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SALUS POPULI SUPREMA LEX ESTO

"The welfare of the people shall be the supreme law."



ROBIN CARNAHAN
SECRETARY OF STATE

MISSOURI
REGISTER

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

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

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

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

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

RSMo—The most recent version of the statute containing the section number and the date.

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2005.

EXECUTIVE ORDER

06-46

WHEREAS, I have been advised by the Director of the State Emergency Management Agency that severe winter storm systems causing damages associated with heavy snow, freezing rain, sleet and ice have impacted communities across the State of Missouri; and

WHEREAS, interruption of public services are occurring as a result of the severe weather that began on November 30, 2006 and continues; and

WHEREAS, the severe weather that began on November 30, 2006 and continuing has created a condition of distress and hazard to the safety, welfare, and property of the citizens of the State of Missouri beyond the capabilities of some local and other established agencies; and

WHEREAS, the resources of the State of Missouri may be needed to assist affected jurisdictions and to help relieve the condition of distress and hazard to the safety and welfare of our fellow Missourians; and

WHEREAS, protection of the safety and welfare of the citizens of the State requires an invocation of the provisions of Section 44.100 and 44.110, RSMo.

NOW, THEREFORE, I, MATT BLUNT, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and Laws of the State of Missouri, including Sections 44.100 and 44.110, RSMo, do hereby declare that a State of Emergency exists in the State of Missouri. I do hereby direct that the Missouri State Emergency Operations Plan be activated.

I further authorize the use of state agencies to provide assistance, as needed.

This order shall terminate on January 1, 2007, unless extended in whole or in part.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri in the City of Jefferson on this 1st day of December 2006.



Matt Blunt, Governor



Robin Carnahan, Secretary of State

**EXECUTIVE ORDER
06-47**

WHEREAS, I have been advised by the Director of the State Emergency Management Agency that severe winter storm systems causing damages associated with heavy snow, freezing rain, sleet and ice have impacted communities across the State of Missouri; and

WHEREAS, interruption of public services are occurring as a result of the severe weather that began on November 30, 2006 and continues; and

WHEREAS, the severe weather that began on November 30, 2006 and continuing has created a condition of distress and hazard to the safety, welfare, and property of the citizens of the State of Missouri beyond the capabilities of some local and other established agencies; and

WHEREAS, the resources of the State of Missouri may be needed to assist affected jurisdictions and to help relieve the condition of distress and hazard to the safety and welfare of our fellow Missourians; and

WHEREAS, protection of the safety and welfare of the citizens of the State requires an invocation of the provisions of Section 44.100 and 44.110, RSMo.

NOW, THEREFORE, I, MATT BLUNT, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and Laws of the State of Missouri, including Section 41.480.2, RSMo, order and direct the Adjutant General of the State of Missouri, or his designee, to forthwith call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and it is further ordered and directed that the Adjutant General or his designee, and through him, the commanding officer of any unit or other organization of such organized militia so called into active service take such action and employ such equipment as may be necessary in support of civilian authorities, and provide such assistance as may be authorized and directed by the Governor of this State.

This order shall terminate on January 1, 2007, unless extended in whole or in part.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri in the City of Jefferson on this 1st day of December 2006.



Matt Blunt
Matt Blunt, Governor

Robin Carnahan
Robin Carnahan, Secretary of State

EXECUTIVE ORDER

06-48

WHEREAS, I have been advised by the Director of the Missouri State Emergency Management Agency that a natural disaster of significant proportions has occurred in Missouri, which has been affected by severe weather; and

WHEREAS, the severe winter weather that began on Nov 29, 2006, has created a condition of distress and hazards to the safety and welfare of the citizens of the State of Missouri beyond the capabilities of some local jurisdictions, and other established agencies; and

WHEREAS, the Missouri Department of Natural Resources is charged by law with protecting and enhancing the quality of Missouri's environment and with enforcing a variety of environmental rules and regulations; and

WHEREAS, to respond to the emergency and to expedite the cleanup and recovery process, it is necessary to adjust certain environmental rules and regulations on a temporary and short-term basis.

NOW, THEREFORE, I, MATT BLUNT, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by Chapter 44, RSMo, do hereby issue the following order:

The Director of the Missouri Department of Natural Resources is vested with full discretionary authority to temporarily waive or suspend the operation of any statutory or administrative rule or regulation currently in place under his purview in order to best serve the interest of the public health and safety during the period of the emergency and the subsequent recovery period.

This order shall terminate on January 1, 2007, unless extended in whole or in part.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri in the City of Jefferson on this 1st day of December 2006.



Matt Blunt, Governor

ATTEST:





Robin Carnahan, Secretary of State

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 symbolology 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 rulemaking 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 thirty (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 thirty (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 ninety (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 thirty (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 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 10—Contractor Performance Rating to
Determine Responsibility**

PROPOSED AMENDMENT

7 CSR 10-10.010 Definitions. The Missouri Highways and Transportation Commission is amending sections (3), (6) through (9), and (14) through (26) of this rule.

PURPOSE: This proposed amendment updates definitions for words and terms used in administrative rules for this chapter.

(3) Bidder. Any **person**, individual, partnership, corporation or joint venture submitting a bid to supply goods or to perform the work

contemplated **under a commission contract**.

(6) Construction and materials. The *[functional unit]* **division** within the department *[which is]* responsible for administering all construction contracts awarded by the commission.

(7) Contractor. Any **person**, individual or *[any]* legal entity including its officers and directors, that submits bids or proposals for or is awarded or may reasonably be expected to submit bids or proposals for or be awarded a commission contract. This definition includes any subcontractor that conducts business with the commission or department as an agent or representative of a contractor and any **person**, individual or legal entity that conducts business with the department as an agent or representative of a contractor.

(8) Contractor performance review committee. **The review committee** consists of *[the following: director of operations, chairperson; director of project development; state design engineer; state construction and materials engineer; state bridge engineer;]* **the following three (3) persons: the director of program delivery, as chair, the state construction and materials engineer, and the administrator of the contractor performance rating system**, or an authorized representative acting on behalf of any one of them.

(9) Contractor's representative. A general partner, officer of a corporation or other proper term depending on the company or organization, as one having authority of position, stated in writing.

(14) Nonresponsible contractor. A contractor determined by the commission to lack one (1) or more of the qualities associated with a responsible bidder or responsible contractor **and are deemed ineligible to bid on commission contracts**.

[(15) Notice of rating. Notice of the rating by the resident engineer in a contractor performance questionnaire or of the annual rating shall be sent by mailing a copy of the contractor performance questionnaire or of a writing containing the annual rating to the contractor at the contractor's address contained in its most recent contractor questionnaire required by the Missouri Standard Specifications for Highway Construction. The department will keep a written record of the persons to whom such notices of ratings were sent and of the address and date they were sent for a period of at least ten (10) years in the case of the contractor performance questionnaire and at least ten (10) years in the case of the notice of the annual rating, which record shall prove the mailing of the notice of rating. Further, it shall be presumed that a notice of rating sent by mail was received by the contractor on the second day, which is not a Sunday or holiday, after the day the written record states it was sent excepting only if a different date is shown by a delivery receipt of the United States Postal Service.]

[(16)](15) Person. Any individual, corporation, partnership, association, unit of government or legal entity, however organized.

(16) Population. The collection of all results of a specified group.

(17) Principal. Officer, director, owner, partner, key employee, or other person within an organization with primary management or supervisory responsibilities; or a person who has critical influence on or substantive control over **another person's** transaction, whether or not employed by *[the participant]* **that person**.

(19) Responsible bidder or responsible contractor. A person who has

the capability in all respects to perform fully the contract requirements, and **who possesses** the integrity and reliability which will assure good faith performance.

(20) Sample. A *[statistical]* subset of *[the total number of contractors doing work for MoDOT during the rated year]* a **statistical population**.

(21) Specialty contractors. Those contractors who have performed eighty-five percent (85%) or more of their work in one **(1)** specification area as set forth in Divisions 200–900 in the Missouri Standard Specifications for Highway Construction.

(24) Subcontractor. Any *[individual, partnership, corporation or a]* person *[or firm]* participating as part of a joint venture, to whom the contractor sublets any part of the work under a commission contract.

(25) Successor. A person, *[firm or corporation]* is a successor *[to another]* if it is *[a business entity]* organized following the disqualification of *[the other,]* **another person**, and it has the same or similar management, ownership or principal employees as the disqualified person, *[firm or corporation]*.

(26) Weighted average. **An average of quantities adjusted by a mathematical value to allow for their relative importance in a data set.** The weighted average for ratings is the sum of *[a sample lot's adjusted individual ratings. The adjustment factor is (\$ volume of sample)/(\$ volume of sample lot total)]* the products of each individual rating within a population multiplied by its corresponding dollar value, which is then divided by the sum of these corresponding dollar values alone. For example: population = 1 and 2, R1 = rating for 1, R2 = rating for 2; so the weighted average for the population's ratings is $[(R1 \times \$ \text{related to R1}) + (R2 \times \$ \text{related to R2})] / [(\$ \text{related to R1}) + (\$ \text{related to R2})]$.

AUTHORITY: sections 226.020, 226.130, *[and]* 227.030 and 227.105, RSMo 2000 *[and]* 227.100, RSMo Supp. 2002]. Original rule filed Dec. 31, 1990, effective July 8, 1991. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Dec. 5, 2006.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Mari Ann Winters, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 10—Contractor Performance Rating to
Determine Responsibility**

PROPOSED AMENDMENT

7 CSR 10-10.030 Rating Categories for Evaluating the Performance of a Contractor. The Missouri Highways and Transportation Commission is amending sections (2) through (4) of this rule.

PURPOSE: This proposed amendment details the evaluation considerations for rating contractor performance.

(2) Each *[question]* **project evaluation performance measure** will be assigned to a category and will *[be assigned a point value for comparison purposes]* **have an applicable percentage deduct for non-performance.** *[Questions]* **Performance measure responses** will be completed according to the guidelines shown on the *[questionnaire]* **project evaluation.** Not all *[questions]* **performance measures** will be applicable and will, therefore, not be completed.

(3) A contractor's individual category rating*[s in the]* **is obtained by subtracting the total percentage deducts for the category or quality section from one hundred percent (100%).** The category ratings of the applicable sections for "Quality" and "Contract Compliance" will be *[determined by comparing the total number of points awarded to the total number of points possible for each question completed,]* based on the weighted average of the total dollar value of work completed during the rated period. *[and pertaining to applicable sections of the questionnaire. A contractor's individual category ratings, in t]* The category ratings of the applicable sections for "Prosecution & Progress" and "Contract Administration" will be *[determined by comparing the total number of points awarded to the total number of points possible for each question completed,]* based on the weighted average of the **applicable** contract dollar values.

(4) *[For overall rating purposes, the categories are assigned importance factors as follows: quality of work, thirty percent (30%); contract compliance, twenty percent (20%); prosecution and progress, thirty percent (30%); and contract administration, twenty percent (20%).]* **The overall rating for a project will be the average of all applicable category ratings.**

AUTHORITY: sections 226.020, 226.130, *[and]* 227.030, and 227.105, RSMo 2000 *[and]* 227.100, RSMo Supp. 2002]. Original rule filed Dec. 31, 1990, effective July 8, 1991. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Dec. 5, 2006.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Mari Ann Winters, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 10—Contractor Performance Rating to
Determine Responsibility**

PROPOSED AMENDMENT

7 CSR 10-10.040 Contractor Performance [Questionnaire] Project Evaluation Used in Evaluating Contractor Performance. The Missouri Highways and Transportation Commission is amending the title and sections (1) through (5) of this rule.

PURPOSE: This proposed amendment describes the application of contractor performance project evaluations.

(1) The form used to evaluate contractor performance on a commission contract is known as the [C]/contractor [P]performance [Questionnaire] **project evaluation**. [The Contractor Performance Questionnaire] **This project evaluation** identifies the contractor, the project(s) to which it applies, the original and final contract amounts and other pertinent project data.

(2) One (1) form is intended to rate all projects [together which were] awarded in a combination bid contract. The [C]/contractor [P]performance [Questionnaire] **project evaluation** shall designate all project(s) listed in the contract on these combinations.

(3) The [C]/contractor [P]performance [Questionnaire] **project evaluation** contains [questions] **performance measures** that are assigned to the four (4) evaluation categories: quality of work; prosecution and progress; contract compliance; and contract administration. Not all [questions] **performance measures** will be applicable on any certain project and will, therefore, not be completed.

(4) The [C]/contractor [P]performance [Questionnaire] **project evaluation** shall rate a contractor on the work required in [the whole] **each** contract and shall take into consideration the contractor's [progress and work product] **work quality/progress and contract administration/compliance**, as well as those of all the sub-contractors. The contractor is responsible for all work required in the contract, as well as the selection of subcontractors and the quality, **progress, administration, and compliance** of their work.

(5) A copy of the [C]/contractor [P]performance [Questionnaire] **project evaluation form and completion guidelines shall be provided to contractors of active contracts at the beginning of each year or at the start of each project or** may be obtained by submitting a written request to the following address: Missouri Department of Transportation, Construction and Materials **Division**, PO Box 270, Jefferson City, MO 65102.

AUTHORITY: sections 226.020, 226.130, [and] 227.030 and 227.105, RSMo 2000 [and 227.100, RSMo Supp. 2002]. Original rule filed Dec. 31, 1990, effective July 8, 1991. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 5, 2006.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Mari Ann Winters, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 10—Contractor Performance Rating to
Determine Responsibility**

PROPOSED AMENDMENT

7 CSR 10-10.050 Procedure and Schedule for Completing the Contractor Performance [Questionnaire] Project Evaluation. The Missouri Highways and Transportation Commission is amending the title, Purpose, and sections (1) through (5) of this rule.

PURPOSE: This proposed amendment explains completion of contractor performance project evaluations.

PURPOSE: This rule describes the procedures and schedule which apply to the completion of the [C]/contractor [P]performance [Questionnaire] project evaluation.

(1) The [C]/contractor [P]performance [Questionnaire] **project evaluation** shall be completed by the resident engineer assigned to the contract project(s). If the resident engineer is unable to complete the form, the district engineer responsible for those projects shall designate another person familiar with those projects to complete the [C]/contractor [P]performance [Questionnaire] **project evaluation**.

(2) The [C]/contractor [P]performance [Questionnaire] **project evaluation** shall be completed in accordance with this chapter and with written [instructions] **guidelines** given to the resident engineer by the [C]/construction and [M]/materials [unit] **division**. A copy of the current [instructions] **contractor performance project evaluation and completion guidelines** may be obtained from the state construction and materials engineer.

(3) Each [C]/contractor [P]performance [Report] **project evaluation** shall be completed as an Interim Report, Annual Report, or Final Report. The report shall note which type of report it is. The following criteria govern each type of report and when it is completed:

(A) Interim Report. This midseason report is completed on all contractors currently on probation or which have been disqualified when approximately fifty percent (50%) of the work on the project for the year is completed or by September 1, whichever comes first. An Interim Report may also be completed at any time, at the discretion of the **resident engineer or district engineer designee**, for any contractor when there is a serious **contractor performance concern** regarding [contractor performance] **work quality/progress or contract administration/compliance** on the project. [This] **The Interim [r]Report** is for informational purposes only.

(C) Final Report. This report is completed on all projects having received final acceptance during the rated year. The [F]final [C]/contractor [P]performance [Reports] **project evaluation** will be completed within thirty (30) days after final project acceptance, but shall be completed no later than January 15, whichever comes first. [Prior reports on the same contract shall not bind or govern the completion of a final report.] **The category ratings of performance for "Quality of Work," "Contract Compliance," and "Contract Administration" shall be evaluated only for the work performed during the rated year. The category rating of performance for "Prosecution and Progress" shall be predominantly based upon final acceptance of the project as compared to the contract completion requirements, after authorized time adjustments are made.**

(4) The resident engineer shall sign and date the [C]/contractor [P]performance [Questionnaire] **project evaluation** when he/she completes his/her rating. **This project evaluation shall be sent by the United States Postal Service registered mail, with notice of**

return receipt, to the contractor at the contractor's address contained in its most recent contractor questionnaire required by the Missouri Standard Specifications for Highway Construction.

(5) The contractor's representative, at his/her election, may meet privately with the resident engineer to review the *[questionnaire]* contractor performance project evaluation. If the contractor's representative does review the *[questionnaire]* project evaluation, he/she shall sign and date it as an acknowledgment that he/she has reviewed it. *[A copy of the questionnaire shall be furnished to the contractor by the resident engineer.]* If the contractor's representative does not return a signed *[questionnaire]* project evaluation to the resident engineer within *[two (2)]* three (3) weeks after it has been mailed to him/her, the *[questionnaire]* project evaluation shall be final, with no further comment to be considered by the contractor's representative.

AUTHORITY: sections 226.020, 226.130, [and] 227.030, and 227.105, RSMo 2000 [and 227.100, RSMo Supp. 2002]. Original rule filed Dec. 31, 1990, effective July 8, 1991. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 5, 2006.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Mari Ann Winters, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 10—Contractor Performance Rating to
Determine Responsibility

PROPOSED AMENDMENT

7 CSR 10-10.060 Explanation of Standard Deviation Rating System for All Contractors. The Missouri Highways and Transportation Commission is amending sections (1) through (3) of this rule.

PURPOSE: This proposed amendment outlines the application of rating categories to project evaluations.

(1) Statistical Analysis. Statistical analysis shall be used by the commission to compare performance by the contractors. Through standard deviation analysis, the commission shall determine how **each** contractor's *[relate]* performance compares to *[each]* all others.

(2) Rating Categories. The following categories shall be used by the commission in determining the annual rating of each contractor based on their *[C]*contractor *[P]*performance *[Questionnaire]* project evaluations completed for the rated year and on the statistical analysis used by the commission: average, above average, below average, outstanding and unacceptable:

(A) Average Rating. An average rating shall result if the contractor's rating is within the range of the mean of the total population plus or minus one (1) standard deviation;

(B) Above Average Rating. An above average rating shall result if the contractor's rating is equal to or greater than the mean of the total population plus one (1) standard deviation but less than the mean plus two (2) standard deviations;

(C) Outstanding Rating. An outstanding rating shall result if the contractor's rating is equal to or greater than the mean of the total population plus two (2) standard deviations;

(D) Below Average Rating. A below average rating shall result if the contractor's rating is equal to or less than the mean of the total population minus one (1) standard deviation but greater than the mean minus two (2) standard deviations; and

(E) Unacceptable Rating. An unacceptable rating shall result if the contractor's rating is equal to or less than the mean of the total population minus two (2) standard deviations.

(3) Overall and Category Ratings. On an annual basis, each contractor who has done work for the commission and which the *[commission]* department has completed a *[C]*contractor *[P]*performance *[Questionnaire]* project evaluation, shall be given a rating for each of the four (4) categories: quality of work, prosecution and progress, contract compliance, and contract administration as well as receiving an overall rating which combines the ratings of all of the four (4) categories.

AUTHORITY: sections 226.020, 226.130, [and] 227.030 and 227.105, RSMo 2000 [, and 227.100, RSMo Supp. 2002]. Original rule filed Dec. 31, 1990, effective July 8, 1991. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 5, 2006.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Mari Ann Winters, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 10—Contractor Performance Rating to
Determine Responsibility

PROPOSED AMENDMENT

7 CSR 10-10.070 Procedure for Annual Rating of Contractors. The Missouri Highways and Transportation Commission is amending sections (1) through (5) of this rule.

PURPOSE: This proposed amendment specifies the contractor rating and dispute review procedures.

(1) Annual Rating of Contractors. The construction and materials *[unit] division* shall be responsible for the determination of the annual ratings of contractors. The construction and materials *[unit] division* will annually determine a contractor's overall and category performance rating for all contracts on all active projects. The performance ratings for the categories of "Quality of Work"*[,] and "Contract Compliance"*, and *Contract Administration* will be based on a weighted average of the dollar value of all work completed during the rated year on all contracts. The performance ratings for the categories*[,] of "Prosecution and Progress" and "Contract Administration"*, shall use will be based on a weighted average of the applicable contract dollar totals *[for determining the contractor's performance rating]*.

(2) Contractor Rating Groups. For purposes of recognizing outstanding contractor performance, contractors shall be divided into four (4) sample groups based upon whether the contractor is a specialty contractor and on the dollar value of the work completed during the rated year.

(A) Contractor Groups.

1. *[Group one] Large volume* contractors shall be the ten (10) contractors who have the largest dollar value of work completed during the rated year.

2. *Specialty contractors shall be those contractors who have performed eighty-five percent (85%) or more of their work in one specification area as set forth in Divisions 200-900 in the Missouri Standard Specifications for Highway Construction.*

3. *The remaining [C]contractors not included in [group one] the large volume or [the] specialty contractor groups shall be sorted by dollar value of work completed during the rated year, and divided in half [as group two, medium volume, contractors and group three, light volume, contractors]. Medium volume contractors shall be the half who has the higher dollar value of work, and light volume contractors shall be the half who has the lower dollar value of work.*

[(B)](3) Determination of Contractor Ratings. The construction and materials *[unit] division* shall determine contractor ratings and make action recommendations to the chief engineer.

[(3)](A) Upon the chief engineer's review and approval, all contractors shall be notified in writing of their annual ratings via a **letter of performance notification**. The construction and materials *[unit] division* will act on each contractor or not, based on the overall and category ratings the contractor receives. These actions may range from recognizing very outstanding performance, to recommending that a contractor be declared nonresponsible. Probation or disqualification shall become effective upon the date stated in the written notification.

(B) A letter of performance notification along with the individual contractor performance project evaluations and a performance summary shall be mailed via the United States Postal Service to the contractor at the contractor's address contained in its most recent contractor questionnaire required by the Missouri Standard Specifications for Highway Construction. The department will keep a written record of the persons to whom such notices of ratings were sent and of the address and date they were sent for a period of at least ten (10) years, which record shall prove the notification of rating results. Further, it shall be presumed that the contractor received the notice on the second day, which is not a Sunday or holiday, after the day the written record states it was sent, unless a different date is shown by a delivery receipt of the United States Postal Service.

(4) Review Process. If the contractor disagrees with any *[particular response] performance measure finding* on the *[questionnaire] contractor performance project evaluation* and cannot resolve the dispute with the resident engineer, it may request in writing that the district engineer review the matter. Such request must be made to the district engineer within twenty-eight (28) days from the date of the mailing of the *[questionnaire form] project evaluation* to the contractor. However, the contractor's representative shall first have discussed the *[questionnaire] project evaluation* response with the resident engineer in order to resolve the dispute. Upon receiving the contractor's written request to review the *[particular area of discrepancy] disputed performance measure finding* on the *[questionnaire] project evaluation*, the district engineer shall review the matter and provide the contractor with a written response regarding the particular area of dispute between the contractor and the resident engineer. All reports shall be submitted to the construction and materials *[unit] division* before, but no later than, February 15.

(A) "Unacceptable" Rating. No request for review to the committee or to the department regarding the contractors' performance ratings *[is permitted or]* is provided under this chapter, with the exception of contractors who receive an unacceptable performance rating.

1. The contractor must have received either an unacceptable category or overall performance rating and timely discussed the dispute with the resident engineer and made a timely written request for review by the district engineer of the particular **unacceptable** rating on the *[questionnaire] project evaluation* that the contractor disagrees with as provided in this chapter.

2. If the contractor has complied with the requirements of paragraph (4)(A)1. above, the contractor shall have ten (10) working days to request an informal hearing to review an unacceptable **category or overall** performance rating.

3. The contractor shall submit its request for an informal hearing to the following address: Missouri Department of Transportation, Construction and Materials **Division**, PO Box 270, Jefferson City, MO 65102.

(B) Procedure. If the contractor timely requests an informal hearing, the **contractor performance** review committee shall advise the contractor of the time, date and place. This is not a contested case under Chapter 536, RSMo. The rules of evidence shall not apply at the hearing.

(5) No Further Commission Action. As to contractor performance ratings of which no review is requested or permitted under this rule, upon the determination by the construction and materials *[unit] division* regarding the annual ratings of all contractors and the approval of the chief engineer of the annual ratings, the ratings of the contractors shall become final for purposes of this chapter and the effect of this chapter on a level of performance on the contractor's status to bid or perform work as a subcontractor or vendor on commission contracts. No commission action is necessary regarding the annual ratings of the contractors.

AUTHORITY: sections 226.020, 226.130, [and] 227.030 and 227.105, RSMo 2000 [and 227.100, RSMo Supp. 2002]. Original rule filed Dec. 31, 1990, effective July 8, 1991. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 5, 2006.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Mari Ann Winters, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 10—Contractor Performance Rating to
Determine Responsibility**

PROPOSED AMENDMENT

7 CSR 10-10.080 Determination of Nonresponsibility. The Missouri Highways and Transportation Commission is amending section (1) of this rule.

PURPOSE: This proposed amendment details the probation, disqualification and reinstatement of contractors with unacceptable performance determinations.

(1) Determination of Unacceptable [Category or Overall Rating] Performance.

(A) Contractors receiving an unacceptable rating or overall performance rating shall be considered and reviewed for possible disciplinary actions for unacceptable performance.

1. A contractor who receives an initial unacceptable [rating] category or overall performance determination shall be placed on probation.

2. Any contractor who is on probation and receives a second unacceptable [rating] category or overall performance determination shall be declared nonresponsible and shall be disqualified from bidding [and,] for one (1) year. The contractor may also be declared disqualified from performing work as a subcontractor or vendor[, for a period of one (1) year] during the same disqualification period. At the conclusion of this disqualification period, the contractor [shall] may be reinstated [on] to a probationary [basis] status and [be] allowed to bid on commission projects upon providing proof to the satisfaction of the department that changes have been made within the company to correct previous deficiencies.

3. Any contractor [who is currently disqualified for unacceptable performance and] reinstated to probationary status after a disqualification imposed under this rule, who receives a subsequent determination of unacceptable [rating] category or overall performance determination shall be declared nonresponsible and disqualified from bidding on commission projects [and,] for a period of three (3) years. The contractor may also be declared disqualified from performing work as a subcontractor or vendor, for [a] that same disqualification period [of three (3) years]. After the three (3) year disqualification period has ended, the contractor may be reinstated [on] to a probationary [basis]. Any deficiency status shall remain in effect until the contractor obtains an annual average category rating in all categories] status upon providing proof to the satisfaction of the department that changes have been made within the company to correct previous deficiencies.

4. A probationary status shall remain in effect until the contractor obtains an annual rating of at least average in all categories or the chief engineer approves termination of the probationary status in writing, upon the contractor's written request, for reasons considered appropriate by the department, such as newly discovered relevant evidence of evaluation error or elimi-

nation of the cause or causes for which probationary status was imposed.

AUTHORITY: sections 226.020, 226.130, [and] 227.030 and 227.105, RSMo 2000 [and 227.100, RSMo Supp. 2002]. Original rule filed Dec. 31, 1990, effective July 8, 1991. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Dec. 5, 2006.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Mari Ann Winters, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 10—Contractor Performance Rating to
Determine Responsibility**

PROPOSED AMENDMENT

7 CSR 10-10.090 Reservation of Rights to Recommend or Declare Persons or Contractors Nonresponsible on Other Grounds. The Missouri Highways and Transportation Commission is amending sections (1) and (2) of this rule.

PURPOSE: This proposed amendment reserves the rights of the commission to otherwise disqualify or determine the nonresponsibility of a person, firm, corporation or contractor inside or outside of this chapter.

(1) Nothing in this chapter shall be construed to waive, limit or restrict the right of the department to determine that a contractor be declared nonresponsible, if any individual rating on one (1) or more of the four (4) rating categories specified in 7 CSR 10-10.030 is so low that there is cause to believe that the contractor cannot responsibly or competently perform contract work generally, or of a particular type or description. The department reserves the right to declare disqualified any contractor [which] it finds to be incompetent or nonresponsible, with such terms and conditions governing the disqualification as it deems appropriate.

(2) Nothing in this chapter shall be construed to waive, limit or restrict the right of the department or of the commission to determine and declare that a person, firm, corporation or contractor be disqualified for any other legal reason[, or] circumstance[, or for financial irresponsibility] that would support a finding that the person, firm, corporation, or contractor was nonresponsible[.], including but not limited to financial irresponsibility or a demonstrated lack of concern for public or employee safety or environmental responsibility. The commission reserves the right to declare nonresponsible any person, firm, corporation or contractor which it finds to be nonresponsible or ineligible upon sufficient legal grounds, with those terms and conditions governing that action as it deems appropriate.

AUTHORITY: sections 226.020, 226.130, [and] 227.030 and 227.105, RSMo 2000 [and 227.100, RSMo Supp. 2002]. Original rule filed Dec. 31, 1990, effective July 8, 1991. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Dec. 5, 2006.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Mari Ann Winters, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling
and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri**

PROPOSED AMENDMENT

10 CSR 10-6.070 New Source Performance Regulations. The commission proposes to amend subsection (1)(A). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency for delegation of enforcement authority. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/regagenda.htm.

PURPOSE: This rule establishes acceptable design and performance criteria for specified new or modified emission sources. The purpose of this rulemaking is to amend 10 CSR 10-6.070 to incorporate 40 CFR part 60 subparts amended between July 1, 2004 and June 30, 2005. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is: elements of the State/EPA work plan and Title V Operating Permit Program requirements.

(1) Applicability.

(A) The provisions of 40 CFR part 60 promulgated as of June 30, [2004] 2005 shall apply and are hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: section 643.050, RSMo 2000. Original rule filed Dec. 10, 1979, effective April 11, 1980. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Dec. 6, 2006.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., March 29, 2007. The public hearing will be held at the Café 37, Walnut Room, 37 Court Square, West Plains, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, 1659 East Elm Street, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., April 5, 2007. Written comments shall be sent to Chief, Operations Section, Missouri Department of Natural Resources' Air Pollution Control Program, 1659 East Elm Street, PO Box 176, Jefferson City, MO 65102-0176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling
and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri**

PROPOSED AMENDMENT

10 CSR 10-6.075 Maximum Achievable Control Technology Regulations. The commission proposes to amend subsection (1)(A) and section (3). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency for delegation of enforcement authority. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/regagenda.htm.

PURPOSE: This rule establishes emission control technology, performance criteria and work practices to achieve emission standards for sources that emit or have the potential to emit hazardous air pollutants. The purpose of this rulemaking is to amend 10 CSR 10-6.075 to incorporate 40 CFR part 63 subparts promulgated or amended between July 1, 2004 and June 30, 2005. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is: elements of the State/EPA work plan and Title V Operating Permit Program requirements.

(1) Applicability.

(A) The provisions of 40 CFR part 63 promulgated as of June 30, [2004] 2005 shall apply and are hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408. This rule does not incorporate any subsequent amendments or additions.

(3) General Provisions. The following are the Maximum Achievable Control Technology (MACT) 40 CFR part 63 subparts that are adopted by reference in subsection (1)(A) of this rule. Individual source operations or installations in these categories are subject to this rule based on category specific parameters, as specified in the applicable subpart:

Subpart Title

(F) National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry

(G) National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater

(H) National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks

(I) National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks

(J) National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production

(L) National Emission Standards for Coke Oven Batteries

(M) National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities

(N) National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks

(O) Ethylene Oxide Emissions Standards for Sterilization Facilities

(Q) National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers

(R) National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)

(S) National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry

(T) National Emission Standards for Halogenated Solvent Cleaning

(U) National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins

(W) National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production

(X) National Emission Standards for Hazardous Air Pollutants From Secondary Lead Smelting

(Y) National Emission Standards for Marine Tank Vessel Loading Operations

(AA) National Emission Standards for Hazardous Air Pollutants From Phosphoric Acid Manufacturing Plants

(BB) National Emission Standards for Hazardous Air Pollutants From Phosphate Fertilizers Production Plants

(CC) National Emission Standards for Hazardous Air Pollutants *[from]* Petroleum Refineries

(DD) National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations

(EE) National Emission Standards for Magnetic Tape Manufacturing Operations

(GG) National Emission Standards for Aerospace Manufacturing and Rework Facilities

(HH) National Emission Standards for Hazardous Air Pollutants From Oil and Natural Gas Production Facilities

(II) National Emission Standards for Shipbuilding & Ship Repair (Surface Coating)

(JJ) National Emission Standards for Wood Furniture Manufacturing Operations

(KK) National Emission Standards for the Printing and Publishing Industry

(LL) National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants

(MM) National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semicheical Pulp Mills

(OO) National Emission Standards for Tanks—Level 1

(PP) National Emission Standards for Containers

(QQ) National Emission Standards for Surface Impoundments

(RR) National Emission Standards for Individual Drain Systems

(SS) National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process

(TT) National Emission Standards for Equipment Leaks—Control Level 1

(UU) National Emission Standards for Equipment Leaks—Control Level 2 Standards

(VV) National Emission Standards for Oil-Water Separators and Organic-Water Separators

(WW) National Emission Standards for Storage Vessels (Tanks)—Control Level 2

(XX) National Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations

(YY) National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards

(CCC) National Emission Standards for Hazardous Air Pollutants for Steel Pickling/*-*HCl Process Facilities and Hydrochloric Acid Regeneration Plants

(DDD) National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production

(EEE) National Emission Standards for Hazardous Air Pollutants *[From]* Hazardous Waste Combustors

(GGG) National Emission Standards for Pharmaceuticals Production

(HHH) National Emission Standards for Hazardous Air Pollutants From Natural Gas Transmission and Storage Facilities

(III) National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production

(JJJ) National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins

(LLL) National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry

(MMM) National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production

(NNN) National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing

(OOO) National Emission Standards for Hazardous Air Pollutant Emissions: Manufacture of Amino/Phenolic Resins

(PPP) National Emission Standards for Hazardous Air Pollutant Emissions for Polyether Polyols Production

(QQQ) National Emission Standards for Hazardous Air Pollutant Emissions for Primary Copper Smelting

(RRR) National Emission Standards for Hazardous Air Pollutants: Secondary Aluminum Production

(TTT) National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting

(UUU) National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units

(VVV) National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works

(XXX) National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese

(AAAA) National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills

(CCCC) National Emission Standards for Hazardous Air Pollutants: Manufacturing of Nutritional Yeast

(DDDD) National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products

(EEEE) National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline)

(FFFF) National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing

(GGGG) National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production

(HHHH) National Emission Standards for Hazardous Air Pollutants for Wet-Formed Fiberglass Mat Production

(IIII) National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks
(JJJJ) National Emission Standards for Hazardous Air Pollutants: Paper and Other Web Coating
(KKKK) National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans
(MMMM) National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products
(NNNN) National Emission Standards for Hazardous Air Pollutants: Surface Coating of Large Appliances
(OOOO) National Emission Standards for Hazardous Air Pollutants: Printing, Coating, and Dyeing of Fabrics and Other Textiles
(PPPP) National Emission Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products
(QQQQ) National Emission Standards for Hazardous Air Pollutants: Surface Coating of Wood Building Products
(RRRR) National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Furniture
(SSSS) National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Coil
(TTTT) National Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations
(UUUU) National Emission Standards for Hazardous Air Pollutants for Cellulose Products Manufacturing
(VVVV) National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing
(WWWW) National Emission Standards for Hazardous Air Pollutants: Reinforced Plastic Composites Production
(XXXX) National Emission Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing
(YYYY) National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines
(ZZZZ) National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines
(AAAA) National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants
(BBBB) National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing
(CCCC) National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks
(DDDD) National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters
(EEEE) National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries
(FFFF) National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities
(GGGG) National Emission Standards for Hazardous Air Pollutants: Site Remediation
(HHHH) National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing
(IIII) National Emission Standards for Hazardous Air Pollutants: Mercury Emissions From Mercury Cell Chlor-Alkali Plants
(JJJJ) National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing
(KKKK) National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing
(LLLL) National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing
(MMMM) National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations
(NNNN) National Emission Standards for Hazardous Air Pollutants: Hydrochloric Acid Production
(PPPP) National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Stands
(QQQQ) National Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities

(RRRR) National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing
(SSSS) National Emissions Standards for Hazardous Air Pollutants for Refractory Products Manufacturing
(TTTT) National Emissions Standards for Hazardous Air Pollutants for Primary Magnesium Refining

AUTHORITY: section 643.050, RSMo 2000. Original rule filed May 1, 1996, effective Dec. 30, 1996. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 6, 2006.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., March 29, 2007. The public hearing will be held at the Café 37, Walnut Room, 37 Court Square, West Plains, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, 1659 East Elm Street, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., April 5, 2007. Written comments shall be sent to Chief, Operations Section, Missouri Department of Natural Resources' Air Pollution Control Program, 1659 East Elm Street, PO Box 176, Jefferson City, MO 65102-0176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling
and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri**

PROPOSED AMENDMENT

10 CSR 10-6.080 Emission Standards for Hazardous Air Pollutants. The commission proposes to amend subsection (1)(A). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency for delegation of enforcement authority. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/reg/regs/regagenda.htm.

PURPOSE: This rule establishes emission standards and performance criteria for new or modified sources emitting hazardous air pollutants. The purpose of this rulemaking is to amend 10 CSR 10-6.080 to incorporate 40 CFR part 61 subparts amended between July 1, 2004 and June 30, 2005. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is: elements of the State/EPA work plan and Title V Operating Permit Program requirements.

(1) Applicability.

(A) The provisions of 40 CFR part 61 promulgated as of June 30, [2004] 2005 shall apply and are hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S.

National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: section 643.050, RSMo 2000. Original rule filed Dec. 10, 1979, effective April 11, 1980. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 6, 2006.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., March 29, 2007. The public hearing will be held at the Café 37, Walnut Room, 37 Court Square, West Plains, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, 1659 East Elm Street, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., April 5, 2007. Written comments shall be sent to Chief, Operations Section, Missouri Department of Natural Resources' Air Pollution Control Program, 1659 East Elm Street, PO Box 176, Jefferson City, MO 65102-0176.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 30—Office of the Director
Chapter 11—Missouri Uniform Crime Reporting
Program**

PROPOSED RULE

11 CSR 30-11.010 Missouri Uniform Crime Reporting Quality Assurance Review

PURPOSE: This rule establishes the requirement of county, municipal and state law enforcement agencies to submit to a Uniform Crime Reporting Quality Assurance Review to ensure the reliable reporting of crime data, to ensure compliance with the national Uniform Crime Reporting requirements, to identify strengths/weaknesses in reporting methods, to improve the accuracy in crime reporting practices, to assure the validity of crime statistics, to increase awareness of national and state procedures and guidelines and to assist agencies with customized Uniform Crime Reporting training.

(1) Each law enforcement agency in the state shall submit to a Uniform Crime Reporting Quality Assurance Review at least once every five (5) years.

(2) All records relevant to a determination of compliance with section 43.505, RSMo, or these rules shall be open to inspection by the auditors without a subpoena. Records reviewed shall not predate the review by more than one (1) year, and shall include calls for service, complaint cards, investigative reports, arrest and booking records, or any other records required to determine agency compliance with 43.505, RSMo.

(3) For overall unsatisfactory findings, the Uniform Crime Reporting program manager may send a letter to the chief executive officer at the agency, specifying areas of noncompliance. The letter will

request a response in writing within thirty (30) days detailing the corrective action the agency will take and a projected date of compliance. A follow-up review will then be scheduled to ensure noncompliant topic areas have been corrected. If an agency fails to take corrective action, a report shall be delivered to the director of public safety at the end of the review cycle to notify the director the data from this agency is not compliant with state or national program standards. Data received during a specific time frame may also be identified as questionable within the state data repository until it is corrected by the agency. The Federal Bureau of Investigation may also be notified the data they received from this agency for a specified time frame is of questionable accuracy.

AUTHORITY: section 43.505, RSMo 2000. Original rule filed Dec. 14, 2006.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Highway Patrol, Laurie Crawford, CJIS Manager, PO Box 9500, Jefferson City, MO 65102-9500 or at Laurie.Crawford@mshp.dps.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 400—Life, Annuities and Health
Chapter 7—Health Maintenance Organizations**

PROPOSED AMENDMENT

20 CSR 400-7.095 HMO Access Plans. The department is amending subsections (1)(A), (1)(D), (1)(I), (1)(R), Exhibit A and Exhibit B.

PURPOSE: This amendment clarifies and updates hospital definitions to reflect the most recent information about hospital services offered in Missouri.

(1) Definitions.

(A) Access plan—The plan required to be filed with the [D]department [of Insurance] pursuant to section 354.603, RSMo, and in accordance with the requirements of this regulation.

(D) Department—The Missouri Department of Insurance, **Financial Institutions and Professional Registration.**

(I) Hospitals—

1. Basic—Hospitals that meet any of the following criteria:

A. Licensed or state owned hospitals that designate themselves as general medical surgical hospitals in the Department of Health and Senior Services licensure survey and which offer general medical surgical care to all ages of the general population;

[B. State-owned hospitals that provide general medical surgical care and are available to the general population, such as a university teaching hospital;]

[C.] B. Hospitals located in an adjacent state, appropriately licensed or owned by that state, and offering general medical surgical care to all ages of the general population; or

[D.] C. Children's hospitals, except that children's hospitals shall not be included in the calculation of the basic hospital enrollee access rate.

2. Secondary—Basic hospitals *[with]* reporting on the most recent available Department of Health and Senior Services licensure survey or other available sources of information that are appropriate and verifiable that the following services are available at the reporting hospital:

A. *[a]*At least one (1) functioning operating room*[,];*

B. *[o]*Obstetrics *[unit]* services except that hospitals delivering babies only on an emergency basis shall not be included in the calculation of the secondary hospital enrollee access rate*[,];* and

C. *[i]*Intensive care *[unit, based on the most recent available Department of Health and Senior Services licensure survey or other available sources of information that are appropriate and verifiable]* services.

(R) Tertiary services—Hospitals that offer the following types of services are required in every HMO network and will be identified through hospital responses to the most recent available annual Department of Health and Senior Services licensing survey or other available sources of information that are appropriate and verifiable:

1. Level I or Level II trauma *[unit]* hospital—*[a hospital with a Level I or Level II trauma unit based on the most recent available Department of Health and Senior Services licensure survey or other available sources of information that are appropriate and verifiable]* a hospital as designated by the Department of Health and Senior Services. A trauma unit that is designated as pediatric only *[by the Bureau of Emergency Medical Services]* does not satisfy the requirements of this rule.

2. Neonatal intensive care *[unit]* services—a hospital or children's hospital or secondary hospital offering a neonatal intensive care *[unit based on the most recent available Department of Health and Senior Services licensure survey or other available sources of information that are appropriate and verifiable]* services and at least one (1) functioning operating room.

3. Perinatology services—a secondary hospital with active board certified perinatologists on staff *[based on the most recent available Department of Health and Senior Services licensure survey or other available sources of information that are appropriate and verifiable]* and a level II or III obstetrical unit.

4. Comprehensive cancer services—any hospital with active board certified oncologists on staff*[, based on the most recent available Department of Health and Senior Services licensure survey or other available sources of information that are appropriate and verifiable. A hospital with comprehensive cancer services will also offer all services listed in the most recent available Department of Health and Senior Services licensure survey, if any]* and providing all cancer treatment services listed in the annual licensing survey, and at least one (1) functioning operating room.

5. Comprehensive Cardiac *[catheterization]* services—*[a secondary hospital with active cardiovascular disease physicians on staff and offering a cardiac catheterization lab and adult cardiac catheterizations based on the most recent available Department of Health and Senior Services licensure survey or other available sources of information that are appropriate and verifiable]* any hospital with active board certified cardiovascular disease physicians on staff, at least one (1) functioning operating room and providing all interventional cardiac services and open heart surgery.

[6. Cardiac surgery—a secondary hospital with active cardiovascular disease physicians on staff and offering open heart surgery based on the most recent available Department of Health and Senior Services licensure survey or other available sources of information that are appropriate and verifiable.]

[7.] 6. Pediatric subspecialty care—a hospital or children's hospital or secondary hospital with active board certified pediatricians and pediatric specialists on staff, at least one (1) functioning operating room and [offering staffed pediatric beds based on the most recent available Department of Health and Senior Services licensure survey or other available sources of information that are appropriate and verifiable] providing intensive care services, neonatal intensive care services or pediatric intensive care services.

Exhibit A

Provider/Service Type	Distance Standards		
	Urban County	Basic County	Rural County
Physicians			
PCPs	10	20	30
Obstetrics/Gynecology	15	30	60
Neurology	25	50	100
Dermatology	25	50	100
Physical Medicine/Rehab	25	50	100
Podiatry	25	50	100
Vision Care/Primary Eye Care	15	30	60
Allergy	25	50	100
Cardiology	25	50	100
Endocrinology	25	50	100
Gastroenterology	25	50	100
Hematology/Oncology	25	50	100
Infectious Disease	25	50	100
Nephrology	25	50	100
Ophthalmology	25	50	100
Orthopedics	25	50	100
Otolaryngology	25	50	100
Pediatric	25	50	100
Pulmonary Disease	25	50	100
Rheumatology	25	50	100
Urology	25	50	100
General surgery	15	30	60
Psychiatrist- Adult/General	15	40	80
Psychiatrist- Child/ Adolescent	22	45	90
Psychologists/Other Therapists	10	20	40
Chiropractor	15	30	60
Hospitals			
Basic Hospital	30	30	30
Secondary Hospital	50	50	50
Tertiary Services			
Level I or Level II trauma unit	100	100	100
Neonatal intensive care unit	100	100	100
Perinatology services	100	100	100
Comprehensive cancer services	100	100	100
Comprehensive Cardiac [catheterization] services	100	100	100
[Cardiac surgery]	[100]	[100]	[100]
Pediatric subspecialty care	100	100	100
Mental Health Facilities			
Inpatient mental health treatment facility	25	40	75
Ambulatory mental health treatment providers	15	25	45
Residential mental health treatment providers	20	30	50
Ancillary Services			
Physical Therapy	30	30	30
Occupational Therapy	30	30	30
Speech Therapy	50	50	50
Audiology	50	50	50
Pharmacy			
Pharmacy	10	20	30

AUTHORITY: sections 354.615 and 374.045, RSMo 2000 and 354.405 and 354.603, RSMo Supp. [2004] 2006. Original rule filed Nov. 3, 1997, effective May 30, 1998. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Dec. 14, 2006.

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

PRIVATE COST: This proposed amendment will cost private entities fifty-seven thousand five hundred dollars (\$57,500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed amendment at 10:00 a.m. on February 16, 2007 at the Harry S. Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to the proposed amendment, until 5:00 p.m. on February 16, 2007. Written statements shall be sent to David Wallis, Department of Insurance, Financial Institutions and Professional Registration, PO Box 690, Jefferson City, MO 65102.

SPECIAL NEEDS: If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.

**FISCAL NOTE
PRIVATE COST**

I. RULE NUMBER

Rule Number and Name:	20 CSR 400-7.095 Access Plans
Type of Rulemaking:	Proposed Amendment

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:
20	Licensed HMOs in Missouri, excluding one company providing services exclusively to Medicare beneficiaries	\$57,500

III. WORKSHEET

23 HMOs x \$2,500 of reprogramming and administrative costs

IV. ASSUMPTIONS

MDI contacted 3 different HMOs in an effort to get current cost data related to the proposal. 2 HMOs responded with divergent estimates. MDI averaged the responses and arrived at \$2,500 per HMO as an estimated cost. Costs stem entirely from the changes to hospital definitions.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2193—Interior Design Council
Chapter 1—General Rules**

PROPOSED AMENDMENT

20 CSR 2193-1.010 Definitions. The board is requesting to amend sections (1), (4) and (6).

PURPOSE: Pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration, Title 20. Therefore, the title of the department is being amended. This amendment also implements SB 1122 of the 92nd General Assembly (2004).

(1) “Applicant”—An individual submitting an application for registration as a registered *[commercial]* interior designer pursuant to sections 324.400 through 324.439, RSMo.

(4) “Registrant”—An individual registered as a “registered *[commercial]* interior designer” pursuant to sections 324.400 through 324.439, RSMo.

(6) “Division”—Division of Professional Registration *[of the Missouri Department of Economic Development]*.

AUTHORITY: sections 324.400, RSMo Supp. 2006 and 324.412, RSMo [Supp. 1999] 2000. This rule originally filed as 4 CSR 193-1.010. Original rule filed Feb. 25, 2000, effective Aug. 30, 2000. Moved to 20 CSR 2193-1.010, effective Aug. 28, 2006. Amended: Filed Dec. 15, 2006.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Interior Design Council, PO Box 1335, Jefferson City, MO 65102-1335 or via email at intdesn@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2193—Interior Design Council
Chapter 1—General Rules**

PROPOSED AMENDMENT

20 CSR 2193-1.020 General Organization. The board is requesting to amend sections (1), (2), and (4).

PURPOSE: This amendment implements SB 1122 of the 92nd General Assembly (2004).

(1) The division and the council, in collaboration with each other, will, for the health, safety and welfare of the inhabitants of this state, regulate the use of the title “registered *[commercial]* interior designer/s/”; protect against the unlawful use of the title “registered

[commercial] interior designer/s/”; and implement and sustain a system for the regulation of the use of the title “registered *[commercial]* interior designer/s/.”

(2) *[The council shall meet at least twice a year or as frequently as the chairperson, council, or division requires.]* Annually, the council shall elect a chairperson and vice-chairperson by a majority of *[board]* council member votes and in the absence of the chairperson the vice-chairperson shall preside. All notices of meetings shall be posted in compliance with Chapter 610, RSMo.

(4) Council meetings *[will]* **shall** consist of performing the business of regulating the use of the title “registered *[commercial]* interior designer” including, but not limited to, establishing requirements for issuance and renewal of registration; reviewing applications; interviewing applicants; investigating complaints and inquiries; reviewing and approving continued competency requirements; and determining disciplinary actions.

AUTHORITY: sections 324.406, 324.412 and 324.436, RSMo [Supp. 1999] 2000. This rule originally filed as 4 CSR 193-1.020. Original rule filed Feb. 25, 2000, effective Aug. 30, 2000. Moved to 20 CSR 2193-1.020, effective Aug. 28, 2006. Amended: Filed Dec. 15, 2006.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Interior Design Council, PO Box 1335, Jefferson City, MO 65102-1335 or via email at intdesn@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2193—Interior Design Council
Chapter 2—Registration Requirements**

PROPOSED AMENDMENT

20 CSR 2193-2.010 Application. The board is requesting to amend sections (1), (2) and (3).

PURPOSE: This amendment implements SB 1122 of the 92nd General Assembly (2004) and SB 749 of the 93rd General Assembly (2006).

(1) An applicant may apply for registration as a “registered *[commercial]* interior designer” by submitting the required application fee and the following information and documents to the council:

(A) Fully completed application on forms prescribed by the division, including the following:

1. Verification of experience from “*[five] two (2)* client references.” Each client reference shall verify *[commercial]* interior design experience of the applicant;

2. Verification of experience by “business or employment verifications.” Business and employment verifications shall verify diversified and appropriate interior design experience of the applicant within each year of qualifying experience; and

3. Verification of experience from “*[five] three (3)* industry

references.” Industry references shall be obtained from industry vendors, contractors and other [commercial] design professionals, and shall verify [commercial] interior design experience of the applicant;

(2) The application [must] shall be typewritten or printed and signed by the applicant before a notary.

(3) If after review of the application the [council] division decides the evidence provided is inadequate to establish the applicant’s qualifications for registration, the applicant shall provide further information as is requested by the council.

AUTHORITY: sections 324.409 and 324.415, RSMo Supp. 2006 and 324.412, RSMo [Supp. 1999] 2000. This rule originally filed as 4 CSR 193-2.010. Original rule filed Feb. 25, 2000, effective Aug. 30, 2000. Moved to 20 CSR 2193-2.010, effective Aug. 28, 2006. Amended: Filed Dec. 15, 2006.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Interior Design Council, PO Box 1335, Jefferson City, MO 65102-1335 or via email at intdesn@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2193—Interior Design Council
Chapter 2—Registration Requirements**

PROPOSED AMENDMENT

20 CSR 2193-2.040 Reciprocity/Waiver of Examination. The board is requesting to amend sections (1) and (2).

PURPOSE: This amendment implements SB 1122 of the 92nd General Assembly (2004) and SB 749 of the 93rd General Assembly (2006).

(1) A person licensed or registered in another state or territory of the United States or foreign country may apply for registration without examination by submitting or causing to be submitted the following:

(A) Fully completed application on forms prescribed by the division, including the following:

1. Verification of experience from “[five] two (2) client references.” Each client reference shall verify [commercial] interior design experience of the applicant;

2. Verification of experience by “business or employment verifications.” Business and employment verifications shall verify diversified and appropriate interior design experience of the applicant within each year of qualifying experience; and

3. Verification of experience from “[five] three (3) industry references.” Industry references shall be obtained from industry vendors, contractors and other [commercial] design professionals, and shall verify [commercial] interior design experience of the applicant;

(2) The application [must] shall be typewritten or printed and signed by the applicant before a notary.

AUTHORITY: sections 324.409, 324.415 and 324.421, RSMo Supp. 2006 and 324.412, RSMo [Supp. 1999] 2000. This rule originally filed as 4 CSR 193-2.040. Original rule filed Feb. 25, 2000, effective Aug. 30, 2000. Moved to 20 CSR 2193-2.040, effective Aug. 28, 2006. Amended: Filed Dec. 15, 2006.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Interior Design Council, PO Box 1335, Jefferson City, MO 65102-1335 or via email at intdesn@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2193—Interior Design Council
Chapter 3—Registration and Renewal**

PROPOSED AMENDMENT

20 CSR 2193-3.010 Original Registration—Form and Content. The board is requesting to amend section (1).

PURPOSE: This amendment implements SB 1122 of the 92nd General Assembly (2004).

(1) After verification by the council that an applicant has complied with the requirements for registration as a “registered [commercial] interior designer” and has paid the required fee, the council shall issue to each registrant a certificate of registration in a form as shall be prescribed by the division. The certificate of registration shall show the name of the registrant and the registration number assigned by the division. Each certificate of registration shall have imprinted on it the state seal and, in addition, shall contain other matters as shall be prescribed by the council/division.

AUTHORITY: sections 324.409, RSMo Supp. 2006 and 324.412, RSMo [Supp. 1999] 2000. This rule originally filed as 4 CSR 193-3.010. Original rule filed Feb. 25, 2000, effective Aug. 30, 2000. Moved to 20 CSR 2193-3.010, effective Aug. 28, 2006. Amended: Filed Dec. 15, 2006.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Interior Design Council, PO Box 1335, Jefferson City, MO 65102-1335 or via email at intdesn@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2193—Interior Design Council
Chapter 3—Registration and Renewal**

PROPOSED AMENDMENT

20 CSR 2193-3.020 Renewal. The board is requesting to amend section (1), subsection (2)(C) and sections (3), (4) and (5).

PURPOSE: Pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration, Title 20. Therefore, the title of the department is being amended. This amendment also implements SB 1122 of the 92nd General Assembly (2004).

(1) The registration renewal date for registered *[commercial]* interior designers shall be August 31 of each even-numbered year.

(2) A registrant shall submit to the council on or before the registration renewal date the following:

(C) Proof of current completion of continuing education in *[commercial]* interior design or architecture as required by section 324.418.2, RSMo, and *[4 CSR 193-5.010]* **20 CSR 2193-5.010**.

(3) Any registrant who fails to complete continuing education requirements *[will]* **shall** not be eligible for registration renewal.

(4) The registration of a “registered *[commercial]* interior designer,” which is not renewed within three (3) months after the renewal date, shall be suspended automatically.

(5) The registrant has the right to reinstate the suspended certificate of registration within nine (9) months of the date of suspension. In order to reinstate the suspended registration, the registrant *[must]* **shall** submit the required reinstatement fee, as well as the other items set forth in section (2) of this rule.

AUTHORITY: sections 324.412, RSMo 2000 and 324.418, RSMo Supp. [1999] 2006. This rule originally filed as 4 CSR 193-3.020. Original rule filed Feb. 25, 2000, effective Aug. 30, 2000. Moved to 20 CSR 2193-3.020, effective Aug. 28, 2006. Amended: Filed Dec. 15, 2006.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Interior Design Council, PO Box 1335, Jefferson City, MO 65102-1335 or via email at intdesn@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2193—Interior Design Council
Chapter 5—Continuing Education**

PROPOSED AMENDMENT

20 CSR 2193-5.010 Requirements. The board is requesting to amend sections (1) and (3).

PURPOSE: This amendment implements SB 1122 of the 92nd General Assembly (2004).

(1) Approved or verifiable continuing education in *[commercial]* interior design shall be courses approved by the Interior Design Continuing Education Council (IDCEC) or by the Interior Design Council.

(3) A registrant shall provide verification of completion of continuing education during the prior registration period by affidavit on a form provided by the council at the time of renewal. The affidavit *[must]* **shall** contain a truthful statement of courses approved by the council and taken by the registrant. Registrants shall maintain their evidence of course participation or course completion certificates/transcripts for a period of five (5) years from the date the registrant’s application for renewal and affidavit of continuing education was submitted to the council. Such evidence *[must]* **shall** be submitted upon request by the council.

AUTHORITY: sections 324.412, RSMo 2000 and 324.418, RSMo Supp. [1999] 2006. This rule originally filed as 4 CSR 193-5.010. Original rule filed Feb. 25, 2000, effective Aug. 30, 2000. Moved to 20 CSR 2193-5.010, effective Aug. 28, 2006. Amended: Filed Dec. 15, 2006.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Interior Design Council, PO Box 1335, Jefferson City, MO 65102-1335 or via email at intdesn@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2235—State Committee of Psychologists
Chapter 1—General Rules**

PROPOSED AMENDMENT

20 CSR 2235-1.015 Definitions. The board proposes to amend sections (5) and (9).

PURPOSE: This amendment requires an applicant to remain under supervision of a licensed psychologist after completing their post-doctoral training.

(5) Psychological assistant. A person who has received formal approval by the committee as having met the educational and post-degree professional experience requirements but has not yet met the examination requirements for licensure as a psychologist *[and who is engaged in post-degree supervised professional experience]*. **A psychological assistant must practice under the supervision of a licensed psychologist.**

(9) Psychological health service provider. A licensed psychologist who possesses health service provider certification through relevant

education, training and experience as defined in [4 CSR 235-3.020(3)(A)] **20 CSR 2235-3.020(3)(A)** in the delivery of psychological health services and who provides psychological health services as defined in section (8).

AUTHORITY: sections [337.010,] **337.030.3, RSMo Supp. 2006** and **337.050.9, RSMo [Supp. 1998] 2000**. This rule was originally filed as 4 CSR 235-1.015. Original rule filed July 2, 1991, effective Feb. 6, 1992. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Dec. 15, 2006.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Missouri State Committee of Psychologists, Pam Groose, Executive Director, PO Box 1335, Jefferson City, MO 65102-0613, by facsimile at (573) 526-0661 or via email to scop@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2235—State Committee of Psychologists
Chapter 1—General Rules**

PROPOSED AMENDMENT

20 CSR 2235-1.050 Renewal of License. The board proposes to amend sections (3) and (4).

PURPOSE: This amendment implements a biennial renewal.

(3) Any licensee who fails to renew his/her license by January 31 of each [calendar] **even-numbered** year and, within two (2) years of the registration renewal date, wishes to restore his/her license, shall pay [an annual] **the** delinquency fee for each year the license is delinquent in addition to the [annual] renewal fee.

(4) Licensees who request to be classified as inactive pursuant to section 337.030.5, RSMo, may maintain their inactive status and receive a license indicating their inactive status by paying the inactive license renewal fee as provided in [4 CSR 235-1.020] **20 CSR 2235-1.020**. Holders of an inactive license need not complete the continuing education requirement. However, a holder of an inactive license shall not have his/her license reactivated until [s/he] **he/she** pays the required reactivation fee, and in addition, submits proof of having completed forty (40) continuing education hours within the two (2) years immediately prior to the date of reactivation. If a holder of an inactive license reactivates at the time of renewal, the licensee shall only be required to pay the renewal fee, an in addition, submit proof of having completed forty (40) continuing education hours within the two (2) years immediately prior to the date of reactivation.

AUTHORITY: sections 337.030, RSMo Supp. [2003] **2006** and **337.050, RSMo 2000**. This rule originally filed as 4 CSR 235-1.050. Original rule filed Aug. 11, 1983, effective Dec. 11, 1983. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Dec. 15, 2006.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Missouri State Committee of Psychologists, Pam Groose, Executive Director, PO Box 1335, Jefferson City, MO 65102-0613, by facsimile at (573) 526-0661 or via email to scop@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2235—State Committee of Psychologists
Chapter 1—General Rules**

PROPOSED AMENDMENT

20 CSR 2235-1.063 Replacement of Annual Registration Certificates and Original Wall-Hanging Licenses. The board proposes to amend sections (1) and (2).

PURPOSE: This proposed amendment allows the psychologist to provide documentation for a name change without having to have documents notarized.

(1) Licensees whose renewal registration certificates are lost, destroyed or mutilated or require replacement as a result of an incorrect address or name change, or who require additional certificates for additional practice locations may obtain a duplicate certificate, without charge, upon receipt of a [notarized] statement indicating the need for the duplicate.

(2) Licensees whose original wall-hanging license is lost, destroyed or mutilated or require[s] replacement as a result of a name change may be replaced upon submission of the following:

(A) Return of the original wall-hanging license or a notarized affidavit indicating the reason for the replacement and statement that the license has been lost, destroyed or is no longer in the possession of the licensee and that if the lost license is recovered it [will] **shall** be forwarded to the committee immediately;

[[B]] A notarized copy of the court document indicating the name change, if applicable;]

[[C]] (B) A recent photograph of the licensee, if requested; and

[[D]] (C) The nonrefundable replacement fee.

AUTHORITY: section[s] **337.030.3 and] 337.050.9, RSMo [Supp. 1998] 2000**. This rule originally filed as 4 CSR 235-1.063. Original rule filed July 2, 1991, effective Feb. 6, 1992. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Dec. 15, 2006.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with

Missouri State Committee of Psychologists, Pam Groose, Executive Director, PO Box 1335, Jefferson City, MO 65102-0613, by facsimile at (573) 526-0661 or via e-mail to scop@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2263—State Committee for Social Workers
Chapter 2—Licensure Requirements**

PROPOSED AMENDMENT

20 CSR 2263-2.032 Registration of Supervised Social Work Experience. The committee is requesting to amend section (1) and subsections (3)(A), (3)(C) and (3)(D) and add subsection (3)(E).

PURPOSE: The amendment will allow the board to conduct background checks.

(1) Supervised social work experience shall be registered for approval by the committee within thirty (30) days of the beginning of supervision. This will ensure that the supervision is acceptable to the committee prior to applying for licensure. In the event the applicant fails to pre-approve their supervisor(s), or are applying through reciprocity, the committee at its discretion[,] may review the supervision for compliance and consideration of licensure.

(3) The applicant for registration of supervision shall—

(A) Have an official transcript of [his/her] the social work education sent directly from the educational institution(s) to the committee;

(C) Submit a copy of a contract negotiated between the applicant and the proposed supervisor. However, should the contract be terminated before the completion of the minimum hours required, the supervisee is responsible for negotiating a new contract and obtaining all evaluation and termination forms required to document prior supervision. Such a contract shall not be valid if the supervisor and supervisee have a relationship that could affect the employment or benefits of the supervisor, and the relationship could in any way, bias or compromise the supervisor's evaluation of the supervisee; [and]

(D) Pay the one (1) time registration of supervision fee as prescribed by the committee.; and

(E) **Submit proof of submission of fingerprints to the Missouri State Highway Patrol's approved vendor for both a Missouri State Highway Patrol and Federal Bureau of Investigation fingerprint background check. Any fees due for fingerprint background checks shall be paid by the applicant directly to the Missouri Highway Patrol or its approved vendor. All fees are nonrefundable.**

AUTHORITY: sections 337.600, 337.612, 337.615, 337.650, 337.665 and 337.677, RSMo Supp. [2003] 2006 and 337.627, RSMo 2000. This rule originally filed as 4 CSR 263-2.032. Original rule filed Sept. 18, 1990, effective Feb. 14, 1991. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Dec. 15, 2006.

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

PRIVATE COST: This proposed amendment will cost private entities approximately ten thousand one hundred ninety dollars (\$10,190) annually for the life of the rule. It is anticipated that the costs will

recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Committee for Social Workers, Attention: Vanessa Beauchamp, PO Box 1335, Jefferson City, MO 65102, by faxing (573) 526-3489 or via email at lcs@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2263 - State Committee for Social Workers
Chapter 2 - General Rules
Proposed Amendment - 20 CSR 2263-2.032 Registration of Supervised Social Work Experience
 Prepared November 10, 2006

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated annual cost of compliance with the amendment by affected entities:
200	Applicants (fingerprinting fees - \$50.95)	\$10,190
Estimated Annual Cost of Compliance for the Life of the Rule		\$10,190

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The fees estimated above are paid directly Identix, the Missouri Highway Patrol's current vendor. Applicants are required to schedule an appointment with Identix to be fingerprinted. Due to the varying locations of the Identix office and the location of the application, costs were not calculated in this fiscal note for travel expenses. However, should an applicant choose to submit a fingerprinting card directly to the Missouri State Highway Patrol the costs may vary.
2. The fingerprinting processing fee is a pass through fee that does not effect the board's fund. The board estimates the Missouri Highway Patrol's vendor will receive the estimated amount above annually for the life of the rule.
3. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2263—State Committee for Social Workers
Chapter 2—Licensure Requirements**

PROPOSED AMENDMENT

20 CSR 2263-2.050 Application for Licensure as a Clinical Social Worker. The committee is requesting to amend section (2) and subsections (3)(C)-(3)(F).

PURPOSE: The amendment will allow the board to conduct background checks.

(2) An application for licensure is not considered officially filed with the committee until it has been determined by the committee or division staff to be complete and the application is submitted on the form(s) provided by the committee. The application *[must]* **shall** be typewritten or printed legibly in black ink, signed, notarized and accompanied by the application fee as set forth in the rules promulgated by the committee.

(3) The following documents *[must]* **shall** be on file for an application to be considered complete and officially filed:

(C) Completed Attestation of Clinical Supervision form(s) sent directly from the attesting supervisor(s); *[and]*

(D) Verification of a passing score as determined by the committee on the clinical examination administered by the Association of Social Work Boards (ASWB). Verification of score(s) *[must]* **shall** be sent directly to the committee office by the *[[ASWB]].*; **and**

(E) Proof of submission of fingerprints to the Missouri State Highway Patrol's approved vendor for both a Missouri State Highway Patrol and Federal Bureau of Investigation fingerprint background check. Any fees due for fingerprint background checks shall be paid by the applicant directly to the Missouri Highway Patrol or its approved vendor. All fees are nonrefundable.

[(E)](F) An applicant for licensure who answers "yes" to any question in the application which relates to possible grounds for denial of licensure under section 337.630, RSMo, shall submit a sworn affidavit setting forth in detail the facts that explain the answer and shall submit copies of appropriate documents related to that answer, if requested by the committee, which shall include but is not limited to the following:

1. Certified copies of final orders/judgments;
2. If no final order—Certified copy of clerk's docket sheet and copy of complaint; and
3. If criminal conviction—A certified copy of final order and sentence or commutation of sentence.

AUTHORITY: sections 337.627 and 337.630, RSMo 2000 and 337.600, 337.612, and 337.615, RSMo Supp. [2001] 2006. This rule originally filed as 4 CSR 263-2.050. Original rule filed Sept. 18, 1990, effective Feb. 14, 1991. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Dec. 15, 2006.

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

PRIVATE COST: This proposed amendment will cost private entities approximately twelve thousand four hundred eighty-three dollars (\$12,483) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Committee for Social Workers, Attention: Vanessa Beauchamp, PO Box 1335, Jefferson City, MO 65102, by faxing (573) 526-3489 or via email at lcsww@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2263 - State Committee for Social Workers
Chapter 2 - General Rules
Proposed Amendment - 20 CSR 2263-2.050 Application for Licensure as a Clinical Social Worker
 Prepared November 10, 2006

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated annual cost of compliance with the amendment by affected entities:
245	Applicants (fingerprinting fees - \$50.95)	\$12,483
Estimated Annual Cost of Compliance for the Life of the Rule		\$12,483

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The fees estimated above are paid directly Identix, the Missouri Highway Patrol's current vendor. Applicants are required to schedule an appointment with Identix to be fingerprinted. Due to the varying locations of the Identix office and the location of the application, costs were not calculated in this fiscal note for travel expenses. However, should an applicant choose to submit a fingerprinting card directly to the Missouri State Highway Patrol the costs may vary.
2. The fingerprinting processing fee is a pass through fee that does not effect the board's fund. The board estimates the Missouri Highway Patrol's vendor will receive the estimated amount above annually for the life of the rule.
3. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2263—State Committee for Social Workers
Chapter 2—Licensure Requirements**

Committee for Social Workers, Attention: Vanessa Beauchamp, PO Box 1335, Jefferson City, MO 65102, by faxing (573) 526-3489 or via email at lcsww@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

PROPOSED AMENDMENT

20 CSR 2263-2.052 Application for Licensure as a Licensed Baccalaureate Social Worker. The committee is requesting to amend section (2) and subsections (3)(D), (3)(E) and (3)(F).

PURPOSE: The amendment will allow the board to conduct background checks.

(2) An application for licensure is not considered officially filed with the committee until it has been determined by the committee or division staff to be complete and the application is submitted on the form(s) provided by the committee. The application *[must]* shall be typewritten or printed legibly in black ink, signed, notarized and accompanied by the application fee as set forth in the rules promulgated by the committee.

(3) The following documents *[must]* shall be on file for an application to be considered complete and officially filed:

(D) Verification of a passing score as determined by the committee on the basic examination or higher examination administered by the Association of Social Work Boards (ASWB). Verification of score(s) *[must]* shall be sent directly to the committee office by the ASWB; and

(E) **Proof of submission of fingerprints to the Missouri State Highway Patrol's approved vendor for both a Missouri State Highway Patrol and Federal Bureau of Investigation fingerprint background check. Any fees due for fingerprint background checks shall be paid by the applicant directly to the Missouri Highway Patrol or its approved vendor. All fees are nonrefundable.**

[(E)] (F) An applicant for licensure who answers "yes" to any question in the application which relates to possible grounds for denial of licensure under section 337.680, RSMo, shall submit a sworn affidavit setting forth in detail the facts that explain the answer and shall submit copies of appropriate documents related to that answer, if requested by the committee, which shall include but is not limited to the following:

1. Certified copies of final orders/judgments;
2. If no final order—Certified copy of clerk's docket sheet and copy of complaint; and
3. If criminal conviction—A certified copy of final order and sentence or commutation of sentence.

AUTHORITY: sections 337.665 and 337.677.1, RSMo Supp. [2001] **2006.** This rule originally filed as 4 CSR 263-2.052. Original rule filed Oct. 30, 2002, effective June 30, 2003. Moved to 20 CSR 2263-2.052, effective Aug. 28, 2006. Amended: Filed Dec. 15, 2006.

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

PRIVATE COST: This proposed amendment will cost private entities approximately one hundred one dollar and ninety cents (\$101.90) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2263 - State Committee for Social Workers

Chapter 2 - General Rules

Proposed Amendment - 20 CSR 2263-2.052 Application for Licensure as a Licensed Baccalaureate Social Worker

Prepared November 10, 2006

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated annual cost of compliance with the amendment by affected entities:
2	Applicants (fingerprinting fees - \$50.95)	\$101.90
Estimated Annual Cost of Compliance for the Life of the Rule		\$101.90

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The fees estimated above are paid directly Identix, the Missouri Highway Patrol's current vendor. Applicants are required to schedule an appointment with Identix to be fingerprinted. Due to the varying locations of the Identix office and the location of the application, costs were not calculated in this fiscal note for travel expenses. However, should an applicant choose to submit a fingerprinting card directly to the Missouri State Highway Patrol the costs may vary.
2. The fingerprinting processing fee is a pass through fee that does not effect the board's fund. The board estimates the Missouri Highway Patrol's vendor will receive the estimated amount above annually for the life of the rule.
3. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2263—State Committee for Social Workers
Chapter 2—Licensure Requirements**

PROPOSED AMENDMENT

20 CSR 2263-2.060 Licensure by Reciprocity as a Licensed Clinical Social Worker. The committee is requesting to amend paragraph (1)(C)1. and add subsection (1)(D).

PURPOSE: The amendment will allow the board to conduct background checks.

(1) The committee may issue a license by reciprocity to individuals who meet the licensure requirements as set forth in the rules promulgated by the committee and provide the following:

(C) Verification form provided by the committee to be completed by the regulatory entity verifying that the individual holds a valid, unrevoked, undisciplined, unrestricted, unexpired license as a clinical social worker in that state, territory, province or country whose licensing or certification requirements at the time the application is submitted to the committee are substantially similar to those in Missouri, at the time the application for reciprocity is submitted to the committee. The applicant has the burden of providing the information necessary for determination of this issue.

1. The applicant for licensure by reciprocity shall furnish to the committee true and accurate copies of the licensure law from the state in which *[s/he] he/she* is licensed and/or certified*[/]*;

(D) Proof of submission of fingerprints to the Missouri State Highway Patrol's approved vendor for both a Missouri State Highway Patrol and Federal Bureau of Investigation fingerprint background check. Any fees due for fingerprint background checks shall be paid by the applicant directly to the Missouri Highway Patrol or its approved vendor. All fees are nonrefundable.

AUTHORITY: sections 337.600, 337.612 and 337.615, RSMo Supp. [2003] 2006 and 337.627 and 337.630, RSMo 2000. This rule originally filed as 4 CSR 263-2.060. Original rule filed Sept. 18, 1990, effective Feb. 14, 1991. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Dec. 15, 2006.

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

PRIVATE COST: This proposed amendment will cost private entities approximately three thousand one hundred fifty-eight dollars and ninety cents (\$3,158.90) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Committee for Social Workers, Attention: Vanessa Beauchamp, PO Box 1335, Jefferson City, MO 65102, by faxing (573) 526-3489 or via email at lcsw@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2263 - State Committee for Social Workers

Chapter 2 - General Rules

Proposed Amendment - 20 CSR 2263-2.060 Licensure by Reciprocity as a Licensed Clinical Social Worker

Chapter: 3 - Seals

Prepared November 10, 2006

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated annual cost of compliance with the amendment by affected entities:
62	Applicants (fingerprinting fees - \$50.95)	\$3,158.90
Estimated Annual Cost of Compliance for the Life of the Rule		\$3,158.90

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The fees estimated above are paid directly Identix, the Missouri Highway Patrol's current vendor. Applicants are required to schedule an appointment with Identix to be fingerprinted. Due to the varying locations of the
2. The fingerprinting processing fee is a pass through fee that does not effect the board's fund. The board estimates the Missouri Highway Patrol's vendor will receive the estimated amount above annually for the life
3. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2263—State Committee for Social Workers
Chapter 2—Licensure Requirements**

PROPOSED AMENDMENT

20 CSR 2263-2.062 Licensure by Reciprocity as a Licensed Baccalaureate Social Worker. The committee is requesting to amend paragraph (1)(C)1. and add subsection (1)(D).

PURPOSE: The amendment will allow the board to conduct background checks.

(1) The committee may issue a license by reciprocity to individuals who meet the licensure requirements as set forth in the rules promulgated by the committee and provide the following:

(C) Verification form provided by the committee to be completed by the regulatory entity verifying that the individual holds a valid, unrevoked, undisciplined, unrestricted, unexpired license as a baccalaureate social worker in that state, territory, province or country whose licensing or certification requirements at the time the application is submitted to the committee are substantially similar to those in Missouri, at the time the application for reciprocity is submitted to the committee. The applicant has the burden of providing the information necessary for determination of this issue.

1. The applicant for licensure by reciprocity shall furnish to the committee true and accurate copies of the licensure law from the state in which *[s/he] he/she* is licensed and/or certified~~].~~;

(D) Proof of submission of fingerprints to the Missouri State Highway Patrol's approved vendor for both a Missouri State Highway Patrol and Federal Bureau of Investigation fingerprint background check. Any fees due for fingerprint background checks shall be paid by the applicant directly to the Missouri Highway Patrol or its approved vendor. All fees are nonrefundable.

AUTHORITY: sections 337.650, 337.665 and 337.677.1, RSMo Supp. [2003] 2006. This rule originally filed as 4 CSR 263-2.062. Original rule filed Oct. 30, 2002, effective June 30, 2003. Amended: Filed March 15, 2004, effective Sept. 30, 2004. Moved to 20 CSR 2263-2.062, effective Aug. 28, 2006. Amended: Filed Dec. 15, 2006.

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

PRIVATE COST: This proposed amendment will cost private entities approximately fifty dollars and ninety-five cents (\$50.95) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Committee for Social Workers, Attention: Vanessa Beauchamp, PO Box 1335, Jefferson City, MO 65102, by faxing (573) 526-3489 or via email at lcsww@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.*

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2263 - State Committee for Social Workers

Chapter 2 - General Rules

Proposed Amendment - 20 CSR 2263-2.062 Licensure by Reciprocity as a Licensed Baccalaureate Social Worker

Prepared November 10, 2006

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated annual cost of compliance with the amendment by affected entities:
1	Applicants (fingerprinting fees - \$50.95)	\$50.95
Estimated Annual Cost of Compliance for the Life of the Rule		\$50.95

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The fees estimated above are paid directly Identix, the Missouri Highway Patrol's current vendor. Applicants are required to schedule an appointment with Identix to be fingerprinted. Due to the varying locations of the Identix office and the location of the application, costs were not calculated in this fiscal note for travel expenses. However, should an applicant choose to submit a fingerprinting card directly to the Missouri State Highway Patrol the costs may vary.
2. The fingerprinting processing fee is a pass through fee that does not effect the board's fund. The board estimates the Missouri Highway Patrol's vendor will receive the estimated amount above annually for the life of the rule.
3. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 4—Wildlife Code: General Provisions**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-4.117 Prohibited Species is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1703). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 4—Wildlife Code: General Provisions**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-4.145 Preparing and Serving Wildlife is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1703). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-5.310 Resident Lifetime Conservation Partner Permit is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1704). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-5.315 Resident Lifetime Fishing Permit is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1704). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-5.320 Resident Lifetime Small Game Hunting Permit is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1704). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-5.330 Resident Small Game Hunting and Fishing Permit is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1705). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-5.351 Resident Firearms Any-Deer Hunting Permit is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1705). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-5.352 Resident Firearms Antlerless Deer Hunting Permit is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1705). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-5.375 Resident Cable Restraint Permit is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1705-1708). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-5.440 Daily Fishing Permit is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1709-1710). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-5.460 Licensed Hunting Preserve Hunting Permit is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1711). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-5.465 Three-Day Licensed Hunting Preserve Hunting Permit **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1711). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-5.540 Nonresident Fishing Permit **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1711-1712). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-5.545 Nonresident Small Game Hunting Permit **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1713-1714). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-5.551 Nonresident Firearms Any-Deer Hunting Permit **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1715-1716). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-5.552 Nonresident Firearms Antlerless Deer Hunting Permit **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1717). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-5.554 Nonresident Archery Antlerless Deer Hunting Permit **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1717). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-5.559 Nonresident Managed Deer Hunting Permit **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1717-1718). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-5.560 Nonresident Archer's Hunting Permit **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1719-1720). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-5.565 Nonresident Turkey Hunting Permits **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1721-1722). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-5.570 Nonresident Furbearer Hunting and Trapping Permit **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1723-1724). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-5.576 Nonresident Landowner Firearms Any-Deer Hunting Permit **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1725). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-6.405 General Provisions **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1725). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-6.410 Fishing Methods is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1725). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-6.505 Black Bass is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1726). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-6.510 Channel Catfish, Blue Catfish, Flathead
Catfish is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1726). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-6.515 Crappie is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1726–1727). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-6.520 Muskellunge, Northern Pike, Grass Pickerel,
Chain Pickerel is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1727). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-6.525 Paddlefish is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1727). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-6.530 Rock Bass (goggle-eye) and Warmouth
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1727). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-6.533 Shovelnose Sturgeon is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1727-1728). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-6.535 Trout is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1728). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-6.540 Walleye and Sauger is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1728). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-6.545 White Bass, Yellow Bass, Striped Bass
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1728-1729). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-6.550 Other Fish is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1729). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons, Methods, Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-6.605 Live Bait is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1729). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.410 Hunting Methods is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1729-1730). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.415 Quail: Seasons, Limits is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1730). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.430 Pheasants: Seasons, Limits is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1730-1731). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.450 Furbearers: Hunting Seasons, Methods is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1731). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 8—Wildlife Code: Trapping: Seasons, Methods, Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-8.510 Use of Traps is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1731-1732). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 8—Wildlife Code: Trapping: Seasons, Methods**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-8.515 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1732-1733). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

EXPLANATION OF CHANGE: Season dates changes for subsection (2)(B) were inadvertently left out of the proposed amendment. Establishing seasons and limits for taking furbearers is excepted by section 536.021, RSMo from the requirement for filing as a proposed amendment.

3 CSR 10-8.515 Furbearers: Trapping Seasons

(2) Otters and muskrats may be taken by trapping during specified seasons and in specified limits described below:

(B) Otters and muskrat may be taken in any numbers from November 15 through February 20 in Otter Management Zone E, described as:

1. Otter Management Zone E—That portion of south Missouri east and south of a line running north from the Arkansas border on Mo. Hwy. 37 to U.S. Hwy. 60; east on U.S. Hwy. 60 to Mo. Hwy. 39; north on Mo. Hwy. 39 to Interstate Hwy. 44; east on Interstate Hwy. 44 to U.S. Hwy. 65; east of a line running north on U.S. Hwy. 65 to Interstate Hwy. 70; south of a line running east on Interstate Hwy. 70 to the north bank of the Missouri River; east on the Missouri River to U.S. Hwy 63; south on U.S. Hwy. 63 to Mo. Hwy. 68; south on Mo. Hwy. 68 to Mo. Hwy. 32; and south of a line comprised of Mo. Hwy. 32 to U.S. Hwy. 67; south on U.S. Hwy. 67 to Mo. Hwy. 32; east on Mo. Hwy. 32 to St. Francois County Hwy. OO; south on St. Francois County Hwy. OO to St. Francois County Hwy. T; east on St. Francois County Hwy. T to Mo. Hwy. 51; and south and east of Mo. Hwy. 51 to the Illinois line.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-9.105 General Provisions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1733-1736). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-9.110 General Prohibition; Applications
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1737). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-9.220 Wildlife Confinement Standards
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1737-1739). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-9.351 Class II Wildlife Breeder Permit is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1739). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-9.359 Class I and Class II Wildlife Breeder:
Records Required is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1741). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-9.425 Wildlife Collector's Permit is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1741). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-9.560 Licensed Hunting Preserve Permit
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1741-1742). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-9.627 Dog Training Area Permit is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1743-1744). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits:
Seasons, Methods, Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-10.725 Commercial Fishing: Seasons, Methods
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1744). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits:
Seasons, Methods, Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission adopts a rule as follows:

3 CSR 10-10.735 Sale of Live Bait is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1744-1745). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-11.140 Camping is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1745-1746). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-11.160 Use of Boats and Motors is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1746-1747). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-11.180 Hunting, General Provisions and Seasons
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1748-1751). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-11.200 Fishing, General Provisions and Seasons
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1751). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-11.205 Fishing, Methods and Hours is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1751-1752). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-11.210 Fishing, Daily and Possession Limits
is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1752). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-11.215 Fishing, Length Limits **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1752-1753). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-12.109 Closed Hours **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1753). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-12.115 Bullfrogs and Green Frogs **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1753). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-12.130 Fishing, General Provisions and Seasons
is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1754). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-12.145 Fishing, Length Limits **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1754). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-12.155 Fishing, Stone Mill Spring Branch
is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1754-1755). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 20—Wildlife Code: Definitions

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-20.805 Definitions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1755-1757). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 50—Division of Workers' Compensation
Chapter 2—Procedure

ORDER OF RULEMAKING

By the authority vested in the Division of Workers' Compensation under section 287.650, RSMo 2000, the division amends a rule as follows:

8 CSR 50-2.030 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15, 2006, (31 MoReg 1417-1421). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The division received five (5) comments jointly submitted by the Missouri Merchants and Manufacturing Association, Missouri Insurance Coalition, Missouri Self Insured Association, Missouri United School Insurance Company (MUSIC), Missouri Intergovernmental Risk Management Association (MIRMA), Missouri Employers Mutual, GENEX Services, Inc., HealthLink/Comp Management, CCMSI, Liberty Mutual Group, hereinafter collectively referred to as "business representatives."

COMMENT: The business representatives state that in medical fee disputes the phrase "fair and reasonable" applies to services rendered such as number of procedures, types of procedures and relatedness to cure the injury. For medical fee disputes regarding "costs" the

statute provides for "usual and customary" which is a standard for fee reimbursement in a geographic area. Wherever "fair and reasonableness" is used, reference should be made to "usual and customary."

RESPONSE AND EXPLANATION OF CHANGE: Upon reviewing the rule language relating to this comment, the division made a change to subparagraph (1)(H)1.C. and paragraph (1)(H)2. consistent with section 287.140.3, RSMo.

COMMENT: The business representatives state that the division lacks statutory authority to limit discovery with respect to the reasonableness disputes under one thousand dollars (\$1,000). The business representatives believe that if discovery is not allowed on disputes that are under one thousand dollars (\$1,000) the employer/insurer will not be able to prove that the amount billed by the health care provider is usual and customary. In addition, employers/insurers will choose to pay less and health care providers will increase their billing invoices. This may cause an increase in appeals defeating the division's goal of expediting the fee disputes procedure and eliminating back logs.

RESPONSE: The Missouri General Assembly has authorized the division to promulgate rules establishing the methods to resolve disputes concerning the reasonableness of medical charges, services or aids. See section 287.140 (3) and (4), RSMo. The procedures that the division establishes for governing fee disputes between the employers and health care providers are in lieu of any other administrative procedures under Chapter 287, RSMo. The division believes that it has the statutory authority to define through rules the procedures governing the resolution of the medical fees, services and charges. The division believes that the proposed amendments that are applicable to reasonableness disputes under one thousand dollars (\$1,000) allows both the health care provider and the employer/insurer to submit documentation to the division as set forth in subsection (1)(H). This list is not exhaustive and will not prohibit the business representatives from submitting documentation to prove that the amount billed by the health care provider is usual and customary. The division believes that lengthy discovery between the parties for an administrative ruling would defeat the purpose of expeditiously resolving disputes that are under one thousand dollars (\$1,000). The comments relating to employers paying less money to the health care providers or the health care providers inflating the charges to circumvent the administrative ruling procedures are speculative at best. The division agrees with the business representatives that the ultimate goal is to expedite the fee dispute procedures and eliminate backlogs. The division makes no change to the text of the proposed rule as a result of this comment.

COMMENT: The business representatives state that the term "work-related" as used in the text of the rule should be changed to "compensable."

RESPONSE: Section 287.140.13(6), RSMo which governs the direct pay cases specifically refers to work-related injury that is covered by this chapter. The proposed amendments to subsections (2)(A) and (2)(F) as it relates to direct pay cases mentions the term work-related injury. Subsection (2)(H) references compensable as it permits the health care provider to pursue the responsible party for payment of the fees for medical treatment if the injury is found by award or settlement not to be compensable. This is consistent with section 287.140.13(3), RSMo that specifically references a determination of noncompensability in regard to the injury which is the basis of the services rendered by a health care provider. The division makes no change to the text of the proposed rule as a result of this comment.

COMMENT: The business representatives state that any response time, unless specifically set forth in the statutory section should be thirty (30) days and not twenty (20) days. For example, the time period for appealing the administrative ruling of the division director should be thirty days (30) and not twenty (20) days.

RESPONSE AND EXPLANATION OF CHANGE: The division amends paragraph (1)(H)5. allowing any party aggrieved by the division director's administrative ruling to file a request for an

evidentiary hearing within thirty (30) days of the date of the administrative ruling using the division-approved form.

COMMENT: The business representatives believe that the division should enforce the requirements of subsection (1)(C) by ensuring that the health care provider serves a copy of the application on the person or corporation against whom the application has been filed. If the health care provider does not comply with this section, the dispute should be rejected similar to the provisions set forth in subsection (2)(E). The business representatives through the administrative tax should not be required to pay for the division's mailing of the copy of the application to the parties.

RESPONSE: The comment can be interpreted as one that deals with the enforcement by the division of subsection (1)(C) and does not directly apply to or impact the text or content of the proposed amendment itself and therefore the division proceeds with the implementation of the rule as drafted.

In the alternative, the division believes that subsection (2)(E) governs direct pay cases which are tied to the underlying workers' compensation case. The division believes that authorization of the services by the employer or insurer may itself be a dispute that precludes the division from rejecting an application for direct pay filed by a health care provider. Subsection (2)(C) is similar to subsection (1)(C) and the division's proposed amendments require mailing of the division's acknowledgment along with the application to the parties. This is necessary as it enables the correct parties to be apprised of the Medical Fee Dispute Number assigned to the case and allows the application or dispute to be attached to the underlying injury or claim for compensation filed with the division. The division will remind the health care providers to file the proof of service with the division. If the division were to enforce the requirements of subsection (1)(C) or (2)(C) it would still be unable to administratively reject an application. The division believes that any additional mailing costs that are borne by the employer/insurer benefits all stakeholders as indicated above. The division makes no change to the text of the proposed rule as a result of this comment.

COMMENT: The division received a comment from Uhlemeyer Services, Administrators, a third-party administrator that handles claims on behalf of several self-insured employers and trusts in the state of Missouri. Uhlemeyer focuses on the statutory penalty or reductions that are taken for both the medical and indemnity benefits based upon violations for drug, alcohol or safety. Uhlemeyer believes that there will be an increase in the medical fee disputes filed by the health care providers or treating physicians based upon the penalty assessments or reductions that are taken from the medical benefits. Uhlemeyer proposes changes to section 287.120.6, RSMo.

RESPONSE: Uhlemeyer proposes a statutory change to the workers' compensation law that is beyond the scope of this rule. The division has decided to proceed with the implementation of the rule as drafted as the comment does not apply to the text or content of the proposed amendment itself.

8 CSR 50-2.030 Resolution of Medical Fee Disputes

(1) Procedures Pertaining to Applications for Payment of Additional Reimbursements (Reasonableness Disputes).

(H) If the total amount of the additional reimbursement sought is one thousand dollars (\$1,000) or less, and the parties are unable to resolve their dispute, either party may file a written request for administrative ruling which request initiates the administrative ruling procedure. All parties shall participate in the administrative ruling procedure.

1. Within ten (10) days of the receipt of the request for administrative ruling, the division director shall assign the matter to the dispute management unit for an informal summary review. The dispute management unit may require the health care provider to provide information in support of its application for payment of additional reimbursement of medical fees, such information to include, but is by no means limited to, the following:

A. Complete certified copies of itemized billing statements;
B. Complete certified copies of medical records corresponding to the itemized billing statements;

C. Affidavit from the health care provider or from health care provider's counsel stating the basis for health care provider's belief that all the medical charges are fair and reasonable and are not greater than the usual and customary fee as provided in section 287.140.3, RSMo;

D. Copy of any contracts or agreements between health care provider and employer or insurer.

2. The dispute management unit may require the employer and/or insurer to provide information in defense of the application for payment of additional reimbursement of medical fees, such information to include, but is by no means limited to, an affidavit from the employer or insurer, or counsel, stating the basis for employer/insurer's belief that the medical charges are not fair or reasonable, or that the medical charges are greater than the usual and customary fee as provided in section 287.140.3, RSMo.

3. No discovery shall be allowed.

4. Within ten (10) days of completion of its informal summary review, the dispute management unit shall make a recommendation to the division director. Within ten (10) days of the receipt of the dispute management unit's recommendation, the division director shall issue an administrative ruling in the case awarding additional reimbursement to the health care provider in an amount certain or denying additional reimbursement in full.

5. The division shall, immediately upon issuance of the administrative ruling, send a copy thereof by first-class mail to counsel for all parties and to any party not represented by counsel. In the event any party is aggrieved by the director's administrative ruling, that party must file with the division's Jefferson City office a request for evidentiary hearing within thirty (30) days of the date of the administrative ruling, using the division-approved form. In the event no request for evidentiary hearing is filed within thirty (30) days of the date of the administrative ruling, the administrative ruling shall become the final and conclusive determination in the case.

6. Upon timely filing of the request for evidentiary hearing, the division shall assign the case to the local adjudication office of proper venue for evidentiary hearing. The requesting party may withdraw its request for evidentiary hearing, with prejudice, at any time after the filing of the request and prior to the conclusion of the evidentiary hearing. The withdrawal of the request for evidentiary hearing must be in writing and must be signed by the party or counsel. The request for evidentiary hearing may not be withdrawn without prejudice. Upon withdrawal of the request for evidentiary hearing, the administrative ruling shall become the final and conclusive determination in the case.

7. The evidentiary hearing shall be a simple informal proceeding, and shall be held by an administrative law judge at a place and time to be set by the division. The rules of evidence in civil cases shall apply, except that the administrative law judge may consider the information already obtained from the parties by the dispute management unit. A record shall be made of the evidentiary hearing in the same manner as all other evidentiary hearings, as set forth in section 287.460.1, RSMo. No discovery shall be allowed unless specifically ordered in writing by the administrative law judge assigned to the case, and only upon the showing of extraordinary circumstances.

8. Within thirty (30) days of the last day of the hearing, the administrative law judge shall issue an award either awarding additional reimbursement to the health care provider in an amount certain or denying additional reimbursement in full. Either party may file an application for review with the Labor and Industrial Relations Commission within twenty (20) days from the date of the award of the administrative law judge. This review shall be subject to review and appeal in the same manner as provided for other awards in Chapter 287, RSMo.

9. If the employer or insurer fails to comply with the director's administrative ruling, the health care provider may file a complaint with the division's fraud and noncompliance unit pursuant to section 287.128, RSMo.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 23—Motor Vehicle**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under sections 301.144, RSMo Supp. 2006, and 301.451, RSMo 2000, the director rescinds a rule as follows:

12 CSR 10-23.422 Issuance of Purple Heart License
Plates **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 2, 2006 (31 MoReg 1494-1495). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 6—Emergency Ambulance Program**

ORDER OF RULEMAKING

By the authority vested in the Division of Medical Services under sections 208.152, RSMo Supp. 2006 and 208.201, RSMo 2000, the division amends a rule as follows:

13 CSR 70-6.010 Emergency Ambulance Program
is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 1, 2006 (31 MoReg 1326-1327). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The division received three (3) comments from one (1) entity on the proposed amendment.

COMMENT: Concern was raised that vague criteria does not list out the definition of the weather situation or provide a standard for acceptable weather minimums. Each air ambulance service may utilize a service specific weather minimum for their program. Some weather minimums are less than those of other services. This criteria is vague and can be manipulated for coverage.

RESPONSE: The Division of Medical Services (DMS) does not define situations which prohibit flight of a rotary wing vehicle. Each ambulance service may continue to use their own set of weather criteria. No changes have been made to the rule as the result of this comment.

COMMENT: Commenter was concerned that the weather criteria, while important, should not be the sole identifier of coverage for fixed wing aircraft. Other criteria, such as distance, should be analyzed and taken into consideration for coverage of fixed wing air ambulance.

RESPONSE: DMS understands that there are situations other than weather which may require the use of fixed wing aircraft. However, DMS is limiting Medicaid coverage to weather situations. Providers should continue to practice as they have in the past to provide appropriate care. No changes have been made to the rule as the result of this comment.

COMMENT: Concern was raised by the commenter that this amendment will increase safety risk because there is no identified distance or statute mileage from point of patient origin to the point of patient destination.

RESPONSE: The proposed amendment in no way seeks to eliminate the safety or quality of care, but to add coverage for emergent fixed wing air ambulance transports in situations where the weather does not permit the helicopter to be used. No changes have been made to the rule as the result of this comment.

**Title 14—DEPARTMENT OF CORRECTIONS
Division 80—State Board of Probation and Parole
Chapter 5—Intervention Fee**

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Corrections under sections 217.040 and 217.755, RSMo 2000 and 217.690, RSMo Supp. 2006, the board amends a rule as follows:

14 CSR 80-5.020 Intervention Fee Procedure **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15, 2006 (31 MoReg 1428-1430). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 200—Insurance Solvency and Company
Regulation
Chapter 6—Surplus Lines**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000, the director amends a rule as follows:

20 CSR 200-6.300 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15, 2006 (31 MoReg 1435). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received three (3) comments.

COMMENT ONE: The Insurance Solvency and Company Regulation Division (the division) of the Department of Insurance, Financial Institutions and Professional Registration (the department) provided one (1) comment that suggested a change to the proposed amendment. The division suggested that the department limit the exclusion from premium for compensation received pursuant to an insurance producer service agreement to compensation received by the retail insurance producer (i.e., the producer having the primary direct relationship with the prospective policyholder).

RESPONSE AND EXPLANATION OF CHANGE: The department accepts Comment Number One as consistent with the general purpose of the amendment, namely closing potential loopholes to the general rule that all charges to the insured that are not part of the initial written broker service agreement are considered premium and subject to tax. The department has changed section (1) of the amendment accordingly. In addition, section (1) of the amendment has also been changed so that where the surplus lines licensee is also the retail insurance producer, the amount of compensation excluded from the application of surplus lines insurance premium tax may not exceed the amount of compensation the licensee would have received under the licensee's insurance producer service agreement if surplus lines insurance was not involved.

COMMENT TWO: The department received a comment from Larry Case, Executive Vice President of the Missouri Association of Insurance Agents. Mr. Case suggested adding the words "surplus lines licensee" instead of "licensee".

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with Comment Number Two and has made the suggested changes to the amendment in sections (1), (2) and (3).

COMMENT THREE: The department received a comment from Larry Case, Executive Vice President of the Missouri Association of Insurance Agents. Mr. Case suggested language clarification changes regarding "whether fees charged by a surplus lines licensee are taxable if the surplus lines licensee executes a producer service contract with the insured."

RESPONSE AND EXPLANATION OF CHANGE: In response to Comment Number One and Comment Number Three, the department has changed section (1) of the amendment to clarify under what circumstances fees charged by a surplus lines licensee would be considered premium (and therefore taxable) and under what circumstances such fees would not be considered premium.

20 CSR 200-6.300 Surplus Lines Insurance Fees and Taxes

(1) For purposes of determining net premiums, as that term is used in sections 384.051, 384.057 and 384.059, RSMo, the gross amount of charges for surplus lines insurance shall include any fee charged to the insured and paid to the surplus lines insurer or surplus lines licensee for the placement of the surplus lines insurance. Notwithstanding the provisions of section (4) of this rule, any compensation received by the surplus lines licensee will be considered premium for purposes of the premium tax imposed by sections 384.051 and 384.059, RSMo, unless all the following conditions are met:

(A) The surplus lines licensee is also the retail insurance producer (i.e., the surplus lines licensee has the primary direct relationship with the prospective policyholder); and

(B) The surplus lines licensee's compensation is received pursuant to an insurance producer's agreement as permitted by 20 CSR 700-1.100; and

(C) The amount of compensation excludable from the application of such premium tax does not exceed the amount of compensation such licensee would have received under such licensee's insurance producer service agreement if surplus lines insurance was not involved.

(2) The fees may include, but are not limited to, policy fees, inspection fees, fees charged by an insurance producer acting as a managing general agent for a surplus lines insurer or any other fee charged by surplus lines insurer or surplus lines licensee for the placement of surplus lines insurance.

(3) All fees charged to the insured by the surplus lines insurer or surplus lines licensee shall be considered premium for purposes of the

premium tax imposed by sections 384.051 and 384.059, RSMo.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

Division 400—Life, Annuities and Health Chapter 2—Accident and Health Insurance in General

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000, the director adopts a rule as follows:

20 CSR 400-2.135 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 2, 2006 (31 MoReg 1565–1566). Those sections with changes have been reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received two (2) comments on the proposed rule.

COMMENT ONE: The Insurance Market Regulation Division (the division) of the Missouri Department of Insurance, Financial Institutions and Professional Registration (the department) provided one (1) comment that suggested a change to subsection (2)(D) to include the HMO Supplemental data form, Supplement 2 in addition to the Missouri A&H Supplement form.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with Comment One by the division and changes subsection (2)(D) accordingly.

COMMENT TWO: The division provided a comment that suggested changing the term "Insurer" to "Health Carrier" in subsections (2)(C) and (4)(C) to correctly reflect what is earlier defined in the rule and to maintain consistency throughout the rule.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the Comment Two by the division and changes subsections (2)(C) and (4)(C) accordingly.

20 CSR 400-2.135 Health Benefit Plans Issued to Associations with Small and Large Employers

(2) Request for Suspension of Rate Restriction. A health carrier seeking an exemption under section 376.421.1(5)(e), RSMo for a policy issued to an association, a trust or to the trustees of a fund established, created and maintained for the benefit of members of one (1) or more associations which is insuring large employers and small employers shall:

(C) Maintain copies of current affidavits required by this rule with the health carrier's master policy for the length of time required by section 374.205, RSMo and 20 CSR 300-2.200;

(D) Submit data to the department to track the market impact of this type of association health benefit plan. The data elements will be identified and submitted on the Missouri A&H Supplement form or the annual HMO Supplement data, Supplement 2, as appropriate for the license type of the carrier submitting the data;

(4) Application Forms. The following forms have been adopted and approved for filing with the department:

(C) Health Carrier's Request for Suspension of Index Rate Restriction Affidavit ("Form AHP3"), revised September 2006, or any form which substantially comports with the specified form.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2040—Office of Athletics
Chapter 4—Licensees and Their Responsibilities**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under sections 317.006 and 317.015, RSMo 2000, the board amends a rule as follows:

20 CSR 2040-4.040 Physicians for Professional Boxing, Professional Wrestling, Professional Kickboxing, and Professional Full-Contact Karate **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 1, 2006 (31 MoReg 1310). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Three (3) comments were received.

COMMENT: The board received several comments that the proposed regulation unlawfully discriminates against women by requiring female contestants to undergo a pregnancy test and to attest that the contestant is aware of her pregnancy status.

RESPONSE: The text of the proposed amendment was drafted after an extensive review that included the receipt of public testimony and consultation with medical professionals from across the nation (including notable ringside physicians and physicians that specialize in medical issues related to professional full-contact sports). Based on the review of the office, and after consulting legal authorities, the office believes the proposed amendment is consistent with both state and federal law. The amendment is also consistent with the majority of state regulatory requirements related to pregnancy testing for professional full-contact sports and, in many instances, less stringent than the requirements of other states. No changes have been made to the amendment as a result of these comments.

COMMENT: Several comments were received that the proposed regulation places an undue burden on women who are required to comply with the pregnancy testing requirement. The comments further indicated that the amendment would impose a prohibitive expense on women as a result of the costs related to pregnancy testing.

RESPONSE: The current amendment requires that a pregnancy test must be administered, and the results verified by a medical doctor or doctor of osteopathy. It was represented to the office prior to submitting the proposed amendment that the current regulatory language requires female contestants to pay for a physician office visit and/or wait a significant amount of time for an available appointment. The proposed amendment eliminates this requirement and allows female contestants the option of utilizing a local department of health or using a relatively inexpensive over-the-counter pregnancy test that may be self-administered. As a result, the proposed amendment would significantly lower the costs to participating female contestants and may, based on representations to the office, completely eliminate said costs in some instances. No changes have been made to the amendment as a result of these comments.

COMMENT: A comment was received that the proposed amendment interfered with a woman's "personal responsibility" and suggested that the office focus its attention on educating female contestants on birth control options and prenatal care.

RESPONSE: Absent additional information, it is unclear how the

amendment would interfere with a woman's responsibility for her own person. Further, the office is confined to the statutory authority vested in the Office of Athletics pursuant to Chapter 317, RSMo. The office does not have authority under Chapter 317, RSMo, to promulgate regulations regarding birth control options or prenatal care or to conduct the proposed educational program. No changes have been made to the amendment as a result of these comments.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2040—Office of Athletics
Chapter 4—Licensees and Their Responsibilities**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under sections 317.006 and 317.015, RSMo 2000, the board amends a rule as follows:

20 CSR 2040-4.090 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 1, 2006 (31 MoReg 1310-1312). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Twelve (12) comments were received.

COMMENT: The board received several comments that the proposed regulation unlawfully discriminates against women by requiring female contestants to undergo a pregnancy test and to attest that the contestant is aware of her pregnancy status.

RESPONSE: The text of the proposed amendment was drafted after an extensive review that included the receipt of public testimony and consultation with medical professionals from across the nation (including notable ringside physicians and physicians that specialize in medical issues related to professional full-contact sports). Based on the review of the office, and after consulting legal authorities, the office believes the proposed amendment is consistent with both state and federal law. The amendment is also consistent with the majority of state regulatory requirements related to pregnancy testing for professional full-contact sports and, in many instances, less stringent than the requirements of other states. No changes have been made to the amendment as a result of these comments.

COMMENT: Several comments were received that the proposed regulation places an undue burden on women who are required to comply with the pregnancy testing requirement. The comments further indicated that the amendment would impose a prohibitive expense on women as a result of the costs related to pregnancy testing.

RESPONSE: The current amendment requires that a pregnancy test must be administered, and the results verified by, a medical doctor or doctor of osteopathy. It was represented to the office prior to submitting the proposed amendment that the current regulatory language requires female contestants to pay for a physician office visit and/or wait a significant amount of time for an available appointment. The proposed amendment eliminates this requirement and allows female contestants the option of utilizing a local department of health or using a relatively inexpensive over-the-counter pregnancy test that may be self-administered. As a result, the proposed amendment would significantly lower the costs to participating female contestants and may, based on representations to the office, completely eliminate said costs in some instances. No changes have been made to the amendment as a result of these comments.

COMMENT: A comment was received that the proposed amendment interfered with a woman's "personal responsibility" and suggested that the office focus its attention on educating female contestants on birth control options and prenatal care.

RESPONSE: Absent additional information, it is unclear how the amendment would interfere with a woman's responsibility for her own person. Further, the office is confined to the statutory authority vested in the Office of Athletics pursuant to Chapter 317, RSMo. The office does not have authority under Chapter 317, RSMo, to promulgate regulations regarding birth control options or prenatal care or to conduct the proposed educational program. No changes have been made to the amendment as a result of these comments.

COMMENT: Comments were received that the amendment did not clearly indicate whether and when a female contestant is required to submit pregnancy test results to the Office of Athletics.

RESPONSE: The proposed amendment requires that pregnancy tests be taken no more than forty-eight (48) hours before competing in any professional boxing, professional kickboxing, professional full-contact karate or professional wrestling bout in the state of Missouri. Test results do not have to be submitted to the Office of Athletics, although they must be shared with the ringside physician in the pre-bout physical. In light of the foregoing clarification, no changes have been made to the amendment as a result of these comments.

COMMENT: Comments were received that the proposed amendment should contain an exemption for female contestants participating in professional wrestling. The comments indicated that professional wrestling should be differentiated from other professional full-contact sports because professional wrestling is a scripted performance for entertainment purposes which reduces the risk of injury or incidents of bleeding during a bout.

RESPONSE: The goal of the proposed regulation is to treat all female contestants equally and not to impose different standards simply because of a contestant's choice of sport. The suggested exemption would run contrary to this goal and adopt inconsistent standards for the regulation of female contestants. Further, while the office appreciates the uniqueness of professional wrestling, the opportunity for bleeding still exists, whether intentional or unintentional. This opportunity is enhanced by the increased trend towards the incorporation of skilled stunts and extraneous materials into professional wrestling bouts. No changes have been made to the proposed amendment as a result of these comments.

COMMENT: Comments were received that requiring a contestant to submit negative results from a hepatitis or human immunodeficiency virus (HIV) test taken no later than one hundred eighty (180) days before competing in a professional full-contact sport is unduly burdensome and prohibitively expensive for small wrestling promoters and contestants in the state of Missouri.

RESPONSE: Due to the serious nature of HIV and hepatitis and the high risk of transfer, the office believes the proposed amendment is necessary to adequately protect the public. Notably, a comment was received from the World Boxing Association supporting the proposed HIV and hepatitis testing requirements. No changes have been made in response to the comments received.

COMMENT: A comment was received that the proposed amendment should also allow proof of successful completion of vaccinations for hepatitis B in lieu of the proposed testing requirements. Specifically, a comment was received indicating that medical research indicated that persons who have successfully completed a course of vaccination for hepatitis B would not be capable of transferring the disease.

RESPONSE AND EXPLANATION OF CHANGE: After consulting with medical experts in the state of Missouri, the office has verified that a person who has successfully completed a course of vaccination for hepatitis B would be considered no longer contagious. As such, the proposed amendment is being amended.

20 CSR 2040-4.090 Contestants

(5) Within forty-eight (48) hours before competing in any professional boxing, professional kickboxing, professional full-contact karate or professional wrestling bout or contest, each contestant shall:

(A) Submit certified copies of medical tests performed by a laboratory verifying that the applicant is not infected with the human immunodeficiency virus (HIV) or hepatitis B or C virus. The medical tests shall not be dated more than one hundred eighty (180) days before the scheduled bout or contest in which the contestant will compete. A statement from a medical doctor or doctor of osteopathy indicating that the applicant has successfully completed a full course of vaccinations for hepatitis B may be submitted in lieu of the medical tests required by this rule for hepatitis B.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

Division 2110—Missouri Dental Board Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the Missouri Dental Board under sections 332.031, RSMo 2000 and 332.321, RSMo Supp. 2006, the board amends a rule as follows:

20 CSR 2110-2.110 Addressing the Public—Dentists is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15, 2006 (31 MoReg 1395). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

Division 2110—Missouri Dental Board Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the Missouri Dental Board under section 332.031, RSMo 2000, the board amends a rule as follows:

20 CSR 2110-2.114 Patient Abandonment is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15, 2006 (31 MoReg 1395-1397). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One (1) comment was received.

COMMENT: The Missouri Dental Association submitted a comment in support of the proposed amendment.

RESPONSE: The board appreciates the comment.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**
**Division 2232—Missouri State Committee of Interpreters
Chapter 2—Licensure Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri State Committee of Interpreters under section 209.328.2(3), RSMo 2000, the board adopts a rule as follows:

20 CSR 2232-2.040 Certifications Recognized by the Board
is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* as 4 CSR 232-2.040 on October 2, 2006 (31 MoReg 1486). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**
**Division 2235—State Committee of Psychologists
Chapter 5—Rules of Conduct**

ORDER OF RULEMAKING

By the authority vested in the State Committee of Psychologists under section 337.050.9, RSMo 2000, the committee rescinds a rule as follows:

20 CSR 2235-5.030 Ethical Rules of Conduct is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* as 4 CSR 235-5.030 on August 15, 2006 (31 MoReg 1212). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**
**Division 2235—State Committee of Psychologists
Chapter 5—Rules of Conduct**

ORDER OF RULEMAKING

By the authority vested in the State Committee of Psychologists under sections 337.030, RSMo Supp. 2006 and 337.050.9, RSMo 2000, the committee adopts a rule as follows:

20 CSR 2235-5.030 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* as 4 CSR 235-5.030 on August 15, 2006 (31 MoReg 1212-1218). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Three (3) comments were received in a single letter from Dr. David B. Clark, a licensed psychologist.

COMMENT: David Clark, Ph.D., submitted a comment regarding paragraph (3)(C)3. He was concerned that without qualifying language this rule could be interpreted as mandating a forensic psychologist be familiar with all judicial and administrative rules.

RESPONSE AND EXPLANATION OF CHANGE: The committee appreciates Dr. Clark's comments, and has modified the proposed rule by replacing the word "their" with the word "psychologist" in the final rule so that it is clear that it is the rules related to the psychologist's role that a licensee must be familiar with.

COMMENT: David Clark, Ph.D., submitted a comment regarding subsection (3)(E). He was concerned that the rule did not make allowance for situations where a person properly subject to psychological evaluation refused or was unavailable for formal evaluation, and pointed out that the American Psychological Association (APA) Ethical Principles of Psychologists and Code of Conduct (Standard 9.010) and Specialty Guidelines for Forensic Psychologists [Section VI(H)] allows for psychologists to provide opinions under limited circumstances when they have been unable to examine the individual or when direct examination is not necessary for the opinion.

RESPONSE AND EXPLANATION OF CHANGE: The committee appreciates Dr. Clark's comments, and has modified the proposed rule so that if such a situation occurs, a detailed explanation of why is included in the report.

COMMENT: David Clark, Ph.D., submitted a comment regarding subsection (3)(E) stating that "substantial professional contact" with an individual is not sufficient to render a formal professional opinion about the fitness of a parent in a legal matter. Dr. Clark suggested that merely requiring "substantial professional conduct" would allow therapists to offer opinions about fitness when, more likely than not, the focus of therapy has been elsewhere and there has been no formal assessment of parenting capacity.

RESPONSE: The committee appreciates Dr. Clark's comment, and although his concerns are justified and exemplify "best practice," they are inappropriate in these rules which set out the minimum standards for practice within the profession. No changes to the proposed rule were made as a result of this comment.

20 CSR 2235-5.030 Ethical Rules of Conduct

(3) Competence.

(C) Adding New Services and Techniques.

1. The psychologist, when developing competency in a new service or technique, shall engage in ongoing consultation with other psychologists or relevant professionals and shall seek appropriate education, training, supervised experience or all of the above in the new area, service or technique. The psychologist shall inform any client whose treatment will involve a newly developing service or technique of its innovative nature and the known risks associated with it, and of the client's right to freedom of choice concerning services received.

2. In those emerging areas without generally recognized standards for preparatory training, psychologists shall take reasonable steps to ensure the competence of their work and to protect clients/patients, organizational clients, and others from harm.

3. When assuming forensic roles, psychologists shall become familiar with the judicial or administrative rules governing the psychologists' roles and seek relevant consultation and training.

4. In emergencies, psychologists may provide services to individuals for whom no other services are available, even if the psychologist may not have obtained the necessary training, provided such services are designed to assure that needed services are not denied. These services are terminated as soon as the emergency has ended and/or appropriate services are available.

(E) Sufficient Professional Information. A psychologist rendering a formal professional opinion about a person, for example about the fitness of a parent in a custody hearing, shall not do so without direct and substantial professional contact with or a formal assessment of that person or a detailed explanation of why such contact did not occur.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2235—State Committee of Psychologists
Chapter 7—Continuing Education**

ORDER OF RULEMAKING

By the authority vested in the State Committee of Psychologists under sections 337.030, RSMo Supp. 2006 and 337.050.12, RSMo 2000, the committee amends a rule as follows:

20 CSR 2235-7.020 Continuing Education Reports
is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* as 4 CSR 235-7.020 on August 15, 2006 (31 MoReg 1218). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2235—State Committee of Psychologists
Chapter 7—Continuing Education**

ORDER OF RULEMAKING

By the authority vested in the State Committee of Psychologists under sections 337.030, RSMo Supp. 2006 and 337.050.12, RSMo 2000, the committee amends a rule as follows:

20 CSR 2235-7.030 Categories of Continuing Education
Programs and Credits **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* as 4 CSR 235-7.030 on August 15, 2006 (31 MoReg 1218–1219). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.