

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 If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission.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 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 50—Division of School Improvement
Chapter 345—Missouri School Improvement Program**

PROPOSED RULE

5 CSR 50-345.105 Missouri School Improvement Program—Fifth Cycle

PURPOSE: This rule implements an accountability system for Missouri public school districts which evaluates school districts' educational resources, instructional processes, and educational outcomes designed to stimulate and encourage improvement in the efficiency and effectiveness of instruction and provides information which will enable the State Board of Education to classify districts as required by state law.

(1) This rule is to be effective July 1, 2011, and incorporated by ref-

erence and made a part of this rule is the *Missouri School Improvement Program (MSIP) Standards and Indicators Manual Fifth Cycle* which is comprised of qualitative and quantitative standards for school districts. As referenced in the *MSIP Standards and Indicators Manual*, the standards are organized in three (3) sections—Performance Standards, Process Standards, and Resource Standards. The standards are supported by appendices which include: the minimum graduation requirements, media standards for school learning resource centers, educator certification requirements, and assessment program standards. Anyone interested in viewing or requesting a copy of the MSIP Manual (Revised August 2009) may contact the School Improvement and Accountability Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any later amendments or additions to the manual.

(2) During each year, the Department of Elementary and Secondary Education (DESE) will select school districts which will be reviewed and classified in accordance with this rule, including the standards, with the appropriate scoring guide and forms and procedures outlined in the annual MSIP.

(3) The State Board of Education (board) will assign classification designations of unaccredited, provisionally accredited, and accredited based on the standards of the MSIP.

(4) As a condition of receiving a classification designation other than unaccredited, each school district reviewed under MSIP must maintain a current school improvement plan in a form specified by DESE and implement it in accordance with a specified schedule approved by DESE.

(5) A school district's classification designation based on the standards of the MSIP will remain in effect until the board approves another designation. The board may consider changing a district's classification designation after its regularly scheduled review or upon its determination that the district has:

(A) Failed to implement any required school improvement or accountability plan at an acceptable level;

(B) Implemented its school improvement plan substantially and, therefore, may qualify for a higher classification designation;

(C) Employed a superintendent or chief executive officer without a valid Missouri superintendent's certificate in a K-12 school district, or employed a superintendent or chief executive officer without a valid Missouri superintendent's or elementary principal's certificate in a K-8 school district;

(D) Altered significantly the scope or effectiveness of the programs, services, or financial integrity upon which the original classification designation was based; and/or

(E) Failed to comply with a statutory requirement.

(6) A school district designated unaccredited by the board under the provisions of this rule will be liable for tuition and transportation for resident students legally transferring to another district pursuant to applicable state laws and regulations from the date of the action by the board through the end of the school year during which the board awards the district a designation of provisionally accredited or higher.

(7) Any school district which on June 30, 1997, or thereafter, has been classified unaccredited by the board in two (2) successive years will be subject to lapsing, pursuant to applicable state laws and regulations. A school district that is classified as unaccredited shall lapse on June 30 of the second full year after the school year during which the unaccredited classification is initially assigned.

(8) A school district designated provisionally accredited twice sequentially or a school district designated provisionally accredited after being unaccredited will be designated provisionally accredited for three (3) years, at which time a re-review will be conducted. A district's accreditation designation may not be raised more than one (1) level during a re-review.

(A) The board may lower a district's accreditation if a district fails to gain full accreditation after being designated provisionally accredited twice sequentially, or after being designated provisionally accredited after being unaccredited and the district fails to make significant or consistent improvement in student achievement in order to gain accreditation.

(9) The board of education of any school district which is dissatisfied with the classification designation assigned by the board may request a hearing before the commissioner of education for the purpose of showing cause why its classification designation should be reconsidered. Each request must be submitted in writing within thirty (30) days of the board's classification designation, setting forth the specific reasons for the request, including any errors of fact upon which the board relied in making the classification designation. If the commissioner of education agrees that sufficient cause has been shown, s/he will request the board to reconsider the district's classification designation together with the additional or corrected information.

AUTHORITY: sections 161.092, 162.081, and 168.081, RSMo Supp. 2008 and section 167.131, RSMo 2000. Original rule filed Aug. 17, 2009.

PUBLIC COST: This proposed rule is estimated to cost school districts three hundred sixty-eight thousand seven hundred forty-two dollars (\$368,742) per year for the life of the rule and Department of Elementary and Secondary Education three hundred forty-three thousand two hundred thirty-two dollars (\$343,232) per year for the life of the rule with a combined total of seven hundred eleven thousand nine hundred seventy-four dollars (\$711,974) per year for the life of the rule.

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 the support of or in opposition to this proposed rule with the Department of Elementary and Secondary Education, Attention: Becky Odneal, Chief Accountability Officer, School Improvement and Accountability, Division of School Improvement, PO Box 480, Jefferson City, MO 65102-0480. 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

**FISCAL NOTE
PUBLIC COST**

I. RULE NUMBER

Title: Department of Elementary and Secondary Education
 Division: School Improvement - 50
 Chapter: Missouri School Improvement Program - 345
 Type of Rulemaking: Proposed Rule
 Rule Number and Name: 5 CSR 50-345.105 Missouri School Improvement Program – Fifth Cycle

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Public Elementary & Secondary School Districts	\$368,742 per year for the life of the rule
Department of Elementary & Secondary Education	\$343,232 per year for the life of the rule

III. WORKSHEET

For the purposes of this fiscal note, districts are classified into four (4) categories based upon student population and staff size. Public entity cost for public school district is based upon estimates of district staff participation. The number of visits is estimated over the MSIP 5th Cycle, taking into consideration staff interviews and document preparation.

District Category Size	Visits	Team Size	District Cost	Yearly Cost
1	2	60	\$14,652	\$ 29,304
2	3	30	\$ 7,326	\$ 21,978
3	60	15	\$ 3,663	\$219,780
4	40	10	\$ 2,442	\$ 97,680
				\$368,742

Cost for the Department of Elementary and Secondary Education

Team Member Training	\$8,618
Team Member Reimbursement	\$45,000
In-state Travel for MSIP Staff	\$61,595
Data Analysis	\$200,000
Advance Questionnaire printing and envelopes	\$21,000
Panel of Experts/Curriculum Review	\$7,019
TOTAL per year	\$343,232

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 50—Division of School Improvement
Chapter 345—Missouri School Improvement Program**

PROPOSED RULE

5 CSR 50-345.205 Waivers of Regulations—Fifth Cycle

PURPOSE: This rule establishes the criteria and procedures for annually identifying school district and/or school building eligibility for waivers in compliance with applicable state laws and regulations. The student performance data will be reviewed, and the Department of Elementary and Secondary Education (DESE) will notify districts if they are eligible for a waiver. Districts may respond to this notification by either accepting or rejecting such waiver.

(1) This rule contains four (4) types of Department of Elementary and Secondary Education (DESE) waivers of regulations which may be granted to schools or school districts: School District Missouri School Improvement Program (MSIP) Waiver, A+ High School MSIP Waiver, Outstanding School MSIP Waiver, and Other Waiver. This rule is to be effective July 1, 2011. Districts or schools qualifying for these waivers are exempt from the MSIP on-site review process and MSIP Resource and Process Standards and Indicators not listed in the Waiver Checklist. The area supervisor will visit districts or schools that qualify for a MSIP Waiver to verify compliance with the Standards and Indicators listed in the Waiver Checklist.

(A) School District MSIP Waiver.

1. Qualifications include:

A. The district is currently classified accredited. The district's two (2) latest DESE generated Annual Performance Reports (APR) have no Missouri Assessment Program (MAP) scores at or below the established floor; and

B. The district is in compliance with all Resource and Process Standards and Indicators listed in the Waiver Checklist.

2. If a district fails to meet the waiver criteria or the district no longer complies with the specific laws and rules referred to in the Waiver Checklist, the district will be scheduled for an on-site review.

(B) A+ High School MSIP Waiver.

1. Schools may qualify for an MSIP waiver when the district does not, if the school meets the following qualifications:

A. The school is currently designated as A+;

B. The school agrees to administer the MSIP Advance Questionnaire;

C. The school is in compliance with all Resource and Process Standards and Indicators listed in the Waiver Checklist; and

D. The school is not designated a Priority School.

(C) Outstanding School MSIP Waiver.

1. Schools may qualify for an MSIP waiver when the district does not, if the school meets the following qualifications:

A. The school meets at least one (1) more than half of the possible MAP scoring options at a high level for three (3) successive years;

B. The school meets at least one (1) more than half of all other MSIP performance indicators at a high level for three (3) successive years;

C. The school has no MAP scores at or below the established floor; and

D. The school is not designated a Priority School.

2. The school's Outstanding School designation will be valid until June 30 of the year in which the school is determined to not meet items listed above.

(D) Other Waiver.

1. Districts that meet the financial qualifications identified in state law may receive a waiver of rules in order to promote flexibility in the operations of the delivery of instructional services.

(2) Waiver Checklist.

(A) School districts or schools which meet the waiver criteria outlined in subsection (1)(A) must meet all of the Resource and Process Standards and Indicators outlined in the Waiver Checklist below in order to qualify for a waiver related to MSIP.

1. The following *MSIP—Fifth Cycle Resource Standards and Indicators* will not be waived:

A. The state high school graduation requirements;

B. Regular instruction in *United States* and *Missouri Constitutions*, as well as American History and Institutions, must be provided, and all students must pass at least a half unit of credit course in the institutions, branches, and functions of federal, state, and local governments, and in the electoral process, as required by state law; and

C. All administrators and teachers must have valid Missouri educator certificates.

2. The following *MSIP—Fifth Cycle Process Standards and Indicators* will not be waived:

A. The district must have cross-referenced all curricular areas to the Show-Me Standards;

B. The district employs appropriate procedures to ensure the accurate and timely reporting of data to state and federal agencies as follows:

(I) Missouri Literacy Hotline;

(II) Self-Monitoring documents;

(III) Child Abuse and Neglect Hotline;

(IV) Safe Schools Act and Safe and Drug-Free Schools and Communities;

(V) Department data collection mechanisms including, but not limited to, Missouri Student Information System (MOSIS) and Core Data; and

(VI) Advance Questionnaire;

C. The district complies with all policies and regulations of the state and federal programs in which the district participates;

D. The district distributes a student code of conduct and provides a protected, orderly environment;

E. The district provides professional development programs and services as required by state law;

F. Board of education members must be trained as required by state law;

G. The district meets the salary compliance and the minimum salary requirements as defined in state law. This does not apply to "hold harmless" districts;

H. The district's community, through the board of education, provides sufficient financial resources and the district is not identified as a "financially stressed district";

I. The district annually reviews its Comprehensive School Improvement Plan (CSIP) and updates it as necessary;

J. The district provides a safe physical environment for students;

K. The district implements effective and efficient fiscal management systems that ensure accountability of district funds;

L. The district maintains and regularly updates cumulative health records for all students, including immunizations and conducts screenings as required by state law;

M. The district complies with all laws related to the transportation of students; and/or

N. The district has adopted an antibullying policy and has provided training of employees in the requirements of the policy, as required by state law.

3. No MSIP Performance Standards will be waived.

4. No financially stressed districts will be waived.

(3) A district or school which meets the performance criteria for any of the above four (4) waivers will be so notified by DESE. The district must either accept or decline the waiver within four (4) weeks after notification.

AUTHORITY: sections 160.518, 160.545, 161.092, and 163.031, RSMo Supp. 2008 and section 161.210, RSMo 2000. Original rule filed Aug. 17, 2009.

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 the support of or in opposition to this proposed rule with the Department of Elementary and Secondary Education, Attention: Becky Odneal, Chief Accountability Officer, School Improvement and Accountability, Division of School Improvement, PO Box 480, Jefferson City, MO 65102-0480. 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 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 10—Division of Employment Security
Chapter 3—Unemployment Insurance

PROPOSED RULE

8 CSR 10-3.140 Reemployment Trade Adjustment Assistance Program

PURPOSE: This rule provides guidance regarding individual eligibility under the federal Reemployment Trade Adjustment Assistance Program, as enacted in the United States Trade and Globalization Adjustment Assistance Act of 2009 (Division B, Title I, Subtitle I of the American Recovery and Reinvestment Act of 2009, Public Law No. 111-5) on February 17, 2009. This rule implements 19 United States Code, Section 2318(a)(3)(B)(iii)(I).

(1) For purposes of Reemployment Trade Adjustment Assistance (RTAA), a “full-time employee” is one who has a work week of at least forty (40) hours, or who works the number of hours generally accepted by industry custom or practice as full-time employment, as established by the RTAA applicant by evidence presented to the Division of Employment Security or its designee.

AUTHORITY: section 288.220, RSMo 2000, United States Department of Labor Training and Employment Guidance Letter No. 22-08, and 19 United States Code, Section 2318(a)(3)(B)(iii)(I). Original rule filed Aug. 27, 2009.

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 Division of Employment Security, Attn: Gracia Y. Backer, Division Director, PO Box 59, Jefferson City, MO 65104-0059. 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 10-6.390 Control of NO_x Emissions From Large Stationary Internal Combustion Engines. The commission proposes to add subsection (1)(D) and amend subsections (3)(A)–(3)(C), (4)(A), and (4)(B). 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/reggs/index.html.

PURPOSE: This rule reduces emissions of oxides of nitrogen (NO_x) to ensure compliance with the federal NO_x control plan to reduce the transport of air pollutants and establishes emission levels for large stationary internal combustion engines. This rule amendment limits NO_x emissions for both large stationary diesel and dual fuel internal combustion engines and adds a NO_x exemption limit. The evidence supporting the need for this proposed rulemaking per section 536.016, RSMo, is public testimony on this rulemaking.

(1) Applicability. This rule applies to any large stationary internal combustion engine located in the counties of Bollinger, Butler, Cape Girardeau, Carter, Clark, Crawford, Dent, Dunklin, Franklin, Gasconade, Iron, Jefferson, Lewis, Lincoln, Madison, Marion, Mississippi, Montgomery, New Madrid, Oregon, Pemiscot, Perry, Pike, Ralls, Reynolds, Ripley, St. Charles, St. Francois, St. Louis, Ste. Genevieve, Scott, Shannon, Stoddard, Warren, Washington, and Wayne counties and the City of St. Louis greater than one thousand three hundred (1,300) horsepower that—

(D) Any compression ignited stationary internal combustion engine that begins operation after September 30, 1997, and emits fifteen (15) tons or less of NO_x during the period from May 1 through September 30 is exempt from this rule. This exemption will be based on the previous year NO_x emissions during the period from May 1 through September 30. If the exemption limit is exceeded, for any reason, the engine will be required to meet the applicable limits in subsection (3)(B) of this rule each year thereafter.

(3) General Provisions.

(A) An owner or operator of a large stationary internal combustion engine meeting the applicability of [paragraph] subsection (1)(A)1.] of this rule shall calculate the allowable NO_x emission rate for each applicable engine using:

$$ER = (\text{NO}_{x \text{ act}} / \text{UR}) \times 1.102 \times 10^{-6} \times 0.1$$

where,

ER = the allowable emission rate for each engine in grams per horsepower-hour;

NO_{x act} = the highest actual NO_x emissions, reported in tons per control period, for the period from May 1 through September 30 for one of the years 1995, 1996, or 1997 based on the best available emission information for each engine; and

UR = the utilization rate in horse-power-hours during the same period as NO_{x act}

(B) An owner or operator of a large stationary internal combustion engine meeting the applicability of [paragraph] subsection (1)(A)2.)(B) of this rule shall not operate an engine to exceed the

permitted emission rate or the following emission rate, whichever is more stringent:

1. For rich-burn SI engines 3.0 grams per horsepower-hour;
- [or]
2. For lean-burn SI engines 3.0 grams per horsepower-hour;
- 3. For diesel engines 2.3 grams per horsepower-hour; or**
- 4. For dual fuel engines 1.5 grams per horsepower-hour;**

(C) An owner or operator of a large stationary internal combustion engine may choose to establish a facility-wide NO_x emissions cap in lieu of compliance with subsection (3)(A) of this rule. If the owner or operator elects to comply with the requirements of subsection (3)(A), the owner or operator shall submit a commitment in writing no later than May 1, 2005, to the director stating the intent to comply with that subsection. If the owner or operator commits to comply with this subsection rather than subsection (3)(A) of this rule, the owner or operator shall submit the following to the director:

1. The facility-wide NO_x emissions from the year of data that would be used in [paragraph] subsection (3)(A)[1.] of this rule on a unit-by-unit basis;
2. The number of tons of NO_x emission reductions that would be required in [paragraph] subsection (3)(A)[1.] of this rule on a unit-by-unit basis;
3. A detailed inventory of all engines being used to comply with the NO_x emission cap including the:
 - A. Uncontrolled emission rate of all engines at the facility;
 - B. Controlled emission rate for all engines being controlled under the NO_x emissions cap;
 - C. Capacity of each engine at the facility; and
 - D. Utilization rate of each engine at the facility; and
4. The controlled NO_x emissions from the facility during the control period, May 1 through September 30.

(4) Reporting and Record Keeping.

(A) Reporting Requirements. The owner or operator subject to this rule **or to the exemption in subsection (1)(D) of this rule** shall comply with the following requirements:

1. The owner or operator shall submit to the director the identification number and type of each unit subject to this rule **or to the exemption in subsection (1)(D) of this rule**, the name and address of the plant where the unit is located, and the name and telephone number of the person responsible for demonstrating compliance with this rule before May 1, 2007;
2. The owner or operator shall submit an annual report documenting for each controlled unit **or each unit subject to subsection (1)(D) of this rule** the total NO_x emissions from May 1 through September 30 of each year to the director by November 1 of that year, beginning in 2007; and
3. The owner or operator of a unit subject to this rule **or to the exemption in subsection (1)(D) of this rule** and operating a CEMS shall submit an excess emissions monitoring systems performance report, in accordance with the requirements of 40 CFR 60.7(c) and 60.13.

(B) Record-Keeping Requirements. Any owner or operator of a unit subject to this rule **or to the exemption in subsection (1)(D) of this rule** shall maintain all records necessary to demonstrate compliance with this rule for a period of five (5) years at the plant at which the subject unit is located. The records shall be made available to the director upon request. The owner or operator shall maintain records of the following information for each day of the control period the unit is operated:

1. The identification number of each unit and the name and address of the plant where the unit is located for each unit subject to the requirements of this rule **or to the exemption in subsection (1)(D) of this rule**;
2. The calendar date of record;
3. The number of hours the unit is operated during each day including start-ups, shutdowns, malfunctions, and the type and dura-

tion of maintenance and repair;

4. The date and results of each emissions inspection;
5. A summary of any emissions corrective maintenance taken;
6. The results of all compliance tests; and
7. If a unit is equipped with a CEMS—
 - A. The identification of time periods during which NO_x standards are exceeded, the reason for the exceedance, and action taken to correct the exceedance and to prevent similar future exceedances; and

B. The identification of the time periods for which operating conditions and pollutant data were not obtained including reasons for not obtaining sufficient data and a description of corrective actions taken.

AUTHORITY: section 643.050, RSMo 2000. Original rule filed Feb. 14, 2005, effective Oct. 30, 2005. Amended: Filed Aug. 27, 2009.

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., December 3, 2009. The public hearing will be held at the Elm Street Conference Center, 1730 East Elm Street, Lower Level, Bennett Springs Conference Room, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., December 10, 2009. Written comments shall be sent to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176. Email comments shall be sent to apcrulespn@dnr.mo.gov.

Title 16—RETIREMENT SYSTEMS

Division 50—The County Employees' Retirement Fund

Chapter 2—Membership and Benefits

PROPOSED AMENDMENT

16 CSR 50-2.035 Payment of Benefits. The board is amending subsection (1)(D).

PURPOSE: This amendment clarifies the ability of a participant who has elected to receive a Ten (10)-Year Certain and Life Annuity under subsection (1)(D) to appoint a new beneficiary after distributions have begun.

(1) Method of Payment. Prior to his or her annuity starting date, each participant shall be offered the following optional methods of payment, in addition to the normal form of benefit. Any benefits payable under such optional methods of payment shall be the actuarial equivalent of the normal form of benefit:

(D) Ten (10)-Year Certain and Life Annuity. An annuity whereby a monthly installment shall be paid to the participant during his or her lifetime. If the participant dies after receiving one hundred twenty (120) monthly payments, the annuity shall end with the calendar month immediately [preceding] following the participant's death. If the participant dies before one hundred twenty (120) monthly payments have been made, then the remaining payments under the form shall be made to the participant's beneficiary (if surviving), or in a single sum to the participant's estate, if the beneficiary predeceases the participant. **Alternatively, in the event the participant's beneficiary dies before one hundred twenty (120) monthly payments**

have been made, the participant may complete a new beneficiary designation form which shall apply to the remaining benefits which may become payable under this subsection (1)(D). If the designated beneficiary survives the participant, but dies before one hundred twenty (120) monthly payments have been made, then the remaining payments under the form shall be made to the beneficiary's estate in a single sum. In the case where the beneficiary and the participant die simultaneously before one hundred twenty (120) monthly payments have been made, then the remaining payments under the form shall be made in a single sum to the participant's estate;

AUTHORITY: section 50.1032, RSMo 2000. Original rule filed July 29, 1997, effective Jan. 30, 1998. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 31, 2009.

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 County Employees' Retirement Fund, 2121 Schotthill Woods Drive, Jefferson City, MO 65101. 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 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 40—Comprehensive Emergency Medical Services Systems Regulations

PROPOSED AMENDMENT

19 CSR 30-40.342 Application and Licensure Requirements for the Initial Licensure and Relicensure of Emergency Medical Technician-Basics, Emergency Medical Technician-Intermediate, and Emergency Medical Technician-Paramedics. The department is amending the title of the rule and sections (1)-(4).

PURPOSE: This amendment makes the addition of Emergency Medical Technician-Intermediate and the requirements for licensure. It also defines requirements for obtaining criminal background checks for all Emergency Medical Technician levels.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome and expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Application Requirements for Emergency Medical Technician (EMT) Licensure.

(A) Each applicant for licensure or relicensure as an EMT-Basic, EMT-Intermediate, or EMT-Paramedic shall submit an application for licensure to the [Bureau of] Emergency Medical Services (EMS) Bureau. An applicant for relicensure must submit their application no less than thirty (30) days or no more than one hundred twenty (120) days prior to the expiration date of their current license.

(B) An application shall include, but is not limited to, the following information: whether an initial licensure or relicensure application; if previously licensed, their license number and expiration date; type of licensure applied for (EMT-Basic (EMT-B), EMT-Intermediate (EMT-I), or EMT-Paramedic (EMT-P)); type of certification or education used for licensure or relicensure; applicant's name, signature, address, date of birth, sex, daytime telephone number, e/-mail address (if applicable), and Social Security number; if applicable, type of present primary EMS affiliation; prior administrative licensure actions taken against [their EMT license] any license or certification in Missouri or any other state; whether they have been[, during the past five (5) years,] finally adjudicated and found guilty, or entered a plea of guilty or *nolo contendere*, in a criminal prosecution under the laws of any state or of the United States, whether or not they received a suspended imposition of sentence for any criminal offense; if the answer is yes to the preceding statement, they must attach to their application a certified copy of all charging documents (such as complaints, informations, or indictments), [judgements] judgments and sentencing information, plea agreements and probation terms, and any other information they wish considered; certification by the applicant that they have the ability to speak, read, and write the English language; certification by the applicant that they do not have a physical or mental impairment which would substantially limit their ability to perform the essential functions of an emergency medical technician position with or without a reasonable accommodation; certification by the applicant that if relicensing using continuing education that they have successfully completed the required continuing education in accordance with state regulations, have attached a list of these continuing education units, and are in possession of documents of the required continuing education, and will make all records available to the [Bureau of] EMS Bureau upon request under penalty of license action up to and including revocation; certification by the applicant that the application contains no misrepresentation or falsifications and that the information given by them is true and complete to the best of their knowledge; certification by the applicant that they have the intention and the ability to comply with the regulations promulgated under the Comprehensive Emergency Medical Services Systems Act, Chapter 190, RSMo [Supp. 1998]; and certification by the applicant that they have been a resident of Missouri for five (5) consecutive years prior to the date on their application [or] and have attached to the application [at least two (2) completed fingerprint cards supplied by the Bureau of EMS] an approved criminal background check as determined by the EMS Bureau and performed within the last sixty (60) days for the state of Missouri. If the applicant has lived in states other than Missouri during the five (5) years immediately preceding the date on their application, then an approved criminal background check as determined by the EMS Bureau and performed within the last sixty (60) days shall be attached to the application for each state the applicant has lived in during the five (5) years immediately preceding the date on their application. The EMS personnel license application form, included herein, is available at the EMS Bureau office or may be obtained by mailing a written request to the Missouri Department of Health and Senior Services, EMS Bureau, PO Box 570, Jefferson City, MO 65102-0570.

(C) [All applicants shall provide their Social Security number on their application so the Bureau of EMS can perform criminal history checks to determine the recency and relatedness of any criminal convictions prior to the licensure or relicensure of the applicant.] All applicants shall provide approved criminal background checks as determined by the EMS Bureau and performed within the last sixty (60) days to demonstrate the recency and relatedness of any criminal convictions prior to the licensure or relicensure of the applicant. Criminal [history] background checks that the [Bureau of] EMS Bureau finds not to be relevant to the licensure or relicensure of an EMT will not be maintained in the applicant's file.

(D) All applicants shall attach to the application a list of the qualifying continuing education used for relicensure, as applicable. This list shall include verification by the applicant's training officer or medical director that all core requirements have been met. Receipt of this list does not constitute approval of continuing education by the *[Bureau of] EMS Bureau*.

(E) An applicant shall provide all information and certification required on the *[Bureau of] EMS Bureau* application for EMT licensure. Incomplete or inaccurate information on an application shall be cause to deny or take action upon a license.

(F) An applicant shall disclose if they have ever been subject to limitation, suspension, or termination of their right to practice in a health care occupation and/or voluntarily surrendered a health care license or certification in any state.

(2) EMT-Basic (EMT-B) Licensure and Relicensure Requirements.

(A) EMT-Basic (Initial Licensure). Initial licensure requirements apply to any person who was not licensed in Missouri prior to August 28, 1998, as an attendant or attendant-driver by the *[Bureau of] EMS Bureau* or whose Missouri license has expired for more than two (2) years. The applicant for initial licensure shall submit with their license application to the *[Bureau of] EMS Bureau* evidence of current certification with the National Registry of EMTs as an EMT-B, *[EMT-Intermediate] EMT-I*, or *[EMT-Paramedic] EMT-P*.

(B) The EMT-B in Missouri may be permitted to perform blood glucose analysis, twelve (12) lead EKG acquisition and transmission, non-invasive airway devices not intended to be placed in the trachea, and all skills in the National Scope of Practice for Emergency Medical Technicians which is incorporated by reference in this rule as published in 2007 by the U.S. Department of Transportation and is available at U.S. Department of Transportation, Office of Emergency Medical Services, West Building W 44-314, 1200 New Jersey Ave. SE, NTI 140, Washington, DC 20590. This rule does not incorporate any subsequent amendments or additions.

[(B)](C) EMT-Basic (Relicensure or Step Down from EMT-P or EMT-I).

1. The applicant for relicensure shall submit with their license application to the *[Bureau of] EMS Bureau* evidence of current certification with the National Registry of EMTs as an EMT-Basic, EMT-Intermediate, or EMT-Paramedic; or

2. An applicant shall certify to the *[Bureau of] EMS Bureau*:
A. That they have successfully completed one hundred (100) hours of continuing education which meet *[Bureau of] the EMS Bureau's* approval criteria under 19 CSR 30-40.331, forty-eight (48) hours of which cover all elements of the EMT-B core continuing education curriculum and fifty-two (52) hours of which may be elective topics from the EMT-B, **EMT-I**, or EMT-P curriculum;

B. That they are able to produce documentation of the required continuing education, and will make all records available to the *[Bureau of] EMS Bureau* upon request. Licensees shall maintain such records for a period of five (5) years after the date of relicensure. Failure to obtain and retain complete and accurate documentation shall be cause for taking action upon a license; and

C. That they have current basic cardiac life support training (does not count towards core continuing education curriculum).

(3) EMT-Paramedic Licensure and Relicensure Requirements.

(A) EMT-Paramedic (Initial Licensure). Initial licensure requirements apply to any person who was not licensed in Missouri prior to August 28, 1998, as a mobile emergency medical technician by the *[Bureau of] EMS Bureau* or whose Missouri license has expired for more than two (2) years. The applicant for initial licensure shall submit with their license application to the *[Bureau of] EMS Bureau* evidence of current certification with the National Registry of EMTs as an EMT-P.

(B) EMT-Paramedic (Relicensure).

1. The applicant for relicensure shall submit with their license application to the *[Bureau of] EMS Bureau* evidence of current certification with the National Registry of EMTs as an EMT-P; or

2. An applicant shall certify to the *[Bureau of] EMS Bureau*:
A. That they have successfully completed one hundred *[and] forty-four (144)* hours of continuing education which meet *[Bureau of] the EMS Bureau's* approval criteria under 19 CSR 30-40.331, forty-eight (48) hours of which may be elective topics and the remaining ninety-six (96) hours covering all elements of the EMT-P core continuing education curriculum;

B. That they are able to produce documentation of the required continuing education, and will make all records available to the *[Bureau of] EMS Bureau* upon request. Licensees shall maintain such records for a period of five (5) years after the date of relicensure. Failure to obtain and retain complete and accurate documentation shall be cause for taking action upon a license; and

C. That they have current advanced cardiac life support training (can be counted towards the refresher requirement).

(4) *[The Bureau of EMS may select one (1) or more qualified providers to administer the practical licensure examination for EMT-Bs and EMT-Ps. The provider shall—*

(A) Meet all the requirements of the National Registry of EMTs;

(B) Make application to the Bureau of EMS that—

1. Demonstrates necessary expertise, experience and resources needed in administering EMT practical examinations; and

2. Demonstrates evidence of practical examiner training and credentialing;

(C) Operate all tests in accordance with the policies and procedures of the National Registry of EMTs and the Bureau of EMS.] EMT-Intermediate (EMT-I) Licensure and Relicensure Requirements.

(A) EMT-I (Initial Licensure). Initial licensure requirements apply to any person applying for licensure in Missouri. The applicant for initial licensure shall submit with their license application to the EMS Bureau evidence of current certification with the National Registry of Emergency Medical Technicians as an EMT-I. The EMT-I in Missouri may perform all the skills except intraosseous infusions in the National Scope of Practice for Advanced EMT which is incorporated by reference in this rule as published in 2007 by the U.S. Department of Transportation and is available at U.S. Department of Transportation, Office of Emergency Medical Services, West Building W 44-314, 1200 New Jersey Ave. SE, NTI 140, Washington, DC 20590. This rule does not incorporate any subsequent amendments or additions.

(B) EMT-Intermediate (EMT-I) Relicensure.

1. The applicant for relicensure shall submit with their license application to the EMS Bureau evidence of current certification with the National Registry of EMTs as an EMT-I; or

2. An applicant shall certify to the EMS Bureau:

A. That they have successfully completed one hundred **forty-four (144)** hours of continuing education which meet the EMS Bureau's approval criteria under 19 CSR 30-40.331, **seventy-two (72)** hours of which cover all elements of the EMT-I core continuing education curriculum and **seventy-two (72)** hours of which may be elective topics from the EMT-B, EMT-I, or EMT-P curriculum;

B. That they are able to produce documentation of the required continuing education and shall make all records available to the EMS Bureau upon request. Licensees shall maintain such records for a period of five (5) years after the date of relicensure.

(C) EMT-B Step Down from EMT-P or EMT-I.

1. The applicant for relicensure shall submit with their license application to the EMS Bureau evidence of current certification with the National Registry of EMTs as an EMT-B, EMT-I, or EMT-P; or

2. An applicant shall certify to the EMS Bureau:

A. That they have successfully completed one hundred (100) hours of continuing education which meet the EMS Bureau's approval criteria under 19 CSR 30-40.331, forty-eight (48) hours of which cover all elements of the EMT-B core continuing education curriculum and fifty-two (52) hours of which may be elective topics from the EMT-B, EMT-I, or EMT-P curriculum;

B. That they are able to produce documentation of the required continuing education and shall make all records available to the EMS Bureau upon request. Licensees shall maintain such records for a period of five (5) years after the date of relicensure.

C. Applicants shall also have current basic cardiac life support training. This does not count towards core continuing education curriculum.



**MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
BUREAU OF EMERGENCY MEDICAL SERVICES
EMS PERSONNEL LICENSE APPLICATION**

UEMS USE ONLY

FOR DOH OFFICE USE ONLY - DO NOT WRITE IN THIS SPACE

EMT LICENSE NO. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	APPROVED BY/DATE _____	DATE LICENSED <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
DATE APP. REC'D. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		EXPIRATION DATE <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

APPLICANT MUST COMPLETE INFORMATION BELOW TYPE OR PRINT

1. <input type="checkbox"/> INITIAL LICENSE APP.	CURRENT MO EMS LIC NO. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		EXPIRATION DATE <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		
2. <input type="checkbox"/> RELICENSURE APP.	IF APPLICABLE		AND		
3. TYPE OF LICENSE APPLIED FOR (Check One)	EMT-Basic <input type="checkbox"/>	EMT-Intermediate <input type="checkbox"/>	EMT-Paramedic <input type="checkbox"/>		
4. CERTIFICATION/EDUCATION USED FOR INITIAL LICENSURE OR RELICENSURE: (PLEASE CHECK ONLY ONE)					
<input type="checkbox"/> EMT-B NATIONAL REGISTRY <i>(Attach copy of card)</i>	<input type="checkbox"/> EMT-I NATIONAL REGISTRY <i>(Attach copy of card)</i>	<input type="checkbox"/> EMT-P NATIONAL REGISTRY <i>(Attach copy of card)</i>	<input type="checkbox"/> EMT-B CONTINUING EDUCATION	<input type="checkbox"/> EMT-I CONTINUING EDUCATION	<input type="checkbox"/> EMT-P CONTINUING EDUCATION
5. NAME (LAST, FIRST, MIDDLE INITIAL)					
SOCIAL SECURITY NUMBER	DATE OF BIRTH MO ___ DAY ___ YR ___	SEX <input type="checkbox"/> M <input type="checkbox"/> F	DAYTIME PHONE NUMBER		
MAILING ADDRESS (STREET)					
CITY	STATE	ZIP CODE	COUNTY		
6. NAME OF THE EMS AGENCY YOU ARE CURRENTLY WORKING FOR.(If applicable)					
7. TYPE OF PRESENT PRIMARY EMS AFFILIATION (IF APPLICABLE)					
<input type="checkbox"/> AMBULANCE SERVICE	<input type="checkbox"/> UNLICENSED FIRST RESPONDER AGENCY	<input type="checkbox"/> POLICE DEPARTMENT			
<input type="checkbox"/> LICENSED EMRA	<input type="checkbox"/> FIRE SERVICE	<input type="checkbox"/> OTHER			
8. Have you ever had administrative licensure action taken against your EMT license in Missouri or any other state? Yes <input type="checkbox"/> No <input type="checkbox"/> IF YES, EXPLAIN ON ATTACHED SHEET					
9. Has your right to practice in a health care occupation ever been subject to limitations, suspension or termination? Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable <input type="checkbox"/> IF YES, EXPLAIN ON ATTACHED SHEET					
10. Have you ever voluntarily surrendered a health care license or certification in any state? Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable <input type="checkbox"/> IF YES, EXPLAIN ON ATTACHED SHEET					
11. HAVE YOU EVER BEEN FINALLY ADJUDICATED AND FOUND GUILTY, OR ENTERED A PLEA OF GUILTY OR NOLO CONTENDERE IN A CRIMINAL PROSECUTION UNDER THE LAWS OF ANY STATE OR OF THE UNITED STATES, WHETHER OR NOT YOU RECEIVED A SUSPENDED IMPOSITION OF SENTENCE FOR ANY CRIMINAL OFFENSE? Yes <input type="checkbox"/> No <input type="checkbox"/> IF YOU HAVE ANSWERED YES TO THE ABOVE QUESTION YOU MUST ATTACH TO YOUR APPLICATION A CERTIFIED COPY OF ALL CHARGING DOCUMENTS (SUCH AS COMPLAINTS, INFORMATIONS OR INDICTMENTS), JUDGMENTS AND SENTENCING INFORMATION, PLEA AGREEMENTS AND PROBATION TERMS AND ANY OTHER INFORMATION YOU WISH CONSIDERED.					
12. I HEREBY CERTIFY THAT:					
A. I am able to speak, read and write the English language.					
B. I do not have a physical or mental impairment which would substantially limit my ability to perform the essential functions of an emergency medical technician with or without a reasonable accommodation.					
C. This application contains no misrepresentations or falsifications and the information given by me is true and complete to the best of my knowledge. I further certify that I have both the intention and the ability to comply with the regulations promulgated under Chapter 190 RSMo.					
D. I have enclosed an approved criminal background check determined by the Bureau of EMS and performed within the last 60 days. If I have not lived in Missouri for the last five consecutive years, then I have attached an approved criminal background check determined by the Bureau of EMS and performed within the last 60 days from each state I have lived in during that time. (If the applicant needs fingerprint cards, please contact the Bureau of EMS by calling 573-751-6356.)					
IF RELICENSING USING CONTINUING EDUCATION, PLEASE COMPLETE THE REVERSE SIDE OF THIS FORM					
APPLICANT'S SIGNATURE				DATE	

WARNING: In addition to licensure action, anyone who knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty may be guilty of a class B misdemeanor pursuant to section 575.06 RSMo.

Mail application to: Bureau of EMS, P.O. Box 570, Jefferson City, MO 65102

AUTHORITY: sections 190.142, 190.160, 190.165, and 190.185, RSMo Supp. [1998] 2008. Emergency rule filed Aug. 28, 1998, effective Sept. 7, 1998, expired March 5, 1999. Original rule filed Sept. 1, 1998, effective Feb. 28, 1999. Amended: Filed Aug. 27, 2009.

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

PRIVATE COST: This proposed amendment will cost private entities forty thousand three hundred fifty dollars (\$40,350) annually.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Teresa Generous, Director, Department of Health and Senior Services, Division of Regulation and Licensure, PO Box 570, 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.*

**FISCAL NOTE
PRIVATE COST**

- I. Department Title: Missouri Department of Health and Senior Services
Division Title: Division of Regulation and Licensure
Chapter Title: Chapter 40-Comprehensive Emergency Medical Services System
Regulations:**

Rule Number and Title:	19 CSR 30-40.342
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 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:
3,400	EMT (Missouri residents)	\$30,600 annually.
250	EMT (non-Missouri residents)	\$9,750.00 annually.
	Total cost=	\$40,350.00 annually.

III. WORKSHEET

There are currently 16,800 Emergency Medical Technicians (EMTs) licensed in Missouri. The license is issued for 5 years. Once every 5 years, the applicant must obtain a background check to attach to the license application.

If the applicant has resided in Missouri for the past 5 consecutive years, a simple name and social security check is done. The current cost is \$9.00 per background check.

There are 250 applicants that did not live in Missouri for the past 5 consecutive years. Background checks in surrounding states differ but are expected to be less than the \$39.00 charged for a fingerprint check.

IV. ASSUMPTIONS

16,800 EMTs in Missouri. 20% relicense every five years totaling approximately 3,400 per year.

3400 x \$9.00 = \$30,600.00 per year with expected 12% increase per year.

Missouri has seen a 12% increase in initial licensees per year.

There are currently approximately 1,200 EMTs living outside of Missouri.

The applicant would obtain a background check from each state lived in during the past five years.

The cost for a background check out of state is not expected to be greater than the Federal Bureau of Investigation fingerprint check which costs \$39.00.

There are approximately 250 out of state applicants each year.

250 x \$39.00 = \$9,750.00

Total = \$40,350.00

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

**Division 200—Insurance Solvency and Company
Regulation**

**Chapter 1—Financial Solvency and Accounting
Standards**

PROPOSED RULE

20 CSR 200-1.105 Property and Casualty Actuarial Opinions

PURPOSE: This rule prescribes forms and procedures to be followed by insurance companies other than life obtaining the certification of an actuary and to effectuate or aid in the interpretation of the provisions of section 375.1060, RSMo, by providing guidance as to the actuarial opinion to be obtained by an insurance company other than life.

(1) Statement of Actuarial Opinion. Every property and casualty insurance company doing business in this state, unless otherwise exempted by its domiciliary commissioner, shall file with its annual statement the actuarial certification required by section 375.1060, RSMo. This certification shall consist of the opinion of an appointed actuary entitled a "Statement of Actuarial Opinion." This opinion shall be filed in accordance with the appropriate property and casualty annual statement instructions of the National Association of Insurance Commissioners (NAIC).

(2) In support of the Statement of Actuarial Opinion, each property and casualty company shall prepare or cause to be prepared, and if required, retain and file with the director, each of the following:

(A) Actuarial Opinion Summary.

1. Every property and casualty insurance company domiciled in this state that is required to submit a Statement of Actuarial Opinion shall annually submit an Actuarial Opinion Summary, written by the company's appointed actuary. This Actuarial Opinion Summary shall be filed in accordance with the appropriate NAIC property and casualty annual statement instructions and shall be considered as a document supporting the Statement of Actuarial Opinion required in section (1).

2. An insurance company licensed but not domiciled in this state shall provide the Actuarial Opinion Summary upon request; and

(B) Actuarial Report and Workpapers.

1. An Actuarial Report and underlying workpapers, as required by the appropriate NAIC property and casualty annual statement instructions, shall be prepared to support each Statement of Actuarial Opinion.

2. If the insurance company fails to provide a supporting Actuarial Report and/or workpapers at the request of the director or the director determines that the supporting Actuarial Report or workpapers provided by the insurance company is otherwise unacceptable to the director, the director may engage a qualified actuary at the expense of the insurance company to review the opinion and the basis for the opinion and prepare the supporting Actuarial Report or workpapers.

(3) Confidentiality.

(A) The Statement of Actuarial Opinion shall be provided with the annual statement in accordance with the appropriate NAIC property and casualty annual statement instructions and shall be treated as a public document.

(B) While the Statement of Actuarial Opinion is a public document, all documents, materials, or other information in the possession or control of the Department of Insurance, Financial Institutions and Professional Registration that are considered an Actuarial Report, workpapers, or Actuarial Opinion Summary provided in support of the opinion, and any other material provided by the insurance company to the director in connection with the Actuarial Report,

workpapers, or Actuarial Opinion Summary, shall be confidential by law and privileged, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action, to the same extent as the audit workpapers of an accountant under section 375.1050, RSMo.

(C) This section shall not be construed to limit the director's authority to release the documents to the Actuarial Board for Counseling and Discipline (ABCD) so long as the material is required for the purpose of professional disciplinary proceedings and that the ABCD establishes procedures satisfactory to the director for preserving the confidentiality of the documents, nor shall this section be construed to limit the director's authority to use the documents, materials, or other information in furtherance of any regulatory or legal action brought as part of the director's official duties.

AUTHORITY: sections 374.045 and 374.071, RSMo Supp. 2008 and sections 375.1050 and 375.1060, RSMo 2000. Original rule filed Aug. 27, 2009.

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. A property and casualty actuarial opinion is required by statute, section 375.1060, RSMo 2000. The rule specifies a format already in general use by opining actuaries and, therefore, adds no cost to that already required by the statute.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed rule at 9:30 a.m. on November 10, 2009. The public hearing will be held 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 rule until 5:00 p.m. on November 13, 2009. Written statements shall be sent to Tamara Kopp, 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) 751-2619 at least five (5) working days prior to the hearing.

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

**Division 2070—State Board of Chiropractic Examiners
Chapter 2—General Rules**

PROPOSED AMENDMENT

20 CSR 2070-2.031 Meridian Therapy/Acupressure/Acupuncture. The board is proposing to amend subsections (3)(A) and (3)(E).

PURPOSE: This amendment adds an application fee for certification in meridian therapy/acupressure/acupuncture (MTAA) and allows the board to charge a fee to applicants wanting to reinstate the MTAA certification after it has been expired and to make the language consistent throughout the rule.

(3) In order to ensure that the public health and safety are protected and to maintain high standards of trust and confidence in the chiropractic profession and ensure the proper conduct of the chiropractic practice involving the use of Meridian Therapy, the requirements

contained in this rule must be met prior to one engaging in therapeutic procedures or announcing the availability of therapeutic procedures to the public.

(A) Each licensee seeking to provide Meridian Therapy in any of its aspects shall obtain a certificate from the board, which shall indicate that the licensee has complied with the provisions of this rule and has met the minimum standards contained in this rule. The application for a certificate shall be on a form provided by the board **and accompanied by the required fee.**

(E) If a licensee allows his/her certification to lapse, the certification may be *[reactivated]* **reinstated** up to three (3) years after it has lapsed *[upon]* **by submitting an application for reinstatement on a form provided by the board accompanied by the required fee, and upon** the presentation to the board of twelve (12) hours of postgraduate study in Meridian Therapy, acupuncture, or acupressure prior to reinstatement of certification. The postgraduate study must be a course approved by the board.

AUTHORITY: sections 331.010, 331.030.5 and .8, [and] 331.050.1, [RSMo Supp. 2007] and [section] 331.100.2, [SB 788, Second Regular Session, Ninety-fourth General Assembly,] RSMo Supp. 2008. This rule originally filed as 4 CSR 70-2.031. Original rule filed Jan. 5, 1987, effective April 11, 1987. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 27, 2009.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions approximately four hundred ninety-three dollars and ninety-four cents (\$493.94) biennially 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.

PRIVATE COST: This proposed amendment will cost private entities approximately one hundred fifty dollars (\$150) biennially 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 Board of Chiropractic Examiners, PO Box 672, Jefferson City, MO 65102, by facsimile at 573-751-2104, or via email at chiropractic@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.

IV. ASSUMPTION

1. Employee's salaries were calculated using the annual salary multiplied by 48.89% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications.
2. The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual cost incurred by the office, which includes personal service, expense and equipment and transfers.
3. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

NOTE: Estimated number of reviews are based on FY 07-09 actuals.

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER**Title 20 - Department of Insurance, Financial Institutions and Professional Registration****Division 2070 -State Board of Chiropractic Examiners****Chapter 2 - General Rules****Proposed Rule - 20 CSR 2070-2.031 Meridian Therapy/Acupressure/Acupuncture**

Prepared July 13, 2009 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
5	Applicants for Reinstatement (Reinstatement fee @ \$25)	\$125
5	Copying of Continuing Education Certificate (10 pages @ \$.40 per page @ \$4 per copied certificate)	\$20
5	Postage for mailing continuing education certificate and reinstatement application (Postage @ \$1)	\$5

**Estimated Annual Cost of
Compliance for the Life of the Rule \$150**

III. WORKSHEET

See table above.

IV. ASSUMPTION

- 1 Estimated number of affected entities is based on FY 07-09 actuals.
2. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2070—State Board of Chiropractic Examiners
Chapter 2—General Rules**

PROPOSED AMENDMENT

20 CSR 2070-2.080 Biennial License Renewal. The board is proposing to amend sections (18), (19), and (22).

PURPOSE: This amendment changes “reactivate” to “reinstate” or “reinstatement” for clarification purposes; changes the deadline for completing continuing education requirements to match the expiration date of the licenses; adds the inactive status to enable an applicant for reinstatement to be aware of the requirements to reinstate the credential and legally practice in Missouri; and sets forth requirements for licensees who want to renew their license and have been expired or inactive for less than five (5) years and not licensed in another state.

(18) *[Reactivation]/Reinstatement of License:*

(A) A chiropractor that has been licensed in Missouri may apply for *[reactivation]/reinstatement* of an expired or inactive license upon submission of the following:

1. Application for *[reactivation]/reinstatement*;
2. *[Reactivation]/Reinstatement* fee;

3. Proof that the applicant has been licensed and eligible to practice in another state for at least one (1) year preceding the application for reinstatement;

4. Two (2) sets of fingerprints for the purpose of conducting a criminal background check by the Missouri State Highway Patrol and Federal Bureau of Investigation (FBI). The applicant shall provide proof of submission of fingerprints to the Missouri State Highway Patrol’s approved vendor(s) for both a Missouri State Highway Patrol and FBI criminal background check. Proof shall consist of any documentation acceptable to the board. Any fees due for fingerprint background check shall be paid by the applicant directly to the Missouri State Highway Patrol or its approved vendor(s). For the purpose of application for licensure, the results of the criminal background **check** shall be received in the board office prior to the issuance of a license and shall be valid for no more than one (1) year from the date the results of the criminal background check were received in the board office;

5. Completion of the required *[annual]* **biennial** continuing education hours for Missouri licensure renewal as defined in 20 CSR 2070-2.080(3) and (5); or

6. Completion of the continuing education hours required by the state in which the applicant is licensed.

(B) When a chiropractic physician applies to reinstate *[or reactivate]* a license that has been expired **or inactive** for at least five (5) years, and he/she has not been licensed and eligible to practice in another state for the five (5) years preceding the application for *[reactivation]* **reinstatement**, the chiropractic physician must return to a CCE-accredited chiropractic college for a course of study. A course of study for *[reactivation]* **reinstatement** of a license shall consist of passing a minimum of twelve (12) semester hours as follows:

1. Four (4) semester hours in chiropractic clinical reasoning;
2. Three (3) semester hours clinical diagnosis; and
3. Five (5) semester hours diagnostic imaging.

(D) **A chiropractor with an expired or inactive Missouri license for less than five (5) years from the expiration date and not licensed and eligible to practice in another state may apply for reinstatement of such license upon submission of the following:**

1. Application for reinstatement;
2. Reinstatement fee;
3. Two (2) sets of fingerprints for the purpose of conducting

a criminal background check by the Missouri State Highway Patrol and Federal Bureau of Investigation (FBI). The applicant shall provide proof of submission of fingerprints to the Missouri State Highway Patrol’s approved vendor(s) for both a Missouri State Highway Patrol and FBI criminal background check. Proof shall consist of any documentation acceptable to the board. Any fees due for fingerprint background check shall be paid by the applicant directly to the Missouri State Highway Patrol or its approved vendor(s). For the purpose of application for licensure, the results of the criminal background check shall be received in the board office prior to the issuance of a license and shall be valid for no more than one (1) year from the date the results of the criminal background check were received in the board office; and

4. Completion of the required biennial continuing education hours for Missouri licensure renewal as defined in 20 CSR 2070-2.080(3) and (5).

(19) *[Deadline for Renewal.*

(A) Applications for renewal shall be postmarked by the expiration date of the license.

(22) If a bad check is received by the board to renew a license and if the replacement fee is not received prior to the expiration date of the license, the license will **not** be *[not]* current and the licensee shall not practice until the *[reactivation]* **reinstatement** form and fee have been submitted to the board.

AUTHORITY: sections 331.050[, RSMo Supp. 2007] and [section] 331.100.2, [SB 788, Second Regular Session, Ninety-fourth General Assembly,] RSMo Supp. 2008. This rule originally filed as 4 CSR 70-2.080. This version of rule filed Dec. 17, 1975, effective Dec. 27, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 27, 2009.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions approximately one hundred ninety-one dollars and sixty-five cents (\$191.65) biennially 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.

PRIVATE COST: This proposed amendment will cost private entities approximately eight thousand nine hundred ninety-two dollars to sixteen thousand nine hundred eighty-two dollars (\$8,992–\$16,982) biennially 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 Board of Chiropractic Examiners, PO Box 672, Jefferson City, MO 65102, by facsimile at 573-751-2104, or via email at chiropractic@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.

PUBLIC ENTITY FISCAL NOTE

I. RULE NUMBER

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

Division 2070 -State Board of Chiropractic Examiners

Chapter 2 - General Rules

Proposed Amendment - 20 CSR 2070-2.080 Biennial License Renewal

Prepared July 13, 2009 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance
State Board of Chiropractic Examiners	\$191.65
Total Biennial Cost of Compliance for the Life of the Rule	
	\$191.65

III. WORKSHEET

The Executive I receives and reviews each reinstatement application for completion, identifies deficiencies, and communicates corrective measures to the applicant. The Executive Director approves each application for reinstatement, addresses questions regarding applicable continuing education, and communicates with board member(s) regarding acceptable continuing education. The board members review the continuing education courses that was are not approved by the board to determine if such hours can be used for reinstatement of the license.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL COST
Executive I	\$35,952	\$53,528.93	\$25.74	\$0.43	15 minutes	\$6.43	\$64.34
Executive Director	\$66,068	\$98,368.17	\$47.29	\$0.79	5 minutes	\$3.94	\$39.41
Total Personal Services Cost							\$103.75

BOARD MEMBER	BOARD MEMBER PER DIEM	NUMBER OF BOARD MEMBERS
Board member per diems are based on an eight hour day at a rate of \$50 per day. It is anticipated each member of the board will spend approximately 2 hours for continuing education reviews.	\$12.50	6
Total Board Member Personal Services Cost		\$75.00

Expense and Equipment Dollars

Item	Cost Per Item	Number of Items	Total
Letterhead	\$0.20	10	\$2.00
Envelopes	\$0.15	10	\$1.50
Postage	\$0.44	10	\$4.40
Board Member Postage	\$1.00	5	\$5.00
Total Expense and Equipment Cost			\$12.90

IV. ASSUMPTION

1. Employee's salaries were calculated using the annual salary multiplied by 48.89% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications.
2. The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual cost incurred by the office, which includes personal service, expense and equipment and transfers.
3. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

NOTE: Estimated number of reviews are based on FY 08-09 actuals.

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER**Title 20 - Department of Insurance, Financial Institutions and Professional Registration****Division 2070 -State Board of Chiropractic Examiners****Chapter 2 - General Rules****Proposed Amendment - 20 CSR 2070-2.080 Biennial License Renewal**

Prepared July 13, 2009 by the Division of Professional Registration

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 cost of compliance with the amendment by affected entities:
10	Applicants for Reinstatement (Reinstatement application @ \$300)	\$3,000
10	Postage to mail Reinstatement Application (Postage @ \$1.00)	\$10
10	Registration for Continuing Education Seminars (Registration @ \$250 - \$450)	\$2,500 - \$4,500
10	Lodging to attend Continuing Education Seminar (Lodging @ \$214 - \$596)	\$2,140 - \$5,960
10	Meals while attending Continuing Education Seminar (Meals at \$78 - \$295)	\$780 - \$2,950
10	Copy of Continuing Education Certificate (Copy of Certificate, 10 pages @ \$.40 per page @ \$4 per copied certificate)	\$40
10	Background Check for Application for Reinstatement (FBI and Missouri State Highway Patrol Background Checks @ \$52.20)	\$522

**Estimated Biennial Cost of Compliance for the
Life of the Rule**

\$8,992 - \$16,982

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. In calculating the private entity cost, the board surveyed three continuing education sponsors that provide board approved continuing education classes over a weekend or several days. In calculating the lodging and meals expense, the board utilized the federal General Services Administration (GSA) per diem rates for destinations within the Continental United States (CONUS) except for the Branson, Missouri area, as the actual lodging cost was available at the time the request for rulemaking was compiled. It must be noted that seminar attendants may pay a higher lodging rate during a seminar over several days, based upon location, lodging preferences, and availability. Finally, additional travel costs would include mileage from home to the seminar and vice-versa, but would vary based upon where the licensee live therefore, that was not calculated in the fiscal note.
2. Forty-eight hours of continuing education are required biennially.
3. Continuing Education sponsors surveyed include: Logan Chiropractic College, St Louis; Cleveland College of Chiropractic, Overland Park, KS; and Missouri State Chiropractors Association Annual Convention, Branson area.
4. The fingerprint processing fee is a pass through fee that does not effect the board's fund. The board estimates that the Missouri State Highway Patrol will receive the estimated amount listed above biennially for the life of the rule.
5. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.