

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 If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission.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 2—DEPARTMENT OF AGRICULTURE Division 30—Animal Health Chapter 10—Food Safety and Meat Inspection

PROPOSED AMENDMENT

2 CSR 30-10.010 Inspection of Meat and Poultry. The director is amending section (2).

PURPOSE: This amendment updates the addition of the Code of Federal Regulations that is incorporated by reference in this section.

(2) The standards used to inspect Missouri meat and poultry slaughter and processing shall be those shown in Part 300 to end of Title 9, the *Code of Federal Regulations [(January 1, 2008)]*, **published annually in January**, herein incorporated by reference and made a part of this rule as published by the United States Superintendent of Documents, 732 N Capitol Street NW, Washington, DC 20402-0001, phone: toll-free (866) 512-1800; DC area (202) 512-1800, website

<http://bookstore.gpo.gov>. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: section 265.020, RSMo 2000. Original rule filed Sept. 14, 2000, effective March 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed April 8, 2009.

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

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred (\$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 Agriculture, Taylor H. Woods, D.V.M., State Veterinarian, PO Box 630, Jefferson City, MO 65102, by facsimile at (573) 751-6919 or via email at taylor.woods@mda.mo.gov. Comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 2—Practice and Procedure

PROPOSED RESCISSION

4 CSR 240-2.020 Meetings and Hearings. This rule provided the commission's street address and noted that the commission would meet from time-to-time.

PURPOSE: This rule is being rescinded because it is out-of-date and provides no useful information or direction that is not provided elsewhere in the commission's rules.

AUTHORITY: section 386.410, RSMo Supp. 1998. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. For intervening history, please consult the Code of State Regulations. Rescinded: Filed April 6, 2009.

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

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

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Colleen M. Dale, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before June 16, 2009, and should include a reference to Commission Case No. AX-2009-0338. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/case-filing-information>. A public hearing regarding this proposed rescission is scheduled for June 16, 2009 at 2:00 p.m. in Room 305 of the commission's offices in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri.

Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 (voice) or Relay Missouri at 711.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 126—Manufactured Housing Consumer
Recovery Fund**

PROPOSED RULE

4 CSR 240-126.010 Definitions

PURPOSE: This rule defines various terms as used in this chapter.

- (1) "Advisory committee" is the committee created to assist the commission with the evaluation of all claims filed by consumers.
- (2) "Applicant" is any consumer who completes a claim form.
- (3) "Claim form" is the form developed and provided by the commission and which is used for reimbursement from the Manufactured Housing Recovery Fund.
- (4) "Commission" is the Missouri Public Service Commission.
- (5) "Consumer" is any individual who has purchased from a Missouri registered manufacturer or dealer any "home" as that term is defined in this rule.
- (6) "Home" means any new manufactured home built according to the federal standards in 24 CFR Parts 3280 and 3282 and 4 CSR 240-120.100, and/or any modular unit used as a residential home and built according to the Code for modular units as that Code is defined in 4 CSR 240-123.080.
- (7) "Manufactured Housing Consumer Recovery Fund (Recovery Fund)" means the fund administered by the commission for the purpose of paying consumer claims under procedures the commission may promulgate by rule.
- (8) "Program director" is the director of the commission's Manufactured Housing and Modular Units Program.
- (9) "Unsatisfied claim" is any claim for the actual cost of damages or repairs arising from a violation of Chapter 700, RSMo, the commission's rules, or the federal standards in 24 CFR Parts 3280 and 3282, and which a consumer has not been able to recover.

AUTHORITY: section 700.040, RSMo 2000 and section 700.041, RSMo Supp. 2008. Original rule filed April 6, 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 including reference to Case No. MX-2009-0326 in support of or in opposition to this proposed rule with the Public Service Commission, Colleen M. Dale, Secretary, PO Box 360, Jefferson City, Missouri 65102. Comments may also be submitted by using the commission's electronic information filing and information system at <http://psc.mo.gov/case-filing-information>. 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 126—Manufactured Housing Consumer
Recovery Fund**

PROPOSED RULE

4 CSR 240-126.020 Consumer Recovery Fund

PURPOSE: To establish guidelines for the Manufactured Housing Consumer Recovery Fund (Recovery Fund) pursuant to section 700.041, RSMo Supp. 2008.

- (1) The Recovery Fund is established for the purpose of paying unsatisfied claims as approved by the commission under the procedures established by this rule. The commission shall administer the Recovery Fund, and all monies in the fund shall be used solely as prescribed in this rule and pursuant to section 700.041, RSMo.
- (2) The advisory committee shall assist the commission in the administration and investigation of all claims submitted by consumers under this rule. The advisory committee shall consist of three (3) members: two (2) employees of the commission with one (1) member being the program director, one (1) member from the commission's general counsel's office, and one (1) member of the Missouri Manufactured Housing Association.
- (3) In order to receive a disbursement of funds from the Recovery Fund, the following criteria shall be met:
 - (A) A consumer must have purchased a new manufactured home or residential modular unit as those terms are defined in Chapter 700, RSMo, and the commission's rules;
 - (B) The new manufactured home or residential modular unit must have been purchased from a manufacturer or dealer as those terms are defined in Chapter 700, RSMo, and the commission's rules;
 - (C) At the time of purchase, the manufacturer or dealer must have been registered with the commission pursuant to sections 700.010 to 700.692, RSMo Supp. 2008;
 - (D) If a consumer is seeking a disbursement from the Recovery Fund resulting from the actions of an installer, at the time of installation, such installer must have been licensed with the commission pursuant to sections 700.650 to 700.692, RSMo Supp. 2008;
 - (E) A consumer must have an unsatisfied claim resulting from a violation of:
 1. Chapter 700, RSMo; or
 2. Any rule adopted by the commission; or
 3. The National Manufactured Housing Construction and Safety Standards in 24 CFR Part 3280 or the Manufactured Home Procedural and Enforcement Regulations in Part 3282; or
 4. The standards that govern modular units defined in 4 CSR 240-123.080;
 - (F) A consumer must have exhausted all legal remedies prior to submitting a claim form;
 - (G) A consumer must file a claim with the commission on a claim form provided by the commission and within one (1) year from the date of exhaustion of legal remedies; and

(H) The amount requested by the consumer must reflect the actual cost of repairs and in no event shall exceed five thousand dollars (\$5,000) for single section homes and seven thousand five hundred (\$7,500) for multi-section homes. No claim shall include attorney's fees, double, treble, punitive, or exemplary damages.

(4) Upon receipt of a claim form, the advisory committee shall be responsible to investigate and determine whether the requirements of this rule have been met and shall present its findings to the commission in the form of a recommendation within sixty (60) days from receipt of the claim form.

(5) All recommendations of the advisory committee and all disbursements of funds from the Recovery Fund shall be subject to the approval of the commission. No funds shall be distributed without prior commission approval.

(6) In determining whether an applicant's legal remedies have been exhausted, the advisory committee may consider the following:

(A) Evidence demonstrating that the consumer has obtained a judgment from a circuit court against a manufacturer, dealer, or installer and that the consumer has been unable to satisfy this judgment;

(B) Information indicating that a manufacturer, dealer, or installer, against whom legal action may be taken, is out-of-business, bankrupt, closed, dissolved, or no longer subject to the jurisdiction of the commission;

(C) Information indicating that legal action against a manufacturer, dealer, or installer is futile or is barred by statute or equitable principle, or any other relevant factor.

(7) A claim form submitted to the commission must be completed in its entirety. Information contained on the claim form shall contain, but may not be limited to, the following:

(A) The name, physical address, and telephone number of the consumer who purchased the home;

(B) A copy of the purchase agreement or bill of sale;

(C) Any other information the consumer has regarding the purchase and installation of the home, including a description of any defect, work orders, invoices, or other information;

(D) The business name and physical address of the dealer; and

(E) The business name and physical address of the manufacturing plant where the home was manufactured and any other information deemed necessary by the commission.

(8) The advisory committee may request or obtain estimates from approved or registered industry representatives to determine the actual repair costs.

(9) Neither the Recovery Fund, the advisory committee, the program director, nor the commission shall be liable if the Recovery Fund does not have sufficient funds to cover all the damages and/or repair costs.

(10) Should the Recovery Fund contain insufficient funds to pay approved claims, claims shall be processed in the order in which the approved claims have been received.

(11) If the claim arises directly from the sale, lease-purchase, exchange, brokerage, or installation of a manufactured or modular home before July 1, 2009, the consumer will not be eligible to file a claim against the Recovery Fund.

(12) Nothing in this chapter shall limit the ability of the program director to inspect a manufactured home or modular unit at any reasonable time.

(13) Notwithstanding the limitations and terms of any home warranty, the program director may, whenever the program director identifies any aspect of an installation that does not conform to the applicable requirements, order the installer who performed the installation to correct nonconformity, or if that installer is no longer licensed, reassign correction to a registered dealer or licensed installer and reimburse the same from the Recovery Fund for the cost of the correction.

AUTHORITY: section 700.040, RSMo 2000 and section 700.041, RSMo Supp. 2008. Original rule filed April 6, 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 including reference to Case No. MX-2009-0326 in support of or in opposition to this proposed rule with the Public Service Commission, Colleen M. Dale, Secretary, PO Box 360, Jefferson City, Missouri 65102. Comments may also be submitted by using the commission's electronic information filing and information system at <http://psc.mo.gov/case-filing-information>. 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 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 30—Division of Administrative and Financial
Services
Chapter 4—General Administration**

PROPOSED RESCISSION

5 CSR 30-4.030 Audit Policy and Requirements. This rule established a comprehensive policy for public school district and charter school audits. This policy outlined the purposes of audits, the responsibilities various parties have in the audit and the audit review process, relationships in this process, minimum audit requirements, and procedures the Department of Elementary and Secondary Education will follow in resolving any question or problem which may be disclosed by the audit.

PURPOSE: This rule is being rescinded and readopted as revisions have occurred in the policy for public school district and charter school audits.

AUTHORITY: sections 160.405 and 161.092, RSMo Supp. 2002, and sections 165.121, 167.201, and 178.430, RSMo 2000. Original rule filed April 28, 1982, effective Sept. 12, 1982. For intervening history, please consult the Code of State Regulations. Rescinded: Filed April 8, 2009.

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

PRIVATE COST: This proposed rescission 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 rescission with the Missouri Department of Elementary and Secondary Education, ATTN: Roger Dorson, Coordinator of School Administrative

Services, 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 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**
**Division 30—Division of Administrative and Financial
Services**
Chapter 4—General Administration

PROPOSED RULE

5 CSR 30-4.030 Audit Policy and Requirements

PURPOSE: This rule establishes a comprehensive policy for public school district and charter school audits. This policy outlines the purposes of audits, the responsibilities various parties have in the audit and the audit review process, relationships in this process, minimum audit requirements, and procedures the Department of Elementary and Secondary Education will follow in resolving any question or problem which may be disclosed by the audit.

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 or 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) For the purpose of this rule, unless the context clearly requires otherwise, the following terms shall mean:

(A) School. Public school district or charter school; and

(B) Board. Public school district board of education or charter school board of directors.

(2) Audits of schools are primarily intended to express an auditor's opinion on the fairness of presentation of the financial statements. Audits also provide an independent review of financial operations, systems of internal control, and compliance with relevant state and federal laws and regulations.

(3) Responsibilities in the audit process are shared by the board, the independent auditor contracted by the board, and the Department of Elementary and Secondary Education (DESE).

(4) The board's responsibilities are as follows:

(A) Each board is responsible for defining an appropriate scope of the audit.

1. At a minimum, the audit must include the school's:

A. General, Special Revenue, Debt Service, and Capital Projects funds;

B. Fiduciary funds;

C. Proprietary funds; and

D. Component units (unless a component unit issues its own audited financial statements).

2. A Single Audit of federal funds expended by the school may be required. State law provides for the acceptance of federal acts and funds and for their necessary administration and supervision. Audit requirements are a part of federal acts and the implementing regulations adopted by the administering federal agencies. The requirements of the Single Audit Act, as amended by *The Single Audit Act Amendments of 1996*, Office of Management and Budget (OMB) Circular A-133, which is incorporated by reference and made a part of this rule as published by the Office of the Federal Register, Office

of Administration and is available by contacting the Office of Administration, Publications Office, Room 2200, New Executive Office Building, Washington, DC 20503, and *Government Auditing Standards*, July 2007 Revision, issued by the Comptroller General of the United States, which is incorporated by reference and made a part of this rule as published by the U.S. Government Accountability Office, 441 G St. NW, Washington, DC 20548, are included in this audit policy. This rule does not incorporate any subsequent amendments or additions. Specific application of these requirements shall be as follows:

A. All schools that expend a total amount of federal awards equal to or in excess of the amount specified in OMB Circular A-133 as the Single Audit threshold or such other amount specified by the federal director of the OMB in any fiscal year shall either have a Single Audit or a program-specific audit made for such fiscal year in accordance with the requirements of *The Single Audit Act Amendments of 1996*, OMB Circular A-133 and the *Government Auditing Standards*; or

B. All schools that expend a total amount of federal awards of less than the amount specified in OMB Circular A-133 as the Single Audit threshold or such other amount specified by the director of the OMB in any fiscal year shall be exempt for such fiscal year from compliance with *The Single Audit Act Amendments of 1996*. However, these schools shall be required to have an audit performed in accordance with *Government Auditing Standards*; and

3. Schools that cease operations are not exempt from the audit requirements. A final audit of the school's activities through the date it ceases operations must be performed and submitted to DESE as otherwise described in this rule;

(B) Each board is responsible for procuring audit services. Audit services should be competitively bid in accordance with district procurement policy.

1. Each board is responsible for selecting an independent auditor who holds a current permit to practice public accounting in the state of Missouri and meets the requirements for continuing professional education and peer review, as defined by the regulations of the Missouri State Board of Accountancy and *Government Auditing Standards*. Subcontractors must also meet these requirements.

2. Auditors performing Single Audits pursuant to OMB Circular A-133 must not be suspended or debarred from doing business with the federal government;

(C) The audit report shall be submitted to DESE by school officials no later than December 31 of each year. If the audit is not received by the deadline, all funds disbursed by DESE to the school may be withheld until the audit is received;

(D) The board is responsible for transmitting one (1) copy of the report; the related management letter, if one is prepared by the independent auditor; and a copy of the board minutes or board resolution, indicating approval of the audit report to DESE and other copies of the audit report as required by federal laws and regulations to the appropriate agency(ies). The management letter (if applicable) and a copy of the board minutes or board resolution indicating approval of the audit report must be received by DESE before the audit file will be considered complete for the fiscal year:

1. The audit report, related management letter, and copy of the board minutes or board resolution may be submitted electronically to DESE by the board or its designee to an email address established for this purpose. All signatures that would normally be included on the hard copy document must be present on the electronic document. Documents with scanned signatures will be accepted. Copies of unsigned audit reports, management letters, or board minutes or resolutions will not be accepted; and

2. Revisions to an audit report may also be submitted electronically to DESE but must be accompanied by a signed statement from the independent auditor on the firm's letterhead explaining the reason for the revision;

(E) Schools that have a Single Audit performed and have federal findings or questioned costs shall submit the school's Corrective

Action Plan prepared in accordance with OMB Circular A-133 with their audit report and management letter as stated above;

(F) The board must notify DESE's School Administrative Services section if fraud or embezzlement is discovered during the course of the audit;

(G) The board is responsible for the accuracy of the audited financial statements, notes to the financial statements, and assertions related to compliance with state and federal laws and regulations; and

(H) Each board is responsible for ensuring implementation of audit recommendations as appropriate and resolving any questions or discrepancies disclosed by the audit or noted by DESE.

(5) The independent auditor is responsible for conducting the audit in accordance with generally accepted auditing standards, government auditing standards, federal audit requirements, and DESE audit guidelines as contained or referenced in this rule; submitting the audit report to the client board; and assisting in resolving questions or problems which may be disclosed by the audit. Depending on the contract or agreement the school has with its independent auditor, this assistance may require additional compensation to be paid to the auditor.

(A) School audits must contain at a minimum the following:

1. A statement of the scope of examination;

2. A statement as to whether the audit was conducted in accordance with generally accepted auditing standards and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States;

3. The independent auditor's opinion as to whether the financial statements included in the audit report present fairly the results of the operations during the period audited;

4. A statement as to whether the financial statements accompanying the audit report were prepared in accordance with generally accepted accounting principles or another comprehensive basis of accounting;

5. The reason or reasons an opinion is not rendered in the event the independent auditor is unable to express an opinion with respect thereto;

6. Except for charter schools, the independent auditor's opinion as to whether the school's budgetary and disbursement procedures conform to the requirements of Chapter 67, RSMo;

7. The independent auditor's opinion as to whether attendance and transportation records are so maintained by the school as to disclose accurately average daily attendance and average daily transportation of pupils during the period of the audit;

8. The schedule of selected statistics, as specified annually by DESE; and

9. Financial statements presented in such form as to disclose the operations of each fund of the school and a statement of the operations of all funds.

(6) DESE has the general responsibility to receive and review audits; to verify that minimum audit requirements have been met; and with the school's independent auditor, to resolve any questions or discrepancies. Specific responsibilities within DESE are assigned as follows:

(A) DESE has an advisory and supervisory relationship with the board through the school's administrative staff. Questions regarding audit reports and any audit problems, discrepancies, or findings will generally be resolved by DESE directly with the administrative staff at the school. However, in some cases, DESE staff may communicate directly with the school's auditor. DESE staff will communicate with the federal cognizant agency (typically, the U. S. Department of Education) regarding compliance with various federal requirements. The cognizant agency has the authority to make periodic contacts with school officials and their auditors regarding specific questions, audit deficiencies, or review of the audit process; and

(B) DESE's School Administrative Services section is the primary point of contact with the school and their independent auditor

regarding audit requirements and audit reports. This section is responsible for reviewing the audit reports for general acceptability in accordance with state and federal guidelines.

1. DESE staff will make a preliminary review to determine if the audit generally conforms to state and federal requirements referenced in this rule.

2. Schools which receive an audit with a disclaimer of opinion shall institute corrective measures to ensure that the subsequent audit does not contain a disclaimer of opinion. If a disclaimer of opinion is rendered on the subsequent audit, the audit shall be deemed unacceptable and all funds disbursed by DESE to the school may be withheld until such time as the school demonstrates to DESE that the situation resulting in the disclaimer of opinion has been corrected by the school.

3. Audit reports containing an adverse opinion will be evaluated by DESE staff. Depending on the reasons for the adverse opinion, DESE may require the school to provide evidence that corrective action has been or is being taken to eliminate the adverse opinion from future reports. If corrective action is not taken as deemed necessary by DESE and an adverse opinion is rendered on the subsequent audit, the audit shall be deemed unacceptable and all funds disbursed by DESE to the school may be withheld until such time as the district demonstrates to DESE that the situation resulting in the adverse opinion has been corrected by the school.

4. Audits will be reviewed on a rotating basis via a formal desk review for adherence to the appropriate audit requirements (*The Single Audit Act Amendments of 1996*; OMB Circular A-133; *Government Auditing Standards*, as well as the state requirements) included or referenced in this rule.

A. Any deficiencies with the audit, during this phase, will be communicated to school officials and/or the independent auditor depending on the severity and type of deficiency noted. Resolution of desk review items should occur within the time frame provided by DESE in the written communication with the school or the independent auditor. Failure to address noted deficiencies may result in the withholding of funds distributed by DESE to the school. Severe deficiencies and/or inaction by the school's independent auditor may result in the reporting of the independent auditor to the Missouri State Board of Accountancy.

B. Review of the independent auditor's working papers may be conducted by DESE as deemed appropriate to ensure appropriate work has been performed to support statements, opinions, findings, etc. of the independent auditor. Auditors may be requested to provide their most recent peer review report to DESE.

5. For audits conducted in accordance with OMB Circular A-133, federal findings and questioned costs and the related Corrective Action Plan will be circulated to the appropriate DESE program sections for follow-up with the school.

A. The program sections, both federal and state, are responsible for addressing relevant portions of the audit including follow-up with school officials and their independent auditors to resolve any questions, discrepancies, or audit findings.

B. The appropriate program section shall issue a written management decision to the school indicating approval/disapproval of the school's Corrective Action Plan. This must take place within six (6) months from the receipt of the audit.

C. When the program section review suggests questions or discloses discrepancies, the individual program section will correspond directly with the school. This correspondence initiates a procedure for resolving program audit questions and discrepancies which is outlined below—

(I) Personnel of the various program sections will advise the school officials of the findings and the nature of any discrepancy found in the audit report;

(II) Within the time frame provided by DESE, school officials will be expected to respond with clarifying information and, as appropriate, corrected data or a corrected page of the audit report issued by the independent auditor who conducted the original audit.

DESE staff will assist in every reasonable way to help a school and/or its independent auditor find a solution to audit problems; and

(III) If a discrepancy cannot be resolved, DESE may recover or withhold applicable state or federal funds from the affected program.

AUTHORITY: sections 160.405 and 161.092, RSMo Supp. 2008 and sections 165.121, 167.201, and 178.430, RSMo 2000. Original rule filed April 28, 1982, effective Sept. 12, 1982. For intervening history, please consult the Code of State Regulations. Rescinded and readopted: Filed April 8, 2009.

PUBLIC COST: This proposed rule will cost public school districts and charter schools an estimated \$5,207,940 for Fiscal Year 2010 and each subsequent 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 support of or in opposition to this proposed rule with the Department of Elementary and Secondary Education, ATTN: Roger Dorson, Coordinator of School Administrative Services, Division of Administrative and Financial Services, 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: 5 Department of Elementary and Secondary Education
Division: 30 Division of Administrative and Financial Services
Chapter: 4 General Administration
Type of Rulemaking: Proposed Rule
Rule Number and Name: 5 CSR 30-4.030 Audit Policy and Requirements

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Public School Districts and Charter Schools	\$5,207,940 for FY 2010 and each subsequent year for the life of the rule.

III. WORKSHEET

The current public cost for public school districts and charter schools audit reports is \$4,932,940 as reported by the public school districts and charter schools on the Fiscal Year 2008 Annual Secretary of the Board report. The Fiscal Year 2009 cost is not expected to differ significantly from the Fiscal Year 2008 amount. The recurring cost of the rule for Fiscal Year 2010 and subsequent years is estimated to increase slightly since not all schools' component units are currently audited as contemplated in the proposed rule. Four schools are known to have component units that are not currently being audited but the total number of schools likely to be affected is unknown.

IV. ASSUMPTIONS

If one assumes that approximately ten percent (10%) of the state's 551 schools will be affected and the audit cost of a component unit averages approximately \$5,000, the fiscal impact would be approximately \$275,000 per year for Fiscal Year 2010 and each subsequent year.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 100—Petroleum Storage Tank Insurance Fund
Board of Trustees
Chapter 4—Participation Requirements

PROPOSED AMENDMENT

10 CSR 100-4.020 Participation Requirements for Aboveground Storage Tanks. The board is reversing the order of old subsections (5)(E) and (5)(F) and is amending old subsection (5)(E).

PURPOSE: This amendment changes how the board handles insurance renewals where some, but not all, of the aboveground tanks at a site have been taken out of service. In addition, it would make third-party benefits available for claims made during the extended reporting period. This amendment makes the board's procedures for aboveground tanks consistent with its current procedures for underground tanks.

(5) In order to continue participation in the fund, participants are required to renew their participation annually.

(E) In order to continue participation in the fund, participants shall pay such fees as are set forth in subsection (3)(A) above. If such fees are not submitted with the renewal application, and the application is accepted, the board shall notify the applicant of the amount of such fees which are due, and shall indicate that such fees are due and payable within ten (10) days. Failure by the applicant to submit such fees in a timely manner shall result in nonrenewal of coverage on the date that such fees were due.

[(E)](F) [If one (1) or more of the previously-insured aboveground storage tanks has been taken out of use and emptied,] If at the end of a participation period, all of the previously-insured aboveground storage tanks have been emptied and taken out of use, the owner and/or operator of [that] the tank(s) shall no longer be insured for costs resulting from sudden or non-sudden releases [from that tank], since there cannot be a release from an empty tank. Instead, the owner or operator may [elect to purchase "tail coverage" to protect against costs of corrective action which may be required as a result of a sudden or non-sudden] apply for an extended reporting period. The extended reporting period allows named persons to give notice of claim for a release which occurred while the previously-insured tank(s) was/were in use, but which is not yet known.

1. Participation fees shall be paid on such tanks at the same rate as specified in [10 CSR 20-4.020] subsection (3)(A) above.

2. Coverage provided by the fund shall be limited to one (1) million dollars.

3. A ten thousand dollar (\$10,000) deductible shall apply.

[4. Coverage for third-party property damage and third-party bodily injury shall not be provided.]

[5.]4. All other terms and conditions of coverage provided by the fund shall be contained in the document issued by the board to the fund participant.

[6.]5. [Such coverage shall not be issued] The extended reporting period shall consist of one (1)-year increments, but shall not last for more than five (5) years after it [is first issued for one (1) or more tanks at that location,] commences, and in no case beyond the sunset date of the fund established by the Missouri General Assembly.

[7.]6. The board reserves the right to issue such coverage at its sole discretion.

[(F) In order to continue participation in the fund, participants shall pay such fees as are set forth in subsection (3)(A) above. If such fees are not submitted with the renewal application, and the application is accepted, the board shall notify the applicant of the amount of such fees which are due, and shall indicate that such fees are due and payable within ten (10) days. Failure by the applicant to sub-

mit such fees in a timely manner shall result in nonrenewal of coverage on the date that such fees were due.]

AUTHORITY: sections 319.129, 319.131, and 319.133, RSMo Supp. [2006] 2008. Original rule filed April 1, 1999, effective Nov. 30, 1999. Amended: Filed Nov. 15, 2001, effective May 30, 2002. Amended: Filed Nov. 3, 2003, effective May 30, 2004. Amended: Filed Sept. 1, 2006, effective July 30, 2007. Amended: Filed April 13, 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 Petroleum Storage Tank Insurance Fund, PO Box 836, Jefferson City, MO 65102, or by facsimile to 573-522-2354, or by email to pstif@sprintmail.com. To be considered, comments must be received by 5:00 p.m. on June 15, 2009. No public hearing is scheduled.

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

Division 2030—Missouri Board for Architects,
Professional Engineers, Professional Land Surveyors,
and Landscape Architects
Chapter 2—Code of Professional Conduct

PROPOSED AMENDMENT

20 CSR 2030-2.010 Code of Professional Conduct. The board is proposing to amend section (4).

PURPOSE: This rule is being amended to clarify the services that licensees can undertake when performing architectural, professional engineering, professional land surveying, and landscape architectural services.

(4) Licensees shall undertake to perform architectural, professional engineering, land surveying, and landscape architectural services only when they[, together with those whom the licensee may employ, or engage as a consultant,] are qualified by education, training, and experience in the specific technical areas involved.

AUTHORITY: section 327.041, RSMo Supp. [2005] 2008. This rule originally filed as 4 CSR 30-2.010. Original rule filed Dec. 10, 1975, effective Jan. 10, 1976. For intervening history, please consult the Code of State Regulations. Amended: Filed April 8, 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 Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, 3605 Missouri Boulevard, Suite 380, Jefferson City, MO 65109, by facsimile at 573-751-0047, or via email at moapels@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 2030—Missouri Board for Architects,
Professional Engineers, Professional Land Surveyors,
and Landscape Architects
Chapter 11—Renewals**

PROPOSED AMENDMENT

20 CSR 2030-11.025 Continuing Education for Architects. The board is proposing to amend subsection (5)(A).

PURPOSE: This rule is being amended to make the continuing education requirements equal among resident licensees and out-of-state licensees.

(5) Exemptions.

(A) A licensed architect shall be deemed to have complied with the foregoing continuing education requirements if the architect attests in the required renewal that for not less than twenty-one (21) months of the preceding two (2)-year period of licensure, the architect *[(one of the following):*

1. Is a resident of another state or district having continuing education requirements for licensure as an architect and has complied with all requirements of that state or district for practice therein; or

2. Is] is a government employee working as an architect and assigned to duty outside the United States.

AUTHORITY: section[s] 327.041, RSMo Supp. [2006] 2008 and sections 41.946 and 327.171, RSMo 2000. This rule originally filed as 4 CSR 30-II.025. Original rule filed March 15, 2004, effective Sept. 30, 2004. Moved to 20 CSR 2030-II.025, effective Aug. 28, 2006. Amended: Filed Oct. 16, 2006, effective April 30, 2007. Amended: Filed Aug. 11, 2008, effective June 30, 2009. Amended: Filed April 3, 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 cost private entities approximately one thousand two hundred dollars (\$1,200) 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 for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, 3605 Missouri Boulevard, Suite 380, Jefferson City, MO 65109, by facsimile at 573-751-0047, or via email at moapels@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 FISCAL NOTE**I. RULE NUMBER**

**Title 20 -Department of Insurance, Financial Institutions, and Professional Registration
Division 2030 - Missouri Board for Architects, Professional Engineers, Professional Land
Surveyors, and Landscape Architects**

Chapter 11 - Renewals

Proposed Amendment - 20 CSR 2030-11.025 Continuing Education for Architects

Prepared December 15, 2008 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 biennial cost of compliance with the rule by affected entities:
10	Out-of-State Licensees (Continuing Education @ \$30/Hour for 24 CEUs)	(\$7,200.00)
10	Out-of-State Continuing Education Providers (Continuing Education Classes @ \$25/Hour for 24 CEUs)	\$6,000.00
Estimated Biennial Cost of Compliance for the Life of the		(\$1,200.00)

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The figures shown above are based on FY08 actuals.
2. The out-of-state licensees may have to obtain as many as 24 additional continuing education units to comply with the amendment which in turn may increase the number of units that continuing education providers provide to out of state licensees by 24 units.
3. For the purposes of this fiscal note, the board is anticipating that the out-of-state licensees will have to acquire all of the required 24 continuing education units from out-of-state providers.
4. It is anticipated that the total cost will recur or 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 2030—Missouri Board for Architects,
Professional Engineers, Professional Land Surveyors,
and Landscape Architects
Chapter 11—Renewals**

PROPOSED AMENDMENT

20 CSR 2030-11.035 Continuing Education for Landscape Architects. The board is proposing to amend subsection (5)(A).

PURPOSE: This rule is being amended to make the continuing education requirements equal among resident licensees and out-of-state licensees.

(5) Exemptions.

(A) A licensed landscape architect shall be deemed to have complied with the foregoing continuing education requirements if the landscape architect attests in the required renewal that for not less than twenty-one (21) months of the preceding two (2)-year period of licensure, the landscape architect *[one (1) of the following]*:

1. *Is a resident of another state or district having continuing education requirements for licensure as a landscape architect and has complied with all requirements of that state or district for practice therein; or*

2. *Is a government employee working as a landscape architect and assigned to duty outside the United States.*

AUTHORITY: section 327.041, RSMo Supp. [2007] 2008 and sections 41.946 and 327.171, RSMo 2000. Original rule filed Jan. 15, 2008, effective July 30, 2008. Amended: Filed April 3, 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 cost private entities approximately one hundred twenty dollars (\$120) 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 for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, 3605 Missouri Boulevard, Suite 380, Jefferson City, MO 65109, by facsimile at 573-751-0047, or via email at moapels@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 FISCAL NOTE**I. RULE NUMBER**

**Title 20 -Department of Insurance, Financial Institutions, and Professional Registration
Division 2030 - Missouri Board for Architects, Professional Engineers, Professional Land
Surveyors, and Landscape Architects**

Chapter 11 - Renewals

**Proposed Amendment - 20 CSR 2030-11.035 Continuing Education for Landscape Architects
Prepared December 15, 2008 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 biennial cost of compliance with the rule by affected entities:
1	Out of State Licensees (Continuing Education @ \$30/Hour for 24 CEUs)	(\$720.00)
1	Out of State Continuing Education Providers (Continuing Education Classes @ \$25/Hour for 24 CEUs)	\$600.00
Estimated Biennial Cost of Compliance for the Life of the Rule		(\$120.00)

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The figures shown above are based on FY08 actuals.
2. The out-of-state licensees may have to obtain as many as 24 additional continuing education units to comply with the amendment which in turn may increase the number of units that continuing education providers provide to out of state licensees by 24 units.
3. For the purposes of this fiscal note, the board is anticipating that the out-of-state licensees will have to acquire all of the required 24 continuing education units from out-of-state providers.
4. It is anticipated that the total cost will recur or 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 2085—Board of Cosmetology and Barber
Examiners**

Chapter 5—Barber Licensing

PROPOSED AMENDMENT

20 CSR 2085-5.010 Licensure by Examination for a Barber. The board is proposing to amend section (6).

PURPOSE: This amendment establishes new procedures for submitting barber examination applications.

(6) In order to be scheduled for examination, all training hours must be completed and a properly completed application on a form supplied by the board must be received by the board within five (5) years from the date the board issues the relevant student/apprentice license. The Application for Examination/Temporary Permit Form must be received in the [board office] test administrator's office, along with all applicable examination fees, no less than fourteen (14) days prior to the date of the scheduled examination the applicant desires to take. Applications received after the cut-off date and all applications received after every available space for the examination has been filled, whether that application was received prior to or after this cut-off date, shall be scheduled for the next regularly scheduled examination. [The Examination Scheduling Request Form must be submitted to the test administrator's office along with all applicable examination fees required by the test administrator.] Applicants shall comply with all applicable rules of the test administrator.

AUTHORITY: sections 328.080 and 329.025.1, RSMo Supp. [2007] 2008. Original rule filed Aug. 1, 2007, effective Feb. 29, 2008. Amended: Filed April 3, 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 Board of Cosmetology and Barber Examiners, Darla L. Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8176, or by emailing comments to cos-bar@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 2085—Board of Cosmetology and Barber
Examiners**

Chapter 6—Barber Instructors

PROPOSED AMENDMENT

20 CSR 2085-6.010 Licensure of Barber Instructors. The board is proposing to amend section (3).

PURPOSE: This amendment establishes new procedures for submitting barber instructor applications by examination.

(3) In order to be scheduled for examination, the Application for Examination/Temporary Permit Form must be received in the [board office] test administrator's office, along with all applicable examination fees, no less than fourteen (14) working days prior to the first date of each scheduled examination. Applications received after the cut-off date and all applications received after every available space for the examination has been filled, whether that application was received prior to or after this cut-off date, shall be scheduled for the next regularly scheduled examination. [The Examination Scheduling Request Form, along with the examination fee, must be submitted to the test administrator's office.] Applicants shall comply with all rules of the test administrator.

AUTHORITY: sections 328.090 and 329.025.1, RSMo Supp. [2007] 2008. Original rule filed Aug. 1, 2007, effective Feb. 29, 2008. Amended: Filed April 3, 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 Board of Cosmetology and Barber Examiners, Darla L. Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8176, or by emailing comments to cos-bar@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 2085—Board of Cosmetology and Barber
Examiners**

Chapter 7—Cosmetology Licensing

PROPOSED AMENDMENT

20 CSR 2085-7.010 Qualifications for State Cosmetology Examinations. The board is proposing to amend subsections (1)(D), (3)(B), and (3)(C).

PURPOSE: This amendment establishes new procedures for submitting cosmetology examination applications.

(1) Qualifications for State Exam.

(D) In order to be scheduled for examination, all training hours must be completed and a properly completed application on a form supplied by the board must be received by the board within five (5) years from the date the board issued his/her student or apprentice license. The Application for Examination/Temporary Permit Form must be received in the [board office] test administrator's office, along with all applicable examination fees, no less than fourteen (14) days prior to the date of the scheduled examination the applicant desires to take. Applications received after this cut-off date and all applications received after every available space for the examination has been filled, whether that application was received prior to or after this cut-off date, shall be scheduled for the next regularly scheduled examination. [The Examination Scheduling Request Form, along with the examination fee, must be submitted to the test administrator's office.]

(3) Failure of State Exam.

(B) Any person that fails any portion of the cosmetology examination three (3) times shall be required to obtain additional training of not less than forty (40) hours in each of those subjects failed, not to exceed one hundred sixty (160) hours total. The additional training shall be certified by any school of cosmetology licensed by this board. After additional training has been obtained, any person desiring to retake the examination will be required to submit a Re-Examination [Notification Form] **Application** to the [board office]. *The regular examination fee, along with an Examination Scheduling Request Form, must be submitted to the test administrator's office before being scheduled for the examination*] **test administrator's office, along with the regular examination fee.** Any apprentice that desires to retake the cosmetology licensure examination shall comply with the requirements pursuant to 20 CSR 2085-7.010(3)(B).

(C) Any apprentice that fails any portion of the cosmetology examination three (3) times shall be required to obtain additional training of not less than eighty (80) hours in each of those subjects failed, not to exceed three hundred twenty (320) hours total. The additional training shall be certified by an apprentice supervisor licensed by this board. After additional training has been obtained, any person desiring to retake the examination will be required to submit a Re-Examination [Notification Form] **Application** to the [board office]. *The regular examination fee, along with an Examination Scheduling Request Form, must be submitted to the test administrator's office before being scheduled for the examination*] **test administrator's office, along with the regular examination fees.** Any apprentice that desires to retake the cosmetology licensure examination shall comply with the requirements of 20 CSR 2085-7.010(3)(B).

AUTHORITY: sections 329.025.1, 329.050, 329.060, and 329.130.2, RSMo Supp. [2007] 2008. Original rule filed Aug. 1, 2007, effective Feb. 29, 2008. Amended: Filed April 3, 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 Board of Cosmetology and Barber Examiners, Darla L. Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8176, or by emailing comments to cos-bar@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 2085—Board of Cosmetology and Barber
Examiners
Chapter 7—Cosmetology Licensing**

PROPOSED AMENDMENT

20 CSR 2085-7.050 Reinstatement of Expired License. The board is proposing to amend subsection (2)(B).

PURPOSE: This amendment establishes new procedures for submitting cosmetology re-take examination applications.

(2) Examination Required.

(B) In order to be scheduled for examination to reinstate an

expired license, the properly completed application must be received by the [board] **test administrator's office**, along with the required fees, no fewer than fourteen (14) days prior to the date of the scheduled examination the applicant desires to take. Applications received after this cut-off date and all applications received after every available space for the examination has been filled, whether that application was received prior to or after this cut-off date, shall be scheduled for the next regularly scheduled examination.

AUTHORITY: sections 329.025.1 and 329.120, RSMo Supp. [2007] 2008. Original rule filed Aug. 1, 2007, effective Feb. 29, 2008. Amended: Filed April 3, 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 Board of Cosmetology and Barber Examiners, Darla L. Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8176, or by emailing comments to cos-bar@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 2085—Board of Cosmetology and Barber
Examiners
Chapter 8—Cosmetology Instructors and Instructor
Trainees**

PROPOSED AMENDMENT

20 CSR 2085-8.030 Qualifications for Instructor Examination. The board is proposing to amend sections (3) and (4) and subsection (4)(A).

PURPOSE: This amendment establishes new procedures for submitting cosmetology instruction examination applications.

(3) In order to be scheduled for the instructor examination, a properly completed application must be received by the [board] **test administrator's office, along with the required fee**, no less than fourteen (14) days prior to the date of the scheduled examination the applicant desires to take. Applications received after this cut-off date, and all applications received after every available space for the examination has been filled, whether that application was received prior to or after this cut-off date, shall be scheduled for the next regularly scheduled examination.

(4) Application for examination shall be made on a form provided by the [board] **test administrator**. The form shall be properly completed and shall be accompanied by the following:

(A) A certification of payment of contractual fees completed by the school on a form supplied by the [board] **test administrator**; and

AUTHORITY: sections 329.025.1, 329.085, and 329.090, RSMo Supp. [2007] 2008. Original rule filed Aug. 1, 2007, effective Feb. 29, 2008. Amended: Filed April 3, 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 Board of Cosmetology and Barber Examiners, Darla L. Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8176, or by emailing comments to cosbar@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 2085—Board of Cosmetology and Barber
Examiners**

**Chapter 8—Cosmetology Instructors and Instructor
Trainees**

PROPOSED AMENDMENT

20 CSR 2085-8.040 Failure of State Examination. The board is proposing to amend section (2).

PURPOSE: This amendment establishes new procedures for submitting re-examination applications for cosmetology instructors and instructor trainees.

(2) Any person desiring to reapply for the instructor examination shall be required to submit a Re-Examination [Notification Form] Application, and his/her instructor trainee temporary permit to the [board office. The regular examination fee, along with an Examination Scheduling Request Form, must be submitted to the test administrator's office before being scheduled for examination] test administrator's office, along with the required fee.

AUTHORITY: sections 329.025.1, 329.085.1, and 329.100, RSMo Supp. [2007] 2008. Original rule filed Aug. 1, 2007, effective Feb. 29, 2008. Amended: Filed April 3, 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 Board of Cosmetology and Barber Examiners, Darla L. Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8176, or by emailing comments to cosbar@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 2085—Board of Cosmetology and Barber
Examiners**

**Chapter 8—Cosmetology Instructors and Instructor
Trainees**

PROPOSED AMENDMENT

20 CSR 2085-8.060 Reinstatement of Expired Instructor License. The board is proposing to amend section (2).

PURPOSE: This amendment establishes new procedures for submitting cosmetology instructor re-examination applications for recertification of instructor license.

(2) Any person who has allowed his/her instructor license to expire for a period of more than two (2) years may submit a Re-Examination [Notification Form] Application to the [board] test administrator's office, along with the required fee, to reinstate that license through examination. The examination shall consist of the written and oral portions. The application shall be properly completed on a form supplied by the [board] test administrator and shall be accompanied by:

(A) The examination fee, instructor license renewal fee and late fee;

AUTHORITY: sections 329.025.1, 329.085.3, 329.085.6, and 329.120, RSMo Supp. [2007] 2008. Original rule filed Aug. 1, 2007, effective Feb. 29, 2008. Amended: Filed April 3, 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 Board of Cosmetology and Barber Examiners, Darla L. Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8176, or by emailing comments to cosbar@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 2085—Board of Cosmetology and Barber
Examiners**

Chapter 9—Apprenticeships—Barber and Cosmetology

PROPOSED AMENDMENT

20 CSR 2085-9.010 Apprentices. The board is proposing to amend section (4).

PURPOSE: This amendment establishes new procedures for submitting examination applications for barber and cosmetology apprentices.

(4) Application for Examination.

(A) Upon a successfully completed course of apprentice training, provided the board is in receipt of a completed apprentice transcript and apprentice registration, the apprentice may apply for the state examination. In order to be scheduled for examination, all training hours must be completed and a properly completed application on a form supplied by the board must be received by the board within five (5) years from the date the board issued his/her student or apprentice license. The Application for Examination/Temporary Permit [Form] must be received in the [board office] test administrator's office, along with the required fee, no less than fourteen (14) days prior to the date of the scheduled examination the applicant desires to take. Applications received after this cut-off date and all applications

received after every available space for the examination has been filled, whether that application was received prior to or after this cut-off date, shall be scheduled for the next regularly scheduled examination. [The Examination Scheduling Request Form, along with the examination fee, must be submitted to the test administrator's office.]

AUTHORITY: sections 328.075, 328.080, 329.025.1, 329.060, 329.070, and 329.090, RSMo Supp. [2006] 2008. Original rule filed Aug. 1, 2007, effective Feb. 29, 2008. Amended: Filed April 3, 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 Board of Cosmetology and Barber Examiners, Darla L. Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8176, or by emailing comments to cos-bar@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 2085—Board of Cosmetology and Barber
Examiners
Chapter 10—Establishments (Shops)—Barber and
Cosmetology**

PROPOSED AMENDMENT

20 CSR 2085-10.010 Licensing—Barber Establishments and Cosmetology Establishments. The board is proposing to amend subsection (2)(D).

PURPOSE: This amendment clarifies the reference to the duplicate fee in lieu of the biennial establishment fee when licensees desire to change the establishment/rental space name.

(2) Rental Space/Chair Licensing. Any person licensed by the board who rents individual space or a booth/chair within a licensed establishment for the purposes of practicing as a barber or cosmetologist shall be required to obtain a separate establishment license for the rental space. Licensees that rent individual space or a booth/chair within a licensed barber or cosmetology establishment for the purposes of operating as a barber or cosmetologist must possess a current establishment license as well as an operator license. This section does not apply to licensees operating as establishment employees.

(D) Name Changes. If at any time during the license period the name of the establishment is changed, the original establishment license shall become void as to the prior name and the license holder shall submit an application to the board for an establishment license for the new name with the [biennial establishment] duplicate fee. **The application must be made in writing and shall be accompanied by two (2) forms of identification, a duplicate license fee and, if applicable, the establishment license currently in the license holder's possession.** No barber or cosmetology services shall be performed or offered to be performed under the new name until an establishment license is issued by the board for the new name. The board shall be notified immediately in writing by the

license holder(s) of an establishment name change.

AUTHORITY: sections 328.115, 329.025.1, 329.045, 329.110, and 329.120, RSMo Supp. [2007] 2008. Original rule filed Aug. 10, 2007, effective Feb. 29, 2008. Amended: Filed April 3, 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 save private entities approximately six thousand seven hundred fifty dollars (\$6,750) biennially for the life of the rule. It is anticipated that the savings 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 Cosmetology and Barber Examiners, Darla L. Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8176, or by emailing comments to cos-bar@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 2085 - Board of Cosmetology and Barber Examiners

Chapter 10 - Establishments (Shops) - Barber and Cosmetology

Proposed Amendment - 20 CSR 2085-10.010 Licensing - Barber Establishments and Cosmetology Establishments

Prepared September 10, 2008 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 biennial savings for compliance with the amendment by affected entities:
75	Cosmetology and Barber Establishments (Establishment Name Change Fee for Duplicate License @ \$90 decrease)	-\$6,750
Estimated Biennial Cost Savings for the Life of the Rule		-\$6,750

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. It is anticipated that the total savings 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.
2. The Board of Cosmetology and Barber Examiners is now charging a ten dollar (\$10) duplicate license fee for establishment name changes instead of charging the establishment the one hundred dollar (\$100) establishment certificate of registration/license fee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2085—Board of Cosmetology and Barber
Examiners
Chapter 10—Establishments (Shops)—Barber and
Cosmetology**

PROPOSED AMENDMENT

20 CSR 2085-10.020 Barber and Cosmetology Establishment License Changes. The board is proposing to amend section (3).

PURPOSE: This amendment clarifies the reference to the duplicate fee in lieu of the biennial establishment fee when licensees desire to change the establishment name.

(3) Name Change of Establishment. If at any time during the license period the name of the establishment is changed, the original establishment license shall become void as to the prior name and the owners of the establishment shall submit an application to the board for an establishment license for the new name with the *[biennial]* duplicate establishment fee. The application must be made in writing and shall be accompanied by two (2) forms of identification, a duplicate license fee and, if applicable, the establishment license currently in the license holder's possession.

AUTHORITY: sections 328.115, 329.025.1, and 329.045, RSMo Supp. [2007] 2008 and 329.030, RSMo 2000. Original rule filed Aug. 1, 2007, effective Feb. 29, 2008. Amended: Filed April 3, 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 save private entities approximately six thousand seven hundred fifty dollars (\$6,750) biennially for the life of the rule. It is anticipated that the savings 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 Cosmetology and Barber Examiners, Darla L. Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8176, or by emailing comments to cos-bar@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 2085 - Board of Cosmetology and Barber Examiners
Chapter 10 - Establishments (Shops) - Barber and Cosmetology
Proposed Amendment - 20 CSR 2085-10.020 Barber and Cosmetology Establishment License Changes

Prepared September 10, 2008 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 biennial savings for compliance with the amendment by affected entities:
75	Cosmetology and Barber Establishments (Establishment Name Change Fee for Duplicate License @ \$90 decrease)	-\$6,750
	Estimated Biennial Cost Savings for the Life of the Rule	-\$6,750

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. It is anticipated that the total savings 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
2. The Board of Cosmetology and Barber Examiners is now charging a ten dollar (\$10) duplicate license fee for establishment name changes instead of charging the establishment the one hundred dollar (\$100) establishment certificate of registration/license fee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2085—Board of Cosmetology and Barber
Examiners
Chapter 10—Establishments (Shops)—Barber and
Cosmetology**

PROPOSED RESCISSION

20 CSR 2085-10.060 Unlicensed Activity. This rule prohibited the activities of unlicensed persons/entities.

PURPOSE: This rule is being rescinded and readopted to clarify prohibited practices by operators in establishments.

AUTHORITY: sections 329.030, RSMo 2000 and 328.020, 328.130, 329.025.1, and 329.110.1, RSMo Supp. [2007] 2008. Original rule filed Aug. 1, 2007, effective Feb. 29, 2008. Rescinded: Filed April 3, 2009.

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

PRIVATE COST: This proposed rescission 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 rescission with the Board of Cosmetology and Barber Examiners, Darla L. Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8176, or by emailing comments to cosbar@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 2085—Board of Cosmetology and Barber
Examiners
Chapter 10—Establishments (Shops)—Barber and
Cosmetology**

PROPOSED RULE

20 CSR 2085-10.060 Unlicensed Activity

PURPOSE: This rule prohibits the activities of unlicensed persons/entities.

(1) Pursuant to Chapters 328 and 329, RSMo, no barber or cosmetology establishment owner, manager, or proprietor shall permit any person who does not hold a current Missouri barber or cosmetology license to practice as a barber or cosmetologist in the establishment. No license or permit issued by the board shall be posted in a licensed establishment unless the license or permit is current and active, and the licensee or permit holder is an employee of the establishment or holds a current and active renter establishment license issued by the board.

(2) License Posted. Every licensed barber and cosmetologist shall post a current license issued by the board in front of the barber's working chair or the cosmetologist's work station where it shall be readily seen by all patrons.

(3) Prohibited Practices Within An Establishment. In a licensed establishment, only persons properly licensed by the board shall be allowed to perform barbering, hairdressing, manicuring, or esthetician services on any person within the establishment. The provisions of this section shall apply even if services are being provided for no compensation. For purposes of this section, barbering, hairdressing, manicuring, or esthetician services shall be defined as follows:

(A) "Barbering"—engaging in the capacity so as to shave the beard or cut and dress the hair of any person;

(B) "Esthetician services"—Using mechanical or electrical apparatuses or appliances, cosmetic preparations, antiseptics, tonics, lotions, or creams, not to exceed ten percent (10%) phenol, either directly or indirectly, in any one (1), or any combination, of the following practices: massaging, cleansing, stimulating, manipulating, exercising, beautifying, or similar work upon the scalp, face, neck, ears, arms, hands, bust, torso, legs, or feet and removing superfluous hair by means other than electric needle or any other means of arching or tinting eyebrows or tinting eyelashes of any person;

(C) "Hairdressing"—Arranging, dressing, curling, singeing, waving, permanent waving, cleansing, cutting, bleaching, tinting, coloring, or similar work upon the hair of any person by any means; or removing superfluous hair from the body of any person by means other than electricity, or any other means of arching or tinting eyebrows or tinting eyelashes. Hairdressing also includes any person who either with the person's hands or with mechanical or electrical apparatuses or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions, or creams engages for compensation in any one (1) or any combination of the following: massaging, cleaning, stimulating, manipulating, exercising, beautifying, or similar work upon the scalp, face, neck, arms, or bust; and

(D) "Manicuring"—Cutting, trimming, polishing, coloring, tinting, cleaning, or otherwise beautifying a person's fingernails, applying artificial fingernails, massaging, cleaning a person's hands and arms; pedicuring, which includes cutting, trimming, polishing, coloring, tinting, cleaning, or otherwise beautifying a person's toenails, applying artificial toenails, massaging, or cleaning a person's legs and feet.

AUTHORITY: sections 329.030, RSMo 2000 and 328.020, 328.130, 329.025.1, and 329.110.1, RSMo Supp. 2008. Original rule filed Aug. 1, 2007, effective Feb. 29, 2008. Rescinded and readopted: Filed April 3, 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 Board of Cosmetology and Barber Examiners, Darla L. Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8176, or by emailing comments to cosbar@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 2085—Board of Cosmetology and Barber
Examiners
Chapter 11—Sanitation Rules—Barber and Cosmetology**

PROPOSED AMENDMENT

20 CSR 2085-11.020 Cosmetology Sanitation Rules. The board is proposing to amend subsection (2)(I) and add new language in paragraphs (2)(L)1. and (2)(L)2.

PURPOSE: This amendment prohibits the use of any razor type callus shaver in all cosmetology and barber establishments and includes the requirement for nail clippings to be swept up and disposed of in a covered receptacle after each client.

(2) Sanitation Requirements.

(I) Covered Waste Receptacles. Any cosmetology establishment or school shall be required to have covered waste receptacles for the disposal of hair and nail clippings. Hair and nail clippings shall be swept up and disposed of in a covered waste receptacle after each patron.

(L) Prohibited Practices. To prevent the risk of injury or infection—

1. A licensee shall not use or offer to use in the performance of cosmetology services, or possess on the premises of a licensed establishment, any razor-type callus shaver designed or intended to cut growths of skin on hands or feet such as corns and calluses including, but not limited to, a credo blade or similar type instrument. Any licensee using a razor-type callus shaver prohibited by this rule at a licensed establishment or in the performance of any cosmetology, manicuring, or esthetician services shall be deemed to be rendering services in an unsafe and unsanitary matter. Establishment licensees shall ensure that razor-type callus shavers are not located or used on the premises of the establishment; and

2. Violation of this rule shall constitute grounds for discipline under section 329.140.2(15), RSMo.

AUTHORITY: section 329.025.1, RSMo Supp. [2007] 2008. Original rule filed Aug. 1, 2007, effective Feb. 29, 2008. Amended: Filed April 3, 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 Board of Cosmetology and Barber Examiners, Darla L. Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8176, or by emailing comments to cosbar@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 2085—Board of Cosmetology and Barber
Examiners
Chapter 12—Schools and Student Rules—Barber and
Cosmetology**

PROPOSED AMENDMENT

20 CSR 2085-12.010 General Rules and Application Requirements for All Schools. The board is proposing to add subsection (12)(C).

PURPOSE: This amendment sets forth the requirement for all student records to be retained on the premises of the licensed school.

(12) Minimum Standards for Accountability.

(C) Student records shall be made available or shall be electronically stored so that the records may be immediately accessed and produced on the premises of the licensed school in the state of Missouri upon request by the board or its representative. For purposes of this rule, records shall be retained for a period of five (5) years and shall include, but are not limited to:

1. Timesheets;
2. Enrollment forms;
3. Student applications;
4. Termination forms;
5. Attendance records;
6. State law tests;
7. Proof of grades;
8. Proof of attendance;
9. Student payment records; and
10. Student contracts.

AUTHORITY: sections 328.090, 328.120, 329.025.1, and 329.040, RSMo Supp. [2006] 2008. Original rule filed Aug. 10, 2007, effective Feb. 29, 2008. Amended: Filed April 8, 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 Board of Cosmetology and Barber Examiners, PO Box 1062, Jefferson City, MO 65102, by facsimile at 573-751-8167, or via email at cosbar@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 2085—Board of Cosmetology and Barber
Examiners
Chapter 12—Schools and Student Rules—Barber and
Cosmetology**

PROPOSED AMENDMENT

20 CSR 2085-12.060 Requirements for Cosmetology Students. The board is proposing to amend paragraph (1)(A)4.

PURPOSE: This amendment establishes the required criteria for home school educational credentials for cosmetology students.

(1) Registration.

(A) Any person desiring to enroll in a school of cosmetology shall contact the school of intended enrollment and obtain an enrollment form supplied by the board. At least two (2) weeks prior to the commencement of any program of instruction, that person shall return the completed enrollment form to the school of intended enrollment and, if the student is accepted, that school shall approve it and submit it to the board. The form shall be accompanied by the proper fee(s) and include the following information:

1. The applicant's name and address;
2. The name and address of the school or cosmetology establishment of enrollment;

3. Proof of age—copy of a birth certificate or driver's license (applicant must be seventeen (17) years of age by the time application is made for examination);

4. Proof of successful completion of the tenth grade (completion of at least ten (10) high school credits as defined by law)—diploma, general educational development (GED) certification, or official school transcript indicating student's name, grade level, and number of credits completed. **Individuals who did not attend an official high school or GED program may submit a written notarized statement from his/her principal instructor demonstrating completion of at least ten (10) high school credits. The notarized statement must include the date(s) credits were earned, the subject areas in which credits were earned, and the year(s) of instruction.** All foreign documents or documents not in the English language must be certified by a board-approved credential evaluating service;

5. Two (2) or more character references;

6. Two (2) United States passport photographs measuring two inches by two inches (2" × 2") which have been taken within the last five (5) years;

7. Signature of applicant; and

8. Signature of school owner/representative and school seal.

AUTHORITY: sections 329.025.1, 329.040, and 329.050, RSMo Supp. [2006] 2008. Original rule filed Aug. 1, 2007, effective Feb. 29, 2008. Amended: Filed April 3, 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 Board of Cosmetology and Barber Examiners, Darla L. Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8176, or by emailing comments to cos-bar@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 2120—State Board of Embalmers and Funeral Directors

Chapter 2—General Rules

PROPOSED AMENDMENT

20 CSR 2120-2.070 Funeral Establishments. The board is proposing to amend section (27).

PURPOSE: This amendment makes a correction to a rule reference.

(27) Each funeral establishment shall maintain a register log, as defined by 20 CSR 2120-1.040/(9)/(21). The log shall be kept in the preparation or embalming room of the Missouri licensed funeral establishment at all times and in full view for a board inspector. If the funeral establishment does not contain a preparation or embalming room, the log shall be kept on the premises of the licensed funeral establishment and shall be easily accessible and in full view for a board inspector. A register log shall contain the information required by 20 CSR 2120-1.040/(9)/(21).

AUTHORITY: sections 333.061 and 333.121, RSMo Supp. [2007] 2008 and sections 333.091, 333.111, and 333.145, RSMo 2000. This rule originally filed as 4 CSR 120-2.070. Original rule filed Oct. 17, 1975, effective Oct. 28, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed April 8, 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 State Board of Embalmers and Funeral Directors, Becky Dunn, Executive Director, 3605 Missouri Boulevard, PO Box 423, Jefferson City, MO 65102, by facsimile at (573) 751-1155, or via email to embalm@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 2120—State Board of Embalmers and Funeral Directors

Chapter 2—General Rules

PROPOSED AMENDMENT

20 CSR 2120-2.071 Funeral Establishments Containing a Crematory Area. The board is proposing to amend sections (4), (10), and (11).

PURPOSE: This amendment allows an embalmer to oversee the cremation process.

(4) Cremation log—a written record or log kept in the cremation area available at all times in full view, which will include the following:

(E) The name and signature of the Missouri licensed funeral director or Missouri licensed embalmer supervising the cremation;

(F) The supervising Missouri licensed funeral director's license number or the supervising Missouri licensed embalmer's license number; and

(10) No person shall be permitted in the crematory area while any dead human body is in the crematory area awaiting cremation or being cremated or while the cremation remains are being removed from the cremation chamber except the Missouri licensed funeral director, **the Missouri licensed embalmer**, employees of the Missouri licensed funeral establishment in which the body is being cremated, members of the family of the deceased *[and]*, persons authorized by the members of the family of the deceased, or any other person authorized by law.

(11) When there is no Missouri licensed funeral establishment employee in the crematory area, the crematory area shall be secure from entry by persons other than Missouri licensed funeral establishment employees or **a Missouri licensed embalmer authorized by the funeral establishment.**

AUTHORITY: sections 333.061 and 333.121, RSMo Supp. [2006] 2008 and 333.111 and 333.145, RSMo 2000. This rule originally filed as 4 CSR 120-2.071. Original rule filed May 29, 1987, effective Sept. 11, 1987. For intervening history, please consult the Code of State Regulations. Amended: Filed April 8, 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 State Board of Embalmers and Funeral Directors, Becky Dunn, Executive Director, 3605 Missouri Boulevard, PO Box 423, Jefferson City, MO 65102, by facsimile at (573) 751-1155, or via email to embalm@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 2150—State Board of Registration for the
Healing Arts
Chapter 7—Licensing of Physician Assistants**

PROPOSED AMENDMENT

20 CSR 2150-7.135 Physician Assistant Supervision Agreements.
The board is proposing to amend subsection (1)(A) and section (4).

PURPOSE: This amendment allows physician assistants practicing in federal facilities to be supervised by physicians who are practicing pursuant to federal law and adjusts the on-site supervision currently provided each calendar month to a quarterly basis to comply with the passage of Senate Bill 788.

(1) As used in this rule, unless specifically provided otherwise, the term—

(A) Supervising physician—shall mean a physician so designated pursuant to 20 CSR 2150-7.100(4) who holds a permanent license to practice medicine in the state of Missouri and who is actively engaged in the practice of medicine, except that this shall not include physicians who hold a limited license pursuant to section 334.112, RSMo, or a temporary license pursuant to section 334.045 or 334.046, RSMo, or physicians who have retired from the practice of medicine. A physician meeting these requirements but not so designated may serve as a supervising physician, upon signing a physician assistant supervision agreement for times not to exceed fifteen (15) days, when the supervising physician is unavailable if so specified in the physician assistant supervision agreement. **For the sole purpose of physician assistants practicing in federal facilities, the supervising physician must be licensed in the state of Missouri or lawfully practicing pursuant to federal law;**

(4) Unless the physician-physician assistant team has received a waiver pursuant to 20 CSR 2150-7.136, the supervising physician as designated pursuant to 20 CSR 2150-7.100(4) or otherwise in the physician assistant supervision agreement must be on-site sixty-six percent (66%) of the time that the physician assistant is practicing. This sixty-six percent (66%) on-site supervision must be provided each calendar [month] quarter.

AUTHORITY: section 334.735, RSMo Supp. [2007] 2008. This rule originally filed as 4 CSR 150-7.135. Original rule filed Jan. 3, 1997, effective July 30, 1997. For intervening history, please consult the Code of State Regulations. Amended: Filed April 3, 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 Missouri Board of Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing comments to (573) 751-3166, or by emailing comments to healingarts@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 2150—State Board of Registration for the
Healing Arts
Chapter 7—Licensing of Physician Assistants**

PROPOSED AMENDMENT

20 CSR 2150-7.136 Request for Waiver. The board is proposing to amend section (6).

PURPOSE: This amendment clarifies the requirements for on-site supervision to be consistent with 20 CSR 2150-7.137.

(6) If the advisory commission and the board approve a waiver, the advisory commission and board may establish an alternate minimum amount of time the supervising physician must be on-site while the physician assistant practices. The physician must be on-site a minimum of once every two (2) weeks and no less than ten percent (10%) of the time the physician assistant is practicing each calendar [month] quarter. The advisory commission and board may also establish an alternate maximum distance between the supervising physician and physician assistant. The alternate maximum distance may not exceed fifty (50) miles.

AUTHORITY: section 334.125, RSMo 2000 and section 334.735, RSMo Supp. [2007] 2008. Emergency rule filed Oct. 19, 2007, effective Oct. 29, 2007, expired April 25, 2008. Original rule filed Oct. 19, 2007, effective May 30, 2008. Amended: Filed April 3, 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 Missouri Board of Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing comments to (573) 751-3166, or by emailing comments to healingarts@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 is proposing to amend sections (5) and (6), add a new section (7), renumber the remaining sections accordingly, and amend new section (11) to include subsection (E).

PURPOSE: This amendment adds a new definition for provisionally licensed psychologists and provides grammatical corrections for clarification of the rule.

(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. *[A psychological assistant must practice under the supervision of a licensed psychologist.]*

(6) Qualified assistant. Any person employed by or otherwise directly accountable to a licensed psychologist and who assists the licensed psychologist in the delivery of psychological services but whose employment is not in the course of pursuing the educational, professional supervised experience or examination requirements for licensure as a psychologist. *[The activities and functions of the qualified assistant are the full responsibility and liability of the licensed psychologist. Qualified assistants may not diagnose, interpret psychological tests or perform psychotherapy. Nothing in this rule shall be construed to require a person who is otherwise exempt from licensure pursuant to section 337.045, RSMo, to act or otherwise serve as a qualified assistant.]*

(7) Provisionally licensed psychologist. A psychological resident or psychological assistant who has met the requirements for and has been issued a provisional license under section 337.020.4 RSMo.

[(7)](8) Applicant. Any person who submits an application for licensure and pays the appropriate application fee to be licensed as a psychologist.

[(8)](9) Psychological health services. The assessment, diagnosis and treatment of an individual(s) for the purposes of remediation of a cognitive, emotional, behavioral, or mental disorder.

[(9)](10) Psychological health service provider. A licensed psychologist who possesses health service provider certification through relevant education, training, and experience as defined in 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)](9)*.

[(10)](11) American Psychological Association designated health service provider delivery areas. The foregoing term as used in sections 337.025.5, 337.033.3, and 337.033.4, RSMo, shall include doctoral degree, or respecialization programs, with a primary emphasis, or concentration, in one of the following areas:

- (A) Clinical psychology;
- (B) Counseling psychology;
- (C) School psychology; or
- (D) Combined scientist-professional psychology doctoral training programs.

(E) The term shall also include such other programs, including doctoral and respecialization programs in emerging substantive areas of the professional health service practice of psychology, for which the American Psychological Association provides accreditation in the future.

[(11)](12) Psychological Testing. The use of one (1) or more standardized measurements, devices, or procedures including the use of computerized psychological tests, to observe or record human behavior, and which require the application of appropriate normative data for interpretation or classification and includes the use of standardized instruments for the purpose of the diagnosis and treatment of

mental and emotional disorders and disabilities, the evaluation or assessment of cognitive and intellectual abilities, personality, and emotional states and traits, and neuropsychological functioning by an individual who has received formal academic training at the graduate level in statistics, test construction, sampling theory, tests and measurements, individual differences, and personality theory. In addition, the interpretation of psychological tests for diagnostic purposes requires formal academic training in the areas of abnormal psychology, psychopathology, psychodiagnosis and, in the case of neuropsychological diagnosis, training in neuropsychology. Competent administration and interpretation of psychological tests also requires a formal supervised practice experience. Services which are described as "psychological testing" shall be administered and interpreted by licensed psychologists or persons who are otherwise exempt by statute. Individuals licensed by this committee, as well as other licensed professionals, may also use tests of language, education, and achievement, as well as tests of abilities, interests, and aptitudes. With the exception of the test categories and psychological tests listed in section *[(12)](13)* of this rule, the use of these other tests is not exclusively within the scope of this regulation.

[(12)](13) Psychological Test and Inventories.

(A) Individual tests for the evaluation of cognitive and intellectual abilities, examples of which are:

1. The Wechsler series;
2. The Stanford-Binet; and
3. The Kaufman series.

(B) Individual, objective and projective tests and inventories of personality and emotional states and traits, examples of which are:

1. Objective tests and inventories:
 - A. The Minnesota Multiphasic Personality Inventories; and
 - B. The Millon Inventories;
2. Projective tests and techniques including:
 - A. Rorschach; and
 - B. Holtzman;
3. Apperception techniques, examples of which are:
 - A. TAT (Thematic Apperception Test);
 - B. CAT (Children's Apperception Test);
 - C. PFT (Pain Frustration Test); and
 - D. Tactual Apperception Test (Twitchell-Allen); and
4. Drawing techniques, examples of which are:
 - A. DAP (Draw A Person);
 - B. HTP (House Tree Person); and
 - C. Action Family Drawing.

(C) Individual tests of neuropsychological functioning, examples of which are:

1. The Halstead-Reitan Battery;
2. The Luria-Nebraska Battery; and
3. The NEPSY.

AUTHORITY: sections 337.030.3, RSMo Supp. [2006] 2008 and 337.050.9, RSMo 2000. This rule originally filed as 4 CSR 235-1.015. Original rule filed July 30, 1991, effective Feb. 6, 1992. For intervening history, please consult the Code of State Regulations. Amended: Filed April 8, 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 Committee of Psychologists, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-526-0661, or via email at 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 2—Licensure Requirements**

PROPOSED AMENDMENT

20 CSR 2235-2.070 Licensure by Reciprocity. The board is proposing to amend subsection (1)(A) and paragraph (1)(C)5., delete paragraph (1)(C)6. and amend subsections (1)(D) and (1)(E).

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, references to 4 CSR 235 are being amended throughout the rule. This amendment also provides clarification on the criteria required for licensure by reciprocity.

(1) In order to be licensed as a psychologist in Missouri by reciprocity, an applicant shall—

(A) File an application for licensure pursuant to [4 CSR 235-1.030] **20 CSR 2235-1.030**;

(C) Provide satisfactory evidence on forms provided by the committee that the applicant is then currently licensed in another jurisdiction including any state, territory of the United States, or the District of Columbia; that the applicant has had no violations and no suspensions and no revocation of a license to practice psychology in any jurisdiction and meets one (1) of the following criteria:

1. Be a diplomate of the American Board of Professional Psychology;

2. Be a member of the National Register of Health Service Providers in Psychology;

3. Be currently licensed or certified as a psychologist in another jurisdiction which is then a signatory to the Association of State and Provincial Psychology Board's reciprocity agreement herein "ASPPB Agreement";

4. Be currently licensed or certified in another state, territory of the United States, or the District of Columbia, and—

A. Have a doctoral degree in psychology from a program accredited, or provisionally accredited by the American Psychological Association or that meets the requirements set forth in subdivision (3) of subsection 3 of section 337.025;

B. Have been licensed for the preceding five (5) years; and

C. Have had no disciplinary action taken against the licensee for the preceding five (5) years; or

5. [Is currently licensed or certified as a psychologist in another state, territory of the United States, or the District of Columbia whose requirements for licensure at the time the applicant was licensed were substantially equal to or greater than this state's requirements were for licensure at such time; or] **Holds a current certificate of professional qualification (CPQ) issued by the Association of State and Provincial Psychology Boards (ASPPB).**

[6. Is currently licensed or certified as a psychologist in another state, territory of the United States, or the District of Columbia that extends like privileges for reciprocal licensure or certification to persons licensed by this state with similar qualifications;]

(D) Have the burden of providing satisfactory evidence to the committee of his/her diplomate, member, licensure, or certification status as specified in paragraph (1)(C)1., 2., 3., 4., or 5./, or 6./; and

(E) Have the burden of providing, as appropriate and necessary to his/her particular application, true and accurate certified copies of the licensure or certification requirements from the state(s), territory(ies) of the United States or the District of Columbia for which s/he is applying for reciprocal licensure as specified in paragraphs (1)(C) 1., 2., 3., 4., or 5./, or 6./ All copies must be certified by

the licensing or certification office(s).

AUTHORITY: section[s] 337.029, RSMo Supp. 2008 and section 337.050, RSMo [Supp. 1998] 2000. This rule was originally filed as 4 CSR 235-4.020. This rule previously filed as 4 CSR 235-2.070. Original rule filed Sept. 5, 1978, effective Dec. 11, 1978. For intervening history, please consult the Code of State Regulations. Amended: Filed April 8, 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 Committee of Psychologists, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-526-0661, or via email at 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 2—Licensure Requirements**

PROPOSED RULE

20 CSR 2235-2.080 Non-Licensed Persons Engaging in Activities Defined as the Practice of Psychology

PURPOSE: This rule defines the restrictions of non-licensed persons engaging in activities defined as the practice of psychology and any licensee associated with the practice of such person.

(1) A person who does not hold a license to practice as a psychologist but who nonetheless may engage in activities defined as the practice of psychology under the provisions of section 337.045(3), RSMo, and any licensee associated with the practice of such a person, shall abide by the following restrictions:

(A) Psychological Trainee. A trainee shall neither deliver psychological services nor be requested to deliver psychological services, but may participate in the delivery of services by a licensed psychologist. Patient records shall document disclosure of the psychological trainee's status and reflect the activities of the psychological trainee. Training is part of the educational process and not an alternative to licensure;

(B) Psychological Intern. A psychological intern may deliver psychological services, in accordance with the requirements of a degree program, under the immediate supervision of a licensed psychologist who has complete responsibility for the needs of the patient and the actions of the psychological intern. Patient records must reflect the activities of the intern and be signed by the responsible psychologist. Patient records must document disclosure of the psychological intern's status and the responsibility of the supervising psychologist. Internships are part of the educational process, and are not an opportunity to practice psychology without a license;

(C) Psychological Resident. A psychological resident may deliver psychological services under the supervision of a licensed psychologist who has complete responsibility for the needs of the patient and the actions of the psychological resident. Patient records must reflect the activities of the resident, and be signed by the responsible psychologist. Patient records shall document disclosure of the psychological resident's status and the responsibility of the supervising psychologist. The practice of psychology by a resident is done under

close supervision to insure the protection of the public and to permit the profession to judge the qualifications of the resident. It is done to determine fitness for licensure, and is not intended to allow the practice of psychology without a license;

(D) Psychological Assistant. A psychological assistant's practice shall be under the supervision of a licensed psychologist. Patient records must reflect the activities of the assistant, and be signed by the responsible psychologist. Patient records shall document disclosure of the psychological assistant's status and the responsibility of the supervising psychologist. The assistant's practice is for the benefit of the patients treated during a brief period of time between residency and licensure. Continuity of patient care is the sole purpose of allowing a psychological assistant to deliver psychological services. New patients should not be accepted during this brief time period. Practice as a psychological assistant is not an alternative to licensure. A psychological assistant who is not provisionally licensed shall file a Supervision Agreement with the committee prior to acting as an assistant. A person working in the capacity of psychological assistant who is not provisionally licensed may do so for up to two (2) years from the date of formal approval of the Supervision Agreement by the committee;

(E) Qualified Assistant. The activities and functions of the qualified assistant are the full responsibility and liability of the licensed psychologist. Qualified assistants may not diagnose, interpret psychological tests, or perform psychotherapy. Patient records shall document disclosure of the status of the qualified assistant and reflect the activities of the qualified assistant. Nothing in this rule shall be construed to require a person who is otherwise exempt from licensure pursuant to section 337.045, RSMo, to act or otherwise serve as a qualified assistant; and

(F) Provisionally Licensed Psychologist. The scope of practice of a provisionally licensed psychologist is limited by section 337.020.5, RSMo, and the applicable limitations placed on either psychological residents or psychological assistants, whichever classification applies to the provisional licensee.

AUTHORITY: sections 337.045 and 337.050.9, RSMo 2000. Original rule filed: April 8, 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 Committee of Psychologists, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-526-0661, or via email at 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 2250—Missouri Real Estate Commission
Chapter 4—Licenses**

PROPOSED AMENDMENT

20 CSR 2250-4.040 Individual License; Business Name; Inactive Brokers. The board is proposing to amend sections (2) and (3).

PURPOSE: This amendment changes the education requirement for reactivating licensees from taking the appropriate forty-eight (48)-

hour pre-exam course to the twenty-four (24)-hour Missouri Real Estate Practice Course and corrects a regulation citation.

(2) When a broker returns his/her license to the commission, the broker must first comply with the provisions of 20 CSR 2250-8.155. The broker shall have six (6) months in which to change status or reinstate the license. If the application to change status or reinstate the license is not made within the six (6)-month period, the applicant will be required to complete the *[required pre-examination course] Missouri Real Estate Practice Course* and show proof of satisfactory completion of that course within six (6) months prior to reinstatement of the license. If the license is not reinstated or placed on inactive status within the subsequent renewal period, the licensee will be required to requalify as if an original applicant.

(3) A broker may apply for inactive broker status. This request shall be on an application approved by the commission and shall be accompanied by the required fee. A license shall be issued to the broker clearly printed with the word inactive and the inactive broker shall not engage in any activity for which a license is required. An inactive broker license must be renewed biennially on or before June 30 of each renewal year. A licensee holding an inactive license as described in this rule will not be required to complete the continuing education requirement for license periods during which the license is inactive. A broker license which is inactive may not be reactivated until the licensee presents to the commission the proper application accompanied by the required fee and a certificate from a school accredited by the commission evidencing satisfactory completion, within the preceding six (6) months, of the *[broker course of study] Missouri Real Estate Practice Course* required by 20 CSR 2250-6.060.

AUTHORITY: section 339.120, RSMo Supp. [2007] 2008. This rule originally filed as 4 CSR 250-4.040. Original rule filed Nov. 14, 1978, effective Feb. 11, 1979. For intervening history, please consult the Code of State Regulations. Amended: Filed April 3, 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 save private entities approximately seven thousand eight hundred seventy-five dollars (\$7,875) biennially for the life of the rule. It is anticipated that the savings 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 Real Estate Commission, PO Box 1339, Jefferson City, MO 65102, by facsimile at 573-751-2628, or via email at realestate@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 2250 - Missouri Real Estate Commission**

Chapter 4 - Licenses

Proposed Amendment - 20 CSR 2250-4.040 Individual License; Business Name; Inactive Brokers

Prepared December 1, 2008 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 savings from compliance with the rule by affected entities:
45	Applicants Reactivating an Inactive License (Course Fee Decrease @ \$175)	\$7,875.00
	Estimated Biennial Cost Savings for the Life of the Rule	\$7,875.00

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The figures reported above are based on FY08 actuals.
2. It is anticipated that the total savings 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 2250—Missouri Real Estate Commission
Chapter 4—Licenses**

PROPOSED AMENDMENT

20 CSR 2250-4.050 Broker-Salesperson and Salesperson Licenses; Transfers; Inactive Salespersons. The board is proposing to amend sections (3), (4), and (6).

PURPOSE: This amendment changes the education requirement for reactivating licensees from taking the appropriate forty-eight (48)-hour pre-exam course to the twenty-four (24)-hour Missouri Real Estate Practice Course, clarifies when a licensee is allowed to work after a transfer has been returned for correction, and corrects a regulation citation.

(3) Within seventy-two (72) hours of the termination of the association of any broker-salesperson or salesperson, a broker shall notify the commission and shall return to the commission that licensee's license. The broker shall provide a dated and timed receipt to the licensee when the licensee submits a letter of termination to the broker. When a licensee's license is surrendered to the commission, the licensee shall have six (6) months in which to transfer to another broker or change license status. If the application for transfer or change in status is not made within the six (6)-month period, the applicant will be required to complete the required *[pre-examination course] Missouri Real Estate Practice Course* and show proof of satisfactory completion of that course within six (6) months prior to reinstatement of the license. If the license is not transferred or placed on inactive status, or if no status change has been made within the subsequent renewal period, the licensee will be required to requalify as if an original applicant.

(4) An original licensee or a licensee changing license status/type shall not be deemed to be entitled to engage in any activity for which a license is required until the new license is received by the broker or until written notification is received from the commission that the application is being processed. When a broker-salesperson or salesperson transfers from one broker to another without changing license type, the licensee shall be deemed transferred at the time the properly completed application is mailed by certified, registered, or overnight delivery, if all materials required to transfer are mailed under one (1) cover. The new broker is responsible for seeing that the application is complete and that the application for transfer is mailed by certified, registered, or overnight delivery to ensure proof of delivery. If the application is deemed incomplete, the transfer will not be effective until *[the properly completed application is received by the commission] the new license is received by the broker or until written notification is received from the commission that the application is being processed.*

(6) A salesperson whose association with a broker is terminated may request the commission to transfer the license to an inactive status. The request shall be on an application approved by the commission and shall be accompanied by the required fee. A license shall be issued to the salesperson clearly printed with the word inactive and the inactive salesperson shall not be associated with a broker nor engage in any activity for which a license is required. An inactive salesperson license must be renewed biennially on or before September 30 of each renewal year. A licensee holding an inactive license as described in this rule will not be required to complete the continuing education requirement for license periods during which the license is inactive. A salesperson license which is in an inactive status may not be reactivated until the licensee presents to the commission a certificate from a school accredited by the commission evi-

dencing satisfactory completion by that person, within the preceding six (6) months, of the *[salesperson course of study] Missouri Real Estate Practice Course* required by 20 CSR 2250-6.060. The holder of an inactive salesperson license may be transferred to active status upon proper application to the commission accompanied by the required fee and the school completion certificate.

AUTHORITY: section 339.120, RSMo Supp. [2007] 2008. This rule originally filed as 4 CSR 250-4.050. Original rule filed Nov. 14, 1978, effective Feb. 11, 1979. For intervening history, please consult the *Code of State Regulations*. Amended: Filed April 3, 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 save private entities approximately seven thousand eight hundred seventy-five dollars (\$7,875) biennially for the life of the rule. It is anticipated that the savings 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 Real Estate Commission, PO Box 1339, Jefferson City, MO 65102, by facsimile at 573-751-2628, or via email at realestate@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 2250 - Missouri Real Estate Commission

Chapter 4 - Licenses

Proposed Amendment - 20 CSR 2250-4.050 Broker-Salesperson Licenses; Transfers; Inactive Salespersons

Prepared December 1, 2008 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 savings from compliance with the rule by affected entities:
45	Applicants Reactivating an Inactive License (Course Fee Decrease @ \$175)	\$7,875.00
	Estimated Biennial Cost Savings for the Life of the Rule	\$7,875.00

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The figures reported above are based on FY08 actuals.
2. It is anticipated that the total savings 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 2250—Missouri Real Estate Commission
Chapter 4—Licenses**

PROPOSED AMENDMENT

20 CSR 2250-4.070 Partnership, Association or Corporation License. The board is proposing to amend subsection (3)(F) and section (8).

PURPOSE: The purpose of this amendment is to remove the application notarization requirement and to change the education requirement for reactivating licensees from taking the appropriate forty-eight (48)-hour pre-exam course to the twenty-four (24)-hour Missouri Real Estate Practice Course.

(3) At the time of issuance of a partnership, association or corporation license, the applicant shall make application to the commission on a form approved by the commission which shall include the following:

(F) A statement *[under oath]* that the information furnished is complete, true, and correct in all respects and that the entity is currently in good standing with the secretary of state. The commission must be notified in writing within ten (10) days of every change in a partnership, association, or corporation which changes any information furnished or causes the information to be incomplete. The designated broker for the firm shall be responsible for the notification.

(8) When a broker-partner, broker-associate, or broker-officer license is returned to the commission, the licensee shall have six (6) months in which to change status or reinstate the license. If the application to change status or reinstate the license is not made within the six (6)-month period, the applicant will be required to complete the required *[pre-examination course]* **Missouri Real Estate Practice Course** and show proof of satisfactory completion of that course within six (6) months prior to reinstatement of the license. If the license is not reinstated or placed on inactive status within the subsequent renewal period, the licensee will be required to *[complete the pre-examination course, requalify by examination and apply as if an original applicant]* **requalify as if an original applicant.**

AUTHORITY: section 339.120, RSMo Supp. [2007] 2008. This rule originally filed as 4 CSR 250-4.070. Original rule filed Nov. 14, 1978, effective Feb. 11, 1979. For intervening history, please consult the Code of State Regulations. Amended: Filed April 3, 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 save private entities approximately six hundred dollars (\$600) annually for the life of the rule. It is anticipated that the savings 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 Real Estate Commission, PO Box 1339, Jefferson City, MO 65102, by facsimile at 573-751-2628, or via email at realestate@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 2250 - Missouri Real Estate Commission

Chapter 4 - Licenses

Proposed Amendment - 20 CSR 2250-4.070 - Partnership, Association or Corporation License

Prepared December 1, 2008 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 savings from compliance with the rule by affected entities:
300	Partnership, Association, or Corporation Licenses (Notary Fee - \$2.00 - No Longer Required)	\$600.00
	Estimated Annual Cost Savings for the Life of the Rule	\$600.00

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The figures reported above are based on FY08 actuals.
2. It is anticipated that the total saving 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

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

**Division 2250—Missouri Real Estate Commission
Chapter 4—Licenses**

PROPOSED AMENDMENT

20 CSR 2250-4.075 Professional Corporations. The board is proposing to amend sections (2) and (7).

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, references to 4 CSR 250 are being amended throughout the rule.

(2) All applications for licensure as a professional corporation shall be subject to the provisions of [4 CSR 250-3.010] **20 CSR 2250-3.010** and all applicable provisions of Chapter 339, RSMo.

(7) Upon dissolution of a licensed professional corporation, the professional corporation is subject to the provisions of [4 CSR 250-4.050] **20 CSR 2250-4.050**.

AUTHORITY: section 339.120, RSMo [2000] Supp. 2008. This rule originally filed as 4 CSR 250-4.075. Original rule filed June 16, 1989, effective Sept. 28, 1989. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994. Amended: Filed June 28, 2002, effective Dec. 30, 2002. Moved to 20 CSR 2250-4.075, effective Aug. 28, 2006. Amended: Filed April 3, 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 Real Estate Commission, PO Box 1339, Jefferson City, MO 65102, by facsimile at 573-751-2777, or via email at realestate@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 2250—Missouri Real Estate Commission
Chapter 8—Business Conduct and Practice**

PROPOSED AMENDMENT

20 CSR 2250-8.030 Branch Offices. The board is proposing to amend section (1).

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, references to 4 CSR 250 are being amended throughout the rule.

(1) If a broker maintains a branch office(s), each shall be operated under the same name and license as the parent office and every such

place of business shall comply with the provisions of [4 CSR 250-8.010] **20 CSR 2250-8.010**.

AUTHORITY: section 339.120, RSMo Supp. [1993] 2008. This rule originally filed as 4 CSR 250-8.030. Original rule filed Nov. 14, 1978, effective Feb. 11, 1979. Amended: Filed Oct. 2, 1985, effective Dec. 26, 1985. Amended: Filed Dec. 15, 1986, effective March 27, 1987. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994. Moved to 20 CSR 2250-8.030, effective Aug. 28, 2006. Amended: Filed April 3, 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 Real Estate Commission, PO Box 1339, Jefferson City, MO 65102, by facsimile at 573-751-2777, or via email at realestate@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 2250—Missouri Real Estate Commission
Chapter 8—Business Conduct and Practice**

PROPOSED AMENDMENT

20 CSR 2250-8.090 Brokerage Service Agreements. The board is proposing to amend subsections (4)(C), (5)(C), (6)(C), (7)(C), and (8)(H), amend paragraph (9)(K)2., amend subsection (9)(L), add subsection (9)(M), and amend section (10).

PURPOSE: This amendment requires all parties' initials on any addendums, riders, or attachments to brokerage service agreements.

(4) Seller's/Lessor's Agency (Sale/Lease Listing) Agreement.

(C) Any [change] **addendums, riders, endorsements, attachments, or changes** to the listing agreement or other written agreement for brokerage services must contain the initials of all parties.

(5) Buyer's/Tenant's Agency Agreement.

(C) Any [change] **addendums, riders, endorsements, attachments, or changes** to the agreement or other written authorization must contain the initials of all parties.

(6) Transaction Brokerage Agreement Between Broker and Seller/Lessor.

(C) Any [change] **addendums, riders, endorsements, attachments, or changes** to the agreement must contain the initials of all parties.

(7) Transaction Brokerage Agreement Between Broker and Buyer/Tenant.

(C) Any [change] **addendums, riders, endorsements, attachments, or changes** to the agreement must contain the initials of all parties.

(8) Other Written Authorization. Written authorization to show residential property without an agency agreement or transaction brokerage agreement with the owner/landlord must contain all of the following:

(H) Any [change] **addendums, riders, endorsements, attachments, or changes** to the written authorization must contain the initials of all parties; and

(9) Every written property management agreement or other written authorization between a broker and the owners of the real estate shall:

(K) Contain a statement which confirms that the landlord received the Broker Disclosure Form prescribed by the commission:

1. On or before the signing of the brokerage relationship agreement; or

2. Upon the licensee obtaining any personal or financial information, whichever occurs first; [and]

(L) Contain the signatures of all the owners and the broker or affiliated licensee as authorized by the broker./.; and

(M) Any addendums, riders, endorsements, or attachments to the property management agreement or other written authorization between a broker and the owners of the real estate shall contain the signatures of all the owners and the broker or affiliated licensee as authorized by the broker.

(10) The licensee shall give to the owner or the owner's authorized agent a legible copy of every written property management agreement or other written authorization at the time the signature of the owner is obtained. The licensee's broker shall retain a copy of **the written property management agreement or other written authorization and a signed copy of any addendums, riders, endorsements, or attachments to the written property management agreement or other written authorization.**

AUTHORITY: sections 339.730, 339.740, 339.750, 339.755, and 339.820, RSMo 2000 and sections 339.120 and 339.780, RSMo Supp. [2007] 2008. This rule originally filed as 4 CSR 250-8.090. Original rule filed Nov. 14, 1978, effective Feb. 11, 1979. For intervening history, please consult the Code of State Regulations. Amended: Filed April 3, 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 Real Estate Commission, PO Box 1339, Jefferson City, MO 65102, by facsimile at 573-751-2777, or via email at realestate@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 2250—Missouri Real Estate Commission
Chapter 8—Business Conduct and Practice**

PROPOSED AMENDMENT

20 CSR 2250-8.095 Brokerage Relationship Disclosure. The board is proposing to amend paragraphs (1)(A)6., (1)(B)6., (1)(D)6., and (1)(E)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, references to 4 CSR 250 are being amended throughout the rule.

(1) Licensees acting with or without a written agreement for brokerage services pursuant to **sections 339.710 to 339.860, RSMo**, are required to disclose such relationships in the following instances and manner:

(A) Seller's/Landlord's Agent or Subagent.

1. A licensee acting as an agent or subagent of the seller/landlord shall disclose this agency status no later than the first showing to a buyer/tenant who is not represented by or working with another licensee pursuant to **sections 339.710 to 339.860, RSMo**.

2. If the buyer/tenant is represented by another licensee, the disclosure may be made to the buyer/tenant or their agent upon first contact with the buyer/tenant or their agent, whichever occurs first.

3. If the seller's/landlord's agent is cooperating with another licensee under a written agreement of subagency or through a unilateral offer of subagency, the disclosure made by the subagent shall serve as the disclosure of the seller's/landlord's agent.

4. In a cooperative sale/lease between a seller's/landlord's agent and a licensee working with a buyer/tenant as a transaction broker, the seller's/landlord's agent shall make disclosure of this agency status to the buyer/tenant and also to the licensee assisting the buyer/tenant upon first contact with each respective party.

5. In a contemplated real estate transaction where no contact occurs with the buyer/tenant, their agent, or transaction broker, the seller's/landlord's agent shall disclose this agency status to the buyer's/tenant's agent or transaction broker when first contact is established pursuant to paragraph (B)5. or (E)5. of this section.

6. If the landlord's agent is conducting property management pursuant to *[4 CSR 250-8.200]* **20 CSR 2250-8.200**, the unlicensed office personnel may, in their performance of the duties enumerated in **section 339.010.5(5)(a)-(e), RSMo**, make the disclosure described herein on behalf of the landlord's agent;

(B) Buyer's/Tenant's Agent or Subagent.

1. A licensee acting as an agent or subagent of the buyer/tenant shall disclose this agency status no later than the first showing to a seller/landlord who is not represented by or working with another licensee pursuant to **sections 339.710 to 339.860, RSMo**.

2. If the seller/landlord is represented by another licensee, the disclosure may be made to the seller/landlord or their agent upon first contact with the seller/landlord or their agent, whichever occurs first.

3. If the buyer's/tenant's agent is cooperating with another licensee under a written agreement of subagency or through a unilateral offer of subagency, the disclosure made by the subagent shall serve as the disclosure of the buyer's/tenant's agent.

4. In a cooperative sale/lease between a buyer's/tenant's agent and a licensee working with a seller/landlord as a transaction broker, the buyer's/tenant's agent shall make disclosure of this agency status to the seller/landlord and also to the licensee assisting the seller/landlord upon first contact with each respective party.

5. In a contemplated real estate transaction where no contact occurs with the seller/landlord, their agent, or transaction broker, the buyer's/tenant's agent shall establish first contact with the seller's/landlord's agent or transaction broker and disclose this agency status prior to the presentation of an offer to exchange, purchase, rent, or lease.

6. If the landlord's agent or transaction broker is conducting property management pursuant to *[4 CSR 250-8.200]* **20 CSR 2250-8.200**, the unlicensed office personnel may, in their performance of the duties enumerated in **section 339.010.5(5)(a)-(e), RSMo**, receive the disclosure described herein on behalf of the landlord's agent or transaction broker;

(D) Transaction Broker Assisting Seller/Landlord.

1. A licensee assisting a seller/landlord as a transaction broker who has not been deemed a transaction broker pursuant to **section**

339.710(19)(c), RSMo, shall disclose this brokerage relationship no later than the first showing to buyer/tenant who is not represented by or working with another licensee pursuant to **sections 339.710 to 339.860, RSMo.**

2. If the buyer/tenant is represented by another licensee, this disclosure may be made to the buyer/tenant or their agent upon first contact with the buyer/tenant or their agent, whichever occurs first.

3. If the licensee has not entered into a written transaction brokerage agreement with the seller/landlord, the licensee shall disclose the licensee's transaction broker status to the seller/landlord upon establishing such relationship with the seller/landlord.

4. In a cooperative sale between a seller's/landlord's transaction broker and a licensee working with a buyer/tenant as a transaction broker, the seller's/landlord's transaction broker shall make disclosure of this brokerage relationship status to the buyer/tenant and also to the licensee assisting the buyer/tenant upon first contact with each respective party.

5. In a contemplated real estate transaction where no contact occurs with the buyer/tenant, or their agent or transaction broker, the seller's/landlord's transaction broker shall disclose this brokerage relationship status to the buyer's/tenant's agent or transaction broker when first contact is established pursuant to paragraph (B)5. or (E)5. of this section.

6. If the landlord's transaction broker is conducting property management pursuant to *[4 CSR 250-8.200]* **20 CSR 2250-8.200**, the unlicensed office personnel may, in their performance of the duties enumerated in **section 339.010.5(5)(a)-(e), RSMo**, make the disclosure described herein on behalf of the landlord's transaction broker;

(E) Transaction Broker Assisting Buyer/Tenant.

1. A licensee assisting a buyer/tenant as a transaction broker who has not been deemed a transaction broker pursuant to **section 339.710(19)(c), RSMo**, shall disclose this brokerage relationship no later than the first showing to a seller/landlord who is not represented by or working with another licensee pursuant to **sections 339.710 to 339.860, RSMo.**

2. If the seller/landlord is represented by another licensee, this disclosure may be made to the seller/landlord or their agent upon first contact with the seller/landlord or their agent, whichever occurs first.

3. If the licensee has not entered into a written transaction brokerage agreement with the buyer/tenant, the licensee shall disclose the licensee's transaction broker status to the buyer/tenant upon establishing such relationship with the buyer/tenant.

4. In a cooperative sale/lease between a buyer's/tenant's transaction broker and a licensee working with a seller/landlord as a transaction broker, the buyer's/tenant's transaction broker shall make disclosure of this brokerage relationship status to the seller/landlord and also to the licensee assisting the seller/landlord upon first contact with each respective party.

5. In a contemplated real estate transaction where no contact occurs with the seller/landlord, their agent, or transaction broker, the buyer's/tenant's transaction broker shall establish first contact with the seller's/landlord's agent or transaction broker and disclose this brokerage relationship status prior to the presentation of an offer to exchange, purchase, rent, or lease.

6. If the landlord's agent or transaction broker is conducting property management pursuant to *[4 CSR 250-8.200]* **20 CSR 2250-8.200**, the unlicensed office personnel may, in their performance of the duties enumerated in **section 339.010.5(5)(a)-(e), RSMo**, receive the disclosure described herein on behalf of the landlord's agent or transaction broker;

AUTHORITY: sections 339.120, 339.720, and 339.770, RSMo Supp. [1999] 2008. This rule originally filed as 4 CSR 250-8.095. Original rule filed Oct. 26, 1987, effective July 1, 1988. For intervening history, please consult the Code of State Regulations. Amended: Filed April 3, 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 Real Estate Commission, PO Box 1339, Jefferson City, MO 65102, by facsimile at 573-751-2777, or via email at realstate@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 2250—Missouri Real Estate Commission
Chapter 8—Business Conduct and Practice**

PROPOSED AMENDMENT

20 CSR 2250-8.096 Brokerage Relationship Confirmation. The board is proposing to amend section (1) and paragraphs (1)(A)5. and (1)(A)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, references to 4 CSR 250 are being amended throughout the rule. This amendment also requires all parties' signatures and dates on a separate document containing the brokerage relationship confirmation.

(1) Licensees acting with or without a written agreement for brokerage services pursuant to 339.710 to 339.860, RSMo, are required to have such relationships confirmed in writing by each party to the real estate transaction on or before such party's first signature to the real estate contract. Nothing contained herein prohibits the written confirmation of brokerage relationships from being included or incorporated into the real estate contract, **provided that any addendum or incorporated document containing the written confirmation must include a separate signature section for acknowledging the written confirmation that shall be signed and dated by each party to the real estate transaction.**

(A) Written confirmation must—

1. Identify the licensee's brokerage relationship;
2. Identify the source or sources of compensation;
3. Confirm that the brokerage relationships, if required by rule or regulation, were disclosed to the seller/landlord and/or buyer/tenant or their respective agents and/or transaction brokers no later than the first showing, upon first contact, or immediately upon the occurrence of any change to that relationship;

4. Confirm the seller's/landlord's and buyer's/tenant's receipt of the Broker Disclosure Form prescribed by the commission;

5. Be signed and dated by the seller/landlord and buyer/tenant. If the landlord has entered into a written property management agreement pursuant to *[4 CSR 250-8.200-4 CSR 250-8.210]* **20 CSR 2250-8.200-20 CSR 2250-8.210**, the landlord shall not be required to sign the written confirmation; and

6. Be signed and dated by the disclosing licensees on or before the contract date. If a landlord's agent or transaction broker is conducting property management pursuant to *[4 CSR 250-8.200-4 CSR 250-8.210]* **20 CSR 2250-8.200-20 CSR 2250-8.210**, the unlicensed office personnel may, in their performance of the duties

enumerated in 339.010.5(5)(a)–(e), sign the written confirmation on behalf of the landlord’s agent or transaction broker.

AUTHORITY: sections 339.120 [and], 339.780, [RSMo 2000] and 339.720, RSMo Supp. [2003] 2008. This rule originally filed as 4 CSR 250-8.096. Original rule filed Jan. 14, 2000, effective July 30, 2000. Amended: Filed Nov. 3, 2003, effective April 30, 2004. Moved to 20 CSR 2250-8.096, effective Aug. 28, 2006. Amended: Filed April 3, 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 Real Estate Commission, PO Box 1339, Jefferson City, MO 65102, by facsimile at 573-751-2777, or via email at realestate@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 2250—Missouri Real Estate Commission
Chapter 8—Business Conduct and Practice**

PROPOSED AMENDMENT

20 CSR 2250-8.097 Broker Disclosure Form. The board is proposing to amend section (1).

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, references to 4 CSR 250 are being amended throughout the rule.

(1) In a residential real estate transaction, at the earliest practicable opportunity during or following the first substantial contact by the designated broker or the affiliated licensees with a seller, landlord, buyer, or tenant who has not entered into a brokerage relationship as described in section 339.710.5, RSMo, the licensee shall provide that person with a written copy of the current Broker Disclosure Form prescribed by the Missouri Real Estate Commission. In any event, a licensee shall provide the party that has not entered into a brokerage relationship as described in section 339.710.5, RSMo, the Broker Disclosure Form upon obtaining any personal or financial information or before the signing of a brokerage service agreement, whichever occurs first. If a landlord’s agent or transaction broker is conducting property management pursuant to [4 CSR 250-8.200] **20 CSR 2250-8.200**, the unlicensed office personnel may, in their performance of the duties enumerated in section 339.010.5(5)(a)–(e), **RSMo**, provide a tenant with a written copy of the current Broker Disclosure Form prescribed by the commission on behalf of the landlord’s agent or transaction broker.

AUTHORITY: sections 339.120[, RSMo 2000] and 339.770, RSMo Supp. [2003] 2008. This rule originally filed as 4 CSR 250-8.097. Original rule filed Dec. 1, 1997, effective Sept. 1, 1998. Amended: Filed Jan. 14, 2000, effective July 30, 2000. Amended: Filed Nov. 3,

2003, effective April 30, 2004. Moved to 20 CSR 2250-8.097, effective Aug. 28, 2006. Amended: Filed April 3, 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 Real Estate Commission, PO Box 1339, Jefferson City, MO 65102, by facsimile at 573-751-2777, or via email at realestate@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 2250—Missouri Real Estate Commission
Chapter 8—Business Conduct and Practice**

PROPOSED RESCISSION

20 CSR 2250-8.155 Closing a Real Estate Firm. This rule informed licensees of the procedures they needed to follow when closing a real estate firm.

PURPOSE: This rule is being rescinded and readopted to simplify the procedures to follow when closing a real estate firm.

AUTHORITY: section 339.120, RSMo 2000. This rule originally filed as 4 CSR 250-8.155. Original rule filed June 16, 1989, effective Sept. 28, 1989. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994. Amended: Filed Dec. 1, 1997, effective Sept. 1, 1998. Amended: Filed June 28, 2002, effective Dec. 30, 2002. Moved to 20 CSR 2250-8.155, effective Aug. 28, 2006. Rescinded: Filed April 3, 2009.

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

PRIVATE COST: This proposed rescission 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 rescission with the Real Estate Commission, PO Box 1339, Jefferson City, MO 65102, by facsimile at 573-751-2628, or via email at realestate@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 2250—Missouri Real Estate Commission
Chapter 8—Business Conduct and Practice**

PROPOSED RULE

20 CSR 2250-8.155 Closing a Real Estate Brokerage Firm

PURPOSE: This rule informs licensees of the procedures they need to follow when closing a real estate firm.

(1) Voluntary Closing.

(A) A real estate brokerage shall be closed in the following manner. The individual broker or the designated broker shall—

1. Notify the commission in writing on a form prescribed by the commission of the effective date of the closing, the location where the records will be stored, and that all requirements of 20 CSR 2250-8.155(1) have been met;

2. Notify all licensees associated with the brokerage in writing of the effective date of closing. The licenses of any licensees associated with the brokerage at the time of closing must be returned to the commission with the closing statement;

3. Notify all current listing, buyer or tenant agreement, and management contract clients as well as parties and co-brokers to existing contracts, in writing, advising of the date the brokerage will close. All listing, buyer, tenant, and management clients must be advised in writing that they may enter into a new listing, buyer, tenant, or management agreement with the broker of their choice;

4. Remove all advertising signs from all properties which were listed with or managed by the brokerage. Arrange to cancel all advertising in the name of the brokerage, including office signs and telephone listing advertisements;

5. Maintain all escrow or trust accounts until all monies are transferred to a title company, an escrow company, or an attorney for closing of the transaction, or are otherwise properly disbursed as agreed to in writing by the parties having an interest in the funds; and

6. Arrange for pending contracts to be closed by a title company, a lending institution, an escrow company, or an attorney. In the case of a sale, transfer, or merger of an existing brokerage, the acquiring broker may close the pending transactions acquired from the selling broker after having first obtained the express written consent of all parties to the transactions. Notify all parties involved in pending transactions as to the name, address, and telephone number of the closing agent.

(2) Revocation/Suspension.

(A) Individual Broker or Corporation, Partnership, or Association. Upon the revocation or suspension of an individual broker, corporation, partnership, or association, the individual broker or designated broker shall—

1. Cease all brokerage business immediately upon the effective date of the suspension or revocation order;

2. Notify the commission of the location where records and files will be stored, as well as the name, address, and phone number of the custodian who will be storing the records and files;

3. Notify all licensees associated with the brokerage of the revocation/suspension and return all licenses held by the broker to the commission;

4. Notify all current listing, buyer or tenant agreement, and management contract clients as well as parties and co-brokers to existing contracts, in writing, advising of the date the brokerage will close. All listing, buyer, tenant, and management clients must be advised in writing that they may enter into a new listing, buyer, tenant, or management agreement with the brokerage of their choice;

5. Remove all advertising signs from all properties which were listed with or managed by the brokerage;

6. Cancel or suspend all advertising and telephone listing advertisements. In case of suspension, post a notice of the suspension period on the outside of the office in a prominent location. In case of revocation, the licensee shall remove all office signs visible to the public;

7. Maintain all escrow or trust accounts until all monies are transferred to a title company, a lending institution, an escrow company, or an attorney for closing the transaction, or are otherwise properly disbursed as agreed to in writing by the parties having an interest in the funds;

8. Arrange for pending contracts to be closed by a title company, a lending institution, an escrow company, or an attorney. Notify all parties involved in pending transactions as to the name, address, and telephone number of the closing agent.

9. Notify the commission in writing on a form prescribed by the commission of the location where the records will be stored and that all requirements of 20 CSR 2250-8.155(2) have been met.

(3) Closing as a Result of Death or Disability. Upon the death or disability of an individual broker, or upon the death or disability of one (1) or more of the licensed broker-partners, broker-officers, or broker-associates of a real estate partnership, corporation, or association in which the affairs of the partnership, corporation, or association cannot be carried on, the following procedures shall apply:

(A) All licensees associated with the broker, corporation, partnership, or association must cease all brokerage activity until their licenses have been transferred to another broker; and

(B) The administrator or executor of the broker's, broker-officer's, broker-partner's, or broker-associate's estate or the legal representative thereof—

1. May, as provided in section 339.040.8, RSMo, apply for a temporary broker license for the sole purpose of concluding pending business;

2. Shall follow the procedures established in section (1) for voluntary closing; and

3. Shall notify the commission in writing on a form prescribed by the commission of the effective date of the closing, the location where the records will be stored, and that all requirements of 20 CSR 2250-8.155(3) have been met.

AUTHORITY: section 339.120, RSMo Supp. 2008. This rule originally filed as 4 CSR 250-8.155. Original rule filed June 16, 1989, effective Sept. 28, 1989. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994. Amended: Filed Dec. 1, 1997, effective Sept. 1, 1998. Amended: Filed June 28, 2002, effective Dec. 30, 2002. Moved to 20 CSR 2250-8.155, effective Aug. 28, 2006. Rescinded and readopted: Filed April 3, 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 cost private entities approximately one thousand five hundred eighty-six dollars and fifty cents (\$1,586.50) 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 rule with the Real Estate Commission, PO Box 1339, Jefferson City, MO 65102, by facsimile at 573-751-2628, or via email at realestate@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 2250 - Missouri Real Estate Commission

Chapter 4 - Licenses

Proposed Amendment - 20 CSR 2250-8.155 Closing a Real Estate Brokerage Firm

Prepared December 1, 2008 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:
150	Brokers, Corporations, Associations, and Partnership Licensees Voluntary Closings (Stationery @ \$0.10 for 10 Listings/Year)	\$150.00
150	Brokers, Corporations, Associations, and Partnership Licensees Voluntary Closings (Postage @ \$0.42 for 10 Listings/Year)	\$630.00
150	Brokers, Corporations, Associations, and Partnership Licensees Voluntary Closings (Stationery @ \$0.10 for Notifying Missouri Real Estate Commission)	\$15.00
150	Brokers, Corporations, Associations, and Partnership Licensees Voluntary Closings (Postage @ \$0.42 for Notifying Missouri	\$630.00
5	Brokers, Corporations, Associations, and Partnership Licensees Revocation/Suspension (Stationery @ \$0.10 for 10 Listings/Year)	\$5.00

5	Brokers, Corporations, Associations, and Partnership Licensees Revocation/Suspension (Postage @ \$0.42 for 10 Listings/Year)	\$21.00
5	Brokers, Corporations, Associations, and Partnership Licensees Revocation/Suspension (Stationery @ \$0.10 for Notifying Missouri Real Estate Commission)	\$0.50
5	Brokers, Corporations, Associations, and Partnership Licensees Revocation/Suspension (Postage @ \$0.42 for Notifying Missouri Real Estate Commission)	\$21.00
12	Brokers, Corporations, Associations, and Partnership Licensees Closing as a Result of Death or Disability (Stationery @ \$0.10 for 10 Listings/Year)	\$12.00
12	Brokers, Corporations, Associations, and Partnership Licensees Closing as a Result of Death or Disability (Postage @ \$0.42 for 10 Listings/Year)	\$50.40
12	Brokers, Corporations, Associations, and Partnership Licensees Closing as a Result of Death or Disability (Stationery @ \$0.10 for Notifying Missouri Real Estate Commission)	\$1.20
12	Brokers, Corporations, Associations, and Partnership Licensees Closing as a Result of Death or Disability (Postage @ \$0.42 for Notifying Missouri Real Estate Commission)	\$50.40
Estimated Annual Cost of Compliance for the Life of the Rule		\$1,586.50

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The figures reported above are based on FY08 actuals.
2. It is anticipated that the total cost will recur or 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 2250—Missouri Real Estate Commission
Chapter 8—Business Conduct and Practice**

PROPOSED AMENDMENT

20 CSR 2250-8.200 Management Agreement Required. The board is proposing to amend section (2).

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, references to 4 CSR 250 are being amended throughout the rule.

(2) A licensee who is managing the leasing or rental of real estate shall not act as an agent in the sale or exchange of that real estate unless the licensee complies with the requirements of [4 CSR 250-8.090] **20 CSR 2250-8.090**.

AUTHORITY: section 339.120, RSMo Supp. [1993] 2008. This rule originally filed as 4 CSR 250-8.200. Original rule filed June 14, 1988, effective Feb. 19, 1989. Amended: Filed Nov. 15, 1991, effective June 25, 1992. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994. Moved to 20 CSR 2250-8.200, effective Aug. 28, 2006. Amended: Filed April 3, 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 Real Estate Commission, PO Box 1339, Jefferson City, MO 65102, by facsimile at 573-751-2777, or via email at realestate@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 2250—Missouri Real Estate Commission
Chapter 8—Business Conduct and Practice**

PROPOSED AMENDMENT

20 CSR 2250-8.220 Escrow or Trust Account and a Separate Property Management Escrow Account Required. The board is proposing to amend section (5).

PURPOSE: This amendment clarifies that escrow funds are not limited to be held in a checking account pursuant to section 339.105, RSMo.

(5) The property management escrow account(s) maintained by the broker shall be [a checking] an account in a bank, savings and loan, or credit union.

AUTHORITY: sections 339.120 and 339.105, RSMo [2000] Supp. 2008. This rule originally filed as 4 CSR 250-8.220. Original rule filed June 14, 1988, effective Feb. 19, 1989. For intervening history,

please consult the *Code of State Regulations*. Amended: Filed April 3, 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 Real Estate Commission, PO Box 1339, Jefferson City, MO 65102, by facsimile at 573-751-2777, or via email at realestate@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 2250—Missouri Real Estate Commission
Chapter 10—Continuing Education**

PROPOSED AMENDMENT

20 CSR 2250-10.100 Continuing Education Requirements for Licensees. The board is proposing to amend section (1).

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, references to 4 CSR 250 are being amended throughout the rule.

(1) Each real estate licensee who holds an active license shall complete during the two (2)-year license period prior to renewal, as a condition precedent to license renewal, a minimum of twelve (12) hours of real estate instruction approved for continuing education credit by the Missouri Real Estate Commission. An active license is any license issued by the commission except those which have been placed on inactive status. Failure to provide the commission evidence of course completion as set forth shall constitute grounds for not renewing a license. For purposes of [4 CSR 250-10] **20 CSR 2250-10**, an hour is defined as sixty (60) minutes, at least fifty (50) minutes of which shall be devoted to actual classroom instruction and no more than ten (10) minutes of which shall be devoted to a recess. No credit will be allowed for fractional hours.

AUTHORITY: section[s] 339.045, RSMo 2000 and sections 339.090 and 339.120, RSMo Supp. [2005] 2008. This rule originally filed as 4 CSR 250-10.100. Original rule filed April 6, 2006, effective Sept. 30, 2006. Moved to 20 CSR 2250-10.100, effective Aug. 28, 2006. Amended: Filed April 3, 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 Real Estate Commission, PO Box 1339, Jefferson City, MO 65102, by facsimile at 573-751-2777, or via email at realestate@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 2270—Missouri Veterinary Medical Board
Chapter 3—Registration Requirements for Veterinary
Technicians**

PROPOSED AMENDMENT

20 CSR 2270-3.020 Examinations. The board is proposing to amend section (4).

PURPOSE: This amendment requires applicants to be a graduate of a veterinary technology program to be eligible to sit for the Veterinary Technician National Examination (VTNE) to be consistent with changes made by the American Association of Veterinary State Boards (AAVSB), who administers the VTNE for the board.

(4) *[An]* **Effective December 31, 2010, an applicant may apply for *[and take]* the examinations during his/her final semester of college, however, to be eligible to sit for the VTNE, the applicant must provide *[d an]* official documentation from the college *[verifies]* verifying to the board that the applicant *[is expected to]* has graduated.** However, no certificate of registration will be issued until an official transcript verifying receipt of the degree is received by the board office sent directly by the degree-granting institution. It shall be the applicant's responsibility to arrange with the school or college for the transmitting of the official transcript to the board office.

AUTHORITY: sections 340.210, 340.300, 340.302, and 340.308, RSMo 2000. This rule originally filed as 4 CSR 270-3.020. Original rule filed Nov. 4, 1992, effective July 8, 1993. For intervening history, please consult the *Code of State Regulations*. Amended: Filed April 8, 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 Veterinary Medical Board, PO Box 633, Jefferson City, MO 65102, by facsimile at 573-751-3856, or via email at vets@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.