|---|
| 1,046 | Licensed Dentists, Dental Specialists and Hygienists (Duplication of Original License - \$5) | \$5,230 |
| 10 | Licensed Dentists, Dental Specialists and Hygienists (Uncollectible Fee - \$25.00) | \$250 |
| Total annual cost of compliance for the life of the rule | | \$898,465.00 with a continuous annual decrease of \$10,455 |

III. WORKSHEET

See table above.

IV. ASSUMPTIONS

- The fiscal costs associated with
 - application and reexamination fees are reported in the rules governing licensure and reexamination;
 - licensees obtaining continuing education are reported in the rules governing continuing education; and
 - certification/permit fees are reported in the rule governing deep sedation/general anesthesia, parenteral conscious sedation, dental hygienists and dental assistants;
- The board estimates that 3,122 dentists will apply for renewal during the first year of implementation of the rule. Thereafter, the board is anticipating an annual decrease rate of 71 licensees. Therefore, the board estimates this proposed rule will cost private entities an estimated \$359,030 during the first year of implementation of the rule with a continuous annual decrease of \$8,165 for the life of the rule.
- The board estimates that 603 dental specialists will apply for renewal during the first year of implementation of the rule. Thereafter, the board is anticipating an annual growth rate of 2 licensees. Therefore, the board estimates this proposed rule will cost private entities an estimated \$75,375 during the first year of implementation of the rule with a continuous annual increase of \$250 for the life of the rule.
- The board estimates that 2,294 dental hygienists will apply for renewal during the first year of implementation of the rule. Thereafter, the board is anticipating an annual growth rate of 34 licensees. Therefore, the board estimates this proposed rule will cost private entities an estimated \$137,640 during the first year of implementation of the rule with a continuous annual increase of \$2,040 for the life of the rule.
- It is anticipated that the total annual cost will recur each year for the life of the rule, may vary with inflation and is expected to decrease annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 110—Missouri Dental Board
Chapter 2—General Rules**

PROPOSED RESCISSION

4 CSR 110-2.180 General Anesthesia. This rule defined and established rules for the administration of general anesthesia.

PURPOSE: This board is proposing to rescind this rule and replace it with a newly proposed rule to clearly define the regulation of the administration of deep sedation/general anesthesia.

AUTHORITY: section 332.031.2, RSMo Supp. 1997. Original rule filed April 14, 1982, effective Oct. 11, 1982. Amended: Filed Oct 13, 1983, effective Jan. 13, 1984. Amended: Filed Dec. 11, 1984, effective March 11, 1985. Amended: Filed April 16, 1985, effective Aug. 26, 1985. Amended: Filed Oct. 17, 1986, effective Dec. 25, 1986. Amended: Filed May 3, 1988, effective July 28, 1988. Amended: Filed Aug. 4, 1988, effective Oct. 27, 1988. Amended: Filed Nov. 2, 1989, effective Feb. 25, 1990. Amended: Filed Sept. 15, 1998, effective April 30, 1999. Rescinded: Filed June 12, 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 Dental Board, Sharlene Rimiller, Executive Director, PO Box 1367, 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 110—Missouri Dental Board
Chapter 2—General Rules**

PROPOSED RULE

4 CSR 110-2.180 Deep Sedation/General Anesthesia

PURPOSE: This rule provides for the regulation of the administration of deep sedation/general anesthesia.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(1) No dentist shall administer deep sedation/general anesthesia unless the dentist possesses a permit issued by the Missouri Dental Board. This permit shall be renewed by June 1 every five (5) years from the date of issuance.

(2) No dental office shall be the site for the administration of deep sedation/general anesthesia without being issued a site certificate by the Missouri Dental Board. The site certificate shall be renewed by June 1 every five (5) years from the date of issuance. The dentist in charge is responsible for submitting the application and

maintaining the documentation as required in sections (6) and (8) of this rule.

(3) If the primary administrator of deep sedation/general anesthesia is a Missouri State Board of Nursing recognized or licensed advanced practice nurse who is certified to administer anesthesia by a nationally recognized certifying body, which is approved by the Missouri State Board of Nursing in accordance with Chapter 335, RSMo, the advanced practice nurse shall work under the direct supervision of the dentist who holds a deep sedation/general anesthesia permit.

(4) Definitions.

(A) Deep sedation is a controlled state of depressed consciousness accompanied by partial loss of protective reflexes, including the inability to continually maintain an airway independently and/or to respond purposefully to verbal command, and is produced by a pharmacologic or non-pharmacologic method or a combination thereof.

(B) General anesthesia is a controlled state of unconsciousness accompanied by partial or complete loss of protective reflexes, including the inability to independently maintain an airway and respond purposefully to physical stimulation or verbal command, and is produced by a pharmacologic or non-pharmacologic method or a combination thereof.

(C) A dentist is one who is currently licensed to practice as a dentist in Missouri.

(D) A dental office is a facility where dentistry is practiced in accordance with the provisions of section 332.071, RSMo.

(E) A deep sedation/general anesthesia permit is a document issued by the Missouri Dental Board to a dentist that allows the dentist to administer deep sedation/general anesthesia. A permit is valid for five (5) years.

(F) A deep sedation/general anesthesia site certificate is a document issued by the Missouri Dental Board to a specific dental office where deep sedation/general anesthesia may occur. A site certificate is issued pursuant to a site evaluation conducted in accordance with established guidelines as defined in the *American Association of Oral and Maxillofacial Surgeons' Office Anesthesia Manual*, which is incorporated by reference. A site certificate is valid for five (5) years.

(5) To qualify for a permit to administer deep sedation/general anesthesia, a dentist shall:

(A) Complete a post-doctoral training program in anesthesia and related subjects that satisfies the requirements described in Part II of the *American Dental Association (ADA) Guidelines for Teaching the Comprehensive Control of Pain and Anxiety in Dentistry* at the time the training was commenced; or

(B) Complete an ADA accredited post-doctoral training program in oral and maxillofacial surgery; or

(C) Complete an anesthesia training program that is approved and accredited to teach postgraduate medical education by the Accreditation Council for Graduate Medical Education of the American Medical Association (AMA), the Education Committee of the American Osteopathic Association (AOA), or the Council on Accreditation of Nurse Anesthetist Education Programs (CANAE); and

(D) Document completion of an Advanced Cardiac Life Support (ACLS) course or board-approved equivalent during the past five (5) years or a minimum of fifteen (15) hours of other board-approved continuing education pertaining to medical emergencies, anesthetic complications, or patient management while under deep sedation/general anesthesia. Any hours acquired beyond the required number may be carried forward into the next time block, not to exceed five (5) hours; and

(E) Document that anesthesia team members possess and maintain current certification in cardiopulmonary resuscitation (CPR) or Basic Life Support (BLS); and

(F) Have and maintain a properly equipped facility, including the capability of delivering positive pressure oxygen, blood pressure and electrocardiographic (ECG) monitoring and pulse oximetry, and personnel capable of handling procedures and emergencies incident to the administration for deep sedation/general anesthesia; and

(G) Undergo an on-site evaluation by consultants appointed by the board to confirm the adequacy of each facility and competency of the personnel. On-site evaluations shall be conducted in accordance with guidelines in the current *American Association of Oral and Maxillofacial Surgeons' Office Anesthesia Manual* that is incorporated by reference as though set forth here in full.

(6) To qualify for a deep sedation/general anesthesia site certificate, the dental office shall:

(A) Document that the primary administrator of deep sedation/general anesthesia:

1. Is a licensed physician with privileges in general anesthesia at an institution accredited by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) or the American Osteopathic Association (AOA), and has satisfied the continuing education requirements as defined in subsection (5)(D) of this rule; or

2. Is a licensed dentist with a valid deep sedation/general anesthesia permit; and

(B) Document that anesthesia team members, including the operating dentist, possess and maintain current certification in cardiopulmonary resuscitation (CPR) or Basic Life Support (BLS); and

(C) Be properly equipped and maintained as defined in subsection (5)(F) of this rule; and

(D) Undergo an on-site evaluation as defined in subsection (5)(G) of this rule.

(7) The board shall issue a deep sedation/general anesthesia permit upon receipt of a completed application form provided by the board, payment of the appropriate fee, and proof of having met the requirements of section (5) of this rule. The requirements of this section and the on-site evaluation for each site to be authorized must be completed within one (1) year of the date of submission of the application form.

(8) The board shall issue a deep sedation/general anesthesia site certificate upon receipt of a completed application form provided by the board, payment of the appropriate fee, and proof of having met the requirements of section (6) of this rule. The requirements of this section and the on-site evaluation for each site to be authorized must be completed within one (1) year of the date of submission of the application form.

(9) The board may authorize a dentist initially applying for a deep sedation/general anesthesia permit to administer deep sedation/general anesthesia pending an on-site evaluation according to subsection (5)(G) providing all other requirements outlined in sections (5) and (7) have been met. Such authorization shall be in writing and in effect for a period not to exceed ninety (90) days.

(10) When the primary administrator of anesthesia at a dental office is not a dentist with a valid deep sedation/general anesthesia permit, the board may authorize the dentist initially applying for a deep sedation/general anesthesia site certificate to allow the primary administrator to administer deep sedation/general anesthesia pending an on-site evaluation according to subsection (5)(G) providing all other requirements outlined in sections (6) and (8) have

been met. Such authorization shall be in writing and in effect for a period not to exceed ninety (90) days.

(11) Subsequent to an on-site evaluation as outlined in subsection (5)(G), the board, at its discretion, may issue a temporary authorization to administer deep sedation/general anesthesia to any dentist or dental office. Such authorization shall be in writing and in effect for a period not to exceed ninety (90) days. A reevaluation may be undertaken prior to issuance of a permit or site certificate. The fee for the reevaluation shall be the same as the initial evaluation.

(12) To renew a deep sedation/general anesthesia permit a dentist shall, at least ninety (90) days prior to the expiration of the current permit:

(A) Submit a completed renewal application form provided by the board; and

(B) Submit the renewal fee specified in 4 CSR 110-2.170 payable to the Missouri Dental Board; and

(C) Document completion of continuing education as defined in subsection (5)(D) of this rule; and

(D) Document that anesthesia team members possess and maintain current certification in cardiopulmonary resuscitation (CPR) or Basic Life Support (BLS); and

(E) Successfully complete an on-site evaluation as defined in subsection (5)(G) of this rule.

(13) To renew a site certificate for deep sedation/general anesthesia the dentist in charge shall, at least ninety (90) days prior to the expiration of the current site certificate:

(A) Submit a completed renewal application form provided by the board; and

(B) Submit the renewal fee specified in 4 CSR 110-2.170 payable to the Missouri Dental Board; and

(C) Document completion of continuing education by the physician administering deep sedation/general anesthesia as defined in subsection (5)(D) of this rule; and

(D) Document that anesthesia team members, including the operating dentist, possess and maintain current certification in cardiopulmonary resuscitation (CPR) or Basic Life Support (BLS); and

(E) Successfully complete an on-site evaluation as defined in subsection (5)(G) of this rule.

(14) A dentist holding a valid authorized permit for the administration of deep sedation/general anesthesia under the provisions of this rule may administer parenteral conscious sedation without a permit for parenteral conscious sedation as required under 4 CSR 110-2.181.

(15) At any time, the board may inspect sites where deep sedation/general anesthesia is administered in order to verify compliance with the minimum requirements of this rule.

(16) If at any time the board learns that a dentist who holds a deep sedation/general anesthesia permit, or a deep sedation/general anesthesia site certificate, has failed to meet the minimum qualifications set forth in this rule, the board may pursue disciplinary action in accordance with section 332.321, RSMo.

(17) The provisions of this rule are declared severable. If any provision of this rule is held invalid by a court of competent jurisdiction, the remaining provisions of this rule shall remain in full force and effect unless otherwise determined by a court of competent jurisdiction.

AUTHORITY: sections 332.031 and 332.071, RSMo 2000. Original rule filed April 14, 1982, effective Oct. 11, 1982. For intervening

history, please consult the Code of State Regulations. Rescinded and readopted: Filed June 12, 2001.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions an estimated \$3,856.26 annually for the life of the rule. 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. 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 \$5,013.34 annually for the life of the rule. 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. 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 Dental Board, Sharlene Rimiller, Executive Director, PO Box 1367, 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 NUMBERTitle: **4 - Department of Economic Development**Division: **110 - Missouri Dental Board**Chapter: **2 - General Rules**Type of Rulemaking: **Proposed Rule**Rule Number and Name: **4 CSR 110-2.180 Deep Sedation/General Anesthesia**

Prepared April 17, 2001 by the Division of Professional Registration and the Missouri Dental Board

| II. SUMMARY OF FISCAL IMPACT | |
|--|-------------------------------------|
| Affected Agency or Political Subdivision | Estimated Annual Cost of Compliance |
| Missouri Dental Board (initial deep sedation/general anesthesia individual permit) | \$193.48 |
| Missouri Dental Board (renewal of deep sedation/general anesthesia individual permit) | \$812.82 |
| Missouri Dental Board (initial site certificate) | \$370.11 |
| Missouri Dental Board (renewal of site certificate) | \$1,987.01 |
| Missouri Dental Board (initial site certificate - general dentist) | \$239.54 |
| Missouri Dental Board (renewal of initial site certificate - general dentist) | \$253.30 |
| Total annual cost | \$3,856.26 |

III. WORKSHEET**INITIAL DEEP SEDATION/GENERAL ANESTHESIA INDIVIDUAL PERMIT COSTS**

A deep sedation/general anesthesia individual permit allows a dentist to administer deep sedation/general anesthesia. The board anticipates 4 dentists will apply for a deep sedation/general anesthesia individual permit annually.

The following is a breakdown of the expense and equipment costs associated with issuing deep sedation/general anesthesia individual permits.

| CLASSIFICATION | FEE AMOUNT | NUMBER IN CLASS | TOTAL ANNUAL COST |
|---|------------|-----------------|-------------------|
| Application Printing Cost | \$.25 | 4 | \$1.00 |
| Evaluation Form Printing Cost | \$.19 | 4 | \$.76 |
| Practice Act Printing Cost | \$1.93 | 4 | \$7.72 |
| Letterhead Printing Cost | \$.15 | 4 | \$.60 |
| Envelope for Mailing Application | \$.16 | 4 | \$.64 |
| Postage for Mailing Initial Application | \$1.88 | 4 | \$7.52 |
| Printing Permit | \$.11 | 4 | \$.44 |
| Postage for Mailing Permit | \$.34 | 4 | \$1.36 |

Total expense and equipment costs associated with issuing deep sedation/general anesthesia individual permits: \$20.04

The following is a breakdown of the personal service costs associated with issuing deep sedation/general anesthesia individual permits.

| STAFF | ANNUAL SALARY | SALARY TO INCLUDE FRINGE BENEFITS | HOURLY SALARY | COST PER MINUTE | TIME PER APPLICATION | COST PER APPLICATION | TOTAL ANNUAL COST |
|---------------------------|---------------|-----------------------------------|---------------|-----------------|----------------------|----------------------|-------------------|
| .5 Licensure Technician I | \$11,388 | \$15,184 | \$7.30 | \$.13 | 84 minutes | \$10.92 | \$43.68 |
| Licensure Technician II | \$25,380 | \$33,839 | \$16.27 | \$.28 | 12 minutes | \$3.36 | \$13.44 |
| Executive I | \$31,782 | \$42,375 | \$20.38 | \$.34 | 12 minutes | \$4.08 | \$16.32 |

Total personal service costs associated with issuing deep sedation/general anesthesia individual permits: \$73.44

Of the 4 dentists applying for a deep sedation/general anesthesia individual permit, the board assumes, based on historical data, that 1 of the 4 permit holders initially applying for a permit will go into an existing practice that already holds a site certificate, therefore this dentist will need to undergo an on-site evaluation by a team consisting of 2 evaluators to confirm the adequacy of the facility and competency of the personnel. Each evaluator will receive a per diem of \$50.00 per day. Therefore, the board estimates \$100 will be paid to the evaluators for per diem. In addition to per diem, evaluators are reimbursed for mileage and necessary expenses. Due to the various geographic locations of the dental facilities and the evaluators it is not possible to accurately estimate the cost the evaluator could incur while conducting a site visit.

The board estimates that issuing deep sedation/general anesthesia individual permits will cost the board approximately \$193.48 annually.

INDIVIDUAL DEEP SEDATION/GENERAL ANESTHESIA PERMIT RENEWAL COSTS

Individual deep sedation/general anesthesia permits are valid for 5 years from the issuance date. The board estimates of the 105 current permit holders, 21 dentists will renew their deep sedation/general anesthesia permits annually.

The following is a breakdown of the expense and equipment costs associated with renewing deep sedation/general anesthesia individual permits.

| CLASSIFICATION | FEE AMOUNT | NUMBER IN CLASS | TOTAL ANNUAL COST |
|--|------------|-----------------|-------------------|
| Renewal Application Printing Cost | \$.15 | 21 | \$3.15 |
| Evaluation Printing Cost | \$.19 | 21 | \$3.99 |
| Envelope for Mailing Renewal Application | \$.16 | 21 | \$3.36 |
| Postage for Mailing Renewal Application | \$.34 | 21 | \$7.14 |
| Printing the Permit | \$.11 | 21 | \$2.31 |
| Postage for Mailing Permit | \$.34 | 21 | \$7.31 |

Total expense and equipment costs associated with renewing individual deep sedation/general anesthesia individual permits: \$27.26

The following is a breakdown of the personal service costs associated with renewing individual deep sedation/general anesthesia individual permits.

| STAFF | ANNUAL SALARY | SALARY TO INCLUDE FRINGE BENEFITS | HOURLY SALARY | COST PER MINUTE | TIME PER APPLICATION | COST PER APPLICATION | TOTAL ANNUAL COST |
|---------------------------|---------------|-----------------------------------|---------------|-----------------|----------------------|----------------------|-------------------|
| .5 Licensure Technician I | \$11,388 | \$15,184 | \$7.30 | \$.13 | 84 minutes | \$10.92 | \$229.32 |
| Licensure Technician II | \$25,380 | \$33,839 | \$16.27 | \$.28 | 12 minutes | \$3.36 | \$70.56 |
| Executive I | \$31,782 | \$42,375 | \$20.38 | \$.34 | 12 minutes | \$4.08 | \$85.68 |

Total personal service costs associated with renewing individual deep sedation/general anesthesia individual permits: \$385.56

Of the 21 dentists renewing their deep sedation/general anesthesia individual permit, the board assumes 17 will also renew their site certificate. Therefore, the 4 dentists who do not hold a site certificate will need to undergo an on-site evaluation by a team consisting of 2 evaluators to confirm the adequacy of the facility and competency of the personnel. Each evaluator will receive a per diem of \$50.00 per day. Therefore, the board estimates \$400 will be paid to the evaluators for per diem. In addition to per diem, evaluators are reimbursed for mileage and necessary expenses. Due to the various geographic locations of the dental facilities and the evaluators it is not possible to accurately estimate the cost the evaluator could incur while conducting a site visit.

The board estimates renewing deep sedation/general anesthesia individual permits will cost the board approximately \$812.82 annually.

INITIAL SITE CERTIFICATE APPLICATION COSTS

A site certificate is issued to each dental office where deep sedation/general anesthesia may occur. The board anticipates 4 dentists will apply for an initial deep sedation/general anesthesia individual permit annually. The board assumes, based on historical data, that 3 of the 4 permit holders initially applying for a site certificate will not be going into an existing practice that already holds a site certificate. Therefore, a new site certificate is required for these 3 permit holders.

The following is a breakdown of the expense and equipment costs associated with issuing each initial site certificates.

| CLASSIFICATION | FEE AMOUNT | NUMBER IN CLASS | TOTAL ANNUAL COST |
|---|------------|-----------------|-------------------|
| Application Printing Cost | \$.25 | 3 | \$.75 |
| Evaluation Printing Cost | \$.19 | 3 | \$.57 |
| Practice Act Printing Cost | \$1.93 | 3 | \$5.79 |
| Letterhead Printing Cost | \$.15 | 3 | \$.45 |
| Envelope for Mailing Application | \$.16 | 3 | \$.48 |
| Postage for Mailing Initial Application | \$1.88 | 3 | \$5.64 |
| Printing the Certificate | \$.11 | 3 | \$.33 |
| Postage for Mailing Certificate | \$.34 | 3 | \$1.02 |

Total expense and equipment costs associated with issuing each initial site certificates \$15.03

The following is a breakdown of the personal service costs associated with issuing each new site certificates.

| STAFF | ANNUAL SALARY | SALARY TO INCLUDE FRINGE BENEFITS | HOURLY SALARY | COST PER MINUTE | TIME PER APPLICATION | COST PER APPLICATION | TOTAL ANNUAL COST |
|---------------------------|---------------|-----------------------------------|---------------|-----------------|----------------------|----------------------|-------------------|
| .5 Licensure Technician I | \$11,388 | \$15,184 | \$7.30 | \$.13 | 84 minutes | \$10.92 | \$32.76 |
| Licensure Technician II | \$25,380 | \$33,839 | \$16.27 | \$.28 | 12 minutes | \$3.36 | \$10.08 |
| Executive I | \$31,782 | \$42,375 | \$20.38 | \$.34 | 12 minutes | \$4.08 | \$12.24 |

Total personal service costs associated with issuing each new site certificates: \$55.08

The board assumes that a team consisting of 2 evaluators will conduct a site visit as part of the application process to inspect facility equipment and review the emergency protocols and staff credentials. Each evaluator will receive a per diem of \$50.00 per day. Therefore, the board estimates \$300 will be paid to the evaluators for per diem. In addition to per diem, evaluators are reimbursed for mileage and necessary expenses. Due to the various geographic locations of the dental facilities and the evaluators it is not possible to accurately estimate the cost the evaluator could incur while conducting a site visit.

Based on this assumption, the board estimates this application process will cost the board approximately \$370.11 annually.

SITE CERTIFICATE RENEWAL COST

Deep Sedation/general anesthesia site certificates are renewed every five years from the year of issuance. The board anticipates that of the 86 permitted sites, 17 sites will renew their deep sedation/general anesthesia certificates annually.

The following is a breakdown of the expense and equipment costs associated with renewing site certificates.

| CLASSIFICATION | FEE AMOUNT | NUMBER IN CLASS | TOTAL ANNUAL COST |
|-----------------------------------|------------|-----------------|-------------------|
| Renewal Application Printing Cost | \$.15 | 17 | \$2.55 |

| | | | |
|--|--------|----|--------|
| Evaluation Printing Cost | \$.19 | 17 | \$3.23 |
| Envelope for Mailing Renewal Application | \$.16 | 17 | \$2.72 |
| Postage for Mailing Renewal Application | \$.34 | 17 | \$5.78 |
| Printing the Certificate | \$.11 | 17 | \$1.87 |
| Postage for Mailing Certificate | \$.34 | 17 | \$5.78 |

Total expense and equipment costs associated with renewing site certificates: \$21.93

The following is a breakdown of the personal service costs associated with renewing site certificates.

| STAFF | ANNUAL SALARY | SALARY TO INCLUDE FRINGE BENEFITS | HOURLY SALARY | COST PER MINUTE | TIME PER APPLICATION | COST PER APPLICATION | TOTAL ANNUAL COST |
|---------------------------|---------------|-----------------------------------|---------------|-----------------|----------------------|----------------------|-------------------|
| .5 Licensure Technician I | \$11,388 | \$15,184 | \$7.30 | \$.13 | 84 minutes | \$10.92 | \$185.64 |
| Licensure Technician II | \$25,380 | \$33,839 | \$16.27 | \$.28 | 12 minutes | \$3.36 | \$10.08 |
| Executive I | \$31,782 | \$42,735 | \$20.38 | \$.34 | 12 minutes | \$4.08 | \$69.36 |

Total costs associated with renewing site certificates: \$265.08

The board assumes that a team consisting of 2 evaluators will conduct a site visit as part of the application process to inspect facility equipment and review the emergency protocols and staff credentials. Each evaluator will receive a per diem of \$50.00 per day. Therefore, the board estimates \$1,700 will be paid to the evaluators for per diem. In addition to per diem, evaluators are reimbursed for mileage and necessary expenses. Due to the various geographic locations of the dental facilities and the evaluators it is not possible to accurately estimate the cost the evaluator could incur while conducting a site visit.

- The board estimates this renewal process will cost the board approximately \$1,987.01 annually.

INITIAL SITE CERTIFICATE APPLICATION COSTS BY GENERAL DENTISTS

A site certificate is issued to each dental office where deep sedation/general anesthesia may occur. The board anticipates 2 general dentists will apply for a deep sedation/general anesthesia site certificate annually.

The following is a breakdown of the expense and equipment costs associated with issuing initial site certificates for general dentists.

| CLASSIFICATION | FEE AMOUNT | NUMBER IN CLASS | TOTAL ANNUAL COST |
|---|------------|-----------------|-------------------|
| Application Printing Cost | \$.25 | 2 | \$.50 |
| Evaluation Printing Cost | \$.19 | 2 | \$.38 |
| Practice Act Printing Cost | \$1.93 | 2 | \$3.86 |
| Letterhead Printing Cost | \$.15 | 2 | \$.30 |
| Envelope for Mailing Application | \$.16 | 2 | \$.32 |
| Postage for Mailing Initial Application | \$1.88 | 2 | \$3.76 |
| Printing the Certificate | \$.11 | 2 | \$.22 |
| Postage for Mailing Certificate | \$.34 | 2 | \$.68 |

Total expense and equipment costs associated with issuing initial site certificates for general dentists: \$10.02

The following is a breakdown of the personal service costs associated with issuing initial site certificates for general dentists.

| STAFF | ANNUAL SALARY | SALARY TO INCLUDE FRINGE BENEFITS | HOURLY SALARY | COST PER MINUTE | TIME PER APPLICATION | COST PER APPLICATION | TOTAL ANNUAL COST |
|---------------------------|---------------|-----------------------------------|---------------|-----------------|----------------------|----------------------|-------------------|
| .5 Licensure Technician I | \$11,388 | \$15,184 | \$7.30 | \$.13 | 84 minutes | \$10.92 | \$21.84 |
| Licensure Technician II | \$25,380 | \$33,839 | \$16.27 | \$.28 | 12 minutes | \$3.36 | \$6.72 |
| Executive I | \$31,782 | \$43,375 | \$20.38 | \$.34 | 12 minutes | \$4.08 | \$8.16 |

Total personal service costs associated with issuing initial site certificates for general dentists: \$29.52

The board assumes that a team consisting of 2 evaluators will conduct a site visit as part of the application process to inspect facility equipment and review the emergency protocols and staff credentials. Each evaluator will receive a per diem of \$50.00 per day. Therefore, the board estimates \$200 will be paid to the evaluators for per diem. In addition to per diem, evaluators are reimbursed for mileage and necessary expenses. Due to the various geographic locations of the dental facilities and the evaluators it is not possible to accurately estimate the cost the evaluator could incur while conducting a site visit.

- The board estimates this application process will cost the board approximately \$239.54 annually.

SITE CERTIFICATE RENEWAL COSTS BY GENERAL DENTISTS

Deep Sedation/general anesthesia site certificates are renewed every five years from the year of issuance. The board anticipates that 2 general dentists will renew their deep sedation/general anesthesia certificates annually.

The following is a breakdown of the expense and equipment costs associated with issuing initial site certificates for general dentists.

| CLASSIFICATION | FEE AMOUNT | NUMBER IN CLASS | TOTAL ANNUAL COST |
|--|------------|-----------------|-------------------|
| Renewal Application Printing Cost | \$.15 | 2 | \$.30 |
| Evaluation Printing Cost | \$.19 | 2 | \$.38 |
| Envelope for Mailing Renewal Application | \$.16 | 2 | \$.32 |
| Postage for Mailing Renewal Application | \$.34 | 2 | \$.68 |
| Printing the Certificate | \$.11 | 2 | \$.22 |
| Postage for Mailing Certificate | \$.34 | 2 | \$.68 |

Total expense and equipment costs associated with issuing initial site certificates for general dentists: \$2.58

The following is a breakdown of the expense and equipment costs associated with renewing site certificates for general dentists.

| STAFF | ANNUAL SALARY | SALARY TO INCLUDE FRINGE BENEFITS | HOURLY SALARY | COST PER MINUTE | TIME PER APPLICATION | COST PER APPLICATION | TOTAL ANNUAL COST |
|--------------------------|---------------|-----------------------------------|---------------|-----------------|----------------------|----------------------|-------------------|
| 5 Licensure Technician I | \$11,388 | \$15,184 | \$7.30 | \$.13 | 84 minutes | \$10.92 | \$21.84 |
| Licensure Technician II | \$25,380 | \$33,839 | \$16.27 | \$.28 | 12 minutes | \$3.36 | \$6.72 |
| Executive I | \$31,782 | \$42,375 | \$20.38 | \$.34 | 12 minutes | \$4.08 | \$8.16 |

Total personal service costs associated with issuing initial site certificates for general dentists: \$36.72

The board assumes that a team consisting of 2 evaluators will conduct a site visit as part of the renewal process to inspect the equipment and review the emergency protocols and staff credentials. Each evaluator will receive a per diem of \$50.00 per day. In addition to per diem, evaluators are reimbursed for mileage and necessary expenses. Due to the various geographic locations of the dental facilities and the evaluators it is not possible to accurately estimate the cost the evaluator could incur while conducting a site visit. The board estimates that 2 site visits will occur annually as a part of the renewal, therefore, the annual cost to the Missouri Dental Board for the site inspections will be \$200.00 annually.

- The board anticipates 2 dentists will renew their site certificate annually. Based on this assumption, the board estimates this renewal process will cost the board approximately \$239.30 annually.

IV. ASSUMPTIONS

- The number of individuals by class are based on actual figures from FY00 and projected figures in FY01.
- Employee's salaries were calculated using their annual salary multiplied by 33.33% 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.

Renewal applications are processed by the division central processing unit. In FY00 the Missouri Board for Architects, Professional Engineers and Professional Land Surveyors transferred \$892 to the division for this service.

The board estimates that approximately biennially 45 land surveyors will renew their license after the expiration date. The Clerk Stenographer II who reviews these renewal applications and updates the information contained on the renewal to the licensing computer system.

The figures below represent the personal service costs paid by the Missouri Board for Architects, Professional Engineers and Professional Land Surveyors for the renewal and reactivation process.

| STAFF | ANNUAL SALARY | SALARY TO INCLUDE FRINGE BENEFITS | HOURLY SALARY | COST PER MINUTE | TIME PER APPLICATION | COST PER APPLICATION | TOTAL ANNUAL COST |
|-----------------------|---------------|-----------------------------------|---------------|-----------------|----------------------|----------------------|-------------------|
| Clerk Stenographer II | \$21,192 | \$28,255 | \$13.59 | \$.23 | 5 minutes | \$1.15 | \$1,048.80 |

Total personal service costs associated with associated with land surveyor renewal and reactivation: \$1,048.80

IV. ASSUMPTIONS

- The number of licensees by class are based on actual figures from FY00 and projected figures in FY01.
- Employee's salaries were calculated using their annual salary multiplied by 33.33% 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 costs will recur for the life of the rule, may vary with inflation and are 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: 110 – Missouri Dental Board

Chapter: 2 – General Rules

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 110-2.180 Deep Sedation/General Anesthesia

Prepared April 17, 2001 by the Division of Professional Registration and the Missouri Dental 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: |
|--|---|--|
| 4 | Dentists Applying for a Deep Sedation/General Anesthesia Individual Permit @ \$108.68 | \$434.72 |
| 21 | Dentists Applying for Renewal of an Individual Deep Sedation/General Anesthesia Permit @ \$101.180 | \$2,137.80 |
| 3 | Dentists in Charge Applying for a Site Certificate @ \$103.68 | \$311.04 |
| 17 | Dentists In Charge Applying for Renewal of a Deep Sedation/General Anesthesia Site Certificate @ \$101.18 | \$1,720.06 |
| 2 | General Dentists Applying for a Site Certificate @ \$103.68 | \$207.36 |
| 2 | General Dentists Applying for Renewal of a Deep Sedation/General Anesthesia Site Certificate @ \$101.18 | \$202.36 |
| Total annual cost for the life of the rule | | \$5,013.34 |

III. WORKSHEET

Initial Deep Sedation/General Anesthesia Individual Permit Application Costs:

Application Fee @ \$100
Photocopy Fee @ \$.50 (ACLS or board-approved continuing education course)
Transcript Fee @ \$5.00
Notary @ \$2.50
Postage --@ \$.68 TOTAL \$108.68

Initial Site Certificate Application Costs:

Application Fee @ \$100
Notary @ \$2.50
Photocopy Fee @ \$.50 (ACLS or board-approved continuing education course)
Postage --@ \$.68 TOTAL \$103.68

Renewal Costs:

Renewal Fee @ \$100
Photocopy Fee @ \$.50 (ACLS or board-approved continuing education course)
Postage --@ \$.68 TOTAL \$101.18

IV. ASSUMPTIONS

- The number of individuals by class are based on actual figures from FY00 and projected figures in FY01.
- The board anticipates that each licensee that submits an initial application or renewal to the board will be required to submit photocopies of their ACLS certification or other board approved continuing education. The hours required to maintain current ACLS certification and/or other board approved continuing education that is required by this rule for renewal every five years are hours that can be used for renewal of the dental license every year. Costs associated with continuing education is reported in the fiscal note for the board rule 4 CSR 110-2.240. Therefore, the board estimates the continuing education requirements for this rule will not result in additional costs to the permit holder.
- The board estimates the private entity cost will be \$5,000.32 annually for the life of the rule. The total annual cost will recur each year 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.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 120—New Manufactured Homes**

PROPOSED AMENDMENT

4 CSR 240-120.011 Definitions. This proposal amends the following sections of this rule: section (1) and subsection (1)(E).

PURPOSE: This rule defines the terms used in this chapter and is amended to reflect the deregulation of recreational vehicles.

(1) The following definitions, as well as those set out in section 700.010, RSMo [1986] 2000, shall apply to this chapter:

(E) Director means the director of the [Division of Manufactured Homes, Recreational Vehicles and Modular Units] **Manufactured Housing and Modular Units Program** of the Public Service Commission and those working under his/her supervision;

AUTHORITY: section 700.040, RSMo [Supp. 1989] 2000. Emergency rule filed Nov. 12, 1976, effective Nov. 22, 1976, expired March 22, 1977. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. Amended: Filed Oct. 12, 1982, effective Jan. 13, 1983. Amended: Filed June 12, 2001.

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

PRIVATE COST: This proposed amendment will cost private entities less 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 Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, 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 240—Public Service Commission
Chapter 120—New Manufactured Homes**

PROPOSED RULE

4 CSR 240-120.065 Manufactured Home Dealer Setup Responsibilities

PURPOSE: This rule sets forth the extent to which manufactured home dealers are responsible for proper initial setup of new manufactured homes.

(1) A dealer who sells a new manufactured home shall arrange for the proper initial setup of the manufactured home unless the dealer obtains from the purchaser or the purchaser's authorized agent a written waiver of that service as described in section 700.100.3(6), RSMo.

(2) As used in this rule, "proper initial setup" means installation and setup of the home in accordance with the installation manual provided by the manufacturer of the home and in complete compliance with the code and with all of the provisions regarding setup in sections 700.010 to 700.115, RSMo.

(3) If a dealer fails to arrange for the proper initial setup of a manufactured home, the commission may discipline the dealer's registration by suspending it, revoking it, or placing it on probation, pursuant to the provisions of section 700.100, RSMo.

(4) The commission shall not so discipline the dealer's registration unless the director of the commission's manufactured housing and modular units program finds, incident to an inspection, setup deficiencies and initiates action to discipline the registration within five (5) years after the date of sale.

(5) The dealer shall legibly print the date of sale on the bill of sale that it provides to the purchaser pursuant to section 700.056, RSMo, and shall maintain a copy of the bill of sale in its files at the location where it sold the home to the purchaser, if possible; otherwise at its principal office.

AUTHORITY: section 700.040, RSMo 2000. Original rule filed June 12, 2001.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE COST: This proposed rule will cost private entities less 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 Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, 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 240—Public Service Commission
Chapter 121—Preowned Manufactured Homes**

PROPOSED RULE

4 CSR 240-121.055 Manufactured Home Dealer Setup Responsibilities

PURPOSE: This rule sets forth the extent to which manufactured home dealers are responsible for proper initial setup of preowned manufactured homes.

(1) A dealer who sells a preowned manufactured home shall arrange for the proper initial setup of the manufactured home unless the dealer obtains from the purchaser or the purchaser's authorized agent a written waiver of that service as described in section 700.100.3(6), RSMo.

(2) As used in this rule, "proper initial setup" means installation and setup of the home in accordance with the installation manual provided by the manufacturer of the home and in complete compliance with the code and with all of the provisions regarding setup in sections 700.010 to 700.115, RSMo.

(3) If a dealer fails to arrange for the proper initial setup of a manufactured home, the commission may discipline the dealer's registration by suspending it, revoking it, or placing it on probation, pursuant to the provisions of section 700.100, RSMo.

(4) The commission shall not so discipline the dealer's registration unless the director of the commission's manufactured housing and modular units program finds, incident to an inspection, setup deficiencies and initiates action to discipline the registration within five (5) years after the date of sale.

(5) The dealer shall legibly print the date of sale on the bill of sale that it provides to the purchaser pursuant to section 700.056, RSMo, and shall maintain a copy of the bill of sale in its files at the location where it sold the home to the purchaser, if possible; otherwise at its principal office.

AUTHORITY: section 700.040, RSMo 2000. Original rule filed June 12, 2001.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE COST: This proposed rule will cost private entities less 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 Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, 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 240—Public Service Commission
Chapter 122—Recreational Vehicles**

PROPOSED RESCISSION

4 CSR 240-122.010 Definitions. This rule defined the terms used in this chapter.

PURPOSE: This rule is being rescinded as a result of the passage of Senate Bill No. 19, effective August 28, 1999, which repealed all recreational vehicle regulations.

AUTHORITY: section 700.040, RSMo 1986. Emergency rule filed Nov. 12, 1976, effective Nov. 22, 1976, expired March 22, 1977. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. Amended: Filed Oct. 12, 1982, effective Jan. 13, 1983. Rescinded: Filed June 12, 2001.

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

PRIVATE COST: The proposed rescission of this 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 rescission with the Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, 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 240—Public Service Commission
Chapter 122—Recreational Vehicles**

PROPOSED RESCISSION

4 CSR 240-122.020 Administration and Enforcement. This rule delegated the responsibility for administering and enforcing the code, this chapter and Chapter 700, RSMo as it related to recreational vehicles.

PURPOSE: This rule is being rescinded as a result of the passage of Senate Bill No. 19, effective August 28, 1999, which repealed all recreational vehicle regulations.

AUTHORITY: section 700.040, RSMo 1986. Emergency rule filed Nov. 12, 1976, effective Nov. 22, 1976, expired March 22, 1977. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. Rescinded: Filed June 12, 2001.

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

PRIVATE COST: The proposed rescission of this 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 rescission with the Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, 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 240—Public Service Commission
Chapter 122—Recreational Vehicles**

PROPOSED RESCISSION

4 CSR 240-122.030 Seals. This rule described the recreational vehicles to which seals or approved insignia must be affixed and the standards and procedures which related to the issuance of seals and the removal of seals and approved insignia.

PURPOSE: This rule is being rescinded as a result of the passage of Senate Bill No. 19, effective August 28, 1999, which repealed all recreational vehicle regulations.

AUTHORITY: section 700.040, RSMo Supp. 1989. Emergency rule filed Nov. 12, 1976, effective Nov. 22, 1976, expired March 22, 1977. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. Amended: Filed Oct. 12, 1982, effective Jan. 13, 1983. Amended: Filed Nov. 20, 1990, effective April 29, 1991. Rescinded: Filed June 12, 2001.

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

PRIVATE COST: The proposed rescission of this 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 rescission with the Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, 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 240—Public Service Commission
Chapter 122—Recreational Vehicles**

PROPOSED RESCISSION

4 CSR 240-122.040 Approval of Manufacturing Programs. This rule established the procedure under which a manufacturing

program might be approved and the circumstances under which an approval of a manufacturing program would lapse, expire or be withdrawn.

PURPOSE: This rule is being rescinded as a result of the passage of Senate Bill No. 19, effective August 28, 1999, which repealed all recreational vehicle regulations.

AUTHORITY: section 700.040, RSMo Supp. 1990. Emergency rule filed Nov. 12, 1976, effective Nov. 22, 1976, expired March 22, 1977. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. Amended: Filed Oct. 12, 1982, effective Jan. 13, 1983. Amended: Filed Nov. 20, 1990, effective April 29, 1991. Rescinded: Filed June 12, 2001.

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

PRIVATE COST: The proposed rescission of this 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 rescission with the Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, 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 240—Public Service Commission
Chapter 122—Recreational Vehicles**

PROPOSED RESCISSION

4 CSR 240-122.050 Inspection of Manufacturer Books, Records, Inventory and Premises. This rule set forth the extent to which manufacturer books, records, inventory and premises were subject to inspection by the director.

PURPOSE: This rule is being rescinded as a result of the passage of Senate Bill No. 19, effective August 28, 1999, which repealed all recreational vehicle regulations.

AUTHORITY: section 700.040, RSMo 1986. Emergency rule filed Nov. 12, 1976, effective Nov. 22, 1976, expired March 22, 1977. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. Rescinded: Filed: June 12, 2001.

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

PRIVATE COST: The proposed rescission of this 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 rescission with the Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, 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 240—Public Service Commission
Chapter 122—Recreational Vehicles**

PROPOSED RESCISSION

4 CSR 240-122.060 Inspection of Dealer's Books, Records, Inventory and Premises. This rule set forth the extent to which dealer's books, records, inventory and premises were subject to inspection by the director.

PURPOSE: This rule is being rescinded as a result of the passage of Senate Bill No. 19, effective August 28, 1999, which repealed all recreational vehicle regulations.

AUTHORITY: section 700.040, RSMo 1986. Emergency rule filed Nov. 12, 1976, effective Nov. 22, 1976, expired March 22, 1977. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. Rescinded: Filed June 12, 2001.

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

PRIVATE COST: The proposed rescission of this 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 rescission with the Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, 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 240—Public Service Commission
Chapter 122—Recreational Vehicles**

PROPOSED RESCISSION

4 CSR 240-122.070 Inspection of Preowned Recreational Vehicles Rented, Leased or Sold or Offered for Rent, Lease or Sale by Persons Other Than Dealers. This rule set forth the extent to which preowned recreational vehicles rented, leased or sold or offered for rent, lease or sale by persons other than dealers were subject to inspection by the director.

PURPOSE: This rule is being rescinded as a result of the passage of Senate Bill No. 19, effective August 28, 1999, which repealed all recreational vehicle regulations.

AUTHORITY: section 700.040, RSMo 1986. Emergency rule filed Nov. 12, 1976, effective Nov. 22, 1976, expired March 22, 1977. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. Rescinded: Filed June 12, 2001.

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

PRIVATE COST: The proposed rescission of this 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 rescission with the Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, 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 240—Public Service Commission
Chapter 122—Recreational Vehicles**

PROPOSED RESCISSION

4 CSR 240-122.080 Code. This rule established the code for recreational vehicles which entered the first stage of production after November 21, 1976 which were rented, leased or sold or offered for rent, lease or sale in this state.

PURPOSE: This rule is being rescinded as a result of the passage of Senate Bill No. 19, effective August 28, 1999, which repealed all recreational vehicle regulations.

AUTHORITY: section 700.010, RSMo 1986. Emergency rule filed Nov. 12, 1976, effective Nov. 22, 1976, expired March 22, 1977. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. Emergency amendment filed July 3, 1989, effective July 13, 1989, expired Nov. 9, 1989. Amended: Filed July 3, 1989, effective Nov. 1, 1989. Amended: Filed Nov. 20, 1990, effective April 29, 1991. Rescinded: Filed June 12, 2001.

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

PRIVATE COST: The proposed rescission of this 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 rescission with the Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, 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 240—Public Service Commission
Chapter 122—Recreational Vehicles**

PROPOSED RESCISSION

4 CSR 240-122.090 Complaints and Review of Director Action. This rule provided for the manner in which complaints might be filed and the procedure by which commission review of the decisions, directives and interpretations of the director might be obtained.

PURPOSE: This rule is being rescinded as a result of the passage of Senate Bill No. 19, effective August 28, 1999, which repealed all recreational vehicle regulations.

AUTHORITY: section 700.040, RSMo 1986. Emergency rule filed Nov. 12, 1976, effective Nov. 22, 1976, expired March 22, 1977. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. Rescinded: Filed June 12, 2001.

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

PRIVATE COST: The proposed rescission of this 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 rescission with the Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, 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 240—Public Service Commission
Chapter 123—Modular Units**

PROPOSED AMENDMENT

4 CSR 240-123.010 Definitions. This proposal amends the following sections of this rule: section (1), subsection (B), subsection (C); subsection (D); subsection (E); adds a new subsection (H); and reletters subsection (H); subsection (I); subsection (J); and subsection (K).

PURPOSE: This rule defines the terms used in this chapter and is amended to reflect the deregulation of recreational vehicles in addition to adding a new definition.

(1) The following definitions, as well as those set out in section 700.010, RSMo [1986] 2000 shall apply to this chapter:

(B) Approved insignia means an insignia issued by a state with which this state has entered into a reciprocity agreement under section 700.030, RSMo [1986] 2000;

(C) Approved manufacturing program means a manufacturing program approved in writing by the director as conforming to the requirements of this chapter, the code and Chapter 700, RSMo [1986] 2000 as it relates to modular [homes] units;

(D) Code means the standards relating to manufactured homes[, recreational vehicles] or modular units as adopted by the commission. The commission, in its discretion, may incorporate, in whole or in part, the standards codes promulgated by the American National Standards Institute, the United States Department of Housing and Urban Development or other recognized agencies or organizations;

(E) Director means the director of the [Division of Manufactured Homes, Recreational Vehicles and Modular Units] Manufactured Housing and Modular Units Program of the Public Service Commission and those working under his/her supervision;

(H) Detailed plan means a detailed set of plans and specifications of each modular unit produced by a manufacturer;

[(H)](I) Modular unit means a factory fabricated transportable building section designed to be used by itself or to be incorporated with other sections at a building site into single modular structures to be used for residential, commercial, educational or industrial purposes. For purposes of this chapter, modular unit only means a unit(s) making up a completed modular structure. Separate modular sections are not modular units until assembled into a single modular unit. A manufactured modular unit may be moved as more than one (1) unit, but shall not consist of panels, nor individual pieces to be assembled on the permanent foundation or be more than those necessary pieces needed to complete final setup;

[(I)](J) Replacement seal means a seal which has been issued to replace a lost, mutilated or otherwise unserviceable seal or approved insignia; and

[(J)](K) Seal as defined by section 700.010, RSMo [1986] 2000 includes replacement seal.

AUTHORITY: section [700.100] 700.040, RSMo [1986] 2000. Original rule filed Aug. 16, 1979, effective Dec. 15, 1979. Amended: Filed Oct. 12, 1982, effective Jan. 13, 1983. Amended: Filed June 12, 2001.

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

PRIVATE COST: This proposed amendment will cost private entities less than \$500 in the aggregate.

NOTICE TO SUBMIT TO SUBMIT COMMENTS: Anyone may file a statement in support of or opposition to this proposed amendment with the Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, 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 240—Public Service Commission
Chapter 123—Modular Units**

PROPOSED AMENDMENT

4 CSR 240-123.030 *Seals.* This proposal amends the following sections of this rule: section (2); section (3) subsection (B); and section (4); section (5); section (5) subsection (B), (C), (D) and (E); and sections (6) through (13).

PURPOSE: This rule establishes the standards and procedures which relate to the issuance and removal of seals for modular units and is amended to reflect changes in the fees for obtaining seals, to clarify inspection criteria, and to designate the location of an affixed seal.

(2) An application for a seal shall be submitted to the director and it shall be executed on a form which shall be provided by *[him/her upon delivery to him/her of a nonrefundable two dollar (\$2) fee.] the director.* One (1) form may be used to apply for all seals required at a given time.

(3) To be complete, an application for seals to be affixed to modular units manufactured or to be manufactured under an approved manufacturing program shall be executed by the manufacturer (or the manufacturer's authorized representative if the manufacturer is a corporation) of the modular unit to which the requested seals will be affixed and shall include:

(B) A nonrefundable fee of *[twenty] eighty* dollars *[\$20] (\$80)* for each seal requested.

[(4) Within eight (8) working days after a complete application has been received by the director, the director shall inspect for code compliance each modular unit for which a seal has been requested, unless it has been or will be manufactured under an approved manufacturing program. If through no fault of the applicant the inspection is not conducted within the prescribed time, the requested seal shall be issued within the required time if no basis for rejection is found on the face of the application.]

[(5)] (4) The director is authorized to refuse to issue a seal under any of the following circumstances:

(B) If the director has not approved the applicant's manufacturing program; *[or if the director's approval of the applicant's manufacturing program has lapsed, expired or been withdrawn;]*

(C) If the director's approval of the applicant's manufacturing program has lapsed, expired or been withdrawn;

[(C)] (D) If at the time of application the director has reason to believe that the applicant is failing to abide by Chapter 700, RSMo [1986] 2000; *[and]*

[(D)] (E) If the director has reason to believe that the seal will be placed on a unit which is not a complete modular unit.

[(6)] (5) A seal or a written refusal to issue a seal shall be issued by the director within ten (10) working days after s/he has received a complete application. A notice of refusal shall specify the reason for refusal.

[(7)] (6) Seals shall be delivered by one (1) of the following methods:

(A) By prepaid certified mail, requesting a return receipt signed by addressee only, sent to the applicant's place of business; or

(B) By delivery to an applicant in person at the office of the secretary of the commission. Upon delivery of seals by this method, the applicant shall provide to the secretary of the commission a written acknowledgement of receipt.

[(8)] (7) A seal shall be affixed *[with a permanent weather-proof adhesive]* to the *[outside surface in the right rear corner] electric panel box or other accessible inside location* of a completed modular unit *[[structure]]*. A seal shall be located so that person(s) shall have an unobstructed view of seal.

[(9)] (8) Within thirty (30) days of the discovery that a seal issued to him/her has become lost, mutilated or otherwise unserviceable, a dealer or manufacturer shall provide written notice of such to the director.

[(10)] (9) Any person to whom a seal has been issued or who owns a modular unit to which a seal or approved insignia has been affixed may apply for the replacement of such seal or approved insignia if it becomes lost, mutilated or otherwise unserviceable. Applications for replacement seals shall be made on the same forms and in the same manner as applications for seals are made under this rule. A fee of *[ten] twenty* dollars *[\$10] (\$20)* shall be charged for a replacement seal.

[(11)] (10) Seals and approved insignia may be removed by the director from any modular unit *[a]* which is found to be in violation of the code which was in effect when it entered the first stage of production. Seals issued to a person who manufactures modular units under an approved manufacturing program must be returned to the director immediately if the approval is withdrawn by the director.

[(12)] (11) If the director removes a seal or approved insignia from a modular unit, s/he shall provide written notice of such action to the owner of the unit. The notice shall be mailed within five (5) working days of the removal and shall be sent by prepaid certified mail, requesting a return receipt signed by addressee only, to the last known address of the owner. The notice shall state the reason for the removal.

[(13)] (12) When a seal or approved insignia is removed by the director, s/he shall place a prohibited sale notice in the location specified for the seal in section *[(9)] (7)* of this rule. A prohibited sale notice shall state that the rental, lease or sale or the offering for rent, lease or sale of the modular unit to which the notice is

attached is prohibited under section 700.015, RSMo [(1986)] **2000**. The prohibited sale notice shall also state that further information may be obtained from the director, whose name, address and telephone number shall be listed. A copy of the prohibited sale notice shall be filed with the commission.

AUTHORITY: section 700.040, RSMo [1986] 2000. Original rule filed Aug. 16, 1979, effective Dec. 15, 1979. Amended: Filed Oct. 12, 1982, effective Jan. 13, 1983. Amended: Filed June 12, 2001.

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

PRIVATE COST: This proposed amendment will cost private entities approximately \$130,440 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, 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

Division: 240 Public Service Commission

Chapter: 123 Modular Units

Type of Rulemaking: Proposed Rule

Rule Number and Name: 030 - Seals

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 in the aggregate as to the cost of compliance with the rule by the affected entities: |
|--|--|--|
| There are approximately 89 active modular unit manufacturers. | Modular unit manufacturers | \$130,440 in the first year and a similar amount in succeeding years. |

III. WORKSHEET

1. Modular unit manufacturers are required to affix a seal verifying code compliance to each unit sold in the State of Missouri. This proposal increases the fee for a seal from \$20.00 to \$80.00 per seal and eliminates a \$2.00 handling fee. The proposal also increases the fee for a replacement seal from \$10.00 to \$20.00.
2. Ensuring compliance with this rule will not require additional staff.
3. The estimated cost of compliance is based on the total number of modular unit seals issued to modular manufacturers, multiplied by the proposed increase in the fee.

IV. ASSUMPTIONS

1. Fiscal Year 1999 data was used to estimate costs in this summary. No adjustment for inflation has been applied.
2. Actual cost of compliance in succeeding years will vary depending on actual number of seals issued.
3. Affected entities are assumed to be in compliance with all other MoPSC rules and regulations.
4. Other text amendments proposed in this rule will have no fiscal impact on the state or any private or public person or entity.