

Emergency Rules

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

Division 2150—State Board of Registration for the Healing Arts

Chapter 6—Licensure of Athletic Trainers

EMERGENCY RULE

20 CSR 2150-6.050 Athletic Trainer Licensure Fees

PURPOSE: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo.

EMERGENCY STATEMENT: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo. Based on the board’s five- (5-) year projections, the board finds it necessary to reduce fees. The board is proposing to collectively decrease the fees in section (1) by approximately thirty percent (30%) to maintain board’s fund at a level that is authorized by section 334.090, RSMo. The rescission and readoption of this rule also includes revising the structure of the rules to provide a more clear and concise schedule of fees.

Without this emergency rescission and readoption the decreased fee requirement will not be effective in time for the renewal notice and the board will collect more revenue than it is statutorily authorized to collect.

The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. In developing this emergency rule, the board has determined that the fee decrease is necessary beginning October 1, 2016 to prevent funds from exceeding the maximum fund balance thereby resulting in a transfer from the fund to general revenue as set forth in section 334.090.2, RSMo. Pursuant to section 324.001.10, RSMo, a compelling governmental interest is to deemed to exist for the purposes of section 536.025, RSMo, for licensure fees to be reduced by emergency rule, if the projected fund balance of any agency assigned to the Division of Professional Registration is reasonably expected to exceed an amount that would require transfer from that fund to general revenue. The board believes this emergency rule to be fair to all interested persons and parties under the circumstances. This emergency rule was filed September 1, 2016, becomes effective September 11, 2016, and expires March 9, 2017.

(1) The following fees are established by the State Board of Registration for the Healing Arts:

- (A) Athletic Trainer
 - 1. Licensure Fee \$25
 - 2. Renewal Fee \$25
- (B) General Fees
 - 1. Duplicate License Fee \$ 0
 - 2. Late Renewal Fee (Delinquent Fee) \$25
 - 3. Return Check Fee \$25
 - 4. Verification of Licensure Fee \$ 0

(2) All fees are nonrefundable.

(3) The provisions of this rule are declared severable. If any fee fixed by this rule is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions of this rule shall remain in full force and effect, unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

AUTHORITY: section 334.125, RSMo 2000, and section 334.706.3(2), RSMo Supp. 2013. This rule originally filed as 4 CSR 150-6.050. Emergency rule filed April 5, 1985, effective April 15, 1985, expired Aug. 13, 1985. Original rule filed May 3, 1985, effective Aug. 15, 1985. For intervening history, please consult the *Code of State Regulations*. Emergency rescission and rule filed Sept. 1, 2016, effective Sept. 11, 2016, expires March 9, 2017. An emergency rescission and rule and a proposed rescission and rule covering this same material will be published in the October 3, 2016, issue of the *Missouri Register*.