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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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| Register Filing Deadlines               | Register Publication Date                             | Code Publication Date                    | Code Effective Date                      |
|---|---|--|--|
| June 3, 2019<br>June 17, 2019           | <b>July 1, 2019</b><br><b>July 15, 2019</b>           | July 31, 2019<br>July 31, 2019           | August 30, 2019<br>August 30, 2019       |
| July 1, 2019<br>July 15, 2019           | <b>August 1, 2019</b><br><b>August 15, 2019</b>       | August 31, 2019<br>August 31, 2019       | September 30, 2019<br>September 30, 2019 |
| August 1, 2019<br>August 15, 2019       | <b>September 2, 2019</b><br><b>September 16, 2019</b> | September 30, 2019<br>September 30, 2019 | October 30, 2019<br>October 30, 2019     |
| September 3, 2019<br>September 16, 2019 | <b>October 1, 2019</b><br><b>October 15, 2019</b>     | October 31, 2019<br>October 31, 2019     | November 30, 2019<br>November 30, 2019   |
| October 1, 2019<br>October 15, 2019     | <b>November 1, 2019</b><br><b>November 15, 2019</b>   | November 30, 2019<br>November 30, 2019   | December 30, 2019<br>December 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 [sos.mo.gov/adrules/pubsched](http://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–

| <b>Title</b> |  | <b>Division</b>    | <b>Chapter</b>            | <b>Rule</b>                |
|--------------|--|--------------------|---------------------------|----------------------------|
| 3            | CSR                                      | 10-                | 4                         | .115                       |
| Department   | <i>Code of<br/>State<br/>Regulations</i> | Agency<br>Division | General area<br>regulated | Specific area<br>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 [sos.mo.gov/adrules/csr/csr](http://sos.mo.gov/adrules/csr/csr)

The *Register* address is [sos.mo.gov/adrules/moreg/moreg](http://sos.mo.gov/adrules/moreg/moreg)

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

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

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

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

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 20—Division of Learning Services  
Chapter 100—Office of Quality Schools**

**EMERGENCY AMENDMENT**

**5 CSR 20-100.320 Prekindergarten Program Standards.** The State Board of Education (board) is amending section (1) and adding section (2).

*PURPOSE: This amendment is to respond to changes in section 163.018, RSMo, by HB604 which allows a district or a charter school that has declared itself as a local education agency to contract with an early childhood education program to provide early learning services. HB604 gave the board the authority to set standards for any early childhood education program that is under a contract as set forth above and these standards contained herein are entitled "Prekindergarten Program Standards."*

*EMERGENCY STATEMENT: This emergency amendment is necessary due to the passage of HB604 which goes into effect August 28, 2019, and allows a district or a charter school that has declared itself as a local education agency to contract with an early childhood education program to provide early learning services outlined in herein in these Prekindergarten Program Standards. Because these programs will be enrolling students for the 2019-20 school year, this emergency amendment is necessary to protect the health, safety, and*

*welfare of those students by ensuring that there will be regulations in place that require teachers to undergo background checks, require appropriate teacher-to-child ratios, and require appropriate areas of certification, among other standards. As a result, the board finds a compelling governmental interest, which requires this emergency action. A proposed amendment, which covers the same material, is published in this issue of the Missouri Register. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The board believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed on August 16, 2019, becomes effective August 28, 2019, and expires February 27, 2020.*

(1) Any school district or charter school reporting children ages three (3) to five (5) for calculation in their average daily attendance must meet standards approved by the State Board of Education (board) including:

(A) A lead teacher in each prekindergarten classroom who holds a bachelor's degree and teaching certificate in early childhood education or early childhood special education; and

(B) A teacher assistant or paraprofessional who holds [a child development associate's degree,] an associate's degree in early childhood, or child development, or sixty (60) college hours with a minimum of [three (3)] nine (9) college credit hours in early childhood, child development, or child/family related courses and experience working in a program with young children and their families for any classroom with more than ten (10) children.

(2) Any school district or charter school contracting with an early childhood education program reporting children ages three (3) to five (5) for calculation in their average daily attendance must meet standards approved by the board set forth in (1) (A) and (B) of this rule, and including:

(A) The program provides school day, school year programming with options for full day, full year programming;

(B) The program has a teacher-to-child ratio of one (1) to ten (10), maximum class size of twenty (20) children;

(C) The program implements a developmentally appropriate curricula aligned with the early learning standards, and approved by the Department of Elementary and Secondary Education (DESE);

(D) The program aligns with the early learning standards that implement a developmentally appropriate, culturally and linguistically appropriate, authentic, reliable and valid general development and social/emotional screening tool and summative assessment used with all children. Information from the screenings and assessments will be used for educational purposes;

(E) The program develops and implements procedures to ensure all staff members of the early childhood education program shall undergo background checks as described in section 168.133; and (F) The program is accredited by Missouri Accreditation of Programs for Children and Youth within ninety (90) days of a fully executed contract.

*AUTHORITY: sections 161.092, 163.011, 163.018, [RSMo Supp. 2014, and section] and 168.011, RSMo [2000] 2016. This rule previously filed as 5 CSR 20-600.140. Original rule filed Feb. 20, 2015, effective Oct. 30, 2015. Emergency amendment filed Aug. 16, 2019, effective Aug. 28, 2019, expires Feb. 27, 2020. A proposed amendment covering this same material is published in this issue of the Missouri Register.*

**Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES**

**Division 30—Division of Regulation and Licensure**

**Chapter 40—Comprehensive Emergency Medical Services Systems Regulations**

**EMERGENCY AMENDMENT**

**19 CSR 30-40.750 ST-Segment Elevation Myocardial Infarction (STEMI) Center Designation Application and Review.** The department is amending section (3) and the form included after the rule.

*PURPOSE: This amendment adds options for hospitals which are certified as STEMI centers as a Primary Heart Attack Center by the Joint Commission to become designated as a level II STEMI center and as an Acute Heart Attack Ready Center by the Joint Commission to become designated as a Level III STEMI Center without being reviewed by DHSS (the department). This amendment also updates the application for STEMI certified hospital designation with the Primary Heart Attack Center and Acute Heart Attack Ready Center options.*

*EMERGENCY STATEMENT: Heart disease, including STEMI (a specific type of heart attack), is the leading cause of death in Missouri. A STEMI is a type of a heart attack which impairs blood flow to a person's heart muscle. Mortality and disability is reduced when specific therapies are administered to STEMI patients within a short period of time after the onset of STEMI symptoms. The quicker that blood flow is restored to the heart, the less damage is done to the heart muscle. STEMI centers will provide a timely and medically appropriate focused approach to STEMI care that provides patients with better STEMI outcomes. In July of 2019, the Joint Commission opened the application process for hospitals to become certified as a Primary Heart Attack Center and an Acute Heart Attack Ready Center. As a result of this rule, hospitals which receive certification as a Primary Heart Attack Center and an Acute Heart Attack Ready Center with the Joint Commission will not have to go through dual reviews with both the department and the Joint Commission. Having this rule in effect prior to the time that hospitals receive these designations from the Joint Commission will prevent the hospitals from going through dual reviews with the Department and Joint Commission which will decrease the expense and staff time and involvement by the department and the hospitals in preparing for reviews by both the department and the Joint Commission. As a result, the DHSS finds an immediate danger to the public health, safety, and/or welfare and a compelling governmental interest, which requires this emergency action. A proposed amendment, which covers the same material, is published in this issue of the *Missouri Register*. The copy of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The DHSS believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed August 28, 2019, becomes effective September 12, 2019, and expires March 9, 2020.*

(3) Hospitals seeking STEMI center designation by the department based on their current certification as a STEMI center by the Joint Commission, American Heart Association, or American College of Cardiology shall meet the following requirements:

(A) An application for STEMI center designation by the department for hospitals that have been certified as a STEMI/chest pain center by the Joint Commission, American Heart Association, or American College of Cardiology shall be made upon forms prepared or prescribed by the department and shall contain information the department deems necessary to make a determination of eligibility for review and designation in accordance with the rules of this chap-

ter. The application for STEMI certified hospital designation form, included herein, is available at the Health Standards and Licensure (HSL) office, or online at the department's website at [www.health.mo.gov](http://www.health.mo.gov), or may be obtained by mailing a written request to the Missouri Department of Health and Senior Services, HSL, PO Box 570, Jefferson City, MO 65102-0570. The application for STEMI center designation shall be submitted to the department no less than sixty (60) days and no more than one hundred twenty (120) days prior to the desired date of the initial designation or expiration of the current designation;

(B) Both sections A and B of the application for STEMI certified hospital designation form, included herein, shall be complete before the department designates a hospital/STEMI center. The department shall notify the hospital/STEMI center of any apparent omissions or errors in the completion of the application for STEMI certified hospital designation form. Upon receipt of a completed and approved application, the department shall designate such hospital as follows:

1. The department shall designate a hospital as a level I STEMI center if such hospital has been certified as a comprehensive cardiac center by the Joint Commission;

2. The department shall designate a hospital as a level II STEMI center if such hospital has been certified as any of the following:

A. Mission lifeline Percutaneous Coronary Intervention (PCI)/STEMI receiving center by the American Heart Association;

B. Chest pain center with PCI center by the American College of Cardiology; or

C. Chest pain with PCI and resuscitation center by the American College of Cardiology;

**D. Primary Heart Attack Center by the Joint Commission.**

3. The department shall designate a hospital as a level III STEMI center if such hospital has been certified as any of the following:

A. Mission lifeline non/PCI STEMI referral center by the American Heart Association;

B. Chest pain center by the Joint Commission;

**C. Acute Heart Attack Ready Center by the Joint Commission;**

**D. Primary Acute Myocardial Infarction (AMI) center by the Joint Commission; or**

**D./E. Chest pain center by the American College of Cardiology;**

(C) No hospital shall hold itself out as a STEMI center designated by the department until given written approval by the department. The department shall give written approval to the hospitals to begin holding themselves out as designated STEMI centers by the department after all initial STEMI reviews have been completed for those hospitals which applied for STEMI review and designation with the department during the first round of applications and the time for plans of corrections have expired. This does not prohibit the hospitals from holding themselves out as certified STEMI/chest pain centers by the Joint Commission, the American Heart Association, or the American College of Cardiology;

(D) Annually from the date of designation by the department submit to the department proof of certification as a STEMI/chest pain center by the Joint Commission, the American Heart Association, or the American College of Cardiology and the names and contact information of the medical director of the STEMI/chest pain center and the program manager of the STEMI chest pain center;

(E) Within thirty (30) days of any changes submit to the department proof of certification as a STEMI/chest pain center by the Joint Commission, the American Heart Association, or the American College of Cardiology and the names and contact information of the medical director of the STEMI/chest pain center and the program manager of the STEMI/chest pain center;

(F) Submit to the department a copy of the certifying organization's final STEMI/chest pain center certification survey results within thirty (30) days of receiving such results;

(G) Submit to the department a completed application for STEMI

certified hospital designation form every three (3) years;

(H) Participate in the emergency medical services regional system of STEMI care in its respective emergency medical services region as defined in 19 CSR 30-40.302;

(I) Any hospital designated as a level III STEMI center that is certified by the Joint Commission, the American Heart Association, or the American College of Cardiology shall have a formal agreement with a level I or level II STEMI center designated by the department for physician consultative services for evaluation of STEMI patients;

(J) Participate in local and regional emergency medical services systems by reviewing and sharing outcome data and providing training and clinical educational resources;

(K) Submit data to meet the data submission requirements in section 190.241, RSMo, and 19 CSR 30-40.760;

(L) The designation of a hospital as a STEMI center pursuant to section (3) shall continue if such hospital retains certification as a STEMI center by the Joint Commission, the American Heart Association, or the American College of Cardiology; and

(M) The department may remove a hospital's designation as a STEMI center if requested by the hospital or the department determines that the Joint Commission, the American Heart Association, or American College of Cardiology certification has been suspended or revoked. The department may also remove a hospital's designation as a STEMI center if the department determines the hospital's certification with the Joint Commission, the American Heart Association, or American College of Cardiology has expired. Any decision made by the department to withdraw the designation of a STEMI center that is based on the revocation or suspension of a certification by the Joint Commission, the American Heart Association, or the American College of Cardiology shall not be subject to judicial review.

*AUTHORITY: sections 190.185 and 192.006, RSMo 2016, and section 190.241, RSMo Supp. [2017] 2019. Original rule filed Nov. 15, 2012, effective June 30, 2013. Emergency amendment filed Feb. 2, 2018, effective Feb. 12, 2018, expired Aug. 10, 2018. Amended: Filed Feb. 2, 2018, effective Aug. 30, 2018. Emergency amendment filed Aug. 28, 2019, effective Sept. 7, 2019, expires March 4, 2020.*

*PUBLIC COST: This emergency amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate for the duration of the emergency amendment.*

*PRIVATE COST: This emergency amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate for the duration of the emergency amendment.*

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



*State of Missouri*

## *Governor's Proclamation*

WHEREAS, on June 25, 2019, the Missouri Supreme Court ruled in the case of *Kehlenbrink v. Director of Revenue* (SC 97287), which held that Section 144.025, RSMo, permits the sale proceeds of only one vehicle as a credit against the purchase price of a new vehicle for the purposes of calculating sales tax; and

WHEREAS, the Department of Revenue has historically allowed for the sale of more than one vehicle to be used as credit against the sales tax owed on the purchase of another vehicle; and

WHEREAS, given the Missouri Supreme Court's interpretation of the statute, the Department of Revenue will be limited to only allowing the sale of one vehicle to be used as a credit against sales tax owed; and

WHEREAS, we believe that if a taxpayer purchases a motor vehicle and sells one or more motor vehicles within 180 days, the taxpayer should only owe sales tax on the difference between the purchase price and the sale price of the respective motor vehicles; and

WHEREAS, this is in line with the Department of Revenue's prior practice and what consumers have come to expect; and

WHEREAS, after the *Kehlenbrink* decision, a statutory change is necessary in order to effectuate this policy.

NOW THEREFORE, on the extraordinary occasion that exists in the State of Missouri:

I, MICHAEL L. PARSON, GOVERNOR OF THE STATE OF MISSOURI, pursuant to the authority vested in me as Governor by the Constitution of the State of Missouri, do, by this Proclamation, convene the One Hundredth General Assembly of the State of Missouri in the First Extra Session of the First Regular Session; and

I HEREBY call upon the Senators and Representatives of said General Assembly to meet in the State Capitol in the City of Jefferson at the hour of 12:00 p.m. on Monday, September 9, 2019; and

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



1. To enact legislation amending Section 144.025, RSMo for the sole purpose of allowing the sale of more than one motor vehicle, trailer, boat, or outboard motor to be used as credit against the sales tax owed on the purchase of another motor vehicle, trailer, boat, or outboard motor.
2. To allow the Senate to consider appointments to boards, commissions, departments, and divisions that require the advice and consent of the Senate.
3. Such additional and other matters as may be recommended by the Governor by special message to the General Assembly after it shall have been convened.

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 21st day of August, 2019.



Michael L. Parson  
GOVERNOR

ATTEST:

  
SECRETARY OF STATE

**EXECUTIVE ORDER  
19-15**

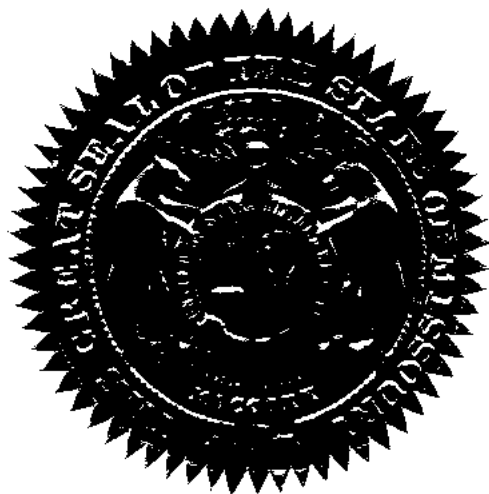
WHEREAS, Executive Order 19-03 transferred the Division of Workforce Development and the Missouri Economic Research and Information Center from the Department of Economic Development to the Department of Higher Education; and

WHEREAS, Executive Order 19-03 was not disapproved by the General Assembly, and became effective on August 28, 2019; and

WHEREAS, the Department of Higher Education was established pursuant to Article IV, Sections 12 and 52 of the Missouri Constitution; and

WHEREAS, in order to effectively implement the provisions of Executive Order 19-03, the Department of Higher Education’s name should be changed to reflect its enhanced mission:

NOW, THEREFORE, I, MICHAEL L. PARSON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and the laws of the State of Missouri, do hereby declare that the Department of Higher Education shall henceforth be known as the Department of Higher Education and Workforce Development.



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 28<sup>th</sup> day of August, 2019.

Michael L. Parson  
Governor

ATTEST:

John R. Ashcroft  
Secretary of State

**U**nder 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."

**E**ntirely 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.

**A**n 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.

**I**f 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*.

**A**n 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.

**I**f 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.

Proposed Amendment Text Reminder:  
**Boldface text indicates new matter.**

*[Bracketed text indicates matter being deleted.]*

### Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 4—Wildlife Code: General Provisions

#### PROPOSED AMENDMENT

**3 CSR 10-4.111 Endangered Species.** The commission proposes to add new subsection (3)(G) and re-letter subsequent subsections.

*PURPOSE: This amendment adds two (2) species of crayfish to the state endangered species list.*

(3) For the purpose of this rule, endangered species of wildlife and plants shall include the following native species designated as endangered in Missouri:

**(G) Crayfish: coldwater crayfish, Spring River crayfish.**

*[(G)](H) Other Invertebrates: American burying beetle, Hine's emerald dragonfly, Tumbling Creek cavesnail.*

*[(H)](I) Plants: small whorled pogonia, Mead's milkweed, decur-*

*rent false aster, Missouri bladderpod, geocarpon, running buffalo clover, pondberry, eastern prairie fringed orchid, western prairie fringed orchid, Virginia sneezeweed.*

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2016. Original rule filed Aug. 15, 1973, effective Dec. 31, 1973. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 26, 2019.*

*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 Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. 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 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 4—Wildlife Code: General Provisions

#### PROPOSED AMENDMENT

**3 CSR 10-4.117 Prohibited Species.** The commission proposes to amend subsection (2)(D) and the authority section of this rule.

*PURPOSE: This amendment updates the scientific names of two (2) crayfish and corrects an inaccurate reference in the authority section of the rule.*

(2) For the purpose of this rule, prohibited species of wildlife shall include the following:

(D) Invertebrates: New Zealand mudsnail, *Potamopyrgus antipodarum*; rusty crayfish, *[Orconectes] Faxonius rusticus*; marbled crayfish, *Procambarus [marmoratus] virginialis*; Australian crayfish of the genus *Cherax*; mitten crabs of the genus *Eriocheir*; zebra mussels, *Dreissena polymorpha*; quagga mussels, *Dreissena rostriformis*; mystery snails of the genus *Cipangopaludina*.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section [252.240] 252.040, RSMo 2016. Original rule filed April 20, 2005, effective Sept. 30, 2005. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 26, 2019.*

*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 Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. 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 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 4—Wildlife Code: General Provisions**

**PROPOSED AMENDMENT**

**3 CSR 10-4.130 Owner May Protect Property; Public Safety.** The commission proposes to amend section (1) and the authority section of this rule.

*PURPOSE: This amendment permits an agent of the department to grant written exceptions to the authorized methods for capturing or killing wildlife that is damaging private property and corrects an inaccurate reference in the authority section.*

(1) Subject to federal regulations governing the protection of property from migratory birds (including raptors), any wildlife except white-tailed deer, mule deer, elk, turkeys, black bears, mountain lions, and any endangered species which beyond reasonable doubt is damaging property may be captured or killed by the owner of the property being damaged, or by his/her representative, at any time and without permit, but only by shooting or trapping except by written authorization of *[the director or] an agent of the department but, for avian control, [of] only by written authorization of the director or his/her designee.* Wildlife may be so controlled only on the owner's property to prevent further damage.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section [252.240] 252.040, RSMo 2016. Original rule filed Aug. 15, 1973, effective Dec. 31, 1973. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 26, 2019.*

*PUBLIC COST: This proposed amendment will cost the Department of Conservation approximately two thousand three hundred ninety-six dollars (\$2,396) annually 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 Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. 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:** 3 – Department of Conservation  
**Division Title:** 10-Conservation Commission  
**Chapter Title:** 4—Wildlife Code: General Provisions

|                              |  |
|------------------------------|--|
| <b>Rule Number and Name:</b> | 3 CSR 10-4.130 Owner May Protect Property; Public Safety |
| <b>Type of Rulemaking:</b>   | Proposed Amendment                                       |

II. **SUMMARY OF FISCAL IMPACT**

| Affected Agency or Political Subdivision | Estimated Cost of Compliance in the Aggregate  |
|--|--|
| Missouri Department of Conservation      | \$2,396 each year in conservation agent time to verify wildlife damage and issue authorizations. |

III. **WORKSHEET**

**48 (Estimated number of incidents each year requiring authorization) X \$49.92 (Average cost for Conservation agent time per incident) = \$2,396 each year for the life of the rule.**

975 (Number of wildlife damage/nuisance incidents responded to by Conservation agents in Fiscal Year 2019) X 5% (Estimated percentage of these incidents that could potentially be resolved in the future through the issuance of an authorization to utilize a method other than shooting or trapping) = **48 (Estimated number of incidents each year requiring authorization).**

\$24.96 (Average hourly rate for Conservation agents [\$8,039,450 budgeted in current fiscal year to compensate all Conservation agent Grades / 161 Conservation agents / 2000 hours allotted per full time employee each year]) X 2 (Estimated number of hours required to verify damage and issue an authorization for each incident) = **\$49.92 (Average Cost for Conservation agent time per incident).**

IV. **ASSUMPTIONS**

Information is based on incident report data maintained by the Missouri Department of Conservation and assumes 5% of future incidents related to wildlife damage/nuisance complaints will be resolved by the issuance of an authorization to utilize a method other than shooting or trapping. It currently takes a conservation agent approximately 2 hours to verify damage and issue a destruction authorization for each incident involving crop depredation caused by deer. Based on the similarities of the work, it is assumed that it will also take approximately 2 hours for a Conservation agent to verify damage and issue an authorization for each incident where a method other than shooting or trapping is necessary to control damage caused by other wildlife species. The estimated yearly cost associated with the amendment assumes no increase in the number of wildlife damage/nuisance complaints, the percentage of incidents requiring authorization, and no change in the average hourly wage of conservation agents.

**Title 3—DEPARTMENT OF CONSERVATION**  
**Division 10—Conservation Commission**  
**Chapter 7—Wildlife Code: Hunting: Seasons, Methods,**  
**Limits**

**PROPOSED AMENDMENT**

**3 CSR 10-7.405 General Provisions.** The commission proposes to amend section (4) of this rule.

*PURPOSE: This amendment will provide refuge for wildlife during flood conditions in portions of Southeast Missouri.*

(4) Wildlife, except waterfowl, may not be pursued or taken while trapped or surrounded by floodwaters or while fleeing from floodwaters or fire.

(A) In Southeast Missouri no person shall take, attempt to take, or pursue wildlife, except waterfowl, during the fall deer and turkey season(s) in:

1. Zone 1 (Scott County) when the Mississippi River level is at or above thirty-three feet (33') on the Thebes, IL, gauge. Zone 1 fall deer and turkey season boundary shall be that portion of Missouri east of a line running west from the Illinois border at Commerce access in the town of Commerce to North Water Street; south on North Water Street to Mo. Hwy. E; west on Mo. Hwy. E to Mo. Hwy. N; south on Mo. Hwy. N to County Hwy. 351; south on County Hwy. 351 to Mo. Hwy. NN; south on Mo. Hwy. NN to the Scott County line; east on the Scott County line to the Illinois border.

2. Zone 2 (Mississippi County) when the Mississippi River level is at or above forty-one feet (41') on the Cairo, IL, gauge. Zone 2 fall deer and turkey season boundary shall be that portion of Missouri east of a line running west from the Illinois border on the Mississippi County line to Mo. Hwy. NN; south on Mo. Hwy. NN to County Hwy. 222; east on County Hwy. 222 to Mo. Hwy. N; south on Mo. Hwy. N to Mo. Hwy. 62; east on Mo. Hwy. 62 to Mo. Hwy. 77; south on Mo. Hwy. 77 to Mo. Hwy. D; west on Mo. Hwy. D to County Hwy. 329; south on County Hwy. 329 to County Hwy. 318; west on County Hwy. 318 to Mo. Hwy. DD; south on Mo. Hwy. DD to County Hwy. 331; south on County Hwy. 331 to Mo. Hwy. 80; west on Mo. Hwy. 80 to Mo. Hwy. AA; south on Mo. Hwy. AA to Mo. Hwy. FF; south on Mo. Hwy. FF to Mo. Hwy. 77; south on Mo. Hwy. 77 to Mo. Hwy. A; east on Mo. Hwy. A to the Kentucky border.

3. Zone 3A (New Madrid and Mississippi counties) when the Mississippi River level is at or above thirty-four feet (34') on the New Madrid, MO, gauge. Zone 3A fall deer and turkey season boundary shall be that portion of Missouri south of a line running west from the Kentucky border on U.S. Hwy. A to Mo. Hwy. 77; north on Mo. Hwy. 77 to Mo. Hwy. 102; west on Mo. Hwy. 102 to County Hwy. 521; west on County Hwy. 521 to Mo. Hwy. 102; north on Mo. Hwy. 102 to County Hwy. 526; west on County Hwy. 526 to County Hwy. 727; south on County Hwy. 727 to Mo. Hwy. P; South on Mo. Hwy. P to Mo. Hwy. WW; west on Mo. Hwy. WW to Mo. Hwy. U; west on Mo. Hwy. U to Interstate 55; south on Interstate 55 to Mo. Hwy. M; east on Mo. Hwy. M to Mo. Hwy. KK; west on Mo. Hwy. KK to Mo. Hwy. 162; east on Mo. Hwy. 162 to the Tennessee border.

4. Zone 3B (New Madrid and Mississippi counties) when the Mississippi River level is at or above thirty-six feet (36') on the New Madrid, MO, gauge. Zone 3B fall deer and turkey season boundary shall be that portion of Missouri south of a line continuing from Zone 3A on a line running north on Mo. Hwy. U to Mo. Hwy. P; east on Mo. Hwy. P to Mo. Hwy. BB; north on Mo. Hwy. BB to Mo. Hwy. OO; east on Mo. Hwy. OO to the toe of the protected side of the Corps of Engineers secondary levee; north on the Corps of Engineers secondary levee to Mo. Hwy. 80; east on Mo. Hwy. 80 to Mo. Hwy. AA; south on Mo. Hwy. AA to

Mo. Hwy. FF; south on Mo. Hwy. FF to Mo. Hwy. 77; south on Mo. Hwy. 77 tying back into Zone 3A.

5. Zone 3C (New Madrid and Mississippi counties) when the Mississippi River level is at or above forty feet (40') on the New Madrid, MO, gauge. Zone 3C fall deer and turkey season boundary shall be that portion of Missouri south of a line continuing from Zone 3B on a line running north on Mo. Hwy. V to Mo. Hwy. 80; east on Mo. Hwy. 80 to the toe of the protected side of the Corps of Engineers secondary levee; north on the Corps of Engineers secondary levee to Mo. Hwy. 77; south on Mo. Hwy. 77 to Mo. Hwy. D; west on Mo. Hwy. D to County Hwy. 329; south on County Hwy. 329 to Mo. Hwy. DD; south on Mo. Hwy. DD to County Hwy. 331; south on County Hwy. 331 to Mo. Hwy. 80; west on Mo. Hwy. 80 to Mo. Hwy. AA tying back into Zone 3B.

6. Zone 4 (Pemiscot County) when the Mississippi River level is at or above thirty-two feet (32') on the Caruthersville, MO, gauge. Zone 4 fall deer and turkey season boundary shall be that portion of Missouri east of a line running west from the Tennessee border on Mo. Hwy. 162 to Mo. Hwy. TT; south on Mo. Hwy. TT to Mo. Hwy. T; west on Mo. Hwy. T to Interstate 55; south on Interstate 55 to Interstate 155; southeast on Interstate 155 to Mo. Hwy. U; west on Mo. Hwy. U to Mo. Hwy. D; south on Mo. Hwy. D to County Hwy. 536; west on County Hwy. 536 to County Hwy. 515; south on County Hwy. 515 to U.S. Hwy. 164; west on U.S. Hwy. 164 to Mo. Hwy. H; south on Mo. Hwy. H to County Hwy. 569; south on County Hwy. 569 to the Arkansas border.

7. Zone 5A (Dunklin County) when the St. Francis River level is at or above twenty-one feet (21') on the St. Francis, AR, gauge. Zone 5A fall deer and turkey season boundary shall be that portion of Missouri west of a line running east from the Arkansas border on U.S. Hwy. 62 to Mo. Hwy. 53; south on Mo. Hwy. 53 to Mo. Hwy. 25; south on Mo. Hwy. 25 to Mo. Hwy. 84; west on Mo. Hwy. 84 to the Arkansas border.

8. Zone 5B (Dunklin County) when the St. Francis River level is at or above fifteen and one-half feet (15.5') on the Holly Island, MO, gauge. Zone 5B fall deer and turkey season boundary shall be that portion of Missouri west of a line running east on Mo. Hwy. 84 to U.S. Hwy. 412; southwest on U.S. Hwy. 412 to Mo. Hwy. F; south on Mo. Hwy. F to Mo. Hwy. FF; south on Mo. Hwy. FF to the Arkansas border.

(B) In Southeast Missouri no person shall take, attempt to take, or pursue wildlife, except waterfowl, during the spring turkey hunting season in:

1. Zone 1 (Scott County) when the Mississippi River level is at or above thirty-three feet (33') on the Thebes, IL, gauge. Zone 1 spring turkey season boundary shall be that portion of Missouri south of a line running west from the Illinois border at Commerce access in the town of Commerce to North Water Street; south on North Water Street to the toe of the protected side of the Corps of Engineers main line levee; south on the Corps of Engineers main line levee to the Scott County line; east on the Scott County line to the Illinois border.

2. Zone 2 (Mississippi County) when the Mississippi River level is at or above forty-one feet (41') on the Cairo, IL, gauge. Zone 2 spring turkey season boundary shall be that portion of Missouri east of a line running west from the Illinois border at the Mississippi/Scott County line to the toe of the protected side of the Corps of Engineers main line levee; south on the Corps of Engineers main line levee to Mo. Hwy. A; east on Mo. Hwy. A to the Kentucky border.

3. Zone 3 (New Madrid and Mississippi counties) when the Mississippi River level is at or above thirty-four feet (34') on the New Madrid, MO, gauge. Zone 3 spring turkey season boundary shall be that portion of Missouri south of a line running west on Mo. Hwy. A to the toe of the protected side of the Corps of Engineers main line levee; south on the Corps of Engineers main

line levee to Mo. Hwy. 162; east on Mo. Hwy. 162 to the Tennessee border.

4. Zone 4 (Pemiscot County) when the Mississippi River level is at or above thirty-two feet (32') on the Caruthersville, MO, gauge. Zone 4 spring turkey season boundary shall be that portion of Missouri east of a line running west from the Tennessee border on Mo. Hwy. 162 to the toe of the protected side of the Corps of Engineers main line levee; south on the Corps of Engineers main line levee to the Arkansas border.

5. Zone 5A (Dunklin County) when the St. Francis River level is at or above twenty-one feet (21') on the St. Francis, AR, gauge. Zone 5A spring turkey season boundary shall be that portion of Missouri west of a line running east from the Arkansas border on U.S. Hwy. 62 to Mo. Hwy. 53; south on Mo. Hwy. 53 to Mo. Hwy. 25; south on Mo. Hwy. 25 to Mo. Hwy. 84; west on Mo. Hwy. 84 to the Arkansas border.

6. Zone 5B (Dunklin County) when the St. Francis River level is at or above fifteen and one-half feet (15.5') on the Holly Island, MO, gauge. Zone 5B spring turkey season boundary shall be that portion of Missouri west of a line running east on Mo. Hwy. 84 to U.S. Hwy. 412; southwest on U.S. Hwy. 412 to Mo. Hwy. F; south on Mo. Hwy. F to Mo. Hwy. FF; south on Mo. Hwy. FF to the Arkansas border.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 26, 1964, effective Dec. 31, 1964. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 26, 2019.*

*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 Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. 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 3—DEPARTMENT OF CONSERVATION**  
**Division 10—Conservation Commission**  
**Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits**

**PROPOSED AMENDMENT**

**3 CSR 10-7.410 Hunting Methods.** The commission proposes to amend subsections (1)(C), (1)(D), (1)(E), (1)(G), (1)(J), and (1)(M) of this rule.

*PURPOSE: This amendment establishes a written authorization exception to the prohibition on the possession of night vision or thermal imagery equipment while in possession of any implement whereby wildlife could be killed to allow landowner's representatives to control feral hogs on private property, adds elk to the list of wildlife that cannot be pursued by dogs, and adds a special firearms provision for the firearms portion of the elk season in open counties.*

(1) Wildlife may be hunted and taken only in accordance with the following:

(C) Night Vision and Thermal Imagery Equipment. No person may possess or control night vision or thermal imagery equipment

while acting singly or as one (1) of a group of persons while in possession of any firearm, bow, or other implement whereby wildlife could be killed or taken, **except by written authorization of an agent of the department and only as specifically authorized by him/her;**

(D) Dogs. Dogs may be used during the prescribed open seasons to chase, pursue, or take wildlife (except beaver, deer, **elk**, mink, muskrat, river otter, and turkey). All dogs used to hunt, chase, or pursue wildlife shall wear a collar while hunting that contains the full name and address, Conservation Number, or complete telephone number of the owner, except this provision does not apply to dogs used by waterfowl and game bird hunters. Furbearers, squirrels, and rabbits may not be chased, pursued, or taken with dogs during daylight hours of the November portion of the firearms deer season in Butler, Carter, Dent, Iron, Madison, Oregon, Reynolds, Ripley, Shannon, and Wayne counties **or during daylight hours of the firearms portion of the elk season in Carter, Reynolds, and Shannon counties;**

(E) Dogs (Training). For training dogs, wildlife (except deer, **elk**, turkey, mink, muskrat, river otter, and beaver) may be chased, but not captured or killed. No person, acting singly or as one (1) of a group, may possess or use a firearm while training dogs during the closed seasons, except that a pistol with blank ammunition may be used during daylight hours only. Training dogs shall include any act of allowing dogs to chase wildlife or to teach dogs to hunt wildlife;

(G) Firearms. Firearms may be used to take wildlife (except beaver, mink, muskrat, river otter, turtles, and fish) during the open seasons, with the following limitations: For hunting game birds (except the crow), pistols, revolvers, and rifles may not be used. Except for hunting deer **and elk**, any shotgun having a capacity of more than three (3) shells must have the magazine cut off or plugged with a device incapable of removal through the loading end, so as to reduce the capacity to not more than three (3) shells in magazine and chamber combined. Fully automatic firearms are prohibited;

(J) Slingshot. Slingshots may be used to take wildlife (except deer, **elk**, and turkey) during the prescribed hunting seasons;

(M) No person shall place or scatter grain or other food items in a manner that subjects any hunter to violation of baiting rules, as defined by federal regulations and in 3 CSR 10-7.431, [and] 3 CSR 10-7.455, **and 3 CSR 10-7.700** of this Code;

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. Original rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 26, 2019.*

*PUBLIC COST: This proposed amendment will cost the Department of Conservation approximately three thousand nine hundred ninety-three dollars and sixty cents (\$3,993.60) annually 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 Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. 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:** 3 – Department of Conservation  
**Division Title:** 10 - Conservation Commission  
**Chapter Title:** 7—Wildlife Code: Hunting: Seasons, Methods, Limits

|                              |                                |
|------------------------------|--------------------------------|
| <b>Rule Number and Name:</b> | 3 CSR 10-7.410 Hunting Methods |
| <b>Type of Rulemaking:</b>   | Proposed Amendment             |

II. **SUMMARY OF FISCAL IMPACT**

| Affected Agency or Political Subdivision | Estimated Cost of Compliance in the Aggregate  |
|--|--|
| Missouri Department of Conservation      | \$3,993.60 each year in Conservation agent time to verify feral hog damage and issue authorizations. |

III. **WORKSHEET**

**80 (Estimated number of incidents each year requiring authorization) X \$49.92 (Average cost for Conservation agent time per incident) = \$3,993.60 each year for the life of the rule.**

60 (Number of authorizations estimated for Iron, Wayne, and Reynolds Counties) + 20 (Number of authorizations estimated for the remainder of the state) = **80 (Estimated number of incidents each year requiring authorization).**

\$24.96 (Average hourly rate for Conservation agents [\$8,039,450 budgeted in current fiscal year to compensate all Conservation agent Grades / 161 Conservation agents / 2000 hours allotted per full time employee each year]) X 2 (Estimated number of hours required to verify damage and issue an authorization for each incident) = **\$49.92 (Average Cost for Conservation agent time per incident).**

IV. **ASSUMPTIONS**

Requests for this authorization have primarily originated from Iron, Wayne, and Reynolds Counties. Conservation agents assigned to these counties estimated they received approximately 20 requests per county that would qualify for the authorization to possess night vision or thermal imagery equipment for feral hog control during Fiscal Year 2019. Assuming an additional 20 qualifying requests are received throughout the remainder of the state, Conservation agents would issue approximately 80 authorizations per year. It takes a conservation agent approximately 2 hours to verify damage and issue a destruction authorization for each incident involving crop depredation caused by deer. Based on the similarities of the work, it is assumed that it will also take approximately 2 hours for a Conservation agent to verify damage and issue an authorization for each incident where the possession of night vision or thermal imagery equipment is authorized for feral hog control. The estimated yearly cost associated with this amendment assumes no increase in the number of requests for authorization received and no change in the average hourly wage of Conservation agents.



**Title 3—DEPARTMENT OF CONSERVATION**  
**Division 10—Conservation Commission**  
**Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits**

**PROPOSED RULE**

**3 CSR 10-7.439 Deer: Chronic Wasting Disease Management Program; Permit Availability, Methods, Limits**

*PURPOSE: This rule establishes requirements for obtaining and using no-cost Chronic Wasting Disease Management Permits.*

(1) Landowners with property located within a Chronic Wasting Disease (CWD) Management Zone as defined in 3 CSR 10-4.200 may enroll property in the department-sponsored Chronic Wasting Disease Management Program to obtain no-cost Chronic Wasting Disease Management Permits in accordance with the following:

(A) For the purposes of this rule a landowner shall include any person owning at least twenty (20) contiguous acres within two (2) miles of a confirmed Chronic Wasting Disease-positive.

(B) The landowner shall submit an application on a form provided by the department to enroll in the program. Application for enrollment in the program shall be on an annual basis.

(C) Approval of applications received less than thirty (30) days prior to any deer hunting season cannot be guaranteed.

(D) The landowner may designate persons who are authorized to receive no-cost Chronic Wasting Disease Management Permit(s) for use on the enrolled property. The landowner or his/her authorized representative shall submit the following information to the department for any person who is authorized to obtain no-cost Chronic Wasting Disease Management Permit(s): Name, domicile address, e-mail, phone number, conservation identification number, and property identification number assigned to the enrolled property by the department.

(2) The number of permits allocated for use on an enrolled property will be determined by the department based on localized disease-management goals.

(3) In addition to the take of deer in accordance with statewide deer hunting regulations, additional deer may be taken during the firearms and archery deer hunting seasons on properties enrolled in the department-sponsored Chronic Wasting Disease Management Program in accordance with the following:

(A) Persons hunting or pursuing additional deer on enrolled properties must possess a valid no-cost Chronic Wasting Disease Management Permit. No-cost Chronic Wasting Disease Management Permits may be obtained only by a person whose name, domicile address, e-mail, phone number, conservation identification number, and the enrolled property identification number has been submitted to the department by a participating landowner with property enrolled in the program. A valid resident, nonresident, or landowner Firearms Any-Deer Hunting Permit, Firearms Antlerless Deer Hunting Permit, Archer's Hunting Permit, or Archery Antlerless Deer Hunting Permit is required as a prerequisite to obtain a no-cost Chronic Wasting Disease Management Permit.

(B) Each no-cost Chronic Wasting Disease Management Permit is valid for one (1) deer of either sex. All no-cost Chronic Wasting Disease Management Permits are valid only on the enrolled property they were issued for.

(C) Persons hunting or pursuing deer on a no-cost Chronic Wasting Disease Management Permit shall be properly licensed for the season they are hunting. Properly licensed during the Archery Deer Hunting Season shall mean possession of one (1) of the archery permits (either filled or unfilled) required by this rule as a prerequisite for obtaining a no-cost Chronic Wasting Disease Management Permit. Properly licensed during the Firearms Deer Hunting Season

shall mean possession of one (1) of the firearms deer hunting permits (either filled or unfilled) required by this rule as a prerequisite for obtaining a no-cost Chronic Wasting Disease Management Permit.

(D) Additional deer may be taken on enrolled properties only in accordance with statewide deer hunting regulations in this chapter. All applicable statewide season, method, permit, limit, tagging, and checking requirements apply, except antlered and antlerless deer limits established by 3 CSR 10-7.431, 3 CSR 10-7.434, and 3 CSR 10-7.437 shall not apply to deer taken on a no-cost Chronic Wasting Disease Management Permit.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. Original rule filed Aug. 26, 2019.*

*PUBLIC COST: This proposed rule will cost the Department of Conservation an estimated six hundred fifty-six dollars (\$656) in the first year of operation, with an annual-aggregate cost savings estimate of two thousand six hundred ninety-four dollars (\$2,694).*

*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 amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. 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: Department of Conservation**  
**Division Title: Division 10 – Conservation Commission**  
**Chapter Title: Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits**

|                              |  |
|------------------------------|--|
| <b>Rule Number and Name:</b> | <b>3 CSR 10-7.439 Deer: Chronic Wasting Disease Management Program; Permit Availability, Methods, Limits</b> |
| <b>Type of Rulemaking:</b>   | Proposed Rule  |

II. **SUMMARY OF FISCAL IMPACT**

| Affected Agency or Political Subdivision | Estimated Cost of Compliance in the Aggregate   |
|--|---|
| <b>Department of Conservation</b>        | \$656 (first year cost to the department) with an annual aggregate savings of \$2,694 |

III. **WORKSHEET**

[\$3,350 (overall total cost of vendor payments to modify the department's licensing platform system)] – [125 (hours saved for administration of the cwd permit system over the seal) X \$21.55 (hourly rate for administration of the system)] = \$3,350 - \$2,694 (annual cost savings to the department) = \$656

IV. **ASSUMPTIONS**

The vendor payment for changes to the permit system is a one-time payment. We estimate the time savings from switching from a seal-type administration to permit-type system is 125 hours annually. We assume a \$21.55 hourly rate for administration of the system.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 8—Wildlife Code: Trapping: Seasons, Methods**

**PROPOSED AMENDMENT**

**3 CSR 10-8.510 Use of Traps.** The commission proposes to amend section (2) and subsection (4)(A) of this rule.

*PURPOSE: This amendment adds drowning sets to the list of trapping methods subject to a forty-eight (48) hour trap check and for the use of snares if they are at least half (1/2) submerged.*

(2) Traps, snares, and cable restraint devices shall be plainly labeled, on durable material, with the user's full name and address or Conservation Number. Wildlife held in traps, snares, or cable restraint devices may be killed or removed only by the user. Conibear® or other killing-type traps set under water [and], colony traps set under water, **and drowning sets** shall be attended and wildlife removed at least once every forty-eight (48) hours. All other traps, snares, and cable restraint devices must be attended daily and wildlife removed or released. Traps may not be set in paths made or used by persons or domestic animals, and Conibear® or other killing-type traps may not be set along public roadways, except under water in permanent waters. Except as provided in 3 CSR 10-4.130, only cage-type traps or foot-enclosing-type traps may be set within one hundred fifty feet (150') of any residence or occupied building located within the established boundaries of cities or towns containing ten thousand (10,000) or more inhabitants. Homes, dens, or nests of furbearers shall not be molested or destroyed. Traps may be used in conjunction with electronic calls.

(4) Use of Snares and Cable Restraint Devices.

(A) Snares (except as provided in subsection (4)(B)) must be set [under] in water and **must have the loop at least half (1/2) submerged**. Snares (as defined in 3 CSR 10-20.805) must have a loop fifteen inches (15") or less in diameter when set and must have a stop device that prevents the snare from closing to less than two and one-half inches (2 1/2") in diameter.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. Original rule filed Sept. 20, 1957, effective Dec. 31, 1957. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 26, 2019.*

*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 Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. 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 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 10—Wildlife Code: Commercial Permits:  
Seasons, Methods, Limits**

**PROPOSED AMENDMENT**

**3 CSR 10-10.743 Commercial Establishments.** The commission

proposes to amend this rule.

*PURPOSE: This amendment establishes requirements for commercial establishments to buy, possess, transport, and sell legally purchased elk that are exempt from the permit requirements of the Wildlife Code.*

Resident commercial establishments, when possession is accompanied by a valid invoice or bill of sale, may buy, possess, transport, and sell legally purchased and plainly marked dressed or processed pheasants, exotic partridges, quail, game bird eggs, deer except white-tailed and mule deer, **elk that are exempt from the permit requirements prescribed by this Code**, moose, caribou, wild boar, live bait and frogs, and fish. Skinned furbearer carcasses and fish eggs may be sold at retail only.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. Original rule filed Aug. 16, 1973, effective Dec. 31, 1973. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 26, 2019.*

*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 Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. 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 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 11—Wildlife Code: Special Regulations for  
Department Areas**

**PROPOSED AMENDMENT**

**3 CSR 10-11.140 Camping.** The commission proposes to amend section (1) of this rule.

*PURPOSE: This amendment removes the area brochure and adds area maps and posted regulations as methods of designating locations where camping is allowed on department areas. It also clarifies that fires are only allowed in designated camping areas, except by special use permit.*

(1) Camping is permitted only within areas designated by signs [or brochures], **area maps, or in accordance with posted regulations or by special use permit**. Stays are limited to a period of fourteen (14) consecutive days in any thirty- (30-) day period, with the period to commence the date the site is occupied or camping within any given department area first occurs. Personal property must be removed at the end of the fourteen- (14-) day period. Total camping days on all department lands are limited to thirty (30) days within one (1) calendar year. Camping requests in excess of thirty (30) days within a calendar year may be granted with a special use permit. On those areas with established campsites, only two (2) camping or sleeping units are permitted in each site. Quiet hours are effective from 10:00 p.m. to 6:00 a.m. daily. Visitors who are not occupying a campsite are required to leave the campground by 10:00 p.m. Quiet hours are defined as the cessation of excessive noise from people or

any mechanical device which causes disturbance to other campers. **Campfires are allowed only in designated camping areas or by special use permit.** Groups of more than ten (10) people must obtain a special use permit prior to camping.

(A) On Thomas Hill Reservoir, only one (1) camping or sleeping unit and a maximum of six (6) people are permitted in each camp-site.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 26, 2019.*

*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 Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. 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 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 11—Wildlife Code: Special Regulations for  
Department Areas**

**PROPOSED AMENDMENT**

**3 CSR 10-11.180 Hunting, General Provisions and Seasons.** The commission proposes to amend sections (1) and (3), remove subsection (4)(K), re-letter subsequent subsections, add subsections (11)(B) and (11)(F), and re-letter subsequent subsections.

*PURPOSE: This amendment clarifies methods by which citizens will be notified where hunting is restricted on department areas, allows for elk hunting on conservation areas with a valid elk hunting permit, and expands public recreation and wildlife management opportunities by allowing flexibility for small game hunts on areas previously closed to that activity.*

(1) Hunting is permitted on department areas, except as further restricted by signs, area [brochures] maps, or this chapter and except turkey [and], deer, and elk hunting are allowed as authorized in 3 CSR 10-11.181 Turkeys: Special Hunts [and], 3 CSR 10-11.182 Deer Hunting, and **3 CSR 10-11.190 Elk Hunting** of this chapter. Unless otherwise provided in this chapter or by managed hunt, statewide permits, seasons, methods, and limits apply. A valid area daily hunting tag may be required in addition to statewide permits.

(3) Except for deer, elk, and turkey hunting as authorized in 3 CSR 10-11.181 Turkeys: Special Hunts [and], 3 CSR 10-11.182 Deer Hunting, and **3 CSR 10-11.190 Elk Hunting** of this chapter, hunting is prohibited on outdoor education sites, conservation education center sites, nature center sites, and any of the following areas that are less than forty (40) acres in size: public fishing accesses, radio facilities, office sites, tower sites, cave sites, and staffed shooting ranges.

(4) Hunting is prohibited on the following department areas except for deer and turkey hunting as authorized in 3 CSR 10-11.181

Turkeys: Special Hunts and 3 CSR 10-11.182 Deer Hunting of this chapter:

[[K)](Burr Oak Woods Conservation Area)  
[[L)](K) Caldwell Memorial Wildlife Area  
[[M)](L) DeLaney (Robert G.) Lake Conservation Area  
[[N)](M) Dripping Springs Natural Area  
[[O)](N) Drovers Prairie Conservation Area  
[[P)](O) Engelmann Woods Natural Area  
[[Q)](P) Forest 44 Conservation Area  
[[R)](Q) Foxglove Conservation Area  
[[S)](R) Gay Feather Prairie Conservation Area  
[[T)](S) Goodson (Jean and Joan) Conservation Area  
[[U)](T) Gravois Creek Conservation Area  
[[V)](U) Gravois Mills Access  
[[W)](V) Grundy Memorial Wildlife Area  
[[X)](W) Hartell (Ronald and Maude) Conservation Area  
[[Y)](X) Harter (James R.) Conservation Area  
[[Z)](Y) Henning (Ruth and Paul) Conservation Area  
[[AA)](Z) Hickory Canyons Natural Area  
[[BB)](AA) Hickory Woods Conservation Area  
[[CC)](BB) Hinkson Woods Conservation Area  
[[DD)](CC) Juden Creek Conservation Area  
[[EE)](DD) Klamberg (Roger) Woods Conservation Area  
[[FF)](EE) La Petite Gemme Prairie Conservation Area  
[[GG)](FF) Lichen Glade Conservation Area  
[[HH)](GG) Lily Pond Natural Area  
[[II)](HH) Limpp Community Lake  
[[JJ)](II) Lipton Conservation Area  
[[KK)](JJ) Little Osage Prairie  
[[LL)](KK) Malta Bend Community Lake  
[[MM)](LL) Maple Flats Access  
[[NN)](MM) Maple Woods Natural Area  
[[OO)](NN) Miller Community Lake  
[[PP)](OO) Mint Spring Conservation Area  
[[QQ)](PP) Mount Vernon Prairie  
[[RR)](QQ) Niawathe Prairie Conservation Area  
[[SS)](RR) Parma Woods Range and Training Center (south portion)  
[[TT)](SS) Pawhuska Prairie  
[[UU)](TT) Pelican Island Natural Area  
[[VV)](UU) Perry County Community Lake  
[[WW)](VV) Phantom Forest Conservation Area  
[[XX)](WW) Pickle Springs Natural Area  
[[YY)](XX) Port Hudson Lake Conservation Area  
[[ZZ)](YY) Ray County Community Lake  
[[AAA)](ZZ) Rocheport Cave Conservation Area  
[[BBB)](AAA) Rockwoods Range  
[[CCC)](BBB) Rockwoods Reservation  
[[DDD)](CCC) Rush Creek Conservation Area  
[[EEE)](DDD) Saeger Woods Conservation Area  
[[FFF)](EEE) Saint Stanislaus Conservation Area  
[[GGG)](FFF) Sears (F. O. and Leda J.) Memorial Wildlife Area  
[[HHH)](GGG) Shawnee Mac Lakes Conservation Area  
[[III)](HHH) Sims Valley Community Lake  
[[JJJ)](III) Steyermark (Julian) Woods Conservation Area  
[[KKK)](JJJ) Tszars Woods Conservation Area  
[[LLL)](KKK) Thirtyfour Corner Blue Hole  
[[MMM)](LLL) Thompson (Robert H.) Conservation Area  
[[NNN)](MMM) Tower Rock Natural Area  
[[OOO)](NNN) Truman Reservoir Management Lands (designated portion of the Grand River Bottoms Wildlife Management Area)  
[[PPP)](OOO) Twin Borrow Pits Conservation Area  
[[QQQ)](PPP) Tywappity Community Lake  
[[RRR)](QQQ) Upper Mississippi Conservation Area (Clarksville Refuge)  
[[SSS)](RRR) Wah'Kon-Tah Prairie (portion south of Highway 82)  
[[TTT)](SSS) Wah-Sha-She Prairie

- [(UUU)](TTT)* Walnut Woods Conservation Area
- [(VVV)](UUU)* White Alloe Creek Conservation Area
- [(WWW)](VVV)* Wildcat Glade Natural Area
- [(XXX)](WWW)* Wild Cherry Ridge Conservation Area
- [(YYY)](XXX)* Woods (Walter) Conservation Area
- [(ZZZ)](YYY)* Youngdahl (Mark) Urban Conservation Area

(11) Hunting is permitted on the following department areas only by holders of a valid area daily hunting tag or as authorized in 3 CSR 10-11.181 Turkeys: Special Hunts and 3 CSR 10-11.182 Deer Hunting of this chapter:

- (B) Burr Oak Woods Conservation Area**
- [(B)](C)* Forest 44 Conservation Area
- [(C)](D)* Green (Charles W.) Conservation Area
- [(D)](E)* Marais Temps Clair Conservation Area
- (F) Prairie Fork Conservation Area**
- [(E)](G)* Reed (James A.) Memorial Wildlife Area

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 26, 2019.*

*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 Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. 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 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 11—Wildlife Code: Special Regulations for  
Department Areas**

**PROPOSED AMENDMENT**

**3 CSR 10-11.186 Waterfowl Hunting.** The commission proposes to add new section (11) to this rule.

*PURPOSE: This amendment clarifies waterfowl hunt procedures by establishing one (1) consistent draw system.*

**(11) Managed Waterfowl-Hunting Areas; Draw Participation Requirements.**

**(A) Hunting party members may participate in only one (1) morning drawing on the same day and may only submit one (1) Daily Waterfowl Hunting Tag per morning drawing. This includes having one (1) hunting party member submit a Daily Waterfowl Hunting Tag for another hunting party member in their absence.**

**(B) A hunter must be properly licensed prior to participating in the morning drawing or applying for a reservation.**

**(C) Hunting parties, including observers, may not exceed four (4), except during youth seasons.**

**(D) Hunters must qualify for Missouri resident permits or be exempt from purchasing Missouri permits to apply for reservations. Hunters do not need to be a Missouri resident to reserve**

**an Americans with Disabilities Act-accessible blind.**

**(E) Hunting parties who have reserved an Americans with Disabilities Act-accessible blind are not eligible to enter an in-person drawing unless they first forfeit their Americans with Disabilities Act-accessible blind reservation for that day.**

**(F) Hunters may not be registered for more than one (1) location or possess more than one (1) valid Daily Waterfowl Hunting Tag at the same time. Hunters must check out of one (1) location prior to registering for another location.**

**(G) Hunting parties must hunt in their assigned location, as designated during the morning drawing.**

**(H) Parties not registered or signed in prior to the draw time will not be allowed to enter the drawing. This includes parties with reservations.**

**(I) Individuals may not be added to a party once the party has drawn.**

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 26, 2019.*

*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 Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. 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 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 11—Wildlife Code: Special Regulations for  
Department Areas**

**PROPOSED AMENDMENT**

**3 CSR 10-11.200 Fishing, General Provisions and Seasons.** The commission proposes to amend section (1) of this rule.

*PURPOSE: This amendment clarifies methods by which citizens will be notified where fishing is restricted on department areas.*

(1) Fishing is permitted on department areas, except as further restricted by signs, area *[brochures]* **maps**, or this chapter. Statewide permits, seasons, methods, and limits apply unless otherwise provided in this chapter.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 26, 2019.*

*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 Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. 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 3—DEPARTMENT OF CONSERVATION**  
**Division 10—Conservation Commission**  
**Chapter 11—Wildlife Code: Special Regulations for**  
**Department Areas**

**PROPOSED AMENDMENT**

**3 CSR 10-11.205 Fishing, Methods and Hours.** The commission proposes to add new subsection (2)(H) and re-letter subsequent subsections.

*PURPOSE:* This amendment expands public recreation opportunities by adding one (1) conservation area to the list of areas where educational groups are allowed to fish with a reservation.

(2) Fishing is permitted only by reservation by educational groups, and fish must be returned to the water unharmed immediately after being caught, except as provided by special use permit on the following department areas or individually named lakes:

**(H) Prairie Fork Conservation Area**

*(H)(I)* Sunfish Lake (Hartell (Ronald and Maude) Conservation Area)

*(H)(J)* Woods (Walter) Conservation Area Aquatic Education Pond.

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Aug. 26, 2019.

*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 Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. 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 5—DEPARTMENT OF ELEMENTARY AND**  
**SECONDARY EDUCATION**  
**Division 20—Division of Learning Services**  
**Chapter 100—Office of Quality Schools**

**PROPOSED AMENDMENT**

**5 CSR 20-100.320 Prekindergarten Program Standards.** The State Board of Education (board) is amending section (1) and adding

section (2).

*PURPOSE:* This amendment is to respond to changes in section 163.018, RSMo, by HB604, which allows a district or a charter school that has declared itself as a local education agency to contract with an early childhood education program to provide early learning services. HB604 gave the board the authority to set standards for any early childhood education program that is under a contract as set forth above, and these standards contained herein are entitled "Prekindergarten Program Standards."

(1) Any school district or charter school reporting children ages three (3) to five (5) for calculation in their average daily attendance must meet standards approved by the State Board of Education (board) including:

(A) A lead teacher in each prekindergarten classroom who holds a bachelor's degree and teaching certificate in early childhood education or early childhood special education; and

(B) A teacher assistant or paraprofessional who holds *[a child development associate's degree,]* an associate's degree in early childhood, or child development, or sixty (60) college hours with a minimum of *[three (3)]* nine (9) college credit hours in early childhood, child development, or child/family related courses and experience working in a program with young children and their families for any classroom with more than ten (10) children.

(2) Any school district or charter school contracting with an early childhood education program reporting children ages three (3) to five (5) for calculation in their average daily attendance must meet standards approved by the board set forth in (1)(A) and (B) of this rule, and including:

(A) The program provides school day, school year programming with options for full day, full year programming;

(B) The program has a teacher-to-child ratio of one (1) to ten (10), maximum class size of twenty (20) children;

(C) The program implements a developmentally appropriate curricula aligned with the early learning standards, and approved by the Department of Elementary and Secondary Education (DESE);

(D) The program aligns with the early learning standards that implement a developmentally appropriate, culturally and linguistically appropriate, authentic, reliable, and valid general development and social/emotional screening tool and summative assessment used with all children. Information from the screenings and assessments will be used for educational purposes;

(E) The program develops and implements procedures to ensure all staff members of the early childhood education program shall undergo background checks as described in section 168.133, RSMo; and

(F) The program is accredited by Missouri Accreditation of Programs for Children and Youth within ninety (90) days of a fully executed contract.

*AUTHORITY:* sections 161.092, 163.011, *[163.018, RSMo Supp. 2014, and section]* and 168.011, RSMo *[2000]* 2016, and section 163.018, RSMo Supp. 2019. This rule previously filed as 5 CSR 20-600.140. Original rule filed Feb. 20, 2015, effective Oct. 30, 2015. Amended: Filed Aug. 16, 2019.

*PUBLIC COST:* This proposed amendment is anticipated to cost state agencies or political subdivisions two hundred eighty thousand dollars (\$280,000) in the aggregate.

*PRIVATE COST:* This proposed amendment anticipated to cost private entities eighty-three thousand seven hundred dollars (\$83,700) 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 Elementary and Secondary Education, ATTN: Jo Anne Ralston, Coordinator, Early Learning, PO Box 480, Jefferson City, MO 65102-0480 or by email at [webreplyimprece@dese.mo.gov](mailto:webreplyimprece@dese.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:** 5 – Department of Elementary and Secondary Education
- Division Title:** 20 – Division of Learning Services
- Chapter Title:** 100 – Office of Quality Schools

|                              |  |
|------------------------------|--|
| <b>Rule Number and Name:</b> | 5 CSR 20-100.320 Prekindergarten Program Standards |
| <b>Type of Rulemaking:</b>   | Amendment  |

**II. SUMMARY OF FISCAL IMPACT**

| Affected Agency or Political Subdivision | Estimated Cost of Compliance in the Aggregate |
|--|---|
| Local Education Agencies (LEA)           | \$280,000.00                                  |

**III. WORKSHEET**

56 LEAs legal fees for contract execution at \$5,000 per LEA \$280,000.00

**IV. ASSUMPTIONS**

10% of local education agencies (LEA) contract with child care providers (56)  
contract/legal fees for executing contract with child care provider (56) @ \$5000 each



**FISCAL NOTE  
PRIVATE COST**

- I. Department Title:** 5 – Department of Elementary and Secondary Education  
**Division Title:** 20 – Division of Learning Services  
**Chapter Title:** 100 – Office of Quality Schools

|                               |  |
|-------------------------------|--|
| <b>Rule Number and Title:</b> | 5 CSR 20-100.320 Prekindergarten Program Standards |
| <b>Type of Rulemaking:</b>    | 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: |
|---|--|--|
| 56  | child care programs  | \$83,700.00  |

**III. WORKSHEET**

|  |                    |
|--|--------------------|
| 56 private programs x 4 staff x \$50 per background check    | \$11,200.00        |
| 50 private programs x \$1,450 accreditation fees per program | <u>\$72,500.00</u> |
| <b>Total</b>   | <b>\$83,700.00</b> |

**IV. ASSUMPTIONS**

Fifty-six (56) (approximately 10%) of local education agencies (LEA) contract with child care providers (56)  
 Six of those child care providers are already accredited  
 Accreditation fees (50) @ \$1450 per program

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 10—Air Conservation Commission**  
**Chapter 6—Air Quality Standards, Definitions, Sampling**  
**and Reference Methods and Air Pollution Control**  
**Regulations for the Entire State of Missouri**

**PROPOSED AMENDMENT**

**10 CSR 10-6.060 Construction Permits Required.** The commission proposes to amend section (9) and subsections (1)(A), (1)(D), (2)(G), (2)(J), (2)(K), (2)(P), (3)(C), (3)(H), (3)(I), (4)(B), (5)(D)-(5)(F), (7)(A)-(7)(D), (12)(A), and (12)(B). If the commission adopts this rule action, the department intends to submit this rule amendment to the U.S. Environmental Protection Agency (EPA) to replace the current rule that is in the Missouri State Implementation Plan (SIP). The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Proposed Rules website [www.dnr.mo.gov/proposed-rules](http://www.dnr.mo.gov/proposed-rules).

*PURPOSE: This rule defines sources required to obtain permits to construct. It establishes: requirements to be met prior to construction or modification of any sources; a procedure for a source to voluntarily obtain a permit for implementing practically enforceable conditions; a procedure for the permitting authority to issue general permits; permit fees; and public notice requirements for certain permits. This proposed amendment will remove erroneous references to incorporation by reference information in 10 CSR 10-6.030(21) and 10 CSR 10-6.075(3)(A), and add the appropriate incorporation by reference information to this rule. Rule 10 CSR 10-6.030 is being amended to address EPA concerns regarding the incorporation by reference of certain federal regulations. After reviewing references to 10 CSR 10-6.030 and other cross references in 10 CSR 10-6.060 for potential issues, these changes were deemed necessary. In addition, this proposed amendment will make typographical corrections and clarify the definition of "portable equipment installation" by explicitly stating that "any other air pollutant" includes the subcategories of particulate matter (PM): PM<sub>10</sub> and PM<sub>2.5</sub>. The adoption of this proposed amendment will ensure this rule can be approved by EPA and replace the current version in the Missouri SIP. The evidence supporting the need for this proposed rulemaking, per 536.016, RSMo, is an EPA comment letter dated September 18, 2018.*

(1) Applicability.

(A) Construction Permit Required. The owner or operator of a new or existing installation throughout Missouri that meets any of the following provisions must obtain a permit:

1. Before construction of a new installation that results in a potential to emit greater than [*de minimis*] *de minimis* threshold levels;

2. Before new construction and/or modification that results in an emission increase greater than the *de minimis* threshold levels at an existing installation with potential to emit less than *de minimis* threshold levels;

3. Before new construction and/or modification that results in an emission increase at an existing installation whose potential to emit exceeds *de minimis* threshold levels or is less than [*de minimis*] *de minimis* threshold levels due to taking practically enforceable requirements in a permit;

4. The new construction and/or modification is a major modification as defined [*in 40 CFR 52.21(b)*] or for nonattainment pollutants as defined in 40 CFR 51.165(a)(1)(v); or—

**A. Under 40 CFR 52.21(b)(2), which is incorporated by reference in subsection (8)(A) of this rule, for pollutants in attainment and unclassified areas; or**

**B. Under 40 CFR 51.165(a)(1)(v), which is incorporated by reference in paragraph (7)(A)2. of this rule, for pollutants in nonattainment areas; or**

5. Before construction of an incinerator.

(D) Construction and Operation Prohibited Prior to Permitting. Owners or [O]operators shall obtain a permit from the permitting authority, except as allowed under subsection (1)(D)(E) of this rule, prior to any of the following activities:

1. The beginning of actual construction or modification of any installation subject to this rule;

2. Operation after construction or modification; or

3. Operation of any emission unit that has been permanently shutdown.

(2) Definitions.

(G) Good engineering practice (GEP) stack height—The greater of—

1. Sixty-five meters (65 m) measured from the ground-level elevation at the base of the stack;

2. For stacks on which construction commenced on or before January 12, 1979, and for which the owner or operator had obtained all applicable permits or approvals required under 40 CFR 51 and 52,

$$[Hg] H_g = 2.5H$$

provided the owner or operator produces evidence that this equation was actually relied on in establishing an emission limitation; and for all other stacks,

$$[Hg] H_g = H + 1.5L$$

Where:

[Hg] H<sub>g</sub> = GEP stack height, measured from the ground-level elevation at the base of the stack;

H = height of nearby structure(s) measured from the ground-level elevation at the base of the stack; and

L = lesser dimension, height, or projected width of the nearby structure(s). Provided that the director may require the use of a field study or fluid model to verify GEP stack height for the installation; or

3. The height demonstrated by a fluid model or field study approved by the director, which ensures that the emissions from a stack do not result in excessive concentrations of any air pollutant as a result of atmospheric downwash, wakes, or eddy effects created by the source itself, nearby structures, or nearby terrain features.

(J) Nonattainment pollutant—Each and every pollutant for which the location of the source is in an area designated to be in nonattainment of a National Ambient Air Quality Standard (NAAQS) under section 107(d)(1)(A)(i) of the **Clean Air Act (CAA)**. Any constituent or precursor of a nonattainment pollutant shall be a nonattainment pollutant, provided that the constituent or precursor pollutant may only be regulated under this rule as part of regulation of the corresponding NAAQS pollutant. Both volatile organic compounds (VOC) and nitrogen oxides [(NO<sub>x</sub>)] (NO<sub>x</sub>) shall be nonattainment pollutants for a source located in an area designated nonattainment for ozone.

(K) Offset—A decrease in actual emissions from a source operation or installation that is greater than the amount of emissions anticipated from a modification or construction of a source operation or installation. The decrease must have substantially similar environmental and health effects on the impacted area. Any ratio of decrease to increase greater than one to one (1:1) constitutes offset. The exceptions to this are ozone nonattainment areas where [*volatile organic compound*] VOC and [*oxides of nitrogen*] NO<sub>x</sub> emissions will require an offset ratio of actual emission reduction to new emissions according to the following schedule:

1. marginal area = 1.1:1;

2. moderate area = 1.15:1;

3. serious area = 1.2:1;

- 4. severe area = 1.3:1; and
- 5. extreme area = 1.5:1.

(P) Portable equipment installation—An installation that consists solely of portable equipment and associated haul roads and storage piles. To be considered a portable equipment installation the following must apply:

- 1. The potential to emit of this installation is of less than two hundred fifty (250) tons per year of particulate matter (PM) and less than one hundred (100) tons per year of any other air pollutant, including PM<sub>2.5</sub> and PM<sub>10</sub>, taking into account any federally enforceable conditions; and
- 2. Any equipment cannot operate at a location for more than twenty-four (24) consecutive months without an intervening relocation.

(3) Application and Permit Procedures.

(C) Applicant Responsibilities Regarding the Permit Application.

1. The applicant shall submit the information specified in the application package for each emissions unit being constructed or modified.

2. Certification by a responsible official. Any application form or report submitted pursuant to this rule shall contain certification by a responsible official of truth, accuracy, and completeness. This certification, and any other certification, shall be signed by a responsible official and contain the following language: I certify, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

3. The applicant shall supply the following supplemental information in addition to the application:

A. Additional information, plans, specifications, drawings, evidence, documentation, and monitoring data that the permitting authority may require to verify applicability and complete review under this rule;

B. Other information required by any applicable requirement. Specific information may include, but is not limited to, items such as testing reports, vendor information, material safety data sheets, or information related to stack height limitations developed pursuant to section 123 of the *[Clean Air Act] CAA*;

C. Calculations on which the information in parts (3)(B)2.D.(I) through (3)(B)2.D.(VIII) of this rule are based;

D. Related information in sufficient detail necessary to establish compliance with the applicable standard reference test method, if any; and

E. Ambient air quality modeling data, in accordance with section (5) or (8) of this rule, for all pollutants requiring modeling to determine the air quality impact of the construction or modification of the installation.

4. Confidential information. An applicant may submit information to the permitting authority under a claim of confidentiality pursuant to 10 CSR 10-6.210. The confidentiality request needs to be submitted with the initial application to ensure confidentiality.

5. Duty to supplement or correct application. Any applicant that fails to submit any relevant facts or submits incorrect information in a permit application, upon becoming aware of the failure or incorrect submittal, shall promptly submit supplementary facts or corrected information. In addition, an applicant shall provide additional information, as necessary, to address any requirements that become applicable to the installation after the date an application is deemed complete, but prior to the issuance of the construction permit.

6. Filing fees in accordance with paragraph (3)(H)9. of this rule.

(H) Fees.

1. All installations or source operations requiring permits under this rule must submit the application with a permit filing fee to the permitting authority. Failure to submit the permit filing fee constitutes an incomplete permit application according to subsection (3)(D) of this rule.

2. Upon receipt of an application for a permit or a permit amendment, a permit processing fee begins to accrue per hour of actual staff time. In lieu of the per-hour processing fee for relocation of portable plants subject to paragraph (4)(D)1. of this rule, a flat fee as specified in paragraph (3)(H)9. of this rule must be submitted by the applicant.

3. The permitting authority, upon request, will notify the applicant in writing if the permit processing fee approaches two thousand dollars (\$2,000) and in two-thousand-dollar (\$2,000) increments after that.

4. After making a final determination whether the permit should be approved, approved with conditions, or denied, the permitting authority will notify the applicant in writing of the final determination and the total permit processing fees due. The amount of the fee will be determined in accordance with paragraph (3)(H)9. of this rule.

5. The applicant shall submit fees for the processing of the permit application within ninety (90) calendar days of the final review determination, whether the permit is approved, denied, withdrawn, or not needed. After the ninety (90) calendar days, the unpaid processing fees will have interest imposed upon the unpaid amount at the rate of ten percent (10%) per annum from the date of billing until payment is made. Failure to submit the processing fees after the ninety (90) calendar days will result in the permit being denied (revoked for portable installation location amendments) and the rejection of any future permit applications by the same applicant until the processing fee plus interest has been paid.

6. Partially processed permits that are withdrawn after submittal are charged at the same processing fee rate in paragraph (3)(H)9. of this rule for the time spent processing the application.

7. The applicant shall pay for any publication of notice required and pay for the original and one (1) copy of the transcript, to be filed with the permitting authority, for any hearing required under this rule. No permit is issued until all publication and transcript costs have been paid.

8. The commission may reduce the permit processing fee or exempt any person from payment of the fee upon an appeal filed with the commission stating and documenting that the fee will create an unreasonable economic hardship upon the person.

9. Permit fees.

| Permit Application Type                       | Rule Section Reference | Filing Fee | Processing Fee |
|---|------------------------|------------|----------------|
| Portable Source Relocation Request            | (4)                    | \$300      | ----           |
| Minor   | (5)                    | \$250      | \$75/hr        |
| General Permit                                | (6)                    | \$700      | ----           |
| New Source Review (NSR)                       | (7)                    | \$5,000    | \$75/hr        |
| Prevention of Significant Deterioration (PSD) | (8)                    | \$5,000    | \$75/hr        |
| HAP   | (9)                    | \$5,000    | \$75/hr        |
| Initial Plantwide Applicability Limit (PAL)   | (7) or (8)             | \$5,000    | \$75/hr        |
| Renewal PAL                                   | (7) or (8)             | \$2,500    | \$75/hr        |
| Temporary/Pilot                               | (10)                   | \$250      | \$75/hr        |
| Permit Amendment                              | (11)                   | ----       | \$75/hr        |

10. No later than three (3) business days after receipt of the whole amount of the fee due, the permitting authority will send the applicant a notice of payment received. The permit will also be issued at this time, provided the final determination was for approval and the permit processing fee was timely received.

(I) Final Permit Issuance: Any installation subject to this rule will be issued a permit and be in effect if all of the following conditions are met:

1. Information is submitted to the permitting authority which is sufficient for the permitting authority to verify the annual emission rate and to verify that no applicable emission control rules will be violated;

2. No applicable requirements of the Air Conservation Law are violated;

3. The installation does not cause an adverse impact on visibility in any Class I area;

4. The installation will not interfere with the attainment or maintenance of NAAQS and the air quality standards established in 10 CSR 10-6.010;

5. The installation will not cause or contribute to ambient air concentrations in excess of any applicable maximum allowable increase listed in paragraph (5)(F)5. Table 2 of this rule, or be over the baseline concentration in any attainment or unclassified area;

6. The installation will not exceed the [risk assessment levels] RALs required for all pollutants that exceed the [screening model action levels] SMALs; and

7. All permit fees are paid.

(4) Portable Equipment Permits, Amendments, and Relocations.

(B) The review and issuance of each initial permit application will follow the procedures of section (3) [of this rule] and subsection (5)(D) of this rule, Modeling Required.

(5) Minor Permits.

(D) Modeling Required. Any construction or modification, which has an emissions increase greater than *de minimis* threshold levels or the [hazardous air pollutant] HAP is greater than the [screening model action levels] SMALs taking into account any federally enforceable conditions shall complete an air quality analysis for the affected pollutant in accordance with subsection (5)(F) of this rule. At minimum, the installation will demonstrate that the proposed construction or modification will not—

1. Interfere with the attainment or maintenance of NAAQS and the air quality standards established in 10 CSR 10-6.010; or

2. Cause or contribute to an exceedance of the [risk assessment levels] RALs for all pollutants that exceed the [screening model action levels] SMALs.

(E) Exception: Notwithstanding the modeling required in subsection (5)(D) of this rule, the director may require additional air quality analysis if—

1. It is likely that the emissions of the proposed construction or modification will affect air quality or the air quality standards listed in paragraphs (3)(I)3. through 6. of this rule;

2. It is likely that the construction or modification will result in the discharge of [hazardous air pollutants] HAPs in quantities, of characteristics, and of a duration that directly and proximately cause or contribute to injury to human, plant, or animal life or the use of property; or

3. Complaints filed in the vicinity of the proposed construction or modification warrant an air quality analysis.

(F) Air Quality Analysis.

1. All estimates of ambient concentrations required under this subsection are based on applicable air quality models, databases, and other requirements specified in the U.S. Environmental Protection Agency's (EPA) Guideline on Air Quality Models at appendix W of 40 CFR 51 [as specified in 10 CSR 10-6.030(21)].

2. The air quality analysis demonstration required in subsection (5)(D) of this rule or required by the director in subsection (5)(E) of this rule is deemed to have been made if the emissions increase from the proposed construction or modification alone would cause, in all areas, air quality impacts less than the amounts listed in Table 1 in paragraph (5)(F)3. of this rule.

3. Table 1—Significant Levels for Air Quality Impact in Class II Areas.

| Pollutant  | Averaging Time |         |        |        |        |
|--|----------------|---------|--------|--------|--------|
|  | Annual         | 24-hour | 8-hour | 3-hour | 1-hour |
| SO <sub>2</sub>  | 1.0            | 5       |        | 25     | 7.9    |
| PM <sub>10</sub>   |                | 5       |        |        |        |
| PM <sub>2.5</sub>  | 0.2            | 1.2     |        |        |        |
| NO <sub>2</sub>  | 1.0            |         |        |        | 7.5    |
| CO   |                |         | 500    |        | 2000   |
| Individual HAP Significant Impact Levels are equal to four (4) percent of the respective [risk assessment levels] RALs listed in the table referenced in subparagraph (5)(F)6.A. of this rule. |                |         |        |        |        |

Note: All impacts in micrograms per cubic meter.

4. In the event the director requires modeling under subsection (5)(E) of this rule, ambient air concentration increases shall be limited to the applicable maximum allowable increase listed in Table 2 over the baseline concentration in any attainment or unclassified area. Table 2 is located in paragraph (5)(F)5. of this rule.

5. Table 2—Ambient Air Increment Table.

| Pollutant                             | Maximum Allowable Increase |
|---------------------------------------|----------------------------|
|                                       |                            |
| <u>Particulate Matter 2.5 Micron:</u> |                            |
| Annual arithmetic mean                | 1                          |
| 24-hour maximum                       | 2                          |
| <u>Particulate Matter 10 Micron:</u>  |                            |
| Annual arithmetic mean                | 4                          |
| 24-hour maximum                       | 8                          |
| <u>Sulfur Dioxide:</u>                |                            |
| Annual arithmetic mean                | 2                          |
| 24-hour maximum                       | 5                          |
| 3-hour maximum                        | 25                         |
| <u>Nitrogen Dioxide:</u>              |                            |
| Annual arithmetic mean                | 2.5                        |
| Class II Areas                        |                            |
| <u>Particulate Matter 2.5 Micron:</u> |                            |
| Annual arithmetic mean                | 4                          |
| 24-hour maximum                       | 9                          |
| <u>Particulate Matter 10 Micron:</u>  |                            |
| Annual arithmetic mean                | 17                         |
| 24-hour maximum                       | 30                         |
| <u>Sulfur Dioxide:</u>                |                            |
| Annual arithmetic mean                | 20                         |
| 24-hour maximum                       | 91                         |
| 3-hour maximum                        | 512                        |
| <u>Nitrogen Dioxide:</u>              |                            |
| Annual arithmetic mean                | 25                         |
| Class III Areas                       |                            |
| <u>Particulate Matter 2.5 Micron:</u> |                            |
| Annual arithmetic mean                | 8                          |
| 24-hour maximum                       | 18                         |
| <u>Particulate Matter 10 Micron:</u>  |                            |
| Annual arithmetic mean                | 34                         |
| 24-hour maximum                       | 60                         |
| <u>Sulfur Dioxide:</u>                |                            |
| Annual arithmetic mean                | 40                         |
| 24-hour maximum                       | 182                        |
| 3-hour maximum                        | 700                        |
| <u>Nitrogen Dioxide:</u>              |                            |
| Annual arithmetic mean                | 50                         |

Notes:

1. All increases in micrograms per cubic meter. For any period other than an annual period, the applicable maximum allowable increase may be exceeded during one (1) period once per year at any one (1) location.

2. There are two (2) Class I Areas in Missouri—one (1) in Taney County (Hercules Glade) and one (1) in Wayne and Stoddard Counties (Mingo Refuge).

3. There are no Class III Areas in Missouri at this time.

6. [Hazardous air pollutants] HAPs table and public review.

A. The director shall maintain a table of [risk assessment levels] RALs and [screening model action levels] SMALs for [hazardous air pollutants] HAPs.

B. Public review: The permitting authority will make available for public review any changes to [risk assessment levels] RALs or [screening model action levels] SMALs of any [hazardous air pollutant] HAP in accordance with the following procedures:

(I) The permitting authority issues a draft proposal for use of alternate [risk assessment levels] RALs or [screening model action levels] SMALs and any supporting information relied upon for the proposed changes by publishing a notice on the permitting authority's website;

(II) Any interested person may submit relevant information materials and views to the permitting authority, in writing, until the thirtieth day after the date of publication of the notice. The comment period may be extended by thirty (30) calendar days if a written request is received within twenty-five (25) calendar days of the original notice;

(III) The permitting authority considers all written comments submitted within the time specified in the public notice in making the final decision on the approvability of the values subject to change;

(IV) The permitting authority makes a final determination on whether to approve, approve with changes, or deny the changes;

(V) Any changes made to the proposed values as a result of public comments will go through public notice again following the procedures outlined in parts (5)(F)6.B.(I) through (V) of this rule;

(VI) Final decisions and response to comments will be made available to the public on the permitting authority's website; and

(VII) The values become effective on the date of final publication. The permitting authority shall finalize the values within thirty (30) days from the end of the public comment period.

7. Special considerations for stack heights and dispersion techniques.

A. The degree of emission limitation necessary for control of any air pollutant under this rule is not affected in any manner by—

(I) That amount of the stack height of any installation exceeding GEP stack height; or

(II) Any other dispersion technique.

B. Paragraph (5)(F)7. of this rule does not apply to stack heights on which construction commenced on or before December 31, 1970, or to dispersion techniques implemented on or before December 31, 1970.

C. Before the permitting authority issues a permit under this rule based on stack heights that exceed GEP, the permitting authority must notify the public of the availability of the demonstration study and provide opportunity for a public hearing.

D. This paragraph does not require that actual stack height or the use of any dispersion technique be restricted in any manner.

(7) Nonattainment Area Major Permits.

(A) Definitions. Solely for the purposes of this section, the following definitions apply to terms in place of definitions for which the term is defined elsewhere, including the reference to 40 CFR 52.21 in paragraph (7)(B)6. of this rule:

1. Chemical process plant—These plants include ethanol production facilities that produce ethanol by natural fermentation included in [NAICS] North American Industry Classification System codes 325193 or 312140; and

2. The following terms defined under paragraphs (a)(1)(iv) through (vi) and (x) of 40 CFR 51.165 promulgated as of July 1, 2018, are hereby incorporated by reference in this section, as published by the Office of the Federal Register. Copies can be obtained from the U.S. Publishing Office Bookstore, 710 N. Capitol Street NW, Washington, DC 20401. This rule does not incorporate any subsequent amendments or additions:

[2.]A. Major stationary source [is defined in 40 CFR 51.165(a)(1)(iv) as specified in 10 CSR 10-6.030(21)];

[3.]B. Major modification [is defined in 40 CFR 51.165(a)(1)(v) as specified in 10 CSR 10-6.030(21)], except that any incorporated provisions that are stayed shall not apply. The term major, as used in this definition, means major for the nonattainment pollutant;

[4.]C. Net emissions increase [is defined in 40 CFR 51.165(a)(1)(vi) as specified in 10 CSR 10-6.030(21)]; and

[5.]D. Significant [is defined in 40 CFR 51.165(a)(1)(x) as specified in 10 CSR 10-6.030(21)].

(B) Applicability Procedures. The following provisions of this subsection are used to determine, prior to beginning actual construction, if a project is a new major stationary source or a major modification at an existing stationary source:

1. Except for sources with a [Plantwide Applicability Limit (PAL)] PAL in compliance with subsection (7)(D) of this rule, and in accordance with the definition of the term major modification contained in subparagraph (7)(A)/3.2.B. of this rule, a project is a major modification if it causes two (2) types of emissions increases for the nonattainment pollutant—a significant emissions increase and a significant net emissions increase. The project is not a major modification if it does not cause a significant emissions increase. If the project causes a significant emissions increase, then the project is a major modification only if it also results in a significant net emissions increase;

2. The emissions increase from the project is determined by taking the sum of the emissions increases from each emissions unit affected by the project. An emissions unit is considered to be affected by the project if an emissions increase from the unit would occur as a result of the project, regardless of whether a physical change or change in the method of operation will occur at the particular emissions unit;

3. For each existing emissions unit affected by the project, the emissions increase is determined by taking the difference between the projected actual emissions for the completed project and the baseline actual emissions. In accordance with the definition of the term projected actual emissions [found in] under 40 CFR 52.21 as [referred to in section (2)] incorporated by reference in subsection (8)(A) of this rule, the owner or operator of the major stationary source may elect to use the existing emission unit's potential to emit in lieu of the projected actual emissions for this calculation;

4. For each new emissions unit affected by the project, the emissions increase is equal to the potential to emit;

5. The procedure for calculating the net emissions increase (the significance of which is the second criterion for determining if a project is a major modification) is contained in the definition of the term net emissions increase found in section (2) of this rule; and

6. The provisions of subsection (7)(B) of this rule do not apply to a source or modification that would be a major stationary source or major modification only if fugitive emissions, to the extent quantifiable, are considered in calculating the potential to emit of the stationary source or modification, and the source does not belong to one (1) of the source categories listed in items (i)(1)(vii)(a)–(aa) of 40 CFR 52.21, which is incorporated by reference in subsection (8)(A) of this rule.

(C) Permit Requirements. Permits to construct a new major stationary source for the nonattainment pollutants, or for a major modification to an existing major stationary source of nonattainment pollutants, must meet the following to be issued:

1. By the time the source is to commence operation, sufficient emissions offsets shall be obtained to ensure reasonable further progress toward attainment of the applicable *[national ambient air quality standard]* NAAQS and consistent with the requirements of paragraphs (a)(3) and (a)(9) of 40 CFR 51.165[(a)(3) and (9) as specified in 10 CSR 10-6.030(21)] promulgated as of July 1, 2018, and hereby incorporated by reference in this section, as published by the Office of the Federal Register. Copies can be obtained from the U.S. Publishing Office Bookstore, 710 N. Capitol Street NW, Washington, DC 20401. This rule does not incorporate any subsequent amendments or additions;

2. In the case of a new or modified installation located in a zone (within the nonattainment area) identified by the administrator, in consultation with the Secretary of Housing and Urban Development, as a zone for which economic development should be targeted, emissions of that pollutant resulting from the proposed new or modified installation will not cause or contribute to emissions levels exceeding the allowance permitted for that pollutant for that zone from new or modified installations;

3. Offsets have been obtained in accordance with paragraph (7)(C)1. and with the banking procedures in 10 CSR 10-6.410;

4. The administrator has not determined that the state implementation plan is not being adequately implemented for the nonattainment area in which the proposed source is to be constructed or modified;

5. Temporary installation and portable sources are exempt from this section provided that the source applies **best available control technology** (BACT) for each pollutant emitted in a significant amount;

6. The applicant provides documentation establishing that all installations in Missouri, which are owned or operated by the applicant, (or by any entity controlling, controlled by, or under common control with the applicant) are subject to emission limitations and are in compliance, or are on a schedule for compliance, with all applicable requirements;

7. Permit applications include a control technology evaluation to demonstrate that any new major stationary source or major modification will meet the lowest achievable emission rate (LAER) for all new or modified emission units, unless otherwise provided in this section;

8. Any new major stationary source or major modification to be constructed in an area designated nonattainment complies with LAER as determined by the director and set forth in the construction permit pursuant to this section, except where otherwise provided in this section;

9. The applicant provides an alternate site analysis; and

10. The applicant provides an analysis of impairment to visibility in any Class I area (those designated in 40 CFR 52.21 as incorporated by reference in subsection (8)(A) of this rule) that would occur as a result of the installation or major modification and as a result of the general, commercial, residential, industrial, and other growth associated with the installation or major modification.

(D) Plantwide Applicability Limits (PALs). The provisions of subsection (aa) of 40 CFR 52.21, which is incorporated by reference in subsection (8)(A) of this rule, govern PALs of the nonattainment pollutant for projects at existing major stationary sources in an area designated nonattainment, except that—

1. The term Administrator means the director of the Missouri Department of Natural Resources' Air Pollution Control Program;

2. The term BACT or LAER and the term BACT are both considered LAER for the nonattainment pollutant;

3. The term *[Prevention of Significant Deterioration (PSD)]* PSD program, as it appears in 40 CFR 52.21(aa)(1)(ii)(b), and the term major NSR program, as it appears in 52.21(aa)(1)(ii)(c), are

both nonattainment area permit programs of this section; and

4. The director shall not allow a PAL for VOC or *[NO<sub>x</sub>]* NO<sub>x</sub> for any existing major stationary source located in an extreme ozone nonattainment area.

(9) Major Case-by-Case Hazardous Air Pollutant Permits. Case-by-case permits must meet the requirements of 40 CFR 63, subpart B *[as specified in paragraph (3)(A)1. of 10 CSR 10-6.075]* promulgated as of July 1, 2018, and hereby incorporated by reference in this rule, as published by the Office of the Federal Register. Copies can be obtained from the U.S. Publishing Office Bookstore, 710 N. Capitol Street NW, Washington, DC 20401. This rule does not incorporate any subsequent amendments or additions. Before issuing a permit subject to this section, the permitting authority will issue a draft permit and related materials for public comment in accordance with the procedures for public participation as specified in subsection (12)(A), Appendix A of this rule.

(12) Appendices.

(A) Appendix A, Public Participation.

1. This subsection shall apply to applications under sections (7), (8), and (9) of this rule, applications for source operations or installations emitting five (5) or more tons of lead per year, and applications containing GEP stack height demonstrations that exceed GEP.

2. For those applications subject to section (7), (8), or (9) of this rule, the permit issuance process timeline of one hundred eighty-four (184) days includes a forty (40)-day public comment period with an opportunity for a public hearing and the period for the permitting authority's response to comments that were submitted during the public comment period.

A. Draft for public comment and public hearing opportunity. The permitting authority shall issue a draft permit and solicit comments and requests for a public hearing by publishing a notice in a newspaper of general circulation within or nearest to the county in which the project is proposed to be constructed or operated. In lieu of the newspaper notice, the notice may be an electronic notice posted on the department's website.

B. Public notice. The public notice shall include the following:

(I) Name, address, phone number, and representative of the agency issuing the public notice;

(II) Name and address of the applicant;

(III) A description of the proposed project, including its location and permits applied for;

(IV) For permits issued pursuant to section (7), a description of the amount and location of emission reductions that will offset the emissions increase from the new or modified source; and include information on how LAER was determined for the project, when appropriate;

(V) For permits issued pursuant to section (8), the degree of increment consumption, when appropriate;

(VI) The permitting authority's draft permit and a statement of permitting's authority to approve, approve with conditions, or deny a permit;

(VII) A statement that the public may request a public hearing on the draft permit as stated in subparagraph (12)(A)2.E. of this rule and that the public hearing will be canceled if a request is not received;

(VIII) A statement that any interested person may submit relevant information materials and views on the draft permit as stated in subparagraph (12)(A)2.F. of this; and

(IX) The time and location of the public hearing if one is requested.

C. Materials made available during the public notice period. The following materials shall be made available for public inspection during the entire public notice period at the Department of Natural Resources regional office in the region in which the proposed installation or major modification would be constructed, as well as at the

Air Pollution Control Program office./.):

(I) A copy of materials submitted by the applicant and used in making the draft permit;

(II) A copy of the draft permit; and

(III) A copy or summary of other materials, if any, considered in making the draft permit.

D. Distribution of public notice. At the start of the public notice period, the permitting authority sends a copy of the public notice to the following:

(I) The applicant; and

(II) To officials and agencies having cognizance over the location where the proposed construction would occur as follows:

(a) The administrator;

(b) Local air pollution control agencies;

(c) The chief executive of the city and county where the installation or modification would be located;

(d) Any comprehensive regional land use planning agency;

(e) Any state air program permitting authority;

(f) Any Federal Land Manager *[(FLM)]* whose lands may be affected by emissions from the installation or modification; and

(g) Any Indian Governing Body whose lands may be affected by emissions from the installation or modification.

E. Public hearing.

(I) A public hearing shall be scheduled not less than thirty (30) nor more than forty (40) days from the date of publication of the notice.

(II) The public hearing will be held by the department if a public hearing request is received within twenty-eight (28) days of the publication of the notice, otherwise the public hearing will be canceled.

(III) At the public hearing, any interested person may submit any relevant information, materials, and views in support of or opposed to the permit.

(IV) The public hearing shall be held in the county in which all or a major part of the proposed project is to be located.

(V) The permitting authority may designate another person to conduct any hearing under this section.

F. Public comment. Any interested person may submit relevant information materials and views to the permitting authority, in writing, until the end of the fortieth day after the date of publication of the notice for public hearing.

G. Public comment and applicant response. The permitting authority shall consider all written comments submitted within the time specified in the public notice and all comments received at the public hearing, if one is held, in making a final decision on the approvability of the application. No later than ten (10) days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The permitting authority shall consider the applicant's response in making a final decision. The permitting authority shall make all comments available for public inspection in the same locations where the permitting authority made available prehearing information relating to the proposed installation or modification. Further, the permitting authority shall prepare a written response to all comments under the purview of the Air Pollution Control Program and make them available at the locations referred to previously.

H. Final permit. The permitting authority shall make the final permit available for public inspection at the same locations where the permitting authority made available prehearing information and public comments relating to the installation or modification. The permitting authority shall submit a copy of this final permit to the administrator.

I. Public notice exception. If the administrator has provided public notice and opportunity for public comment and hearing equivalent to that provided by this subsection, the permitting authority may make a final determination without providing public notice and

opportunity for public comment and hearing required by this subsection.

3. This paragraph is for those applications not subject to section (7), (8), or (9) of this rule, but which propose an emission of five (5) or more tons of lead per year or applications containing GEP stack height demonstrations. For these applications, completing the final determination within ninety (90) calendar days after receipt of the complete application involves performing the same public participation activities as those subject to section (7), (8), or (9) of this rule, but within shorter time frames. The following specifies the new time frames:

A. Public notice shall begin no later than forty-five (45) calendar days after receipt of a complete application;

B. The public comment period will last for thirty (30) calendar days, starting with the public notice;

C. Public hearing—The public hearing will be scheduled between days twenty-three (23) and thirty (30). The permitting authority will accept comments up to the thirtieth day; and

D. Applicant response—No later than five (5) calendar days after the end of the public comment period, the applicant may submit a written response to any comments submitted.

(B) Appendix B, Unified Review. When the construction or modification and operation of any installation requires a construction permit under this rule, and an operating permit or its amendment, under 10 CSR 10-6.065, the installation will receive a unified construction and operating permit, or its amendment, and a unified review, hearing, and approval process, unless the applicant requests in writing that the application for a construction and operating permit, or its amendment, be reviewed separately. Under this unified review process, the applicant shall submit all the applications, forms, and other information required by the permitting authority.

1. Review of applications. The permitting authority completes any unified review within one hundred eighty-four (184) calendar days, as provided under the procedures of this rule and 10 CSR 10-6.065, Operating Permits Required.

2. Issuance of permits. As soon as the unified review process is completed, if the applicant complies with all applicable requirements under this rule and 10 CSR 10-6.065, the construction permit and the operating permit, or its amendment, is issued to the applicant and the applicant may commence construction. The permitting authority will retain the operating permit until validated pursuant to this section.

3. Validation of operating permits. Within one hundred eighty (180) calendar days after commencing operation, the holder of an operating permit, or its amendment, issued by the unified review process shall submit to the permitting authority all information required by the permitting authority to demonstrate compliance with the terms and conditions of the issued operating permit, or its amendment. The permittee shall also provide information identifying any applicable requirements that became applicable subsequent to issuance of the operating permit. Within thirty (30) calendar days after the applicant's request for validation, the permitting authority will take action denying or approving validation of the issued operating permit, or its amendment. If the permittee demonstrates compliance with both the construction and operating permits, or its amendment, the permitting authority validates the operating permit, or its amendment, and forwards it to the permittee. No part 70 permit will be validated unless—

A. At the time of validation, the permitting authority certifies that the issued permit contains all applicable requirements; or

B. The procedures for permit renewal in 10 CSR 10-6.065(6)(E)3. have occurred prior to validation to ensure the inclusion of any new applicable requirements to which the part 70 permit is subject.

4. Additional procedures needed for unified reviews of this rule's section (4), (5), (6), (7), (8), (9), or (10) unified review construction permit applications and part 70 operating permit applications.

## A. Permit review by the administrator and affected states.

## (I) Administrator review.

(a) Copies of applications, proposals, and final actions. The applicant will provide two (2) copies of the information included in an application. The permitting authority will forward to the administrator one (1) copy of each permit application and each final operating permit.

(b) Administrator's objection. No permit shall be issued under this rule if the administrator objects to its issuance in writing within forty-five (45) days after receipt of the proposed permit and all necessary supporting information.

(c) Failure to respond to objection. If the permitting authority does not respond to an objection of the administrator by transmitting a revised proposed permit within ninety (90) calendar days after receipt of that objection, the administrator may issue or deny the permit in accordance with the [Act] CAA.

(d) Public petitions for objection. If the administrator does not object to a proposed permit action, any person may petition the administrator to make such an objection within sixty (60) days after expiration of the administrator's forty-five (45)-day review period.

I. This petition may only be based on objections raised during the public review process, unless the petitioner demonstrates that it was impracticable to raise objection during the public review period (including when the grounds for objection arose after that period).

II. If the administrator responds to a petition filed under this section by issuing an objection, the permitting authority will not issue the permit until the objection has been resolved. If the permit was issued after the administrator's forty-five (45)-day review period, and prior to any objection by the administrator, the permitting authority shall treat that objection as if the administrator were reopening the permit for cause. In these circumstances, the petition to the administrator does not stay the effectiveness of the issued permit, and the permittee shall not be in violation of the requirement to have submitted a complete and timely permit application.

## (II) Affected state review.

(a) Notice of draft actions. The permitting authority will give notice of each draft permit to any affected state on or before the time that the permitting authority provides notice to the public. Affected states may comment on the draft permit action during the period allowed for public comment, as shall be set forth in a notice to affected states.

(b) Refusal to accept recommendations. If the permitting authority refuses to accept all recommendations for a proposed permit action that any affected state has submitted during the review period, the permitting authority shall notify the administrator and the affected state in writing of its reasons for not accepting those recommendations.

B. Proposals for review. Following the end of the public comment period, the permitting authority shall prepare and submit to the administrator a proposed permit.

(I) The proposed permit shall be issued no later than forty-five (45) days after the deadline for final action under this section and shall contain all applicable requirements that have been promulgated and made applicable to the installation as of the date of issuance of the draft permit.

(II) If new requirements are promulgated or otherwise become newly applicable to the installation following the issuance of the draft permit, but before issuance of a final permit, the permitting authority may elect to either—

(a) Extend or reopen the public comment period to solicit comments on additional draft permit provisions to implement the new requirements; or

(b) If the permitting authority determines that this extension or reopening of the public comment period would delay issuance of the permit unduly, the permitting authority may include in the proposed or final permit, or both, a provision stating that the operating

permit will be reopened immediately to incorporate the new requirements and stating that the new requirements are excluded from the protection of the permit shield. If the permitting authority elects to issue the proposed or final permit, or both, without incorporating the new requirements, the permitting authority, within thirty (30) calendar days after the new requirements become applicable to the source, shall institute proceedings pursuant to this section to reopen the permit to incorporate the new requirements. These reopening proceedings may be instituted, but need not be completed, before issuance of the final permit.

## C. Action following the administrator's review.

(I) Upon receipt of notice that the administrator will not object to a proposed permit that has been submitted for the administrator's review pursuant to this section, the permitting authority shall issue the permit as soon as practicable, but in no event later than the fifth day following receipt of the notice from the administrator.

(II) Forty-five (45) days after transmittal of a proposed permit for the administrator's review, and if the administrator has not notified the permitting authority that s/he objects to the proposed permit action, the permitting authority shall promptly issue the permit, but in no event later than the fiftieth day following transmittal to the administrator.

(III) If the administrator objects to the proposed permit, the permitting authority shall consult with the administrator and the applicant, and shall submit a revised proposal to the administrator within ninety (90) calendar days after the date of the administrator's objection. If the permitting authority does not revise the permit, the permitting authority will so inform the administrator within ninety (90) calendar days following the date of the objection and decline to make those revisions. If the administrator disagrees with the permitting authority, the administrator may issue the permit with the revisions incorporated.

*AUTHORITY: section 643.050, RSMo 2016. Original rule filed Dec. 10, 1979, effective April 11, 1980. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 26, 2019.*

*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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., December 3, 2019. The public hearing will be held at the Elm Street Conference Center, 1730 East Elm Street, Lower Level, Bennett Springs Conference Room, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a statement of their views until 5:00 p.m., December 10, 2019. Send online comments via the proposed rules web page [www.dnr.mo.gov/proposed-rules](http://www.dnr.mo.gov/proposed-rules), email comments to [apcprulespn@dnr.mo.gov](mailto:apcprulespn@dnr.mo.gov), or written comments to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176.*

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 12—Hazardous Waste Fees and Taxes**

**PROPOSED AMENDMENT**

**10 CSR 25-12.010 Fees and Taxes.** The department is amending



section (1).

*PURPOSE: The proposed amendments of this rule relate to the hazardous waste fee structure for hazardous waste generators and permitted hazardous waste treatment, storage, and disposal facilities in Missouri. Sections 260.380.1(10)(d) and 260.475.8 RSMo give the Missouri Department of Natural Resources the authority to conduct a comprehensive review of the hazardous waste fee structure and to develop proposed changes to the fee structure. These changes were developed by the Hazardous Waste Fee Stakeholder Workgroup. The commission proposes to amend section (1) of the rule, including the addition of a new subsection (G).*

(1) Hazardous Waste Fees Applicable to Generators of Hazardous Waste. The fees in this section apply notwithstanding any conflicting language in any other rule regarding the amount of any of the fees listed in this section.

(E) Registration Fee. A generator subject to registration in accordance with 10 CSR 25-5.262 shall pay the following registration fees, **except as specified below in subsection (1)(G)**:

1. All new generator registration and renewal fees will be based upon the generator status of the generator. The fee schedule is as follows:

A. A generator registering as a Large Quantity Generator shall pay a registration fee of five hundred dollars (\$500);

B. A generator registering as a Small Quantity Generator shall pay a registration fee of one hundred fifty dollars (\$150); and

C. A generator registering as a Conditionally Exempt Small Quantity Generator shall pay a registration fee of one hundred fifty dollars (\$150);

2. A registration fee will be paid with the submittal of the registration form required by 10 CSR 25-5.262 when one (1) of the following is true:

A. The generator is applying for a new ID number (initial registration);

B. The generator is reactivating an existing ID number that had been inactivated;

C. There has been a change in the ownership of the generator (initial registration for the new company); and

D. A SQG or CESQG who changes their generator status to LQG and has already paid the one hundred fifty dollar (\$150) registration fee for the year as required by this subsection shall pay three hundred fifty dollars (\$350) with the submittal of the required registration form;

3. The following constitutes the procedure for registration renewal:

A. The amount of the registration renewal fee is also based upon the generator status of the generator at the time the invoice is generated and uses the same schedule as the registration fee;

B. The calendar year shall constitute the annual registration period;

C. Annual registration renewal billings will be sent by December 1 of each year to all generators holding an active registration;

D. Any generator initially registering between October 1 and December 31 of any given year shall pay the initial registration fee, but not the annual renewal fee for the calendar year immediately following their initial registration. From that year forward, they shall pay the annual renewal fee;

E. Any generator subject to registration who fails to pay the annual renewal fee by the due date specified on the billing shall be administratively inactivated and subject to enforcement action for failure to properly maintain their registration;

F. Generators administratively inactivated for failure to pay the renewal fee in a timely manner, who later in the same registration year pay the annual renewal fee, shall pay a fifteen percent (15%) late fee in addition to the annual renewal fee for each applicable registration year and shall file an updated generator registration form

with the department before their registration is reactivated by the department;

G. Generators who request that their registration be made inactive rather than pay the renewal fee, who later in that same renewal year pay the annual renewal fee to reactivate their registration, shall pay a fifteen percent (15%) late fee in addition to the annual renewal fee and file an updated generator registration form with the department before their registration is reactivated by the department; and

H. The department will immediately revoke the registration of any person who pays the annual renewal fee with what is found to be an insufficient check; and

4. Large quantity generator registration renewal petition process. A generator may petition to have a single large quantity generator registration renewal fee cover multiple generator sites with different ID numbers as long as at least one (1) generator site is a large quantity generator and the generator can demonstrate to the satisfaction of the department that each of the following conditions has been met:

A. All of the generator sites are owned or leased by the same person and all are under control of the same person;

B. The generator provides a single point of contact for all generator sites within the group;

C. Each generator site is adjacent to a property that also shares a border with at least one (1) other generator site in the group, or all generator sites are accessible by a common roadway, or all generator sites are within the recognized boundaries of an industrial park, warehouse district, research campus, or academic campus, provided that all generator sites are in close proximity to one another and can be inspected as a single facility;

D. The generator submits a map that shows the location of each generator site covered by the single registration fee;

E. All of the generator sites share a single contingency plan, a single repository for required records, and a unified training plan that covers all of the large quantity and small quantity generator sites; and

F. The generator must submit an updated petition and map any time a generator site is added to or removed from the group and each generator site must have an existing ID number before it can be added to the group.

**(G) Temporary fee structure for registration and renewal fees for calendar years 2021 and 2022 only. The fee structure established below is in place for calendar years 2021 and 2022.**

1. All new generator registration and registration renewal fees accruing before January 1, 2021, will be assessed at the amounts established in 10 CSR 25-12.010(1)(E)1.A. through (1)(E)1.C. All new generator registration and registration renewal fees accruing during calendar years 2021 and 2022 will be assessed by the department at the following rates:

A. A generator registering as a Large Quantity Generator shall pay a registration fee not to exceed one thousand one hundred and fifty dollars (\$1150);

B. A generator registering as a Small Quantity Generator shall pay a registration fee not to exceed three hundred and sixty dollars (\$360); and

C. A generator registering as a Conditionally Exempt Small Quantity Generator shall pay a registration fee not to exceed one hundred seventy-five dollars (\$175).

All new generator registration and registration renewal fees accruing on or after January 1, 2023, will revert back to the amounts established in 10 CSR 25-12.010(1)(E)1.A. through (1)(E)1.C.

2. Registration renewal fees for owners of multiple hazardous waste generator ID numbers.

A. For individuals or companies that own multiple sites for which they obtain hazardous waste ID numbers, the fees established in this section will only be assessed on:

(I) The first 5 Large Quantity Generator ID numbers;

and

(II) The first 10 Small Quantity Generator ID numbers;

and

(III) The first 15 Conditionally Exempt Small Quantity Generator ID numbers.

B. The remainder of the hazardous waste generator ID numbers will be assessed the regular registration renewal fee established in 10 CSR 25-12.010(1)(E)1.A. through (1)(E)1.C.

C. Generators are responsible for providing documentation required to verify common ownership of the multiple hazardous waste ID numbers and also for providing a list of all of their ID numbers and indicate which ID numbers are to be assessed the temporary rates established in this section, as well as which ID numbers will be assessed at the rates established in 10 CSR 25-12.010(1)(E)1.A. through (1)(E)1.C.

3. All new generator registrations and reactivations of ID numbers accruing during calendar years 2021 and 2022 shall pay the full amount established in the temporary fee structure.

*AUTHORITY: sections 260.370, 260.390, 260.395, and 260.437, RSMo 2016, and sections 260.380, 260.391, and 260.475, RSMo Supp. [2018] 2019.*

*PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions forty-eight thousand four hundred and ninety dollars (\$48,490) in the aggregate each year for two calendar years.*

*PRIVATE COST: This proposed amendment will cost private entities four hundred fifty-five thousand seven hundred fifty dollars (\$455,750) in the aggregate each year for two calendar years.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action beginning at 10:00 a.m. on November 1, 2019, at the Elm Street Conference Center, 1730 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.*

*Any person may submit written comments on this rule action. Interested persons, whether or not heard, may submit a written or email statement of their views until midnight on November 8, 2019. Written comments shall be sent to the director of the Environmental Remediation Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be post-marked by midnight on November 8, 2019. Email comments shall be sent to [tim.eiken@dnr.mo.gov](mailto:tim.eiken@dnr.mo.gov). Please direct all inquiries to the Rules Coordinator of the Environmental Remediation Program, at 1730 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.*

FISCAL NOTE

PUBLIC COST

I. RULE NUMBER

|                      |  |
|----------------------|--|
| Rule Number and Name | <i>10 CSR 25-12.010 Hazardous Waste Fees and Taxes</i> |
| Type of Rulemaking   | <i>Amendment</i>                                       |

II. SUMMARY OF FISCAL IMPACT

| Estimate of the number of entities by class which would likely be affected by the adoption of the proposed 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: |
|--|---|--|
| <i>70</i>  | <i>Conditionally Exempt Small Quantity Generators paying the generator registration and renewal fee</i> | <i>\$1,529</i>   |
| <i>156</i>   | <i>Small Quantity Generators paying the generator registration and renewal fee</i>                      | <i>\$28,995</i>  |
| <i>35</i>  | <i>Large Quantity Generators paying the generator registration and renewal fee</i>                      | <i>\$17,966</i>  |
| <i>Total Estimated Cost to Private Entities</i>  |   | <i>\$48,490</i>  |

III. Worksheet

The purpose of this proposed rulemaking is to amend the hazardous waste fee rule to reflect the following increased fees agreed to by the hazardous waste fee stakeholder workgroup:

- Hazardous waste generator registration and renewal fee - increased from \$150 to \$175 for conditionally-exempt small quantity generators; from \$150 to \$360 for small quantity generators; and from \$500 to \$1150 for large quantity generators

## Generator Registration Fee Calculations

The temporary increase in the hazardous waste generator registration fee would generate \$599,970 per year for two years, minus a discounted amount of \$95,730 for generators claiming the multiple ID number discount. The net revenue increase would equal \$504,240 to the Department per year for 2 years.

### Generator Registration and Renewal

#### Conditionally-Exempt Small Quantity Generators (CESQGs)

- 536 registered CESQGs
- Projected fee increase from \$150 to \$175
- Additional amount is \$25 per CESQG
- 536 registered CESQGs x \$25
- \$13,400 in additional revenue from registration and renewal fees for CESQGs

#### Small Quantity Generators (SQGs)

- 1,422 registered SQGs
- Projected fee increase from \$150 to \$360
- Additional amount is \$210 per SQG
- 1,422 registered SQGs x \$210
- \$298,620 in additional revenue from registration and renewal fees for SQGs

#### Large Quantity Generators (LQGs)

- 443 registered LQGs
- Projected fee increase from \$500 to \$1150
- Additional amount is \$650 per LQG
- 443 registered LQGs x \$650
- \$287,950 in additional revenue from registration and renewal fees for LQGs

Total additional fees: \$599,970 from CESQGs, SQGs, and LQGs minus \$95,730 in discounts equals \$504,240 net revenue to the Department per year for two years

## Hazardous waste generators - public versus private entities

The spreadsheet prepared by the Department estimating revenue of \$599,970 is based on the following number of generators in each category:

|  |       |
|--|-------|
| Conditionally Exempt Small Quantity Generators | 536   |
| Small Quantity Generators                      | 1,422 |
| Large Quantity Generators                      | 443   |

For the estimates in this fiscal note, Department staff queried the Department's database of hazardous waste generators. Based on this query, the Department estimates the following numbers of public entities in each generator category:

- 436 out of a total of 3,264 CESQGs are public entities for a total of 13%;
- 196 out of a total of 1,720 SQGs are public entities for a total of 11%; and
- 40 out of a total of 478 LQGs are public entities for a total of 8%.

Therefore, applying the above percentages to the numbers of generators in each category used in the spreadsheet to estimate the revenue amount to be produced by this amendment, the numbers of current, active affected generators in each category that are public entities are as follows:

CESQGs = 536 x 13% = 70 CESQGs that are public entities  
SQGs = 1,422 x 11% = 156 SQGs that are public entities  
LQGs = 443 x 8% = 35 LQGs that are public entities

Additional cost to comply with generator registration and renewal fee for public CESQGs = 70 x \$25 (increase in generator registration and renewal fee for CESQGs) = \$1,750

Additional cost to comply with generator registration and renewal fee for public SQGs = 156 x \$210 (increase in generator registration and renewal fee for SQGs) = \$32,760

Additional cost to comply with generator registration and renewal fee for public LQGs = 35 x \$650 (increase in generator registration and renewal fee for LQGs) = \$22,750

#### Multiple hazardous waste ID number discount

- The Department estimates that a certain number of CESQGs, SQGs, and LQGs will be eligible for and will claim the discount provided in the rule.
- The rule states that the increased rates are only applied to the first 5 LQGs, 10 SQGs, and 15 CESQGs, with the remainder to be assessed at the regular rates.
- To determine how many generators in each category would qualify for the discount, the Department queried the hazardous waste generator database to determine how many generators within each generator category shared common ownership information.
- Based on that query, the Department determined a total of 4 LQGs, 5 SQGs, and 3 CESQGs owned multiple ID numbers and qualified for the discount.
- For the purposes of this fiscal note, the Department assumed that all eligible generators within each category claimed the discount.
- The discount would reduce the revenue generated in the following amounts for each generator category:
  - A total of \$1,700 for CESQGs
  - A total of \$34,230 for SQGs
  - A total of \$59,800 for LQGs
- Using the percentages of public entities in each generator category as above, the total discounted amount is then apportioned among private and public entities as follows:

#### Public Entities

- \$1,700 x 13% = \$221
- \$34,230 x 11% = \$3,765
- \$59,800 x 8% = \$4,784

- Total Discount = \$8,770

#### Private Entities

- $\$1,700 \times 87\% = \$1,479$
  - $\$34,230 \times 89\% = \$30,465$
  - $\$59,800 \times 92\% = \$55,016$
  - Total Discount = \$86,960
- Net amount attributed to increased generator registration and renewal fees for public entities after multiple ID number discount = \$57,260 (total fees) - \$8,770 (discount) = \$48,490 (net revenue).

#### IV. Assumptions

1. The Department assumes that the estimated amount of additional revenue from the generator registration and renewal fee for each category of generators is a reasonable estimate. For the generator registration and renewal fee estimates, the Department queried the database to determine the current number of registered generators. Because generators are registering and inactivating their registrations on a daily basis, generator numbers can vary from day to day and from week to week. Because current numbers were used to provide the estimates in this fiscal note, the number of generators in each category and the associated amount of additional revenue expected to be generated from the revised registration and renewal fees on those generators is slightly different from the projections the Department used during the Hazardous Waste Fee Stakeholder Workgroup process. The numbers are also slightly different from those used in the workgroup process, because to prepare the estimates for the workgroup, the Department used actual revenues collected from the registration and renewal fee. Actual revenues may be slightly different from projected revenues because they do not include fees that are due but are not collected, and also include some revenues that were due in previous years.

FISCAL NOTE

PRIVATE COST

I. RULE NUMBER

|                      |  |
|----------------------|--|
| Rule Number and Name | <i>10 CSR 25-12.010 Hazardous Waste Fees and Taxes</i> |
| Type of Rulemaking   | <i>Amendment</i>                                       |

II. SUMMARY OF FISCAL IMPACT

| Estimate of the number of entities by class which would likely be affected by the adoption of the proposed 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: |
|--|---|--|
| <i>466</i>   | <i>Conditionally Exempt Small Quantity Generators paying the generator registration and renewal fee</i> | <i>\$10,171</i>  |
| <i>1,266</i>   | <i>Small Quantity Generators paying the generator registration and renewal fee</i>                      | <i>\$235,395</i>   |
| <i>408</i>   | <i>Large Quantity Generators paying the generator registration and renewal fee</i>                      | <i>\$210,184</i>   |
| <i>Total Estimated Cost to Private Entities</i>  |   | <i>\$455,750</i>   |

III. Worksheet

The purpose of this proposed rulemaking is to amend the hazardous waste fee rule to reflect the following increased fees agreed to by the hazardous waste fee stakeholder workgroup:

- Hazardous waste generator registration and renewal fee - increased from \$150 to \$175 for conditionally-exempt small quantity generators; from \$150 to \$360 for small quantity generators; and from \$500 to \$1150 for large quantity generators.

## Generator Registration Fee Calculations

The temporary increase in the hazardous waste generator registration fee would generate \$599,970 per year for two years, minus a discounted amount of \$95,730 for generators claiming the multiple ID number discount. The net revenue increase would equal \$504,240 to the Department per year for 2 years.

### Generator Registration and Renewal

#### Conditionally-Exempt Small Quantity Generators (CESQGs)

- 536 registered CESQGs
- Projected fee increase from \$150 to \$175
- Additional amount is \$25 per CESQG
- 536 registered CESQGs x \$25
- \$13,400 in additional revenue from registration and renewal fees for CESQGs

#### Small Quantity Generators (SQGs)

- 1,422 registered SQGs
- Projected fee increase from \$150 to \$360
- Additional amount is \$210 per SQG
- 1,422 registered SQGs x \$210
- \$298,620 in additional revenue from registration and renewal fees for SQGs

#### Large Quantity Generators (LQGs)

- 443 registered LQGs
- Projected fee increase from \$500 to \$1150
- Additional amount is \$650 per LQG
- 443 registered LQGs x \$650
- \$287,950 in additional revenue from registration and renewal fees for LQGs

Total additional fees: \$599,970 from CESQGs, SQGs, and LQGs minus \$95,730 in discounts equals \$504,240 net revenue to the Department per year for two years

## Hazardous waste generators - public versus private entities

The spreadsheet prepared by the Department estimating revenue of \$599,970 is based on the following number of generators in each category:

|  |       |
|--|-------|
| Conditionally Exempt Small Quantity Generators | 536   |
| Small Quantity Generators                      | 1,422 |
| Large Quantity Generators                      | 443   |

For the estimates in this fiscal note, Department staff queried the Department's database of hazardous waste generators. Based on this query, the Department estimates the following numbers of private entities in each generator category:



- 2,828 out of a total of 3,264 CESQGs are private entities, for a total of 87%;
- 1,524 out of a total of 1,720 SQGs are private entities, for a total of 89%; and
- 438 out of a total of 478 LQGs are private entities, for a total of 92%

Therefore, applying the above percentages to the numbers of generators in each category used in the spreadsheet to estimate the revenue amount to be produced by this amendment, the numbers of current, active affected generators in each category that are private entities are as follows:

CESQGs = 536 x 87% = 466 CESQGs that are private entities  
SQGs = 1,422 x 89% = 1,266 SQGs that are private entities  
LQGs = 443 x 92% = 408 LQGs that are private entities

Additional cost to comply with generator registration and renewal fee for private CESQGs = 466 x \$25 (increase in generator registration and renewal fee for CESQGs) = \$11,650.

Additional cost to comply with generator registration and renewal fee for private SQGs = 1,266 x \$210 (increase in generator registration and renewal fee for SQGs) = \$265,860.

Additional cost to comply with generator registration and renewal fee for private LQGs = 408 x \$650 (increase in generator registration and renewal fee for LQGs) = \$265,200.

#### Multiple hazardous waste ID number discount

- The Department estimates that a certain number of CESQGs, SQGs, and LQGs will be eligible for and will claim the discount provided in the rule.
- The rule states that the increased rates are only applied to the first 5 LQGs, 10 SQGs, and 15 CESQGs, with the remainder to be assessed at the regular rates.
- To determine how many generators in each category would qualify for the discount, the Department queried the hazardous waste generator database to determine how many generators within each generator category shared common ownership information.
- Based on that query, the Department determined a total of 4 LQGs, 5 SQGs, and 3 CESQGs owned multiple ID numbers and potentially qualified for the discount.
- For the purposes of this fiscal note, the Department assumed that all eligible generators within each category claimed the discount.
- The discount would reduce the revenue generated in the following amounts for each generator category:
  - A total of \$1,700 for CESQGs
  - A total of \$34,230 for SQGs
  - A total of \$59,800 for LQGs
- Using the percentages of public entities in each generator category as above, the total discounted amount is then apportioned among private and public entities as follows:

#### Public Entities

- \$1,700 x 13% = \$221
- \$34,230 x 11% = \$3,765
- \$59,800 x 8% = \$4,784

- Total Discount = \$8,770

#### Private Entities

- $\$1,700 \times 87\% = \$1,479$
  - $\$34,230 \times 89\% = \$30,465$
  - $\$59,800 \times 92\% = \$55,016$
  - Total Discount = \$86,960
- Net amount attributed to increased generator registration and renewal fees for private entities after multiple ID number discount = \$542,710 (total fees) - \$86,960 (discount) = \$455,750 (net revenue).

#### IV. Assumptions

1. The Department assumes that the estimated amount of additional revenue from the generator registration and renewal fee for each category of generators is a reasonable estimate. For the generator registration and renewal fee estimates, the Department queried the database to determine the current number of registered generators. Because generators are registering and inactivating their registrations on a daily basis, generator numbers can vary from day to day and from week to week. Because current numbers were used to provide the estimates in this fiscal note, the number of generators in each category and the associated amount of additional revenue expected to be generated from the revised registration and renewal fees on those generators is slightly different from the projections the Department used during the Hazardous Waste Fee Stakeholder Workgroup process. The numbers are also slightly different from those used in the workgroup process because to prepare the estimates for the workgroup the Department used actual revenues collected from the registration and renewal fee. Actual revenues may be slightly different from projected revenues because they do not include fees that are due but are not collected, and also include some revenues that were due in previous years.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 50—Missouri State Highway Patrol  
Chapter 2—Motor Vehicle Inspection**

**PROPOSED RESCISSION**

**11 CSR 50-2.430 Verification of Homemade Trailers.** This rule provided instructions and guidelines for the completion of verification of homemade trailers.

*PURPOSE:* This rule is being rescinded in response to legislative approval of SB 89, signed by Governor Parson on July 10, 2019, effective August 28, 2019, which removes the authority of official motor vehicle safety inspection stations to complete verifications of homemade trailers.

*AUTHORITY:* section 307.360, RSMo 2000. Emergency rule filed Aug. 15, 1984, effective Sept. 1, 1984, expired Dec. 30, 1984. Original rule filed Sept. 12, 1984, effective Jan. 1, 1985. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed Aug. 29, 2019.

*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 Public Safety, Missouri State Highway Patrol, Post Office Box 568, Jefferson City, MO 65102. 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 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 23—Motor Vehicle**

**PROPOSED RULE**

**12 CSR 10-23.090 Back the Blue Special Plate Donation Processing**

*PURPOSE:* This rule codifies Back the Blue Special Plate Donation procedures authorized in Section 301.3175, as amended by the 101<sup>st</sup> General Assembly, TAFP HB 898.

(1) Payment of the initial ten-dollar (\$10.00) contribution by registrants who do not present a receipt issued by the Missouri Law Enforcement Memorial Foundation may be made directly to the Department of Revenue at the time of application for the Back the Blue special plate, and distribution of donations made directly to the Department of Revenue will be disbursed to the Missouri Law Enforcement Memorial Foundation at a reasonable frequency set forth by the Director of Revenue, but no less frequently than twice each fiscal year.

*AUTHORITY:* section 301.3175, RSMo Supp. 2019. Original rule filed Aug. 28, 2019.

*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 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 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 26—Dealer Licensure**

**PROPOSED AMENDMENT**

**12 CSR 10-26.060 Dealer License Plates/Certificates of Number.** The director is amending sections (1) and (3), adding new sections (4)–(7), and renumbering as necessary.

*PURPOSE:* This rule revision provides administrative procedures and restrictions regarding the new dealer plate use authorized in TAFP HB 926 and TAFP SB 368.

(1) Dealer license plates, other than powersport dealer license plates, shall be of standard size (approximately twelve inches by six inches (12" × 6")) and may only be used as provided by law.

(D) Powersport dealer license plates shall be motorcycle-size (approximately seven and one-fourth inches by four and one-eighth inches (7 1/4" × 4 1/8")) and may only be displayed on motorcycles/motortricycles, trailers, and personal watercraft.

(3) Dealer license plates or certificates of number may only be used by an employee, owner or officer of the licensee, or customer test driving the motor vehicle, trailer, or vessel, or by a customer whose vehicle is being serviced or repaired at the dealership.

(4) A customer who is having a motor vehicle serviced may only operate a motor vehicle owned by the dealership at which the vehicle is being serviced while using the dealership's dealer license plates for a duration not to exceed two (2) business days. "Service" is defined in this rule is a regular maintenance procedure performed on a motor vehicle at a set time interval or after a vehicle reaches a certain mileage threshold.

(5) A customer who is having a vehicle repaired may only operate a motor vehicle owned by the dealership at which the vehicle is being repaired while using the dealership's dealer license plates for a duration not to exceed twenty-four (24) business days. "Repair" as defined in this rule is a procedure performed on a motor vehicle to fix or mend the vehicle due to the vehicle's damage, malfunction, or inoperability, including any procedure performed on a motor vehicle upon recall of the vehicle or any of its components by the vehicle's manufacturer or the National Highway Traffic Safety Administration.

(6) A customer who is test driving a vehicle or vessel for more than forty-eight (48) hours, or who is test driving a tractor, truck, or a trailer under loaded conditions, must have a written demonstration agreement in the vehicle which has been signed and dated by both the customer and the licensee. The written demonstration agreement must be on the licensee's letterhead and include the following items:

(A) A statement that the vehicle or vessel is being used for demonstration purposes only and the anticipated duration of the demonstration;

(B) A description of the vehicle or vessel, including the year, make and identification number;

(C) The name of the customer demonstrating the unit;

(D) The licensee's name, dealer number, and business address;

(E) A statement of the type of property being transported, if applicable; and

(F) The mileage on the odometer of the vehicle at the time the demonstration began.

**(7) Proof of service or repair orders shall be retained for a duration set forth in 12 CSR 10-26.050(4), and must be provided to the Department of Revenue upon request within fifteen (15) business days.**

*[(4)](8)* A licensee must account for all dealer license plates/certificates of number at all times.

*[(5)](9)* Whenever a licensee is no longer entitled to a license due to cessation of business, sale of the business, abandonment of the business, suspension or revocation of the license, or other circumstance, the dealer license plates/certificates of number, business license, required monthly sales reports, and any unissued permits, if applicable, shall be surrendered to the department immediately, but in no event later than ten (10) days following such circumstance. If a licensee dies or becomes incapacitated, the heirs or estate of the licensee or legal guardian may retain these items for no more than one hundred eighty (180) days after death or incapacitation, or until the license expires, whichever comes first, in which to settle the affairs of the licensee or to apply for a new license in the name of the successor.

*AUTHORITY:* sections 301.550, 301.553, 301.560, and 301.562, [RSMo Supp. 2007 and section 301.553,] RSMo [2000] Supp. 2019. Original rule filed Nov. 1, 1999, effective May 30, 2000. Amended: Filed Sept. 23, 2002, effective March 30, 2003. Amended: Filed Dec. 28, 2007, effective June 30, 2008. Amended: Filed Aug. 28, 2019.

*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 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 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

### Division 30—Division of Regulation and Licensure

#### Chapter 40—Comprehensive Emergency Medical Services Systems Regulations

#### PROPOSED AMENDMENT

**19 CSR 30-40.750 ST-Segment Elevation Myocardial Infarction (STEMI) Center Designation Application and Review.** The department is amending section (3) and the form included after the rule.

*PURPOSE:* This amendment adds options for hospitals, which are certified as STEMI centers, as a Primary Heart Attack Center by the Joint Commission to become designated as a level II STEMI center and as an Acute Heart Attack Ready Center by the Joint Commission to become designated as a Level III STEMI Center without being

reviewed by DHSS (the department). This amendment also updates the application for STEMI certified hospital designation with adding the Primary Heart Attack Center and Acute Heart Attack Ready Center options.

(3) Hospitals seeking STEMI center designation by the department based on their current certification as a STEMI center by the Joint Commission, American Heart Association, or American College of Cardiology shall meet the following requirements:

(B) Both sections A and B of the application for STEMI certified hospital designation form, included herein, shall be complete before the department designates a hospital/STEMI center. The department shall notify the hospital/STEMI center of any apparent omissions or errors in the completion of the application for STEMI certified hospital designation form. Upon receipt of a completed and approved application, the department shall designate such hospital as follows:

1. The department shall designate a hospital as a level I STEMI center if such hospital has been certified as a comprehensive cardiac center by the Joint Commission;

2. The department shall designate a hospital as a level II STEMI center if such hospital has been certified as any of the following:

A. Mission *///*Lifeline Percutaneous Coronary Intervention (PCI)/STEMI receiving center by the American Heart Association;

B. Chest pain center with PCI center by the American College of Cardiology; *[or]*

C. Chest pain with PCI and resuscitation center by the American College of Cardiology; **or**

**D. Primary Heart Attack Center by the Joint Commission;**

3. The department shall designate a hospital as a level III STEMI center if such hospital has been certified as any of the following:

A. Mission *///*Lifeline non/PCI STEMI referral center by the American Heart Association;

B. Chest pain center by the Joint Commission;

**C. Acute Heart Attack Ready Center by the Joint Commission;**

*[C.]D.* Primary Acute Myocardial Infarction (AMI) center by the Joint Commission; **or**

*[D.]E.* Chest pain center by the American College of Cardiology;

*AUTHORITY:* sections 190.185 and 192.006, RSMo 2016, and section 190.241, RSMo Supp. [2017] 2019. Original rule filed Nov. 15, 2012, effective June 30, 2013. Emergency amendment filed Feb. 2, 2018, effective Feb. 12, 2018, expired Aug. 10, 2018. Amended: Filed Feb. 2, 2018, effective Aug. 30, 2018. Emergency amendment filed Aug. 28, 2019, effective Sept. 12, 2019, expires March 9, 2020. Amended: Filed Aug. 28, 2019.

*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 Dean Linneman, Director, Department of Health and Senior Services, Division of Regulation and Licensure, PO Box 570, Jefferson City, MO 65102. 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 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES**  
**Division 30—Division of Regulation and Licensure**  
**Chapter 82—General Licensure Requirements**

**PROPOSED RESCISSION**

**19 CSR 30-82.030 Assessment of Availability of Beds.** This rule provided the procedures in determining, for the Missouri Health Facilities Review Committee, if a need existed for additional Medicaid certified beds in a particular locality.

*PURPOSE:* This rule is being rescinded since the Section for Long-Term Care Regulation and the Missouri Health Facilities Review Committee no longer utilize the procedures in determining availability of beds. Furthermore, the Certificate of Need Program has established its own regulations and procedures for the criteria in determining approval of long-term care beds in varying localities.

*AUTHORITY:* sections 197.318, RSMo Supp. 1992 and 198.009, RSMo 1986. This rule was originally filed as 13 CSR 15-10.030. Emergency rule filed June 17, 1986, effective June 27, 1986, expired Oct. 24, 1986. Original rule filed June 17, 1986, effective Oct. 24, 1986. Moved to 19 CSR 30-82.030, effective Aug. 28, 2001. Rescinded: Filed Aug. 28, 2019.

*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 Dean Linneman, Director of the Division of Regulation and Licensure, PO Box 570, Jefferson City, MO 65102-0570. 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 COMMERCE AND INSURANCE**  
**Division 2197—Board of Therapeutic Massage**  
**Chapter 1—General Rules**

**PROPOSED RESCISSION**

**20 CSR 2197-1.010 Definitions.** This rule defined terms used in 20 CSR 2197.

*PURPOSE:* This rule is being rescinded and will be promulgated as amended language into other applicable board rules directly related to the definition.

*AUTHORITY:* sections 324.245, 324.257, and 324.265, RSMo Supp. 2007. This rule originally filed as 4 CSR 197-1.010. Original rule filed Feb. 25, 2000, effective Sept. 30, 2000. Moved to 20 CSR 2197-1.010, effective Aug. 28, 2006. Amended: Filed June 27, 2008, effective Dec. 30, 2008. Rescinded: Filed Aug. 21, 2019.

*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 Board of Therapeutic Massage, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-0735, or via email at [massagether@pr.mo.gov](mailto:massagether@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 COMMERCE AND INSURANCE**  
**Division 2197—Board of Therapeutic Massage**  
**Chapter 1—General Rules**

**PROPOSED RESCISSION**

**20 CSR 2197-1.020 Titling.** This rule specified the title that may be used by an individual licensed by the board as a massage therapist.

*PURPOSE:* This rule is being rescinded because the statute defines a massage therapist in section 324.240(6), RSMo.

*AUTHORITY:* sections 324.240, 324.245 and 324.270, RSMo Supp. 1999. This rule originally filed as 4 CSR 197-1.020. Original rule filed Feb. 25, 2000, effective Sept. 30, 2000. Moved to 20 CSR 2197-1.020, effective Aug. 28, 2006. Rescinded: Filed Aug. 21, 2019.

*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 Board of Therapeutic Massage, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-0735, or via email at [massagether@pr.mo.gov](mailto:massagether@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 COMMERCE AND INSURANCE**  
**Division 2197—Board of Therapeutic Massage**  
**Chapter 1—General Rules**

**PROPOSED RESCISSION**

**20 CSR 2197-1.030 Name and Address Changes for Individuals.** This rule outlined procedures to be followed for name, address and telephone number changes.

*PURPOSE:* The rule is being rescinded and will be promulgated as amended language into other applicable board rules.

*AUTHORITY:* sections 324.245, RSMo Supp. 2003 and 324.250, RSMo 2000. This rule originally filed as 4 CSR 197-1.030. Original rule filed Feb. 25, 2000, effective Sept. 30, 2000. Amended: Filed Nov. 26, 2003, effective June 30, 2004. Moved to 20 CSR 2197-1.030, effective Aug. 28, 2006. Rescinded: Filed Aug. 21, 2019.

*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 Board of Therapeutic Massage, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-0735, or via email at [massagether@pr.mo.gov](mailto:massagether@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 COMMERCE AND  
INSURANCE  
Division 2197—Board of Therapeutic Massage  
Chapter 2—Massage Therapist Licensure Requirements**

**PROPOSED AMENDMENT**

**20 CSR 2197-2.010 Application for Licensure.** The board is deleting sections (2)-(4), renumbering as necessary, adding sections (2) and (3), and amending sections (1) and new (4).

**PURPOSE:** This amendment clarifies language on background checks, distance education, and applying for licensure and rescinds grandfathering provisions.

(1) A person who seeks licensure as a massage therapist and has completed **either five hundred (500) clock hours of massage therapy training in an apprenticeship with a certified mentor and has successfully passed an examination approved by the board or massage therapy studies consisting of at least five hundred (500) clock hours of supervised instruction [in] from a Coordinating Board of Higher Education (CBHE) certified school, Missouri Department of Elementary and Secondary Education (DESE) approved vocational program or school, or school, college, university, or other institution of higher learning in the United States accredited by a regional accrediting commission recognized by the United States Department of Education or an equivalent approving body for out-of-state applicants, shall be at least eighteen (18) years of age and shall submit [or cause to be submitted] the following:**

(A) A completed notarized application and [the accompanying] application fee;

(B) Two (2) sets of fingerprints for the purpose of conducting a criminal background check by the Missouri State Highway Patrol and Federal Bureau of Investigation (FBI). [The applicant shall provide proof of submission of fingerprints to the Missouri State Highway Patrol's approved vendor(s) for both a Missouri State Highway Patrol and FBI criminal background check. Proof shall consist of any documentation acceptable to the board.] Any fees due for a fingerprint background check shall be paid by the applicant directly to the Missouri State Highway Patrol or its approved vendor(s);

(C) **Official evidence of completing five hundred (500) clock hours of massage therapy training in an apprenticeship with a certified mentor or [A]an official final transcript showing successful completion of [the] a massage therapy program to be submitted directly to the board office from the certified mentor or massage therapy program which includes:**

1. The applicant's name;
2. Date of enrollment;
3. Date of completion; and
4. Documentation that the massage therapy program consisted of at least five hundred (500) clock hours of supervised instruction which consisted of:—

A. At least three hundred (300) clock hours dedicated to massage theory and practice techniques **provided directly by the certified mentor or an instructor within a massage therapy program.**

An instructor for massage theory and practice techniques **or certified mentor** shall document at least two (2) years of massage therapy practice and either be licensed as a massage therapist in this state or be licensure eligible, based upon board review of the instructor's credentials.

(I) An instructor of kinesiology or pathology within the massage [theory and practice technique curriculum] **therapy program** shall submit verification of education and/or experience in kinesiology or pathology instruction and licensure as a massage therapist or licensure eligibility [shall] is not [be] required;

B. One hundred (100) clock hours dedicated to the study of anatomy and physiology provided by one (1) of the following:

(I) **The certified mentor who must hold an associate, bachelor, or advanced degree in a science related field from a college, university, or other institution of higher learning in the United States accredited by a regional accrediting commission recognized by the U.S. Department of Education that includes a course of study in anatomy and physiology. Such degrees include, but are not limited to, physical therapy, chiropractic, osteopathy, medicine, nursing, chemistry, or biology;**

(II) **A school, college, university, or other institution of higher learning in the United States accredited by a regional accrediting commission recognized by the U.S. Department of Education, a massage therapy program approved by the Missouri CBHE, or an out-of-state school approved by an agency equivalent to the Missouri CBHE;**

(III) **The certified mentor who must have earned at least fifteen (15) semester hours or twenty-five (25) quarter hours in science or science related courses from a college, university, or other institution of higher learning in the United States accredited by a regional accrediting commission recognized by the U.S. Department of Education. All course work must have a passing grade and at least eight (8) semester hours in fifteen (15) quarter hours of the course of study shall be in anatomy and physiology. For the purpose of this regulation a semester hour is equivalent to fifteen (15) clock hours and a quarter hour is equivalent to ten (10) clock hours;**

(III)(IV) An instructor [with] **within a massage therapy program who must hold** an associate, bachelor, or advanced degree in a science related field that includes a course of study in anatomy and physiology. Such degrees include, but are not limited to, physical therapy, chiropractic, osteopathy, medicine, nursing, chemistry, or biology [and shall be] from a college, university, or other institution of higher learning in the United States accredited by a regional accrediting commission recognized by the U.S. Department of Education; **or**

(III)(V) An instructor [with] **within a massage therapy program who must have earned at least fifteen (15) semester hours or twenty-five (25) quarter hours in science or science related courses from a college, university, or other institution of higher learning in the United States accredited by a regional accrediting commission recognized by the U.S. Department of Education. All course work must have a passing grade and at least eight (8) semester hours or fifteen (15) quarter hours of the course of study shall be in anatomy and physiology. For the purpose of this regulation a semester hour is equivalent to fifteen (15) clock hours and a quarter hour is equivalent to ten (10) clock hours;**

C. Fifty (50) clock hours dedicated to business practice, professional ethics, hygiene, and massage law in the state of Missouri provided by **a certified mentor or an instructor [who demonstrates] within a massage therapy program with** documented experience/education in a related field; and

D. Fifty (50) clock hours dedicated to ancillary therapies provided by **a certified mentor or an instructor(s) [who demonstrates] within a massage therapy program with** documented experience/education in a related field. The fifty (50) clock hours shall include [but is not be limited to] **at a minimum** cardiopulmonary resuscitation (CPR) and first aid [which shall be] provided

by an instructor who holds the respective instructor certification; and

(F) For the purpose of 20 CSR 2197-2.010, a **clock hour is defined as fifty (50) minutes of instruction** and the course of instruction meeting the educational requirements for licensure shall not be provided via correspondence course, audiotape, videotape, or [the Internet] **other electronic means** unless approved by the board. [The course of instruction shall be face-to-face, visually and verbally interactive, between an instructor and the student(s).]

*[(2) A person who has completed five hundred (500) clock hours in an apprenticeship with a certified mentor and has successfully passed an examination approved by the board shall be at least eighteen (18) years of age and shall submit or cause to be submitted:*

*(A) A completed notarized application and the accompanying application fee;*

*(B) Two (2) sets of fingerprints for the purpose of conducting a criminal background check by the Missouri State Highway Patrol and FBI. The applicant shall provide proof of submission of fingerprints to the Missouri State Highway Patrol's approved vendor(s) for both a Missouri State Highway Patrol and FBI criminal background check. Proof shall consist of any documentation acceptable to the board. Any fees due for fingerprint background check shall be paid by the applicant directly to the Missouri State Highway Patrol or its approved vendor(s);*

*(C) Official evidence of completing five hundred (500) clock hours of massage therapy training in an apprenticeship with a certified mentor which includes:*

- 1. The applicant name;*
- 2. Date of enrollment;*
- 3. Date of completion;*

*4. Documentation that the mentorship program consisted of at least five hundred (500) clock hours of supervised instruction which consisted of:*

*A. Three hundred (300) clock hours dedicated to massage theory and practice techniques provided directly by the certified mentor;*

*B. One hundred (100) clock hours dedicated to the study of anatomy and physiology provided by one (1) of the following:*

*(I) The board approved mentor with an associate, bachelor, or advanced degree in a science related field from a college, university, or other institution of higher learning in the United States accredited by a regional accrediting commission recognized by the U.S. Department of Education that includes a course of study in anatomy and physiology. Such degrees include but are not limited to physical therapy, chiropractic, osteopathy, medicine, nursing, chemistry, or biology;*

*(II) A school, college, university, or other institution of higher learning in the United States accredited by a regional accrediting commission recognized by the U.S. Department of Education, a massage therapy program approved by the Missouri CBHE, or an out-of-state school approved by an agency equivalent to the Missouri CBHE; or*

*(III) The board approved mentor with fifteen (15) semester hours or twenty-five (25) quarter hours in science or science related courses from a college, university, or other institution of higher learning in the United States accredited by a regional accrediting commission recognized by the U.S. Department of Education. All course work must have a passing grade and at least eight (8) semester hours in fifteen (15) quarter hours of the course of study shall be in anatomy and physiology. For the purpose of this regulation a semester hour is equivalent to fifteen (15) clock hours and a quarter hour is equivalent to ten (10) clock hours;*

*C. Fifty (50) clock hours dedicated to business practice, professional ethics, hygiene and massage law in the state of Missouri. The mentor shall document education and/or experience to provide a course of instruction for this area; and*

*D. Fifty (50) clock hours dedicated to ancillary therapies. The mentor shall document education and/or experience to provide a course of instruction for this area. The fifty (50) clock hours shall include but not be limited to cardiopulmonary resuscitation (CPR) and first aid which shall be provided by an instructor who holds the respective instructor certification;*

*(D) Evidence of passing one of the following:*

*1. National Certification Examination for Therapeutic Massage and Bodywork (NCETMB) as administered by the National Certification Board for Therapeutic Massage and Bodywork or its successor organization;*

*2. National Certification Examination for Therapeutic Massage (NCETM) as administered by the National Certification Board for Therapeutic Massage and Bodywork or its successor organization;*

*3. Asian Bodywork Therapy Examination (ABT) as administered by the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) or its successor organization;*

*4. The American Medical Massage Association National Board Certification Examination (AMMA NBCE) administered as of 2006; or*

*5. Massage and Bodywork Licensing Examination (MBLEx) as administered by the Federation of State Massage Therapy Boards or its successor organization;*

*(E) For the purpose of 20 CSR 2197-2.010, the course of instruction meeting the educational requirements for licensure shall not be provided via correspondence course, audiotape, videotape, or the Internet unless approved by the board. The course of instruction shall be face-to-face, visually and verbally interactive, between an instructor and the student(s).*

*(3) Grandfathering Provisions.*

*(A) A person who has passed a statistically valid examination on therapeutic massage and bodywork prior to August 28, 1999 and applies for such license prior to December 31, 2000 shall be at least eighteen (18) years of age and shall submit:*

*1. A completed notarized application and the accompanying application fee;*

*2. Two (2) sets of fingerprints for the purpose of conducting a criminal background check by the Missouri State Highway Patrol and FBI. The applicant shall provide proof of submission of fingerprints to the Missouri State Highway Patrol's approved vendor(s) for both a Missouri State Highway Patrol and FBI criminal background check. Proof shall consist of any documentation acceptable to the board. Any fees due for a fingerprint background check shall be paid by the applicant directly to the Missouri State Highway Patrol or its approved vendor(s); and*

*3. Evidence of passing a statistically valid examination from one of the following:*

- A. NCBTMB; or*
- B. NCCAOM.*

*(B) A person who has been in the practice of massage therapy for at least ten (10) years prior to August 28, 1999 and applies for such license prior to December 31, 2000 shall submit or cause to be submitted:*

*1. A completed notarized application and the accompanying application fee;*

2. Two (2) sets of fingerprints and the criminal background check fee;

3. Evidence documenting at least ten (10) years of massage therapy practice (minimum of one hundred fifty (150) massage hours per year practiced between August 28, 1984 to August 28, 1999) which may include but not be limited to a combination of the following:

- A. Income tax forms;
- B. Professional massage therapy association membership(s);
- C. Certificates of continuing education in massage therapy;
- D. Business license(s);
- E. Office rent or lease agreement(s);
- F. Yellow page advertisements with dates;
- G. Printed advertisements with dates;
- H. Professional insurance;
- I. Cancelled checks related to the massage therapy practice which shall include but not be limited to payment for rent, services rendered and/or massage therapy supplies;
- J. Verifiable letter(s) from employer(s);
- K. Verifiable letter(s) of referral for massage therapy services from a licensed healthcare professional;
- L. Verifiable letters of confirmation from clients of massage therapy experience;
- M. Work log or client records consisting of client's name, address and/or telephone number, appointment date, and time period worked on client.

(C) A person who has been in the practice of a massage therapy for at least three (3) years prior to August 28, 1999, has completed at least one hundred (100) clock hours of formal training in massage and applies for such license prior to December 31, 2000 shall be at least eighteen (18) years of age and shall submit or cause to be submitted:

1. A completed notarized application and the accompanying application fee;
2. Two (2) sets of fingerprints and the criminal background check fee;
3. Evidence documenting at least three (3) years massage therapy practice (minimum of one hundred fifty (150) massage hours per year practiced between August 28, 1994 to August 28, 1999) which may include but not be limited to a combination of the following:
  - A. Income tax forms;
  - B. Professional massage therapy association membership(s);
  - C. Certificates of continuing education in massage therapy;
  - D. Business license(s);
  - E. Office rent or lease agreement(s);
  - F. Yellow page advertisements with dates;
  - G. Printed advertisements with dates;
  - H. Professional insurance;
  - I. Cancelled checks related to the massage therapy practice which shall include but not be limited to payment for rent, services rendered and/or massage therapy supplies;
  - J. Verifiable letter(s) from employer(s);
  - K. Verifiable letter(s) of referral for massage therapy services from a licensed healthcare professional;
  - L. Verifiable letters of confirmation from clients of massage therapy experience; or
  - M. Work log or client records consisting of client's name, address and/or telephone number, appointment date, and time period worked on client; and
4. Evidence of at least one hundred (100) clock hours of formal massage therapy training approved by the board which shall include any combination of the following:
  - A. Classroom and directly supervised student clinical

massage therapy practice hours;

B. Continuing education credits in massage therapy; or

C. Massage therapy seminar and/or workshop attendance.

(4) A massage therapist license shall not be issued until the results of the criminal background check have been reviewed by the board. The results of the criminal background check shall be valid for two (2) years from receipt of the criminal background check in the board office.]

(2) A person applying for licensure based upon licensure in another state, territory, or the District of Columbia shall submit the following:

- (A) A completed notarized application and application fee;
- (B) Two (2) sets of fingerprints for the purpose of conducting a criminal background check by the Missouri State Highway Patrol and Federal Bureau of Investigation (FBI). Any fees due for a fingerprint background check shall be paid by the applicant directly to the Missouri State Highway Patrol or its approved vendor(s);
- (C) Verification of licensure, to be submitted to the board office from the state, territory, or the District of Columbia's license authority that includes:
  1. License issue and expiration date; and
  2. Complaints, prior or pending investigations, or disciplinary action on the license.

(3) If the board determines a state, territory, or the District of Columbia licensure requirements are not substantially the same, the applicant may qualify for licensure by meeting the requirements of section 324.265, RSMo, and this rule.

[(5) Educational Review.]

[(A)](4) The board may review a person's educational credentials prior to application for licensure upon receiving a written request to the board. The person requesting the education review shall be responsible for providing official transcripts and paying the required fee.

*AUTHORITY: sections 324.240, [and] 324.243, [SB 788, 94th General Assembly, Second Regular Session, 2008 and section 324.265, HB 1419, 94th General Assembly, Second Regular Session, 2008, and section 324.267, RSMo 2000, and sections] 324.245, [and] 324.265, 324.267, and 324.270, RSMo [Supp. 2007] 2016. This rule originally filed as 4 CSR 197-2.010. Original rule filed Feb. 25, 2000, effective Sept. 30, 2000. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 21, 2019.*

*PUBLIC COST: This proposed amendment will increase revenue for state agencies and political subdivisions eight hundred twenty-eight dollars (\$828) 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.*

*PRIVATE COST: This proposed amendment will save private entities approximately eight hundred forty-eight dollars (\$848) 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 Board of Therapeutic Massage, PO Box 1335, Jefferson City, MO*



65102, by facsimile at 573-751-0735, or via email at [massagether@pr.mo.gov](mailto:massagether@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.

## PUBLIC FISCAL NOTE

## I. RULE NUMBER

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration**  
**Division 2197 - Board of Therapeutic Massage**  
**Chapter 2 - Massage Therapist Licensure Requirements**  
**Proposed Amendment - 20 CSR 2197-2.010 Application for Licensure**

## II. SUMMARY OF FISCAL IMPACT

| Affected Agency or Political Subdivision | Estimated Revenue  |              |
|--|--|--------------|
| Board of Therapeutic Massage             |  | \$625        |
|  | <b>Estimated Annual Increase in Revenue for the Life of the Rule</b> | <b>\$625</b> |

| Affected Agency or Political Subdivision | Estimated Revenue  |              |
|--|--|--------------|
| Missouri State Highway Patrol            |  | \$203        |
|  | <b>Estimated Annual Increase in Revenue for the Life of the Rule</b> | <b>\$203</b> |

## III. WORKSHEET

See Private Fiscal Note.

## IV. ASSUMPTION

1. The figures reported above are based on committee projections.
2. It is anticipated that the total annual increase will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**PRIVATE ENTITY FISCAL NOTE**

**I. RULE NUMBER**

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration**  
**Division 2197 - Board of Therapeutic Massage**  
**Chapter 2 - Massage Therapist Licensure Requirements**  
**Proposed Amendment - 20 CSR 2197-2.010 Application for Licensure**

**II. SUMMARY OF FISCAL IMPACT**

| <b>Estimate the number of entities by class which would be affected by the adoption of the proposed</b> | <b>Classification by type of the business entities which would likely be affected:</b> | <b>Estimated annual cost of compliance with the rule by affected entities:</b> |
|---|--|--|
| 5   | Reciprocity Applicants<br>Application Fee @ \$125                                      | \$625  |
| 5   | Reciprocity Applicants<br>Fingerprint Fee @ \$40.50                                    | \$203  |
| 2   | Reciprocity Applicants<br>Verification Fee @ \$10                                      | \$20   |
| <b>Estimated Annual Cost of Compliance with the Amendment for the Life of the Rule</b>                  |  | <b>\$848</b>   |

**III. WORKSHEET**

See table above.

**IV. ASSUMPTION**

1. The board anticipates that there will be very few nonresident military spouse temporary
2. Most states have eliminated the verification fee, however, the \$10 amount is an average verification fee charged by the remaining states.
3. Applicants may incur minimal postage and photocopy expenses to submit documents to the office. Those expenses are not being calculated in this fiscal note.
4. It is anticipated that the total cost will recur or the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF COMMERCE AND  
INSURANCE  
Division 2197—Board of Therapeutic Massage  
Chapter 2—Massage Therapist Licensure Requirements**

**PROPOSED RESCISSION**

**20 CSR 2197-2.020 Reciprocity.** This rule outlined the requirement for licensure by reciprocity.

*PURPOSE:* This rule is being rescinded and will be promulgated as amended language into the board rule regarding application for licensure.

*AUTHORITY:* sections 324.245 and 324.265, RSMo Supp. 2007. This rule originally filed as 4 CSR 197-2.020. Original rule filed Feb. 25, 2000, effective Sept. 30, 2000. Moved to 20 CSR 2197-2.020, effective Aug. 28, 2006. Amended: Filed Aug. 21, 2007, effective March 30, 2008. Rescinded: Filed Aug. 21, 2019.

*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 Board of Therapeutic Massage, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-0735, or via email at [massagether@pr.mo.gov](mailto:massagether@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 COMMERCE AND  
INSURANCE  
Division 2197—Board of Therapeutic Massage  
Chapter 2—Massage Therapist Licensure Requirements**

**PROPOSED AMENDMENT**

**20 CSR 2197-2.030 Provisional License.** The board is deleting section (4), renumbering, and amending sections (1)-(4).

*PURPOSE:* This amendment clarifies the requirements for a provisional license.

(1) A person shall request an application for provisional licensure from the Missouri Board of Therapeutic Massage, PO Box 1335, Jefferson City, MO, 65102-1335 by calling (573) 522-6277 or sending an email to [massagether@pr.mo.gov](mailto:massagether@pr.mo.gov). The TDD number is (800) 735-2996. An application for provisional licensure shall include the following information:

(A) An official transcript from the massage therapy program, school, or [board approved] certified mentor documenting completion of a massage therapy program pursuant to 20 CSR 2197-2.010(1) or (2) and application fee. [For the purpose of this regulation, the massage therapy program shall not be provided via correspondence course, audiotape, videotape, or the Internet unless approved by the board. The course of instruction shall be face-to-face, visually and verbally interactive, between an instructor and the student(s).] The board may accept transcripts issued to the applicant and placed in a sealed envelope that carries the massage therapy program, school, or mentor's seal or stamp;

(B) Written verification from the massage therapy school, pro-

gram, mentor, or testing entity that the applicant has applied or is scheduled to take an examination pursuant to 20 CSR 2197-2.010[(1)(D)1.-3.]; and

(C) Two (2) sets of [F]fingerprints for the purpose of conducting a criminal background check by the Missouri State Highway Patrol and Federal Bureau of Investigation (FBI). [The applicant shall provide proof of submission of fingerprints to the Missouri State Highway Patrol's approved vendor(s) for both a Missouri State Highway Patrol and FBI criminal background check. Proof shall consist of any documentation acceptable to the board.] Any fees due for fingerprint background checks shall be paid by the applicant directly to the Missouri State Highway Patrol or its approved vendor; and].

[(D) Any applicable fees.]

(2) A provisional license is valid for one (1) year from the date of issuance. Upon expiration of a provisional license the licensee shall no longer engage in the practice of massage therapy. To resume practicing massage therapy a person must either apply to renew the provisional license, if he/she has not passed the national examination, or obtain a license as a massage therapist pursuant to 20 CSR 2197-2.010[(1) or (2)].

(3) A provisional license may be renewed for an additional number of months at the discretion of the board, not to exceed one (1) year. To renew a provisional license the applicant must complete an application, submit written verification from the massage therapy school, program, mentor, or testing entity that the applicant has applied or is scheduled to take an examination pursuant to 20 CSR 2197-2.010[(1)(D) or 20 CSR 2197-2.010(2)(D)], provide a written explanation for renewing the provisional license, and pay the required fee.

[(4) A provisional licensee is subject to all statutes and regulations relating to the licensing and regulation of licensed massage therapists and licensed massage therapy businesses.]

[(5)](4) [A provisional license shall not be issued until the results of the criminal background check have been reviewed by the board.] The results of the criminal background check shall be valid for [two (2) years] one (1) year from receipt of the criminal background check in the board office.

*AUTHORITY:* sections 324.245 and 324.265, RSMo [Supp. 2008] 2016. This rule originally filed as 4 CSR 197-2.030. Original rule filed Feb. 25, 2000, effective Sept. 30, 2000. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Aug. 21, 2019.

*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 Board of Therapeutic Massage, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-0735, or via email at [massagether@pr.mo.gov](mailto:massagether@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 COMMERCE AND INSURANCE**

**Division 2197—Board of Therapeutic Massage  
Chapter 2—Massage Therapist Licensure Requirements**

**PROPOSED AMENDMENT**

**20 CSR 2197-2.040 Students/Student License.** The board is adding new sections (2) and (6), deleting sections (3) and (6)-(7), renumbering as necessary, and amending sections (1) and (5) and new sections (3) and (7).

*PURPOSE:* This amendment clarifies the requirements for a student license.

(1) Upon *[enrollment]* completion of the required course of study, the school or the certified mentor shall submit to the board a completed application for student licensure. The application shall include the following information:

(A) Verification *[by the instructor or certified mentor that]* the student has demonstrated substantial progress and competency, as approved within the course of instruction, with a grade of “C” or better in the following:

1. Basic hygiene;
2. Universal precautions;
3. Contraindications; and
4. Basic massage theory and basic massage hands-on practice;

and

*[(B) Verification that the student has submitted a set of fingerprints for the purpose of conducting a criminal background check by the Missouri State Highway Patrol and Federal Bureau of Investigation (FBI). The student shall submit two (2) sets of fingerprints to the Missouri State Highway Patrol’s approved vendor(s) for both a Missouri State Highway Patrol and FBI criminal background check. Any fees due for fingerprint background checks shall be paid by the student directly to the Missouri State Highway Patrol or its approved vendor(s); and]*

*[(C)](B) [Any a]Applicable fee[s].*

(2) The applicant for student licensure shall submit to a background check conducted by the Missouri State Highway Patrol and Federal Bureau of Investigation and pay any fees required directly to the Missouri State Highway Patrol or its approved vendor(s).

*[(2)](3)* A student license shall not be issued until the results of the criminal background check have been reviewed by the board. The results of the criminal background check *[shall be]* are valid for *[two (2) years]* one (1) year from receipt of the criminal background check in the board office.

*[(3) As a part of the course of study, any student may practice massage therapy on fellow students and family members.]*

(5) The holder of a student license may practice massage therapy on members of the public while under the direct supervision of a massage therapy instructor or certified mentor and shall not receive compensation from the school, mentor, or client for any massage therapy services.

*[(6) Students shall not receive compensation from the school or client for any massage therapy services.]*

*[(7)When the student is no longer enrolled or has graduated, the school shall return the student license within thirty (30) days to the board office.]*

(6) A student license shall expire six (6) months from the issue date or when the student completes or withdraws from a massage therapy program or apprenticeship, whichever comes first. A student license may be renewed upon submission of a written request by the massage therapy school or certified mentor explaining the reason for the student license renewal. The renewal of the license is at the discretion of the board.

*[(8)](7) [No]* A massage therapy instructor shall have no more than five (5) students under *[his/her]* their direct supervision at one (1) time during massage therapy clinical practice.

(A) For the purpose of this rule, direct supervision is defined as control, direction, instruction, and oversight of a student within a massage therapy program or apprenticeship.

*AUTHORITY:* sections 324.245 and 324.265, RSMo *[Supp. 2007]* 2016. This rule originally filed as 4 CSR 197-2.040. Original rule filed Feb. 25, 2000, effective Sept. 30, 2000. Moved to 20 CSR 2197-2.040, effective Aug. 28, 2006. Rescinded and readopted: Filed Aug. 21, 2007, effective March 30, 2008. Amended: Filed Aug. 21, 2019.

*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 Board of Therapeutic Massage, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-0735, or via email at [massagether@pr.mo.gov](mailto:massagether@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 COMMERCE AND INSURANCE**

**Division 2197—Board of Therapeutic Massage  
Chapter 2—Massage Therapist Licensure Requirements**

**PROPOSED AMENDMENT**

**20 CSR 2197-2.050 License Renewal and Name and Address Changes.** The board is amending the title, sections (2), (4), and new (5), deleting sections (5) and (6), renumbering as necessary, and adding new sections (6) and (7).

*PURPOSE:* This amendment clarifies language on reinstating a license and adds language on name and address changes.

*PURPOSE:* This rule outlines the requirements for the renewal of licensure, *[and]* specifies continuing education requirements, and name and address changes.

(2) Licensees shall maintain evidence of their course participation or course completion for a period of at least *[six (6)]* four (4) years. Such evidence must be submitted upon request by the board.

(4) Failure of a licensee to receive the notice and application to renew *[his/her]* the license shall not excuse *[him/her]* the licensee from the requirements of section 324.265, RSMo, to renew that license.

*[(5) The license of a massage therapist that is not renewed by the expiration date shall lapse and become not current. A person may renew the lapsed license by completing the renewal form and paying the required renewal and late fees]*

as defined in 20 CSR 2197-1.040(3)(F) and (3)(F)1. within thirty (30) days of the expiration date. The lapsed licensee shall not provide massage therapy until filing the renewal form and paying the required fees.

(6) A licensed massage therapist may request reinstatement of a license up to two (2) years from the expiration date by completing the required reinstatement application, paying the required fees as defined in 20 CSR 2197-1.040(3)(F) and 20 CSR 2197-1.040(3)(F)2. and document completion of the continuing education as required by 20 CSR 2197-2.050(1). If the massage therapist fails to reinstate a license within two (2) years of the expiration date, the former licensee must submit an application for licensure, pay the required fee, and comply with the current requirements for licensure.]

[(7)](5) [A massage therapist with a lapsed license, as provided in this rule, may be reinstated] An expired license can be reinstated within two (2) years of the expiration date by submitting the reinstatement form, applicable fees, and proof of continuing education compliance. Reinstatement of an expired license is at the sole discretion of the board [upon completion of the required continuing education, payment of the required fee, and submitting the required application]. If the license is not reinstated within two (2) years of the expiration date, the former licensee must submit an application for licensure, application fee, and comply with the current requirements for licensure.

(6) A licensed massage therapist, provisional licensed massage therapist, or student licensed massage therapist shall insure the license bears the current legal name of that individual.

(7) A licensed massage therapist, provisional licensed massage therapist, or student licensed massage therapist shall notify the board office, in writing, within thirty (30) days of a name or address change. Changes in email or a telephone number shall be submitted to the board office in the same manner. A copy of the documentation authorizing the name change shall be submitted to the board office.

*AUTHORITY:* sections 324.245, 324.262 and 324.265, RSMo [Supp. 2007] 2016. This rule originally filed as 4 CSR 197-2.050. Original rule filed Feb. 25, 2000, effective Sept. 30, 2000. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Aug. 21, 2019.

*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 Board of Therapeutic Massage, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-0735, or via email at [massagether@pr.mo.gov](mailto:massagether@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 COMMERCE AND  
INSURANCE  
Division 2197—Board of Therapeutic Massage  
Chapter 3—Standards of Practice**

**PROPOSED RESCISSION**

**20 CSR 2197-3.005 Definitions.** This regulation defined certain

terms used throughout Chapter 3.

*PURPOSE:* This rule is being rescinded because the statute defines a massage therapist in section 324.240(6), RSMo, and the remaining definitions are not required.

*AUTHORITY:* sections 324.245 and 324.262, RSMo Supp. 2007. Original rule filed Aug. 21, 2007, effective March 30, 2008. Rescinded: Filed Aug. 21, 2019.

*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 Board of Therapeutic Massage, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-0735, or via email at [massagether@pr.mo.gov](mailto:massagether@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 COMMERCE AND  
INSURANCE  
Division 2197—Board of Therapeutic Massage  
Chapter 3—Standards of Practice**

**PROPOSED AMENDMENT**

**20 CSR 2197-3.010 Standards of Practice.** The board is deleting section (3), renumbering as necessary, and amending sections (1)-(5).

*PURPOSE:* This amendment clarifies standards of practice.

(1) A licensee shall practice within the scope of their education and training and [shall] not misrepresent professional qualifications relating to licensure, education, experience, or areas of competence. [Records regarding the licensee's education and training shall be maintained by the licensee.]

(2) A licensee shall recommend or refer a client to another licensed health care professional when appropriate and [shall] not delegate professional responsibilities to a person that is not qualified.

**(A) For the purpose of this rule, a client is defined as one who utilizes the services of a licensed massage therapist. A client does not include the licensee's immediate family members or significant other.**

[(3)] A licensee shall acknowledge the limitations and contraindications of massage therapy and shall not provide unjustified services.]

[(4)](3) A licensee shall conduct business with honesty and integrity to include the following:

(A) Maintain professional liability insurance;

(B) Advertise massage therapy services or instruction that is accurate and free of deception, sexual suggestiveness, or explicit sexual-ity[.];

(C) When providing massage therapy [the licensee shall], not dress or behave in a provocative manner;

[(C)](D) Prior to treatment, disclose the fee schedule. When offering gratuitous services or discounts in connection with massage therapy services, clearly and conspicuously disclose whether additional

charges may be incurred for related services and the cost of such related services;

*[(D)](E)* Post the license with a current photograph at the licensee's place of business and/or employment;

*[(E)](F)* Maintain accurate client records **and store records** for at least three (3) years from the last date of service and in a manner that secures client confidentiality. Client records for massage therapy not provided at a licensed massage therapy business shall be maintained and stored securely by the licensee;

*[(F)](G)* Shall not engage in any verbally or physically abusive behavior with a client;

(H) Shall not engage in sexual conduct with a client(s) during a massage session;

(I) Shall not exercise influence within a licensee-client relationship for the purpose of engaging a client in sexual activity during a massage session;

(J) Shall not take unfair advantage of the client for financial gain;

(K) Shall not massage the genitals;

(L) Shall not massage the breast unless ordered by a physician prescription or by documented clinical indication/. *Such documentation shall be included in the client's record and] to be included in the client's record with the massage [shall be] performed by a licensee that is certified or has advanced training in techniques related to therapeutic treatment of mammary tissue;*

(M) Notify the board of any violation of the Standards of Practice of which the licensee has information and knowledge; and

(N) Within the limits of the law, *[shall]* cooperate with any investigative proceeding.

*[(5)](4)* **Unless waived, in writing and signed by the client, and [P]prior** to providing massage therapy, a licensee shall document or update client information to include:

(A) Purpose for visit to include presence of pain;

(B) Allergies, preexisting conditions, recent surgeries, and current medication;

(C) If the client is currently under the care of any health or mental healthcare professional;

(D) Date, type, and length of massage therapy service(s);

(E) Outcome assessment *[(may not apply to on-site/chair massage)]*;

(F) Consent for treatment that is signed and dated by client; and

(G) Licensee's signature and date.

*[(6)](5)* When providing massage therapy a licensee shall:

(A) **During any massage requiring the client to undress, [P]provide** privacy for the client *[while the client is dressing, undressing, and during the massage]*;

(B) Provide appropriate draping during *[treatment] the massage* which includes draping at the gluteal cleft and genitals on males and females and the breasts on females;

(C) Modify or terminate *[treatment] the massage* at the client's request regardless of prior consent;

(D) Exercise the right to refuse to *[treat] provide massage therapy* to any person *[or part of the body for just and reasonable cause]*;

(E) Utilize universal precautions at all times as defined in 20 CSR 2197-1.010(4). This includes hand washing with an antibacterial agent before and after each client and not knowingly exposing clients to contagious diseases. **An antibacterial waterless hand cleanser can be used while in the confines of the massage therapy area and when leaving the area, the licensee must reapply the antibacterial waterless hand cleanser before providing massage therapy. For the purpose of this rule, universal precautions is defined as an approach to infection control as defined by the Center for Disease Control (CDC) to treat all human blood and certain body fluids as if they were known to be infectious for Human Immunodeficiency Virus (HIV), Hepatitis B Virus (HBV), and other blood borne pathogens; and**

(F) Provide adequate space around massage chair/table to allow for proper body mechanics and to minimize the spread of infection between tables/chairs[; and].

*[(G) Maintain all equipment used to perform massage therapy services in a safe and sanitary condition, which shall include but not be limited to:*

1. *Covering any massage or steam equipment with a single service material that does not have an impervious barrier;*

2. *Repairing all cuts and nicks in upholstery;*

3. *Cleansing all equipment coming in contact with a client with an antibacterial agent between each client usage. Such equipment shall include hydrotherapy equipment, combs, brushes, shower caps, showers, tubs, and basins;*

4. *Checking all equipment for the presence of any liquid, oil and/or body fluid and clean with an antibacterial agent prior to and between each client usage;*

5. *Cleaning all face cradles, arm rests on all massage chairs and tables with an antibacterial agent between each client regardless of whether or not a single service material was used;*

6. *Using ice cubes only once and then disposing of properly;*

7. *Cleaning after each use and maintain all cold and hot pack equipment;*

8. *Storing and dispensing massage therapy lubricants from suitable containers that are sanitized to preserve the integrity of the lubricant and to prevent contamination. Lubricants or products used during a massage shall be stored separately from cleaning supplies and include but not be limited to oils, soaps, alcohol, powders, lotions, shampoos and salts;*

9. *Keeping multiple use containers such as pump bottles and tubes free of debris, cleaning with a antibacterial agent between each client use, and refill containers in a sanitary manner;*

10. *Storing all single service materials and linens in closed or covered shelves, containers, cabinets or closets;*

11. *Using clean single service materials such as sheets, towels, gowns, and pillowcases for each client;*

12. *Professionally laundering or washing all soiled, single service materials and drapes on a hot water setting with detergent and at least one (1) cup of bleach or an antibacterial agent used in accordance with product label instructions in a clothes washing machine and dried on a high heat setting in a dryer; and*

13. *Storing all dirty or soiled, single service materials, trash, or refuse in a closed container, closed shelves, cabinets, or closets and separate from clean, single service materials.]*

*AUTHORITY: sections 324.245 and 324.262, RSMo [Supp. 2007] 2016. This rule originally filed as 4 CSR 197-3.010. Original rule filed Feb. 25, 2000, effective Sept. 30, 2000. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 21, 2019.*

*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 Board of Therapeutic Massage, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-0735, or via email at*

*massagether@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 COMMERCE AND INSURANCE**

**Division 2197—Board of Therapeutic Massage  
Chapter 4—Apprenticeship**

**PROPOSED AMENDMENT**

**20 CSR 2197-4.030 Apprenticeship Training Program.** The committee is adding new sections (3)-(6), renumbering subsections (2)(A) and (B) as sections (7) and (8) and amending sections (2) and (7).

*PURPOSE:* This amendment clarifies the apprentice training requirements and application process.

(2) *[In order to enroll in an approved apprenticeship training program, an apprentice shall submit an enrollment application, provided by the board, at least fourteen (14) days prior to the anticipated commencement of the apprentice's training.]* No apprentice shall receive credit for education received from a certified mentor of an approved apprenticeship training program until approved by the board.

(3) **Prior to enrolling an apprentice in an approved training program, the certified mentor shall provide, in writing, the following information to the apprentice:**

- (A) Course of instruction to include delivery method, textbooks, or reading materials;
- (B) Anticipated time frame for completion of course of instruction;
- (C) Attendance requirements to include time and dress code;
- (D) Grading system;
- (E) Hours certified mentor is accessible outside of regular course of instruction; and
- (F) Required cost(s) of apprenticeship program.

(4) **Documentation of this information shall be submitted with apprentice enrollment application pursuant to 20 CSR 2197-2.040.**

(5) **The certified mentor shall maintain an individual transcript record for each apprentice currently or formerly enrolled in the approved apprenticeship training program. The transcript shall be maintained by the certified mentor for at least five (5) years from the date of the last course attended by the apprentice and include the following elements:**

- (A) Name and license number of certified mentor and address of the approved apprenticeship program as reported on the application pursuant to 20 CSR 2197-4.010(2);
- (B) Full name of the apprentice;
- (C) Date apprentice entered approved apprenticeship program; and
- (D) Information relating to each course taken under the supervision of the certified mentor to include:
  1. Course title or name;
  2. Course program or credit hours offered;
  3. Course program or credit hours attended;
  4. Course completion date;
  5. Date training program was completed;
  6. Notation and date of withdrawal from approved apprenticeship program, designated with the word "withdrawal" and the grade "W" for any course from which the apprentice withdrew;

- 7. Name, title, and signature of certified mentor; and
- 8. Date transcript was issued.

(6) **Upon renewal of the massage therapy license, the certified mentor shall indicate whether he/she wishes to maintain the mentorship certification. Upon relinquishing the mentorship certification, the massage therapist shall discontinue the approved apprenticeship training program and may apply for reinstatement upon submitting an application pursuant to 20 CSR 2197-4.010 and this rule.**

*[(A)](7)* When an apprentice completes or withdraws from an apprenticeship training program, the certified mentor shall *[submit written notification on a form provided by the board, within fourteen (14) days of completion or withdrawal from the program.]* **return the student license to the board office within thirty (30) days.**

*[(B)](8)* For the purpose of meeting the requirements for licensure, training received from an apprenticeship training program is applicable towards the licensure requirements for no more than five (5) years from the date it was received from the certified mentor.

*AUTHORITY:* sections 324.240 and 324.245, RSMo [Supp. 2009] 2016. Material in this rule was originally filed as 4 CSR 197-4.010 and 20 CSR 2197-4.010. Original rule filed Aug. 27, 2009, effective Feb. 28, 2010. Amended: Filed Aug. 21, 2019.

*PUBLIC COST:* This proposed amendment will increase revenue for state agencies seven hundred three dollars (\$703) 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.

*PRIVATE COST:* This proposed amendment will cost private entities approximately seven hundred twenty-three dollars (\$723) 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 Board of Therapeutic Massage, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-0735, or via email at *massagether@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.



**PUBLIC FISCAL NOTE**

**I. RULE NUMBER**

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration  
 Division 2197 - Board of Therapeutic Massage  
 Chapter 2 - Massage Therapist Licensure Requirements  
 Proposed Amendment - 20 CSR 2197-4.030 Apprenticeship Training Program**

**II. SUMMARY OF FISCAL IMPACT**

| Affected Agency or Political Subdivision | Estimated Revenue  |              |
|--|--|--------------|
| Board of Therapeutic Massage             | <b>\$500</b>   |              |
|  | <b>Estimated Annual Increase in Revenue for the Life of the Rule</b> | <b>\$500</b> |

| Affected Agency or Political Subdivision | Estimated Revenue  |              |
|--|--|--------------|
| Missouri State Highway Patrol            | <b>\$203</b>   |              |
|  | <b>Estimated Annual Increase in Revenue for the Life of the Rule</b> | <b>\$203</b> |

**III. WORKSHEET**

See Private Fiscal Note.

**IV. ASSUMPTION**

1. The figures reported above are based on committee projections.
2. It is anticipated that the total annual increase will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

## PRIVATE ENTITY FISCAL NOTE

## I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2197 - Board of Therapeutic Massage

Chapter 4 - Apprenticeship

Proposed Amendment - 20 CSR 2197-4.030 Apprenticeship Training Program

## II. SUMMARY OF FISCAL IMPACT

| Estimate the number of entities by class which would be affected by the adoption of the proposed | Classification by type of the business entities which would likely be affected: | Estimated annual cost of compliance with the rule by affected entities: |
|--|---|---|
| 5  | Certified Mentor Reinstatement<br>Application Fee @ \$100                       | \$500   |
| 5  | Reciprocity Applicants<br>Fingerprint Fee @ \$40.50                             | \$203   |
| 2  | Reciprocity Applicants<br>Verification Fee @ \$10                               | \$20  |
| <b>Estimated Annual Cost of Compliance with the Amendment for the Life of the Rule</b>           |   | <b>\$723</b>  |

## III. WORKSHEET

See table above.

## IV. ASSUMPTION

1. The figures reported above are based on FY18 actuals.
2. Most states have eliminated the verification fee, however, the \$10 amount is an average verification fee charged by the remaining states.
3. Applicants may incur minimal postage and photocopy expenses to submit documents to the office. Those expenses are not being calculated in this fiscal note.
4. It is anticipated that the total cost will recur or the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF COMMERCE AND INSURANCE**  
**Division 2197—Board of Therapeutic Massage**  
**Chapter 4—Apprenticeship**

**PROPOSED RESCISSION**

**20 CSR 2197-4.040 Apprenticeship Training Documentation.** This rule outlined the documentation to be maintained by the certified mentor regarding an approved apprenticeship training program.

*PURPOSE:* The rule is being rescinded to consolidate with 20 CSR 2197-4.030.

*AUTHORITY:* sections 324.240 and 324.245, RSMo Supp. 2009. Material in this rule was originally filed as 4 CSR 197-4.010 and 20 CSR 2197-4.010. Original rule filed Aug. 27, 2009, effective Feb. 28, 2010. Rescinded: Filed Aug. 21, 2019.

*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 Board of Therapeutic Massage, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-0735, or via email at [massagether@pr.mo.gov](mailto:massagether@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 COMMERCE AND INSURANCE**  
**Division 2197—Board of Therapeutic Massage**  
**Chapter 5—Massage Therapy Business Requirements**

**PROPOSED RESCISSION**

**20 CSR 2197-5.010 Massage Therapy Business—Survey Inspections.** This rule specified the requirements to operate a massage therapy business.

*PURPOSE:* The rule is being rescinded and readopted to clarify the requirements to operate a massage therapy business.

*AUTHORITY:* sections 324.240, 324.250, 324.252, 324.255 and 324.260, RSMo 2000 and sections 324.245, 324.247 and 324.257, RSMo Supp. 2007. This rule originally filed as 4 CSR 197-5.010. Original rule filed Feb. 25, 2000, effective Sept. 30, 2000. Amended: Filed Nov. 26, 2003, effective June 30, 2004. Moved to 20 CSR 2197-5.010, effective Aug. 28, 2006. Amended: Filed Aug. 21, 2007, effective March 30, 2008. Rescinded: Filed Aug. 21, 2019.

*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 Board of Therapeutic Massage, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-0735, or via email at [massagether@pr.mo.gov](mailto:massagether@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 COMMERCE AND INSURANCE**  
**Division 2197—Board of Therapeutic Massage**  
**Chapter 5—Massage Therapy Business Requirements**

**PROPOSED RULE**

**20 CSR 2197-5.010 Massage Therapy Business—Survey Inspections**

*PURPOSE:* This rule specifies the requirements to operate a massage therapy business.

- (1) A massage therapy business shall—
  - (A) Employ or permit to practice on the premises a licensed or provisionally licensed massage therapist (hereinafter referred to as licensee or licensees) to perform massage therapy as defined in section 324.240(7), RSMo;
  - (B) Ensure that no licensee practices beyond their scope and expertise; direct or require a licensee to practice beyond their scope and expertise; or allow any unlicensed employees, staff, or independent contractors to provide massage pursuant to section 324.240(7), RSMo, for which a license is required;
  - (C) Maintain a copy of the professional liability insurance of the licensee as required in 20 CSR 2197-3.020(4)(A);
  - (D) Display, in a conspicuous place, the massage therapy business license;
  - (E) Display, in a conspicuous place, an original massage therapist license, to include a photograph of the massage therapist taken within the last two (2) years;
  - (F) Maintain accurate client records. Records must be stored for at least three (3) years from the last date of service and in a manner that secures client confidentiality.
    1. The licensed massage therapist providing massage therapy must sign each client record.
    2. Unless waived in writing and signed by the client, and prior to providing massage therapy, the client record shall include:
      - A. Purpose for visit to include presence of pain;
      - B. Allergies, preexisting conditions, recent surgeries, and current medication;
      - C. If the client is currently under the care of any health or mental healthcare professional;
      - D. Date, type, and length of massage therapy service(s);
      - E. Outcome assessment;
      - F. Consent for treatment that is signed and dated by client;
    - (G) Maintain current general liability insurance and provide proof that the massage therapy business has general liability insurance upon request or during the course of an inspection;
    - (H) Provide safe and unobstructed passage in the public areas of the business;
    - (I) Provide rest room facilities, including at least one (1) water-flushed toilet. A massage therapy business located in a building housing multiple businesses under one (1) roof such as arcades, shopping malls, terminals, and hotels may substitute centralized restroom facilities; and
    - (J) Maintain a sink for hand cleansing within a reasonable distance from where massage therapy is provided. The sink must be clean and in good working condition.
- (2) The area used for massage therapy must be used exclusively for massage and other clinical or healthcare related purposes adequately lighted, ventilated, and kept clean. Floors, walls, ceilings, and windows must be in good repair and free of dust and other unclean substances.

(3) All equipment used to perform massage therapy must be maintained in a safe and sanitary manner that includes, but is not limited to:

(A) Covering the massage table or equipment that does not have an impervious barrier with a single service material;

(B) Repairing all cuts or nicks in upholstery;

(C) Cleaning all equipment such as the massage table, massage chair, face cradle, and items coming into contact with a client with an antibacterial agent between each client usage to eliminate any liquid, oil, and/or body fluid. Massage tables, chairs, face cradles, and arm rests must be cleaned with an antibacterial agent between each client whether or not a single service material was used;

(D) Keeping all multiple use containers such as pump bottles and tubes free of debris.

1. Storing and dispensing massage therapy products from suitable containers that are sanitized with an antibacterial agent after each client.

2. Products, to include soap, oil, lotion, alcohol, powder, shampoo, and salt used during the massage, shall be stored separately from cleaning supplies;

(E) Storing all single service materials and linens such as towels, sheets, and pillowcases in closed covered shelves, containers, cabinets, or closets;

(F) Using a clean, single service material such as sheets, towels, and gowns between each client;

(G) Launder or wash in a clothes washing machine, all soiled, single service materials and drapes on a hot water setting with detergent and at least one (1) cup of bleach or an antibacterial laundry detergent used in accordance with product instructions and dried on a high heat setting in a clothes dryer;

(H) Store all dirty or soiled single service materials, garbage, or refuse in a closed container, closed shelves, cabinets, or closets and separate from clean, single service materials; and

(I) Remove all garbage or refuse in a sanitary manner.

(4) A massage therapy business must be free of insects. Only service animals whose purpose is to provide assistance to a client shall be allowed in a massage therapy business.

*AUTHORITY: sections 324.240, 324.245, 324.247, 324.250, 324.252, 324.255, 324.257, and 324.260, RSMo 2016. This rule originally filed as 4 CSR 197-5.010. Original rule filed Feb. 25, 2000, effective Sept. 30, 2000. Amended: Filed Nov. 26, 2003, effective June 30, 2004. Moved to 20 CSR 2197-5.010, effective Aug. 28, 2006. Amended: Filed Aug. 21, 2007, effective March 30, 2008. Rescinded and readopted: Filed Aug. 21, 2019.*

*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 Board of Therapeutic Massage, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-0735, or via email at [massage@pr.mo.gov](mailto:massage@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 COMMERCE AND INSURANCE

### Division 2197—Board of Therapeutic Massage Chapter 5—Massage Therapy Business Requirements

#### PROPOSED AMENDMENT

20 CSR 2197-5.020 Issuance [of an Original], Renewal, and

*Changes to a Business License.* The board is amending the title, the purpose, deleting sections (1)-(4), (8)-(10), and (13)-(15), amending section (5), renumbering, and adding new sections (6)-(11).

*PURPOSE: This amendment provides the requirements on obtaining a massage therapy business license, changing a location or management of a massage therapy business, and renewing a massage therapy business license.*

*PURPOSE: This rule outlines the requirements for this issuance and renewal of [an original] a business license.*

*[(1)] A massage therapy business shall be defined as an address or establishment where massage is practiced unless otherwise exempted by section 324.240(7), RSMo. A massage therapy business shall not operate or advertise using a name other than the name under which the business license was issued.*

*(2) A massage therapist may not practice massage therapy at a site, location, or place which is not duly licensed as a massage therapy business, except at the residence or location provided by the client, at a health fair, sports event, trade show or healthcare facility.*

*(3) The license is valid only for the premises located at the address provided in the initial application for the massage therapy business.*

*(4) Massage practiced in the home shall be in an area used only for massage therapy or for clinical or other health related purposes and shall have lavatory facilities.]*

*[(5)](1) A person applying for a business license shall be at least eighteen (18) years of age and shall submit:—*

*(A) A completed notarized application and application fee[.];*

*(B) A background check conducted by the Missouri State Highway Patrol and Federal Bureau of Investigation and pay any fees to the Missouri State Highway Patrol or its approved vendor(s);*

*(C) Proof of general liability insurance for the business location; and*

*(D) The name(s) of all owners, whether sole proprietorship, partnership, limited liability company, or corporation; operator, or both for the entity, including the address for all correspondence with the board and service of process.*

*[(6)](2) A survey inspection shall be completed with no violations and on file with the board prior to the issuance of a business license.*

*[(7)](3) The board may conduct [any] a survey inspection, [as they deem appropriate] during [normal] business hours.*

*[(8) Refusal to permit a survey inspection shall constitute valid grounds for denial of licensure or renewal of license.*

*(9) The business license shall be displayed in a conspicuous place on the premises of the licensed massage therapy business.*

*(10) Upon completion of each board survey inspection, a written report shall be prepared with respect to the massage therapy business's compliance or noncompliance with the provisions of sections 324.240 to 324.275, RSMo and the rules of this chapter and the deficiencies found.]*

*[(11)](4) A copy of the [survey] inspection report and the list of [deficiencies found] violations shall be [sent] provided to the*

massage therapy business[. *The list of deficiencies shall specifically*] and state the statute or rule which the massage therapy business is alleged to have violated.

[(12)](5) Within thirty (30) days of receipt of the **initial or biennial routine inspection** report the board must receive a plan of correction from the business owner or manager to include time necessary for compliance.

[(13) *After thirty (30) days, if the massage therapy business does not acknowledge the deficiencies, file an acceptable plan of correction with the board, or complete an acceptable plan of correction, the board may file a complaint with the Administrative Hearing Commission.*

(14) *The board may conduct follow-up survey inspections.*

(15) *A massage therapy business shall not operate or advertise using a name other than the name under which the business license was issued.]*

(6) At least fifteen (15) days prior to a proposed name change and before revising any promotional materials, the massage therapy business owner shall notify the board of the proposed name change.

(A) The license reflecting the name change shall replace the original license and be displayed in a conspicuous place on the premises of the licensed massage therapy business.

(7) When a massage therapy business changes location, an application for a location change must be submitted to the board along with the required fee. The business shall submit to a survey inspection at the new location.

(8) When a massage therapy business is sold, or ownership or management is transferred, or the corporate legal organization status is substantially changed, the massage therapy business shall apply for a license by submitting an application and fee, submitting to an inspection, and completing a background check conducted by the Missouri State Highway Patrol and Federal Bureau of Investigation. Any fees due for fingerprint background checks shall be paid directly to the Missouri State Highway Patrol or its approved vendor(s).

(A) In addition to the application, fee, and background check, the applying business shall provide documentation of proof of the sale or change in ownership, management, or organization.

(B) The name(s) of all owners, whether sole proprietorship, partnership, limited liability company, or corporation; operator, or both for the entity, including the address for all correspondence with the board and service of process.

(9) A business license issued pursuant to section 324.250, RSMo, shall be renewed on or before the expiration of the license by submitting the signed renewal application, renewal fee, and a statement of any changes in the information previously filed with the board in the original business license application.

(10) Failure of a licensee to receive the notice and application to renew the license shall not excuse the licensee from the requirements of section 324.250, RSMo, to renew the license.

(11) A massage therapy business license that has expired may be reinstated by completing the reinstatement form and paying the required late and renewal fees as defined in 20 CSR 2197-1.040. A massage therapy business shall not offer massage therapy until filing the reinstatement form and paying the required fees.

*AUTHORITY: sections 324.240, 324.245, 324.247, 324.250,*

*324.252, 324.255, 324.257, and 324.260, [RSMo 2000 and sections 324.245, 324.247 and 324.257,] RSMo [Supp. 2007] 2016. This rule originally filed as 4 CSR 197-5.020. Original rule filed Feb. 25, 2000, effective Sept. 30, 2000. Amended: Filed Nov. 26, 2003, effective June 30, 2004. Moved to 20 CSR 2197-5.020, effective Aug. 28, 2006. Amended: Filed Aug. 21, 2007, effective March 30, 2008. Amended: Filed Aug. 21, 2019.*

*PUBLIC COST: This proposed amendment will increase revenue for state agencies one hundred fifty thousand three hundred fifty-three dollars (\$150,353) 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.*

*PRIVATE COST: This proposed amendment will cost private entities one hundred fifty thousand three hundred fifty-three dollars (\$150,353) 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 Board of Therapeutic Massage, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-0735, or via email at [massagether@pr.mo.gov](mailto:massagether@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.*

## PUBLIC FISCAL NOTE

## I. RULE NUMBER

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration**  
**Division 2197 - Board of Therapeutic Massage**  
**Chapter 2 - Massage Therapist Licensure Requirements**  
**Proposed Amendment - 20 CSR 2197-5.020 Massage Therapy Business Requirements**

## II. SUMMARY OF FISCAL IMPACT

| Affected Agency or Political Subdivision | Estimated Revenue   |           |
|--|---|-----------|
| Board of Therapeutic Massage             | \$150,150   |           |
|  | Estimated Annual Increase in<br>Revenue for the Life of the<br>Rule | \$150,150 |

| Affected Agency or Political Subdivision | Estimated Revenue   |       |
|--|---|-------|
| Missouri State Highway Patrol            | \$203   |       |
|  | Estimated Annual Increase in<br>Revenue for the Life of the<br>Rule | \$203 |

## III. WORKSHEET

See Private Fiscal Note.

## IV. ASSUMPTION

1. The figures reported above are based on committee projections.
2. It is anticipated that the total annual increase will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**PRIVATE ENTITY FISCAL NOTE**

**I. RULE NUMBER**

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration**  
**Division 2197 - Board of Therapeutic Massage**  
**Chapter 5 - Massage Therapy Business Requirements**  
**Proposed Amendment - 20 CSR 2197-5.020 Massage Therapy Business Requirements**

**II. SUMMARY OF FISCAL IMPACT**

| <b>Estimate the number of entities by class which would be affected by the adoption of the proposed</b> | <b>Classification by type of the business entities which would likely be affected:</b> | <b>Estimated annual cost of compliance with the rule by affected entities:</b> |
|---|--|--|
| 5   | Massage Therapy Business<br>Fingerprint Fee @ \$40.50                                  | \$203  |
| 2   | Massage Therapy Business<br>Change of Location Fee @ \$25                              | \$50   |
| 2   | Massage Therapy Business<br>Business Application Fee @ \$50                            | \$100  |
| 1,500   | Massage Therapy Business<br>Renewal Fee @ \$100  | \$150,000  |
|   | <b>Estimated Annual Cost of Compliance with the Amendment for the Life of the Rule</b> | <b>\$150,353</b>   |

**III. WORKSHEET**

See table above.

**IV. ASSUMPTION**

1. The figures reported above are based on FY18 actuals.
2. Applicants may incur minimal postage and photocopy expenses to submit documents to the office. Those expenses are not being calculated in this fiscal note.
3. It is anticipated that the total cost will recur or the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF COMMERCE AND INSURANCE**  
**Division 2197—Board of Therapeutic Massage**  
**Chapter 5—Massage Therapy Business Requirements**

**PROPOSED RESCISSION**

**20 CSR 2197-5.030 Massage Therapy Business—Change of Name, Ownership or Location.** This rule outlined the procedures for a change of name, ownership, or location for a business license.

*PURPOSE: The rule is being rescinded because the statute defines the procedure for the change of a name, ownership, or location of a business pursuant to section 324.252, RSMo.*

*AUTHORITY: sections 324.240, 324.250, 324.252, 324.255 and 324.260, RSMo 2000 and sections 324.245, 324.247, 324.257 and 324.262, RSMo Supp. 2007. This rule originally filed as 4 CSR 197-5.030. Original rule filed Feb. 25, 2000, effective Sept. 30, 2000. Amended: Filed Nov. 26, 2003, effective June 30, 2004. Moved to 20 CSR 2197-5.030, effective Aug. 28, 2006. Amended: Filed Aug. 21, 2007, effective March 30, 2008. Rescinded: Filed Aug. 21, 2019.*

*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 Board of Therapeutic Massage, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-0735, or via email at massagether@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 COMMERCE AND INSURANCE**  
**Division 2197—Board of Therapeutic Massage**  
**Chapter 5—Massage Therapy Business Requirements**

**PROPOSED RESCISSION**

**20 CSR 2197-5.040 Massage Therapy Business License Renewal.** This rule outlined procedures for the renewal of a business license.

*PURPOSE: The rule is being rescinded because the statute defines the procedure for renewing a license pursuant to sections 324.250 and 324.255, RSMo.*

*AUTHORITY: sections 324.245, 324.257, and 324.262, RSMo Supp. 2007 and sections 324.250, 324.255, and 324.260, RSMo 2000. This rule originally filed as 4 CSR 197-5.040. Original rule filed Feb. 25, 2000, effective Sept. 30, 2000. For intervening history, please consult the Code of State Regulations. Rescinded: Filed Aug. 21, 2019.*

*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 Board*

*of Therapeutic Massage, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-0735, or via email at massagether@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 COMMERCE AND INSURANCE**  
**Division 2197—Board of Therapeutic Massage**  
**Chapter 6—Complaints and Investigations**

**PROPOSED AMENDMENT**

**20 CSR 2197-6.010 Public Complaint Handling and Disposition Procedure.** The board is amending sections (1), (2), and (4) and deleting sections (5)-(7).

*PURPOSE: This amendment clarifies the complaint procedure.*

(1) The [Division of Professional Registration/] Board of Therapeutic Massage will receive and process each complaint made against any licensee, applicant, or unlicensed individual or entity, in which the complaint alleges certain acts or practices which may constitute one (1) or more violations of the provisions of sections 324.240–324.275, RSMo. Any member of the public or the profession, or any federal, state, or local official, may make and file a complaint with the Board of Therapeutic Massage. [Complaints will be received from sources both within and without Missouri and processed in the same manner as those originating within Missouri.] No member of the Board of Therapeutic Massage may file a complaint with the board while serving in that capacity, unless that member is excused from further deliberation or activity concerning the matters alleged within that complaint. The executive director or any division staff member may file a complaint pursuant to this rule in the same manner as any member of the public.

(2) Complaints shall be mailed or delivered to the following address: [The Division of Professional Registration or the] Board of Therapeutic Massage, P[.]O[.] Box 1335, Jefferson City, MO 65102. Complaints may be based upon personal knowledge or beliefs based on information received from other sources.

(4) The [division] board will maintain each complaint received under this rule. The complaint file will contain a record of each complainant's name and address, and the subject(s) of the complaint; the date each complaint is received by the division; a brief statement of the complaint, including the name of any person injured or victimized by the alleged acts or practices; and the ultimate disposition of the complaint. [This complaint file shall be a closed record of the division.]

[15] Each complaint received under this rule shall be acknowledged in writing. The complainant shall be notified of the ultimate disposition of the complaint.

(6) This rule shall not be deemed to limit the board's authority to file a complaint with the Administrative Hearing Commission charging a licensee with any actionable conduct or violation. The complaint filed by the board need not be limited to the acts charged in a public complaint.

(7) The division/board interprets this rule, which is required by law, to exist for the benefit of those members of the public who submit complaints to the division/board. This rule does not create any cause of action for licensees against whom the division/board has instituted or may institute



*administrative or judicial proceedings concerning possible violations of the provisions of sections 324.240–324.275, RSMo.]*

*AUTHORITY: sections 324.002, 324.245, 324.257, 324.260, 324.262, and 324.275, [and 620.010.15(6),] RSMo [Supp. 1999] 2016. This rule originally filed as 4 CSR 197-6.010. Original rule filed Feb. 25, 2000, effective Sept. 30, 2000. Moved to 20 CSR 2197-6.010, effective Aug. 28, 2006. Amended: Filed Aug. 21, 2019.*

*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 Board of Therapeutic Massage, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-0735, or via email at [massagether@pr.mo.gov](mailto:massagether@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 COMMERCE AND INSURANCE**  
**Division 2197—Board of Therapeutic Massage**  
**Chapter 6—Complaints and Investigations**

**PROPOSED RESCISSION**

**20 CSR 2197-6.020 Investigation.** This rule outlined the procedures for conducting an investigation.

*PURPOSE: This rule is being rescinded because the language is not necessary.*

*AUTHORITY: sections 324.245, 324.257, 324.260, 324.262, 324.275 and 620.010.15(6), RSMo Supp. 1999. This rule originally filed as 4 CSR 197-6.020. Original rule filed Feb. 25, 2000, effective Sept. 30, 2000. Moved to 20 CSR 2197-6.020, effective Aug. 28, 2006. Rescinded: Filed Aug. 21, 2019.*

*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 Board of Therapeutic Massage, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-0735, or via email at [massagether@pr.mo.gov](mailto:massagether@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 COMMERCE AND INSURANCE**  
**Division 2263—State Committee for Social Workers**  
**Chapter 2—Licensure Requirements**

**PROPOSED AMENDMENT**

**20 CSR 2263-2.032 Registration of Supervised Social Work**

**Experience.** The committee is adding sections (14) and (15).

*PURPOSE: This amendment clarifies the ability for the committee to discipline supervisors.*

**(14) To engage in registered licensure supervision in Missouri, one must be both licensed in Missouri and registered for supervision with the committee. It shall be cause for discipline to provide unregistered or unlicensed licensure supervision in Missouri.**

**(15) All persons engaged in the practice of clinical social work in the state of Missouri shall either be licensed as a licensed clinical social worker or be registered for supervision as required by statute and these regulations.**

*AUTHORITY: section 337.600, RSMo 2016, and sections 337.612, 337.615, 337.627, and 337.665, RSMo Supp. [2018] 2019. This rule originally filed as 4 CSR 263-2.032. Original rule filed Sept. 18, 1990, effective Feb. 14, 1991. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 30, 2019.*

*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 State Committee for Social Workers, Tom Reichard, Executive Director, PO Box 1335, Jefferson City, MO 65102, by fax at (573) 526-3489, or via email at [lcsww@pr.mo.gov](mailto:lcsww@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 COMMERCE AND INSURANCE**  
**Division 2263—State Committee for Social Workers**  
**Chapter 2—Licensure Requirements**

**PROPOSED AMENDMENT**

**20 CSR 2263-2.082 Continuing Education.** The committee is amending sections (2) and (5).

*PURPOSE: This amendment adds the new requirement for suicide prevention training and clarifies continuing education requirements on correspondence courses.*

(2) As part of the thirty (30) continuing education (CE) hours required for each renewal cycle, each applicant for renewal or reinstatement of a license shall complete:

(A) *Three (3) clock hours of ethics presented by a social worker who has graduated from an accredited school of social work or by a professional who has knowledge of ethics as it relates to the practice of social work; and*

(B) **Two (2) hours of suicide assessment, referral, treatment, and management training.**

(5) A licensee who becomes licensed during a renewal cycle shall be required to obtain continuing education at the rate computed by the following, **keeping in mind that correspondence courses may not total more than fifty percent (50%) of the total hours required:**

(A)

| REQUIRED CEs*   |                 |
|---|-----------------|
| ISSUE MONTH   | CE HOURS NEEDED |
| October   | 29              |
| November  | 28              |
| December  | 26              |
| January   | 25              |
| February  | 24              |
| March   | 23              |
| April   | 21              |
| May   | 20              |
| June  | 19              |
| July  | 18              |
| August  | 16              |
| September   | 15              |
| [October  | 14              |
| November  | 13              |
| December  | 11              |
| January   | 10              |
| February  | 9               |
| March   | 8               |
| April   | 6]              |
| *This chart pertains to new licensees only.   |                 |
| Formula: Months licensed divided by the number of months in reporting cycle multiplied by total CE hours required for renewal. Total rounded up or down to the nearest whole number: four (4) or less round down; five (5) or more round up.<br>Example: licensed on January 1 of an odd year, reporting cycle is 24 months, 30 hours of CE required. [8] 20 months ÷ 24 months x 30 = [9.9] 24.9 which rounds up to [10] 25. Licensee must have [10] 25 CE hours to renew. |                 |

*AUTHORITY:* section 337.627, RSMo [2016] Supp. 2019. This rule originally filed as 4 CSR 263-2.082. Original rule filed June 25, 2004, effective Dec. 30, 2004. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 30, 2019.

*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 State Committee for Social Workers, Tom Reichard, Executive Director, PO Box 1335, Jefferson City, MO 65102, by fax at (573) 526-3489, or via email at lcsww@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 COMMERCE AND INSURANCE

### Division 2263—State Committee for Social Workers Chapter 3—Ethical Standards/Disciplinary Rules

#### PROPOSED AMENDMENT

**20 CSR 2263-3.010 Scope of Coverage and Organization.** The

committee is amending section (1).

*PURPOSE:* This amendment updates terminology from “member(s) of the profession” to “licensee(s)”.

(1) The ethical standards/disciplinary rules for [members of the profession] licensees, as set forth hereafter by the committee, are mandatory. The failure of a [member of the profession] licensee to abide by any ethical standard/disciplinary rule in this chapter shall constitute unethical conduct and be grounds for disciplinary proceedings.

*AUTHORITY:* sections 337.600[, 337.615, 337.627,] and 337.630, [and 337.665,] RSMo [Supp. 2009] 2016, and sections 337.615, 337.627, and 337.665, RSMo Supp. 2019. This rule originally filed as 4 CSR 263-3.010. Original rule filed Sept. 18, 1990, effective Feb. 14, 1991. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 30, 2019.

*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 State Committee for Social Workers, Tom Reichard, Executive Director, PO Box 1335, Jefferson City, MO 65102, by fax at (573) 526-3489, or via email at lcsww@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 COMMERCE AND INSURANCE

### Division 2263—State Committee for Social Workers Chapter 3—Ethical Standards/Disciplinary Rules

#### PROPOSED AMENDMENT

**20 CSR 2263-3.020 Moral Standards.** The committee is amending sections (1)-(7).

*PURPOSE:* This amendment updates terminology from “member(s) of the profession” to “licensee(s)”.

(1) The public must be protected from those who are not qualified to be [members of the profession] licensees by reason of a deficiency in education, experience, moral standards, or other relevant factors, but who nevertheless attempt to or actually practice social work. To assure the maintenance of high standards of the profession of social work, [members of the profession] licensees shall assist the committee in promulgating, enforcing, and improving requirements for admission to and for the practice of social work.

(2) No [members of the profession] licensee shall—

(3) Prior to recommending an applicant for licensure, a [members of the profession] licensee should be satisfied that the applicant is of good moral character. Although a [members of the profession] licensee should not become a self-appointed investigator or judge of applicants, a report to the committee of all unfavorable information not otherwise privileged relative to the character, education, experience, citizenship, age, or other qualifications of an applicant must be made.

(4) A *[members of the profession]* licensee is subject to discipline for making a materially false statement or for deliberately failing to disclose a material fact requested in connection with an application.

(5) A *[members of the profession]* licensee shall respond to all reasonable requests for information and/or all other correspondence from the committee. Failure to provide the requested information may be cause for denial of licensure, permit, and/or registration of supervision.

(6) A *[members of the profession]* licensee shall not engage in any activity that exploits clients, students, or supervisees, including sexual intimacies (which means physical or other contact by either the *[members of the profession]* licensee or the client), including, but not limited to:

(7) A *[members of the profession]* licensee shall report to the committee any known or suspected violation(s) of the laws or regulations promulgated by the committee governing the practice of social work which do not violate a client's right to privacy.

*AUTHORITY: sections 337.600[, 337.615, 337.627,] and 337.630, [and 337.665,] RSMo [Supp. 2009] 2016, and sections 337.615, 337.627, and 337.665, RSMo Supp. 2019. This rule originally filed as 4 CSR 263-3.020. Original rule filed Sept. 18, 1990, effective Feb. 14, 1991. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 30, 2019.*

*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 State Committee for Social Workers, Tom Reichard, Executive Director, PO Box 1335, Jefferson City, MO 65102, by fax at (573) 526-3489, or via email at lcsww@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 COMMERCE AND INSURANCE

### Division 2263—State Committee for Social Workers Chapter 3—Ethical Standards/Disciplinary Rules

#### PROPOSED AMENDMENT

**20 CSR 2263-3.040 Client Relationships.** The committee is amending sections (1)-(11) and (13).

*PURPOSE: This amendment updates terminology from "member(s) of the profession" to "licensee(s)".*

(1) A *[member of the profession]* licensee shall not enter into or continue a dual or multiple relationship, including social relationship, business relationship, or sexual relationship, as defined by the committee, with a current client or with a person to whom the member has at any time rendered psychotherapy (clinical social work) or other professional social work services for the treatment or amelioration of mental and emotional conditions. Business relationships do not include purchases made by the member from the client when the client is providing necessary goods or services to the general public, and the member determines that it is not possible or reasonable to

obtain the necessary goods or services from another provider.

(2) A *[member of the profession]* licensee shall be alert to and avoid conflicts of interest that interfere with the exercise of professional discretion and impartial judgment.

(3) A *[member of the profession]* licensee should make clear to clients the purposes, goals, techniques, rules of procedure, and limitations that may affect the professional relationship at or before the time that it is begun. A *[member of the profession]* licensee shall not provide professional services to clients without being able to justify the basis upon which those services are rendered.

(4) A *[member of the profession]* licensee should be aware of his/her own mental health and emotional stability and the effect those have on his/her ability to provide appropriate services to clients. A *[member of the profession]* licensee shall not undertake or continue a professional relationship with a client when the competency of the member is or reasonably could be expected to be impaired due to mental, emotional, physiologic, pharmacologic, or substance abuse conditions. If that condition develops after a professional relationship has been initiated, the member shall notify the client in writing of the termination of services and shall assist the client in obtaining services from another professional.

(5) A *[member of the profession]* licensee shall not undertake and/or continue a professional relationship with a client when the objectivity or competency of the member is, or reasonably could be expected to be, impaired because of present or previous familial, social, sexual, emotional, financial, supervisory, political, administrative, or legal relationship with the client. If that dual relationship develops or is discovered after the professional relationship has been initiated, the *[member of the profession]* licensee shall terminate the professional relationship in an appropriate manner, shall notify the client in writing of this termination, and shall assist the client in obtaining services from another professional.

(6) A *[member of the profession]* licensee should be knowledgeable about the services available in the community and make appropriate referrals for their clients. When a *[member of the profession]* licensee has a relationship, particularly of an administrative, supervisory, and/or evaluative nature, with an individual seeking counseling services, the licensed social worker[, *provisional member*] shall not serve as the practitioner for such individual but shall refer the individual to another professional.

(7) A *[member of the profession]* licensee must inform clients about electronic recording of sessions, how such sessions will be used, and provide specific information about any specialized or experimental activities in which they may be expected to participate as a condition of service.

(8) A *[member of the profession]* licensee shall terminate a professional relationship when it is reasonably clear that the client is not benefiting from the relationship or when the service has been satisfactorily rendered.

(9) A *[member of the profession]* licensee shall protect clients against physical threats, intimidation, and coercion in the provision of social services insofar as is reasonably possible.

(10) A *[member of the profession]* licensee shall not attempt any intervention unless thoroughly trained in its use or under the supervision of an expert.

(11) A *[member of the profession]* licensee rendering services to a client shall maintain professional records that include:

(13) A *[member of the profession]* licensee shall not falsify or permit the unauthorized destruction of client records.

*AUTHORITY: sections 337.600[, 337.615, 337.627,] and 337.630, RSMo 2016, and sections 337.615 and 337.627, RSMo Supp. 2019. This rule originally filed as 4 CSR 263-3.040. Original rule filed Sept. 18, 1990, effective Feb. 14, 1991. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 30, 2019.*

*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 State Committee for Social Workers, Tom Reichard, Executive Director, PO Box 1335, Jefferson City, MO 65102, by fax at (573) 526-3489, or via email at lcsww@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 COMMERCE AND INSURANCE

### Division 2263—State Committee for Social Workers Chapter 3—Ethical Standards/Disciplinary Rules

#### PROPOSED AMENDMENT

**20 CSR 2263-3.060 Relationships with Colleagues.** The committee is amending sections (1)-(6).

*PURPOSE: This amendment updates terminology from “member(s) of the profession” to “licensee(s)”.*

(1) A *[member of the profession]* licensee should act with integrity in his/her relationships with colleagues, other organizations, agencies, institutions, referral sources, and other professions so as to facilitate the contribution of all colleagues toward achieving optimum benefit for clients.

(2) A *[member of the profession]* licensee shall not knowingly cause a client to terminate the service of another professional solely for personal gain.

(3) A *[member of the profession]* licensee shall not exploit his/her professional relationships with supervisors, colleagues, supervisees, students, or employees either sexually, economically, or otherwise.

(4) A *[member of the profession]* licensee who has direct knowledge of a social work colleague’s impairment which is due to personal problems, psychosocial distress, substance abuse, or mental health difficulties, and which interferes with practice effectiveness should consult with that colleague when feasible and assist the colleague in taking remedial action.

(5) A *[member of the profession]* licensee who functions as a supervisor or educator shall not engage in sexual intimacies or contact as defined in the rules promulgated by the committee, with supervisees, students, trainees, or other colleagues over whom they exercise professional authority.

(6) A *[member of the profession]* licensee must exercise appro-

appropriate supervision and provide appropriate working conditions, timely evaluations, constructive consultation, and experience opportunities.

*AUTHORITY: sections 337.600[, 337.615, 337.627,] and 337.630, [and 337.665,] RSMo [Supp. 2009] 2016, and sections 337.615, 337.627, and 337.665, RSMo Supp. 2019. This rule originally filed as 4 CSR 263-3.060. Original rule filed Sept. 18, 1990, effective Feb. 14, 1991. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 30, 2019.*

*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 State Committee for Social Workers, Tom Reichard, Executive Director, PO Box 1335, Jefferson City, MO 65102, by fax at (573) 526-3489, or via email at lcsww@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 COMMERCE AND INSURANCE

### Division 2263—State Committee for Social Workers Chapter 3—Ethical Standards/Disciplinary Rules

#### PROPOSED AMENDMENT

**20 CSR 2263-3.080 Public Statements/Fees.** The committee is amending sections (1)-(4) and (6)-(9).

*PURPOSE: This amendment updates terminology from “member(s) of the profession” to “licensee(s)”.*

(1) A *[member of the profession]* licensee shall not—

(2) A *[member of the profession]* licensee shall use only those educational credentials in association with his/her license and practice as a licensed social worker that have been earned at an acceptable educational institution. A *[member of the profession]* licensee shall not misrepresent their credentials, training, or level of education.

(3) A licensed social worker holder shall use his/her title (i.e., “licensed clinical social worker (LCSW)”, “**licensed master social worker (LMSW)**”, “**licensed advanced macro social worker (LAMSW)**” or “licensed baccalaureate social worker (LBSW)”) in any advertising, public directory, or solicitation, including telephone directory listings, regardless of whether this presentment is made under the licensee’s name, a fictitious business or group name, or a corporate name.

(4) A *[member of the profession]* licensee shall have his/her license prominently displayed at all times as proof of licensure to the client.

(6) A *[member of the profession]* licensee shall not accept compensation for the professional services from anyone other than the client without disclosure to the client or his/her legal guardian.

(7) A *[member of the profession]* licensee shall not accept for professional services any form of remuneration including the bartering of services which has the effect of exploiting the professional

relationship or creating a dual or multiple relationship.

(8) A *[member of the profession]* licensee shall consider the value of his/her services and the financial ability of clients in establishing reasonable fees for professional services.

(9) A *[member of the profession]* licensee shall not accept a fee for professional services or any form of remuneration from clients who are entitled to services through an institution or agency or other benefits structure, unless clients have been fully informed of the availability of, or payments for, these services from other sources.

*AUTHORITY: sections 337.600[, 337.615, 337.627,] and 337.630, [and 337.665,] RSMo [Supp. 2009] 2016, and sections 337.615, 337.627, and 337.665, RSMo Supp. 2019. This rule originally filed as 4 CSR 263-3.080. Original rule filed Sept. 18, 1990, effective Feb. 14, 1991. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 30, 2019.*

*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 State Committee for Social Workers, Tom Reichard, Executive Director, PO Box 1335, Jefferson City, MO 65102, by fax at (573) 526-3489, or via email at lcsw@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 COMMERCE AND INSURANCE

### Division 2263—State Committee for Social Workers Chapter 3—Ethical Standards/Disciplinary Rules

#### PROPOSED AMENDMENT

**20 CSR 2263-3.100 Confidentiality.** The committee is amending sections (1)-(6).

*PURPOSE: This amendment updates terminology from “member(s) of the profession” to “licensee(s)”.*

(1) A *[member of the profession]* licensee shall take reasonable personal action, and inform responsible authorities or inform those persons at risk, when the conditions or actions of clients indicate that there is clear and imminent danger to clients or others. When the member is uncertain about the duty to protect, consultation with other professionals is appropriate.

(2) A *[member of the profession]* licensee shall inform clients, at the onset of the professional relationship, of the limits of confidentiality.

(3) A *[member of the profession]* licensee shall keep confidential his/her therapy relationships with clients including information obtained from this relationship with clients with the following exceptions:

(4) A *[member of the profession]* licensee shall make every reasonable effort to see that the member’s employer provides for maintenance, storage, and disposal of the records of clients so that unauthorized persons shall not have access to these records.

(5) A *[member of the profession]* licensee shall not forward to another person, agency, or potential employer any confidential information of a client without the written consent of the client(s) or their legal guardian(s) nor shall they violate any laws or regulations of this state or the federal government with respect to this information.

(6) When providing counseling services to families, couples, or groups, a *[member of the profession]* licensee shall seek agreement among the parties involved concerning each individual’s right to confidentiality and obligation to preserve the confidentiality of information shared by others. Participants in family, couples, or group counseling shall be informed by the member that there is no guarantee that all participants will honor such agreements.

*AUTHORITY: sections 337.600 and 337.630, RSMo 2016, and sections 337.615, 337.627, and 337.665, RSMo Supp. [2018] 2019. This rule originally filed as 4 CSR 263-3.100. Original rule filed Sept. 18, 1990, effective Feb. 14, 1991. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 30, 2019.*

*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 State Committee for Social Workers, Tom Reichard, Executive Director, PO Box 1335, Jefferson City, MO 65102, by fax at (573) 526-3489, or via email at lcsw@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 COMMERCE AND INSURANCE

### Division 2263—State Committee for Social Workers Chapter 3—Ethical Standards/Disciplinary Rules

#### PROPOSED AMENDMENT

**20 CSR 2263-3.120 Research on Human Subjects.** The committee is amending sections (1)-(5).

*PURPOSE: This amendment updates terminology from “member(s) of the profession” to “licensee(s)”.*

(1) A *[member of the profession]* licensee shall ensure that the welfare of a client is in no way compromised in any experimentation and/or that the client is not participating in any experimentation against his/her will.

(2) In presenting case studies in classes, professional meetings, or publications, licensed *[members of the profession]* licensees shall disguise the identity of clients to assure full confidentiality.

(3) In conducting any research on human subjects, a *[member of the profession]* licensee shall not violate any laws or regulations of this state or the federal government.

(4) When planning any research activity dealing with human subjects, a *[member of the profession]* licensee shall ensure that research problems, design, and execution are in full compliance with Protection of Human Subjects as published in the *Code of Federal Regulations* 45 CFR 46.

(5) A *[member of the profession]* licensee in evaluation or research must obtain voluntary and written informed consent from participants without any implied or actual deprivation or penalty for refusal to participate, without undue inducement to participate, and with due regard for participants' well-being, privacy, and dignity. Informed consent must include information about the nature, extent, and duration of the participation requested and disclosure of the risks and benefits in the research.

*AUTHORITY: sections 337.600[, 337.615, 337.627,] and 337.630, [and 337.665,] RSMo [Supp. 2009] 2016, and sections 337.615, 337.627, and 337.665, RSMo Supp. 2019. This rule originally filed as 4 CSR 263-3.120. Original rule filed Sept. 18, 1990, effective Feb. 14, 1991. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 30, 2019.*

*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 State Committee for Social Workers, Tom Reichard, Executive Director, PO Box 1335, Jefferson City, MO 65102, by fax at (573) 526-3489, or via email at lcsww@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 COMMERCE AND INSURANCE**

### **Division 2263—State Committee for Social Workers Chapter 3—Ethical Standards/Disciplinary Rules**

#### **PROPOSED AMENDMENT**

**20 CSR 2263-3.140 Competence.** The committee is amending sections (1) and (2).

*PURPOSE: This amendment updates terminology from “member(s) of the profession” to “licensee(s)”.*

(1) A *[member of the profession]* licensee shall:

(2) A *[member of the profession]* licensee shall not engage in the practice of social work beyond the scope of his/her competence, as is demonstrated by his/her education, training, or experience. A *[member of the profession]* licensee shall make a referral to other professionals when the services required are beyond his/her competence.

*AUTHORITY: sections 337.600[, 337.615, 337.618, 337.627,] and 337.630, [337.662, and 337.665,] RSMo [Supp. 2009] 2016, and sections 337.615, 337.618, 337.627, 337.662, and 337.665, RSMo Supp. 2019. This rule originally filed as 4 CSR 263-3.140. Original rule filed Sept. 18, 1990, effective Feb. 14, 1991. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 30, 2019.*

*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 State Committee for Social Workers, Tom Reichard, Executive Director, PO Box 1335, Jefferson City, MO 65102, by fax at (573) 526-3489, or via email at lcsww@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.*