

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 If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission.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 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 2—Licensing Cases Under Section 621.045,
RSMo**

PROPOSED RULE

1 CSR 15-2.200 Subject Matter

PURPOSE: This rule sets out the matters to which this chapter applies.

This chapter 1 CSR 15-2 shall apply exclusively to proceedings in licensing cases under section 621.045, RSMo.

AUTHORITY: section 621.198, RSMo 2000. Original rule filed Jan. 11, 2001.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing is scheduled for 12:00 p.m., March 19, 2001, at the Administrative Hearing Commission's official residence—Room 640, Truman State Office Building, Jefferson City, Missouri. Anyone may file a statement in support of or in opposition to this proposed rule with the Administrative Hearing Commission, Karen A. Winn, Commissioner, PO Box 1557, Jefferson City, MO 65102. To be considered, comments must be received no later than March 19, 2001.

**Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 2—Licensing Cases Under Section 621.045,
RSMo**

PROPOSED AMENDMENT

1 CSR 15-2.290 Filing of Documents; Fax Filing; Posting Bond.
The commission is amending the Purpose and adding a new section (3).

PURPOSE: This amendment clarifies the requirements for posting a bond.

PURPOSE: This rule establishes procedures for filing documents and when they are deemed filed, and clarifies the requirement for posting bonds.

(3) Bonds. A bond is posted when the commission receives it, unless the commission orders otherwise.

AUTHORITY: sections 621.198 and 621.205, RSMo [1994] 2000. Original rule filed Aug. 5, 1991, effective Feb. 6, 1992. Amended: Filed Oct. 31, 1994, effective May 28, 1995. Amended: Filed Jan. 11, 2001.

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

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

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**Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 2—Licensing Cases Under Section 621.045,
RSMo**

PROPOSED AMENDMENT

1 CSR 15-2.450 Determination of Cases Without Hearing. The commission is amending subsections (3)(A) and (4)(C).

PURPOSE: This amendment increases the time before hearing in which a motion for determination on the pleadings or for summary determination must be filed.

(3) Determination on the Pleadings.

(A) Any party may move for determination on the pleadings no fewer than *[thirty (30)]* **forty-five (45)** days before a hearing on the complaint, or ten (10) days after respondent files an amended answer, whichever is later. The motion shall admit, for purposes of the motion, all factual allegations of the opposing party's pleadings and show that under the law the moving party is entitled to relief.

(4) Summary Determination.

(C) Motion and Proceedings. The movant shall serve the motion for summary determination upon an adverse party no fewer than *[thirty (30)]* **forty-five (45)** days before the time fixed for hearing on the complaint. The opposing party may serve opposing affidavits before the day of any hearing on the motion. The commission shall grant the motion if the pleadings and evidence on file show that there is no genuine issue as to any material fact and that any party is entitled to relief as a matter of law as to all or any part of the complaint. The commission may order summary determination against the moving party.

AUTHORITY: sections 536.073.2(2) and 621.198, RSMo [1994] 2000. Original rule filed Aug. 5, 1991, effective Feb. 6, 1992. Amended: Filed Oct. 31, 1994, effective May 28, 1995. Amended: Filed Jan. 11, 2001.

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

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

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**Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 2—Licensing Cases Under Section 621.045,
RSMo**

PROPOSED AMENDMENT

1 CSR 15-2.560 Fees and Expenses. The commission is deleting sections (1)–(4), and adding a new section.

PURPOSE: This amendment clarifies how an action for litigation expenses may be brought under any law.

[(1) Any party authorized by law to be awarded fees or expenses by the commission may apply for an award by filing a complaint with the commission no later than thirty (30) days after the final disposition of the case, unless a different procedure or time period is provided by law.

(2) The complaint shall identify the party against whom the award is sought, the commission action in which the party incurred the fees or expenses, and the provision of law which authorizes the award, and state in detail the facts which support the award including any relevant conduct by the agency.

(3) An action under this regulation shall be a contested case. The commission shall assign a separate case number to the action for fees and expenses. The provisions of this chapter, except 1 CSR 15-2.350(2)(C), shall apply to an action under this regulation.

(4) The commission shall determine whether an award shall be made upon a record consisting of the record in the case in which the fees were incurred and any record on the application.]

A party may file a complaint for litigation fees and expenses as authorized by law. Such complaint shall be a separate contested case. The complaint for fees and expenses shall be governed by chapter 1 CSR 15-3.

AUTHORITY: section 621.198, RSMo [1994] 2000. Original rule filed Aug. 5, 1991, effective Feb. 6, 1992. Amended: Filed Oct. 31, 1994, effective May 28, 1995. Amended: Filed Jan. 11, 2001.

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**Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 3—Sales and Use and Income Tax Cases
Under Section 621.050, RSMo, and All Other
Contested Cases, Except Licensing Cases Under Section
621.045, RSMo**

PROPOSED RULE

1 CSR 15-3.200 Subject Matter

PURPOSE: This rule sets out the matters to which this chapter applies.

This chapter 1 CSR 15-3 shall apply to all contested cases, except licensing cases under section 621.045, RSMo.

AUTHORITY: section 621.198, RSMo 2000. Original rule filed Jan. 11, 2001.

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

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

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Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 3—[Revenue Cases] Sales and Use and
Income Tax Cases Under Section 621.050, RSMo, and
All Other Contested Cases, Except Licensing Cases
Under Section 621.045, RSMo

PROPOSED AMENDMENT

1 CSR 15-3.210 Definitions. The commission is amending section (1).

PURPOSE: This amendment allows this rule to apply to all contested cases before the Administrative Hearing Commission, except licensing cases under section 621.045, RSMo.

(1) As used in this chapter, the following terms mean:

(D) Complaint—the **petition, application, or other** initial pleading, other than a motion for a stay, or any amended complaint;

[(E) Director—the director of the Department of Revenue;]

[(F)] (E) Hearing—any presentation to, or consideration by, the commission of evidence or argument on a complaint, motion or application;

[(G)] (F) Petitioner—the party filing the complaint;

[(H)] (G) Pleading—a complaint or a responsive pleading;

(H) Respondent—the party against whom the complaint is filed, and any person later joined as respondent;

(J) Stay—any stay or a suspension of [the director's] any action from which petitioner is appealing.

AUTHORITY: section 621.198, RSMo [1986] 2000. Original rule filed Aug. 5, 1991, effective Feb. 6, 1992. Amended: Filed Jan. 11, 2001.

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

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

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Jefferson City, Missouri. Anyone may file a statement in support of or in opposition to this proposed amendment with the Administrative Hearing Commission, Karen A. Winn, Commissioner, PO Box 1557, Jefferson City, MO 65102. To be considered, comments must be received no later than March 19, 2001.

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Chapter 3—[Revenue Cases] Sales and Use and
Income Tax Cases Under Section 621.050, RSMo, and
All Other Contested Cases, Except Licensing Cases
Under Section 621.045, RSMo

PROPOSED AMENDMENT

1 CSR 15-3.290 Filing of Documents; Fax Filing; Posting Bond. The commission is amending the Purpose and adding section (3).

PURPOSE: This amendment clarifies the requirements for posting a bond and allows this rule to apply to all contested cases before the Administrative Hearing Commission, except licensing cases under section 621.045, RSMo.

PURPOSE: This rule establishes procedures for filing documents and when they are deemed filed, and clarifies the requirement for posting bonds.

(3) Bonds. A bond is posted when the commission receives it, unless the commission orders otherwise.

AUTHORITY: sections 621.198 and 621.205, RSMo [1994] 2000. Original rule filed Aug. 5, 1991, effective Feb. 6, 1992. Amended: Filed Oct. 31, 1994, effective May 28, 1995. Amended: Filed Jan. 11, 2001.

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

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All Other Contested Cases, Except Licensing Cases
Under Section 621.045, RSMo

PROPOSED AMENDMENT

1 CSR 15-3.320 Stays or Suspensions of [the Director's] Any Action from which Petitioner Is Appealing. The commission is amending sections (1), (3)–(5).

PURPOSE: This amendment increases the time before hearing in which a motion for determination on the pleadings or for summary determination must be filed and allows this rule to apply to all contested cases before the Administrative Hearing Commission, except licensing cases under section 621.045, RSMo.

(1) Content.

(A) All motions for stay of the [director's] action from which petitioner is appealing shall be in writing.

(B) The movant shall include in the motion:

1. The full name, address and telephone number of movant, any attorney representing movant, and the [director] respondent;

2. Suitable space in the caption for the commission to affix a case number;

3. A clear heading, Motion for Stay;

4. Facts showing why the commission should grant the stay, set forth in numbered paragraphs, each of which shall contain, as far as practical, a single set of circumstances; and

5. A copy of [the director's finding, order, decision, assessment or additional assessment relating to the request for the stay] any written notice of the action from which petitioner is appealing.

(3) Specific Cases.

(A) International Fuel Tax Agreement (IFTA) Cases. The commission, with or without the filing of a motion, may stay any suspension or revocation of an IFTA license if the licensee files a complaint on that action.

(B) Department of Social Services Cases Under Section 208.156, RSMo. The commission shall not grant a stay until after a full hearing on the motion.

1. The movant must show:

A. That immediate and irreparable injury, loss, or damage will result if such stay order is denied; or

B. That such person has a reasonable likelihood of success upon the merits of the claim; and

2. No stay order shall be issued without the movant posting a bond in such sum as the commission finds sufficient to protect and preserve the interest of the Department of Social Services or its divisions.

3. In no event may the commission grant such stay order where the claim arises under a program or programs funded by federal funds or by any combination of state and federal funds, unless it is specified in writing by the financial section of the appropriate federal agency that federal financial participation will be continued under the stay order.

(C) Franchise Cases Under Sections 407.822.1 and 407.1031.1, RSMo. The commission's notice of hearing shall contain a stay of the action from which the petitioner seeks relief.

(4) The commission, upon either party's request, shall hold or, on its own initiative, may hold an evidentiary hearing on whether to issue or dissolve a stay order, except as provided in subsection (3)(B) of this rule.

(5) The commission may condition its stay order on the posting of a bond or other security, except as provided in subsection (3)(B) of this rule. A bond or other security is posted when the commission receives it.

AUTHORITY: section 621.198, RSMo [1986] 2000. Original rule filed Aug. 5, 1991, effective Feb. 6, 1992. Amended: Filed Jan. 11, 2001.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing is scheduled for 12:00 p.m., March 19, 2001, at the Administrative Hearing Commission's official residence—Room 640, Truman State Office Building, Jefferson City, Missouri. Anyone may file a statement in support of or in opposition to this proposed amendment with the Administrative Hearing Commission, Karen A. Winn, Commissioner, PO Box 1557, Jefferson City, MO 65102. To be considered, comments must be received no later than March 19, 2001.

**Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 3—[Revenue Cases] Sales and Use and
Income Tax Cases Under Section 621.050, RSMo, and
All Other Contested Cases, Except Licensing Cases
Under Section 621.045, RSMo**

PROPOSED AMENDMENT

1 CSR 15-3.350 Complaints. The commission is amending sections (1), (3) and (4).

PURPOSE: This amendment allows this rule to apply to all contested cases before the Administrative Hearing Commission, except licensing cases under section 621.045, RSMo.

(1) Content [in General].

(B) Petitioner shall include in the complaint:

1. The full name, address and telephone number of—

A. Petitioner; and

B. Any attorney representing petitioner;

2. Suitable space in the caption for the commission to affix a case number; [and]

3. [The identification of the finding, order, decision, assessment or additional assessment made by the director] A description of the action which petitioner is appealing and [its] the date of [issuance.] any written notice of such action; and

4. As far as practical, facts in numbered paragraphs, each of which shall contain a single set of circumstances.

(C) Petitioner shall accompany the complaint with a copy of [the finding, order, decision, assessment or additional assessment which gives rise to the complaint] any written notice of the action from which petitioner appeals.

(3) Notice.

(A) The commission shall serve notice of [and a copy of] the complaint on the [director] respondent and the petitioner [by delivery or certified mail].

(B) The commission shall serve a copy of the complaint on the respondent.

(4) Petitioner may amend the complaint without the commission's leave any time before the [director] respondent serves a responsive pleading. After the [director] respondent serves a responsive pleading, petitioner shall amend the complaint only with the commission's leave.

AUTHORITY: section 621.198, RSMo [1994] 2000. Original rule filed Aug. 5, 1991, effective Feb. 6, 1992. Amended: Filed Oct. 31, 1994, effective May 28, 1995. Amended: Filed Jan. 11, 2001.

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

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

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All Other Contested Cases, Except Licensing Cases
Under Section 621.045, RSMo

PROPOSED AMENDMENT

1 CSR 15-3.380 Answers and Other Responsive Pleadings. The commission is amending and renumbering sections (1)–(8).

PURPOSE: This amendment allows this rule to apply to all contested cases before the Administrative Hearing Commission, except licensing cases under section 621.045, RSMo.

(1) The *[director]* **respondent** shall file an answer.

(2) An answer shall—

(B) Admit those portions of the complaint which the *[director]* **respondent** believes are true and deny those portions s/he believes are not true;

(D) Be signed by the *[director]* **respondent** or his/her attorney.

[(3) When the director is denying an application for a license or taking action against a license, the answer, in addition to the requirements of section (2) of this rule, shall—]

[(A)] (E) Describe any conduct that is cause for *[denial or discipline]* **the action that petitioner is appealing** with sufficient specificity to enable the petitioner to prepare for hearing;

[(B)] (F) State which provisions of *[law]* **constitution, statute, or regulation** provide the legal basis for *[denial or discipline]* **the action that petitioner is appealing;**

[(C)] (G) Include a copy of *[the director's order or]* **any written notice of the action** of which petitioner seeks review, **unless such written notice was included in the complaint;** and

[(D)] (H) Set forth facts which show that the *[director]* **respondent** has complied with any provisions of law requiring him/her to notify the licensee of *[his/her actions against his/her license or application]* **the action that petitioner is appealing.**

[(4)] (3) The *[director]* **respondent** shall file any responsive pleading no later than thirty (30) days after receiving the notice of complaint.

[(5)] (4) The filing of a responsive pleading, other than an answer, that requests the commission to take some action shall increase the time in which the *[director]* **respondent** shall file an answer, as set by section *[(4)]* (3) of this rule, as follows, unless the commission orders otherwise—

(A) If the commission denies the request, the *[director]* **respondent** shall file the answer no later than ten (10) days after the commission so orders;

(B) If the commission issues an order postponing its ruling on the request until hearing, the *[director]* **respondent** shall file the answer no later than ten (10) days after the commission so orders;

(C) If the commission issues an order granting the request, but the order does not dispose of the entire complaint, respondent shall file the answer no later than ten (10) days after the commission so orders; and

(D) If the commission orders petitioner to amend the complaint, the *[director]* **respondent** shall file the answer no later than ten (10) days after service of the amended complaint. In any case, the time allowed for filing an answer shall be no less than the time which remained when the responsive pleading was filed.

[(6)] (5) The *[director]* **respondent** shall file an answer to an amended complaint within ten (10) days after service of the amended complaint or within the time remaining for filing an answer to the original complaint, whichever is longer, unless the commission orders otherwise.

[(7)] (6) Otherwise, the *[director]* **respondent** shall amend the answer only with the commission's leave.

[(8)] (7) Failure to File.

(A) The commission, on its own motion or that of any party, may order a remedy for respondent's failure to file an answer or other responsive pleading, or failure to otherwise comply with this rule.

(B) **Except in cases under sections 407.822.1 or 407.1031.1, RSMo, [P]petitioner shall file the motion not fewer than thirty (30) days before the hearing on the complaint or the motion shall be waived. In cases under sections 407.822.1 or 407.1031.1, RSMo, petitioner shall file a motion for a remedy only with the commission's leave and pursuant to a schedule ordered by the commission.**

(C) Remedies under this section may include an order that respondent is deemed to have—

1. Admitted the facts pleaded in the complaint;
2. Waived any defense to the complaint; and
3. Defaulted on any issue raised in the complaint.

(D) The commission may dispose of any issue on which it deems respondent to have defaulted. The commission shall determine the appropriate remedy based on the facts of the case. Respondent's failure to file an answer or other responsive pleading or otherwise comply with this rule shall not constitute the admission of any facts or entitle petitioner to the relief requested in the complaint unless the commission so orders.

AUTHORITY: section 621.198, RSMo [1994] 2000. Original rule filed Aug. 5, 1991, effective Feb. 6, 1992. Amended: Filed Oct. 31, 1994, effective May 28, 1995. Amended: Filed Jan. 11, 2001.

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

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

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Chapter 3—[Revenue Cases] Sales and Use and
Income Tax Cases Under Section 621.050, RSMo, and
All Other Contested Cases, Except Licensing Cases
Under Section 621.045, RSMo

PROPOSED AMENDMENT

1 CSR 15-3.450 Determination of Cases Without Hearing. The commission is amending sections (3) and (4).

PURPOSE: This amendment allows this rule to apply to all contested cases before the Administrative Hearing Commission, except licensing cases under section 621.045, RSMo.

(3) Determination on the Pleadings.

(A) In cases under sections 407.822.1 or 407.1031.1, RSMo, a motion for determination on the pleadings shall be filed only with the commission's leave and pursuant to a schedule ordered by the commission. In all other cases, [A]any party [may move] shall serve a motion for determination on the pleadings no fewer than [thirty (30)] forty-five (45) days before a hearing on the complaint, or ten (10) days after respondent files an amended answer, whichever is later. The motion shall admit, for purposes of the motion, all factual allegations of the opposing party's pleadings and show that under the law the moving party is entitled to relief.

(4) Summary Determination.

(A) For Petitioner. Petitioner may move for summary determination on all or any part of the complaint as this section provides. Except in cases under sections 407.822.1 or 407.1031.1, RSMo, [P]petitioner may so move after the time has passed for the [director] respondent to file a responsive pleading or in response to this motion filed by the [director] respondent.

(B) For the [Director] Respondent. The [director] respondent may move for summary determination on all or any part of the complaint as this section provides.

(C) Motion and Proceedings. [The] In cases under sections 407.822.1 or 407.1031.1, RSMo, a motion for determination on the pleadings shall be filed only with the commission's leave and pursuant to a schedule ordered by the commission. In all other cases, a movant shall serve the motion for summary determination upon an adverse party no fewer than [thirty (30)] forty-five (45) days before the time fixed for hearing on the complaint. The opposing party may serve opposing affidavits before the day of any hearing on the motion. The commission shall grant the motion if the pleadings and evidence on file show that there is no genuine issue as to any material fact and that any party is entitled to relief as a matter of law as to all or any part of the complaint. The commission may order summary determination against the moving party.

AUTHORITY: sections 536.073.2(2) and 621.198, RSMo [1994] 2000. Original rule filed Aug. 5, 1991, effective Feb. 6, 1992. Amended: Filed Oct. 31, 1994, effective May 28, 1995. Amended: Filed Jan. 11, 2001.

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Under Section 621.045, RSMo

PROPOSED AMENDMENT

1 CSR 15-3.490 Hearings on Complaints. The commission is amending section (5).

PURPOSE: This amendment allows this rule to apply to all contested cases before the Administrative Hearing Commission, except licensing cases under section 621.045, RSMo.

(5) Order of Proof. Regardless of which party has the burden of proof, [the parties shall present evidence in the following order] respondent shall present evidence first unless the commission orders otherwise[.].

(A) In any case in which the petitioner contests discipline on its license, the director shall present evidence first; or

(B) In any other case, the petitioner shall present evidence first.]

AUTHORITY: section 621.198, RSMo [1994] 2000. Original rule filed Aug. 5, 1991, effective Feb. 6, 1992. Amended: Filed Oct. 31, 1994, effective May 28, 1995. Amended: Filed Jan. 11, 2001.

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Under Section 621.045, RSMo

PROPOSED AMENDMENT

1 CSR 15-3.560 Fees and Expenses. The commission is deleting sections (1)–(4) and adding a new section.

PURPOSE: This amendment clarifies how an action for litigation expenses may be brought under any law and allows this rule to apply to all contested cases before the Administrative Hearing Commission, except licensing cases under section 621.045, RSMo.

(1) Any party authorized by law to be awarded fees or expenses by the commission may apply for an award by filing a complaint with the commission no later than thirty (30) days after the final disposition of the case, unless a different procedure or time period is provided by law.

(2) The complaint shall identify the party against whom the award is sought, the commission action in which the party incurred the fees or expenses, and the provision of law which authorizes the award and state in detail the facts which support the award including any relevant conduct by the director.

(3) An action under this regulation shall be a contested case. The commission shall assign a separate case number to the action for fees and expenses. The provisions of this chapter, except 1 CSR 15-3.350(1)(B)3. and (1)(G), shall apply to an action under this regulation.

(4) The commission shall determine whether an award shall be made upon a record consisting of the record in the case in which the fees were incurred and any record on the application.]

A party may file a complaint for litigation fees and expenses as authorized by law. Such complaint shall be a separate contested case. The complaint for fees and expenses shall be governed by this chapter.

AUTHORITY: section 621.198, RSMo [1994] 2000. Original rule filed Aug. 5, 1991, effective Feb. 6, 1992. Amended: Filed Oct. 31, 1994, effective May 28, 1995. Amended: Filed Jan. 11, 2001.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing is scheduled for 12:00 p.m., March 19, 2001, at the Administrative Hearing Commission's official residence—Room 640, Truman State Office Building, Jefferson City, Missouri. Anyone may file a statement in support of or in opposition to this proposed amendment with the Administrative Hearing Commission, Karen A. Winn, Commissioner, PO Box 1557, Jefferson City, MO 65102. To be considered, comments must be received no later than March 19, 2001.

**Title 1—OFFICE OF ADMINISTRATION
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PROPOSED RESCISSION

1 CSR 15-5.210 Definitions. This rule set out the definitions of terms used in the rules of the Administrative Hearing Commission.

PURPOSE: The commission is rescinding this rule because 1 CSR 15-3.210 will duplicate it.

AUTHORITY: section 621.198, RSMo 1986. Original rule filed Aug. 5, 1991, effective Feb. 6, 1992. Rescinded: Filed Jan. 11, 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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing is scheduled for 12:00 p.m., March 19, 2001, at the Administrative Hearing Commission's official residence—Room 640, Truman State Office Building, Jefferson City, Missouri. Anyone may file a statement in support of or in opposition to this proposed rescission with the Administrative Hearing Commission, Karen A. Winn, Commissioner, PO Box 1557, Jefferson City, MO 65102. To be considered, comments must be received no later than March 19, 2001.

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PROPOSED RESCISSION

1 CSR 15-5.230 Computation of Time; Extensions of Time. This rule set forth the manner in which time periods would be computed.

PURPOSE: The commission is rescinding this rule because 1 CSR 15-3.230 will duplicate it.

AUTHORITY: section 621.198, RSMo 1986. Original rule filed Aug. 5, 1991, effective Feb. 6, 1992. Rescinded: Filed Jan. 11, 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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing is scheduled for 12:00 p.m., March 19, 2001, at the Administrative Hearing Commission's official residence—Room 640, Truman State Office Building, Jefferson City, Missouri. Anyone may file a statement in support of or in opposition to this proposed rescission with the Administrative Hearing Commission, Karen A. Winn, Commissioner, PO Box 1557, Jefferson City, MO 65102. To be considered, comments must be received no later than March 19, 2001.

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PROPOSED RESCISSION

1 CSR 15-5.250 Practice by a Licensed Attorney; When Required. This rule stated when and how a party must be represented by a licensed attorney.

PURPOSE: The commission is rescinding this rule because 1 CSR 15-3.250 will duplicate it.

AUTHORITY: section 621.198, RSMo 1986. Original rule filed Aug. 5, 1991, effective Feb. 6, 1992. Rescinded: Filed Jan. 11, 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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing is scheduled for 12:00 p.m., March 19, 2001, at the Administrative Hearing Commission's official residence—Room 640, Truman State Office Building, Jefferson City, Missouri. Anyone may file a statement in support of or in opposition to this proposed rescission with the Administrative Hearing Commission, Karen A. Winn, Commissioner, PO Box 1557, Jefferson City, MO 65102. To be considered, comments must be received no later than March 19, 2001.

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PROPOSED RESCISSION

1 CSR 15-5.270 Service of Filings Other Than the Original Complaint. This rule required that anyone filing anything other than a complaint with the commission send copies to all parties.

PURPOSE: The commission is rescinding this rule because 1 CSR 15-3.270 will duplicate it.

AUTHORITY: section 621.198, RSMo 1986. Original rule filed Aug. 5, 1991, effective Feb. 6, 1992. Rescinded: Filed Jan. 11, 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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing is scheduled for 12:00 p.m., March 19, 2001, at the Administrative Hearing Commission's official residence—Room 640, Truman State Office Building, Jefferson City, Missouri. Anyone may file a statement in support of or in opposition to this proposed rescission with the Administrative Hearing Commission, Karen A. Winn, Commissioner, PO Box 1557, Jefferson City, MO 65102. To be considered, comments must be received no later than March 19, 2001.

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PROPOSED RESCISSION

1 CSR 15-5.290 Filing of Documents; Fax Filing. This rule established procedures for filing documents and when they were deemed filed.

PURPOSE: The commission is rescinding this rule because 1 CSR 15-3.290 will duplicate it.

AUTHORITY: sections 621.198 and 621.205, RSMo 1994. Original rule filed Aug. 5, 1991, effective Feb. 6, 1992. Amended: Filed

Oct. 31, 1994, effective May 28, 1995. Rescinded: Filed Jan. 11, 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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing is scheduled for 12:00 p.m., March 19, 2001, at the Administrative Hearing Commission's official residence—Room 640, Truman State Office Building, Jefferson City, Missouri. Anyone may file a statement in support of or in opposition to this proposed rescission with the Administrative Hearing Commission, Karen A. Winn, Commissioner, PO Box 1557, Jefferson City, MO 65102. To be considered, comments must be received no later than March 19, 2001.

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PROPOSED RESCISSION

1 CSR 15-5.320 Stays or Suspensions of Committee Action. This rule described the form and content of a motion for stay or suspension of any of the committee's actions, the number of copies required and who was served with a stay order.

PURPOSE: The commission is rescinding this rule because 1 CSR 15-3.320 will duplicate it.

AUTHORITY: section 621.198, RSMo 1986. Original rule filed Aug. 5, 1991, effective Feb. 6, 1992. Rescinded: Filed Jan. 11, 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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing is scheduled for 12:00 p.m., March 19, 2001, at the Administrative Hearing Commission's official residence—Room 640, Truman State Office Building, Jefferson City, Missouri. Anyone may file a statement in support of or in opposition to this proposed rescission with the Administrative Hearing Commission, Karen A. Winn, Commissioner, PO Box 1557, Jefferson City, MO 65102. To be considered, comments must be received no later than March 19, 2001.

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PROPOSED RESCISSION

1 CSR 15-5.350 Complaints. This rule described the form and content of the complaints, the number of copies required, how the complaints were served and how they were amended.

PURPOSE: The commission is rescinding this rule because 1 CSR 15-3.350 will duplicate it.

AUTHORITY: section 621.198, RSMo 1994. Original rule filed Aug. 5, 1991, effective Feb. 6, 1992. Amended: Filed Oct. 31, 1994, effective May 28, 1995. Rescinded: Filed Jan. 11, 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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing is scheduled for 12:00 p.m., March 19, 2001, at the Administrative Hearing Commission's official residence—Room 640, Truman State Office Building, Jefferson City, Missouri. Anyone may file a statement in support of or in opposition to this proposed rescission with the Administrative Hearing Commission, Karen A. Winn, Commissioner, PO Box 1557, Jefferson City, MO 65102. To be considered, comments must be received no later than March 19, 2001.

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PROPOSED RESCISSION

1 CSR 15-5.380 Answers and Other Responsive Pleadings. This rule described who was required to file a responsive pleading, how it should be filed, the form and content of the answer and how an answer was amended.

PURPOSE: The commission is rescinding this rule because 1 CSR 15-3.380 will duplicate it.

AUTHORITY: section 621.198, RSMo 1994. Original rule filed Aug. 5, 1991, effective Feb. 6, 1992. Amended: Filed Oct. 31, 1994, effective May 28, 1995. Rescinded: Filed Jan. 11, 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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing is scheduled for 12:00 p.m., March 19, 2001, at the Administrative Hearing Commission's official residence—Room 640, Truman State Office Building, Jefferson City, Missouri. Anyone may file a statement in support of or in opposition to this proposed rescission with the Administrative Hearing Commission, Karen A. Winn, Commissioner, PO Box 1557, Jefferson City, MO 65102. To be considered, comments must be received no later than March 19, 2001.

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PROPOSED RESCISSION

1 CSR 15-5.390 Intervention. This rule described who may intervene in an action and how to intervene.

PURPOSE: The commission is rescinding this rule because 1 CSR 15-3.390 will duplicate it.

AUTHORITY: section 621.198, RSMo 1986. Original rule filed Aug. 5, 1991, effective Feb. 6, 1992. Rescinded: Filed Jan. 11, 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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing is scheduled for 12:00 p.m., March 19, 2001, at the Administrative Hearing Commission's official residence—Room 640, Truman State Office Building, Jefferson City, Missouri. Anyone may file a statement in support of or in opposition to this proposed rescission with the Administrative Hearing Commission, Karen A. Winn, Commissioner, PO Box 1557, Jefferson City, MO 65102. To be considered, comments must be received no later than March 19, 2001.

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PROPOSED RESCISSION

1 CSR 15-5.410 Closing of Case Records and Hearings. This rule described the procedure for closing records or a hearing in a particular case.

PURPOSE: The commission is rescinding this rule because 1 CSR 15-3.410 will duplicate it.

AUTHORITY: section 621.198, RSMo 1986. Original rule filed Aug. 5, 1991, effective Feb. 6, 1992. Rescinded: Filed Jan. 11, 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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing is scheduled for 12:00 p.m., March 19, 2001, at the Administrative Hearing Commission's official residence—Room 640, Truman State Office Building, Jefferson City, Missouri. Anyone may file a statement in support of or in opposition to this proposed rescission with the Administrative Hearing Commission, Karen A. Winn, Commissioner, PO Box 1557, Jefferson City, MO 65102. To be considered, comments must be received no later than March 19, 2001.

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PROPOSED RESCISSION

1 CSR 15-5.420 Discovery. This rule explained the manner in which discovery may be obtained.

PURPOSE: The commission is rescinding this rule because 1 CSR 15-3.420 will duplicate it.

AUTHORITY: section 621.198, RSMo 1986. Original rule filed Aug. 5, 1991, effective Feb. 6, 1992. Rescinded: Filed Jan. 11, 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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing is scheduled for 12:00 p.m., March 19, 2001, at the Administrative Hearing Commission's official residence—Room 640, Truman State Office Building, Jefferson City, Missouri. Anyone may file a statement in support of or in opposition to this proposed rescission with the Administrative Hearing Commission, Karen A. Winn, Commissioner, PO Box 1557, Jefferson City, MO 65102. To be considered, comments must be received no later than March 19, 2001.

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PROPOSED RESCISSION

1 CSR 15-5.430 Dismissal. This rule described how a case may be dismissed with or without prejudice.

PURPOSE: The commission is rescinding this rule because 1 CSR 15-3.430 will duplicate it.

AUTHORITY: section 621.198, RSMo 1994. Original rule filed Aug. 5, 1991, effective Feb. 6, 1992. Amended: Filed Oct. 31, 1994, effective May 28, 1995. Rescinded: Filed Jan. 11, 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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing is scheduled for 12:00 p.m., March 19, 2001, at the Administrative Hearing Commission's official residence—Room 640, Truman State Office Building, Jefferson City, Missouri. Anyone may file a statement in support of or in opposition to this proposed rescission with the Administrative Hearing Commission, Karen A. Winn, Commissioner, P.O. Box 1557, Jefferson City, MO 65102. To be considered, comments must be received no later than March 19, 2001.

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PROPOSED RESCISSION

1 CSR 15-5.450 Determination of Cases Without Hearing. This rule provided for disposition of a contested case by stipulation, agreed settlement, or by disposition in the nature of default judgment, judgment on the pleadings or summary judgment as required by section 536.073, RSMo Supp. 1991.

PURPOSE: The commission is rescinding this rule because 1 CSR 15-3.450 will duplicate it.

AUTHORITY: sections 536.073.2(2) and 621.198, RSMo 1994. Original rule filed Aug. 5, 1991, effective Feb. 6, 1992. Amended: Filed Oct. 31, 1994, effective May 28, 1995. Rescinded: Filed Jan. 11, 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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing is scheduled for 12:00 p.m., March 19, 2001, at the Administrative Hearing Commission's official residence—Room 640, Truman State Office Building, Jefferson City, Missouri. Anyone may file a statement in support of or in opposition to this proposed rescission with the Administrative Hearing Commission, Karen A. Winn, Commissioner, PO Box 1557, Jefferson City, MO 65102. To be considered, comments must be received no later than March 19, 2001.

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PROPOSED RESCISSION

1 CSR 15-5.470 Prehearing Conferences. This rule described the setting and subject matter of the prehearing conference.

PURPOSE: The commission is rescinding this rule because 1 CSR 15-3.470 will duplicate it.

AUTHORITY: section 621.198, RSMo 1986. Original rule filed Aug. 5, 1991, effective Feb. 6, 1992. Rescinded: Filed Jan. 11, 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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing is scheduled for 12:00 p.m., March 19, 2001, at the Administrative Hearing Commission's official residence—Room 640, Truman State Office Building, Jefferson City, Missouri. Anyone may file a statement in support of or in opposition to this proposed rescission with the Administrative Hearing Commission, Karen A. Winn, Commissioner, PO Box 1557, Jefferson City, MO 65102. To be considered, comments must be received no later than March 19, 2001.

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PROPOSED RESCISSION

1 CSR 15-5.480 Hearings on Motions. This rule described how a party may obtain oral argument or an evidentiary hearing on a motion.

PURPOSE: The commission is rescinding this rule because 1 CSR 15-3.480 will duplicate it.

AUTHORITY: section 621.198, RSMo 1986. Original rule filed Aug. 5, 1991, effective Feb. 6, 1992. Rescinded: Filed Jan. 11, 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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing is scheduled for 12:00 p.m., March 19, 2001, at the Administrative Hearing Commission's official residence—Room 640, Truman State Office Building, Jefferson City, Missouri. Anyone may file a statement in support of or in opposition to this proposed rescission with the Administrative Hearing Commission, Karen A. Winn, Commissioner, PO Box 1557, Jefferson City, MO 65102. To be considered, comments must be received no later than March 19, 2001.

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PROPOSED RESCISSION

1 CSR 15-5.490 Hearings on Complaints. This rule described the procedures for the setting of, continuance of, and order of proof in hearings on complaints.

PURPOSE: The commission is rescinding this rule because 1 CSR 15-3.490 will duplicate it.

AUTHORITY: section 621.198, RSMo 1994. Original rule filed Aug. 5, 1991, effective Feb. 6, 1992. Amended: Filed Oct. 31, 1994, effective May 28, 1995. Rescinded: Filed Jan. 11, 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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing is scheduled for 12:00 p.m., March 19, 2001, at the Administrative Hearing Commission's official residence—Room 640, Truman State Office Building, Jefferson City, Missouri. Anyone may file a statement in support of or in opposition to this proposed rescission with the Administrative Hearing Commission, Karen A. Winn, Commissioner, PO Box 1557, Jefferson City, MO 65102. To be considered, comments must be received no later than March 19, 2001.

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PROPOSED RESCISSION

1 CSR 15-5.510 Transcripts. This rule set forth procedures for the availability and correction of a transcript and when the hearing reporter may destroy records.

PURPOSE: The commission is rescinding this rule because 1 CSR 15-3.510 will duplicate it.

AUTHORITY: section 621.198, RSMo 1986. Original rule filed Aug. 5, 1991, effective Feb. 6, 1992. Rescinded: Filed Jan. 11, 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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing is scheduled for 12:00 p.m., March 19, 2001, at the Administrative Hearing Commission's official residence—Room 640, Truman State Office Building, Jefferson City, Missouri. Anyone may file a statement in support of or in opposition to this proposed rescission with the Administrative Hearing Commission, Karen A. Winn, Commissioner, PO Box 1557, Jefferson City, MO 65102. To be considered, comments must be received no later than March 19, 2001.

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PROPOSED RESCISSION

1 CSR 15-5.530 Bench Rulings and Memorandum Decisions. This rule established a procedure for parties to obtain a bench ruling or a memorandum decision, as provided by section 536.068, RSMo Supp. 1990.

PURPOSE: The commission is rescinding this rule because 1 CSR 15-3.530 will duplicate it.

AUTHORITY: section 621.198, RSMo 1986. Original rule filed Aug. 5, 1991, effective Feb. 6, 1992. Rescinded: Filed Jan. 11, 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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing is scheduled for 12:00 p.m., March 19, 2001, at the Administrative Hearing Commission's official residence—Room 640, Truman State Office Building, Jefferson City, Missouri. Anyone may file a statement in support of or in opposition to this proposed rescission with the Administrative Hearing Commission, Karen A. Winn, Commissioner, PO Box 1557, Jefferson City, MO 65102. To be considered, comments must be received no later than March 19, 2001.

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PROPOSED RESCISSION

1 CSR 15-5.560 Fees and Expenses. This rule established a procedure to allow parties to make application for fees and expenses when authorized by statute or other law.

PURPOSE: The commission is rescinding this rule because 1 CSR 15-3.560 will duplicate it.

AUTHORITY: section 621.198, RSMo 1994. Original rule filed Aug. 5, 1991, effective Feb. 6, 1992. Amended: Filed Oct. 31, 1994, effective May 28, 1995. Rescinded: Filed Jan. 11, 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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing is scheduled for 12:00 p.m., March 19, 2001, at the Administrative Hearing Commission's official residence—Room 640, Truman State Office Building, Jefferson City, Missouri. Anyone may file a statement in support of or in opposition to this proposed rescission with the Administrative Hearing Commission, Karen A. Winn, Commissioner, PO Box 1557, Jefferson City, MO 65102. To be considered, comments must be received no later than March 19, 2001.

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PROPOSED RESCISSION

1 CSR 15-5.580 Certifications of Records. This rule set forth the content of the record and the procedure by which the commission caused the record to be certified to a court or to a licensing agency.

PURPOSE: The commission is rescinding this rule because 1 CSR 15-3.580 will duplicate it.

AUTHORITY: section 621.198, RSMo 1986. Original rule filed Aug. 5, 1991, effective Feb. 6, 1992. Rescinded: Filed Jan. 11, 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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing is scheduled for 12:00 p.m., March 19, 2001, at the Administrative Hearing Commission's official residence—Room 640, Truman State Office Building, Jefferson City, Missouri. Anyone may file a statement in support of or in opposition to this proposed rescission with the Administrative Hearing Commission, Karen A. Winn, Commissioner, PO Box 1557, Jefferson City, MO 65102. To be considered, comments must be received no later than March 19, 2001.

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PROPOSED RESCISSION

1 CSR 15-6.210 Definitions. This rule set out the definitions of terms used in the rules of the Administrative Hearing Commission.

PURPOSE: The commission is rescinding this rule because 1 CSR 15-3.210 will duplicate it.

AUTHORITY: section 621.198, RSMo 1986. Original rule filed Aug. 5, 1991, effective Feb. 6, 1992. Rescinded: Filed Jan. 11, 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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing is scheduled for 12:00 p.m., March 19, 2001, at the Administrative Hearing Commission's official residence—Room 640, Truman State Office Building, Jefferson City, Missouri. Anyone may file a statement in support of or in opposition to this proposed rescission with the Administrative Hearing Commission, Karen A. Winn, Commissioner, PO Box 1557, Jefferson City, MO 65102. To be considered, comments must be received no later than March 19, 2001.

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PROPOSED RESCISSION

1 CSR 15-6.230 Computation of Time; Extensions of Time. This rule set forth the manner in which time periods would be computed.

PURPOSE: The commission is rescinding this rule because 1 CSR 15-3.230 will duplicate it.

AUTHORITY: section 621.198, RSMo 1986. Original rule filed Aug. 5, 1991, effective Feb. 6, 1992. Rescinded: Filed Jan. 11, 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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing is scheduled for 12:00 p.m., March 19, 2001, at the Administrative Hearing Commission's official residence—Room 640, Truman State Office Building, Jefferson City, Missouri. Anyone may file a statement in support of or in opposition to this proposed rescission with the Administrative Hearing Commission, Karen A. Winn, Commissioner, PO Box 1557, Jefferson City, MO 65102. To be considered, comments must be received no later than March 19, 2001.

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PROPOSED RESCISSION

1 CSR 15-6.250 Practice by a Licensed Attorney; When Required. This rule stated when and how a party must be represented by a licensed attorney.

PURPOSE: The commission is rescinding this rule because 1 CSR 15-3.250 will duplicate it.

AUTHORITY: sections 621.035 and 621.198, RSMo 1986. Original rule filed Aug. 5, 1991, effective Feb. 6, 1992. Rescinded: Filed Jan. 11, 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.

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PROPOSED RESCISSION

1 CSR 15-6.270 Service of Filings Other Than the Original Complaint. This rule required that anyone filing anything other than a complaint with the commission send copies to all parties.

PURPOSE: The commission is rescinding this rule because 1 CSR 15-3.270 will duplicate it.

AUTHORITY: section 621.198, RSMo 1986. Original rule filed Aug. 5, 1991, effective Feb. 6, 1992. Rescinded: Filed Jan. 11, 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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing is scheduled for 12:00 p.m., March 19, 2001, at the Administrative Hearing Commission's official residence—Room 640, Truman State Office Building, Jefferson City, Missouri. Anyone may file a statement in support of or in opposition to this proposed rescission with the Administrative Hearing Commission, Karen A. Winn, Commissioner, PO Box 1557, Jefferson City, MO 65102. To be considered, comments must be received no later than March 19, 2001.

**Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 6—Medicaid Cases**

PROPOSED RESCISSION

1 CSR 15-6.290 Filing of Documents; Fax Filing. This rule established procedures for filing documents and when they were deemed filed.

PURPOSE: The commission is rescinding this rule because 1 CSR 15-3.290 will duplicate it.

AUTHORITY: sections 621.198 and 621.205, RSMo 1994. Original rule filed Aug. 5, 1991, effective Feb. 6, 1992. Amended: Filed

Oct. 31, 1994, effective May 28, 1995. Rescinded: Filed Jan. 11, 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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing is scheduled for 12:00 p.m., March 19, 2001, at the Administrative Hearing Commission's official residence—Room 640, Truman State Office Building, Jefferson City, Missouri. Anyone may file a statement in support of or in opposition to this proposed rescission with the Administrative Hearing Commission, Karen A. Winn, Commissioner, PO Box 1557, Jefferson City, MO 65102. To be considered, comments must be received no later than March 19, 2001.

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PROPOSED RESCISSION

1 CSR 15-6.320 Stays or Suspensions of Department Action. This rule described the form and content of a motion for stay or suspension of any of the committee's actions, the number of copies required and who is served with a stay order.

PURPOSE: The commission is rescinding this rule because 1 CSR 15-3.320 will duplicate it.

AUTHORITY: section 621.198, RSMo 1986. Original rule filed Aug. 5, 1991, effective Feb. 6, 1992. Rescinded: Filed Jan. 11, 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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing is scheduled for 12:00 p.m., March 19, 2001, at the Administrative Hearing Commission's official residence—Room 640, Truman State Office Building, Jefferson City, Missouri. Anyone may file a statement in support of or in opposition to this proposed rescission with the Administrative Hearing Commission, Karen A. Winn, Commissioner, PO Box 1557, Jefferson City, MO 65102. To be considered, comments must be received no later than March 19, 2001.

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PROPOSED RESCISSION

1 CSR 15-6.350 Complaints. This rule described the form and content of the complaints, the number of copies required, how the complaints are served and how they were amended.

PURPOSE: The commission is rescinding this rule because 1 CSR 15-3.350 will duplicate it.

AUTHORITY: section 621.198, RSMo 1994. Original rule filed Aug. 5, 1991, effective Feb. 6, 1992. Amended: Filed Oct. 31, 1994, effective May 28, 1995. Rescinded: Filed Jan. 11, 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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing is scheduled for 12:00 p.m., March 19, 2001, at the Administrative Hearing Commission's official residence—Room 640, Truman State Office Building, Jefferson City, Missouri. Anyone may file a statement in support of or in opposition to this proposed rescission with the Administrative Hearing Commission, Karen A. Winn, Commissioner, PO Box 1557, Jefferson City, MO 65102. To be considered, comments must be received no later than March 19, 2001.

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PROPOSED RESCISSION

1 CSR 15-6.380 Answers and Other Responsive Pleadings. This rule described who was required to file a responsive pleading, how it should have been filed, the form and content of the answer and how an answer was amended.

PURPOSE: The commission is rescinding this rule because 1 CSR 15-3.380 will duplicate it.

AUTHORITY: section 621.198, RSMo 1994. Original rule filed Aug. 5, 1991, effective Feb. 6, 1992. Amended: Filed Oct. 31, 1994, effective May 28, 1995. Rescinded: Filed Jan. 11, 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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing is scheduled for 12:00 p.m., March 19, 2001, at the Administrative Hearing Commission's official residence—Room 640, Truman State Office Building, Jefferson City, Missouri. Anyone may file a statement in support of or in opposition to this proposed rescission with the Administrative Hearing Commission, Karen A. Winn, Commissioner, PO Box 1557, Jefferson City, MO 65102. To be considered, comments must be received no later than March 19, 2001.

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PROPOSED RESCISSION

1 CSR 15-6.390 Intervention. This rule described who may intervene in an action and how to intervene.

PURPOSE: The commission is rescinding this rule because 1 CSR 15-3.390 will duplicate it.

AUTHORITY: section 621.198, RSMo 1986. Original rule filed Aug. 5, 1991, effective Feb. 6, 1992. Rescinded: Filed Jan. 11, 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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing is scheduled for 12:00 p.m., March 19, 2001, at the Administrative Hearing Commission's official residence—Room 640, Truman State Office Building, Jefferson City, Missouri. Anyone may file a statement in support of or in opposition to this proposed rescission with the Administrative Hearing Commission, Karen A. Winn, Commissioner, PO Box 1557, Jefferson City, MO 65102. To be considered, comments must be received no later than March 19, 2001.

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PROPOSED RESCISSION

1 CSR 15-6.410 Closing of Case Records and Hearings. This rule described the procedure for closing records or a hearing in a particular case.

PURPOSE: The commission is rescinding this rule because 1 CSR 15-3.410 will duplicate it.

AUTHORITY: section 621.198, RSMo 1986. Original rule filed Aug. 5, 1991, effective Feb. 6, 1992. Rescinded: Filed Jan. 11, 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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing is scheduled for 12:00 p.m., March 19, 2001, at the Administrative Hearing Commission's official residence—Room 640, Truman State Office Building, Jefferson City, Missouri. Anyone may file a statement in support of or in opposition to this proposed rescission with the Administrative Hearing Commission, Karen A. Winn, Commissioner, PO Box 1557, Jefferson City, MO 65102. To be considered, comments must be received no later than March 19, 2001.

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PROPOSED RESCISSION

1 CSR 15-6.420 Discovery. This rule explained the manner in which discovery may be obtained.

PURPOSE: The commission is rescinding this rule because 1 CSR 15-3.420 will duplicate it.

AUTHORITY: section 621.198, RSMo 1986. Original rule filed Aug. 5, 1991, effective Feb. 6, 1992. Rescinded: Filed Jan. 11, 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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing is scheduled for 12:00 p.m., March 19, 2001, at the Administrative Hearing Commission's official residence—Room 640, Truman State Office Building, Jefferson City, Missouri. Anyone may file a statement in support of or in opposition to this proposed rescission with the Administrative Hearing Commission, Karen A. Winn, Commissioner, PO Box 1557, Jefferson City, MO 65102. To be considered, comments must be received no later than March 19, 2001.

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PROPOSED RESCISSION

1 CSR 15-6.430 Dismissal. This rule described how a case could be dismissed with or without prejudice.

PURPOSE: The commission is rescinding this rule because 1 CSR 15-3.430 will duplicate it.

AUTHORITY: section 621.198, RSMo 1994. Original rule filed Aug. 5, 1991, effective Feb. 6, 1992. Amended: Filed Oct. 31, 1994, effective May 28, 1995. Rescinded: Filed Jan. 11, 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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing is scheduled for 12:00 p.m., March 19, 2001, at the Administrative Hearing Commission's official residence—Room 640, Truman State Office Building, Jefferson City, Missouri. Anyone may file a statement in support of or in opposition to this proposed rescission with the Administrative Hearing Commission, Karen A. Winn, Commissioner, PO Box 1557, Jefferson City, MO 65102. To be considered, comments must be received no later than March 19, 2001.

**Title 1—OFFICE OF ADMINISTRATION
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PROPOSED RESCISSION

1 CSR 15-6.450 Determination of Cases Without Hearing. This rule provided for disposition of a contested case by stipulation, agreed settlement, or by disposition in the nature of default judgment, judgment on the pleadings or summary judgment as required by section 536.073, RSMo Supp. 1991.

PURPOSE: The commission is rescinding this rule because 1 CSR 15-3.450 will duplicate it.

AUTHORITY: sections 536.073.2(2) and 621.198, RSMo 1994. Original rule filed Aug. 5, 1991, effective Feb. 6, 1992. Amended:

Filed Oct. 31, 1994, effective May 28, 1995. Rescinded: Filed Jan. 11, 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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing is scheduled for 12:00 p.m., March 19, 2001, at the Administrative Hearing Commission's official residence—Room 640, Truman State Office Building, Jefferson City, Missouri. Anyone may file a statement in support of or in opposition to this proposed rescission with the Administrative Hearing Commission, Karen A. Winn, Commissioner, PO Box 1557, Jefferson City, MO 65102. To be considered, comments must be received no later than March 19, 2001.

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PROPOSED RESCISSION

1 CSR 15-6.470 Prehearing Conferences. This rule described the setting and subject matter of the prehearing conference.

PURPOSE: The commission is rescinding this rule because 1 CSR 15-3.470 will duplicate it.

AUTHORITY: section 621.198, RSMo 1986. Original rule filed Aug. 5, 1991, effective Feb. 6, 1992. Rescinded: Filed Jan. 11, 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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing is scheduled for 12:00 p.m., March 19, 2001, at the Administrative Hearing Commission's official residence—Room 640, Truman State Office Building, Jefferson City, Missouri. Anyone may file a statement in support of or in opposition to this proposed rescission with the Administrative Hearing Commission, Karen A. Winn, Commissioner, PO Box 1557, Jefferson City, MO 65102. To be considered, comments must be received no later than March 19, 2001.

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PROPOSED RESCISSION

1 CSR 15-6.480 Hearings on Motions. This rule described how a party might obtain oral argument or an evidentiary hearing on a motion.

PURPOSE: The commission is rescinding this rule because 1 CSR 15-3.480 will duplicate it.

AUTHORITY: section 621.198, RSMo 1986. Original rule filed Aug. 5, 1991, effective Feb. 6, 1992. Rescinded: Filed Jan. 11, 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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing is scheduled for 12:00 p.m., March 19, 2001, at the Administrative Hearing Commission's official residence—Room 640, Truman State Office Building, Jefferson City, Missouri. Anyone may file a statement in support of or in opposition to this proposed rescission with the Administrative Hearing Commission, Karen A. Winn, Commissioner, PO Box 1557, Jefferson City, MO 65102. To be considered, comments must be received no later than March 19, 2001.

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PROPOSED RESCISSION

1 CSR 15-6.490 Hearings on Complaints. This rule described the procedures for the setting of, continuance of, and order of proof in hearings on complaints.

PURPOSE: The commission is rescinding this rule because 1 CSR 15-3.490 will duplicate it.

AUTHORITY: section 621.198, RSMo 1994. Original rule filed Aug. 5, 1991, effective Feb. 6, 1992. Amended: Filed Oct. 31, 1994, effective May 28, 1995. Rescinded: Filed Jan. 11, 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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing is scheduled for 12:00 p.m., March 19, 2001, at the Administrative Hearing Commission's official residence—Room 640, Truman State Office Building, Jefferson City, Missouri. Anyone may file a statement in support of or in opposition to this proposed rescission with the Administrative Hearing Commission, Karen A. Winn, Commissioner, PO Box 1557, Jefferson City, MO 65102. To be considered, comments must be received no later than March 19, 2001.

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PROPOSED RESCISSION

1 CSR 15-6.510 Transcripts. This rule set forth procedures for the availability and correction of a transcript and when the hearing reporter might destroy records.

PURPOSE: The commission is rescinding this rule because 1 CSR 15-3.510 will duplicate it.

AUTHORITY: section 621.198, RSMo 1986. Original rule filed Aug. 5, 1991, effective Feb. 6, 1992. Rescinded: Filed Jan. 11, 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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing is scheduled for 12:00 p.m., March 19, 2001, at the Administrative Hearing Commission's official residence—Room 640, Truman State Office Building, Jefferson City, Missouri. Anyone may file a statement in support of or in opposition to this proposed rescission with the Administrative Hearing Commission, Karen A. Winn, Commissioner, PO Box 1557, Jefferson City, MO 65102. To be considered, comments must be received no later than March 19, 2001.

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PROPOSED RESCISSION

1 CSR 15-6.530 Bench Rulings and Memorandum Decisions. This rule established a procedure for parties to obtain a bench ruling or a memorandum decision, as provided by section 536.068, RSMo Supp. 1990.

PURPOSE: The commission is rescinding this rule because 1 CSR 15-3.530 will duplicate it.

AUTHORITY: section 621.198, RSMo 1986. Original rule filed Aug. 5, 1991, effective Feb. 6, 1992. Rescinded: Filed Jan. 11, 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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing is scheduled for 12:00 p.m., March 19, 2001, at the Administrative Hearing Commission's official residence—Room 640, Truman State Office Building, Jefferson City, Missouri. Anyone may file a statement in support of or in opposition to this proposed rescission with the Administrative Hearing Commission, Karen A. Winn, Commissioner, PO Box 1557, Jefferson City, MO 65102. To be considered, comments must be received no later than March 19, 2001.

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PROPOSED RESCISSION

1 CSR 15-6.560 Fees and Expenses. This rule established a procedure to allow parties to make application for fees and expenses when authorized by statute or other law.

PURPOSE: The commission is rescinding this rule because 1 CSR 15-3.560 will duplicate it.

AUTHORITY: section 621.198, RSMo 1994. Original rule filed Aug. 5, 1991, effective Feb. 6, 1992. Amended: Filed Oct. 31, 1994, effective May 28, 1995. Rescinded: Filed Jan. 11, 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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing is scheduled for 12:00 p.m., March 19, 2001, at the Administrative Hearing Commission's official residence—Room 640, Truman State Office Building, Jefferson City, Missouri. Anyone may file a statement in support of or in opposition to this proposed rescission with the Administrative Hearing Commission, Karen A. Winn, Commissioner, PO Box 1557, Jefferson City, MO 65102. To be considered, comments must be received no later than March 19, 2001.

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PROPOSED RESCISSION

1 CSR 15-6.580 Certifications of Records. This rule set forth the content of the record and the procedure by which the commission shall cause the record to be certified to a court or to a licensing agency.

PURPOSE: The commission is rescinding this rule because 1 CSR 15-3.580 will duplicate it.

AUTHORITY: section 621.198, RSMo 1986. Original rule filed Aug. 5, 1991, effective Feb. 6, 1992. Rescinded: Filed Jan. 11, 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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing is scheduled for 12:00 p.m., March 19, 2001, at the Administrative Hearing Commission's official residence—Room 640, Truman State Office Building, Jefferson City, Missouri. Anyone may file a statement in support of or in opposition to this proposed rescission with the Administrative Hearing Commission, Karen A. Winn, Commissioner, PO Box 1557, Jefferson City, MO 65102. To be considered, comments must be received no later than March 19, 2001.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 15—Division of Aging
Chapter 4—Older Americans Act**

PROPOSED AMENDMENT

13 CSR 15-4.050 Funding Formula and Fiscal Management. The director of the Division of Aging proposes to amend this rule by deleting references to weights and obsolete language in sections (1)–(3), (5)–(7) and adding new subsections (2)(N) and (2)(V) and (6)(P) to include the new percentage figures for each area agency on aging.

PURPOSE: This amendment revises the funding formulas which allow the Division of Aging to disburse funds to the area agencies on aging in the state.

(1) The division in consultation with all Area Agencies on Aging (AAAs) shall develop and use an intrastate funding formula for the allocation of funds received under Title III of the Older Americans Act (the Act) with the exception of Title III[-F] funds allocated for [d]Disease [p]Prevention and [h]Health [p]Promotion [s]Services[,] and Title III-B funds utilized for outreach demonstration projects and the ombudsman program.

(2) The intrastate funding formula for the state of Missouri shall be established by the proportion of the population in each planning and service area (PSA) as calculated by using the following four (4) factors [and weights]:

(D) All individuals in each PSA who are sixty (60) years of age or older who are in the greatest social need. The [weighted] basis for this factor shall be determined by the number of individuals who are of the appropriate age—

1. With a physical or mental disability;
2. With a language barrier;
3. Who are geographically isolated; or
4. Who are culturally or socially isolated;

[(E) The factors and weights shall be applied as follows:

1. Individuals sixty (60) years of age or older = 25%;
2. Individuals sixty (60) years of age or older, low income = 25%;
3. Individuals sixty (60) years of age or older, low-income minority = 25%; and
4. Individuals sixty (60) years of age or older in greatest social need = 25%. The subfactors of this factor shall be weighted as follows:

A. Individuals sixty (60) years of age or older with a physical or mental disability = 6.25%;

B. Individuals sixty (60) years of age or older with a language barrier = 6.25%;

C. Individuals sixty (60) years of age or older who are geographically isolated = 6.25%. This category is comprised of individuals sixty (60) years of age or older who live in territory, population and housing units in nonurbanized areas and in places with populations of less than two thousand five hundred (2,500) not otherwise designated by the census as urban; and

D. Individuals sixty (60) years of age or older who are culturally or socially isolated = 6.25%. This category is comprised of minority individuals sixty (60) years of age or older;]

[(F)](E) Data used to compute the area agency on aging allotment percentages was derived from the 1990 Census of Population and Housing, Summary Tape 3A for the following categories:

1. Population sixty (60) years of age and over for funds allocated for the period July 1, 1994 through June 30, 1995;
2. Population sixty (60) years of age and over, below poverty;
3. Population sixty (60) years of age and over, minority below poverty;
4. Population sixty (60) years of age and over, rural or geographically isolated; and
5. Population sixty (60) years of age and over, minority;

[(G)](F) Data from the 1990 Census of Population and Housing, Summary Tape File 4A was used for the following categories:

1. Population sixty (60) years of age and over with a disability;
2. Population sixty (60) years of age and over with limited English;

[(H)](G) Data used to compute the area agency on aging allotment percentages was derived from the 1993 Census Estimates prepared by the Missouri Office of Administration for the population sixty (60) years of age and over for funds allocated for the period July 1, 1994 through June 30, 1995;

[(I)](H) Data used to compute the area agency on aging allotment percentages was derived from the 1993 Census Estimates prepared by the Missouri Office of Administration for the population sixty (60) years of age and over for funds allocated for the period July 1, 1995 through June 30, 1996;

[(J)](I) Data used to compute the area agency on aging allotment percentages was derived from the 1994 Census Estimates prepared by the Missouri Office of Administration for the population sixty (60) years of age and over for funds allocated for the period July 1, 1996 through June 30, 1997;

[(K)](J) Data used to compute the area agency on aging allotment percentages was derived from the 1995 Census Estimates prepared by the Missouri Office of Administration for the population sixty (60) years of age and over for funds allocated for the period July 1, 1997 through June 30, 1998;

[(L)](K) Data used to compute the area agency on aging allotment percentages was derived from the 1996 Census Estimates prepared by the Missouri Office of Administration for the population sixty (60) years of age and over for funds allocated for the period July 1, 1998 through June 30, 1999;

[(M)](L) Data used to compute the area agency on aging allotment percentages was derived from the 1997 Census Estimates prepared by the Missouri Office of Administration for the population sixty (60) years of age and over for funds allocated for the period July 1, 1999 through June 30, 2000;

[(N)](M) Data used to compute the area agency on aging allotment percentages was derived from the 1998 Census Estimates prepared by the Missouri Office of Administration for the population sixty (60) years of age and over for funds allocated for the period July 1, 2000 through June 30, 2001;

(N) Data used to compute the area agency on aging allotment percentages was derived from the 1999 Census Estimates prepared by the Missouri Office of Administration for the population sixty (60) years of age and over for funds allocated for the period July 1, 2001 through June 30, 2002;

(O) Based on the factors *[and weights]* stated in this rule, the percentage of funds allocated to each PSA for the period July 1, 1994 through June 30, 1995, are as follows:

1. Southwest Missouri Office on Aging—12.45%;
2. Southeast Missouri Area Agency on Aging—10.66%;
3. District III Area Agency on Aging—6.73%;
4. Northwest Missouri Area Agency on Aging—6.62%;
5. Northeast Missouri Area Agency on Aging—5.76%;
6. Central Missouri Area Agency on Aging—10.79%;
7. Mid-America Regional Council Area Agency on Aging—14.21%;
8. Mid-East Area Agency on Aging—19.34%;
9. City of St. Louis Area Agency on Aging—9.80%; and
10. Area Agency on Aging Region X—3.64%;

(P) Based on the factors *[and weights]* stated in this rule, the percentage of funds allocated to each PSA for Fiscal Year 1996 beginning on July 1, 1995 and ending June 30, 1996, are as follows:

1. Southwest Missouri Office on Aging—12.58%;
2. Southeast Missouri Area Agency on Aging—10.57%;
3. District III Area Agency on Aging—6.63%;
4. Northwest Missouri Area Agency on Aging—6.49%;
5. Northeast Missouri Area Agency on Aging—5.65%;
6. Central Missouri Area Agency on Aging—10.86%;
7. Mid-America Regional Council Area Agency on Aging—14.32%;
8. Mid-East Area Agency on Aging—20.07%;
9. City of St. Louis Area Agency on Aging—9.19%; and
10. Agency on Aging Region X—3.64%;

(Q) Based on the factors *[and weights]* stated in this rule, the percentage of funds allocated to each PSA for Fiscal Year 1997 beginning on July 1, 1996 and ending June 30, 1997, are as follows:

1. Southwest Missouri Office on Aging—12.63%;
2. Southeast Missouri Area Agency on Aging—10.54%;
3. District III Area Agency on Aging—6.61%;
4. Northwest Missouri Area Agency on Aging—6.44%;
5. Northeast Missouri Area Agency on Aging—5.63%;
6. Central Missouri Area Agency on Aging—10.88%;
7. Mid-America Regional Council Area Agency on Aging—14.35%;
8. Mid-East Area Agency on Aging—20.28%;
9. City of St. Louis Area Agency on Aging—9.00%; and
10. Area Agency on Aging Region X—3.64%;

(R) Based on the factors *[and weights]* stated in this rule, the percentages of funds allocated to each PSA for the Fiscal Year 1998 beginning on July 1, 1997 and ending June 30, 1998, are as follows:

1. Southwest Missouri Office on Aging—12.69%;
2. Southeast Missouri Area Agency—10.52%;
3. District III Area Agency—6.60%;
4. Northwest Missouri Area Agency—6.40%;
5. Northeast Missouri Area Agency—5.61%;
6. Central Missouri Area Agency—10.91%;
7. Mid-America Regional Council—14.39%;
8. Mid-East Area Agency—20.42%;
9. St. Louis Area Agency—8.82%; and
10. Region X Area Agency—3.64%;

(S) Based on the factors *[and weights]* stated in this rule, the percentages of funds allocated to each PSA for the Fiscal Year 1999 beginning on July 1, 1998 and ending June 30, 1999, are as follows:

1. Southwest Missouri Office on Aging—12.76%;
2. Southeast Missouri Area Agency—10.48%;
3. District III Area Agency—6.59%;
4. Northwest Missouri Area Agency—6.35%;
5. Northeast Missouri Area Agency—5.59%;
6. Central Missouri Area Agency—10.94%;
7. Mid-America Regional Council—14.42%;
8. Mid-East Area Agency—20.59%;
9. St. Louis Area Agency—8.64%; and
10. Region X Area Agency—3.64%;

(T) Based on the factors *[and weights]* stated in this rule, the percentages of funds allocated to each PSA for the Fiscal Year 2000 beginning on July 1, 1999 and ending June 30, 2000, are as follows:

1. Southwest Missouri Office on Aging—12.82%;
2. Southeast Missouri Area Agency—10.46%;
3. District III Area Agency—6.59%;
4. Northwest Missouri Area Agency—6.30%;
5. Northeast Missouri Area Agency—5.59%;
6. Central Missouri Area Agency—10.97%;
7. Mid-America Regional Council—14.46%;
8. Mid-East Area Agency—20.72%;
9. St. Louis Area Agency—8.46%; and
10. Region X Area Agency—3.63%; *[and]*

(U) Based on the factors *[and weights]* stated in this rule, the percentages of funds allocated to each PSA for the Fiscal Year 2001 beginning on July 1, 2000 and ending June 30, 2001, are as follows:

1. Southwest Missouri Office on Aging—12.87%;
2. Southeast Missouri Area Agency—10.43%;
3. District III Area Agency—6.57%;
4. Northwest Missouri Area Agency—6.26%;
5. Northeast Missouri Area Agency—5.58%;
6. Central Missouri Area Agency—11.00%;
7. Mid-America Regional Council—14.49%;
8. Mid-East Area Agency—20.86%;
9. St. Louis Area Agency—8.30%; and
10. Region X Area Agency—3.64%*[.]; and*

(V) Based on the factors stated in this rule, the percentages of funds allocated to each PSA for the Fiscal Year 2002 beginning on July 1, 2001 and ending June 30, 2002, are as follows:

1. Southwest Missouri Office on Aging—12.93%;
2. Southeast Missouri Area Agency—10.40%;
3. District III Area Agency—6.56%;
4. Northwest Missouri Area Agency—6.23%;
5. Northeast Missouri Area Agency—5.55%;
6. Central Missouri Area Agency—11.03%;
7. Mid-America Regional Council—14.53%;
8. Mid-East Area Agency—20.93%;
9. St. Louis Area Agency—8.21%; and
10. Region X Area Agency—3.63%.

(3) The funds allocated to each area agency shall include an identical base amount to each AAA in the state and an amount allotted using the factors *[and weights]* in section (2).

(5) The division in consultation with all AAAs shall develop and use an intrastate funding formula for the allocation of Title III/-F funds for Disease Prevention and Health Promotion Services.

(6) The intrastate funding formula for the allocation of Title III/-F funds for **[Missouri] Disease Prevention and Health Promotion Services** shall be established by the proportion of the sum of the factors for each PSA to the total of the factors for the state as calculated by using the following three (3) factors *[and weights]*:

(I) Based upon the factors *[and weights]* stated in this rule, the percentage of funds allocated to each PSA for Fiscal Year 1997 is as follows:

1. Southwest Missouri Office on Aging—12.79%;
2. Southeast Missouri Area Agency on Aging—10.98%;
3. District III Area Agency on Aging—7.30%;
4. Northwest Missouri Area Agency on Aging—7.55%;
5. Northeast Missouri Area Agency on Aging—6.70%;
6. Central Missouri Area Agency on Aging—11.67%;
7. Mid-America Regional Council—13.51%;
8. Mid-East Area Agency on Aging—11.30%;
9. St. Louis City Area Agency on Aging—13.01%; and
10. Area Agency on Aging Region X—5.19%;

(K) Based upon the factors *[and weights]* stated in this rule, the percentage of funds allocated to each PSA for Fiscal Year 1998 is as follows:

1. Southwest Missouri Office on Aging—12.46%;
2. Southeast Missouri Area Agency—11.25%;
3. District III Area Agency—7.06%;
4. Northwest Missouri Area Agency—6.94%;
5. Northeast Missouri Area Agency—6.68%;
6. Central Missouri Area Agency—9.23%;
7. Mid-America Regional Council—19.06%;
8. Mid-East Area Agency—11.90%;
9. St. Louis Area Agency—10.60%; and
10. Region X Area Agency—4.82%;

(M) Based upon the factors *[and weights]* stated in this rule, the percentages of funds allocated to each PSA for Fiscal Year 1999 are as follows:

1. Southwest Missouri Office on Aging—12.89%;
2. Southeast Missouri Area Agency—11.06%;
3. District III Area Agency—7.34%;
4. Northwest Missouri Area Agency—7.00%;
5. Northeast Missouri Area Agency—6.37%;
6. Central Missouri Area Agency—9.19%;
7. Mid-America Regional Council—19.00%;
8. Mid-East Area Agency—11.99%;
9. St. Louis Area Agency—10.60%; and
10. Region X Area Agency—4.56%;

(N) Based upon the factors *[and weights]* stated in this rule, the percentage of funds allocated to each PSA for Fiscal Year 2000 are as follows:

1. Southwest Missouri Office on Aging—12.50%;
2. Southeast Missouri Area Agency—11.38%;
3. District III Area Agency—7.31%;
4. Northwest Missouri Area Agency—7.03%;
5. Northeast Missouri Area Agency—6.64%;
6. Central Missouri Area Agency—9.21%;
7. Mid-America Regional Council—18.83%;
8. Mid-East Area Agency—12.06%;
9. St. Louis Area Agency—10.19%; and
10. Region X Area Agency—4.85%; *[and]*

(O) Based upon the factors *[and weights]* stated in this rule, the percentages of funds allocated to each PSA for Fiscal Year 2001 are as follows:

1. Southwest Missouri Office on Aging—12.61%;
2. Southeast Missouri Area Agency—11.35%;
3. District III Area Agency—7.31%;
4. Northwest Missouri Area Agency—6.98%;
5. Northeast Missouri Area Agency—6.70%;
6. Central Missouri Area Agency—9.24%;
7. Mid-America Regional Council—18.93%;
8. Mid-East Area Agency—12.15%;
9. St. Louis Area Agency—9.96%; and
10. Region X Area Agency—4.77%*[.]*; and

(P) Based upon the factors stated in this rule, the percentages of funds allocated to each PSA for Fiscal Year 2002 are as follows:

- 1. Southwest Missouri Office on Aging—14.27%;**
- 2. Southeast Missouri Area Agency—12.18%;**
- 3. District III Area Agency—6.46%;**
- 4. Northwest Missouri Area Agency—7.86%;**
- 5. Northeast Missouri Area Agency—5.74%;**
- 6. Central Missouri Area Agency—8.33%;**
- 7. Mid-America Regional Council—8.45%;**
- 8. Mid-East Area Agency—19.65%;**
- 9. St. Louis Area Agency—11.02%; and**
- 10. Region X Area Agency—6.04%.**

(7) Area agencies on aging shall have available not more than ten percent (10%) of the total federal Older Americans Act Title III Part B, Part C-1, Part C-2, *[Part D, and Part F]* and **Title III Disease Prevention and Health Promotion Services** funds for paying such percentage, but not more than seventy-five percent (75%) of the cost of administration of the area plan. The ten percent (10%) administration allowance shall only be taken from amounts made available to the area agencies on aging from federal Older Americans Act Title III Part B, Part C-1, and Part C-2.

AUTHORITY section 660.050, RSMo [Supp. 1999] 2000. This rule was previously filed as 13 CSR 15-6.195. Original rule filed Jan. 6, 1986, effective April 30, 1986. For intervening history, please consult the Code of State Regulations. Amended: Filed: Jan. 16, 2001.

PUBLIC COST: In accordance with section 305 of the Older Americans Act, the Division of Aging as the state unit on aging has designated 10 area agencies on aging within the state. This rule is specific to those 10 area agencies on aging. Seven of the entities are non-profit organizations and three are public organizations. The public entities and their respective increase/(decrease) in revenues are: Mid-America Regional Council Area Agency on Aging—(\$21,840), City of St. Louis Area Agency on Aging—(\$21,325) and Area Agency on Aging Region X—\$1,236.

PRIVATE COST: In accordance with section 305 of the Older Americans Act, the Division of Aging as the state unit on aging has designated 10 area agencies on aging within the state. This rule is specific to those 10 area agencies on aging. Seven of the entities are non-profit organizations and three are public organizations. The non-profit agencies and their respective increase/(decrease) in revenues are: Southwest Missouri Office on Aging—\$21,622, Southeast Missouri Area Agency on Aging—(\$5,617), District III Area Agency on Aging—(\$5,398), Northwest Missouri Area Agency on Aging—(\$5,463), Northeast Missouri Area Agency on Aging—(\$11,218), Central Missouri Area Agency on Aging—(\$5,367) and Mid-East Area Agency on Aging—\$42,633.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Aging, Richard C. Dunn, Director, PO Box 1337, 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: 13 - Department of Social Services

Division: 15 - Division of Aging

Chapter: 4 - Older Americans Act

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 13 CSR 15-4.050, Funding Formula and Fiscal Management

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Mid-America Regional Council	\$(21,840)
City of St. Louis	\$(21,325)
Area Agency on Aging Region X	\$ 1,236

III. WORKSHEET

Funding formula for distribution of funds:

	Increase/(Decrease) in Title III Funds	Increase/(Decrease) in Title III F Funds
Mid America Regional Council	\$ 10,952	\$(32,792)
City of St. Louis	(24,642)	3,317
Area Agency on Aging Region X	<u>(2,738)</u>	<u>3,974</u>
Total	\$(16,428)	\$(25,501)

IV. ASSUMPTIONS

1. In accordance with the federal Older Americans Act (OAA), this rule relates to the Missouri Department of Social Services/Division of Aging (DSS/DA), the designated state agency responsible for development and implementation of a state plan on aging under Titles III, V and VII of the Act.
2. This rule is specific to the state unit on aging within DSS/DA as mandated by Title III of the OAA and designated area agencies on aging. In accordance with section 305 of the OAA, DA as the state unit on aging has designated ten (10) area agencies on aging within the state. This rule is specific to those ten (10) area agencies on aging. Seven (7) of the entities are non-profit organizations and three (3) are public organizations. The non-profit agencies are: Southwest Missouri Office on Aging, Southeast Missouri Area Agency on Aging, District III Area Agency

on Aging, Northwest Missouri Area Agency on Aging, Northeast Missouri Area Agency on Aging, Central Missouri Area Agency on Aging and Mid-East Area Agency on Aging. The public entities are: Mid-America Regional Council Area Agency on Aging, City of St. Louis Area Agency on Aging and Area Agency on Aging Region X.

3. This rule is mandated by the OAA; therefore, a takings analysis is not required under section 536.017, RSMo (Supp. 1999).
4. The OAA mandates Title III funds, with limited exceptions detailed within section 304, be distributed to area agencies on aging designated by the state unit on aging. DA, the designated state unit on aging, is responsible for developing in consultation with the area agencies on aging an intrastate funding formula for distribution of Title III funds to area agencies on aging. The intrastate funding formula is based upon criteria found within section 305 of the OAA.
5. This rule is federally mandated; therefore, the life of the rule cannot be determined by DA.
6. The aggregate decrease in public revenues over the life of the rule may be obtained by multiplying the revenues above by the number of years the rule is projected to be in effect. Consideration should be given to the demographic changes as contained within information from the US Department of Commerce, Bureau of the Census and population estimates prepared by the Missouri Office of Administration. Further, the area agency on aging funding levels are annually affected by the level of federal, Administration on Aging grant awards to Missouri.
7. Area agencies on aging do not cover the same number of counties nor do they receive the same level of funding. In order to obtain a reasonable estimate of the decreased revenue to a single area agency on aging, first divide the anticipated decrease in public revenues by the number of public or private area agencies on aging affected under this specific fiscal note.
8. Any other costs not identified within this fiscal note are unforeseeable and unquantifiable.

FISCAL NOTE
PRIVATE ENTITY COST

I. RULE NUMBER

Title: 13 - Department of Social Services

Division: 15 - Division of Aging

Chapter: 4 - Older Americans Act

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 13 CSR 15-4.050, Funding Formula and Fiscal Management

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:
7	Area agencies on aging	\$41,929*

*The aggregate change over the life of the rule may be obtained by multiplying the revenues above by the number of years the rule is projected to be in effect.

III. WORKSHEET

Funding formula for distribution of funds:

	Increase/(Decrease) in Title III Funds	Increase/(Decrease) in Title III F Funds
Southwest Office on Aging	\$16,428	\$ 5,194
Southeast Missouri Area Agency	(8,214)	2,597
District III Area Agency	(2,738)	(2,660)
Northwest Missouri Area Agency	(8,214)	2,754
Northeast Missouri Area Agency	(8,214)	(3,004)
Central Missouri Area Agency	8,214	(2,847)
Mid East Area Agency	<u>19,166</u>	<u>23,467</u>
TOTALS	\$16,428	\$ 25,501

IV. ASSUMPTIONS

1. In accordance with the federal Older Americans Act (OAA), this rule relates to the Missouri Department of Social Services/Division of Aging (DSS/DA), the designated state agency responsible for development and implementation of a state plan on aging under Titles III, V and VII of the Act.
2. This rule is specific to the state unit on aging within DSS/DA as mandated by Title III of the OAA and designated area agencies on aging. In accordance with section 305 of the Act, DA as the state unit on aging has designated ten (10) area agencies on aging within the state. This rule is specific to those ten (10) area agencies on aging. Seven (7) of the entities are non-profit organizations and three (3) are public organizations. The non-profit agencies are: Southwest Missouri Office on Aging, Southeast Missouri Area Agency on Aging, District III Area Agency on Aging, Northwest Missouri Area Agency on Aging, Northeast Missouri Area Agency on Aging, Central Missouri Area Agency on Aging and Mid-East Area Agency on Aging. The public entities are: Mid-America Regional Council Area Agency on Aging, City of St. Louis Area Agency on Aging and Area Agency on Aging Region X.
3. This rule is mandated by the OAA; therefore, a takings analysis is not required under section 536.017, RSMo (Supp. 1999).
4. The OAA mandates Title III funds, with limited exceptions detailed within section 304, be distributed to area agencies on aging designated by the state unit on aging. DA, the designated state unit on aging, is responsible for developing in consultation with the area agencies on aging an intrastate funding formula for distribution of Title III funds to area agencies on aging. The intrastate funding formula is based upon criteria found within section 305 of the OAA.
5. This rule is federally mandated; therefore, the life of the rule cannot be determined by DA.
6. The aggregate decrease in public revenues over the life of the rule may be obtained by multiplying the revenues above by the number of years the rule is projected to be in effect. Consideration should be given to the demographic changes as contained within information from the US Department of Commerce, Bureau of the Census and population estimates prepared by the Missouri Office of Administration. Further, the area agency on aging funding levels are annually affected by the level of federal, Administration on Aging grant awards to Missouri.
7. Area agencies on aging do not cover the same number of counties nor do they receive the same level of funding. In order to obtain a reasonable estimate of the decreased revenue to a single area agency on aging, first divide the anticipated decrease in public revenues by the number of public or private area agencies on aging affected under this specific fiscal note.
8. Any other costs not identified within this fiscal note are unforeseeable and unquantifiable.

**Title 19—DEPARTMENT OF HEALTH
Division 20—Division of Environmental Health and
Communicable Disease Prevention
Chapter 28—Immunization**

PROPOSED AMENDMENT

19 CSR 20-28.040 Day Care Immunization Rule. The department is amending sections (1), (2), and (4).

PURPOSE: This proposed amendment is to add varicella vaccine to the list of required vaccines for attendance.

(1) As mandated by section 210.003, RSMo, the administrator of each public, private or parochial day care center, preschool or nursery school caring for ten (10) or more children shall have a record prepared showing the immunization status of every child enrolled in or attending a facility under the administrator's jurisdiction. The administrator shall also make an annual summary report to the Department of Health on form Imm.P. 32 no later than January 15. Immunization information is required in *[nine (9)] ten (10)* categories: diphtheria, tetanus, pertussis (DTaP); polio; hepatitis B (HB); *Haemophilus influenzae* type b (Hib); measles, mumps, *[and]* rubella (MMR); **and varicella (VZV)**.

(2) No child shall enroll in or attend a public, private or parochial day care center, preschool or nursery school caring for ten (10) or more children unless the child has been adequately immunized according to this rule. Children attending elementary school who receive before, after school care, or both, shall meet the immunization requirements established in the School Immunization Rule, 19 CSR 20-28.010. Preschool-age children shall be immunized against diphtheria, tetanus, pertussis, polio, hepatitis B, *Haemophilus influenzae* type b, measles, mumps, *[and]* rubella, **and varicella** according to the latest Recommended Childhood Immunization Schedule—United States, approved by the Advisory Committee on Immunization Practices (ACIP). As the schedule is updated, it will be available from and distributed by the Department of Health.

(4) The parent or guardian shall furnish the day care administrator satisfactory evidence of completion of the required immunizations, exemption from immunization, or progress toward completing all required immunizations against diphtheria, tetanus, pertussis, polio, hepatitis B, *Haemophilus influenzae* type b, measles, mumps, *[and]* rubella, **and varicella**. Satisfactory evidence of immunization means a statement, certificate or record from a physician or other recognized health facility stating that the required immunizations have been given to the person and verifying type of vaccine and the dates, including the month, day and year of each immunization. **However, if a child has had varicella (chickenpox) disease, the parent, the guardian, a licensed doctor of medicine or doctor of osteopathy may sign and place on file with the day care administrator a written statement documenting previous varicella (chickenpox) disease. The statement may contain wording such as: "This is to verify that (name of child) had varicella (chickenpox) disease on or about (date) and does not need varicella vaccine."**

AUTHORITY: sections 192.006*[, RSMo Supp. 1999]* and 210.003, RSMo *[1994]* 2000. Emergency rule filed Aug. 1, 1995, effective Aug. 11, 1995, expired Dec. 8, 1995. Original rule filed April 17, 1995, effective Nov. 30, 1995. Emergency amendment filed June 14, 2000, effective June 24, 2000, expires Feb. 22, 2001. Amended: Filed June 14, 2000, effective Nov. 30, 2000. Amended: Filed Jan. 3, 2001.

PUBLIC COST: This proposed amendment is estimated to cost the Department of Health \$44,569 total aggregate costs annually. A fiscal note containing a detailed estimated cost of compliance has been filed with the secretary of state.

PRIVATE COST: This proposed amendment is estimated to cost child care facilities \$399,100 total aggregate costs annually. A fiscal note containing a detailed estimated cost of compliance has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Pamela Rice Walker, Director, Division of Environmental Health and Communicable Disease Prevention, PO Box 570, Jefferson City, MO 65102, phone (573) 751-6080. 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: 19 - Department of Health

Division: 20 - Division of Environmental Health and Communicable Disease Prevention

Chapter: 28 - Immunization

Type of Rule Making: Proposed Amendment

Rule Number and Name: 19 CSR 20-28.040 Day Care Immunization Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Missouri Department of Health	\$44,569 annually

III. WORKSHEET

The estimate in the aggregate was calculated as follows:

Salaries

5% of salaries for nine District Health Program Representatives	\$17,062
25% of salary for one Health Program Representative	\$ 9,008
25% of salary for one Clerk Typist	<u>\$ 5,323</u>
TOTAL SALARIES	\$31,393
FRINGE BENEFIT @ 27%	<u>\$ 8,476</u>

TOTAL \$39,869

Office Expenses

Printing costs for survey packet	\$ 4,700
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TOTAL ANNUAL COSTS \$44,569

IV. ASSUMPTIONS

One Health Program Representative will function as coordinator for the program. The Clerk Typist will provide clerical assistance, including data entry. Nine District Health Program Representatives will conduct validation surveys in a small number of facilities on a biennial basis. Each of these staff will provide technical assistance to day care staff and health care providers, addressing the immunization schedule and requirements for attendance.

For the purposes of this fiscal note, costs were calculated based upon the amount of time staff would dedicate to day care activities: 25% of salaries for one Health Program Representative and one Clerk Typist, and 5% of salaries for nine District Health Program Representatives.

Printing costs for materials were included at the rate of \$4,700. The total annual cost to the Department of Health is \$44,569.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 19 -- Department of Health

Division: 20 -- Division of Environmental Health and Communicable Disease Prevention

Chapter: 28 -- Immunization

Type of Rule Making: Proposed Amendment

Rule Number and Name: 19 CSR 20-28.040 Day Care Immunization Rule

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 type 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.
6,000	Day Care Facilities	\$399,100 annually

III. WORKSHEET

The estimate in the aggregate was calculated as follows:

Day care staff time involved in the review of children's immunization records was estimated to be approximately 30 minutes per child. An additional 4 hours was estimated to be required to complete the annual survey form at each facility. The staff salary was estimated at an average of \$5.15 per hour.

IV. ASSUMPTIONS

For the purposes of this fiscal note, the following costs to day care facilities were calculated:

Approximately 100,000 children attend day care in the 6,000 facilities in the state. It is estimated that approximately 30 minutes of staff time is required to review each of the children's records. At the estimated average salary of \$5.15 per hour, the cost to facilities is \$275,500.

In addition, an estimate of 4 hours of staff time is required to complete the immunization survey form. Using the average salary of \$5.15 per hour, the cost to facilities is \$123,600.

The total annual cost to day care facilities is approximately \$399,100.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and
Licensure
Chapter 35—Hospices**

PROPOSED RESCISSION

19 CSR 30-35.010 Hospice Program Operations. This rule defined the minimum requirements for the provision of hospice services by state certified hospice programs.

PURPOSE: This rule is being rescinded because extensive changes to its content and format require promulgation of a new rule.

AUTHORITY: section 197.250, RSMo 1994. Original rule filed March 8, 1996, effective Oct. 30, 1996. Rescinded: Filed Jan. 3, 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 Lois Kollmeyer, Director, Division of Health Standards and Licensure, PO Box 570, Jefferson City, MO 65102-0570, phone (573) 751-6336. 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 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and
Licensure
Chapter 35—Hospices**

PROPOSED RULE

19 CSR 30-35.010 Hospice Program Operations

PURPOSE: This rule defines the minimum requirements for the provision of hospice services by state certified hospice programs.

(1) General Provisions.

(A) Definitions Relating to Hospice Care Agencies.

1. Hospice administrator—the employee designated by the governing body as responsible for the overall functioning of the hospice.

2. Attending physician—a person who—

A. Is licensed as a doctor of medicine or osteopathy in this state or a bordering state; and

B. Is identified by the patient, at the time s/he elects to receive hospice care, as having the most significant role in the determination and delivery of the patient's medical care.

3. Contracted provider—individuals or entities who furnish services to hospice patients under contractual arrangements between the hospice and the contracted provider.

4. Coordinating provider—any individual or agency which independently provides services to the patient in their place of residence.

5. Dietary counselor—an individual that is currently eligible to be licensed as a dietitian in Missouri or recognized as a nutritionist.

6. Direct employee—an individual paid directly by the hospice.

7. Employee—an employee of the hospice or an individual under contract who is appropriately trained and assigned to the

hospice program. Employee also refers to a person volunteering for the hospice program.

8. Family—broadly defined to include not only persons bound by biology or legalities but also those who function for the patient in a familial way.

9. Homemaker—a home health aide, volunteer or other individual who assists the patient/family with light housekeeping chores.

10. Home health aide—a person who meets the training, attitude, and skill requirements specified in the Medicare home health program (42 CFR 484.36).

11. Hospice—a public agency or private organization or subdivision of either that:

A. Is primarily engaged in providing care to dying persons and their families; and

B. Meets the standards specified in 19 CSR 30-35.010 and in 19 CSR 30-35.030. If it is a hospice that provides inpatient care directly in a hospice facility, it must also meet the standards of 19 CSR 30-35.020.

12. Hospice patient—a person with a terminal illness or condition for whom the focus of care is on comfort and palliation rather than cure.

13. Licensed practical nurse—a person licensed under Chapter 335, RSMo to engage in the practice of practical nursing.

14. Meal preparation—meals planned, offered or served to all patients from prepared menus.

15. Medical director—a person licensed in this state or a bordering state as a doctor of medicine or osteopathy who assumes overall responsibility for the medical component of the hospice's patient care program.

16. Nutritionist—a person who has graduated from an accredited four-year college with a bachelor's degree including or supplemented by at least 15 semester hours in food and nutrition including at least one course in diet therapy.

17. Occupational therapist—a person who is registered under Chapter 334, RSMo as an occupational therapist and licensed to practice in Missouri.

18. Occupational therapy assistant—a person who has graduated from an occupational therapy assistant program accredited by the Accreditation Council for Occupational Therapy Education and licensed to practice in Missouri.

19. Registered nurse—a person licensed under Chapter 335, RSMo to engage in the practice of professional nursing.

20. Registered nurse coordinator—a registered nurse, who is a direct employee, designated by the hospice to direct the overall provisions of clinical services.

21. Pharmacist—a person licensed as a pharmacist under Chapter 338, RSMo.

22. Physician—a physician as defined in subparagraph (1)(A)2.A. of this rule.

23. Physical therapist—a person who is licensed as a physical therapist under Chapter 334, RSMo.

24. Physical therapy assistant—a person who has graduated from at least a two-year college level program accredited by the American Physical Therapy Association and licensed to practice in Missouri.

25. Legal representative—a person who because of the patient's mental or physical incapacity is legally authorized in accordance with state law to act on behalf of the dying person.

26. Satellite/branch office—a location or site from which a hospice provides services within a portion of the total geographic area served by the parent hospice and the area served by the satellite/branch office is contiguous to or part of the area served by the parent hospice.

27. Skilled nursing—those services which are required by law to be provided by a registered nurse or a licensed practical nurse.

28. Snack—a single meal or item prepared on demand which does not include food items that produce grease-laden vapors.

29. Social worker—a person who has at least a bachelor's degree in social work from a school of social work accredited by the Council on Social Work Education.

30. Speech language pathologist—a person who is licensed under Chapter 345, RSMo as a speech therapist.

31. Spiritual counselor—a person who is ordained according to the practices of an organized faith group as a pastor, priest, rabbi, minister or one who is eligible for membership in the Association of Professional Chaplains.

32. Standing order—An order by an authorized prescriber that can be implemented by other health care professionals when predetermined criteria are met as per 19 CSR 30-35.010(2)(E)3.-(2)(E)4.A., B. and C.

(B) Eligibility Requirements. A hospice shall have written admission criteria including the hospice's policies regarding palliative care (that includes treatment modalities such as chemotherapy or radiation).

(C) Consent for Hospice Care.

1. A patient who wishes to receive hospice care, shall sign a consent form for hospice services.

2. The consent form shall include the following:

A. Identification of the particular hospice that will provide care to the patient;

B. The patient's or representative's acknowledgment that s/he has been advised and has an understanding of the palliative nature of hospice care as it relates to the patient's terminal illness;

C. The specific type of care and services that may be provided as hospice care during the course of the illness.

(D) Discontinuance of Hospice Care.

1. A patient or legal representative may discontinue the patient's hospice care at any time.

2. If a patient transfers to another provider, including another hospice provider, the hospice transferring care shall provide to the receiving provider pertinent written information which shall include at a minimum:

A. Current medication profile;

B. Advance directive (if applicable); and

C. Problems that require intervention or follow-up.

3. The hospice shall have written policies for hospice patient discharge which identify specific circumstances in which the patient is discharged.

A. The hospice shall immediately notify the patient or representative and shall include the date that the discontinuance is effective.

B. Patient's/family's continuing care needs, if any, are assessed at discharge, and the patient/family are referred to appropriate resources.

4. The physician shall be notified in all instances of discontinuance of hospice care and such notification shall be documented in the patient record.

(E) General Provisions.

1. A hospice shall maintain compliance with the standards in 19 CSR 30-35.010 and in 19 CSR 30-35.030. A hospice that operates a facility for hospice care shall also maintain compliance with 19 CSR 30-35.020.

2. A hospice shall be primarily engaged in providing the care and services described in 19 CSR 30-35.010 and in 19 CSR 30-35.020 of this rule, and shall:

A. Provide 24-hour nursing coverage for telephone consultation and visits as needed;

B. Assure all other services that are reasonable and necessary for the palliation and management of terminal illness and related conditions are available on a 24-hour basis;

C. Provide bereavement counseling; and

D. Assure services are provided in a manner consistent with accepted standards of practice in accordance with local, state, and federal law.

3. The hospice shall conduct criminal background checks in accordance with state law.

4. The hospice shall adhere to state and federal law relating to advance directives.

(F) Patient Rights. The hospice shall have a written statement of patient rights which shall include, but need not be limited to, those specified herein.

1. Each patient of a hospice program shall be informed in writing of his/her rights as recipients of hospice services.

2. The hospice shall document that it has informed patients of their rights in writing and shall protect and promote the exercise of these rights.

3. The patient's family, representative or guardian may exercise the patient's rights when all reasonable efforts to communicate with the patient have failed. These rights shall include:

A. The patient and family's right for respect of property and person;

B. The right to voice grievances regarding treatment or care that is, or fails to be, furnished or regarding lack of respect of property by anyone who is furnishing services on behalf of the hospice and the patient/family shall not be subjected to discrimination or reprisal for doing so;

C. The right to be informed about his/her care alternatives available from the hospice and payment resources;

D. The right to participate in the development of the plan of care and planning changes in the care;

E. The right to be informed in advance about the care to be furnished;

F. The right to be informed in advance of the disciplines that will furnish care and the frequency of visits proposed to be furnished;

G. The right to be informed in advance of any change in the plan of care before the change is made;

H. The right to confidentiality of the clinical records maintained by the hospice and to be informed of the hospice's policy for disclosure of clinical records;

I. The right to be informed in writing of the extent to which payment may be required from the patient and any changes in liability within 30 days of the hospice becoming aware of the new amount of the liability; and

J. The right to access the Missouri home health and hospice toll-free hotline and to be informed of its telephone number, the hours of operations and its purpose for the receipt of complaints and questions regarding hospice services.

(G) Code of Ethics.

1. A hospice shall develop a written code of ethics and have a process for reviewing ethical issues.

(H) 24-Hour Response.

1. The hospice shall have written policies and procedures defining access to all services, medications, equipment and supplies during regular business hours, after hours and in emergency situations including a plan for prompt telephone response.

2. Unscheduled non-emergent nursing visits when indicated should normally occur within three hours from the time the need is identified or as agreed upon by the hospice and patient.

3. When clinically indicated, emergent visits shall be made within one hour from the time the need is identified.

(I) Infection Control. The hospice shall identify person(s) responsible for implementing and monitoring an infection control program.

1. The infection control program shall include a system for periodic review and update of infection control policies and procedures, a monitoring of practices and potential exposure to infection and of employee health and compliance with policies and procedures.

2. The infection control policies and procedures shall conform with accepted standards of practice and address personal

hygiene, aseptic and isolation techniques, waste disposal, and supply and medication storage.

(J) Safety and Emergency Preparedness.

1. The hospice shall have safety and emergency preparedness plans that conform with federal, state and local requirements. Such plans shall include:

A. A plan for reporting, monitoring and following up on all accidents, injuries and safety hazards;

B. Documentation of monitoring activity and follow-up actions; and

C. A safe and sanitary system for identifying, handling and disposing of hazardous wastes.

D. The emergency preparedness plan shall be rehearsed at least annually.

(K) Satellite/Branch Offices.

1. If the hospice represents to the public that they have a satellite/branch office, there shall be:

A. A designated interdisciplinary group with documented group meetings;

B. On-site maintenance of current active patient records; and

C. Telephone reception during normal business hours.

2. The satellite office must be located within 100 miles of the parent office.

3. The standard of care and clinical services shall be the same out of the satellite/branch office as the parent office.

(2) Administration.

(A) Governing Body.

1. A hospice shall have a governing body that assumes full legal responsibility for the hospice's total operation.

2. The governing body shall meet, at a minimum, once a year.

3. The governing body shall designate an administrator.

(B) Administrator Provisions.

1. The administrator organizes and directs the agency's ongoing functions; maintains ongoing liaison among the governing body, the interdisciplinary group(s) and the staff; employs qualified personnel; implements an effective budgeting and accounting system; and enforces written policies and procedures.

2. A person shall be authorized to act in the absence of hospice administrator.

3. A registered nurse coordinator shall be designated to direct the overall provisions of clinical services.

(C) Contracted Services.

1. A hospice may arrange for another individual or entity to furnish services to the hospice's patients except as otherwise provided in these regulations. If services are provided under contract, the hospice shall meet the following standards:

A. Assure the continuity of patient/family care in home, outpatient and inpatient settings;

B. Have a written agreement for the provision of contracted services. The agreement shall include the following:

(I) Identification of the services to be provided in accordance with the plan of care;

(II) The manner in which services are coordinated by the hospice to maintain hospice professional management responsibility;

(III) Delineation of the role(s) of the hospice and the contracted services;

(IV) Assurance that the contracted provider shall be appropriately licensed;

(V) Provision for transfer and updating the plan of care on inpatient admission (if applicable).

2. Such contracts shall not relieve the hospice of the primary responsibility for ensuring patient care or otherwise complying with these regulations.

(D) Plan of Care.

1. A written plan of care must be established for each patient by the interdisciplinary group with the attending physician involvement.

2. The plan shall be established within seven days of admission.

3. The care provided to a patient shall be in accordance with the plan.

4. The plan shall include:

A. Identification of the patient's/family's problems and needs;

B. The scope and frequency of services needed to meet the patient's and family's needs and by whom the services will be provided, prescribed and required medical equipment, supplies, medications, treatments and the level of care;

C. Realistic and achievable goals; and

D. All physician orders.

5. The plan shall be reviewed and updated by the interdisciplinary group at a minimum of every two weeks. These reviews shall be documented in the patient record.

6. Documentation on the plan of care shall reflect the changing needs of the patient/family and the services required to meet those needs.

(E) Authorized Prescriber's Orders.

1. Medications, treatments and procedures shall be administered only with an order by an authorized prescriber.

2. Written orders shall be dated and signed at the time of writing.

3. Oral orders, including authorization to use a standing order, shall be received only by persons authorized within their scope of practice, immediately reduced to writing, signed and dated by the person receiving the order and signed and dated by the prescriber within 30 days.

4. A standing order may be used as part of the plan of care if the following guidelines are met:

A. Standing orders shall be in compliance with all applicable state statutes and regulations and shall:

(I) Include the purpose or conditions under which a standing order will be implemented;

(II) Be drug, treatment or procedure specific and not allow for non-prescriber's choice;

(III) Be individualized, signed and dated by the prescriber and included in the patient's record;

B. Agency policy shall define the time frame for authorized prescriber notification when a standing order has been implemented; and

C. Standing order content shall be reviewed and approved by the medical director at least annually.

(F) Interdisciplinary Group.

1. The hospice shall designate an interdisciplinary group or groups composed of qualified individuals who provide or supervise the care and services offered by the hospice. The interdisciplinary group shall meet no less often than every two weeks.

2. The interdisciplinary group shall include at least the following individuals who are employees of the hospice:

A. A doctor of medicine or osteopathy (may be contracted);

B. A registered nurse;

C. A social worker; and

D. A spiritual counselor.

3. The interdisciplinary group shall be responsible for:

A. Participation in the establishment, review and updates of the plan of care;

B. Provision or coordination of hospice care and services; and

C. Making recommendations regarding policies governing the day-to-day provision of hospice care and services.

(G) Clinical Services. The hospice shall routinely provide through direct employees the following services:

1. Nursing services.

A. Services shall be provided in accordance with recognized standards of practice.

B. Nursing services shall be staffed to assure that the nursing needs of patients are met.

C. The assessment, planning and provision of nursing services shall be the responsibility of the registered nurse.

D. When nursing services are delegated to a licensed practical nurse:

(I) The licensed practical nurse shall be supervised by a registered nurse who is available to the licensed practical nurse at least by phone during the hours that the licensed practical nurse is providing services or is on call; and

(II) The registered nurse shall make at least monthly on-site visits and document that the licensed practical nurse is routinely providing nursing services in accordance with the plan of care.

E. The registered nurse shall develop a written aide assignment based upon the patient's/family's needs when home health aide services are provided.

F. When aide services are being provided, a hospice registered nurse shall visit the home at least every two weeks. The visit shall include an assessment of the aide services.

G. Written documentation shall show that the aide is providing services in accordance with the plan of care.

H. When an aide is permanently assigned to a hospice facility, the every two-week supervisory requirement does not apply, however there must be evidence of an annual performance review in the aide's personnel file.

2. Medical director services. The medical director shall be a direct or contract employee. The medical director's or designee's services and responsibilities include:

A. Consulting with attending physicians regarding pain and symptom control;

B. Reviewing patient appropriateness for hospice services;

C. Acting as medical resource for the interdisciplinary group;

D. Acting as liaison to physicians in the community;

E. Assuring medical services are provided in the event the medical needs of the patient are not met by the attending physician; and

F. Routinely attending the interdisciplinary group meetings.

3. Medical social services.

A. Medical social services shall be provided in accordance with recognized standards of practice.

B. Social services shall be staffed to assure that the medical social service needs of patients are met.

C. The assessment, planning and provision of medical social services shall be the responsibility of the social worker.

D. The social services assessment visit shall be completed within seven days of admission or sooner if indicated.

4. Spiritual care services.

A. Spiritual care shall be available to all patients and families.

B. The spiritual counselor is responsible for assuring there is a documented assessment of the spiritual needs of the patient and family within seven days of admission and that spiritual care provided reflects assessed needs.

C. The spiritual assessment shall include, at a minimum:

(I) The identification of any religious affiliation the patient and family may have; and

(II) The nature and scope of any spiritual concerns or needs identified.

D. A visit by the spiritual counselor shall be offered to each patient. If the patient declines spiritual counselor visits, the spiritual counselor will serve as a resource for other interdisciplinary team members assessing spiritual needs and providing care,

and will be available to coordinate with other spiritual care providers the patient/family may have identified.

5. Bereavement care services.

A. There shall be an organized program for the provision of bereavement services under the supervision of a qualified professional who is a person with training or experience related to death, dying and bereavement.

B. Within two months following the patient's death, there shall be an assessment of risk of the bereaved individual and a plan of care that extends for one year appropriate to the level of risk assessed.

C. In addition to the assessment, at least one bereavement visit (other than funeral attendance/visitation) shall occur within six months after the death of the patient.

6. Other clinical services. The hospice shall provide the following services directly by hospice employees or through a contracted provider. The assessment, planning and provision of these services shall be the responsibility of the applicable licensed or registered clinician.

A. Dietary counseling, when required, shall be planned by a qualified dietary counselor.

B. Physical therapy services, occupational therapy services, and speech language pathology services shall be offered in a manner consistent with accepted standards of practice.

(I) Therapy services delegated to the physical therapy assistant or the occupational therapy assistant shall be supervised by a licensed physical therapist or registered occupational therapist as appropriate who is available to the physical therapy assistant or occupational therapy assistant at least by phone during the hours that s/he is providing services.

(II) When the assistant is providing services to a patient, the licensed or registered therapist shall make a supervisory visit to the residence of the patient at least every 30 days.

(III) Written documentation shall show that the assistant is providing therapy services in accordance with the plan of care.

C. Additional counseling services. Any additional counseling services provided by the hospice shall be provided by qualified personnel, coordinated with all hospice services, included in the plan of care and documented in the clinical record.

D. Waiver.

(I) These requirements shall be waived by the Department of Health for areas of the state in which no licensed therapists/dietitians/nutritionists are available provided a good faith effort to provide the service is being made.

(II) A hospice seeking this waiver shall submit a written request to the department along with evidence of efforts made by the hospice to provide the service. If approved, a request for waiver shall be resubmitted annually for review.

7. Home health aide and homemaker services. Home health aide and homemaker services shall be available to meet the needs of the patients.

A. If homemaker needs are identified, a member of the interdisciplinary group shall assign and coordinate the services.

B. Home health aide services must be provided by a qualified person as set forth in 19 CSR 30-35.010(1)(A)10.

C. A home health aide is not considered to have completed a training and competency program, or a competency evaluation program if, since the individual's most recent completion of such program(s), there has been a continuous period of 24 consecutive months during none of which the individual furnished services described in 42 CFR 409.40 for compensation.

D. The home health aide shall follow written instructions for patient care which are prepared by a registered nurse and document care provided. Duties include, but shall not be limited to, the duties specified in the regulations pertaining to the Medicare home health aide (42 CFR 484.36).

E. 12 hours of in-service per aide per 12-month period shall be provided or assured by the hospice. The hospice shall maintain a record of in-service provided.

(H) Medications. The hospice shall develop policies and procedures for the safe and effective use of medications, in accordance with accepted professional standards and applicable laws and regulations.

1. A medication list shall be maintained for each patient.
2. Medication orders shall include the medication name, dose, frequency and route of administration.
3. Orders with variable doses or frequencies shall specify a maximum dose or frequency and the reason for administration.
4. Medications shall be provided on a timely basis and medication services shall be available on a 24-hour basis for emergencies.
5. When controlled substance medications are delivered to the patient's residence by hospice staff, the date, patient name, medication name and strength, quantity indicated on the prescription container, and signatures of the hospice staff member and the receiver shall be documented.
6. The hospice shall identify and document any misuse of controlled substances and shall notify the prescriber.
7. Medication use shall be reviewed with the patient, family or both and medication information, counseling and education shall be provided when appropriate.
8. Current medication reference material shall be available to professional staff for all medications used.
9. Medications shall be administered by persons who have statutory authorization, the patient, or a family member.
10. Administration by the patient or by a family member shall be evaluated for appropriateness and ability and this evaluation documented by the nurse.
11. Medication incidents, including medication errors and adverse medication reactions, shall be reported to the prescriber, the registered nurse coordinator and the pharmacist.
12. The hospice must have a policy for the disposal of controlled substances maintained in the patient's home when those medications are no longer needed by the patient. The policy shall include at a minimum, information shared with family regarding disposition of medications when no longer required.
13. Medications shall not be transferred to other patients and shall not be removed from the residence by hospice staff.

(I) Medical Supplies and Equipment.

1. The provision of medical supplies and equipment shall be coordinated as needed for the palliation and management of the terminal illness and related conditions. Hospices shall make every effort to assure that patient needs for medical supplies and equipment are met.
2. Hospice shall provide education for patient/family, employees and volunteers on the safe use of medical equipment.
3. Hospice shall provide evidence that all hospice-owned patient care related equipment has been inspected and maintained on an annual basis and in accordance with manufacturers specifications.
4. Hospice shall have policies and procedures for cleaning, storing, accessing and distributing hospice-owned equipment.
5. Supplies shall be stored and maintained in a clean and proper manner.

(J) Volunteers.

1. Each hospice shall document and maintain a volunteer staff sufficient to provide administrative and direct patient care hours in an amount that, at a minimum, equals five percent of the total patient care hours of all paid hospice employees and contract staff. The hospice shall document a continuing level of volunteer activity.
2. Care and services through the use of volunteers, including the type of services and the time worked, shall be recorded.

3. The hospice shall document initial screening and active and ongoing efforts to recruit and retain volunteers.

4. The hospice shall provide task-appropriate orientation and training consistent with acceptable standards of hospice practice, that includes at a minimum:

- A. Hospice philosophy, goals and services;
 - B. The volunteer role in hospice;
 - C. Confidentiality;
 - D. Instruction in the volunteer's particular duties and responsibilities;
 - E. Whom to contact if in need of assistance or instruction regarding the performance of their specific duties and responsibilities; and
 - F. Documentation and record keeping as related to the volunteer's duties.
5. The hospice shall, in addition, provide orientation for patient care volunteers that includes at a minimum:
- A. Concepts of death and dying;
 - B. Communication skills;
 - C. Care and comfort measures;
 - D. Psychosocial and spiritual issues related to death and dying;
 - E. The concept of hospice patient and family as the unit of care;
 - F. Procedures to be followed in an emergency or following the death of the patient;
 - G. Concepts of grief and loss;
 - H. Universal precautions;
 - I. Safety;
 - J. Patient/family rights; and
 - K. Hospice and the nursing home.

6. The hospice shall document orientation and ongoing in-services.

7. Volunteers functioning in accordance with professional practice acts must show evidence of current professional standing and licensure, if applicable.

(K) Central Clinical Records.

1. In accordance with accepted principles of practice, the hospice shall establish and maintain a clinical record for every patient receiving care and services.
2. The record shall be complete, legible, readily accessible and systematically organized to facilitate retrieval. Documentation shall be prompt and accurate.
3. Each clinical record shall be a comprehensive compilation of information. Entries shall be made for all services provided.
4. Entries shall be made and signed by the person providing the services.
5. The record shall include all services whether furnished directly or through contracted providers. Each clinical record shall contain:
 - A. Physician's orders;
 - B. Complete documentation of all assessments, services and events including:
 - (I) The physical condition of the patient;
 - (II) The psychosocial status of the patient/family;
 - (III) The spiritual status of the patient/family; and
 - (IV) Potential bereavement complications;
 - C. The plan of care;
 - D. Identification data;
 - E. Consent form;
 - F. Pertinent medical history;
 - G. Determination of financial responsibility; and
 - H. Documentation of communication with coordinating providers.

6. The hospice shall safeguard the clinical record against loss, destruction and unauthorized use.

(L) Facility Resident.

1. When the hospice patient resides in a nursing facility, the hospice collaborates with the nursing facility providing care to the patient/family to ensure coordination of services.

2. Collaboration activities shall include the following:

A. There shall be a coordinated single plan of care in the nursing facility which may be multiple documents, that:

(I) Reflects coordination and input from both the hospice and the nursing facility;

(II) Identifies the care and services which each shall provide; and

(III) Is updated to reflect changes in patient/family condition, needs and care.

B. Services usually identified as hospice services shall remain the responsibility of the hospice, and are provided or arranged by the hospice to meet the needs of the patient at the same level that the hospice normally furnishes to patients in their homes.

C. A registered nurse is designated from the hospice to coordinate the implementation of the plan of care, and to respond to questions and concerns from the nursing facility.

D. The hospice shall provide education to nursing facility staff that includes at a minimum:

(I) The purpose and nature of hospice care;

(II) Services provided by the hospice;

(III) Care plan coordination;

(IV) When and how to contact hospice staff.

3. The hospice shall document education provided and/or education offered and declined by the nursing home.

4. The hospice shall enter into arrangements only with nursing facilities which are appropriately licensed.

(M) Employee Training and Orientation.

1. Each hospice shall provide initial orientation for each direct employee that is specific to the employee's job duties.

A. All employees shall be oriented to:

(I) Hospice philosophy, goals and services;

(II) Confidentiality;

(III) Specific job duties;

(IV) Hospice policies and procedures as appropriate to

the position.

B. Patient care employees shall also be oriented to:

(I) Interdisciplinary group function and responsibility;

(II) Communication skills;

(III) Physical, psychosocial and spiritual assessment;

(IV) Plan of care;

(V) Symptom management;

(VI) Universal precautions;

(VII) Patient/family safety issues;

(VIII) Patient/family rights;

(IX) Documentation;

(X) Concepts of grief and loss;

(XI) Facility resident care; and

(XII) Levels of hospice care.

C. Ongoing in-service training shall include a broad range of topics that reflect identified educational needs.

D. The hospice shall document initial orientation and in-service topics presented.

2. Volunteers are exempt from these provisions as their orientation and in-service requirements are defined in 19 CSR 30-35.010(2)(J)4., 5. and 6.

3. Contract personnel shall receive orientation to confidentiality, hospice philosophy, and to their specific job duties.

(N) Performance Improvement.

1. The hospice shall follow a written plan for assessing and improving program operations which includes:

A. Goals and objectives;

B. The identity of the person responsible for the program;

and

C. A method for resolving identified problems.

2. The plan and performance improvement activities shall be reviewed at least annually by a designated group and the governing body and revised as appropriate.

3. When problems are identified in the provision of hospice services, the hospice shall document any evidence of corrective actions taken, including ongoing monitoring, revisions of policies and procedures, educational intervention, and changes in the provision of services.

4. The effectiveness of actions taken to improve services or correct identified problems shall be evaluated.

5. A designated group shall review and document the performance improvement activities and monitor corrective actions.

AUTHORITY: section 197.270, RSMo 2000. Original rule filed March 8, 1996, effective Oct. 30, 1996. Rescinded and readopted: Filed Jan. 3, 2001.

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

PRIVATE COST: The private entity cost for this proposed rule is estimated at \$33,008,010 annually in the aggregate. A fiscal note containing a detailed estimate of cost of compliance has been filed with the Secretary of State's Office.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or opposition to this proposed rule with Lois Kollmeyer, Director, Division of Health Standards and Licensure, Department of Health, PO Box 570, Jefferson City, MO 65102, (573) 751-6336. To be considered, comments shall 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: Title 19 - Department of Health
 Division: Division 30 - Division of Health Standards and Licensure
 Chapter: Chapter 35 - Hospices
 Type of Rule Making: Proposed Rule
 Rule Number and Name: 19 CSR 30-35.010 Hospice Program Operations

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 type 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.
70	Hospices	\$33,008,010 annually

III. WORKSHEET

The estimate equals the total amount of annual cost of \$471,543 per individual hospice. The aggregate is based upon annual fiscal costs times the 70 hospices effected \$33,008,010 annually.

1. .50 hour Medical Director time/patient admission.
2. This could be clerical/receptionist annual salary or could be done by volunteer.
3. Estimate 6% coordinated RN Coordinator salary for infection control activities.
4. Estimate safety/emergency preparedness 3% RN Coordinator salary.
5. Establishment of a branch is optional. Estimate of rent of office space/utilities/misc./telephone receptionist.
6. Medical Director time estimated at 18 hours/month at \$100/hour or Medical Director could be volunteer.
7. On call estimate 1.50/hour at a estimated 16 hour/day and flat rate \$28.00/weekend day-\$170/per week x 52 weeks - \$8,840 annual.
8. Estimate 10% of hospice administrator salary for securing written agreements plus \$100 additional miscellaneous expense of written agreement development with minimum 1-DME, 1-Pharmacy, 1-Acute, 1-Respite, 1-Nursing Facility, 1-Therapy agreements (\$600 total).
9. Estimate establishment of Plan of Care requires RN Coordinator home visit of 3 hours plus team time of 1/hour RN, 1/hour SW, and .25/hour Medical Director at a minimum of \$193/patient times 36 patient admissions/calendar year.
10. The IDG reviews each patient every 2 weeks-minimum staff present usually represent RN, SW, MD, Chaplain-estimate 1/4 hour/review - \$35/patient times 26 reviews - \$263/patient/year.
11. Estimate 8% RN Coordinator time used for orientation and inservice - \$2,560 plus \$3,000/new employee for orientation - 5 new employees first year \$15,000 plus \$1000 per employee per year inservice for a total of \$5,000. This includes home health aide competency testing and inservices.

12. Estimate 10% RN Coordinator time used for Quality Improvement program.
13. Estimate Medical Director 18/hours/month - 216/hours/year - \$21,600. 60% FTE RN coordinated time \$19,200, FTE SW \$24,960, 1/2 time chaplain \$15,080.
14. Estimate .5 FTE volunteer coordinator \$7,500 plus \$2,000 additional training costs.
15. Estimate that in addition to the nurse coordinator an additional RN FTE would be needed for 36 patients. The RN Coordinator's salary is included.
16. Dietary counseling is used only periodically. Estimate 100/hours/year at \$28.00/hour for salary.
17. For a hospice with 36 patients usually the social worker or chaplain would coordinate the bereavement program. Salaries for social worker and chaplain are already quoted under the interdisciplinary group costs. Additional bereavement program costs are estimated at \$1,192/year.
18. Therapy service are used according to individual patient need under the plan of care. Estimate 2 therapy visits/patient; 72 visits at 45.00/visit.
19. 1 FTE aide at 15,000/year and one FTE homemaker at 10,000.
20. Estimate of 6.00/patient day for cost of medical supplies. (36 patients times average length of stay of 62 day times 6.00 per day)
21. Estimate of 10.00/patient day for cost of medications. (36 patient times 62 days times 10.00 day)
22. Estimate 8% of RN Coordinator salary for coordination with other providers.

IV. ASSUMPTIONS

This rule defines the requirements of the state certified hospice programs. The assumption is made that any other costs that may have occurred or may occur are unforeseeable or unquantifiable.

NOTE: The private entities are currently incurring costs under the existing rules. The existing rules are being rescinded and replaced with these proposed rules.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and
Licensure
Chapter 35—Hospices**

PROPOSED RESCISSION

19 CSR 30-35.020 Hospices Providing Direct Care in a Hospice Facility. This rule defined the minimum requirements necessary for the construction and operation of hospice inpatient facilities in order to be certified as part of the hospice program.

PURPOSE: This rule is being rescinded because extensive changes to its content and format require promulgation of a new rule.

AUTHORITY: section 197.250, RSMo 1994. Original rule filed March 8, 1996, effective Oct. 30, 1996. Rescinded: Filed Jan. 3, 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 Lois Kollmeyer, Director, Division of Health Standards and Licensure, PO Box 570, Jefferson City, MO 65102-0570, phone (573) 751-6336. 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 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and
Licensure
Chapter 35—Hospices**

PROPOSED RULE

19 CSR 30-35.020 Hospice Providing Direct Care in a Hospice Facility

PURPOSE: This rule defines the minimum requirements necessary for the construction and operation of hospice inpatient facilities in order to be certified as part of the hospice program.

(1) A hospice that delivers care in a facility operated by the hospice and not otherwise licensed shall comply with this rule in addition to 19 CSR 30-35.010 and 19 CSR 30-35.030.

(2) Each patient shall receive treatment, medications and diet as prescribed and shall be kept comfortable, clean, well-groomed and protected from accident, injury and infection.

(3) Organization and Management of Hospice Facilities.

(A) 24-Hour Staffing.

1. The hospice shall provide 24-hour staffing which is sufficient to meet the patients' total needs in accordance with the patient plan of care.

2. All hospices shall employ qualified staff at the ratio of no less than one for every ten (1:10) patients per shift, per patient unit, 24 hours a day.

3. Staffing personnel shall be on duty at all times on each patient-occupied floor, with no less than two staff personnel in a facility at all times.

4. Minimum staff personnel shall be no less qualified than one home health aide or companion/volunteer and one licensed practical nurse.

5. A registered nurse shall be available for telephone consultation or on-site visit as needed, 24 hours a day.

6. Facility personnel shall have a telephone access to administrative staff, 24 hours a day.

(B) Disaster Preparedness.

1. The hospice shall have a written plan, annually rehearsed with staff, which includes procedures to be followed in the event of an internal or external disaster and for the care of casualties arising from disasters.

2. Each facility shall conduct quarterly fire drills so that each shift participates at least annually.

(C) Meals Service Menu Planning and Supervision. The hospice shall:

1. Make available a practical freedom of choice diet offering at least three meals and snacks, or their equivalent, that accommodate patient's needs and preferences each day at regular times, with not more than 14 hours between a substantial evening meal and breakfast;

2. Prepare and serve foods using methods that conserve nutritive value, flavor and appearance;

3. Give special attention to the texture of food served to patients who have chewing difficulty;

4. Provide assurance that hot food is served hot and cold food is served cold;

5. Give a minimum of 30 minutes for eating meals. Patients who eat slowly or who need assistance shall be given as much time to eat as necessary;

6. Make tray service and dining room service attractive for patients and ensure that each patient receives appropriate table service;

7. Provide each patient who is served meals in bed or in a chair not within the dining area with either a table, an overbed table or an overbed tray of sturdy construction which is positioned so that the patient can eat comfortably;

8. Provide assistance upon tray delivery to all patients requiring assistance at mealtimes, whether it be preparation of the food items or actual feeding. Dining room supervision shall be provided during meals;

9. Establish an identification system to assure that each patient receives the diet as ordered;

10. Provide sufficient equipment and personnel trained in their duties to assure adequate preparation and serving of food if meals are prepared on-site;

11. Review menus for special prescribed diets and approve in writing by either a qualified dietitian, a registered nurse, or a physician;

12. Keep a current record of purchased food to show the kind and amount of food purchased each month, if meals are prepared on-site;

13. Plan menus for all diets at least two weeks in advance if meals are prepared on-site. If cycle menus are used, the cycle shall cover a minimum of three weeks and shall be different each day of the week;

14. Make fresh water readily accessible to all patients at all times;

15. Procure, store, prepare, distribute and serve all food under sanitary conditions;

16. Permit family to bring, prepare and serve food to their loved one; and

17. Permit staff to prepare a single patient snack upon request.

(D) Patient Areas.

1. The hospice shall design and equip areas for the comfort and privacy of each patient and family member.

2. The hospice shall have accommodations for family privacy after a patient's death that do not infringe on other patients' rights and decor which is homelike in design and function;

3. Patients shall be permitted to receive visitors, including small children, at any hour;

4. The facility shall have a policy regarding pets; and

5. Smoking may be permitted in the hospice consistent with the smoking policy of the facility. Smoking may be permitted in the patient's room and in designated smoking areas. Individual patients may be permitted to smoke in their rooms with the consent of any other patients occupying the room and with the permission of his/her attending physician. If a patient is confined to bed or classified as not being responsible, smoking is permitted only under the direct supervision of an authorized individual.

(E) Infection Control.

1. The hospice shall make disease-specific provision for isolating patients with infectious diseases.

2. Infectious waste management control.

A. Every inpatient hospice facility shall write an infectious waste management plan with an annual review identifying infectious waste generated on-site, the scope of the infectious waste program and policies and procedures to implement the infectious waste program. The plan shall include at the least the following: administrator's endorsement letter; introduction and purpose; objectives; phone number of responsible individuals; definition of those wastes handled by the facility; identification of responsible individuals; procedures for waste identification, segregation, containment, transport, treatment and disposal; emergency and contingency procedures and training; and educational procedures.

B. Infectious waste shall be segregated from other wastes at the point of generation and shall be placed in distinctive, clearly marked, leakproof containers or plastic bags appropriate for the characteristics of the infectious waste.

C. Containers for infectious waste shall be identified with the universal biological waste symbol. All packaging shall maintain its integrity during storage and transport. Infectious waste shall not be placed in a gravity disposal chute.

D. Pending disposal, infectious waste shall be stored separately from other wastes in a room limited to staff access.

E. When transported off the premises of the hospice, all infectious waste shall be packaged and transported as provided in sections 260.200-260.245, RSMo.

F. Hospices generating 100 kilograms or less of infectious waste per month must comply with section 260.203.10, RSMo.

3. Written policies and procedures shall define and describe the scope and conduct of laundry and linen services. There shall be a mechanism for the review and evaluation on an annual basis of the quality of laundry services.

4. Written policies and procedures shall define and describe the scope and conduct of on-site cleaning of dietary ware. There shall be a mechanism for the review and evaluation on an annual basis of the quality of dietary-ware sanitizing services provided.

(F) Pharmacy Services. The hospice shall comply with all provisions of 19 CSR 30-35.010 regarding medications.

1. The hospice shall employ or contract with a pharmacist.

A. The pharmacist shall assist in the development of policies and procedures for medication use, shall advise the hospice on all other matters pertaining to the use of medications, shall serve as a member of, or consultant to, the interdisciplinary team and shall provide medication information to professional staff as required.

B. Pharmacist shall be available on a 24-hour basis for emergencies.

2. Medication acquisition and labeling.

A. No stock supply of prescription medications shall be maintained except that each facility shall maintain an emergency medication kit and controlled substances may be maintained as stock.

B. When the emergency medication kit contains controlled substances the facility shall be registered with the Missouri Bureau of Narcotics and Dangerous Drugs.

C. When controlled substances are maintained in stock, the facility shall be registered with the Missouri Bureau of Narcotics and Dangerous Drugs and the Drug Enforcement Administration.

D. Patient prescription medications shall be labeled with at least the patient name, medication name, strength and date dispensed. They shall also contain accessory information and the expiration date when applicable.

E. Prescription medication labels shall not be altered by hospice staff and medications shall not be repackaged by hospice staff except as allowed by (3)(F)4.E.

F. When the patient's own medications are used, they shall be examined prior to use for suitability and positively identified by a pharmacist or nurse in writing.

G. Non-prescription medications may be obtained as stock or individual patient supplies. They shall not be repackaged, except as allowed by (3)(F)4.E., and supplies for individual patients shall be labeled with the patient's name.

3. Medication storage and control.

A. All medications shall be stored in locked compartments under proper temperature controls, separate from food and other substances, and accessible only to persons authorized to administer them.

B. Controlled substances shall be stored in locked compartments separate from other medications.

C. The pharmacist shall inspect medication storage areas and the emergency medication kit monthly and shall document this inspection.

D. Records of receipt and disposition of all controlled substances shall be maintained separate from other records.

(I) Inventories of Schedule II controlled substances shall be reconciled each shift.

(II) Inventories of Schedule III-V controlled substances shall be reconciled daily.

(III) Receipt records shall include the date, source of supply, patient name and prescription number when applicable, medication name and strength, quantity and signatures of the supplier and receiver.

(IV) Administration records shall include the date, time, patient name, medication name, dose administered and signature of the person administering.

(V) Documentation of waste at the time of administration shall also include the reason for the waste and the signature of an authorized employee witness.

E. The pharmacist shall review controlled substance record keeping monthly.

F. All variances of controlled substance records shall be reported to the registered nurse coordinator and the pharmacist for review and investigation.

G. All losses of controlled substances shall be reported to the Missouri Bureau of Narcotics and Dangerous Drugs and to other federal, state and local authorities when required.

H. All controlled substance records shall be maintained for two years.

4. Medication administration.

A. Medication administration by the patient or a family member shall be ordered by the physician. Instructions for administration shall be provided.

B. Non-controlled substances may be stored in a locked compartment in the patient's room.

C. Single doses of controlled substances may be placed in the locked compartment or provided directly to the patient or family member prior to the time of administration.

D. Administration of the patient's own medications brought to the facility shall be ordered by the authorized prescriber.

E. Medications for administration when a patient temporarily leaves the facility shall be labeled by the pharmacy with instructions for administration, except that a single dose of each medication may be provided by the nurse in containers labeled with the patient's name, medication name and strength, instructions for administration, and other necessary information.

F. Medication administration shall be documented on a separate record. Administration by the patient or a family member shall be monitored by nursing staff and documented.

5. Other medication disposition.

A. Medications may be sent with a patient at the time of discharge only if they have been labeled by the dispensing pharmacy with instructions for administration and ordered by the authorized prescriber.

B. Records of this disposition shall include the date, patient name, prescription number, drug name and strength, quantity and signatures of the persons releasing and receiving the medications.

C. Patient prescription medications that have been discontinued shall be destroyed within 60 days if they are controlled substances or if they are not in unit-dose packaging.

D. Patient prescription medications of expired patients shall be destroyed within five days if they are controlled substances or if they are not in unit-dose packaging or if they were brought from home.

E. Other expired or nonusable medications shall be destroyed within five days.

F. Medications shall be destroyed by a pharmacist and a nurse or two nurses, and a record of destruction shall be maintained which includes the date, patient name, prescription number, medication name and strength, quantity, method of destruction and signatures of the persons destroying the medications.

G. Unit-dose packaged medications returnable to the pharmacy shall be returned within ten days.

H. Medications shall not be transferred to other patients and shall not be removed from the facility by hospice staff, except those being returned to the pharmacy.

(4) General Design and Construction Standards for New Inpatient Hospice Facilities.

(A) Health and Safety Laws. The hospice shall meet all federal, state and local laws, ordinances, regulations and codes pertaining to health and safety, including but not limited to, provisions regulating construction, maintenance and equipment.

1. General Requirements.

A. After October 30, 1996, a new hospice facility shall submit plans for approval to the Department of Health for the construction of a new facility, expansion or renovation of an existing state certified hospice or the conversion of an existing facility not previously and continuously state certified and operated as a hospice facility under section 197.250, RSMo.

B. New hospice facilities shall be designed and constructed in conformance with this rule.

C. This rule is not intended to restrict innovations and improvements in design or construction techniques. Accordingly, the Department of Health may approve plans and specifications which contain deviations from this rule. Requests for deviations from requirements on physical facilities shall be in writing to the Department of Health and shall contain information which determines that the respective intent or objectives of this rule have been met. Approvals for deviations shall be in writing and both requests

and approvals shall be made a part of the permanent Department of Health records for the hospice.

D. Where renovation or replacement work is done within an existing licensed facility, all new work, additions, or both, shall comply with the applicable sections of this rule. Where existing major structural elements make total compliance impractical or impossible, alternative proposals which result in an equivalency may be considered by the department.

E. In renovation projects and additions to existing state certified hospice facilities, only that portion of the total facility affected by the project shall comply with the applicable sections of this rule. However, upon construction completion, the facility shall satisfy all functional requirements for state certified hospices.

F. Those existing portions of the facility which are not included in the renovation but which are essential to the functioning of the complete facility as well as existing state certified building areas that receive less than substantial amounts of new work shall, at a minimum, comply with the state certification requirements which were in effect at the time that the existing portion of the building was state certified.

G. All required fire exits shall be maintained throughout the construction and the work shall be phased as necessary to minimize disruption of the existing hospice operation.

2. Planning and Construction Procedures.

A. Any hospice facility constructed or renovated after October 30, 1996 shall have plans and specifications prepared in conformance with Chapter 327, RSMo by an architect or engineer duly registered in Missouri. The owner of each new facility or the owner of an existing licensed inpatient hospice being added to or undergoing major alterations shall provide a program—scope of services—which describes space requirements, staffing patterns, departmental relationships and other basic information relating to the objectives of the facility. The program may be general but it shall include a description of each function to be performed, approximate space needed for these functions and the interrelationship of various functions and spaces. The program shall describe how essential services can be expanded in the future as the demand increases. Appropriate modifications or deletions in space requirements may be made when services are shared or purchased, provided the program indicates where the services are available and how they are to be provided. This program shall be submitted to the Department of Health for review along with the plans developed for the project. Schematic and preliminary plans showing the basic layout of the building and the general types of construction, mechanical and electrical systems and details may be submitted to the department before the larger and more complicated working drawings and specifications so that necessary corrections can be easily made before final plans are completed. Working drawings and specifications, complete in all respects, shall be prepared and submitted to the Department of Health for approval. These plans shall cover all phases of the construction project, including site preparation: paving; general construction; mechanical work, including plumbing, heating, ventilating and air conditioning; electrical work; and all built-in equipment, including elevators, kitchen equipment, cabinet work, and the like.

B. The Department of Health shall be notified in writing within five days after construction begins. Construction shall be in conformance with plans and specifications approved by the Department of Health. The department may elect to inspect the construction of hospice projects at any time during the development of the project. If construction of the project is not started within one year or completed within a period of three years after the date of the approval of the plans and specifications, the plans and specifications shall be resubmitted to the Department of Health for its approval and shall be amended, if necessary, to com-

ply with the then current rules before construction work is started or continued.

C. References in this rule to National Fire Protection Association (NFPA) publications are those contained in the 12-volume *1994 Compilation of NFPA Codes, Standards, Recommended Practices and Guides*. Where there are discrepancies between referenced NFPA publication requirements and this rule, the requirements of this rule shall apply.

D. The design and construction of hospices shall conform to the most stringent requirements of this rule and the local governing building code and zoning ordinances.

3. Site.

A. Adequate paved pedestrian access shall be provided within the lot lines to the main entrance. Loading and unloading space for delivery vehicles shall be paved.

B. Adequate paved parking shall be provided. Parking space needs shall be determined by the local zoning requirement and the operational program but shall not be less than one space for each of the maximum number of staff persons on duty at any given time plus one parking space for each licensed inpatient bed in the facility.

C. Fire lanes shall be provided as required by local authority and kept clear to provide immediate access for fire fighting equipment.

D. The site shall provide reasonable access for those individuals to be served by the facility. The facility shall be on an all-weather road for easy access by vehicular traffic. Consideration should be given to locating the hospice to provide easy access to public transportation services which may be available in the community.

E. The site shall be located within the service area of a public fire department.

4. Roads, parking facilities, walks, ramps and entrances shall be accessible and usable by persons with various physical handicaps.

A. At least one toilet, telephone and drinking fountain shall be provided on each floor of a hospice which is accessible for use by handicapped public and staff.

B. Elevator controls and alarms shall be accessible to wheelchair occupants and shall be provided with tactile signage for the visually impaired.

C. Design details for handicapped accessible facilities should be consistent with the *Guidebook to: The Minimum Federal Guidelines of Requirements for Accessible Design* published January 6, 1981, by the U.S. Architectural and Transportation Barriers Compliance Board.

D. At least ten percent of the patient beds shall be located in handicapped-accessible rooms with accessible toilet rooms which open directly into the patient room. All other clinical areas to which patients have common access shall be handicapped-accessible.

5. Administrative and public areas shall be provided.

A. All hospices shall provide adequate work areas to support the administrative personnel and governing body. The facilities shall allow business to be conducted in a setting which provides confidentiality and privacy as required. The administrative offices may be located remotely from a hospice inpatient unit or may be housed within the inpatient facility.

B. Where administration is included within the inpatient facility, the following shall be provided:

(I) Administrator's office;

(II) Business office including a work area for quality assurance;

(III) Storage and work area for archived medical records;

(IV) Conference room for governing board meetings and personnel in-service training; and

(V) Office for director of patient-care services.

C. Each inpatient hospice facility shall provide the following public areas in a location separated from the clinical and service areas of the facility:

(I) Lobby/waiting room with reception;

(II) Wheelchair accessible public toilet;

(III) Wheelchair accessible public drinking fountain; and

(IV) Wheelchair accessible public phone.

6. Design of patient-care units.

A. One or more patient-care units shall be provided. Each unit shall not exceed a maximum of 20 beds.

B. Each patient-care unit shall be a continuous area which does not require patient-care traffic to traverse other areas and shall be restricted to only one floor level. If justified by the program submitted under subparagraph (2)(A)2.A. of this rule, the department may consider approval of designs which provide for larger capacity patient-care units.

C. The bed area in a patient room exclusive of toilet rooms, closets, alcoves or vestibules, shall not be less than 120 square feet in a private room and not less than 200 square feet in a semi-private room. Heating units and lavatories may protrude into this space.

D. No dimension for the bed area in any patient room shall be less than ten feet.

E. No patient room shall house more than two patients.

F. Each patient-care unit shall have not greater than 50% of its beds housed in semi-private rooms and the remaining rooms shall be limited to occupancy by one patient. If justified by the program submitted under subparagraph (2)(A)2.A. of this rule, the department may consider approval of designs which provide other ratios of semi-private to private patient rooms.

G. Each patient shall have access to a toilet room without entering the general corridor area.

H. One toilet may serve not more than two adjacent rooms.

I. The toilet room shall contain a lavatory and water closet and shall be sized to permit access for the patient and an assisting member of the staff. The lavatory may be omitted from the toilet room if a lavatory is provided in the patient room.

J. At least one patient room per patient-care unit shall be provided to be used for isolation. This unit shall have a toilet room equipped with a bathing facility which serves this room exclusively.

K. Mirrors shall be provided in each patient room or adjoining toilet room. Mirrors shall be at least three feet high located with the bottom edge no more than three feet four inches above the floor.

L. Patients shall have separate wardrobes, lockers or closets located within their respective patient rooms. A clothes rod and shelf shall be provided.

M. One or more windows shall be provided, with the sash not more than three feet above the floor and with a gross area of not less than ten percent of the floor area of the room. In each patient room at least one window to the outside shall be operable. Patient room windows shall be exposed to an outside area not less than 30 feet horizontally opposite the window which contains no construction or grading which would further diminish the view and the exposure of the window to natural light.

N. Social spaces (dining, recreation, meditation) shall be provided throughout the facility with a cumulative area of not less than 30 square feet per patient bed. One social space may serve more than one patient-care unit provided it is directly accessible from each unit and is sized proportionate to the total number of patient beds it serves. No social space shall be smaller than 150 square feet in area.

O. Unless bathing facilities are included in the toilets serving each patient room, central bathing facilities shall be provided

in each patient-care unit at a ratio of not fewer than one for each ten (1:10) beds.

P. Each bathing facility shall be located in its own room and shall be directly accessible from the general corridor. The bathing facility may be either a tub, shower or tub/shower combination.

Q. However, at least one handicapped accessible shower shall be provided on each patient unit.

R. A locked cabinet for the storage of cleaning supplies shall be available in or near each bathroom.

7. Support and services areas. The following staff support and service areas shall be located directly accessible to each patient care unit:

A. Clean work and storage facilities shall be equipped with counter and sink and storage space provided for clean linen and supplies;

B. A separate soiled/decontamination utility room shall be equipped with a clinic sink (this fixture is not required where bed-pan-flushing devices have been installed at each patient toilet), counter and sink and sufficient floor space shall be provided to accommodate storage containers for soiled linen, trash and infectious waste;

C. Space shall be provided for secure storage of staff personal items;

D. A staff station shall be located to provide visual supervision of the patient-care unit corridors. The station shall consist of a work counter and secure storage space for charts;

E. A medication storage and preparation station which has a means of locked storage for all medications shall be equipped with a work counter, sink, and refrigerator;

F. Separate locked storage facilities shall be provided in the station for controlled substances;

G. If medications are held in each patient room, the room shall include separate locked storage facilities for each patient's medications;

H. A nourishment station shall be equipped with a work counter, sink, and refrigerator and shall be provided physically remote from the medication preparation station;

I. Storage space shall be provided for mobile equipment used on the unit;

J. A janitor's closet shall be provided which is equipped with a mop sink and has sufficient space for the cleaning equipment and open supplies used to maintain the patient-care unit; and

K. All clean support functions may be located in one clean workroom provided the room is carefully designed to provide adequate storage and function separations.

8. Food service facilities shall be designed and equipped to meet the requirements of the scope of services outlined as follows:

A. Dietary facilities shall comply with 19 CSR 20-1.010;

B. In hospice facilities where food is prepared on-site, the dietary facilities shall, as a minimum, have—a storage space including cold storage for four-day supply, space and equipment for food preparation to facilitate efficient food preparation and to provide for a safe and sanitary environment, conveniently located handwashing facilities, space for preparing food for distribution to patients, warewashing facilities which are isolated from the food preparation and serving area, and storage facilities for waste which is inaccessible for insects and rodents and accessible to the outside for pickup or disposal.

C. The warewashing processes shall produce dietary ware which is free of pathogenic organisms; and

D. In hospice facilities where the food service is provided through a vendor contract, dietary facilities shall, as a minimum, include space for receiving and holding the food transport equipment, utility connections for food transport equipment to maintain appropriate serving temperatures, and a holding area for soiled

dietary ware transport equipment which is out of the patient area and located near the service entrance for pick-up.

(B) Service Facilities Shall Meet the Following Standards:

1. Services including linen service.

A. Service facilities shall be provided in each inpatient hospice facility and located to be out of the normal public and clinical traffic flow.

B. A weather-protected service entrance shall be provided separate from entrances used by public and patients.

C. Space and facilities shall be provided for the sanitary storage and disposal of waste. Exterior dumpsters will suffice provided they can be accessed under the protection provided at the service entrance.

D. A general storage room shall be provided with an area not less than ten square feet per bed for the first 50 beds, plus eight square feet per bed for the next 25 beds, plus five square feet per bed for any additional beds over 75. No storage room shall be less than 100 square feet of floor space. Off-site storage is acceptable, however, 1/2 of the required storage space shall be located in the inpatient hospice facility. General storage shall be concentrated in one area.

E. Space shall be provided to house mechanical equipment. The space shall be adequate for initial installation and ongoing maintenance access for each component of the systems housed in it. Mechanical equipment shall not be installed in rooms designated to house other functions.

F. A housekeeping room shall be provided with a janitor's sink and space to store opened containers of cleaning supplies and housekeeping equipment used to maintain the facility. This room is not required if the hospice is maintained by a contract cleaning service which transports the necessary cleaning supplies and equipment to the facility on a daily basis.

G. An oxygen storage room shall be provided. This room shall be enclosed with one-hour rated construction and shall have a powered or gravity vent to the outside. Permanent racks or fasteners shall be provided and used in the oxygen storage room to prevent accidental damage or dislocation of oxygen cylinders. In facilities storing quantities of oxygen less than 1,500 cubic feet in total, a power ventilated storage cabinet will comply. No ventilated gas storage facilities are required in hospices which store no medical gases within the building.

H. Laundry services may be provided by the hospice operator or may be obtained through contract with a linen service vendor. If laundry for the facility is done commercially, either entirely or in part, space shall be provided for the sorting, processing and storing of both soiled and clean linen. Storage space shall be located to facilitate convenient pickup and delivery by commercial laundry personnel. Hospices with only one patient-care unit may accommodate these functions within the utility facilities provided in the unit's staff support area.

I. Hospice-operated laundry facilities shall be designed and procedures instituted to prevent cross-contamination of clean and dirty linen. The laundry room shall be in a separate room from the kitchen, patients' rooms, the dining room and the bathrooms or the nursing utility room. Adequate space shall be provided in the laundry room for the storing, sorting and processing of soiled linen. The processes of the laundry operation shall be appropriate to the production of patient linens which are free of pathogenic organisms. Space shall be provided for the storage of clean linen in a separate room from the laundry.

J. As may be required by the program, laundry facilities provided for cleaning patients' clothing exclusively shall be located in the patient-care unit but in a room separate from other functions. A residential-style laundry equipment installation is acceptable.

K. As required by the program, living and sleeping quarters, separate from patients' facilities, shall be provided for the employees and their families who may reside in the facility;

2. Elevators.

A. All inpatient hospice facilities having patient-care facilities located on any floor other than the main entrance floor shall have at least one electric or electrohydraulic elevator. Hospice facilities with more than 30 beds located on any floor other than the main entrance floor shall have at least two elevators. Hospice facilities with more than 200 beds located on any floor other than the main entrance floor shall provide passenger and service elevators in numbers and at locations determined by a professionally conducted study of the hospice operation and its estimated vertical transportation needs.

B. Inside dimensions of patient-use elevators shall be not less than five feet four inches by eight feet with a capacity of 3,500 pounds. Cab and hoistway doors shall be not less than three feet ten inches clear opening.

C. Elevators shall be equipped with an automatic leveling device of the two-way automatic maintaining type with an accuracy of plus or minus one-half inch.

D. Elevator call buttons, controls and door safety stops shall be of a type that will not be activated by heat or smoke.

E. Elevator controls, alarm buttons and telephones shall be accessible to wheelchair occupants and usable by others with various physical disabilities.

F. Elevator hoistway doors shall be fire rated to maintain the integrity of the fire-rated shaft enclosure;

3. Chutes and dumbwaiters.

A. Chutes and dumbwaiters may be installed in hospice facilities as required by the operational program.

B. Linen and trash chutes shall be of fire-resistant material and shall be installed with flushing ring, vent to atmosphere and floor drain at the floor of the chute discharge. An automatic sprinkler shall be provided at the top of each linen and trash chute.

C. Service openings to chutes shall not be located in corridors or passageways but shall be located in a room having a fire-resistant construction of not less than one hour. Doors to the rooms shall be not less than 3/4-hour labeled doors equipped with an automatic closing device.

D. Service openings to chutes and other vertical openings shall have an approved self-closing labeled fire door rating not less than the fire-resistant rating of the shaft in which the chute is installed.

E. Chutes shall discharge directly into collection rooms separate from the incinerator, laundry or other services. Separate collection rooms shall be provided for trash and for linen. These rooms shall have a fire-resistant construction of not less than one hour. Doors to these rooms shall be not less than 3/4-hour labeled doors equipped with an automatic closing device.

F. Dumbwaiters, conveyors and material-handling systems shall not open directly into a corridor or exitway but shall open into a room enclosed by construction having a fire resistance of not less than one hour and provided with a 3/4-hour labeled fire door with a self-closing device.

G. Where horizontal conveyors and material-handling systems penetrate fire-rated walls or smoke walls, the penetrations shall be protected to maintain the integrity of the wall;

4. General design, finish and life safety requirements.

A. A continuous system of unobstructed corridors, referred to as required corridors, shall extend through the enclosed portion of each story of the building, connecting all rooms and spaces with each other and with all entrances, exitways and elevators, with the following exceptions: work suites such as the administrative suite and dietary area, which are occupied primarily by employed personnel, may have within them corridors or aisles as considered

advisable, but are not subject to the regulations applicable to required corridors. Areas may be open to the required corridor system as permitted by NFPA 101 (1994), *The Life Safety Code*.

B. The arrangement of the physical plant shall provide for separation of the administrative/business, service and public areas from patient service areas.

C. Ceilings shall be at a height of at least eight feet. Ceilings in corridors, storage rooms, toilet rooms and other minor rooms shall not be less than seven feet six inches. Suspended fixtures located in the path of normal traffic shall not be less than six feet eight inches above the floor.

D. Handrails may be provided on both sides of all corridors and aisles used by patients and, if provided, corridor handrails shall have ends return to the wall.

E. New inpatient hospice facilities shall be designed and constructed in compliance with Chapters Five through Seven and Chapter Twelve of NFPA 101 (1994), *Life Safety Code* and NFPA 99 (1993) *Standard for Health Care Facilities*, NFPA 13 (1994) *Standard for Installation of Sprinkler Systems* and NFPA 90A (1993) *Standard for the Installation of Air Conditioning and Ventilation Systems*. Section 12-6 of NFPA 101 shall not apply to these facilities.

F. Hardware on toilet room doors shall be operable from both the inside and the outside. All toilet room doors shall provide a net clear opening of not less than 32 inches.

G. The corridor doors from all patient-use areas as well as all doors through which patients may need to pass for emergency exit shall be not less than 36 inches wide.

H. Every window in patient-use areas shall be provided with shades, curtains or drapes. Curtains and drapes shall be made of fabric which is treated to be or is inherently flame-retardant.

I. The floors of toilets, baths, utility rooms and janitor's closets shall have smooth, waterproof surfaces which are wear-resistant. The floors of kitchens and food preparation areas shall be waterproof, greaseproof, smooth and resistant to heavy wear.

J. The walls of all rooms where food and drink are prepared, served or stored shall have a smooth surface with painted or equally washable finish. At the base they shall be waterproof and free from spaces which may harbor insects. The walls of kitchens, utility rooms, baths, warewashing rooms, janitor's closets and spaces with sinks shall have waterproof, painted, glazed, or similar finishes to a point above the splash and spray line.

K. The ceilings of all kitchens, sculleries and other rooms where food and drink are prepared shall be painted with washable paint.

L. All casework in the facility shall be finished with at least a sealer on all interior surfaces. Casework with sinks installed in the counter shall be caulked to provide a watertight joint between the backsplash and the wall.

M. All floor covering used in inpatient hospice facilities shall have either Class A or B fire ratings as required by Chapter Twelve of NFPA 101 (1994), *The Life Safety Code*.

N. Stairways, ramps, elevator hoistways, light or ventilation shafts, chutes and other vertical openings between stories shall be enclosed with construction which is equal to or greater than the required floor assembly rating of the building's construction type.

O. The number of stories in a building housing a hospice facility shall be determined by counting the number of occupiable levels in the building regardless of their location at, above or below grade.

P. Each room or patient-use area shall be conspicuously and unmistakably identifiable at its entrance by patients, visitors and staff.

Q. All signage within six feet of the floor shall be tactile to be usable by visually impaired persons.

R. Fire-resistant ratings—

(I) Definitions—

(a) Fire-separation distance is the distance in feet measured from the building face to the closest interior lot line, to the centerline of a street or public way or to an imaginary line between two buildings on the same property.

(b) Fire-protection rating is the time in hours, or fractions of an hour, that an opening protective assembly will resist fire exposure as determined in accordance with the test procedures set forth in ASTM E119.

(II) Exterior walls with a fire-separation distance less than five feet shall have a fire-resistant rating of one hour.

(III) In exterior walls with a fire-separation distance of three feet or less, no openings will be allowed, from three feet to five feet no unprotected openings will be allowed, and protected openings will be allowed with a total aggregate area of 15% of the wall surface.

(IV) Approved fire protective assemblies shall be fixed, self-closing or equipped with approved automatic-closing devices, a fire-resistant rating of not less than 3/4 of an hour shall be required.

(V) Fire protective assemblies are not required where outside automatic sprinklers are installed for the protection of the exterior openings. The sprinklers shall be installed in accordance with NFPA 13;

5. Structural design.

A. All new facilities and additions to all areas of existing licensed facilities which undergo major remodeling, in all their parts, shall be of sufficient strength to resist all stresses imposed by dead loads, live loads and lateral or uplift forces such as wind, without exceeding, in any of the structural materials, the allowable working stress established for these materials by generally accepted good engineering practice.

B. Foundations shall rest on solid ground or properly compacted fill and shall be carried to a depth of not less than one foot below the estimated frost line or shall rest on leveled rock or load-bearing piles when solid ground is not encountered. When engineered fill is used, site preparation and placement of fill shall be done under the direct full-time supervision of the soils engineer. The soils engineer shall issue a final report on the compacted fill operation and certify its compliance with the job specifications. Reasonable care shall be taken to establish proper soil-bearing values for soil at the building site. If the bearing capacity of the soil is in question, a recognized load test may be used to determine the safe bearing value. Footings, piers and foundation walls shall be adequately protected against deterioration from the action of groundwater;

6. Electrical systems.

A. The entire electrical system shall be designed, installed and tested in compliance with NFPA 70 (1993) *The National Electrical Code* and NFPA 99 (1993) *Standard for Health Care Facilities*.

B. Emergency lighting shall be provided for exits, stairs and exit access corridors which shall be supplied by an emergency service and automatic electric generator or battery lighting system. This emergency lighting system shall be equipped with an automatic transfer switch. If battery lights are used, they shall be wet cell units or other rechargeable-type batteries equipped with automatic trickle charger. These units shall be rated at four hours.

C. Patient rooms shall have a minimum general illumination of ten foot-candles, a night-light and a patient's reading light. The general illumination fixtures and the night-light shall be switched at the patient room door.

D. Ceiling lighting fixtures, if used, shall be of a type which are shaded or globed to minimize glare.

E. Each patient room shall have not less than one duplex receptacle on each wall in the room. The spacing of receptacles around the perimeter of the room shall not be greater than 12 feet.

F. All occupied areas shall be adequately lighted as required by the duties performed in the space.

G. Night-lights shall be provided in corridor, stairways and patient rooms. Toilets adjacent to patient rooms are not required to have night-lights.

H. An electrically powered communication system shall be provided which allows staff to respond to patient calls regardless of patient location.

I. An electrically powered fire alarm system shall be provided as required by NFPA 101 (1994) *The Life Safety Code*. The fire alarm system shall have an emergency back-up source of electrical power and a direct connection for notifying the fire department or fire department dispatch service. Fire alarm manual pull stations shall be provided at each exit and at each staff workstation in the patient-care units. Smoke detectors shall be installed in social space rooms which open directly to the corridor, in the vicinity of any smoke or fire door which is permitted to be held open by a magnetic hold-open device, and in the corridors at intervals not exceeding 30 feet.

J. Portable fire extinguishers shall be provided as required by NFPA 101 (1994) *The Life Safety Code* and the local authority;

7. Mechanical systems.

A. The heating, ventilation and air-conditioning systems shall be capable of providing temperature ranges between 72°F–80°F in all patient-care areas. The heating system shall be capable of maintaining a winter indoor temperature of not less than 72°F in all nonpatient areas. The air-conditioning system shall be capable of maintaining a summer indoor temperature of not more than 80°F in all nonpatient areas.

B. The heating system shall have automatic controls adequate to provide comfortable conditions in all portions of the building at all times.

C. Heating, ventilation and air-conditioning systems installed in inpatient hospice facilities shall be designed, installed and balanced in compliance with NFPA 90A (1993) *Standard for the Installation of Air Conditioning and Ventilation Systems*, and shall provide the pressure relationships and at least the minimum air change rates indicated in Table 1.

TABLE 1—VENTILATION REQUIREMENTS

Area Designation	Pressure Relationship to Adjacent Areas	Minimum Air Changes of Outdoor Air Per Hour Supplied to Room	Minimum Total Air Changes Per Hour Supplied to Room	All Air Exhausted Directly to Outdoors	Air Returned From This Room
Patient Room	E	2	2	Optional	Optional
Patient Area Corridor and Patient Living Room	P	2	2	Optional	Optional
Soiled Workroom and Soiled Linen Holding	N	Optional	6	Yes	No
Clean Staff Work Area	P	2	6	Optional	Optional
Toilet Room	N	Optional	6	Yes	No
Clean Linen Storage	P	Optional	2	Optional	Optional
Designated Smoking Area	N	Optional	10	Yes	No
Food Preparation Area	E	2	6	Yes	No
Warewashing	N	Optional	6	Yes	No
Dietary and General Storage	V	Optional	2	Optional	Optional
Linen and Trash Chute Room	N	Optional	6	Yes	No
Medical Gas Storage and Manifold Rooms	N	Optional	6	Yes	No
Administrative and Public Areas	E	2	2	Optional	Optional

P = Positive
N = Negative
V = Variable
E = Equal

D. All air-moving, heating, ventilation and air-conditioning equipment shall be equipped with at least one filter located upstream of the conditioning equipment. If a pre-filter is employed, the pre-filter shall be upstream of the conditioning equipment and the main filter shall be located farther downstream. All filters shall be easily accessible for maintenance. Filter frames shall be durable and carefully dimensioned and shall provide an airtight fit with the enclosing ductwork. All joints between the filter segments and the enclosing ductwork shall be sealed to preclude air leakage.

E. Outside air intakes shall be located no less than 25 feet from exhaust outlets of ventilation systems, combustion equipment stacks, clinical suction discharges and plumbing vent stacks or from areas which may collect vehicular exhaust and other noxious fumes.

F. Corridors shall not be used to supply air to or exhaust air from any room, except that air from corridors may be used to ventilate bathrooms, toilet rooms, janitor's closets and small electrical or telephone closets opening directly onto corridors provided that ventilation can be accomplished by the undercutting of doors. The installation of louvers in corridor doors is prohibited. The space above the finished ceiling may be used as a plenum for return air only.

G. Exhaust hoods in meal preparation areas shall comply with the requirements of NFPA 96 (1994). All hoods and cooktop surfaces in meal preparation areas shall be equipped with automatic fire suppression systems, automatic fan controls and fuel shutoff;

8. Plumbing systems.

A. The entire plumbing system, its design, operation and maintenance shall comply with the requirements of all applicable local and state codes including the requirements set forth in this rule.

B. Plumbing fixtures.

(I) All plumbing fixtures shall be of nonabsorptive acid-resistant material.

(II) Clinical sinks shall have a bedpan-flushing device and shall have an integral trap in which the upper portion of a visible trap seal provides a water surface.

(III) Showers and tubs shall be provided with nonslip surfaces.

(IV) Water closets in patient areas shall be quiet operating types.

(V) Stools in patient toilet facilities shall be the elongated bowl type with nonreturn stops, backflow preventers and silencers. Seats shall be the split type and white in color.

(VI) Grab bars or handrails shall be provided adjacent to all bathtubs.

(VII) All lavatories shall be trimmed with valving operable without the use of hands.

C. Water supply systems.

(I) A reliable source of potable water shall be provided at the site to supply water in sufficient quantities to meet the various use demands of the hospice. The source of water shall have been tested and approved by the Missouri Department of Natural Resources.

(II) The water supply systems shall be designed to supply water at sufficient pressure to operate all fixtures and equipment during maximum demand periods.

(III) Each water service main, branch main, riser and branch to a group of fixtures shall be valved. Stop valves shall be provided at each fixture.

(IV) Reduced pressure backflow preventers shall be installed on water service entrance, hose bibbs, janitors' sinks, bedpan-flushing attachments, and on all other fixtures to which hoses or tubing can be attached. The installation of backflow preventors shall provide safeguards against waterline expansion.

(V) The water supply system shall be designed to provide hot water at each hot water outlet at all times. The water-heating equipment shall have sufficient capacity to supply five gallons of water at 120°F per hour per bed for hospice fixtures and eight gallons per bed for kitchen and laundry. Lesser capacities may be accepted upon submission of the calculation for the anticipated

demand of all fixtures and equipment in the building. Hot water at showers and bathing facilities shall not exceed 110°F. Hot water at handwashing facilities shall not exceed 120°F. Hot water circulating mains and risers shall be run from the hot storage tank to a point directly below the highest fixture at the end of each branch main.

D. Drainage systems.

(I) All fixtures and equipment shall be connected through traps to soil and waste piping and to the sewer and they shall all be properly vented to the outside.

(II) Courts, yards and drives which do not have natural drainage from the building shall have catch basins and drains to low ground, storm-water drainage system or dry wells.

(III) The building sanitary drain system shall be piped in cast iron, steel, copper or plastic.

(IV) Building sewers shall discharge into a community sewerage system when available. If such a system is not available, a facility providing sewage treatment shall conform to the rules of the Department of Natural Resources.

(V) Drainage piping shall not be installed within the ceiling or exposed in food preparation centers, food service facilities, food storage areas and clean linen storage rooms; special precautions shall be taken to protect any of these areas from possible leakage or condensation from necessary overhead drainage piping systems. These special precautions include requiring noncorrosive drip troughs with a minimum four-inch outside diameter to be installed under the drainage pipe in the direction of slope to a point where the pipe leaves the protected space and terminates at that point—usually at a wall. The trough shall be supported with non-corrosive strap hangers and screws from the pipe above. Trough joints and hanging screw penetrations shall be sealed to maintain watertight integrity throughout.

E. Natural or liquefied petroleum (LP) gas systems.

(I) Where gas-fire equipment is used, all gas piping, fittings, tanks and specialties shall be provided and installed in compliance with NFPA 54 (1992), NFPA 58 (1992), and the instructions of the gas supplier, except where more strict requirements are stated. Where liquefied petroleum gas (LPG) is used, compliance with the rules of the Missouri Department of Agriculture is also required.

(II) Where gas piping enters the building below grade, it shall have an outside vent as follows: a concrete box shall be made 18 inches by 18 inches with three-inch thick walls, of a height to rest on top of the entering gas pipe, and the top of the box to coming within six inches of top grade. The box shall be filled with course gravel. A one-inch upright vent line shall be to 1/2 the depth of the box and extend 12 inches above grade with a screened U-vent looking down. The vent line shall be anchored securely to the building wall.

(III) Gas outlets and gas-fired equipment shall not be installed in any patients' bedrooms.

F. Where a piped central medical gas distribution system is installed, the oxygen piping, outlets, manifold rooms, and storage rooms shall be installed in accordance with the requirements of Chapter 4 of NFPA 99 (1993); and

9. Fire prevention and general operating requirements.

A. The hospice facility shall be maintained in a manner which provides a clean safe environment for the delivery of patient care and shall, until remodeled or renovated with the approval of the Department of Health, remain compliant with the codes and regulations under which the facility was constructed.

B. Exitways shall always be maintained free of obstructions.

C. Curtains, drapes and cubicle curtains shall be maintained in a manner which does not compromise their fire-resistant properties.

D. Smoking may be permitted in the patient's room by the patient only, and designated smoking areas by others. Designated smoking areas shall be ventilated as required by Table 1 of this rule. Modification of the patient room ventilation system is not required to permit occasional authorized smoking by a patient.

E. All waste containers shall be of noncombustible construction.

F. Electrical systems and medical gas systems shall be tested according to the provisions of NFPA 99 (1993) and shall be modified as necessary to comply with the operational requirements of that standard.

(5) General Design and Construction Standards for Existing Inpatient Hospice Facilities.

(A) Any inpatient hospice facility existing and in continuous operation prior to the date of October 30, 1996, will upon receipt of application for licensure, be inspected by the Department of Health to determine compliance with this rule. Where existing physical conditions cause strict compliance to be difficult to achieve, the department may determine that the intent of the new construction rules has been satisfied through the establishment of acceptable equivalency conditions. The provision of fire alarm and detection systems, automatic extinguishment systems, building compartmentation and the presence of staff trained consistent with the facility's disaster preparedness plan are factors which will be considered in determining fire safety compliance equivalency. The ability of the existing facility to meet the programmatic needs of the patients, their family, staff and public in an accessible and sanitary environment will be considered in determining functional equivalency. Existing inpatient hospice facilities shall provide the department evidence of compliance with all local regulations and codes as well as evidence that the existing operation is in good standing with the health facility licensure programs administered by Department of Social Services/Division of Aging. Existing inpatient hospice facilities shall be operated and licensed exclusively under the provisions of section 197.250, RSMo.

AUTHORITY: section 197.270, RSMo 2000. Original rule filed March 8, 1996, effective Oct. 30, 1996. Rescinded and readopted: Filed Jan. 3, 2001.

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

PRIVATE COST: The proposed rule will cost private entities \$4,280,286 annually in the aggregate. See attached detailed fiscal note.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or opposition to this proposed rule with Lois Kollmeyer, Director, Division of Health Standards and Licensure, Department of Health, PO Box 570, Jefferson City, MO 65102, (573) 751-6336. To be considered, comments shall 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: Title 19 - Department of Health

Division: Division 30 - Division of Health Standards and Licensure

Chapter: Chapter 35 - Hospices

Type of Rule Making: Proposed Rule

Rule Number and Name: 19 CSR 30-35.020 Hospices Providing Direct Care in a Hospice Facility

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 type 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.
2	In-Patient Hospice	\$4,280,286 annually

III. WORKSHEET

The estimate equals the total amount of annual cost of \$2,140,143 per individual in-patient hospice facility. The aggregate is based upon annual fiscal costs times 2 in-patient hospice facilities effected for a total of \$4,280,286 annually.

General Assumptions:

- Facility costs are based on new construction of 2-20 bed units or a 40-bed capacity inpatient hospice.
- There are currently 72 privately owned hospice programs that choose to operate a state-certified hospice program as a separate business.

Assumptions:

1. Minimum of 4 staff required for 40 beds: 1-LPN at 9.00/hour-18,720 FTE times 3 shifts and 3 aide/companions at 5.50/hours -11,440 FTE times 3 shifts.
2. Estimate 3% RN Coordinator's time for disaster preparedness plan with safety plan of 19 CSR 30-30.010.
3. Estimate full capacity of 40 patients times 3 meals per day - 120 meals per day times 365 days for \$175,200 actual meal costs. Estimate Dietary Consultant costs of 8 hours per month, 96 hours/year at \$28.00/hour for \$2,688.
4. Equipment needed for snack preparation, nourishment station, or both, (coffeemaker, microwave, blender, toaster, refrigerator, stove, dishwasher, ice machine, two small carts, tableware, etc.).
5. Equipment including electric hospital beds, overbed tables, bedside stands, recliners, and privacy curtain for semi-private rooms.
6. Estimate one pound infectious waste per patient per day at a cost of .30 per patient to remove waste.

7. Estimate locked medication cart at \$2,000 - One for each patient unit needed. Estimate 2 hours onsite plus telephone pharmacist consultation cost of \$400 per month.
8. SNF Certificate of Need figures of \$80/square foot were used. Estimate square footage of 2-20 bed unit facility to have 16,000 square foot at a minimum.
9. The location of hospice administrative offices within the facility is optional (desks, chairs, office equipment, misc. included here)
10. Furnishings for social spaces (sofas, chairs, large screen television, etc.).
11. Equipment for staff (refrigerator, table, chairs, coffeemaker).
12. Additional refrigerator for medication.
13. Housekeeping salaries 2 FTE \$14,000 each plus \$1800 in janitorial supplies and equipment.
14. Two food transportation carts for two units.
15. 600 pounds laundry/patient/day at .30/pound plus purchase of linens for 40 patients.

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and
Licensure
Chapter 35—Hospices

PROPOSED RESCISSION

19 CSR 30-35.030 State Certification Management. This rule defined the state activities related to the inspection, complaint investigation, and issuance of the certificate for state-certified hospice programs.

PURPOSE: This rule is being rescinded because extensive changes to its content and format require promulgation of a new rule.

AUTHORITY: section 197.250, RSMo 1994. Original rule filed March 8, 1996, effective Oct. 30, 1996. Rescinded: Filed Jan. 3, 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 Lois Kollmeyer, Director, Division of Health Standards and Licensure, PO Box 570, Jefferson City, MO 65102-0570, phone (573) 751-6336. 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 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and
Licensure
Chapter 35—Hospices

PROPOSED RULE

19 CSR 30-35.030 State Certification Management

PURPOSE: This rule defines the state activities related to the inspection, complaint investigation, and issuance of the certificate for state-certified hospice programs.

(1) Initial Application. When an initial application and initial fee of \$500 for state hospice certification is received, the applicant shall provide the Department of Health (DOH) with sufficient evidence that the hospice has established appropriate policies and procedures for providing hospice services according to these rules. After review of these policies and procedures, and verification the hospice has the capability of providing hospice services by qualified persons, the DOH shall issue a temporary operating permit not to exceed 90 days. After the hospice has been in operation for 90 days, or sooner if possible, the DOH shall survey the hospice for compliance with these rules. The hospice shall have provided care to at least three patients for a period of at least three weeks for the purpose of the initial survey review. The DOH shall conduct the unannounced initial survey after the applicant indicates a readiness for that survey. The DOH may extend the temporary approved certificate if the hospice can show good intent to accomplish the preparations for initial survey.

(2) The Annual Survey Inspection. The hospice management shall allow representatives of the Department of Health to survey the hospice to determine continued eligibility for hospice state certification. An annual renewal application and annual renewal fee per sliding scale must be submitted by every hospice prior to the expiration of the previous certificate. Sliding scale annual renewal fees will be based on annual patient admissions and are as follows: 0–50 admissions, \$250; 51–150 admissions, \$400; 151–250 admissions, \$550; and 251+ admissions, \$750.

(A) The survey may include visits to the place of residence of any appropriate patient or family. After completion of the DOH survey, a written survey deficiency report shall be prepared showing the findings with respect to compliance or noncompliance with the provisions and the standards established in this chapter. The list of deficiencies found shall be served upon the hospice within 15 business days following the survey process. The list of deficiencies shall specifically state the statute or rule which the hospice is alleged to have violated. The hospice shall inform the DOH of the time necessary for compliance not to exceed 60 days from the exit date of the survey and within ten business days shall file a plan of correction with the DOH. A follow-up by the DOH to assure implementation of the plan of correction shall occur within 60 days of the hospice's prior approved plan of correction date.

(B) Any person wishing to make a complaint against a hospice certified under the provisions of sections 197.250–197.280, RSMo, may register the complaint in writing or verbally with the DOH setting forth the details and facts supporting the complaint. The DOH shall investigate complaints received. Any complaint related to abuse, neglect or exploitation as described in section 197.266, RSMo shall be reported according to the requirements of that section.

(C) In addition to the survey inspection required for initial certification or certification renewal the DOH may make other survey inspections and/or complaint investigations during normal business hours. Each hospice shall allow the DOH or its authorized representatives to enter upon its premises as needed for the purpose of conducting a survey inspection and/or complaint investigation.

(3) Change of Ownership. The hospice certification shall not be transferable or assignable. If during the period in which a certificate is in effect, an operator which is a partnership, limited partnership, or corporation undergoes any of the following changes, whether by one or by more than one action, the operator shall apply for a new approved certificate not less than 30 days before any change:

(A) With respect to a limited partnership, a change in the majority interest of general partners;

(B) With respect to a limited partnership, a change in the general partner or in the majority interest of limited partners; or

(C) With respect to a for-profit corporation, a change in the persons who own, hold or have the power to vote the majority of any class of stocks issued by the corporation.

(4) Multiple Offices/Counties. When the hospice consistently manages and supervises multiple offices, serving contiguous geographic areas as evidenced by indicators such as consistent meetings, chart review and other methods, and evidences the provision of patient-care services on a consistent basis throughout its geographic area of services, only one certificate shall be required. A \$200 fee per each multiple office will be added to the annual renewal fee, not to exceed a total of \$750. When the hospice has multiple offices or county areas and it is evident that consistent management and supervision or consistent provision of patient-care services throughout its service area is lacking, a separate certificate shall be required for one or more of the multiple offices or

through the new development of a separate certified office as determined by the DOH. Statewide certification will not be granted. Inpatient facilities shall be located within boundaries of the state of Missouri.

(5) Satellite Offices and Reciprocal Agreements with Bordering States. All agencies providing hospice services in Missouri shall have a valid Missouri Hospice Certification and shall pay the annual fee. The satellite office shall make available all records required for the survey which shall be conducted by the DOH.

(6) Certificate Not Issued. A certificate shall not be issued or renewed if the operator, owner or any principal in the operation of the hospice has ever been convicted of any offense concerning the operation of hospice or of any offense which is reasonably related to the qualification, functions, or duties of a hospice. Notwithstanding any other provisions of law, the DOH shall have access to records involving an owner or manager of a hospice applying for or renewing a certificate as provided in this chapter, where the applicant has been adjudicated and found guilty or entered a plea of guilty or *nolo contendere* in a prosecution under the laws of any state or of the United States for any offense reasonably related to the qualification, functions or duties of any person who manages or owns a hospice certified under sections 197.250-197.280, RSMo. The DOH may deny, suspend, or revoke the certificate of any company whose owners or managers have been convicted of such an offense.

(7) Revocation. The DOH may refuse to issue, may suspend or may revoke or refuse to renew the certificate of any hospice for failure to comply with any provision of sections 197.250-197.280, RSMo, or with any of these rules or standards adopted under the provisions of sections 197.250-197.280, RSMo, or for obtaining a certificate by means of fraud, misrepresentation or concealment of any material facts. Any hospice which has been refused a certificate or which has had its certificate revoked or suspended by the DOH may seek a review of the Department of Health's action by the Administrative Hearing Commission. There shall be a six-month waiting period for reapplication from final Department of Health action.

(8) Intermediate Sanctions. If the department determines on the basis of an inspection, or otherwise, that a state-certified hospice program is no longer in compliance with the requirements specified in these rules, and determines that the deficiencies jeopardize the health and safety of the patients of the hospice, the department shall take action to remedy the specific deficiencies through intermediate sanctions or the termination of the certification. Any action taken under this section shall be immediately effective notwithstanding any provisions of law to the contrary. Intermediate sanctions may include:

(A) Suspension of all or part of the services provided by the hospice;

(B) Restrictions on the admission of new patients to the hospice's program;

(C) DOH approval of the appointment of temporary management at hospice expense to oversee the operation of the hospice to protect and assure the health and safety of the individuals under the care of the hospice while improvements are made in order to bring the hospice into compliance with the requirements of these rules; and

(D) These intermediate sanctions shall be designed so as to minimize the time between identification of deficiencies and imposition of these sanctions, and shall provide for the imposition of incrementally more severe sanctions for repeated or uncorrected deficiencies.

AUTHORITY: section 197.270, RSMo 2000. Original rule filed March 8, 1996, effective Oct. 3, 1996. Rescinded and readopted: Filed Jan. 3, 2001.

PUBLIC COST: The public entity cost for this proposed rule is estimated at \$147,000 annually in the aggregate. A fiscal note containing a detailed estimate cost of compliance has been filed with the Secretary of State's Office.

PRIVATE COST: This proposed rule will cost private entities \$2,082,010 annually in the aggregate. A fiscal note containing a detailed estimate cost of compliance has been filed with the Secretary of State's Office.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or opposition to this proposed rule with Lois Kollmeyer, Director, Division of Health Standards and Licensure, Department of Health, PO Box 570, Jefferson City, MO 65102, (573) 751-6336. To be considered, comments shall 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: Title 19 - Department of Health

Division: Division 30 - Division of Health Standards and Licensure

Chapter: Chapter 35 - Hospices

Type of Rule Making: Proposed Rule

Rule Number and Name: 19 CSR 30-35.030 State Certification Management

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 type 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.
Department of Health, Division of Health Standards and Licensure, Bureau of Home Care and Rehabilitative Standards		\$147,000 annually

III. WORKSHEET

The estimate equals the total amount of an annual on-site inspection at the cost of \$2100 per survey. The aggregate is based upon annual fiscal costs times the 70 hospices effected \$147,000 annually.

IV. ASSUMPTIONS

This rule defines the requirements of the state certified hospice programs. The assumption is made that any other costs that may have occurred or may occur are unforeseeable or unquantifiable.

NOTE: The private entities are currently incurring costs under the existing rules. The existing rules are being rescinded and replaced with these proposed rules.

FISCAL NOTE
PRIVATE ENTITY COST

I. RULE NUMBER

Title: Title 19 - Department of Health

Division: Division 30 - Division of Health Standards and Licensure

Chapter: Chapter 35 - Hospices

Type of Rule Making: Proposed Rule

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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 type 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.
70	Hospice	\$2,082,010 annually

III. WORKSHEET

The estimate equals the total amount of annual cost of \$29,743 per individual hospice. The aggregate is based upon annual fiscal costs times 70 hospice effected for a total of \$2,082,010 annually.

General Assumption:

- There are currently 70 privately owned hospices programs that choose to operate a Medicare-Certified hospice program as a separate business.

Assumptions:

1. \$250 license fee plus \$100 preparation costs.
2. Less than 5% (4) of hospices change ownership every year. Estimate \$769/facility for change of ownership times 4 facilities.
3. A. Suspension of all or part of the services would decrease patient revenues, unsure of amount.
B. Restrictions of new admissions, estimate 2 patients per month times 2 months for plan of correction. This represents 120 days of lost reimbursement at \$4.00/day.
C. Temporary management at \$4,000/month times 2 months for plan of correction.