
Emergency Rules

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2255—Missouri Board for Respiratory Care
Chapter 1—General Rules**

EMERGENCY AMENDMENT

20 CSR 2255-1.040 Fees. The Missouri Board for Respiratory Care is proposing to add section (3).

PURPOSE: The Missouri Board for Respiratory Care is statutorily obligated to enforce and administer the provisions of sections 334.800 to 334.930, RSMo, governing the practice of respiratory care. Pursuant to section 334.850, RSMo, the board shall set the appropriate amount of fees by rule, so that the revenue produced shall not substantially exceed the cost and expense of administering the provisions of sections 334.800 to 334.930, RSMo. Based on the board's five- (5-) year projections, the board finds it necessary to reduce renewal fees for respiratory care therapists.

Licenses expire on July 31, 2016, therefore, renewal notices will be mailed in May 2016. Any respiratory care practitioner wishing to renew their license for the 2016 renewal period will be assessed the decreased renewal fee. Without this emergency amendment 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.

EMERGENCY STATEMENT: The Missouri Board for Respiratory Care is statutorily obligated to set all fees, by regulation, necessary to administer the provisions of sections 334.850 to 334.930, RSMo. Pursuant to section 334.850, RSMo, the board shall set the appropriate amount of fees by rule, so that the revenue produced shall not substantially exceed the cost and expense of administering the provisions of sections 334.850 to 334.930, RSMo. Therefore, the board is proposing to decrease 2016 renewal fees for Missouri respiratory care therapists from thirty dollars (\$30) to five dollars (\$5) and the respiratory care therapists inactive license renewal fee from twenty dollars (\$20) to five dollars (\$5). Renewal notices will be mailed the first week of May 2016. Without this emergency amendment, the decreased fee requirements will not be effective prior to renewal notices being mailed and the board will collect more revenue than it is statutorily authorized to collect. The scope of the emergency amendment 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 amendment, the board has determined that the fee decrease is necessary for the 2016 renewal period 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 334.850, RSMo. Pursuant to section 324.001.10, RSMo, a compelling governmental interest is 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 amendment to be fair to all interested parties under the circumstances. This emergency amendment was filed April 1, 2016, becomes effective April 11, 2016, and expires January 18, 2017.

(3) To ensure compliance with section 334.850, RSMo, the following renewal fees shall be effective from May 1, 2016 to July 31, 2016:

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| (A) Biennial License Renewal fee | \$5 |
| (B) Biennial Inactive License Renewal fee | \$5 |

AUTHORITY: section 334.840.2, RSMo 2000, and section 334.850, RSMo Supp. 2013. This rule originally filed as 4 CSR 255-1.040. Emergency rule filed June 25, 1998, effective July 6, 1998, expired Feb. 25, 1999. Original rule filed June 25, 1998, effective Jan. 30, 1999. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed April 1, 2016, effective April 11, 2016, expires Jan. 18, 2017. An emergency amendment and a proposed amendment covering this same material will be published in the May 2, 2016, issue of the *Missouri Register*.