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SALUS POPULI SUPREMA LEX ESTO

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



ROBIN CARNAHAN
SECRETARY OF STATE

MISSOURI
REGISTER

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

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HOW TO CITE RULES AND RSMo

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

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

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

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

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

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

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 40—Division of Maternal, Child and Family
Health
Chapter 11—Vision Examinations**

EMERGENCY RULE

19 CSR 40-11.010 Payments for Vision Examinations

PURPOSE: The Department of Health and Senior Services makes payments to appropriate medical providers to cover the cost of the comprehensive eye examination of first and third grade children not covered by insurance who fail public school vision screenings. This rule establishes the criteria by which comprehensive eye examination costs are paid.

EMERGENCY STATEMENT: There are approximately seventy-five thousand (75,000) children entering public school in Missouri each year. These children have a twenty-five percent (25%) chance of having a vision problem that could impact their ability to learn. Section 167.195, RSMo Supp. 2007, established the Children's Vision Commission and, beginning July 1, 2008, requires all public schools to conduct vision screenings by methods approved by the Children's Vision Commission before they complete the first and third grades. The commission was appointed in January of 2008 and has since established the methods for the screenings. The parent(s) or guardian(s) of children failing a vision screening will be notified of

*the screening results and referred for a comprehensive eye examination. Section 192.935, RSMo, directs the Department of Health and Senior Services to pay for eye examinations not covered by existing health insurance. This emergency rule establishes the criteria for obtaining reimbursement by the department for such eye examinations. This emergency rule is necessary because funds were not appropriated until July of 2008 to implement section 167.195, RSMo. Additionally, following the appropriation of funds, meetings with the Children's Vision Commission and other stakeholders were necessary as this rule was being developed and decisions made as to how the funds would be spent. If this emergency rule is not enacted, the appropriated funding cannot be used and children receiving examinations in the current fiscal year who do not have insurance coverage may not be able to pay for the eye examinations and subsequently may not have the recommended follow-up examination. As a result, the department finds there is a compelling governmental interest that requires this emergency action. A proposed rule, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency rule is limited to the circumstance creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The department believes this rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed on January 9, 2009, becomes effective on January 19, 2009, and expires on July 17, 2009.*

(1) Beginning July 1, 2008, all public school districts shall conduct a vision screening by methods developed by the Children's Vision Commission for each student before the completion of first and third grades. The school district shall notify the parent or guardian of any child failing the vision screening and refer the parent or guardian to an optometrist or physician for a comprehensive eye examination.

(2) Subject to appropriation of funds and the cost cap set out in section 192.935, RSMo, the Blindness Education, Screening, and Treatment (BEST) Program fund shall cover the cost of vision examinations under section 167.195, RSMo, that are not covered by existing public health insurance provided that the cost of the examination does not exceed the allowable state MO HealthNet reimbursement amount for eye examinations.

(3) Vouchers for payment out of the BEST Program fund shall be distributed to public school districts based on the following methodology:

(A) Calculating the number of children in first and third grades by school district;

(B) Calculating the number of children who are likely to fail the screening and require a comprehensive eye examination;

(C) Excluding the number of children who are eligible for MO HealthNet;

(D) Calculating the number of children in each school district eligible for assistance;

(E) Dividing the total funds by the MO HealthNet reimbursement rate to determine the total number of exams to be reimbursed; and

(F) Allocating funds per school district based on percentage of children eligible for assistance.

(4) At the time the school refers the child for a comprehensive eye examination, the school district shall evaluate whether the child meets the qualifications in section (5) of this rule and, if so, shall give the parent or guardian a voucher that may be used to cover the cost of the child's eye examination.

(5) To qualify for coverage under the BEST Program fund, a child must—

(A) Be enrolled in a public school in grade one or three;

(B) Have failed a vision screening provided by a public school in accordance with the standardized screening methods provided by the Children's Vision Commission;

(C) Receive a comprehensive eye examination performed by a licensed optometrist or physician;

(D) Lack any other means of insurance to provide payment for a comprehensive eye examination; and

(E) Be a legal resident of the state of Missouri.

(6) To receive payment out of the BEST Program fund, an optometrist or physician who performs a comprehensive eye examination on a child based upon referral by a public school district shall complete the Missouri Eye Examination Form for School, included herein, and submit the form and voucher to the public school district. The public school district shall forward the voucher and an invoice listing the voucher number on the school district's letterhead to the Department of Health and Senior Services, Attention: School Vision Program, PO Box 570, Jefferson City, MO 65102, no later than the last day of February of the school year in which the examination was performed in order to receive reimbursement.

(7) Vouchers allocated to the school districts that have not been used by the last day of February of each school year shall be returned to the Department of Health and Senior Services for reallocation to other school districts.



MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
MISSOURI EYE EXAMINATION FORM FOR SCHOOL

| PATIENT INFORMATION | | PATIENT/PROVIDER IDENTIFIER | |
|--|---|--|--------------------------|
| STUDENT NAME | | PROVIDER LAST NAME (First Four Digits) | |
| DATE OF BIRTH OF STUDENT | | SSN (Last four digits of student) | |
| PARENT / GUARDIAN NAME | | | |
| BASE HISTORY | | | |
| DATE OF EXAM | | | |
| OCULAR HISTORY: | Normal <input type="checkbox"/> or Positive for: | | |
| MEDICAL HISTORY: | Normal <input type="checkbox"/> or Positive for: | | |
| DRUG ALLERGIES: | NKDA <input type="checkbox"/> or Allergic to: | | |
| FAMILY OCULAR and MEDICAL HISTORY: | | <input type="checkbox"/> Amblyopia <input type="checkbox"/> Strabismus <input type="checkbox"/> Glaucoma <input type="checkbox"/> Diabetes | |
| | | Other: | |
| OTHER PERTINENT INFORMATION | | | |
| RESULTS | | | |
| | NORMAL | ABNORMAL | Not Able to Assess |
| AMBLYOPIA | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| STRABISMUS | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| INTERNAL EYE HEALTH | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| EXTERNAL EYE HEALTH | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| VISUAL ACUITY | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| BINOCULAR VISION | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | OD | | OS |
| Distance Unaided Acuity (20 ft) | 20 / | | 20 / |
| Distance Best Corrected Acuity (20 ft) | 20 / | | 20 / |
| Near Unaided Acuity (14 in) | 20 / | (eq) | 20 / (eq) |
| Near Best Corrected Acuity (14 in) | 20 / | (eq) | 20 / (eq) |
| OD | | | |
| OS | | | |
| <input type="checkbox"/> Normal <input type="checkbox"/> Myopia <input type="checkbox"/> Hyperopia <input type="checkbox"/> Astigmatism <input type="checkbox"/> Strabismus <input type="checkbox"/> Amblyopia | | | |
| OTHER: | | | |
| EXAMINATION RESULTS | | | |
| 1 | Glasses Prescribed <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| 2 | | | |
| 3 | | | |
| RECOMMENDATIONS | | | |
| <input type="checkbox"/> Constant Wear <input type="checkbox"/> Distance Vision Only <input type="checkbox"/> Near Vision Only <input type="checkbox"/> May be removed for recess/PE | | | |
| <input type="checkbox"/> Insurance <input type="checkbox"/> MO HealthNet <input type="checkbox"/> Complimentary <input type="checkbox"/> Other form of payment | | | TOTAL COST: |
| EXAMINER NAME | | <input type="checkbox"/> OD <input type="checkbox"/> MD/DO | DATE |

AUTHORITY: sections 167.195 and 192.935, RSMo Supp. 2008. Emergency rule filed Jan. 9, 2009, effective Jan. 19, 2009, expires July 17, 2009. A proposed rule covering this same material is published in this issue of the *Missouri Register*.

Regulations. Emergency amendment filed Jan. 8, 2009, effective Jan. 18, 2009, expires July 16, 2009. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 700—Insurance Licensing
Chapter 3—Education Requirements**

EMERGENCY AMENDMENT

20 CSR 700-3.200 Continuing Education. The department is amending section (2).

PURPOSE: This amendment fixes an error in this rule by correctly citing the statute as section 375.020.1, RSMo, instead of section 375.010.1, RSMo, listed in the rule.

EMERGENCY STATEMENT: This emergency amendment corrects the statutory citation in section (2) of the rule from section 375.010.1, RSMo, to section 375.020.1, RSMo. Statute requires insurance producers take sixteen (16) hours of continuing education courses. By rule, the Department of Insurance, Financial Institutions and Professional Registration intended that three (3) of those continuing education hours be ethics courses. This emergency amendment is necessary to protect a compelling governmental interest as without the correction, insurance producers would not be required to take any continuing education ethics courses as originally intended by the rule. As a result, the Department of Insurance, Financial Institutions and Professional Registration finds a compelling governmental interest, which requires this emergency action to clarify that continuing education ethics hours are required. The original rule intended to make continuing education ethics hours a requirement for insurance producers. Making this correction only as a proposed amendment would result in a delay in the requirement for insurance producers to take continuing education ethics courses. Delay in requiring insurance producers to take continuing education ethics hours could result in harm to the public in that, without the continuing education ethics hours, insurance producers would not be properly trained to sell insurance to the public, which could result in improper sales of insurance to the public. A proposed amendment, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The Department of Insurance, Financial Institutions and Professional Registration believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed January 8, 2009, effective January 18, 2009, and expires July 16, 2009.

(2) Beginning January 1, 2009, of those hours of continuing education required by section [375.010.1] **375.020.1**, RSMo, insurance producers licensed in any of the lines of authority designated in sections 375.018.1(1) through (6), RSMo, must complete three (3) hours of instruction covering ethics, Missouri law, and producer duties and obligations to the department during any two (2)-year licensure period. Courses on ethics, laws, and duties must be approved as such by the director to be eligible for meeting this requirement.

AUTHORITY: section 375.045, RSMo 2000 and section 375.020, RSMo Supp. 2008. This rule was previously filed as 4 CSR 190-12.130. Original rule filed Aug. 8, 1989, effective Nov. 13, 1989. For intervening history, please consult the *Code of State*

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2008.

EXECUTIVE ORDER

08-41

WHEREAS, high-speed Internet access in Missouri's rural communities is of great significance to economic development, agriculture and education; and

WHEREAS, many rural communities do not currently have the information and communication infrastructure that enables its residents access to high-speed Internet; and

WHEREAS, Executive Order 07-31, issued on October 10, 2007, created and established the Rural High-Speed Internet Access Task Force to assess the level of high-speed Internet Access availability in Missouri, identify barriers to deployment in underserved areas and recommend statutory, regulatory and policy changes needed to increase availability across the state; and

WHEREAS, Executive Order 07-31 was scheduled to terminate on June 30, 2008; and

WHEREAS, Executive Order 08-41 was signed on January 9, 2009, to extend Executive Order 07-31 until January 12, 2009; and

WHEREAS, in order to ensure the Rural High-Speed Internet Access Task Force has an opportunity to present their findings, an extension of the June 30, 2008, termination date is necessary.

NOW, THEREFORE, I, MATT BLUNT, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and Laws of the State of Missouri, hereby extend the order that Executive Order 07-31 shall remain in effect until January 12, 2009.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri in the City of Jefferson on this 20th day of July 2006.

Matt Blunt
GOVERNOR

ATTEST:

Robin Carnahan
Secretary of State

EXECUTIVE ORDER
09-01

WHEREAS, Missouri is home to the most productive automotive industry employees in the country as well as state-of-the-art production facilities; and

WHEREAS, the production of automobiles in Missouri is an essential component of this state's economy; and

WHEREAS, the manufacturing of automobiles in Missouri supports secondary industries including local suppliers of essential automobile parts and products in communities throughout the state; and

WHEREAS, the economic crisis has hit the automotive industry particularly hard; and

WHEREAS, the displacement of a highly skilled workforce threatens the state's economy; and

WHEREAS, technological advancements and innovation can lead America's automotive industry to produce a new generation of high-tech, fuel-efficient vehicles; and

WHEREAS, Missouri's highly skilled automotive industry employees can play a leading role in future automotive ventures.

NOW, THEREFORE, I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, do hereby create and establish the Missouri Automotive Jobs Task Force.

I hereby charge the Missouri Automotive Jobs Task Force with:

- Identifying current state economic policies and legislative enactments that help or hinder the development and retention of high-tech automobile production facilities within the state;
- Evaluating the effectiveness of job training programs, both inside and outside of state government, in preparing workers for the future of the automotive industry;
- Recommending legislative and policy solutions to strengthen the automotive workforce in Missouri in the short and long-term;
- Identifying opportunities for future innovation and investment in the industry;
- Identifying funding sources for implementing any of its recommendations; and
- Issuing a report outlining its findings and recommendations.

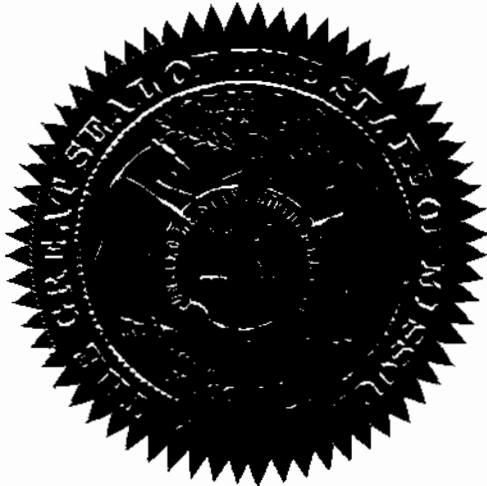
The Task Force shall consist of twelve (12) individuals appointed by the Governor. The Governor shall designate two (2) of the members to act as Co-Chairs of the Task Force. All members of the Task Force shall serve at the pleasure of the Governor.

Members of the Task Force shall receive no compensation for their service to the people of Missouri.

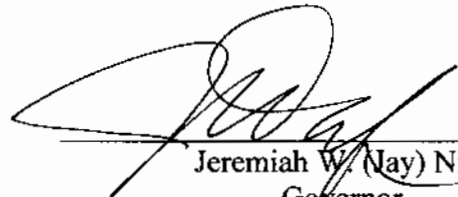
The Task Force is assigned for administrative purposes to the Department of Economic Development. The Director of the Department of Economic Development shall be available to assist the Task Force as necessary, and shall provide the Task Force with any staff assistance the Task Force may require from time to time. All Departments in the Executive Branch of Missouri state government are directed to cooperate with the Task Force, and shall provide such assistance to the Task Force as it shall request.

The Task Force shall meet at the call of its Co-Chairs, and the Co-Chairs shall call the first meeting of the Task Force as soon as possible.

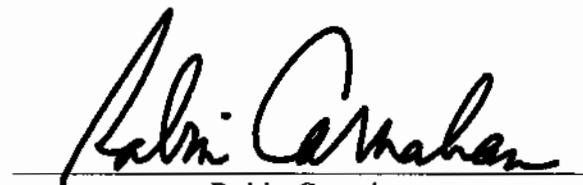
The Task Force shall issue its report and recommendations as soon as practicable, but in no case later than ninety days from the creation of the Task Force unless otherwise agreed to by me.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 13th day of January, 2009.


Jeremiah W. (Jay) Nixon
Governor

ATTEST:


Robin Carnahan
Secretary of State

EXECUTIVE ORDER
09-02

WHEREAS, the State of Missouri is committed to working with the federal government to move our state forward in these challenging economic times; and

WHEREAS, it has been reported that the next President of the United States and the United States Congress will consider the adoption of a federal stimulus package to create jobs and energize our nation's economy; and

WHEREAS, it is essential that all state efforts to create jobs complement any federal stimulus package, and avoid any needless duplication; and

WHEREAS, the State of Missouri will work with the Missouri congressional delegation and the current and incoming President of the United States; and

WHEREAS, it is essential to utilize the resources that we have in the State of Missouri to accomplish our objectives and create jobs.

NOW, THEREFORE, I, JEREMIAH W. (JAY) NIXON, Governor of Missouri, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, do hereby create and establish the Governor's Economic Stimulus Coordination Council.

The Council shall make recommendations to me on the following topics:

- Coordinating job creation activities with the Missouri Congressional delegation and the current and incoming federal administrations;
- Identifying the best practices for the State of Missouri to utilize to ensure that the State of Missouri is included at the maximum possible level in appropriations from a federal stimulus package; and
- Identifying any other practices that the State of Missouri should adopt to streamline and accelerate delivery within Missouri of the stimulus package from the federal government.

The Council shall consist of no fewer than fifteen (15) members appointed by the Governor. The Governor shall designate the Co-Chairs of the Council. All members shall serve at the pleasure of the Governor.

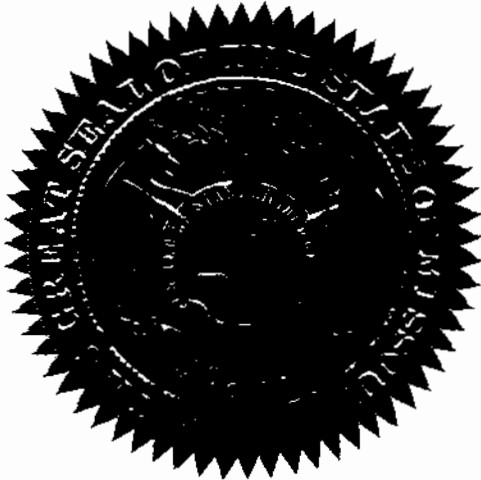
Members of the Council shall receive no compensation for their service to the people of Missouri.

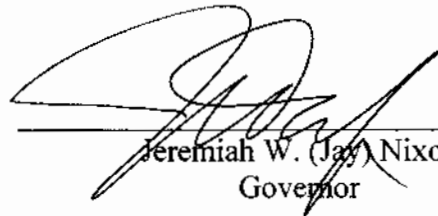
The Council is assigned for administrative purposes to the Missouri Department of Economic Development. The Director of the Missouri Department of Economic Development shall be available to assist the Council as necessary, and shall provide the Council with any staff assistance the Council may require from time to time.

The Council shall meet at the call of its Co-Chairs, and the Co-Chairs shall call the first meeting of the Council as soon as possible.

The Council shall submit a final report and recommendations to me by February 27, 2009.
The Council shall expire on March 2, 2009.


IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 13th day of January, 2009.





Jeremiah W. (Jay) Nixon
Governor

ATTEST:



Robin Carnahan
Secretary of State

EXECUTIVE ORDER
09-03

WHEREAS, small businesses are vitally important to the economy of the State of Missouri; and

WHEREAS, according to the Quarterly Census of Employment and Wages, businesses of fewer than 50 employees account for 94% of the businesses in Missouri; and

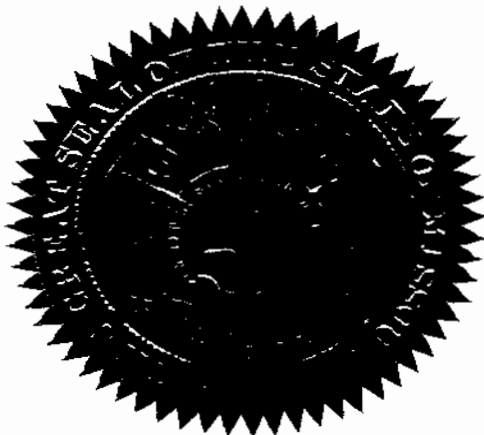
WHEREAS, small businesses will help to provide the high-paying jobs of the future in the State of Missouri; and

WHEREAS, the Missouri Department of Economic Development is a state agency dedicated to job creation and works collaboratively with other state entities in furtherance of its mission; and

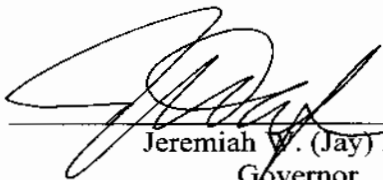
WHEREAS, the Missouri Development Finance Board is a state entity that also plays a significant role in job creation; and

WHEREAS, it is important to the success of Missouri small businesses that they have access to low-interest or no-interest capital, particularly in these challenging economic times.


NOW, THEREFORE, I, JEREMIAH W. (JAY) NIXON, Governor of Missouri, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, do hereby direct the Missouri Department of Economic Development, working together with the Missouri Development Finance Board, to create a pool of funds designated for low-interest and no-interest direct loans for small businesses.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 13th day of January, 2009.


Jeremiah W. (Jay) Nixon
Governor

ATTEST:


Robin Carnahan
Secretary of State