

Volume 42, Number 16  
Pages 1133–1218  
August 15, 2017

SALUS POPULI SUPREMA LEX ESTO

*“The welfare of the people shall be the supreme law.”*



JOHN R. ASHCROFT  
SECRETARY OF STATE

MISSOURI  
REGISTER

The *Missouri Register* is an official publication of the state of Missouri, under the authority granted to the secretary of state by sections 536.015 and 536.033, RSMo 2016. Reproduction of rules is allowed; however, no reproduction shall bear the name *Missouri Register* or “official” without the express permission of the secretary of state.

The *Missouri Register* is published semi-monthly by

**SECRETARY OF STATE**

**JOHN R. ASHCROFT**

Administrative Rules Division  
James C. Kirkpatrick State Information Center  
600 W. Main  
Jefferson City, MO 65101  
(573) 751-4015

EDITOR-IN-CHIEF

CURTIS W. TREAT

•

MANAGING EDITOR

AMANDA MCKAY

•

EDITOR

VONNE KILBOURN

•

ASSOCIATE EDITOR

MARTY SPANN

•

PUBLICATION SPECIALIST

JACQUELINE D. WHITE

•

ADMINISTRATIVE AIDE

ALISHA DUDENHOEFFER

ISSN 0149-2942, USPS 320-630; periodical postage paid at Jefferson City, MO  
Subscription fee: \$56.00 per year

POSTMASTER: Send change of address notices and undelivered copies to:

**MISSOURI REGISTER**  
Office of the Secretary of State  
Administrative Rules Division  
PO Box 1767  
Jefferson City, MO 65102

The *Missouri Register* and *Code of State Regulations* (CSR) are available on the Internet. The Register address is [www.sos.mo.gov/adrules/moreg/moreg](http://www.sos.mo.gov/adrules/moreg/moreg) and the CSR is [www.sos.mo.gov/adrules/csr/csr](http://www.sos.mo.gov/adrules/csr/csr). These websites contain rulemakings and regulations as they appear in the paper copies of the Registers and CSR. The Administrative Rules Division may be contacted by email at [rules@sos.mo.gov](mailto:rules@sos.mo.gov).

The secretary of state's office makes every effort to provide program accessibility to all citizens without regard to disability. If you desire this publication in alternate form because of a disability, please contact the Division of Administrative Rules, PO Box 1767, Jefferson City, MO 65102, (573) 751-4015. Hearing impaired citizens should contact the director through Missouri relay, (800) 735-2966.



## IN THIS ISSUE:

### EMERGENCY RULES

**Department of Health and Senior Services**  
 Division of Regulation and Licensure . . . . .1137

**EXECUTIVE ORDERS** . . . . .1139

### PROPOSED RULES

**Department of Economic Development**  
 Public Service Commission . . . . .1145  
**Department of Revenue**  
 Director of Revenue . . . . .1196  
**Department of Health and Senior Services**  
 Division of Regulation and Licensure . . . . .1197

### ORDERS OF RULEMAKING

**Department of Agriculture**  
 State Milk Board . . . . .1202  
**Department of Revenue**  
 Director of Revenue . . . . .1202  
**Department of Insurance, Financial Institutions and Professional Registration**  
 State Board of Pharmacy . . . . .1202

### IN ADDITIONS

**Department of Agriculture**  
 Weights, Measures and Consumer Protection . . . . .1203

**DISSOLUTIONS** . . . . .1204

### SOURCE GUIDES

**RULE CHANGES SINCE UPDATE** . . . . .1206  
**EMERGENCY RULES IN EFFECT** . . . . .1209  
**EXECUTIVE ORDERS** . . . . .1210  
**REGISTER INDEX** . . . . .1212

Register Filing Deadlines	Register Publication Date	Code Publication Date	Code Effective Date
April 3, 2017 April 17, 2017	<b>May 1, 2017</b> <b>May 15, 2017</b>	May 31, 2017 May 31, 2017	June 30, 2017 June 30, 2017
May 1, 2017 May 15, 2017	<b>June 1, 2017</b> <b>June 15, 2017</b>	June 30, 2017 June 30, 2017	July 30, 2017 July 30, 2017
June 1, 2017 June 15, 2017	<b>July 3, 2017</b> <b>July 17, 2017</b>	July 31, 2017 July 31, 2017	August 30, 2017 August 30, 2017
July 3, 2017 July 17, 2017	<b>August 1, 2017</b> <b>August 15, 2017</b>	August 31, 2017 August 31, 2017	September 30, 2017 September 30, 2017
August 1, 2017 August 15, 2017	<b>September 1, 2017</b> <b>September 15, 2017</b>	September 30, 2017 September 30, 2017	October 30, 2017 October 30, 2017
September 1, 2017 September 15, 2017	<b>October 2, 2017</b> <b>October 16, 2017</b>	October 31, 2017 October 31, 2017	November 30, 2017 November 30, 2017
October 2, 2017 October 16, 2017	<b>November 1, 2017</b> <b>November 15, 2017</b>	November 30, 2017 November 30, 2017	December 30, 2017 December 30, 2017
November 1, 2017 November 15, 2017	<b>December 1, 2017</b> <b>December 15, 2017</b>	December 31, 2017 December 31, 2017	January 30, 2018 January 30, 2018
December 1, 2017 December 15, 2017	<b>January 2, 2018</b> <b>January 16, 2018</b>	January 29, 2018 January 29, 2018	February 28, 2018 February 28, 2018

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>

# Missouri Participating Libraries

The *Missouri Register* and the *Code of State Regulations*, as required by the Missouri Documents Law (section 181.100, RSMo 2016), are available in the listed participating libraries, as selected by the Missouri State Library:

Jefferson County Library PO Box 1486, 3021 High Ridge High Ridge, MO 63049-1486 (314) 677-8689	Learning Resources Center Mineral Area College PO Box 1000 Park Hills, MO 63601-1000 (573) 431-4593	Hearnes Learning Resources Ctr. Missouri Western State University 4525 Downs Drive St. Joseph, MO 64507-2294 (816) 271-5802	Library Missouri University of Science and Technology 1870 Miner Circle Rolla, MO 65409-0060 (573) 341-4007
Jefferson College Library 1000 Viking Drive Hillsboro, MO 63050-2441 (314) 789-3951 ext. 160	Cape Girardeau Public Library 711 N. Clark Cape Girardeau, MO 63701-4400 (573) 334-5279	Library North Central Missouri College PO Box 111, 1301 Main Street Trenton, MO 64683-0107 (660) 359-3948 ext. 325	Lebanon-Laclede County Library 915 S. Jefferson Ave. Lebanon, MO 65536-3017 (417) 532-2148
St. Louis Public Library 1301 Olive St. St. Louis, MO 63103-2389 (314) 539-0376	Kent Library Southeast Missouri State University One University Plaza Cape Girardeau, MO 63701-4799 (573) 651-2757	Spiva Library Missouri Southern State University 3950 East Newman Road Joplin, MO 64801-1595 (417) 625-9342	University Library Southwest Baptist University 1600 University Ave. Bolivar, MO 65613-2597 (417) 328-1631
St. Louis University Law Library 3700 Lindell Blvd. St. Louis, MO 63108-3478 (314) 977-2742	Riverside Regional Library PO Box 389, 1997 E. Jackson Blvd. Jackson, MO 63755-0389 (573) 243-8141	Missouri State Library 600 West Main, PO Box 387 Jefferson City, MO 65102-0387 (573) 751-3615	Barry-Lawrence Regional Library 213 6th St. Monett, MO 65708-2147 (417) 235-6646
Eden/Webster Library Eden Theological Seminary/ Webster University 475 East Lockwood Ave. St. Louis, MO 63119-3192 (314) 961-2660 ext. 7812	Rutland Library Three Rivers Community College 2080 Three Rivers Blvd. Poplar Bluff, MO 63901-2393 (573) 840-9656	Missouri State Archives 600 West Main, PO Box 778 Jefferson City, MO 65102-0778 (573) 526-6711	Lyons Memorial Library College of the Ozarks General Delivery Point Lookout, MO 65726-9999 (417) 334-6411 ext. 3551
Thomas Jefferson Library University of Missouri-St. Louis 8001 Natural Bridge Road St. Louis, MO 63121-4499 (314) 516-5084	Kansas City Public Library 14 West 10th Street Kansas City, MO 64105 (816) 701-3546	Elmer Ellis Library University of Missouri-Columbia 106 B Ellis Library Columbia, MO 65211-5149 (573) 882-0748	Garnett Library Missouri State University—West Plains 304 Cleveland West Plains, MO 65775-3414 (417) 255-7945
Washington University Law Library Washington University Campus Box 1171, Mudd Bldg., One Brookings Dr. St. Louis, MO 63130-4899 (314) 935-6443	Law Library University of Missouri-Kansas City 5100 Rockhill Road Kansas City, MO 64110-2499 (816) 235-2438	Library State Historical Society of Missouri 1020 Lowry St. Columbia, MO 65211-7298 (573) 882-9369	Springfield-Greene County Library 4653 S. Campbell Springfield, MO 65801-0760 (417) 874-8110
St. Louis County Library 1640 S. Lindbergh Blvd. St. Louis, MO 63131-3598 (314) 994-3300 ext. 247	Miller Nichols Library University of Missouri-Kansas City 5100 Rockhill Road Kansas City, MO 64110-2499 (816) 235-2438	Daniel Boone Regional Library PO Box 1267, 100 West Broadway Columbia, MO 65205-1267 (573) 443-3161 ext. 359	Meyer Library Missouri State University PO Box 175, 901 S. National Springfield, MO 65804-0095 (417) 836-4533
Library Maryville University 13550 Conway Road St. Louis, MO 63141-7232 (314) 529-9494	B.D. Owens Library Northwest Missouri State University 800 University Drive Maryville, MO 64468-6001 (660) 562-1841	School of Law University of Missouri-Columbia 224 Hulston Hall Columbia, MO 65211-0001 (573) 882-1125	
Pickler Memorial Library Truman State University 100 E. Normal Kirksville, MO 63501-4221 (660) 785-7416	St. Joseph Public Library 927 Felix Street St. Joseph, MO 64501-2799 (816) 232-8151	Smiley Memorial Library Central Methodist University 411 Central Methodist Square Fayette, MO 65248-1198 (660) 248-6279	

## 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.

**R**ules 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.

**R**ules 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.

**A**ll 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 30—Division of Regulation and Licensure  
Chapter 81—Certification**

**EMERGENCY AMENDMENT**

**19 CSR 30-81.030 Evaluation and Assessment Measures for Title XIX Recipients and Applicants in Long-Term Care Facilities.**  
The department is amending subsections (5)(C) and (D).

*PURPOSE:* This amendment changes the point levels used in making determinations as to level of care.

*EMERGENCY STATEMENT:* The Department of Health and Senior Services, by regulation, must define the minimum level-of-care point count which qualifies individuals for intermediate and skilled nursing care and, derivatively, for home and community-based services. The Department of Health and Senior Services must implement House Bill 2010, 99th General Assembly, First Regular Session (2017), which appropriated funds for home and community-based services based on projected savings from an increase in the minimum level-of-care point count which qualifies individuals for intermediate and skilled nursing care and, derivatively, for home and community-based services. For the fiscal year that ends June 30, 2018, House Bill 2010 was predicated on projected budget savings of \$16,493,107 in general revenue and \$29,654,368 in associated federal funds, for a total budget savings of \$46,147,475. The department must take proactive action to

create an efficient and sustainable home and community-based services program which serves those of greatest need with available funding. This emergency amendment provides for an increase in the minimum level-of-care point count which qualifies individuals for intermediate and skilled nursing care and, derivatively, for home and community-based services from twenty-one (21) points to twenty-four (24) points. Since the level-of-care assessment is in increments of three (3) points, this amounts to an increase of one (1) step in calculating level of care. In order to realize the full budget savings contemplated by House Bill 2010, the increase in the level-of-care point count must be effective at the beginning of the fiscal year, i.e., July 1, 2017, or as soon as possible thereafter. This adjustment to the minimum level-of-care point count is necessary to ensure that payments for home and community-based services are in line with the funds appropriated for that purpose. If the funds appropriated for the payment of home and community-based services at any time become insufficient to pay the full amount of the payment, no further payment will be made through the Medicaid claims processing system. By this emergency amendment, the department adopts a solution to this funding issue within the means that taxpayers, through the General Assembly, have given the department. At any given time, there are approximately sixty – six thousand (66,000) elderly and disabled adults receiving home and community-based services. There are a total of approximately eight thousand (8,000) such recipients who, at the time of their last assessment, were assessed at twenty-one (21) points. During State Fiscal Year 2016, some three hundred seventy-one (371) persons who were assessed at only the twenty-one (21-) point count level entered intermediate and skilled nursing facilities at various times during the year. The continued availability of payment for home and community-based services to approximately fifty-eight thousand (58,000) senior Missourians who have been assessed at a level-of-care point count higher than twenty-one (21) points will ensure that quality home and community-based services will continue to be provided to these Medicaid recipients. This emergency amendment, that increases the minimum level-of-care point count from twenty-one (21) to twenty-four (24) points, will help to ensure that appropriated funds for home and community-based services will be available for those individuals with greater limitations on their activities of daily living. This emergency amendment must be implemented in a timely fashion to ensure that quality home and community-based services continue to be provided to those individuals with greater limitations on their activities of daily living. As a result, the Department of Health and Senior Services finds an immediate danger to public health, safety, and/or welfare, and a compelling governmental interest, which require emergency action. The department has a compelling government interest in providing continued services for those individuals with greater limitations on their activities of daily living. 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 Health and Senior Services believe this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed July 5, 2017, becomes effective July 15, 2017, and expires February 22, 2018.

(5) Assessed Needs Point Designations Requirements.

(C) For individuals seeking admission to a long-term care facility on or after July [1, 2005] 15, 2017, the applicant or recipient will be determined to be qualified for long-term care facility care if he or she is determined to need care with an assessed point level of [twenty-one (21)] **twenty-four (24)** points or above, using the assessment procedure as required in this rule.

(D) For individuals seeking admission to a long-term care facility on or after July [1, 2005] 15, 2017, an applicant with [eighteen

(18)] **twenty-one (21)** points or lower will be assessed as ineligible for Title XIX-funded long-term care in a long-term care facility, unless the applicant qualifies as otherwise provided in subsections (5)(E) and/or (F) of the rule.

*AUTHORITY: sections 192.006, [and 198.079, RSMo 2000 and 660.050,] 192.2000, and 198.079, RSMo [Supp. 2004] 2016. This rule was previously filed as 13 CSR 40-81.084 and 13 CSR 15-9.030. Original rule filed Aug. 9, 1982, effective Nov. 11, 1982. For intervening history, please consult the Code of State Regulations. Emergency amendment filed July 5, 2017, effective July 15, 2017, expires Feb. 22, 2018. A proposed amendment covering this same material is published in this issue of the Missouri Register.*

**T**he Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo 2016.



Office of the Governor  
State of Missouri

## Proclamation

July 6, 2017

### SPECIAL MESSAGE

**TO ALL MEMBERS OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF MISSOURI:**

WHEREAS, by my proclamation dated June 7, 2017, I convened the Ninety-Ninth General Assembly of the State of Missouri in the Second Extra Session of the First Regular Session; and

WHEREAS, it has come to my attention that additional extraordinary matters need to be considered during this Second Extra Session; and

WHEREAS, the said Second Extra Session of the General Assembly has convened in the City of Jefferson on June 12, 2017, pursuant to my call.

NOW THEREFORE, I, ERIC R. GREITENS, GOVERNOR OF THE STATE OF MISSOURI, pursuant to the authority vested in me as Governor by the Constitution of the State of Missouri, do hereby amend the matters specifically designated in said Proclamation for consideration by the General Assembly as follows:

I HEREBY state that the action of said General Assembly is deemed necessary concerning each matter specially designated and limited hereinafter as follows:

1. To amend section 197.200, RSMo, to define "Abortion Facility" or "Abortion Facilities;"

2. To amend section 197.200, RSMo, by deleting the portion of the definition of “ambulatory surgical center” that includes “any establishment operated for the purpose of performing or inducing any second or third-trimester abortions or five or more first-trimester abortions per month;”
3. To amend chapters 188, 191, 192, 197, and 595 so that each and every applicable section and subsection applies to “Abortion Facility” or “Abortion Facilities;”
4. To amend section 197.215, RSMo, to require that “Abortion Facilities” provide affirmative evidence that each person performing an abortion is a physician currently licensed to practice in Missouri;
5. To add a new subsection to § 197.225, RSMo, that authorizes the Department of Health and Senior Services to adopt rules, regulations, and standards regarding patient health and safety that apply to ambulatory surgical centers and, separately, that apply to “Abortion Facility” or “Abortion Facilities;”
6. To add a new subsection to § 197.225, RSMo, that requires “Abortion Facilities” to maintain a written protocol for managing medical emergencies and the transfer of patients requiring further emergency care to a hospital within a reasonable distance from the “Abortion Facility;”
7. To amend section 197.287, RSMo, to require that all “Abortion Facilities” comply with the requirements of said section by July 1, 2018;
8. To add a new subsection to § 197.230, RSMo, that requires the Department of Health and Senior Services to annually inspect every “Abortion Facility” for safety and compliance with state law and to establish the requirements of such inspections and to make reports of such inspections publicly available;
9. To amend the definition of “nosocomial infection” in section 192.665, RSMo, to be defined according to the definition established by the federal Centers for Disease Control and Prevention;
10. To add a new section to chapter 188 that preempts a political subdivision from enacting a law or policy that adversely affects the operations, speech, or legal rights of a person or entity due to that person or entity’s view on abortion; acknowledges those legal rights; and establishes judicial mechanisms to protect those legal rights;
11. To add a new subsection to § 188.021, RSMo, that requires “Abortion Facilities” to submit to the Department of Health and Senior Services their plans for dealing with complications resulting from certain abortions, to obtain approval from the Department of Health and Senior Services of these complication plans; and, further, to authorize the Department of Health and Senior Services to adopt rules, regulations, and standards governing these plans;
12. To amend sections 188.027.9 and 188.039.6, RSMo, to define “qualified professional” as a physician who has referred the woman to the physician who is to perform the abortion, or to an advance practice registered nurse engaged in a collaborative practice agreement with the physician who is to perform the abortion, as provided for in section 334.104, RSMo;



13. To amend section 188.027, RSMo, to require that the physician performing the abortion inform the woman seeking an abortion of the medical risks associated with the proposed abortion method;

14. To amend sections 188.027 and 188.039, RSMo, to apply to “the referring physician;”

15. To add a new section to chapter 574 that prohibits a person, while working in an “Abortion Facility,” from knowingly ordering, requesting, or attempting to prevent medical personnel or emergency services personnel from providing care to a patient in accordance with ordinary standards of care for reasons unrelated to that patient’s health or welfare and to create the offense of interference with medical assistance;

16. To add a new subsection to § 188.075, RSMo, that allows the Attorney General of Missouri to have concurrent original jurisdiction throughout the State, along with each prosecuting attorney and circuit attorney within their respective jurisdictions, to prosecute violations of chapter 188, violations of any state law on the use of public funds for abortion, and violations of any state law that regulates an “Abortion Facility” or person performing or inducing abortion, including the offense of interference with medical assistance;

17. To amend section 188.047, RSMo, to modify the law relating to the requirement of pathological examinations and related reports, and further, to authorize the Department of Health and Senior Services to adopt rules, regulations, and standards governing such examinations and reports;

18. To add a new section to chapter 188 protecting employees who disclose violations of applicable federal or state law related to chapter 188, and, further, authorizing the Department of Health and Senior Services to adopt rules, regulations, and standards regarding the implementation of such policies;

19. To add an Emergency Clause to all legislation enacted by the Ninety-Ninth General Assembly of the State of Missouri in the Second Extra Session of the First Regular Session; and

20. Such additional and other matters as may be recommended by the Governor by special message to the General Assembly after it shall have convened.

IN WITNESS WHEREOF, I have heretunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 6th day of July, 2017.



A handwritten signature in black ink, appearing to read "Eric R. Greitens", written over a horizontal line.

Eric R. Greitens  
Governor

ATTEST:

A handwritten signature in black ink, appearing to read "John R. Ashcroft", written over a horizontal line.

John R. Ashcroft  
Secretary of State

**EXECUTIVE ORDER  
17-18**

WHEREAS, the Centers for Disease Control and Prevention has declared a national opioid epidemic, which poses a grave danger to Missouri; and

WHEREAS, Missouri is facing a public health crisis of epidemic proportions from the unlawful distribution and misuse of opioids (“Opioid Public Health Crisis”); and

WHEREAS, one cause of Missouri’s Opioid Public Health Crisis is the overabundance of prescription opioids, with evidence showing that at least half of opioid overdose deaths involve prescription opioids. In Missouri, there are approximately 89,000 prescriptions for narcotics for every 100,000 Missourians; and

WHEREAS, Missouri’s Opioid Public Health Crisis is impacting Missouri families and communities every day. It is estimated that two Missourians die from narcotic overdose and two babies are born with narcotic withdrawal every day somewhere in Missouri; and

WHEREAS, in 2016, more than 900 Missourians died from an opioid overdose; and

WHEREAS, deaths that are the result of opioid overdose are preventable; and

WHEREAS, Missouri’s Opioid Public Health Crisis is overwhelming law enforcement, health care, and social services providers; and

WHEREAS, Missouri is the only State in the country that does not have a system to monitor prescription drug activity; and

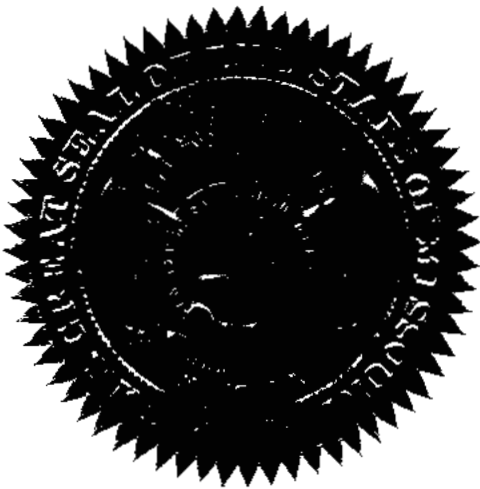
WHEREAS, despite Missouri’s Opioid Public Health Crisis, the 99<sup>th</sup> General Assembly failed to pass legislation instituting a prescription drug monitoring program; and

WHEREAS, Missouri’s Opioid Public Health Crisis necessitates the marshalling of all appropriate resources to combat the harmful effects of opioids on Missouri families and communities.

NOW THEREFORE, I, ERIC R. GREITENS, 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 declare, order, and direct the following:

1. The Department of Health and Senior Services (“DHSS”) shall implement a multi-phase prescription drug monitoring program (“PDMP”).
2. To implement the first phase of the PDMP, DHSS shall enter into contracts with pharmacy benefit management organizations to analyze prescriber and pharmacy prescription and dispensing data for schedule II-IV controlled substances, which includes opioids.
  - a. DHSS shall use the analyses for the purpose of identifying activity indicating that controlled substances are being inappropriately prescribed, dispensed, or obtained; investigating such activity; and making referrals regarding such activity to appropriate government officials, including law enforcement and professional licensing boards.

- b. Prescription and dispensation information received by DHSS shall be confidential and shall be disclosed only as provided by section 195.042, RSMo.
  
- 3. For the second phase of the PDMP, DHSS shall promulgate a rule pursuant to Chapter 195, RSMo, requiring dispensers to submit controlled substance prescription and dispensation information to DHSS or its designee for the purpose of identifying activity indicating that controlled substances are being inappropriately obtained, prescribed, or dispensed; investigating such activity; and making referrals regarding such activity to appropriate government officials, including law enforcement and professional licensing boards. Prescription and dispensation information shall be confidential and shall be disclosed only as provided by section 195.042, RSMo.
  
- 4. Finally, DHSS shall work with private companies, government entities, or others to purchase and utilize innovative technology and software to effectively and efficiently monitor controlled substance prescription information sent to DHSS or its designee under a prescription drug monitoring program. Prescription and dispensation information shall be confidential and shall be disclosed only as provided by section 195.042, RSMo.



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 17th day of July, 2017.

Eric R. Greitens  
Governor

ATTEST:

  
John R. Ashcroft  
Secretary of State