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SALUS POPULI SUPREMA LEX ESTO

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



JOHN R. ASHCROFT
SECRETARY OF STATE

MISSOURI
REGISTER

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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

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January 15, 2019	February 15, 2019	February 28, 2019	March 30, 2019

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 www.sos.mo.gov/adrules/pubsched.

HOW TO CITE RULES AND RSMO

RULES

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

Title		Division	Chapter	Rule
3	CSR	10-	4	.115
Department	<i>Code of State Regulations</i>	Agency Division	General area regulated	Specific area regulated

and should be cited in this manner: 3 CSR 10-4.115.

Each department of state government is assigned a title. Each agency or division in 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 paragraphs 1., subparagraphs A., parts (I), subparts (a), items I. and subitems a.

The rule is properly cited by using the full citation, for example, 3 CSR 10-4.115 NOT Rule 10-4.115.

Citations of RSMo are to the *Missouri Revised Statutes* as of the date indicated.

Code and Register on the Internet

The *Code of State Regulations* and *Missouri Register* are available on the Internet.

The *Code* address is www.sos.mo.gov/adrules/csr/csr

The *Register* address is www.sos.mo.gov/adrules/moreg/moreg

These websites contain rulemakings and regulations as they appear in the *Code* and *Registers*.

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

EXECUTIVE ORDER 18-05

WHEREAS, I have been advised by the Director of the Department of Natural Resources that parts of the State of Missouri have suffered a prolonged period of low precipitation since May 2017; and

WHEREAS, the U.S. Drought Monitor indicates all or portions of 47 counties are in severe or extreme drought; and

WHEREAS, early response to pending drought can greatly reduce negative impacts upon Missouri citizens; and

WHEREAS, state and federal agencies have many interdependent roles in identifying and mitigating drought impacts; and

WHEREAS, the State Water Resources Plan established pursuant to section 640.415, RSMo, has authorized the development of the Missouri Drought Response Plan; and

WHEREAS, the Missouri Drought Response Plan calls for intergovernmental communication, cooperation, and coordination of efforts in drought mitigation activities.

NOW THEREFORE, I, MICHAEL L. PARSON, GOVERNOR OF THE STATE OF MISSOURI, by virtue and authority vested in me by the Constitution and laws of the State of Missouri, do hereby declare a drought alert for the counties of Adair, Andrew, Audrain, Barry, Barton, Boone, Buchanan, Caldwell, Callaway, Carroll, Chariton, Clark, Clay, Clinton, Cole, Cooper, Dade, Daviess, DeKalb, Gentry, Grundy, Harrison, Howard, Jackson, Jasper, Knox, Lafayette, Lawrence, Lewis, Linn, Livingston, Macon, McDonald, Mercer, Moniteau, Monroe, Newton, Nodaway, Platte, Putnam, Randolph, Ray, Saline, Schuyler, Scotland, Sullivan, and Worth.

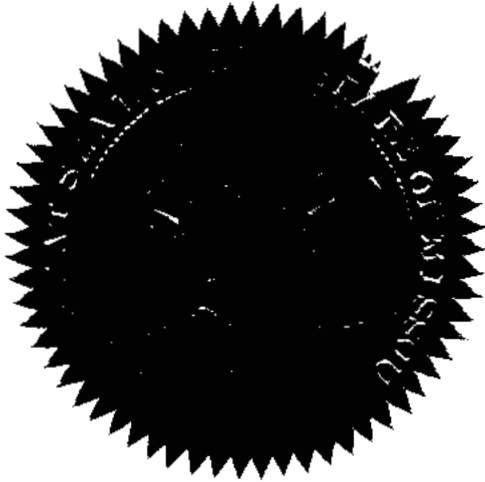
I further direct that as additional counties enter severe, extreme, or exceptional drought according to the U.S. Drought Monitor, they shall be declared in drought alert.

I order and direct the Director of the Department of Natural Resources to activate and designate a chairperson for the Drought Assessment Committee and request that all Missouri and federal agencies participate as needed.

All state agencies are hereby directed to examine how we may assist affected communities, as well as those communities that may be affected in the future, through temporary suspension of administrative rules, appropriation, or other means of support to mitigate the effects of the drought conditions.

This Executive Order shall be effective immediately and shall remain in effect until December 1, 2018, unless terminated or extended by subsequent order.

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 18th day of July, 2018.



A handwritten signature in black ink, appearing to read "Michael L. Parson". The signature is written in a cursive style and is positioned above a horizontal line.

Michael L. Parson
Governor

A handwritten signature in black ink, appearing to read "John R. Ashcroft". The signature is written in a cursive style and is positioned above a horizontal line.

John R. Ashcroft
Secretary of State

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 symbology under the heading of 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.

Security number, and Missouri residency for driver [and] license, nondriver license, or instruction permit applicants.

[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) All applicants for a driver [or] license, nondriver license, or instruction permit must provide[:] **one (1) or more documents, in English, that comply with each subsection below.**

(A) Proof of Lawful [*Presence—proof of lawful presence must be shown for any new, duplicate or renewal driver or nondriver license or instruction permit application.*] **Status:**

1. U.S. [c]Citizens who have previously verified [*lawful presence*] **their status as a U.S. Citizen** and the license record indicates such verification may [*not*] be required to show proof upon subsequent applications. **Documents acceptable to provide proof of lawful status include the following:**

A. **U.S. Birth Certificate:** a certified copy with an embossed, stamped, or raised seal and filed with a State Office of Vital Statistics or equivalent agency in the applicant's state of birth. **Hospital certificates are not acceptable forms of documentation;**

B. **U.S. Passport:** a valid, unexpired U.S. Passport;

C. **U.S. Passport Card:** a valid, unexpired U.S. Passport Card;

D. **U.S. Certificate of Citizenship;**

E. **U.S. Certificate of Naturalization;**

F. **Consular Report of Birth Abroad** issued by the U.S. Department of State Form FS-240, DS-1350, or FS-545;

G. **U.S. Military Identification Card:** a valid, unexpired U.S. Military Identification Card accompanied by a copy of a U.S. Birth Certificate. This proof of lawful status may not be acceptable for issuance of a REAL ID-compliant document per 6 C.F.R. Section 37 and section 302.170, RSMo; or

H. **U.S. Military Discharge Papers** accompanied by a copy of a U.S. Birth Certificate. This proof of lawful status may not be acceptable for issuance of a REAL ID-compliant document per 6 C.F.R. Section 37 and section 302.170, RSMo;

2. Non-U.S. Citizens present the appropriate valid, unexpired immigration documents, upon each application, indicating lawful immigration status in the United States and supporting documents to validate classification and duration of stay. **Documents acceptable to provide proof of lawful status include the following:**

A. **I-327 – Reentry Permit;**

B. **I-551 – Permanent Resident Card;**

C. **I-571 – Refugee Travel Document;**

D. **I-589 – Proof of application for asylum in the U.S.;**

E. **Valid, Unexpired Employment Authorization Document;**

F. **Valid Foreign Passport stamped approved or processed for an I-551;**

G. **Unexpired I-94 stamped "Processed for I-551";**

H. **I-797 – Notice of Action Approval** accompanied by other U.S. Citizenship and Immigration Services (USCIS) documents; or

I. **Other documentation** issued by DHS or other Federal agencies demonstrating lawful status may be acceptable when validated by USCIS and approved for purposes of proving lawful status.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Driver License Bureau Rules**

PROPOSED AMENDMENT

12 CSR 10-24.448 Documents Required for Issuance of a Driver [or] License, Nondriver License, or Instruction Permit. The director is changing the rule title, amending the purpose and sections (1) and (3), adding sections (3), (4), and (5), and deleting section (2) and the Publisher's Note.

PURPOSE: This proposed amendment modifies the guidelines and documentation required to obtain a Missouri driver license, nondriver license, or instruction permit.

PURPOSE: This rule establishes the guidelines and documentation acceptable as proof of lawful [presence] status, identity, Social

Some valid, unexpired immigration documents may not be acceptable for the issuance of a REAL ID-compliant document per 6 C.F.R. Section 37 and section 302.170, RSMo. Some classes of admission codes may not be eligible to receive a REAL ID-compliant or non-compliant driver license, nondriver license, or instruction permit including, but not limited to, the following: A-1, A-2, B-1, B-2, W-B, and W-T.

(B) Proof of Identity[—*proof of identity must be shown for any new, renewal, or duplicate driver or nondriver license or instruction permit. The proof of identity document*]: Documents used for purposes of proving identity must contain the applicant's full legal name *[and]*, date of birth*[. The document must]*, and match the person's current name unless a change of name is established by a *[court order,]* marriage certificate, marriage license, *[adoption papers (court order)/]* amended birth certificate*[or]*, divorce decree, or other court order. Only original documents or a photocopy bearing an original certification by the issuing authority is acceptable.

1. In addition to the documents referenced in (1)(A)1.A.–F. above, the following documents may be used to establish proof of identity:

- A. Permanent Resident Card: a valid, unexpired Permanent Resident Card;
- B. Valid Foreign Passport stamped approved or processed for an I-551;
- C. Unexpired I-94 stamped "Processed for I-551";
- D. I-766 and I-688B – an unexpired Employment Authorization Document (EAD);
- E. An unexpired foreign passport with a valid, unexpired U.S. Visa affixed accompanied by the approved I-94;
- F. Real ID-compliant driver license, nondriver license, or instruction permit.

2. For purposes of issuing a non-REAL ID-compliant duplicate driver license, nondriver license, or temporary permit document, in addition to the documents referenced in paragraph (1)(B)1., the following documents may be used to establish proof of identity:

- A. Student Identification card;
- B. U.S. Military Identification card;
- C. Work Identification card.

(C) Proof of Social Security Number[—*proof of Social Security number must be provided for any new, renewal, or duplicate driver or nondriver license or instruction permit.*]: Applicants who have previously verified their Social Security number, and the license record indicates such verification, may *[not]* be required to show proof upon subsequent applications. The following documents may be used to establish proof of Social Security number:

- 1. Social Security card;
- 2. W-2 Form;
- 3. 1099 – Form;
- 4. Payroll stub which includes the applicant's name and Social Security Number.

Applicants that cannot obtain, or are not eligible for, a Social Security number due to their work-authorization status must provide a letter from the Social Security Administration indicating a social security number will not be issued to them.

(D) Proof of Missouri Residency[—*proof of residency must be shown upon application for a new, renewal or duplicate driver or nondriver license or instruction permit application.*]: "Residence address", "residence", or "resident address" is defined as the location at which a person has been physically present, and that the person regards as home. A residence address is a person's true, fixed, principal, and permanent home, to which a person intends to return and remain, even though currently residing elsewhere. A post office box is not allowed as a

residential address.

1. Documents acceptable to verify Missouri residency must be the most recently issued credential. Examples include, but are not limited to, the following:

- A. Utility Bill;
- B. Paycheck or Government Check;
- C. Mortgage, Housing, or Leasing Document;
- D. Tax Records;
- E. Voter Registration Card;
- F. Property Tax Receipt;
- G. Bank Statement;
- H. School or College Records;
- I. Vehicle Insurance Policy;
- J. Medical or Hospital Bill or Record; and
- K. Correspondence from Recognized Organizations.

2. For applicants under the age of twenty-one (21):

A. A parent or legal guardian may provide one of the documents listed above and a written statement that specifies the applicant resides in their household as proof of residential address for the applicant; or

B. Applicants under the age of twenty-one (21) may also present any document below which clearly indicates their full name and residential address. Examples of other acceptable residential address verification documents for applicants under the age of twenty-one (21) include recent:

- (I) Missouri School records;
- (II) Mailed correspondence from a hospital or medical practitioner, including physician billing statements and insurance statements;
- (III) Mailed correspondence issued by organizations

such as:

- (a) Boy Scouts of America;
- (b) Girl Scouts of America;
- (c) Boys and Girls Club of America;
- (d) Missouri Department of Conservation; or
- (e) Mailed correspondence from other well-established organizations or programs containing the name and address of the applicant.

Applicants must present one (1) document proving Missouri residency for purposes of issuing a non-REAL ID-compliant driver license, nondriver license, or instruction permit. Applicants must present two (2) documents proving Missouri residency, from two different issuing sources, for purposes of issuing a REAL ID-compliant driver license, nondriver license, or instruction permit. Applicants requesting a separate mailing address for a REAL ID-compliant or non-REAL ID-compliant document must present one (1) additional document as proof that the mailing address is valid.

[(2) Documents acceptable as proof of lawful presence, identity, Social Security number and residency are described in the following document "DOCUMENTS REQUIRED TO APPLY FOR OR RENEW A MISSOURI DRIVER LICENSE, NONDRIVER LICENSE, OR INSTRUCTION PERMIT," which has been incorporated by reference, published by the Missouri Department of Revenue, PO Box 200, Jefferson City, MO 65105-0200, September 7, 2005. The "DOCUMENTS REQUIRED TO APPLY FOR OR RENEW A MISSOURI DRIVER LICENSE, NONDRIVER LICENSE, OR INSTRUCTION PERMIT" does not include any amendments or additions to the September 7, 2005 document which is available on the Department of Revenue's website <http://www.dor.mo.gov/mvdl/drivers/idrequirements.htm> or by mailing a written request to the Missouri Department of Revenue, PO Box 200, Jefferson City, MO 65105-0200, or by telephone (573) 751-2730.]

*[(3)](2) In exceptional circumstances where proof of lawful *[presence]* status, identity, Social Security Number, *[and]*/or Missouri*

residency are not available, personnel authorized by the *[D]*director of *[R]*revenue may accept alternative documents as proof required for issuance of a driver license, nondriver license, or instruction permit. **Personnel authorized by the director of revenue may require additional documentation if there is reason to question the validity or authenticity of the document(s) presented. Applicants presenting documents pursuant to this section may not be eligible for issuance of a REAL ID-compliant document per 6 C.F.R. Section 37 and section 302.170, RSMo.**

(3) For purposes of the fee waiver contained in section 302.185, RSMo, applicants may not be eligible for a duplicate license if they are applying within their renewal period, which is six (6) months (184 days) before or after the expiration date of a previously issued non-REAL ID-compliant driver license or nondriver license.

(4) Applicants issued a nondriver license for voting purposes at no cost pursuant to section 115.427, RSMo, will be required to pay any applicable fees to apply for and obtain a duplicate REAL ID-compliant nondriver license.

(5) Applicants seventy (70) years of age or older desiring to obtain a REAL ID-compliant nondriver license will be issued a six- (6-) year nondriver license in lieu of a nonexpiring nondriver license issued pursuant to section 302.181, RSMo, provided they meet all other requirements contained in Chapter 302, RSMo.

AUTHORITY: sections [302.011,] 302.130, 302.171, 302.177, 302.181, 302.720, and 302.735, RSMo [Supp. 2004 and 302.080, RSMo 2000] 2016, and section 302.170, RSMo Supp. 2017. Original rule filed March 27, 1998, effective Sept. 30, 1998. For intervening history, please consult the Code of State Regulations. Amended: Filed July 31, 2018.

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 Department of Revenue, General Counsel's Office, PO Box 475, Jefferson City, MO 65105-0475. 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 13—DEPARTMENT OF SOCIAL SERVICES
Division 10—Division of Finance and Administrative
Services
Chapter 3—Tax Credits**

PROPOSED RULE

13 CSR 10-3.050 Maternity Home Tax Credit. The division rescinded 13 CSR 40-80.010 and the material is now in this rule.

PURPOSE: This rule describes the procedures for the implementation of section 135.600, RSMo, Contributions to Maternity Homes Tax Credit.

(1) A maternity home may apply for tax credits on behalf of taxpayers who make contributions to the agency. The amount of tax credit issued may be equivalent to up to fifty percent (50%) of the contribution to the agency. Initial credits issued cannot be less than fifty

dollars (\$50). The amount of credit claimed by a taxpayer cannot exceed the amount of the taxpayer's state tax liability for the taxable year the credit is claimed and cannot exceed fifty thousand dollars (\$50,000) per taxable year. The total amount of tax credits issued under this rule cannot exceed the amount stated in section 135.600, RSMo in a fiscal year.

(2) Definitions.

(A) "Director," means the director of the Department of Social Services or designee.

(B) "Qualified maternity home," for the purpose of the Maternity Home Tax Credit, means a maternity home that meets the definition stated in section 135.600, RSMo.

(3) The director will annually develop and maintain a list of centers which are qualified for the Maternity Home Tax Credit. A copy of the maternity home listing is posted on the Department of Social Services website: www.dss.mo.gov.

(4) Annually, the director of the Department of Social Services or the director's designee will determine which facilities in Missouri may be classified as maternity homes for purposes of the Maternity Home Tax Credit.

(A) In order for the director of the Department of Social Services to make such determinations, maternity homes seeking qualification should submit the following information:

1. A complete and accurate application. The process to be followed is found on the Maternity Home Tax Credit Application for Agency Eligibility Verification form available on the Department of Social Services website: www.dss.mo.gov or by writing to:

Department of Social Services
Attn: Maternity Home Tax Credit Program
PO Box 626
Jefferson City, MO 65102-0626;

2. A copy of the articles of incorporation;

3. Verification of Internal Revenue Service (IRS) tax exempt status; and

4. A brief program description including the primary business function as it relates to the mission of helping pregnant women, number and ages of pregnant women served annually, facility capacity, and services provided.

(B) Facilities serving women under age eighteen (18) must provide proof of licensure with the Department of Social Services, Children's Division (i.e. license certificate or letter of good standing).

(C) Facilities considered exempt from licensure as described in section 210.516, RSMo, must attest to that status.

(D) All information should be submitted to the address referenced in paragraph (4)(A)1.

(5) All maternity homes must establish their qualification for the Maternity Home Tax Credit Program on an annual basis.

(6) Prior to the beginning of each state fiscal year, maternity homes must submit an application for eligibility along with the documentation as stated in subsection (4)(A) of this rule no later than June 1.

(7) Within forty-five (45) days of receipt of the necessary information, the director will make a determination of qualification and notify the maternity home of the determination in writing. Upon a determination of qualification, a maternity home will automatically be added to the maternity home listing.

(8) Qualified maternity homes must contact the Department of Social Services within thirty (30) days of any changes in business functions that could impact their qualifying status. The department will review the agency's eligibility for participation in this tax credit program and notify the agency of the determination in writing.

(9) A qualified maternity home shall report the receipt of any contribution it believes qualifies for the tax credit on a form provided by the Department of Social Services. This form is known as the Maternity Home Tax Credit Application for Claiming Tax Credits.

(A) Maternity homes may request the tax credit application at the Department of Social Services website www.dss.mo.gov or by writing to the address referenced in paragraph (4)(A)1. of this rule.

(B) Maternity homes are permitted to decline a contribution from a taxpayer.

(C) The tax credit application shall be submitted to the Department of Social Services, by the maternity home, within one (1) calendar year of the receipt of the contribution. Tax credit applications submitted more than one (1) year following the date of the contribution will be void and the right to the tax credit will be forfeited.

(D) Verifying documentation must be attached to the tax credit application when submitted by the Maternity Home. The type of documentation necessary will depend on the type of donation. Necessary documentation includes:

1. Cash—legible receipt from the maternity home, which indicates the name and address of the maternity home; name, address, and telephone number of the contributor; amount of the cash donation and the date the contribution was received; and a signature of a representative of the maternity home receiving the contribution;

2. Check—photocopy of the canceled check, front and back—if not possible then copy of the original check and a receipt from the maternity home including the same information needed for a cash donation as described in paragraph (9)(D)1. of this subsection;

3. Credit card—legible transaction receipt with the name and address of the maternity home; name, address, and telephone number of the contributor; amount and date the contribution was received; and a signature of a representative of the maternity home receiving the contribution. Receipts should have the credit card account number blacked out;

4. Money order or cashier's check—legible copy of the original document with the name and address of the maternity home; name, address, and telephone number of the contributor; amount of the cash donation and the date the contribution was received; and a signature of a representative of the maternity home receiving the contribution;

5. Regarding contributions of stocks and bonds, the amount of the contribution is the fair market value of the item as of the date of the donation. Information needed when submitting applications for tax credit shall include the source and date the stock was donated and how the bond amount was determined, and confirmation documentation of the transfer from the contributor's account to the maternity home;

6. The value of contributions of real estate is the fair market value of the real estate within three (3) months of the date of the donation. The fair market value is the lower of at least two (2) qualified independent appraisals for commercial, vacant, or residential property that has been determined to have a value of over fifty thousand dollars (\$50,000). Commercial, vacant, or residential property having a value of fifty thousand dollars (\$50,000) or less will require only one (1) appraisal. The appraisals will be conducted by two (2) different, licensed real estate appraisers; and

7. Contributions that include a benefit to the donor- in addition to the documentation necessary in paragraphs (9)(D)1.-6., the maternity home should provide written documentation of the type of function or event from which the benefit was received, description of the benefit received (if an auction item, identify the item received), gross amount of the contribution, fair market value of the benefit, and how the fair market value of the benefit was determined.

(10) The director will verify with the Department of Revenue any outstanding balances due from the taxpayer's prior year's state tax liability. If a balance due is outstanding, the amount of tax credit issued under this rule will be reduced by that amount. The director is subject to the confidentiality and penalty provisions of section

32.057, RSMo, relating to the disclosure of tax information.

(11) Within forty-five (45) days of receipt of the tax credit application, the director will provide written notification of its decision to approve the application to the following parties:

(A) Taxpayer (notification to the taxpayer will include the amount of tax credit that was approved); and

(B) Missouri Department of Revenue.

(12) The director shall equally apportion the total available tax credits among all qualified maternity homes and the apportionment will be effective the first day of each state fiscal year (FY).

(A) The director shall inform each qualified maternity home of its share of the apportioned credits no later than thirty (30) days following July 1 of each fiscal year.

(B) The director will no less than quarterly, review the cumulative amount of apportioned tax credits being utilized by each qualified maternity home. Upon request by the director, maternity homes will provide in writing the amount their agency plans to utilize in tax credits for the fiscal year along with supporting documentation. Maternity homes seeking additional apportionment should submit requests and supporting documentation to the director in writing. If a maternity home fails to use all or a portion of their available tax credits throughout the fiscal year, the director may reapportion any unused tax credits to maximize the amount of tax credits available to taxpayers.

(C) Within thirty (30) days of any reapportionment, the director shall notify those maternity homes in writing that would be affected by the reapportioned tax credit. The director will consider comments the maternity homes submit concerning planned future uses of the agency's tax credit allocation prior to the end of the thirty- (30-) day period. The director's decision regarding reapportionment shall be final.

AUTHORITY: sections 135.600 and 660.017, RSMo 2016. This rule previously filed as 13 CSR 40-80.010. Emergency rule filed May 26, 1998, effective June 11, 1998, expired Feb. 25, 1999. Original rule filed May 26, 1998, effective Nov. 30, 1998. Amended: Filed Sept. 1, 1999, effective April 30, 2000. Rescinded, moved, and readopted: Filed July 19, 2018.

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 Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.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 13—DEPARTMENT OF SOCIAL SERVICES
Division [35] 10—[Children's] Division of Finance and
Administrative Services
Chapter [100] 3—Tax Credits

PROPOSED AMENDMENT

13 CSR [35-100.010] 10-3.010 Residential Treatment Agency Tax Credit. The division is moving the division and chapter location of this rule in the *Code of State Regulations* and is amending all sections and removing forms.

PURPOSE: This amendment corrects an outdated statutory reference and updates procedures regarding contributions of stocks and bonds, real estate, and contributions that include a benefit to a donor. It also moves this rule to a division and chapter with similar tax credit rules.

(1) *In general, a* qualified residential treatment agency may apply for tax credits on behalf of taxpayers who make cash donations to the agency. The amount of total credits available to any qualified residential treatment agency cannot exceed the total funds received from the Department of Social Services in the preceding twelve (12) months. Those who donate to qualifying providers are eligible to receive a tax credit up to fifty percent (50%) of their donation. Qualified residential treatment agencies that accept these donations are required to remit payments equivalent to the amount of the tax credit to the state of Missouri.

(2) *Definitions [of terms—].*

(A) *["Certificate," a tax credit certificate issued to a taxpayer who makes an eligible donation to a qualified residential treatment agency as described under section 135.1150, RSMo;]* **"Director"** means the director of the Department of Social Services or designee.

(B) *"Eligible donation," donations received from a taxpayer by a qualified residential treatment agency that are used solely to provide direct care services to children who are residents of this state. Direct care services include, but are not limited to, increasing the quality of care and service for children through improved employee compensation and training. Eligible donations may include cash, publicly traded stocks and bonds, and real estate;]*

(C)(B) **"Qualified residential treatment agency," for the purpose of the Residential Treatment Agency Tax Credit, means a residential [treatment] care facility that[—] meets the definition stated in section 135.1150, RSMo.**

[1. Is licensed under section 210.484, RSMo; and

2. Is accredited by—

A. Council on Accreditation (COA); or

B. Joint Commission on Accreditation of Healthcare Organizations (JCAHO); or

C. Commission on Accreditation of Rehabilitation Facilities (CARF); and

3. Is under contract with the Department of Social Services to provide treatment services for children who are residents or wards of residents of this state; and

4. Receives donations. Any agency that operates more than one (1) facility or at more than one (1) location can only be eligible for the tax credit for eligible donations made to facilities or locations of the agency which are licensed and accredited;

(D) *"Taxpayer," any of the following individuals or entities who make eligible donations to a qualified residential treatment agency—*

1. A person, firm, partner in a firm, corporation, or a shareholder in an S corporation doing business in the state of Missouri, and subject to the state income tax imposed in Chapter 143, RSMo;

2. A corporation subject to the annual corporation franchise tax imposed in Chapter 147, RSMo;

3. An insurance company paying an annual tax on its gross premium receipts in this state;

4. Any other financial institution paying taxes to the state of Missouri or any political subdivision of the state under Chapter 148, RSMo; or

5. Any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under Chapter 143, RSMo; and

(E) *"State tax liability," any tax liability due under Chapters*

147, 148, or 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo, as identified in section 135.1142, RSMo.

(3) *Beginning January 1, 2007, any taxpayer will be allowed to claim a credit against their state tax liability, as defined in subsection (2)(E) of this rule, equivalent to fifty percent (50%) of the eligible donation the taxpayer made to a qualified residential treatment agency. The amount of the tax credit claimed may not exceed the amount of the taxpayer's state income tax liability in the tax year that the credit is being claimed.*

(A) *Any tax credit that cannot be claimed in the taxable year during which the contribution is made, will not be refunded but allowed to be carried forward and used against the taxpayer's state tax liability for four (4) subsequent years.]*

[(4)](3) Qualified residential treatment agencies must apply for the tax credit on behalf of the taxpayers. Required information includes:

(A) A complete and accurate Residential Treatment Agency Tax Credit Application [(Attachment A, included herein)]. Applications may be obtained at the Department of Social Services website: www.dss.mo.gov or by writing to—

Department of Social Services

Attention: Residential Treatment Agency Tax Credit

PO Box 853

Jefferson City, MO 65102-0853;

(B) Verification of accreditation status;

(C) A statement attesting to the receipt of an eligible donation, which includes the following information:

1. Taxpayer type and supporting documentation, when applicable;

2. Taxpayer's name;

3. Taxpayer's identification number;

4. Amount of the eligible donation and supporting documentation, when applicable;

5. Amount of anticipated tax credit;

6. Date the donation was received by the agency; and

7. Signature of the executive director;

(D) Payment from the qualified residential treatment agency equal to the value of the tax credit for which the application is being submitted. Checks must be made payable to the Department of Social Services; and

(E) Verifying documentation must be attached to the tax credit application. The type of documentation required will depend on the type of donation. Required documentation includes the following:

1. Cash—legible receipt from the residential treatment agency which indicates the name and address of the organization; name, address, and telephone number of the contributor; amount and date the contribution was received; and signature of a representative of the residential treatment agency receiving the contribution;

2. Check—photocopy of the canceled check, front and back—if not possible then copy of the original check and a receipt from the residential treatment agency including the same information required of a cash donation as described in paragraph [(4)](3)(E)1. of this rule;

3. Credit card—legible transaction receipt with the name and address of the residential treatment agency; contributor's name, address, and telephone number; amount and date the contribution was received; and signature of a representative of the residential treatment agency receiving the contribution. Receipts should have the credit card account number blacked out;

4. Money order or cashier's check—legible copy of the original document with the name and address of the residential treatment agency; contributor's name, address, and telephone number; amount and date the contribution was received; and signature of a representative of the residential treatment agency receiving the contribution;

5. *[Values of contributed stocks and bonds must be*

determined by a reputable source (e.g., Wall Street Journal, New York Stock Exchange (NYSE), National Association of Securities Dealers Automated Quotations (NASDAQ), etc.)] **Regarding contributions of stocks and bonds, the amount of the contribution is the fair market value of the item as of the date of the donation.** Information required when submitting applications for tax credit shall include the source and date the stock was valued and how the bond amount was determined;

6. The value of contributions of real estate [shall be equal to] **is the fair market value of the real estate within three (3) months of the date of the donation. The fair market value is the [lowest] lower of at least two (2) qualified independent appraisals for commercial, vacant, or residential property that has been determined to have a value of over [twenty-five] fifty thousand dollars [(\$25,000)] (\$50,000).** Commercial, vacant, or residential property having a value of [twenty-five] fifty thousand dollars [(\$25,000)] (\$50,000) or less will require only one (1) appraisal. **The appraisals will be conducted by two (2) different licensed real estate appraisers;** and

7. Contributions that include a benefit to the donor—[documentation required will depend on how the type of contribution was made (i.e., cash, check, etc.). The same information is required as described] **in addition to the documentation that is needed** in paragraphs [(4)](3) (E)1.–[4].16., [of this rule. Additional information required includes] **the residential treatment agency must provide written documentation of the type of function or event from which the benefit was received, description of the benefit received (if an auction item, identify the item received), gross amount of the contribution, fair market value of the benefit, and how the fair market value of the benefit was determined.**

[(5)](4) All applications and payments must be submitted within twelve (12) months from date the eligible donation was received from the taxpayer. Tax credit applications submitted more than one (1) year following the date of the contribution will be void and the right to the tax credit will be forfeited.

[(6)](5) Information required in section/s (4) and (5)] (3) of this rule, must be submitted to[:] **the address referenced in subsection (3)(A).**

[Department of Social Services
Attention: Residential Treatment Agency Tax Credit
PO Box 853
Jefferson City, MO 65102-0853.]

[(7)](6) Total tax credits issued for any qualified residential treatment agency cannot exceed the total payments made by the Department of Social Services to the qualified residential treatment agency in the twelve (12) months preceding the month the application for the tax credit was received. In the event the total credits exceed the total payments made to a qualified residential treatment agency by the Department of Social Services, the application and payment will be returned to the qualified residential treatment agency and may be resubmitted by the agency within thirty (30) days of the date the application was returned or within twelve (12) months from the date the donation was received by the agency, whichever is later.

[(8)](7) Upon receipt of the information required in subsection [(4)](3)(C) the Department of Social Services will verify with the Department of Revenue any outstanding balances due from taxpayer's prior year's state tax liability. If a balance due is outstanding, the amount of tax credit issued under this rule will be reduced by that amount. **The director of the Department of Social Services is subject to the confidentiality and penalty provisions of section 32.057, RSMo, relating to the disclosure of tax information.**

[(9)](8) Upon verification of the information required in section/s (4) through (8)] (3) of this rule, the Department of Social Services will issue a certificate to the taxpayer indicating the amount of tax credit that was approved.

(A) Certificates will be mailed to the taxpayer at the address provided on the application submitted by the qualified residential treatment agency.

(B) The Department of Social Services will not provide information regarding taxpayers' state tax liability to unauthorized individuals.

(C) In the event a taxpayer's tax credit is reduced as a result of delinquent taxes, a refund will not be issued to the qualified residential treatment agency.

[(10)](9) Approved tax credit certificates will be issued within forty-five (45) days of receipt of the completed application submitted by the qualified residential treatment agency.

[(11)](10) [The owner of a residential treatment agency tax credit certificate may assign, transfer, sell, or otherwise convey the certificate. The new owner will have the same rights as the original owner.] When a certificate is assigned, transferred, sold, or otherwise conveyed, a notarized endorsement must be submitted to the Department of Social Services within thirty (30) days of the date of the transaction. Information submitted must include:

(A) A complete and accurate Tax Credit Transfer Form [(Attachment B, included herein)] **found at the Department of Social Services website: www.dss.mo.gov.** Forms may also be obtained by writing to the address provided in subsection [(4)](3)(A) [and section (6) of this rule].

AUTHORITY: sections 135.1150], RSMo Supp. 2012] and 660.017, RSMo 2016. Emergency rule filed Sept. 18, 2006, effective Oct. 1, 2006, expired March 29, 2007. Original rule filed Sept. 18, 2006, effective March 30, 2007. Amended: Filed Feb. 25, 2013, effective Aug. 30, 2013. Amended: Filed July 19, 2018.

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 Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.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 13—DEPARTMENT OF SOCIAL SERVICES
Division [35] 10—[Children's] Division of Finance and
Administrative Services
Chapter [100] 3—Tax Credits**

PROPOSED AMENDMENT

13 CSR [35-100.020] 10-3.020 Pregnancy Resource Center Tax Credit. The division is moving the division and chapter location of this rule in the *Code of State Regulations* and is amending all sections and removing form.

PURPOSE: This amendment updates the rule to be in compliance with more recent statutory language including, adding charitable organizations and notifying the department of any changes in business functions that could impact their qualifying status, changing the reference of the annual cumulative amount of credits from dollars to referencing the statute, apportionment of funds, and updating procedures regarding contributions of stocks and bonds, real estate, and

contributions that include a benefit to a donor. It also moves this rule to a division and chapter with similar tax credit rules.

(1) *In general, a* qualified pregnancy resource center may apply for tax credits on behalf of taxpayers who make contributions to the agency. The amount of tax credit issued may be equivalent to up to fifty percent (50%) of the contribution to the agency. Credits shall not be less than fifty dollars (\$50) and cannot exceed fifty thousand dollars (\$50,000) to a taxpayer in a fiscal year. The total amount of tax credits issued under this rule cannot exceed *two (2) million dollars* the amount stated in section 135.630, RSMo in any fiscal year.

(2) Definitions *[of Terms]*.

[(A) "Contribution," a donation, with a value of not less than one hundred dollars (\$100) of cash, stocks, bonds or other marketable securities, and real property. In instances when the donor receives a benefit in conjunction with their contribution (i.e., auctions, golf tournaments, etc.), the taxpayer will be allowed to claim that portion of the donation that exceeds the fair market value of the benefit received. It is the center's responsibility to inform the taxpayer of the net amount of the contribution.]

[(B)](A) "Director[,]" means the director of the Department of Social Services (DSS) or designee.

[(C)](B) "Qualified pregnancy resource center," [a nonresidential facility located in this state which is exempt from income taxation under the United States Internal Revenue Code and is established for the purpose of providing assistance to women with unplanned or crisis pregnancies, or similar services to encourage and assist women in carrying their pregnancies to term. These facilities do not perform childbirths nor do they perform, induce or refer for abortion. All services are provided in accordance with Missouri statute at no cost to clients.] for the purpose of the Pregnancy Resource Center Tax Credit, means a pregnancy resource center that meets the definition stated in section 135.630, RSMo.

[(D) "State tax liability," in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of Chapter 143, RSMo, Chapter 147, RSMo, Chapter 148, RSMo, and Chapter 153, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions; and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of Chapter 143, RSMo and excluding sections 143.191 to 143.265, RSMo.

(E) "Taxpayer," person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of Chapter 143, RSMo, or corporation subject to the annual corporation franchise tax imposed by the provisions of Chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of Chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to Chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of Chapter 143, RSMo.

(3) Effective beginning on January 1, 2007, a taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent (50%) of the amount such taxpayer contributed to a pregnancy resource center.

(4) The taxpayer shall not be allowed to claim a tax credit

unless the total amount of such taxpayer's contribution to the center(s) is at least one hundred dollars (\$100) in value.

(5) The amount of the tax credit claimed must not be in excess of the taxpayer's state tax liability for the taxable year that the credit is claimed and shall not exceed fifty thousand dollars (\$50,000) per taxable year.

(6) Any tax credit that cannot be claimed in the taxable year during which the contribution is made, may be carried over to the next four (4) consecutive taxable years until the full credit has been claimed.]

*[(7)](3) The director will annually develop and maintain a list of centers which are *[eligible]* qualified for the Pregnancy Resource Center Tax Credit. A copy of the pregnancy resource center listing is posted on the DSS website and will be made available to taxpayers upon *[written]* request to:*]* the address referenced in paragraph (4)(A)1.*

*[Department of Social Services
Attn: Pregnancy Resource Center Tax Credit Program
PO Box 863
Jefferson City, MO 65102-0863.]*

*[(8)](4) Annually, the director will determine which facilities in Missouri may be classified as pregnancy resource centers for purposes of the Pregnancy Resource Center Tax Credit. To be *a/n eligible]* qualified center for purpose of the Pregnancy Resource Center Tax Credit, a facility must meet the definition set forth in *[subsection (1)(C) of this rule]* section 135.630, RSMo.*

(A) In order for the director to make such determinations, centers seeking eligibility must submit the following information:

1. A complete and accurate *[application (Attachment A, included herein)]* Pregnancy Resource Center Tax Credit Application for Agency Eligibility Verification. Applications may be obtained at the Department of Social Services website: www.dss.mo.gov or by writing to—

*Department of Social Services
Attn: Pregnancy Resource Center Tax Credit Program
PO Box 863
Jefferson City, MO 65102-0863;*

2. A copy of certificate of incorporation;
3. Verification of Internal Revenue Service (IRS) tax-exempt status;

4. A brief program description including the number and ages of women served annually and the capacity of the facility;
5. All information should be submitted to *[-]* the address referenced in paragraph (4)(A)1.

*[Department of Social Services
Attn: Pregnancy Resource Center Tax Credit Program
PO Box 863
Jefferson City, MO 65102-0863.]*

(B) All pregnancy resource centers must establish their eligibility for the Pregnancy Resource Center Tax Credit on an annual basis by submitting an application for eligibility along with the required documentation as stated in subsection (4)(A) of this rule no later than June 1.

[(C) For calendar year 2007 (state fiscal year 2007), the Department of Social Services will accept applications for eligibility along with the required documentation as stated in subsection (6)(A) of this rule through November 15, 2006, to allow centers to establish their eligibility and utilize the available tax credit for contributors for the tax year beginning January 1, 2007.

(D) Beginning state fiscal year 2008 and every year thereafter, pregnancy resource centers must submit an application for eligibility along with the required documentation as stated in subsection (6)(A) of this rule no later than June 1.]

[(9)](C) Within forty-five (45) days of receipt of the required

information, the director will make a determination of eligibility and notify the pregnancy resource center of the determination in writing. Upon a determination of eligibility, a center will automatically be added to the pregnancy resource center listing.

(D) Qualified centers must contact the Department of Social Services within thirty (30) days of any changes in business functions that could impact their qualifying status. The department will review the agency's eligibility for participation in the tax credit program and notify the agency of the determination in writing.

[(10)](5) The director shall apportion the total available tax credits equally among all *[eligible]* qualified pregnancy resource centers and the apportionment will be effective the first day of each state fiscal year (FY).

(A) The director shall inform each *[eligible]* qualified pregnancy resource center of its share of the apportioned credits no later than thirty (30) days following July 1 of each fiscal year.

(B) The director shall *[review the cumulative amount of approved tax credits not less than quarterly from the first day of each fiscal year.] no less than quarterly review the amount of apportioned tax credits being utilized by each qualified pregnancy resource center. Upon request by the director, pregnancy resource centers will provide in writing the amount their agency plans to utilize in tax credits for the fiscal year. Pregnancy resource centers seeking additional apportionment must submit a request to the director in writing. If a pregnancy resource center fails to use all, or [some percentage to be determined by the director,] a portion of its [apportioned tax credits during a predetermined period of time] available credits throughout the fiscal year, the director may reapportion these unused tax credits to [those pregnancy resource centers that have used all, or most of their apportionment. The director may establish more than one (1) period of time and reapportion more than once during each fiscal year to the maximum extent possible to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year] maximize the amount of tax credits available to taxpayers.*

(C) Within thirty (30) days of any reapportionment, the director shall notify those pregnancy resource centers that would be affected by the reapportioned tax credit. The director will consider comments the pregnancy resource centers submit concerning planned future uses of the agency's tax credit allocation prior to the end of the thirty- (30-)/- day period. The director's decision regarding reapportionment shall be final.

[(11)](D) The cumulative amount of tax credits that may be claimed by taxpayers contributing to the centers shall not exceed *[two (2) million dollars in any one (1) fiscal year] the amount stated in section 135.630, RSMo.*

[(12)](6) A *[n eligible]* qualified pregnancy resource center shall report the receipt of any contribution it believes qualifies for the tax credit on a form provided by the director. This form *[shall subsequently be]* known as the Pregnancy Resource Center Tax Credit Application *[(Attachment B, included herein)] For Claiming Tax Credits.*

(A) Pregnancy resource centers may request the tax credit application at the Department of Social Services website www.dss.mo.gov or by writing to *[-]* the address referenced in paragraph (4)(A)1.

[Department of Social Services

Attn: Pregnancy Resource Center Tax Credit Program

PO Box 863

Jefferson City, MO 65102-0863.]

(B) Pregnancy resource centers are permitted to decline a contribution from a taxpayer.

(C) The tax credit application shall be submitted to the director, by the pregnancy resource center within one (1) calendar year of the

receipt of the contribution. Tax credit applications submitted more than one (1) year following the date of the contribution will be void and the right to the tax credit will be forfeited.

(D) Verifying documentation must be attached to the tax credit application when submitted by the Pregnancy Resource Center. The type of documentation required will depend on the type of donation. Required documentation includes the following:

1. Cash—legible receipt from the pregnancy resource center, which indicates the name and address of the organization; name, address, and telephone number of the contributor; amount of the cash donation and the date the contribution was received; and a signature of a representative of the pregnancy resource center receiving the contribution;

2. Check—photocopy of the canceled check, front and back—if not possible then copy of the original check and a receipt from the pregnancy resource center including the same information required of a cash donation as described in paragraph *[(11)](6)(D)1.* of this rule;

3. Credit card—legible transaction receipt with the name and address of the pregnancy resource center; name, address, and telephone number of the contributor; amount and date the contribution was received; and a signature of a representative of the pregnancy resource center receiving the contribution. Receipts should have the credit card account number blacked out;

4. Money order or cashier's check—legible copy of the original document with the name and address of the pregnancy resource center; name, address, and telephone number of the contributor; amount of the cash donation and the date the contribution was received; and a signature of a representative of the pregnancy resource center receiving the contribution;

5. *[Values of contributed stocks and bonds must be determined by a reputable source (e.g. Wall Street Journal, New York Stock Exchange (NYSE), National Association of Securities Dealers Automated Quotations (NASDAQ), etc.).] Regarding contributions of stocks and bonds, the amount of the contribution is the fair market value of the item as of the date of the donation.* Information required when submitting applications for tax credit shall include the source and date the stock was valued and how the bond amount was determined;

6. The value of a contribution/s of real estate shall be *[equal to] the fair market value of the real estate within three (3) months of the date of the donation. The fair market value is the [lowest] lower of at least two (2) qualified independent appraisals for commercial, vacant, or residential property that has been determined to have a value of over [twenty-five] fifty thousand dollars [(\$25,000)] (\$50,000). Commercial, vacant, or residential property having a value of [twenty-five] fifty thousand dollars [(\$25,000)] (\$50,000) or less will require only one (1) appraisal. The appraisals will be conducted by two (2) different licensed real estate appraisers; and*

7. Contributions that include a benefit to the donor—*[documentation required will depend on how the contribution was made (i.e., cash, check, etc.). The same information is required as described] in addition to the documentation needed in paragraphs [(12)](6)(D)1.-[4.]6., [Additional information required includes] the pregnancy resource center must provide written documentation of the type of function or event from which the benefit was received, description of the benefit received (if an auction item, identify the item received), gross amount of the contribution, fair market value of the benefit, and how the fair market value of the benefit was determined.*

[(13)] Tax credits shall be issued in the order contributions are received.]

[(14)](7) The director will verify with the Department of Revenue any outstanding balances due from the taxpayer's prior year's state tax liability. If a balance due is outstanding, the amount of tax credit issued under this rule will be reduced by that amount. The director

shall be subject to the confidentiality and penalty provisions of section 32.057, RSMo, relating to the disclosure of tax information.

[(15)](8) Within forty-five (45) days of receipt of the tax credit application, the director will provide **written** notification of its decision to approve the application to the following parties:

(A) Taxpayer (notification to the taxpayer will include the amount of tax credit that was approved); **and**

(B) [*Pregnancy resource center; and*] **Missouri Department of Revenue.**

[(C) *Missouri Department of Revenue.*]

AUTHORITY: sections 135.630[, RSMo Supp. 2006] and 660.017, RSMo 2016. Emergency rule filed Sept. 18, 2006, effective Oct. 1, 2006, expired March 29, 2007. Original rule filed Sept. 18, 2006, effective March 30, 2007. Amended: Filed July 19, 2018.

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 Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.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 13—DEPARTMENT OF SOCIAL SERVICES
Division [35] 10—[Children’s] Division of Finance and
Administrative Services
Chapter [100] 3—Tax Credits

PROPOSED AMENDMENT

13 CSR [35-100.030] 10-3.030 Developmental Disability Care Provider Tax Credit. The division is moving the division and chapter location of this rule in the *Code of State Regulations* and is amending all sections and removing form.

PURPOSE: This rule is being revised to update procedures regarding contributions of stocks and bonds, real estate, and contributions that include a benefit to a donor. It also moves this rule to a division and chapter with similar tax credit rules.

(1) [In general, a] **A** qualified developmental disability care provider may apply for tax credits on behalf of taxpayers who make donations to the provider as provided herein. Those who donate to qualifying providers are eligible to receive a tax credit up to fifty percent (50%) of their donation. Qualified developmental disability care providers that accept these donations are required to remit payments equivalent to the amount of the tax credit to the state of Missouri.

(2) Definitions [of terms—].

(A) [“Certificate,” a tax credit certificate issued to a taxpayer who makes an eligible donation to a qualified developmental disability care provider as described under section 135.1180, RSMo;] “Director” means the director of the Department of Social Services or designee.

[(B) “Eligible donation,” eligible donations may include cash, publicly traded stocks and bonds, and real estate;]

[(C)](B) “Qualified developmental disability care provider,” [—] for the purpose of the Developmental Disability Care Provider

Tax Credit, means a care provider that meets the definition stated in section 135.1180, RSMo.

[(1). Provides assistance to persons with developmental disabilities;

2. Is accredited by one (1) or more of the following:

A. Council on Accreditation (COA); or

B. Joint Commission on Accreditation of Healthcare Organizations (JCAHO); or

C. Commission on Accreditation of Rehabilitation Facilities (CARF); or

3. Is under contract with the Department of Social Services or the Department of Mental Health to provide treatment services to persons with developmental disabilities; and

4. Receives donations. Any agency that operates more than one (1) facility or at more than one (1) location can only be eligible for the tax credit for eligible donations made to facilities or locations of the agency which are licensed and accredited;

(D) “Taxpayer,” any of the following individuals or entities who make eligible donations to a qualified developmental disability care provider—

1. A person, firm, partner in a firm, corporation, or a shareholder in an S corporation doing business in the state of Missouri, and subject to the state income tax imposed in Chapter 143, RSMo;

2. A corporation subject to the annual corporation franchise tax imposed in Chapter 147, RSMo;

3. An insurance company paying an annual tax on its gross premium receipts in this state;

4. Any other financial institution paying taxes to the state of Missouri or any political subdivision of the state under Chapter 148, RSMo;

5. An individual subject to the state income tax imposed in Chapter 143, RSMo; or

6. Any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under Chapter 143, RSMo; and

(E) “State tax liability,” any tax liability due under Chapters 147, 148, or 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo.

[(3) Beginning January 1, 2012, any taxpayer will be allowed to claim a credit against their state tax liability, as defined in subsection (2)(E) of this rule, equivalent to fifty percent (50%) of the eligible donation the taxpayer made to a qualified developmental disability care provider. The amount of the tax credit claimed may not exceed the amount of the taxpayer’s state income tax liability in the tax year that the credit is being claimed.

(A) Any tax credit that cannot be claimed in the taxable year during which the contribution is made, will not be refunded, but will be allowed to be carried forward and used against the taxpayer’s state tax liability for up to four (4) subsequent years.]

[(4)](3) Qualified developmental disability care providers must apply for the tax credit on behalf of the taxpayers. Acceptable applications for the tax credit require—

(A) A complete and accurate **Developmental Disability Care Provider Tax Credit** [a]Application [(Attachment A, included herein)]. Applications may also be obtained at the **Department of Social Services website www.dss.mo.gov** or by writing to—

Department of Social Services

Attn: Developmental Disability Care Provider Tax Credit

PO Box 853

Jefferson City, MO 65102-0853;

(B) A statement attesting to the receipt of an eligible donation,

which includes the following information:

1. Taxpayer type and supporting documentation, when applicable;
2. Taxpayer's name;
3. Taxpayer's identification number;
4. Amount of the eligible donation and supporting documentation, when applicable;
5. Amount of anticipated tax credit;
6. Date the donation was received by the agency; and
7. The signature of the executive director of the qualified developmental disability care provider;

(C) Payment from the qualified developmental disability care provider equal to the value of the tax credit for which the application is being submitted. Checks must be made payable to the Department of Social Services; and

(D) Verifying documentation must be attached to the tax credit application. The type of documentation required will depend on the type of donation. Required documentation includes the following:

1. Cash—legible receipt from the developmental disability care provider which indicates the name and address of the organization; name, address, and telephone number of the contributor; and amount and date the contribution was received; signature of a representative of the developmental disability care provider receiving the contribution;

2. Check—photocopy of the canceled check, front and back—if not possible then copy of the original check and a receipt from the developmental disability care provider including the same information required of a cash donation as described in paragraph [(4)](2)(D)1. of this rule;

3. Credit card—legible transaction receipt with the name and address of the developmental disability care provider; contributor's name, address, and telephone number; amount and date the contribution was received; and signature of a representative of the developmental disability care provider receiving the contribution. Receipts should have the credit card account number blacked out;

4. Money order or cashier's check—legible copy of the original document with the name and address of the developmental disability care provider; contributor's name, address, and telephone number; amount and date the contribution was received; and signature of a representative of the developmental disability care provider receiving the contribution;

5. *[Values of contributed stocks and bonds must be determined by a reputable source (e.g., Wall Street Journal, New York Stock Exchange (NYSE), National Association of Securities Dealers Automated Quotations (NASDAQ), etc.)]* **Regarding contributions of stocks and bonds, the amount of the contribution is the fair market value of the item as of the date of the donation.** Information required when submitting applications for tax credit shall include the source and date the stock was valued and how the bond amount was determined;

6. The value of contributions of real estate *[shall be equal to]* **is the fair market value of the real estate within three (3) months of the date of the donation. The fair market value is the [lowest] lower of at least two (2) qualified independent appraisals for commercial, vacant, or residential property that has been determined to have a value of over [twenty-five] fifty thousand dollars [(\$25,000)] (\$50,000).** Commercial, vacant, or residential property having a value of *[twenty-five] fifty thousand dollars [(\$25,000)] (\$50,000)* or less will require only one (1) appraisal. **The appraisals will be conducted by two (2) different licensed real estate appraisers; and**

7. Contributions that include a benefit to the donor—*[documentation required will depend on how the type of contribution was made (i.e., cash, check, etc.). The same information is required as described]* **in addition to the documentation needed in paragraphs [(4)](3)(D)1.–[4.]6., [of this rule. Additional information required includes] the developmental disability care provider must provide written documentation of the type of function or event from which the benefit was received,**

description of the benefit received (if an auction item, identify the item received), gross amount of the contribution, fair market value of the benefit, and how the fair market value of the benefit was determined.

[(5)](4) All applications and payments must be submitted within twelve (12) months from the date the eligible donation was received from the taxpayer. The date of submission will be determined by the date that the application and payment are postmarked. Tax credit applications submitted more than one (1) year following the date of the contribution will be void and the right to the tax credit will be forfeited.

[(6)](5) Information required in section/s (4) and (5)] (3) of this rule, must be submitted to [–] **the address referenced in subsection (3)(A).**

*[Department of Social Services
Attention: Developmental Disability Care
Provider Tax Credit
PO Box 853
Jefferson City, MO 65102-0853.]*

[(7)](6) Upon receipt of the information required in subsection [(4)](C)] (3)(B), the Department of Social Services will verify with the Department of Revenue whether or not the taxpayer has any outstanding balances due from the taxpayer's prior year's state tax liability. If a balance due is outstanding, the amount of tax credit issued under this rule will be reduced by that amount. **The director of the Department of Social Services is subject to the confidentiality and penalty provisions of section 32.057, RSMo, relating to the disclosure of tax information.**

[(8)](7) Upon verification of the information required in section/s (4) through (7)] (3) of this rule, the Department of Social Services will issue a certificate to the taxpayer indicating the amount of tax credit that is approved for the application.

(A) Certificates will be mailed to the taxpayer at the address provided on the application submitted by the qualified developmental disability care provider.

(B) The Department of Social Services will not provide information regarding taxpayers' state tax liability to unauthorized individuals.

(C) In the event a taxpayer's tax credit is reduced as a result of delinquent taxes, a refund will not be issued to the qualified developmental disability care provider.

[(9)](8) Approved tax credit certificates will be issued within forty-five (45) days of receipt of the completed application submitted by the qualified developmental disability care provider.

[(10)](9) The owner of a developmental disability care provider tax credit certificate *[may assign, transfer, sell, or otherwise convey the certificate. The new owner will have the same rights as the original owner. When a certificate is assigned, transferred, sold, or otherwise conveyed, a notarized endorsement must be submitted to]* **must notify** the Department of Social Services within thirty (30) days of the date of the transaction **to assign, transfer, sell, or convey the credit.** Information submitted to effectuate such a transfer must include a complete and accurate Department of Social Services Tax Credit Transfer Form *[Attachment B, included herein]*. Forms may be obtained by writing to the address provided in subsection [(4)](3)(A) *[and section (6)]* of this rule **or at the Department of Social Services website: www.dss.mo.gov.**

AUTHORITY: sections 135.1180], RSMo Supp. 2012] and 660.017, RSMo 2016. Original rule filed Sept. 19, 2012, effective April 30, 2013. Amended: Filed July 19, 2018.

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 Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.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 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Family Support Division
Chapter 2—Income Maintenance**

PROPOSED RESCISSION

13 CSR 40-2.090 Definitions Relating to Money Payments. This rule defined the methods of payments in Income Maintenance cases.

PURPOSE: This rule is being rescinded because the details pertaining to payments are now incorporated into 13 CSR 40-2.150, which addresses payments by specific program.

AUTHORITY: section 207.020, RSMo 1986. Filing dates for original rules are shown in the text of the rule. This version filed March 24, 1976. Amended: Filed Oct. 21, 1980, effective Feb. 12, 1981. Rescinded: Filed July 19, 2018.

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 Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.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 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Family Support Division
Chapter 2—Income Maintenance**

PROPOSED AMENDMENT

13 CSR 40-2.150 Date Cash Payments Are Due and Payable. The division is amending sections (1) and (2), and is adding sections (2) through (5).

PURPOSE: This proposed amendment defines the rule's scope, updates the program names, clarifies when payments are made for newly-authorized benefits as opposed to ongoing benefits, codifies the delivery of Food Stamps, and adds an example of a good cause reason for why a claimant may not have his/her photograph on his/her EBT card.

[(1) Income Maintenance benefits shall be paid monthly in advance as follows:

(A) Aid to Dependent Children (ADC), ADC—Unemployed Father, Nursing Care checks and the Medical Assistance Identification cards are for benefits due and payable on the first day of each month. These benefits will be mailed on the first of each month or on the first working day after the first if the first falls on a weekend or holiday. Aid to Families with Dependent Children and Aid to Families with Dependent Children—Unemployed Parent payments authorized by the Division of Family Services which are delivered by electronic benefits transfer shall be made available monthly in advance. The schedule for availability of benefits is as follows:

1. Benefits for cases in which the payee's birth month is January through March shall be available on the first day of the month;

2. Benefits for cases in which the payee's birth month is April through June shall be available on the second day of the month;

3. Benefits for cases in which the payee's birth month is July through September shall be available on the third day of the month; and

4. Benefits for cases in which the payee's birth month is October through December shall be available on the fourth day of the month.

(B) General Relief and ADC—Foster Care benefits are due and payable on the fifth day of each month and will be mailed on the fifth of the month or the first working day after the fifth if the fifth falls on a weekend or a holiday; and

(C) Blind Pension, Supplemental Payments and Supplemental Aid to the Blind benefits are due and payable on the tenth of each month and will be mailed on the tenth of the month, or on the first working day after the tenth, if the tenth falls on a weekend or a holiday.]

(1) Scope. This rule governs the delivery of benefits for the following programs:

(A) The Temporary Assistance program, pursuant to section 208.040, RSMo, and Title IV-A of the Social Security Act;

(B) The Supplemental Nutrition Assistance Program (SNAP), formerly called Food Stamps, pursuant to 7 USC 2011-2036c;

(C) The Blind Pension program, pursuant to Chapter 209, RSMo; and

(D) Supplemental Payments, Supplemental Aid to the Blind, and Supplemental Nursing Care, pursuant to section 208.030, RSMo.

(2) Temporary Assistance (TA) benefits shall be paid monthly in advance as follows:

(A) Newly-authorized TA benefits, issued for a portion of a month and not the entire month, shall be mailed, or issued electronically, within seven (7) calendar days from the date on which they were authorized; or

(B) Ongoing TA benefits, or newly-authorized TA benefits being issued for an entire month, shall be mailed or issued electronically on a date that corresponds to the payee's month of birth. Benefits that are mailed shall be mailed on the first business day following the monthly availability date, if the monthly availability date falls on a weekend or holiday.

(3) SNAP benefits shall be issued as follows:

(A) Newly-issued or supplemental SNAP benefits shall be due and payable pursuant to 7 CFR 274.2 and other relevant federal laws and rules; and

(B) Pursuant to 7 CFR 274.2(d)(1), and except as otherwise provided under 7 CFR 274.7, ongoing SNAP benefits shall be issued by way of electronic benefits transfer (EBT) on a date that corresponds with the first letter of the payee's last name and the payee's month of birth.

(4) **Blind Pension, Supplemental Payments, and Supplemental Aid to the Blind** benefits shall be paid monthly in advance as follows:

(A) Newly-authorized benefits, issued for a portion of a month and not the entire month, shall be mailed or issued electronically within seven (7) calendar days from the date on which they were authorized; or

(B) Ongoing benefits, or newly-authorized benefits being issued for an entire month, are due and payable on the tenth of each month and will be mailed or issued electronically on the tenth of the month, or on the first working day after the tenth, if the tenth falls on a weekend or a holiday.

(5) **Supplemental Nursing Care (SNC)** benefits shall be paid monthly in advance as follows:

(A) Newly-authorized benefits, issued for a portion of a month and not the entire month, shall be mailed or issued electronically within seven (7) calendar days from the date on which they were authorized; or

(B) Ongoing benefits, or newly-authorized SNC benefits being issued for an entire month, are due and payable on the first day of each month and will be mailed or issued electronically on the first of the month, or on the first working day after the first, if the first falls on a weekend or a holiday.

[[2]](6) Claimants receiving payments by means of electronic benefits transfer (**EBT**) shall be required to use an *[electronic benefits transfer]* **EBT** card on which there is a photographic identification of the payee for the benefits in order to gain access to the benefits. Good cause exemptions for requiring photographic identification on the electronic benefits transfer card may be allowed in the following circumstances:

(A) The payee for the benefits belongs to a religion which prohibits members being photographed;

(B) The payee for the benefits is house-bound;

(C) The payee for the benefits already possesses a valid electronic benefits transfer card issued by the *[D]*division *[of Family Services]* for use in the *[Food Stamp]* **TA** or **SNAP** program;

(D) A direct deposit *[AFDC]* **TA** benefit has been returned by the receiving bank and a temporary *[electronic benefits transfer]* **EBT** card is issued to allow the recipient access to the returned benefits;

(E) Lives in a remote area defined as more than a two- (2)-*[-]* hour round trip from home to the Department of Revenue office;

(F) Unavailability of transportation; and

(G) Circumstances beyond the member's control such as, but not limited to, **the inability of the division to generate the photographic identification**, illness, or illness of another household member requiring the presence of the head of household.

AUTHORITY: sections [207.020 and 208.182, RSMo 1994] 207.022 and 660.017, RSMo 2016. Original rule filed Nov. 3, 1950, effective Nov. 13, 1950. Amended: Filed Feb. 27, 1974, effective March 9, 1974. Amended: Filed Feb. 6, 1975, effective Feb. 16, 1975. Amended: Filed May 1, 1996, effective Nov. 30, 1996. Amended: Filed July 19, 2018.

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 Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to

Rules.Comment@dss.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 13—DEPARTMENT OF SOCIAL SERVICES Division 40—Family Support Division Chapter 2—Income Maintenance

PROPOSED RESCISSION

13 CSR 40-2.375 Medical Assistance for Families. This rule established the income limit for the Medical Assistance for Families program after June 30, 2002.

PURPOSE: This rule is being rescinded because the regulation addresses a program that is no longer called Medical Assistance for Families. It is now called MO HealthNet for Families and the information contained in this rule is being incorporated in a new rule that has been proposed for MO HealthNet for Families.

AUTHORITY: sections 207.020 and 208.145, RSMo 2000. Emergency rule filed June 7, 2002, effective July 1, 2002, expired Dec. 27, 2002. Original rule filed June 11, 2002, effective Dec. 30, 2002. For intervening history, please consult the Code of State Regulations. Rescinded: Filed July 19, 2018.

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 Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.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 13—DEPARTMENT OF SOCIAL SERVICES Division 40—Family Support Division Chapter 7—Family Healthcare

PROPOSED RULE

13 CSR 40-7.070 MO HealthNet for Families

PURPOSE: The purpose of this rule is to establish the conditions under which MO HealthNet for Families eligibility will be available to participants.

(1) The Department of Social Services shall provide MO HealthNet benefits to individuals who are determined eligible for MO HealthNet for Families in accordance with this rule.

(2) Definitions.

(A) "Eligible child" means a child who—

1. May or may not be applying for or receiving MO HealthNet for Families benefits;

2. Meets all applicable eligibility criteria under section 208.151, RSMo; and

3. Is one (1) of the following:

A. A child under the age of eighteen (18) who resides with a

custodial parent or other adult caretaker relative of the minor child; or

B. A child under the age of nineteen (19) and a full-time student in a secondary school (or at the equivalent level of vocational or technical training), if the child may reasonably be expected to complete the program of the secondary school (or vocational or technical training).

(B) "Parent or caretaker relative" is an individual who is a relative of a dependent child by blood, adoption, or marriage with whom the child is living, who assumes primary responsibility for the child's care, and who is one (1) of the following:

1. The child's father, mother, grandfather, grandmother, brother (including half), sister (including half), stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, or niece; or
2. The spouse of such parent or relative, even after the marriage is terminated by death, separation, or divorce.

(3) To initially qualify for MO HealthNet for Families eligibility, participants must meet the following criteria:

(A) The Family Support Division shall not provide MO HealthNet for Families coverage to or on behalf of a household (as defined in the *Internal Revenue Code* 26 CFR 1.36B-1), unless the household includes an eligible child; and

(B) Countable family income for the household size does not exceed the Modified Adjusted Gross Income (MAGI) equivalent standard based on the July 16, 1996 Aid to Families with Dependent Children (AFDC) (current Temporary Assistance) income limits.

AUTHORITY: sections 207.022 and 660.017, RSMo 2016. Original rule filed July 19, 2018.

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 Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.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 13—DEPARTMENT OF SOCIAL SERVICES
Division [40] 10—[Family Support] Division of Finance
and Administrative Services
Chapter [79] 3—[Domestic Violence Shelter]
Tax Credits

PROPOSED AMENDMENT

13 CSR [40-79.010] 10-3.040 Domestic Violence Shelter Tax Credit. The division is moving the division and chapter location of this rule in the *Code of State Regulations* and is amending all sections and remove form.

PURPOSE: This rule is being revised to include charitable organizations as a taxpayer. Additional updates include notifying the department of any changes in business functions that could impact their qualifying status, changing the reference of the annual cumulative amount of credits from dollars to referencing the statute, apportionment of funds, and updating procedures regarding contributions of stocks and bonds, real estate, and contributions that include a benefit

to a donor. It also moves this rule to a division and chapter with similar tax credit rules.

(1) [In general, t]This rule transfers oversight of the contributions to centers for victims of Domestic Violence Tax Credit Program from the Department of Public Safety to the Department of Social Services.

(2) Definition of Terms.

[(A) "Contribution," a donation of cash, stocks, bonds or other marketable securities, or real property, with a value of not less than one hundred dollars (\$100). In instances when the donor receives a benefit in conjunction with their contribution (i.e., auctions, golf tournaments, etc.), the taxpayer will be allowed to claim that portion of the donation that exceeds the fair market value of the benefit received. It is the shelter's responsibility to inform the taxpayer of the net amount of the contribution.]

[(B)](A) "Director[,"] means the director of the Department of Social Services (DSS) or designee.

[(C)](B) "Qualified Shelter for victims of domestic violence," [a facility located in this state which meets the definition of] for the purpose of the Domestic Violence Shelter Tax Credit, means a shelter for victims of domestic violence [pursuant to section 455.200, RSMo, and which meets the requirements of section 455.220,] that meets the definition stated in section 135.550, RSMo.

[(D) "State tax liability," in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of Chapters 143, 147, 148 and 153, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions. In the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of Chapter 143, RSMo.

(E) "Taxpayer," a person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of Chapter 143, RSMo or a corporation subject to the annual corporation franchise tax imposed by the provisions of Chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo.

(3) A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability in an amount equal to fifty percent (50%) of the amount such taxpayer contributed to a shelter for victims of domestic violence.

(4) The taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution to the shelter(s) is at least one hundred dollars (\$100) in value.

(5) The amount of tax credit claimed must not be in excess of the taxpayer's state tax liability for the taxable year that the credit is claimed and shall not exceed fifty thousand dollars (\$50,000) per taxable year.

(6) Any tax credit that cannot be claimed in the taxable year the contribution was made, may be carried over to the next four (4) succeeding taxable years until the full credit has been claimed.]

[(7)](3) The director will annually develop and maintain a list of domestic violence shelters which are *[eligible]* **qualified** for the Domestic Violence Shelter Tax Credit.

(A) Information provided on the list available to taxpayers will be the domestic violence shelter name, *[mailing address]* and telephone number.

(B) A copy of the *[eligible]* **qualified** shelters is **posted on the DSS website** and will be made available to taxpayers upon *[written]* request to *[-]* **the address referenced in paragraph (4)(A)1.**

[Department of Social Services

Attn: Domestic Violence Shelter Tax Credit Program

PO Box 216

Jefferson City, MO 65102-0216.]

[(8)](4) Annually, the director will determine which facilities in the state of Missouri may be classified as shelters for victims of domestic violence for purposes of the Domestic Violence Shelter Tax Credit. In order to be an eligible shelter for purposes of the Domestic Violence Shelter Tax Credit, a facility must meet the definition as set forth in *[subsection (2)(C) of this rule]* **section 135.550, RSMo.**

(A) In order for the director to make such determinations, applicants for eligibility must submit the following information:

1. A complete and accurate **Domestic Violence Shelter Tax Credit** *[a]*Application *[(Attachment A, included herein)]* for **Agency Eligibility Verification**. Applications are available at the **Department of Social Services website: www.dss.mo.gov** or may be obtained by sending a request to—

Department of Social Services

Attn: Domestic Violence Shelter Tax Credit Program

PO Box 216

Jefferson City, MO 65102-0216;

2. A copy of *[certificate]* **the articles** of incorporation;

3. Verification of Internal Revenue Service (IRS) tax exempt status;

4. A brief program description including the number of individuals served annually and the capacity of the facility; **and**

5. All information should be submitted to *[-]* **the address referenced in paragraph (4)(A)1.**

[Department of Social Services

Attn: Domestic Violence Shelter Tax Credit Program

PO Box 216

Jefferson City, MO 65102-0216.]

(B) All domestic violence shelters must establish their eligibility on an annual basis. *[Beginning fiscal year 2008, a]*All shelters must submit the above information no later than June 1 of each calendar year to maintain their eligibility for the tax credit.

[(C) For fiscal year 2007 the director will continue to review, process and approve qualified tax credit applications submitted by eligible domestic violence shelters using the eligibility list established by the Department of Public Safety prior to the program's transfer to the Department of Social Services effective August 28, 2006. Regulations governing the processing and awarding of tax credits will be those established herein by the Department of Social Services, effective August 28, 2006.]

[(D)](C) Within forty-five (45) days of receipt of all the required documentation, the director will make a determination of eligibility and will notify the domestic violence shelters of the determination in writing. Upon a determination of eligibility, a shelter will automatically be added to the shelter listing.

(D) Qualified shelters must contact the Department of Social Services within thirty (30) days of any changes in business functions that could impact their qualifying status. Within thirty (30) days of notification, the department will review the agency's eligibility for participation in this tax credit program and notify the agency of the determination in writing.

[(9)](5) The director shall equally apportion the total available tax credits among all *[eligible]* **qualified** shelters for domestic violence

effective the first day of each state fiscal year (FY).

(A) The director shall inform each *[eligible]* **qualified** domestic violence shelter of its share of the apportioned credits no later than thirty (30) days following July 1 of each fiscal year.

(B) The director shall **no less than quarterly** review the cumulative amount of *[approved]* **apportioned** tax credits *[not less than quarterly from the first day of each fiscal year]* **being utilized by each qualified domestic violence shelter. Upon request by the director, domestic violence shelters will provide in writing the amount their shelter plans to utilize in tax credits for the fiscal year. Domestic violence shelters seeking additional apportionment should submit requests to the director in writing.** If a domestic violence shelter fails to use all, *or some percentage to be determined by the director, of its apportioned tax credits during a predetermined period of time* **or a portion of their available tax credits throughout the fiscal year,** the director may reapportion these unused tax credits to *[those domestic violence shelters that have used all, or most of their apportionment. The director may establish more than one (1) period of time and reapportion more than once during each fiscal year to the maximum extent possible to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year]* **maximize the amount of tax credits available to taxpayers.**

(C) Within thirty (30) days of any reapportionment, the director shall notify **in writing** those domestic violence shelters that would be affected by the reapportioned tax credit. The director will consider comments the domestic violence shelters submit concerning planned future uses of the agency's tax credit allocation prior to the end of the thirty- (30-)*[-]* day period. The director's decision regarding reapportionment shall be final.

(D) The cumulative amount of credits which may be claimed per any one (1) fiscal year shall not exceed *[two (2) million dollars]* **the amount stated in section 135.550, RSMo.**

[(10)](6) *A**[n eligible]* **qualified** shelter shall report the receipt of any contribution it believes qualifies for the tax credit on a form provided by the director. This form *[shall subsequently be]* is known as the Domestic Violence Shelter Tax Credit Application *[(Attachment B, included herein)]* **For Claiming Tax Credits.**

(A) Shelters may request the tax credit application **at the Department of Social Services website: www.dss.mo.gov** or by writing to *[-]* **the address referenced in paragraph (4)(A)1.**

[Department of Social Services

Attn: Domestic Violence Shelter Tax Credit Program

PO Box 216

Jefferson City, MO 65102-0216.]

(B) Shelters shall be permitted to decline a contribution from a taxpayer.

(C) The tax credit application shall be submitted to the director by the domestic violence shelter within one (1) calendar year of the receipt of the contribution. Tax credit applications submitted more than one (1) year following the date of the contribution will be void and the right to the tax credit will be forfeited.

(D) Verifying documentation must be attached to the tax credit application **when submitted by the domestic violence shelter.** The type of documentation required will depend on the type of donation. Required documentation includes the following:

1. Cash—legible receipt from the domestic violence shelter which indicates the name and address of the organization; name, address, and telephone number of the contributor; amount and date the contribution was received; signature of a representative of the domestic violence shelter receiving the contribution;

2. Check—photocopy of the canceled check, front and back—if not possible then copy of the original check and a receipt from the domestic violence shelter including the same information required of a cash donation as described in paragraph *[(10)](6)(D)1.* of this rule;

3. Credit card—legible transaction receipt with the name and address of the domestic violence shelter; contributor's name, address,

and telephone number; amount and date the contribution was received; signature of a representative of the domestic violence shelter receiving the contribution. Receipts should have the credit card account number blacked out;

4. Money order or cashier's check—legible copy of the original document with the name and address of the domestic violence shelter; contributor's name, address, and telephone number; amount and date the contribution was received; signature of a representative of the domestic violence shelter receiving the contribution;

5. *[Values of contributed stocks and bonds must be determined by a reputable source (e.g., Wall Street Journal, New York Stock Exchange (NYSE), National Association of Securities Dealers Automated Quotations (NASDAQ), etc.)]* **Regarding contributions of stocks and bonds, the amount of the contribution is the fair market value of the item as of the date of the donation.** Information required when submitting applications for tax credit shall include the source and date the stock was valued and how the bond amount was determined;

6. The value of contributions of real estate shall be *[equal to] the fair market value of the real estate within three (3) months of the date of the donation. The fair market value is the [lowest] lower of at least two (2) qualified independent appraisals for commercial, vacant, or residential property that has been determined to have a value of over [twenty-five] fifty thousand dollars [(\$25,000)] (\$50,000).* Commercial, vacant, or residential property having a value *[twenty-five] fifty thousand dollars [(\$25,000)] (\$50,000)* or less will require only one (1) appraisal. **The appraisals will be conducted by two (2) different licensed real estate appraisers; and**

7. Contributions that include a benefit to the donor—*[documentation required will depend on how the type of contribution was made (i.e. cash, check, etc.). The same information is required as described]* **in addition to the documentation needed** in paragraphs *[(10)](6)(D)1.–[4.]6., [of this rule. Additional information required includes]* **the domestic violence shelter must provide written documentation of the type of function or event from which the benefit was received, description of the benefit received (if an auction item, identify the item received), gross amount of the contribution, fair market value of the benefit, and how the fair market value of the benefit was determined.**

[(11)](7) Tax credits shall be issued in the order contributions are received.

[(12)](8) The director will verify with the Director of Revenue any outstanding balances due from taxpayer's prior year's state tax liability. If a balance due is outstanding, the amount of tax credit issued under this rule will be reduced by that amount. The director shall be subject to the confidentiality and penalty provisions of section 32.057, RSMo, relating to the disclosure of tax information.

[(13)](9) Within forty-five (45) days of receipt of the tax credit application, the director will provide **written** notification of its decision to approve the application to the following parties:

(A) Taxpayer (notification to the taxpayer will include the amount of tax credit that was approved); **and**

[(B) Domestic violence shelter; and]

[(C)](B) Missouri Director of Revenue.

AUTHORITY: sections 135.550[*, RSMo Supp. 2006*] and **660.017, RSMo 2016.** Emergency rule filed Sept. 18, 2006, effective Oct. 1, 2006, expired March 29, 2007. Original rule filed Sept. 18, 2006, effective March 30, 2007. Amended: Filed July 19, 2018.

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 Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.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 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Family Support Division
Chapter 80—Maternity Home Tax Credit**

PROPOSED RESCISSION

13 CSR 40-80.010 Maternity Home Tax Credit. This rule described the procedures for the implementation of section 135.600, RSMo Supp. 1997, Maternity Home Tax Credit to reflect the requirements of HB 491.

PURPOSE: *This rule is being rescinded so it can be rewritten and readopted under 13 CSR 10-3.050.*

AUTHORITY: sections 135.600, RSMo Supp. 1998 and 207.020, RSMo 1994. Emergency rule filed May 26, 1998, effective June 11, 1998, expired Feb. 25, 1999. Original rule filed May 26, 1998, effective Nov. 30, 1998. Amended: Filed Sept. 1, 1999, effective April 30, 2000. Rule Currently filed as 13 CSR 10-3.050. Rescinded: Filed July 19, 2018

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 Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.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 13—DEPARTMENT OF SOCIAL SERVICES
Division 65—Missouri Medicaid Audit and Compliance
Chapter 3—Participant and Provider Procedure**

PROPOSED RULE

13 CSR 65-3.010 Participant Lock-In Program

PURPOSE: *This rule establishes a process to safeguard against unnecessary or inappropriate utilization of care and services by MO HealthNet participants by identifying excessive use patterns in order to rectify overutilization practices of participants.*

(1) Definitions applicable to the administration of this program are as follows:

(A) "Lock-In" means limiting or restricting a participant's ability to access services to a single physician and/or a single pharmacy to reduce excessive MO HealthNet benefits usage;

(B) "Medically necessary" means health care services or supplies

that are needed to diagnose or treat an illness, injury, condition, disease, or its symptoms and that meet accepted standards of medicine;

(C) “Misutilization” or “misuse” means overusing, underusing, or using MO HealthNet services in a way that is harmful, wasteful, and uncoordinated or using services provided under the MO HealthNet program in an improper or incorrect manner, whether that use is intentional or unintentional;

(D) “Overlap” means at least one (1) day of overlapping dispensing of prescriptions written by two (2) or more different prescribers; and

(E) “Therapeutic class” means a class of medications that are used to treat similar medical conditions.

(2) Unless a participant shows that the service or product provided to the participant was otherwise medically necessary, the Missouri Medicaid Audit and Compliance Unit (MMAC) may place the participant in the Lock-In Program if the participant’s utilization of benefits exceeds one (1) or more of the following parameters during a three- (3-) month period:

(A) Use of three (3) or more drugs in the same therapeutic class such that the prescriptions of such drugs overlap;

(B) Use of three (3) or more pharmacies;

(C) Use of sixteen (16) or more prescriptions for therapeutic classes such as, but not limited to, analgesics, anticonvulsants, skeletal muscle relaxants, anxiolytics, or other potential drugs of misuse;

(D) Use of three (3) or more providers that specialize in a same or similar service or product;

(E) Use of three (3) or more different emergency departments; or

(F) Use by referral, review, or other analysis that indicates possible overutilization or that identifies a patient safety issue.

(3) Placement in the Lock-In Program.

(A) The decision to place a participant in the Lock-In Program is at MMAC’s discretion. MMAC is to consider the following factors when deciding whether to place the participant in the Lock-In Program:

1. Seriousness of the findings – MMAC will consider the seriousness of the findings including, but not limited to, overlaps of the same therapeutic class of prescription medications, the use of multiple pharmacies, the prescription of the same therapeutic class of prescription medications by multiple, like, or different prescribers, emergency department visits for non-emergent services, the use of multiple emergency departments in different locations, and the use of multiple primary care clinics;

2. Extent of Inappropriate Utilization of Services – MMAC will consider the extent as measured by, but not limited to, the number of overlapping prescriptions within the same therapeutic class prescribed by different prescribers and the number of emergency department visits and locations for diagnoses that are non-emergent such as back pain, lumbago, pain in limb, or toothache;

3. Prior History of Action Taken by the Lock-In Section – MMAC will consider whether or not the participant has been given prior education by the Lock-In Section which includes any education letters, warning letters, or previous placement in the Lock-In Program.

(4) A participant shall be placed in the Lock-In Program if the participant’s utilization of benefits was misused by any of the following methods:

(A) Lending or giving the participant’s Medicaid ID card to ineligible individuals who are not eligible for Medicaid;

(B) Submitting, or causing to be submitted, forged documents to providers for medical benefits or services;

(C) Refusing to submit to, or failing to have predicted, urine or blood levels following testing for medications prescribed to the participant and covered by the MO HealthNet program while engaged in a pain management or substance use disorder treatment program; or

(D) Paying cash for prescribed medications covered by the MO HealthNet program.

(5) Once MMAC identifies a participant that falls under subsection (2) or (3) of this rule and notifies the participant of its decision to place the participant in the Lock-In Program, the participant is to provide MMAC with the following:

(A) Notification within twenty (20) days of the participant’s selection of a single physician and a single pharmacy that must be approved by MMAC. In the event the participant fails to select an MMAC approved physician and pharmacy, MMAC will select a single physician and a single pharmacy on behalf of the participant;

(B) Notification if the participant requires more than one (1) physician or pharmacy for the purposes of specialized medical treatment. MMAC may permit a participant to select more than one (1) physician or pharmacy upon showing of such need; and

(C) Notification of any request to change a selected physician and/or pharmacy. A participant may not request to change selection of physician and/or pharmacy more than once within a three (3) consecutive month period unless additional provider changes within that three (3) consecutive month period are approved upon verification of just cause. A participant may only change a selected physician and/or pharmacy if any of the following occur:

1. The physician or pharmacy moves, retires, dies, discontinues MO HealthNet participation, or refuses to provide care to the participant; or

2. The participant moves from the physician’s service area.

(6) A participant who is subject to the Lock-In Program may not select a single physician and single pharmacy if the single physician and/or single pharmacy decline to serve as the participant’s single physician or pharmacy.

(7) A participant who is subject to the Lock-In Program may only receive services from a provider who is not the designated physician and/or a pharmacy that is not the designated pharmacy in the following circumstances:

(A) Documented medical emergencies;

(B) Upon referral by the participant’s designated Lock-In provider; or

(C) As otherwise authorized by MMAC.

(8) A participant who is placed in the Lock-In Program will be subject to Lock-In for a minimum of twenty-four (24) months. If after twenty-four (24) months, MMAC determines that the participant is continuing to misuse the MO HealthNet program as set forth in this rule, MMAC may impose an additional Lock-In period for up to twenty-four (24) additional months.

(9) Any participant who is aggrieved by a decision made under this regulation may seek administrative review under section 208.080, RSMo.

AUTHORITY: sections 208.201 and 660.017, RSMo 2016. Original rule filed July 19, 2018.

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 Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.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 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 3—Conditions of Provider Participation,
Reimbursement and Procedure of General Applicability

PROPOSED RULE

13 CSR 70-3.270 Biopsychosocial Treatment of Obesity for Youth and Adults

PURPOSE: This rule establishes the MO HealthNet payment policy for the biopsychosocial treatment of obesity for youth and adult participants. The goal of this policy is to improve health outcomes for both the youth and adult population by managing obesity and associated co-morbidities.

(1) Administration

(A) This rule governs the practice of biopsychosocial treatment of obesity for youth and adult participants as a covered MO HealthNet benefit. The intent of this regulation is to provide integrated medical nutrition and behavioral health services, coordinated by the primary care physician, to facilitate behavior changes to manage obesity and associated co-morbidities. Participants enrolled in this program are not eligible to be concurrently enrolled in any other weight reduction programs that receive reimbursement from the MO HealthNet Program.

(B) The following definitions will be used in administering this rule:

1. Adult participants are participants ages twenty-one (21) years and older;
2. Youth participants are participants ages five (5) through twenty (20);
3. Biopsychosocial treatment of obesity in youth and adult participants consists of:

A. Screening for obesity in adults using the measurement of Body Mass Index (BMI) and screening for obesity in youth participants is by a BMI percentile;

B. Dietary (nutritional) assessment/medical nutrition therapy;

C. Intensive, multicomponent, behavioral interventions to promote sustained weight loss for adult participants; and

D. Comprehensive, intensive, family-based, behavioral interventions tailored to participant needs and designed to promote improvement in weight status for youth;

4. Body Mass Index (BMI) is a measurement calculated by dividing weight in kilograms (kg) by the square of height in meters (expressed in kg/m^2);

5. Body mass index (BMI) percentile is the range of BMI values as expressed in percentiles for age and gender as plotted on the pediatric BMI chart;

6. Intensive Behavioral Therapy (IBT) promotes sustained weight loss through intensive, multicomponent behavioral interventions for adult participants. IBT for youth participants includes comprehensive, intensive behavioral interventions including multi-component family-based behavioral treatment (FBT) interventions tailored to participant needs targeting both the parent/guardian and the youth.

A. Consultation, for the purposes of this rule, is an experienced behavioral health clinician who meets the criteria of subsection (4)(B) that supports and evaluates the newly certified provider's competency in delivery of behaviorally based intervention for patients diagnosed with obesity. Consultations may be conducted in small groups or individually. These consultations include case reviews that include audio-recordings of the treatment delivered by the newly certified provider. All newly trained providers will have their initial treatment session audio recording reviewed and evaluated. Additional review of audio recordings occurs at the beginning, middle, and ending phases of treatment within the first six (6) months of the program. If the newly certified provider is not deemed competent, cor-

rective feedback is provided and additional session audio recordings are reviewed until two (2) consecutive recordings are rated as competent. These audio recordings are for training purposes only and are to be destroyed once the consultation is complete. During their participation in the qualified training program, newly certified providers are provided information on how to locate an experienced behavioral health clinician who can provide them with consultation and who is qualified to evaluate their competency during the initial year of their certification;

7. Medical Nutrition Therapy (MNT) is nutritional diagnostic therapy and counseling services furnished by a Missouri or bordering state-licensed dietitian. Medical Nutrition Therapy includes a review by the licensed dietitian of the participant's nutritional health, eating habits, and the development of a personalized nutrition treatment plan;

8. Obesity is a BMI equal to or greater than thirty (30) for adults and a BMI percentile for youth equal to or greater than the ninety-fifth (95th) percentile for age and gender on the pediatric BMI chart;

9. Pediatric BMI chart is a visual display that shows normal progressive changes in body mass index for the pediatric population ages two (2) to twenty (20) years of age;

10. Qualified Training Program will include these components:

A. Stated learning objectives upon which the course and assessment content is based;

B. Content-expert instruction and interactive discussion (which may occur face-to-face or by electronic delivery);

C. A post-course assessment that certifies the participant's successful attainment of the program's learning objectives;

D. All course materials reviewed by a minimum of three (3) professionals with demonstrated expertise in the content area who attest to the number of hours needed to complete the program;

E. Information provided to newly certified providers on how to locate an experienced behavioral health clinician who can provide them with consultation and who is qualified to evaluate their competency during the initial year of their certification; and

F. Sponsored by or conducted in affiliation with a qualified university; and

11. Qualified University is a United States regionally accredited college or university or foreign equivalent. It may be an academic university-based medical center affiliated with a qualified university.

(2) Definition of Medical Services for the Biopsychosocial Treatment of Obesity for Youth and Adults are as follows:

(A) Medical Nutrition Therapy (MNT).

1. Initial assessment and intervention, individual, face-to-face with patient, maximum billable forty-five (45) minutes per year for youth participants or adult participants; and

2. Re-assessment and intervention, individual, face-to-face with patient, maximum billable sixty (60) minutes for the first six (6) months and thirty (30) minutes for the second six (6) months for a total maximum billable amount of one (1) hour thirty (30) minutes per year for youth participants or adult participants; and

(B) Intensive Behavioral Therapy (IBT).

1. Youth Participants—

A. Face-to-face behavioral counseling for obesity, in individual sessions, with a maximum billable four (4) hours for the first six (6) months and sixty (60) minutes for the second six (6) months for a total maximum billable amount of five (5) hours per year; and

B. Face-to-face behavioral counseling for obesity, in group sessions (with two (2) or more participants), with a maximum billable twenty-two (22) hours for the first six (6) months and two (2) hours for the second six (6) months for a total maximum billable amount of twenty-four (24) hours per year.

2. Adult Participants—

A. Face-to-face behavioral counseling for obesity, in individual sessions, with a maximum billable three (3) hours for the first six (6) months and sixty (60) minutes for the second six (6) months for a total maximum billable amount of four (4) hours per year; and

B. Face-to-face behavioral counseling for obesity, in group sessions (with two (2) or more participants), with a maximum billable nine (9) hours for the first six (6) months and two (2) hours for the second six (6) months for a total maximum billable amount of eleven (11) hours per year.

(3) Participant Criteria.

(A) In order to qualify for medical nutritional therapy and intensive behavioral therapy for obesity for a six (6) month timeframe, a MO HealthNet participant must:

1. Be five (5) through twenty (20) years of age for the youth program or twenty-one (21) years old or older for the adult program; and
2. Be obese, according to age group.

(B) At the end of six (6) months, the participant must be evaluated to determine if the participant may continue in the program. If the participant meets criteria established by MO HealthNet, described in section (6) of this regulation, for continuation in the program, the participant is eligible for six (6) months of follow-up treatment.

(4) Provider Qualifications.

(A) In order to provide medical nutrition therapy for obesity, the provider must be currently enrolled as a MO HealthNet provider and currently licensed in Missouri or bordering state to practice as a dietitian.

1. Medical Nutrition Therapy (MNT) Provider Requirements.

A. In order to provide MNT services a provider must obtain one (1) of the following specialist certificates in order to provide MNT for treatment of obesity:

(I) Certificate in Training for Adult Weight Management;

or

(II) Certificate in Training for Child and Adolescent Weight Management; or

B. A licensed provider may provide MNT for treatment of obesity without a certificate as listed above with the following criteria:

(I) The provider has maintained a dietitian license credential for a minimum of two (2) years;

(II) The provider has documentation of a minimum of two thousand (2,000) hours of specialty practice experience providing services to families and youth and/or delivering weight management MNT for individuals and/or families and youth with obesity diagnosis within the past five (5) years; and

(III) The provider has documentation of a minimum of six (6) hours of obesity or weight management CEUs or professional equivalent post receipt of license credential.

C. Continuing Education Unit (CEU) requirement. The provider must maintain six (6) hours of obesity or weight management CEUs or professional equivalent every two (2) years for the patient population served, either youth or adult or both.

(B) In order to provide intensive behavioral therapy as part of the biopsychosocial treatment of obesity for youth and adults to the eligible population, the provider must be currently enrolled as a MO HealthNet provider, and currently licensed in Missouri or bordering state to practice as one (1) of the following: Licensed Psychiatrist, Licensed Clinical Social Worker, Licensed Psychologist (LP), or Licensed Professional Counselor (LPC). These providers must follow the MO HealthNet Behavioral Health Services Provider Manual with regard to age of participants served.

1. Provider Requirements for Intensive Behavioral Therapy (IBT).

A. In order to provide IBT services, a provider must meet one (1) of the following criteria in parts (I) or (II) listed below:

(I) A Specialist Certification attained through completion of a qualified training program that provides training in the delivery of behaviorally based intervention for patients diagnosed with obesity that includes family-based intervention for youth and parents. This training must cover the following content areas and including satisfactory completion of treatment delivery simulation:

- (a) Provide the scientific evidence that supports the most

effective principles for obesity treatment and weight management;

(b) How to provide a patient and family-centered, comprehensive approach to behavioral change to improve nutrition/dietary behaviors, promote physical activity, and reduce sedentary behaviors. How to train parents to use positive parenting techniques such as contingency management and environmental engineering to support their own and their youth's efforts to achieve and maintain a healthy weight. How to help families and individuals build and establish lasting habits using distributed practice of self-regulatory skills and behaviors consistent with healthy weight management across multiple socio-environmental contexts, (e.g. home, school, work, community);

(c) Provide information about the unique needs and approaches for clients participating in Medicaid;

(d) Provide evidenced-based best approaches for care coordination with medical providers and dietitians;

(e) The training program for youth and adult participants shall contain a mix of didactics with simulation work. Simulations will be conducted by members of the training center staff; and

(f) Training may also address MO HealthNet requirements and billing procedures; or

(II) A licensed provider may provide IBT without a certificate from a qualified training program when the following criteria are met:

(a) The licensed provider has maintained one of the aforementioned license credentials for a minimum of two (2) years;

(b) The provider has a minimum of two thousand (2,000) hours of specialty practice experience providing services to families and youth and/or delivering weight management behavioral treatment for individuals and/or families and youth with obesity diagnosis within the past five (5) years; and

(c) The provider will have documentation with a minimum of six (6) hours of obesity or weight management CEUs or professional equivalent post receipt of license credential.

B. The provider must complete six (6) hours of obesity or weight management continuing education every two (2) years for the patient population served, either youth or adults.

C. Renewal of the specialist certification will require a one-(1-) time documentation of consultation from a behavioral health clinician experienced in IBT within the first year of satisfactory completion of the qualified training program described above to evaluate and confirm competence in providing IBT services. This consultation does not count toward the six (6) hours of continuing education units (CEUs) in obesity or weight management for the patient population served, either youth or adults required every two (2) years for certification maintenance.

(C) The provider must meet the provider qualifications outlined in this regulation in order to bill Medicaid for the service.

(5) Process for Enrollment for the Biopsychosocial Treatment of Obesity for Youth and Adults.

(A) A physician's referral is necessary for the participant to be eligible for this program. The physician must prescribe the service in the participant's plan of care during a regular office visit.

1. As part of the referral process the referring provider shall follow the 5-A framework that has been highlighted by the U.S. Preventive Services Task Force (USPSTF) that includes the following components:

A. Assess: Ask about/assess behavioral health risk(s) and factors affecting choice of behavior change goals/methods;

B. Advise: Give clear, specific, and personalized behavior change advice, including information about personal health harms and benefits;

C. Agree: Collaboratively (between eligible provider and the participant) select and agree on appropriate treatment goals and methods based on the patient's interest in and willingness to change the behavior;

D. Assist: Using behavior change techniques (self-help and/or counseling), aid the patient in achieving agreed-upon goals by acquiring the skills, confidence, and social/environmental supports for

behavior change, supplemented with adjunctive medical treatments when appropriate; and

E. Arrange: Schedule follow-up contacts (in person or by telephone) to provide ongoing assistance/support and to adjust the treatment plan as needed, including referral to more intensive or specialized treatment.

(B) The prescribing physician must obtain prior authorization from MO HealthNet before starting the program with a participant. In addition, if the participant meets the MO HealthNet criteria to continue in the program at the six (6) month mark, as determined by the dietitian and behavioral health IBT provider, the prescribing physician must seek prior authorization from MO HealthNet for the additional six (6) months and confirm that the participant has met the MO HealthNet criteria to continue in the program.

(6) Covered Services and Limitations.

(A) Program structure for youth participants includes the following:

1. The program can be structured according to the provider's preference but with an allowable maximum of four (4) hours of individual behavior therapy and twenty-two (22) hours of group behavior therapy for a total of twenty-six (26) hours of behavior therapy in the first six (6) months; and one (1) hour and (45) minutes of medical nutritional therapy in the first six (6) months;

2. If the youth participant meets the six (6) month criteria set forth by MO HealthNet, the participant is eligible for an additional one (1) hour of individual behavior therapy and two (2) hours of group behavior therapy for a maximum of three (3) hours of behavior therapy and thirty (30) minutes of medical nutritional therapy in the following six (6) months;

3. The annual limit for services for youth participants is twenty-nine (29) hours for behavior therapy and two (2) hours and fifteen (15) minutes for medical nutrition therapy;

4. Youth participants will be evaluated at the six (6) month mark by the dietitian and behavioral health provider to determine whether they meet the criteria to continue in the program for the second six (6) months. In order to be eligible to continue in the program, the youth participant must meet the adult or youth benchmarks of a decrease in their BMI chart percentile to less than the ninety-fifth (95th) percentile or a reduction in body weight of five (5) percent, whichever is lesser of the two (2), at the end of the first six (6) months in the program. If the youth participant does not meet the weight loss threshold, the prescribing provider shall perform the necessary lab work to rule out the presence of other conditions (e.g., endocrine disorders) that may complicate efforts to reduce weight, and if present, should request to continue with biopsychosocial treatment with medical treatment for the identified condition(s);

5. The dietitian and behavioral health provider shall make recommendations regarding continuation in the program based on the criteria set forth in this regulation to the prescribing physician, who shall make the final determination and request prior authorization for the additional six (6) months of the program if criteria for continuation are met.

6. If the parent or caregiver does not notify the MNT or IBT providers of absences of the patient and have missed four (4) or more sessions, the MNT or IBT provider may disenroll the member from the program.

(B) Program structure for adult participants includes the following:

1. The program can be structured according to the provider's preference but with an allowable maximum of three (3) hours of individual behavior therapy and nine (9) hours of group behavior therapy for a total of twelve (12) hours of behavior therapy in the first six (6) months and one (1) hour forty-five (45) minutes of medical nutritional therapy in the first six (6) months;

2. If the adult participant meets the six (6) month criteria set forth by MO HealthNet, the participant is eligible for an additional one (1) hour of individual behavior therapy and two (2) hours of group behavior therapy for a maximum of three (3) hours of behavior therapy and thirty (30) minutes of medical nutritional therapy in the

following six (6) months;

3. The annual limit for services for adult participants is fifteen (15) hours for behavior therapy and two (2) hours fifteen (15) minutes for medical nutritional therapy;

4. Adult participants will be evaluated at six (6) months by the dietitian and behavioral health provider to determine whether they are eligible to continue in the program for the second six (6) months. In order to continue in the program, the adult participant must meet the adult benchmark of a reduction in body weight of five (5) percent at the end of the first six (6) months in the program. If the adult participant does not meet the weight loss threshold, the prescribing provider shall perform the necessary lab work to rule out the presence of other conditions (e.g., endocrine disorders) that may complicate efforts to reduce weight, and if present, should request to continue with biopsychosocial treatment with medical treatment for the identified condition(s);

5. The dietitian and behavioral health provider shall make recommendations regarding continuation in the program based on the criteria set forth in this regulation to the prescribing physician, who shall make the final determination and request prior authorization for the additional six (6) months of the program if criteria for continuation are met; and

6. If the participant does not notify the provider of absences and has missed two (2) or more sessions, the provider may disenroll the member from the program.

(7) Documentation Requirements for the Management of Obesity for Youth and Adults are as follows:

(A) A physician's referral with approval from MO HealthNet for the first and second six (6) months in the program;

(B) Dietary (medical nutritional) assessment by the dietitian;

(C) Behavioral assessment by the behavioral health provider;

(D) Thorough progress notes that include the following information at each visit:

1. A measured weight and calculated BMI or BMI percentile for youth;

2. Progress the youth/parent/participant is making;

3. Challenges (social determinants) the participant is facing and proposed solutions;

4. Recommendations for treatment/care plans; and

5. Collaborative efforts between the providers delivering primary care, medical nutritional therapy, and intensive behavioral therapy;

(E) A documented evaluation by the dietitian, behavioral health provider, and prescribing physician at the end of six (6) months to determine the appropriateness for continuation in the program. This includes documented progress towards weight loss goals, a desire to remain in the program, and confirmation that the youth participant has transitioned to a BMI below the ninety-fifth (95th) percentile for age and gender according to the "Weight Change Targets for Shifting Children to the 95th Age-and Sex-Specific BMI Percentile During 1 Year" Table or has a five (5) percent reduction in body weight and the adult participant has demonstrated a five (5) percent reduction in body weight;

(F) Final evaluation at the end of the twelve (12) month period including documented metabolic, social, and behavior change endpoints and identified barriers to maintaining weight loss if the participant qualified for continuation in the program;

(G) The behavioral health provider and dietitian must send the six (6) month evaluation and the final evaluation report to the prescribing physician detailing the amount of weight lost over the treatment period, progress with metabolic, social, and behavior change endpoints, challenges to maintaining weight loss, and any future recommendations for maintaining the weight loss in the context of identified challenges. The prescribing physician may incorporate these recommendations and considerations into ongoing care planning and patient management; and

(H) Once the program is completed the prescribing provider shall maintain a treatment record, incorporating recommendations provided

by the dietitian and behavioral health provider as appropriate, which outlines how weight loss will be maintained.

(8) Reimbursement Methodology.

(A) MO HealthNet provides reimbursement to enrolled providers providing biopsychosocial treatment of obesity for youth and adults and who are currently licensed, certified, and in good standing with the state.

(B) Reimbursement for services is made on a fee-for-services basis. The maximum allowable fee for a unit of service has been determined by MO HealthNet to be a reasonable fee, consistent with efficiency, economy, and quality of care. Payment for covered services is the lower of the provider's actual billed charge (should be the provider's usual and customary charge to the general public for the service), or the maximum allowable per unit of service. Reimbursement shall only be made for services authorized by MO HealthNet or its designee.

(C) Except as otherwise noted in the Missouri state plan, state developed fee schedule rates are the same for both public and private providers of biopsychosocial treatment of obesity. The agency's fee schedule is published at <http://www.dss.mo.gov/mhd/providers/index.htm> and is effective for services provided on or after the effective date of the state plan amendment.

AUTHORITY: sections 208.152, 208.201, and 660.017, RSMo 2016. Original rule filed July 19, 2018.

PUBLIC COST: The annual cost of the program would be forty-one thousand eighty-one dollars (\$41,081) for children and five hundred nine thousand one hundred sixty-one dollars (\$509,161) for adults for a total of five hundred fifty thousand two hundred forty-two dollars (\$550,242). The program is scheduled to begin July 1, 2018 thus a FY 2019 cost of five hundred fifty thousand two hundred forty-two dollars (\$550,242) (General Revenue one hundred ninety-one thousand four hundred sixty-eight dollars (\$191,468) and Federal three hundred fifty-eight thousand seven hundred seventy-four dollars (\$358,774)).

PRIVATE COST: The total annual private cost will be one hundred seventy-six thousand five hundred sixty-three dollars (\$176,563) (One hundred sixty thousand three hundred three dollars (\$164,303) training cost for providers + twelve thousand two hundred sixty dollars (\$12,260) for training cost for the Certificate program). The program is scheduled to begin July 1, 2018. FY 2019 cost of one hundred seventy-six thousand five hundred sixty-three dollars (\$176,563).

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.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.*

**FISCAL NOTE
PUBLIC COST**

I. TITLE

Department: 13 - Department of Social Services

Division: 70 – MO HealthNet Division

Chapter: 3 – Conditions of Provider Participation, Reimbursement and Procedure of General Applicability

Rule Number and Name:	13 CSR 70-3.270 Biopsychosocial Treatment of Obesity for Youth and Adults
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Social Services, MO HealthNet Division	Annual Fiscal Year Cost – FY 19 \$550,242

III. WORKSHEET

The annual cost of the program would be \$41,081 for children and \$509,161 for adults for a total of \$550,242. The program was scheduled to begin July 1, 2018 thus a FY 19 cost of \$550,242 (General Revenue \$191,468 and Federal \$358,774).

Number of Children Participating	61
Year 1 IBT Cost (with attrition)	\$41,081
Year 1 Children Savings	\$33,988
Year 1 Cost	\$ 7,093
Number of Adults Participating	1,098
Year 1 IBT Cost (with attrition)	\$509,161
Year 1 Adult Savings	\$576,851
Year 1 Savings	\$ 67,690
Total Annual 1 st Year Savings	\$60,597
FY 18 Savings	\$30,299
FY 19 Savings 7-1-18 to 12-31-18	\$30,299
FY 19 Savings 1-1-19 to 6-30-19	\$305,420
Total FY 19 Savings	\$335,719

IV. ASSUMPTIONS

The annual cost of the program for children and adults is \$550,242 (children \$41,081 and adults \$509,161). The annual cost savings was estimated at \$610,839 (children \$33,988 and adults \$576,851). Total first year savings of \$60,597 (\$610,839 savings less \$550,242 cost).

**FISCAL NOTE
PRIVATE COST**

I. TITLE

Department: 13 – Department of Social Services

Division: 70 – MO HealthNet Division

Chapter: 3 – Conditions of Provider Participation, Reimbursement and Procedure of General Applicability

Rule Number and Title:	13 CSR 70-3.270 Biopsychosocial Treatment of Obesity for Youth and Adults
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
30	Intensive Behavioral Therapy Providers	\$164,303
20	Medical Nutrition Therapy-Registered Dietitians	\$12,260

III. WORKSHEET

The total annual private cost will be \$176,563 (\$164,303 + \$12,260). The program is scheduled to begin July 1, 2018. FY 2019 cost of \$176,563.

IV. ASSUMPTIONS

Cost for Training providers to deliver family-based behavioral treatment for obesity.

Training and Supervision by Subject matter experts	\$50,502
Materials expense	\$2,250
Meeting expense	\$13,515
CEU	\$15,750
Annual continuing education	\$1,368
Travel, lodging and meals	\$13,620
Administration (maintain registry, recruitment, Website content, electronic management, Overhead)	\$67,298
Total Cost	\$164,303

Cost to obtain Certificate in Training for Adult Weight Management or Certificate in Training for Child and Adolescent Weight Management.

Registration Fee	\$7,400
Travel, lodging, and meals	\$4,860
Total Cost	\$12,260

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 20—Pharmacy Program**

PROPOSED AMENDMENT

13 CSR 70-20.060 Professional Dispensing Fee. The department is amending the purpose statement and sections (1) and (2) and adding a new section (3).

PURPOSE: The purpose of this amendment is to update the amount of the fee reimbursable for the professional dispensing of each MO HealthNet covered prescription by a pharmacy provider.

*PURPOSE: The MO HealthNet Division establishes the amount of the fee reimbursable for the professional dispensing of each MO HealthNet covered prescription by a pharmacy provider[, raises the current dispensing fee from three dollars (\$3) to four dollars eighty-four cents (\$4.84)] as **nine dollars fifty-five cents (\$9.55)** and establishes a long-term care prescription fee add-on of [fifteen cents (15¢)] **fifty cents (50¢)**.*

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) A dispensing fee of [four dollars eighty-four cents (\$4.84)] **nine dollars fifty-five cents (\$9.55)** shall be added to the MO HealthNet maximum allowable payment for each MO HealthNet reimbursable prescription filled or refilled by a pharmacy provider.

(2) All pharmacy providers supplying prescribed MO HealthNet covered drugs to participants in long-term care facilities shall receive an additional [fifteen cent (15¢)] **fifty cent (50¢)** dispensing fee per claim provided they—

(3) A professional dispensing fee shall be added to maintenance medications no more frequently than once every twenty-five (25) days.

AUTHORITY: sections [208.153 and] 208.201 and 660.017, RSMo [Supp. 2013] 2016. Original rule filed Dec. 15, 1987, effective March 11, 1988. Amended: Filed Sept. 26, 2013, effective March 30, 2014. Amended: Filed July 19, 2018.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions an estimate of \$33,500,000 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 Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.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.

**FISCAL NOTE
 PUBLIC COST**

- I. Department Title:** 13 - Department of Social Services
- Division Title:** 70 - MO HealthNet Division
- Chapter Title:** 20 – Pharmacy Programs

Rule Number and Name:	13 CSR 70-20.060 Professional Dispensing Fee
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Missouri Department of Social Services- MO HealthNet	\$33,500,000

III. WORKSHEET

The new base professional dispensing fee will be \$9.55. Pharmacy providers supplying covered drugs to participants in long-term care facilities will receive an additional \$.50 dispensing fee. The dispensing fee under the existing payment methodology was estimated to be \$104,775,957. It is anticipated the cost will be \$138,246,143 annually under the new methodology. The net increase of cost of compliance to MO HealthNet will be \$33,500,000. This will also be an increase in payments to Pharmacies by \$33,500,000.

IV. ASSUMPTIONS

New dispensing fee amounts were applied to the FY 2016 claim data. This proposed amendment will have no cost when taken in aggregate with the proposed amendment 13 CSR 70-20.070 Computer Generated Drug Pricing Tape and Drug Reimbursement Methodology, which is filed in conjunction with this proposed amendment.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 20—Pharmacy Program

PROPOSED AMENDMENT

13 CSR 70-20.070 [Computer-Generated Drug Pricing Tape and] Drug Reimbursement Methodology. The department is amending the rule title, sections (1), (2), and (3), and adding sections (4), (5), and (6).

PURPOSE: This amendment implements recent changes in the method for pricing all drug claims in Missouri under the Title XIX Medicaid program as mandated by the Centers for Medicare and Medicaid Services.

[PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.]

(1) The [Division of Medical Services] MO HealthNet Division will obtain, by contract with a reputable medical publishing company, a weekly computer-generated tape which will provide the information needed to price all fee-for-service Medicaid drug claims. The tape will contain *National Drug Code* (NDC), drug name, drug strength, dosage form, package size, the Average Wholesale Price (AWP), the prices set by direct-selling manufacturers (direct prices), Wholesaler Acquisition Cost (WAC), and [federal Health and Human Services upper limits for specified multiple source drugs] National Average Drug Acquisition Cost (NADAC). A multiple source drug is defined as a drug marketed or sold by two (2) or more manufacturers or labelers, or a drug marketed or sold by the same manufacturer or labeler under two (2) or more different proprietary names or both under a proprietary name and without that name.

(2) The [Division of Medical Services] MO HealthNet Division will add the Missouri Maximum Allowable Cost (MMAC) limits, for multiple source drugs as defined, to the data shown on the tape described in section (1) of this rule.

[[3) Reimbursement for covered drugs will be made at the lower of the—

(A) Usual and customary charge as billed by the provider; or

(B) Price(s) included on the Drug Pricing File which is derived from one (1) or more of the following:

1. The AWP as furnished by the state's contracted agent, less ten and forty-three hundredths percent (10.43%);

2. The MMAC as determined by the state agency for selected multiple source drugs;

3. Applicable federal upper limits as found at www.dss.state.mo.us/dms; or

4. The WAC as furnished by the state's contracted agent, plus ten percent (10%).]

(3) Reimbursement for covered drugs dispensed between April 1, 2017 and December 15, 2018, will be determined by applying the following hierarchy method:

(A) Federal Upper Limit (FUL) price; if there is no FUL;

(B) Missouri Maximum Allowed Cost (MAC); if no FUL or MAC;

(C) Wholesale Acquisition Cost (WAC) minus three and one tenths percent (3.1%); or

(D) The usual and customary (U&C) charge submitted by the provider if it is lower than the chosen price (FUL, MAC, or WAC).

(4) Effective December 16, 2018, reimbursement for covered drugs will be determined by applying the following hierarchy method:

(A) National Average Drug Acquisition Cost (NADAC); if there is no NADAC;

(B) Missouri Maximum Allowed Cost (MAC); if no NADAC or MAC;

(C) Wholesale Acquisition Cost (WAC); or

(D) The usual and customary (U&C) charge submitted by the provider if it is lower than the chosen price (NADAC, MAC, or WAC).

(5) Reimbursement for covered drugs for 340B providers as defined by the Public Health Service Veterans Health Care Act of 1992 will be determined by applying the following method:

(A) Wholesale Acquisition Cost (WAC) minus forty-nine percent (49%); or

(B) The usual and customary (U&C) charge submitted by the provider if it is lower.

(6) The professional dispensing fee will be calculated according to 13 CSR 70-20.060.

AUTHORITY: sections 208.152, 208.153, [and] 208.201, and 660.017, RSMo [2000] 2016. This rule was previously filed as 13 CSR 40-81.150. Original rule filed April 23, 1979, effective Aug. 11, 1979. For intervening history, please consult the Code of State Regulations. Amended: Filed July 19, 2018.

PUBLIC COST: This proposed amendment will save state agencies or political subdivisions \$33,500,000 (GR \$11,652,174 and FED \$21,847,826) between April 1, 2017 and December 15, 2018. After December 16, 2018, the annual estimated savings is \$57,500,000 (GR \$20,000,000, FED \$37,500,000).

PRIVATE COST: This proposed amendment will cost private entities an estimate of \$33,500,000 annually in the aggregate between April 1, 2017 and December 15, 2018. After December 16, 2018, this proposed amendment will cost private entities an estimate of \$57,500,000 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.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.

**FISCAL NOTE
PUBLIC COST**

- I. Department Title:** 13 - Department of Social Services
- Division Title:** 70 - MO HealthNet Division
- Chapter Title:** 20 - Pharmacy Programs

Rule Number and Name:	13 CSR 70-20.070 Computer-Generated Drug Pricing Tape and Drug Reimbursement Methodology
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Public Savings of Compliance in the Aggregate
Missouri Department of Social Services- MO HealthNet	Between 4/1/17 and 12/15/18 the annual estimated savings is \$33,500,000 (GR \$11,652,174 and FED \$21,847,826) After 12/16/18 the annual estimated savings is \$57,500,000 (GR \$20,000,000, Fed \$37,500,000)

III. WORKSHEET

N/A

IV. ASSUMPTIONS

Pharmacy claim reimbursement will follow a new hierarchy methodology. From April 1, 2017 through December 15, 2018, the methodology will be Federal Upper Limit (FUL) price; if there is no FUL, Missouri Maximum Allowed Cost (MAC); if no FUL or MAC, Wholesale Acquisition Cost (WAC) minus 3.1%, or the usual and customary charge submitted by the provider if it is lower than the chosen price (FUL, MAC, or WAC). It is anticipated the new methodology will decrease payments made by MO HealthNet by \$33,500,000.

Effective December 16, 2018, the methodology will be National Average Drug Acquisition Cost (NADAC); if there is no NADAC, Missouri Maximum Allowed Cost (MAC); if no NADAC or MAC, Wholesale Acquisition Cost (WAC), or the usual and customary charge submitted by the provider if it is lower than the chosen price (NADAC, MAC, or WAC). It is anticipated the new methodology will decrease payments made by MO HealthNet by \$57,476,219 annually.

**FISCAL NOTE
PRIVATE COST**

- I. **Department Title:** 13 Department of Social Services
Division Title: 70 MO HealthNet Division
Chapter Title: 20 Pharmacy Program

Rule Number and Title:	13 CSR 70-20.070 Computer-Generated Drug Pricing Tape and Drug Reimbursement Methodology
Type of Rulemaking:	Proposed Amendment

II. **SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
	Pharmacies	Between 4/1/17 and 12/15/18 the annual estimated reduction in payments to pharmacies is \$33,500,000
	Pharmacies	After 12/16/18 the annual estimated reduction in payments to pharmacies is \$57,500,000

III. **WORKSHEET**

Pharmacy claim reimbursement will follow a new hierarchy methodology. From April 1, 2017 through December 15, 2018, the methodology will be Federal Upper Limit (FUL) price; if there is no FUL, Missouri Maximum Allowed Cost (MAC); if no FUL or MAC, Wholesale Acquisition Cost (WAC) minus 3.1%, or the usual and customary charge submitted by the provider if it is lower than the chosen price (FUL, MAC, or WAC). It is anticipated the new methodology will reduce payments to Pharmacies by \$33,500,000. This will also decrease payments made by MO HealthNet by \$33,500,000.

Effective December 16, 2018 the methodology will be National Average Drug Acquisition Cost (NADAC); if there is no NADAC, Missouri Maximum Allowed Cost (MAC); if no NADAC or MAC, Wholesale Acquisition Cost (WAC), or the usual and customary charge submitted by the provider if it is lower than the chosen price (NADAC, MAC, or WAC). It is anticipated the new methodology will reduce payments to Pharmacies by \$57,476,219 annually. This will also decrease payments made by MO HealthNet by \$57,476,219 annually.

IV. ASSUMPTIONS

New payment methodology was applied to the FY 2016 claim data. The proposed amendment will have no cost when taken in aggregate with the proposed amendment 13 CSR 70-20.060 Professional Dispensing Fee which is filed in conjunction with this proposed amendment.

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

**Division 2270—Missouri Veterinary Medical Board
Chapter 1—General Rules**

PROPOSED AMENDMENT

20 CSR 2270-1.011 General Organization [of Veterinary Technician Committee]. The board is amending the title, replacing sections (1), (2), and (3), and amending section (4).

PURPOSE: The rule is being amended to eliminate the Veterinary Technician Committee and clarify the general organization of the board.

[(1) The board may appoint a Veterinary Technician Examining Committee comprised of at least four (4) persons, one (1) of whom shall be the executive director, who will administer the veterinary technician examination and report the results with raw scores to the board within sixty (60) days of the examination. The committee shall consist of two (2) currently registered veterinary technicians, two (2) members of the Missouri Veterinary Medical Board and the executive director. The veterinary technicians shall have at least five (5) years veterinary experience and not be associated in practice with an appointed member of the board.

(2) All members shall be appointed to serve four (4) years. The terms of the members of the Veterinary Medical Board serving on the committee shall coincide with their terms on the board.

(3) Each member of the Veterinary Technician Examining Committee shall receive as compensation an amount set by the board not to exceed fifty dollars (\$50) for each day devoted to the affairs of the committee and shall be entitled to reimbursement of expenses necessarily incurred in the discharge of official duties.]

(1) The Missouri Veterinary Medical Board is a unit of the Division of Professional Registration of the Department of Insurance, Financial Institutions and Professional Registration.

(2) The board was established under section 340.202, RSMo, for the purpose of executing and enforcing Chapter 340, RSMo.

(3) The board consists of the state veterinarian, who serves ex officio, and five (5) appointed members, including a voting public member appointed by the governor for terms of four (4) years each. The board elects from its membership a chairperson and vice chairperson, each of whom serves for one (1) year.

(4) The board shall have at least one (1) business meeting per year. Three (3) members of the board [shall] constitutes a quorum for the transaction of business.

AUTHORITY: sections 340.208 and 340.210, RSMo [2000] 2016. This rule originally filed as 4 CSR 270-1.011. Original rule filed Nov. 4, 1992, effective July 8, 1993. Amended: Filed April 13, 2001, effective Oct. 30, 2001. Moved to 20 CSR 2270-1.011, effective Aug. 28, 2006. Amended: Filed July 25, 2018.

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 enti-

ties 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 Veterinary Medical Board, PO Box 633, Jefferson City, MO 65102, via facsimile at (573) 526-3856, 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.

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

**Division 2270—Missouri Veterinary Medical Board
Chapter 1—General Rules**

PROPOSED AMENDMENT

20 CSR 2270-1.031 Application Procedures. The board is amending subsection (3)(C).

PURPOSE: The amendment requires the translation of transcripts not in English

(3) The following documents must be on file for an application to be considered complete:

(C) Proof of acceptable educational credentials as evidenced by an official transcript sent directly to the board by the school. [However,]

1. [i]f the applicant is a doctor of veterinary medicine seeking provisional licensure, a true and accurate copy of the applicant's diploma or a certified letter from the dean of the accredited school or college of veterinary medicine from which the applicant graduated will be acceptable proof of educational credentials of said applicant for provisional licensure only[;].

2. If the applicant's official transcript is not in English, the transcript shall, at the applicant's expense, be translated into English, the translation shall be signed by the translator and the signature notarized by a notary public. The applicant shall provide the translated transcript to the board along with a copy of the official transcript. The applicant shall still require his/her official transcript be sent directly to the board by the school; and

AUTHORITY: sections 340.210, 340.228, and 340.300, RSMo [2000] 2016. This rule originally filed as 4 CSR 270-1.031. Original rule filed Nov. 4, 1992, effective July 8, 1993. For intervening history, please consult the *Code of State Regulations*. Amended: Filed July 25, 2018.

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 three hundred one dollars and forty-four cents (\$301.44) 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 amendment with the Missouri Veterinary Medical Board, PO Box 633, Jefferson City, MO 65102, via facsimile at (573) 526-3856, 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.

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
 Division 2270 - Missouri Veterinary Medical Board
 Chapter 1 - General Rules
 Proposed Amendment - 20 CSR 2270-1.031 Application Procedures

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 cost savings of compliance with the amendment by affected entities:
2	Transcript Translation Translation @ 140	\$280.00
2	Certificate of Translation Accuracy Certificate Fee @ 10	\$20.00
2	Mailing Costs Postage @ \$.72	\$1.44
Estimated Annual Cost of Compliance for the Life of the Rule		\$301.44

III. WORKSHEET

See Table Above

IV. ASSUMPTION

1. The figures reported above are based on FY17 actuals.
2. Only two times over the past few years has an individual had to submit a translated transcript, therefore, costs are not shown as a result of limited incidence.
3. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase/decrease at the rate projected by the Legislative Oversight

Note: The board is statutorily obligated to enforce and administer the provisions of Chapter 340 RSMo. Pursuant to Section 340.210, RSMo, the board shall by rule and regulation set the amount of fees authorized by Chapter 340, 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 Chapter 340, RSMo.

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

**Division 2270—Missouri Veterinary Medical Board
Chapter 2—Licensure Requirements for Veterinarians**

PROPOSED AMENDMENT

20 CSR 2270-2.031 Examinations. The board is amending subsection (1)(B).

PURPOSE: This amendment clarifies the deadline to apply for examination.

(1) All applicants for licensure as veterinarians in Missouri shall take both—

(B) The Missouri State Board Examination.

1. *[The deadline for applying to take the Missouri State Board Examination shall be sixty (60) days prior to the scheduled date of examination.] The board determines if an applicant is eligible to sit for the examination by reviewing the application and documentation required. No applicant will be approved to sit for the examination until their application file is complete.*

AUTHORITY: sections 340.210[, RSMo 2000,] and [section] 340.234, RSMo [Supp. 2011] 2016. This rule originally filed as 4 CSR 270-2.031. Original rule filed Nov. 4, 1992, effective July 8, 1993. For intervening history, please consult the *Code of State Regulations*. Amended: Filed July 25, 2018.

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 Veterinary Medical Board, PO Box 633, Jefferson City, MO 65102, via facsimile at (573) 526-3856, 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.

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

**Division 2270—Missouri Veterinary Medical Board
Chapter 2—Licensure Requirements for Veterinarians**

PROPOSED AMENDMENT

20 CSR 2270-2.041 Reexamination. The board is amending section (1).

PURPOSE: This amendment clarifies the deadline for applying to retake the Missouri State Board Examination.

(1) Any applicant who fails an examination for licensure as a veterinarian may be reexamined by making application to the board office and paying the appropriate nonrefundable examination fee and registration fee and provide two (2) additional photographs. The deadline for applying to retake the North American Veterinary Licensing Examination (NAVLE) shall be August 1 and January 3 prior to each

test window and the Missouri State Board Examination shall be thirty (30) days prior to *[the scheduled]* retaking the examination[s/].

AUTHORITY: sections 340.210 and 340.232, RSMo [2000] 2016. This rule originally filed as 4 CSR 270-2.041. Original rule file Nov. 4, 1992, effective July 8, 1993. For intervening history, please consult the *Code of State Regulations*. Amended: Filed July 25, 2018.

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 Veterinary Medical Board, PO Box 633, Jefferson City, MO 65102, via facsimile at (573) 526-3856, 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.

**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 amending sections (1) and (6).

PURPOSE: This amendment clarifies the deadline to apply for examination.

(1) All applicants for registration as a veterinary technician in Missouri shall take both—

(B) The Missouri State Board Examination.

1. *[The deadline for applying to take the State Board Examination shall be sixty (60) days prior to the scheduled date of the examination.] The board determines if an applicant is eligible to sit for the examination by reviewing the application and documentation required. No applicant will be approved to sit for the examination until their application file is complete.*

(6) Any applicant who fails either of the required examinations for registration as a veterinary technician may retake the failed examination(s) by notifying the board office and paying the appropriate non-refundable examination fee and registration fee *[no less than sixty (60) days prior to the scheduled examination]* by the applicable deadline dates of the board. Test scores are valid and will be accepted by the board for a period not to exceed five (5) years.

AUTHORITY: sections 340.210, 340.300, 340.302, and 340.308, RSMo [2000] 2016. 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 July 25, 2018.

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 Veterinary Medical Board, PO Box 633, Jefferson City, MO 65102, via facsimile at (573) 526-3856, 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.

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

**Division 2270—Missouri Veterinary Medical Board
Chapter 4—Minimum Standards**

PROPOSED AMENDMENT

20 CSR 2270-4.011 Minimum Standards for Veterinary Facilities.
The board is amending sections (1), (2), (3), and (7).

PURPOSE: The amendment allows an owner's agent to act on behalf of the owner.

(1) All permitted facilities where veterinary medicine is being practiced, and all instruments, apparatus, and apparel used in connection with the practice of veterinary medicine, shall be kept clean and sanitary at all times and [shall] conform to the minimum standards specified for different types of facilities. The ownership of the veterinary practice shall conform in all ways to the requirements of section 340.226, RSMo. Additionally, all permitted facilities shall have:

(2) Veterinary Hospitals or Clinics.

(B) Interior.

1. Indoor lighting for halls, wards, reception areas, examining and surgical rooms shall be adequate for the intended purpose[.], and [A]all surgical rooms [shall] be provided with emergency lighting.

2. Hot and cold running water.

3. A reception area and office, or a combination of the two (2).

4. An examination room separate from other areas of the facility and of sufficient size to accommodate the doctor, assistant, patient, and client.

5. A designated surgery room(s) not accessible to the general public.

6. Facility permit conspicuously displayed.

7. Veterinary license and veterinary technician registration conspicuously displayed.

(D) Practice Management.

1. Veterinary facilities shall maintain a sanitary environment to avoid sources and transmission of infection. This is to include the proper routine disposal of waste materials and proper sterilization or sanitation of all equipment used in diagnosis or treatment.

2. Fire precautions shall meet the requirements of local and state fire prevention codes.

3. The temperature and ventilation of the facility shall be maintained so as to assure the reasonable comfort of all patients.

4. The veterinary facility must have the capacity to render adequate diagnostic radiological services, either in the hospital or clinic or through other commercial facilities. If radiological services are provided through other commercial facilities, a written agreement to provide these services must exist. Radiological procedures shall be in accordance with federal and state public health standards.

5. Laboratory and pharmaceutical facilities must be available either in the hospital or clinic or through commercial facilities.

6. Sanitary methods for the disposal of deceased animals shall be provided and maintained. Where **neither** the owner **nor** the owner's agent of a deceased animal has [not] given the veterinarian authorization to dispose of his/her animal, the veterinarian shall [be required to] comply with section 340.288, RSMo.

(3) Central hospital shall meet the same minimum standards as a veterinary hospital or clinic and [shall] also provide on premises twenty-four- (24-)[-] hour nursing care, specialty consultation on a permanent or on-call basis, and be capable of rendering the following major medical and surgical services:

(7) Specialty Facilities.

(B) Specialty facilities shall comply with the following:

1. [a]All applicable building codes and zoning regulations[.];

[(C)]2. The name of the facility shall be prominently displayed on a legible sign[.];

[(D)]3. The name of the veterinarian responsible for the facility [shall be] legibly posted on the sign[.];

[(E)]4. The facility [shall be] maintained in a clean and sanitary manner[.]; and

[(F)]5. The practice of the facility [shall be] strictly limited to that approved by the board, except in an emergency. Such emergencies shall be reported to the board in writing within seventy-two (72) hours of the occurrence.

AUTHORITY: sections 340.210, 340.224, [and] 340.264, and 340.288, RSMo [2000] 2016. This rule originally filed as 4 CSR 270-4.011. Original rule filed Nov. 4, 1992, effective July 8, 1993. For intervening history, please consult the Code of State Regulations. Amended: Filed July 25, 2018.

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 Veterinary Medical Board, PO Box 633, Jefferson City, MO 65102, via facsimile at (573) 526-3856, 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.

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

**Division 2270—Missouri Veterinary Medical Board
Chapter 4—Minimum Standards**

PROPOSED AMENDMENT

20 CSR 2270-4.021 Minimum Standards for Emergency Clinics/Services. The board is amending subsection (4)(A).

PURPOSE: This amendment allows owner's agents to receive medical records.

(4) Medical Records.

(A) When continuing care of the patient is required following emergency clinic service, the animal owner or owner's agent shall be provided with a legible copy of the medical record to be transferred to the next attending veterinarian.

AUTHORITY: sections 340.200 and 340.210, RSMo [Supp. 1993] 2016. This rule originally filed as 4 CSR 270-4.021. Original rule filed Nov. 4, 1992, effective July 8, 1993. Moved to 20 CSR 2270-4.021, effective Aug. 28, 2006. Amended: Filed July 25, 2018.

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 Veterinary Medical Board, PO Box 633, Jefferson City, MO 65102, via facsimile at (573) 526-3856, 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.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2270—Missouri Veterinary Medical Board
Chapter 4—Minimum Standards**

PROPOSED AMENDMENT

20 CSR 2270-4.031 Minimum Standards for Practice Techniques. The board is amending sections (1), (2), (3), (5), and (8).

PURPOSE: This amendment allows owner's agents to receive confidential information.

(1) Radiological Services.

(B) A radiograph is the property of the veterinarian or the veterinary facility which originally ordered it to be prepared. However, the radiograph or a copy of it shall be released within a reasonable time period upon the request of another treating veterinarian who has the authorization of the owner of the animal to which it pertains or directly to the owner or owner's agent. An original radiograph shall be returned to the originating veterinarian within a reasonable time period after written request. Radiographs originating at an emergency hospital or clinic [shall] become the property of the next attending veterinary facility upon receipt. Documented proof of transfers of radiographs shall be verifiable.

(2) Laboratory Services and Equipment.

(B) Laboratory data is the property of the veterinarian or the veterinary facility which originally ordered it to be prepared and a copy shall be released within a reasonable time period upon the request of another veterinarian who has the authorization of the owner of the animal to which it pertains or directly to the owner or owner's agent.

(3) Dispensed Drug Labeling.

(G) Records shall be maintained of all medications prescribed and dispensed for any animal or group of animals in that animal's individual record or the herd owner's record. These pharmacy records may be transferred, in whole or in part, from one veterinarian to another, in writing or by telephone, at the request of the client/owner or owner's agent, when necessary to continue treatment or disease prevention medication started by the original attending veterinarian.

(5) Disposal of Dead Animals. Sanitary methods for the disposal of deceased animals shall be provided and maintained. When the owner

or owner's agent of a deceased animal has not given the veterinarian authorization to dispose of his/her animal, the veterinarian shall be required to retain the carcass for at least three (3) days following the death or three (3) days after notification to the owner or owner's agent, whichever is longer, in accordance with section 340.288.4f.J, RSMo.

(6) Anesthesia Services.

(B) A veterinarian shall comply with the following standards when administering a general anesthetic:

1. Every animal shall be given a physical examination within twelve (12) hours prior to the administration of an anesthetic; and

2. The animal under general anesthesia shall be under continuous observation until at least the swallowing reflex has returned and [shall] not be released to the client until the animal demonstrates a righting reflex. This shall not preclude direct transfer of an animal under anesthesia to a suitable facility for referred observation.

(8) Dental Service.

(A) Dental operation [shall] means—

1. The application or use of any instrument or device to any portion of an animal's tooth, gum, or any related tissue for the prevention, cure or relief of any wound, fracture, injury, or disease of an animal's tooth, gum, or related tissue; and

2. Preventive dental procedures including, but not limited to, the removal of calculus, soft deposits, plaque, stains, or the smoothing, filing, or polishing of tooth surfaces.

AUTHORITY: sections 340.200, RSMo Supp. 2007] and [section] 340.210, RSMo [2000] 2016. This rule originally filed as 4 CSR 270-4.031. Original rule filed Nov. 4, 1992, effective July 8, 1993. For intervening history, please consult the Code of State Regulations. Amended: Filed July 25, 2018.

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 Veterinary Medical Board, PO Box 633, Jefferson City, MO 65102, via facsimile at (573) 526-3856, 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.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2270—Missouri Veterinary Medical Board
Chapter 4—Minimum Standards**

PROPOSED AMENDMENT

20 CSR 2270-4.041 Minimum Standards for Medical Records. The board is amending all sections of the rule.

PURPOSE: This amendment updates minimum standards.

(1) Every veterinarian performing any act requiring a license pursuant to the provisions of section 340.200(28), RSMo upon any animal or group of animals shall prepare a legible, written, individual (or group) animal, and client record concerning the animal(s) which

[shall] contains the requirements listed here. The medical record will provide documentation that an adequate physical examination was performed.

(2) Record and Radiograph Storage. All records shall be maintained for a minimum of five (5) years after the last visit, and all radiographs shall be maintained for a minimum of five (5) years from the date the radiograph was taken. Copies of records will be made available within a reasonable period of time upon the request of another treating veterinarian who has the authorization of the owner of the animal to which it pertains or directly to the owner or owner's agent. Documented proof of transfers of radiographs will be verifiable.

(3) Computer Records. Computer records are acceptable medical records so long as the security of the computer is maintained. If computer records are used by a veterinarian, a daily and cumulative monthly back-up [on a separate disk] shall be made. The board strongly recommends that the information required in section (1) of this rule be maintained on hard copy.

AUTHORITY: sections 340.210, 340.264, and 340.284, RSMo [2000] 2016. This rule originally filed as 4 CSR 270-4.041. Original rule filed Nov. 4, 1992, effective July 8, 1993. For intervening history, please consult the Code of State Regulations. Amended: Filed July 25, 2018.

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 Veterinary Medical Board, PO Box 633, Jefferson City, MO 65102, via facsimile at (573) 526-3856, 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.

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

**Division 2270—Missouri Veterinary Medical Board
Chapter 4—Minimum Standards**

PROPOSED AMENDMENT

20 CSR 2270-4.042 Minimum Standards for Continuing Education for Veterinarians. The board is amending sections (2) and (9).

PURPOSE: This amendment updates the minimum standards.

(2) The continuing education reporting period shall begin each year on December 1 and end November 30 of the following year. Continuing education hours earned after November 30 [shall] apply to the next reporting cycle. A renewal license will not be issued until all renewal requirements have been met.

(9) With the exception of any of the previously mentioned educational organizations, any other regularly organized group of veterinarians that wants to sponsor an educational program to meet the standards for license renewal in Missouri shall submit [two (2) copies] one

(1) copy of the program schedule and outline to the board's executive director not fewer than thirty (30) days prior to the date of the program. The outline must include the program's subject matter, the number of hours required for its presentation, and the identity and qualifications of the speakers and instructors. The board shall review the schedule and outline to determine if approval will be granted. The board will not consider requests for approval of any program submitted after it has already been presented.

AUTHORITY: sections 41.946, 340.210, 340.258, and 340.268, RSMo [2000] 2016. This rule originally filed as 4 CSR 270-4.042. Original rule filed April 13, 2001, effective Oct. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed July 25, 2018.

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 Veterinary Medical Board, PO Box 633, Jefferson City, MO 65102, via facsimile at (573) 526-3856, 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.

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

**Division 2270—Missouri Veterinary Medical Board
Chapter 6—Professional Conduct for the Practice of
Veterinary Medicine**

PROPOSED AMENDMENT

20 CSR 2270-6.011 Rules of Professional Conduct. The board is amending sections (1) and (9).

PURPOSE: The rule is being amended to update minimum standard and conduct rules to allow an owner's agent to receive medical records.

(1) Pursuant to section 340.210.2(13), RSMo, the Missouri Veterinary Medical Board adopts the following rules to be referred to as the rules of professional conduct. These rules of professional conduct are binding on every person licensed by the board to practice as a veterinarian or registered by the board to practice as a veterinary technician. Whenever the term licensee is used, it shall be read to include any individual possessing a license, certificate of registration, permit, or any other form of authorization issued by the board pursuant to Chapter 340, RSMo. Any act or practice found to be in violation of these rules of professional conduct shall be considered as unprofessional conduct and [shall] be grounds for the filing of a complaint with the Administrative Hearing Commission.

(9) In the event that a client should choose to consult with or utilize the services of another veterinarian, the licensee shall withdraw from the case if so requested. The licensee shall indicate the circumstances for withdrawal on the medical records and [shall] cooperate fully with the other veterinarian to include the transmittal of a copy of all pertinent medical records upon the request of the other veterinarian [or client] who has the authorization of the owner of the animal

to which it pertains or directly to the owner or owner's agent.

AUTHORITY: section 340.210, RSMo [2000] 2016. This rule originally filed as 4 CSR 270-6.011. Original rule filed Nov. 4, 1992, effective July 8, 1993. For intervening history, please consult the Code of State Regulations. Amended: Filed July 25, 2018.

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 Veterinary Medical Board, PO Box 633, Jefferson City, MO 65102, via facsimile at (573) 526-3856, 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.*

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety-(90-) day period during which an agency shall file its Order of Rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the Proposed Rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 10—Director, Department of Mental Health
Chapter 1—Organization and Description**

ORDER OF RULEMAKING

By the authority vested in the Director of the Department of Mental Health under sections 630.192, and 630.193 to 630.198, RSMo 2016, the Department of Mental Health amends a rule as follows:

9 CSR 10-1.010 General Organization is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 16, 2018 (43 MoReg 771-773). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 25—Fiscal Management
Chapter 5—Administration of Personal Spending Funds**

ORDER OF RULEMAKING

By the authority vested in the Director of the Department of Mental Health under sections 630.192, and 630.193 to 630.198, RSMo 2016, the Department of Mental Health rescinds a rule as follows:

9 CSR 25-5.010 Guidelines for Planning Client Personal Spending Allowances is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 16, 2018 (43 MoReg 773). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Substance Use Disorder Treatment Programs**

ORDER OF RULEMAKING

By the authority vested in the Director of the Department of Mental Health under sections 630.192, and 630.193 to 630.198, RSMo 2016, the Department of Mental Health amends a rule as follows:

9 CSR 30-3.300 Prevention Programs is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 16, 2018 (43 MoReg 773-775). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 1—Director's Office
Chapter 1—Organization**

ORDER OF RULEMAKING

By the authority vested in the Department of Natural Resources under section 640.010, RSMo 2016, the department adopts a rule as follows:

10 CSR 1-1.010 General Organization is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 2, 2018 (43 MoReg 687-688). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No public hearing was held for the proposed rule. The public comment period ended May 2, 2018. The Department of Natural Resources received one (1) comment on this proposed rule.

COMMENT: Robert Brundage, Newman, Comley and Ruth, P.C., commented on the adoption of 10 CSR 1-1.010. Mr. Brundage noted that this proposed rule does not contain any information pertaining to the Clean Water Commission other than stating what statute required its creation. He further mentions that he is not opposed to the creation of this rule, but believes it should contain elements from the Clean Water Commission organizational rules that are being rescinded,

notably 10 CSR 20-1.010 and 10 CSR 20-1.020. Specifically, Mr. Brundage mentions that there is no description of the powers and duties of the Clean Water Commission, or how the department is to interact with it. Additionally, he states that this rule does not include information regarding commission hearings or procedures. He concludes that this rule creates more red tape for the public by requiring that they refer to both Clean Water Commission regulations as well as state statute.

RESPONSE: Section 536.023, RSMo, requires the department to have an organizational rule, but does not require the department to repeat statutory provisions. This proposed rule complies with Executive Order 17-03, which directs the department to, among other objectives, identify unnecessary rules. The rules at 10 CSR 20-1.010 and 10 CSR 20-1.020 repeat statutory provisions that already exist in the Missouri Clean Water Law at section 644.026, RSMo regarding commission hearings and procedures; and at section 644.021, RSMo regarding the powers and duties of the commission. Repeating this information in the department-wide organizational rule is not necessary. No changes have been made to the rule as a result of this comment.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 3—Records**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo 2016, the commission amends a rule as follows:

11 CSR 45-3.010 Commission Records is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2018 (43 MoReg 688). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on May 1, 2018. No one commented on this proposed amendment at the public hearing, and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 4—Licenses**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo 2016, the commission rescinds a rule as follows:

11 CSR 45-4.085 Expiration of Temporary License is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2018 (43 MoReg 688). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed rescission on May 1, 2018. No one commented on this pro-

posed rescission at the public hearing, and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 5—Conduct of Gaming**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo 2016, the commission amends a rule as follows:

11 CSR 45-5.053 Policies is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2018 (43 MoReg 688–689). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on May 1, 2018. No one commented on this proposed amendment at the public hearing, and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 5—Conduct of Gaming**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo 2016, the commission amends a rule as follows:

11 CSR 45-5.170 Destruction of Counterfeit Chips and Tokens is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2018 (43 MoReg 689). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on May 1, 2018. No one commented on this proposed amendment at the public hearing, and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 7—Security and Surveillance**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo 2016, the commission amends a rule as follows:

11 CSR 45-7.020 Purpose of Surveillance is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2018 (43 MoReg 689–690). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on May 1, 2018. No one commented on this proposed amendment at the public hearing, and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 7—Security and Surveillance**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo 2016, the commission amends a rule as follows:

11 CSR 45-7.070 Surveillance Logs is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2018 (43 MoReg 690). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on May 1, 2018. No one commented on this proposed amendment at the public hearing, and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 7—Security and Surveillance**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo 2016, the commission amends a rule as follows:

11 CSR 45-7.100 Maintenance and Testing is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2018 (43 MoReg 690). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on May 1, 2018. No one commented on this proposed amendment at the public hearing, and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 7—Security and Surveillance**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo 2016, the commission amends a rule as follows:

11 CSR 45-7.150 Compliance with this Chapter is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2018 (43 MoReg 690–691). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on May 1, 2018. No one commented on this proposed amendment at the public hearing, and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 8—Accounting Records and Procedures; Audits**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo 2016, the commission amends a rule as follows:

11 CSR 45-8.100 Count Room—Characteristics is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2018 (43 MoReg 691). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on May 1, 2018. No one commented on this proposed amendment at the public hearing, and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 9—Internal Control System**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo 2016, the commission amends a rule as follows:

11 CSR 45-9.010 Definition of Licensee is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2018 (43 MoReg 691). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on May 1, 2018. No one commented on this proposed amendment at the public hearing, and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 9—Internal Control System**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo 2016, the commission amends a rule as follows:

11 CSR 45-9.040 Commission Approval of Internal Control System is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2018 (43 MoReg 691–692). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on May 1, 2018. No one commented on this proposed amendment at the public hearing, and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 10—Licensee’s Responsibilities**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo 2016, the commission amends a rule as follows:

11 CSR 45-10.055 Certain Transactions Involving Slot Machines is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2018 (43 MoReg 692). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on May 1, 2018. No one commented on this proposed amendment at the public hearing, and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 11—Taxation Regulations**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo 2016, the commission amends a rule as follows:

11 CSR 45-11.020 Deposit Account—Taxes and Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2018 (43 MoReg 693). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amend-

ment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on May 1, 2018. No one commented on this proposed amendment at the public hearing, and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 11—Taxation Regulations**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo 2016, the commission amends a rule as follows:

11 CSR 45-11.030 Payment—Gaming Tax is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2018 (43 MoReg 693–694). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on May 1, 2018. No one commented on this proposed amendment at the public hearing, and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 11—Taxation Regulations**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo 2016, the commission amends a rule as follows:

11 CSR 45-11.070 Return and Payment—Admission Fee is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2018 (43 MoReg 694). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on May 1, 2018. No one commented on this proposed amendment at the public hearing, and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 11—Taxation Regulations**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under

section 313.805, RSMo 2016, the commission amends a rule as follows:

11 CSR 45-11.080 Other Taxes and Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2018 (43 MoReg 694-695). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on May 1, 2018. No one commented on this proposed amendment at the public hearing, and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 11—Taxation Regulations**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo 2016, the commission amends a rule as follows:

11 CSR 45-11.120 Penalties and Interest is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2018 (43 MoReg 695). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on May 1, 2018. No one commented on this proposed amendment at the public hearing, and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 11—Taxation Regulations**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo 2016, the commission amends a rule as follows:

11 CSR 45-11.130 Failure to File Return or Pay Tax or Fee is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2018 (43 MoReg 695). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on May 1, 2018. No one commented on this proposed amendment at the public hearing, and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 11—Taxation Regulations**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo 2016, the commission rescinds a rule as follows:

11 CSR 45-11.160 Collection and Enforcement is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2018 (43 MoReg 695-696). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed rescission on May 1, 2018. No one commented on this proposed rescission at the public hearing, and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 12—Liquor Control**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo 2016, the commission amends a rule as follows:

11 CSR 45-12.020 Excursion Liquor License and Definitions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2018 (43 MoReg 696). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on May 1, 2018. No one commented on this proposed amendment at the public hearing, and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 17—Voluntary Exclusions**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo 2016, the commission amends a rule as follows:

11 CSR 45-17.010 Disassociated Persons List Created—Right to Remove From Premises is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2018 (43 MoReg 696-697). No changes have been made to the text of the

proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on May 1, 2018. No one commented on this proposed amendment at the public hearing, and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 17—Voluntary Exclusions**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo 2016, the commission amends a rule as follows:

11 CSR 45-17.020 Procedure for Applying for Placement on List of Disassociated Persons is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2018 (43 MoReg 697). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on May 1, 2018. No one commented on this proposed amendment at the public hearing, and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.065, RSMo 2016, the commission rescinds a rule as follows:

11 CSR 45-30.520 Waiver of Requirements is **rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2018 (43 MoReg 697). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed rescission on May 1, 2018. No one commented on this proposed rescission at the public hearing, and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.065, RSMo 2016, the commission amends a rule as follows:

11 CSR 45-30.535 Penalties is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2018 (43 MoReg 697). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on May 1, 2018. No one commented on this proposed amendment at the public hearing, and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 40—Fantasy Sports Contests**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.955, RSMo 2016, the commission amends a rule as follows:

11 CSR 45-40.070 Operational Fees is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2018 (43 MoReg 698). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on May 1, 2018. No one commented on this proposed amendment at the public hearing, and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 40—Fantasy Sports Contests**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.955, RSMo 2016, the commission amends a rule as follows:

11 CSR 45-40.100 Audits is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2018 (43 MoReg 698). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on May 1, 2018. No one commented on this proposed amendment at the public hearing, and no written comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2245—Real Estate Appraisers
Chapter 1—Organization and Description of Commission**

ment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

ORDER OF RULEMAKING

By the authority vested in the Real Estate Appraisers Commission under sections 339.507, 339.509, and 339.544, RSMo 2016, the commission amends a rule as follows:

20 CSR 2245-1.010 General Organization is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2018 (43 MoReg 1059–1060). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2245—Real Estate Appraisers
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the Real Estate Appraisers Commission under sections 339.503, 339.509, and 339.544, RSMo 2016, the commission amends a rule as follows:

20 CSR 2245-2.010 Definitions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2018 (43 MoReg 1060–1061). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2245—Real Estate Appraisers
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the Real Estate Appraisers Commission under section 339.509, RSMo 2016, the commission amends a rule as follows:

20 CSR 2245-2.030 Records is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2018 (43 MoReg 1061). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amend-

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs, and other items required to be published in the *Missouri Register* by law.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 60—Missouri Health Facilities Review
Committee
Chapter 50—Certificate of Need Program**

**NOTIFICATION OF REVIEW:
APPLICATION REVIEW SCHEDULE**

The Missouri Health Facilities Review Committee has initiated review of the CON applications listed below. A decision is tentatively scheduled for September 21, 2018. These applications are available for public inspection at the address shown below.

Date Filed

Project Number: Project Name
City (County)
Cost, Description

7/30/2018

#5619 RT: 2nd Avenue Assisted Living
Ozark (Christian County)
\$977,000, Replace 12 ALF Beds

8/10/2018

#5621 HT: St. Luke's Episcopal Presbyterian Hospitals
Chesterfield (St. Louis County)
\$2,344,991, Replace CT Scanner

#5615 HT: Saint Luke's Hospital of Kansas City
Kansas City (Jackson County)
\$1,843,213, Replace CT Unit

Any person wishing to request a public hearing for the purpose of commenting on these applications must submit a written request to this effect, which must be received by September 12, 2018. All written requests and comments should be sent to—

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
3418 Knipp Drive, Suite F
PO Box 570
Jefferson City, MO 65102
For additional information contact Karla Houchins at (573) 751-6700.