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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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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.

HOW TO CITE RULES AND RSMO

RULES

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

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

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

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraphs 1., subparagraphs A., parts (I), subparts (a), items I. and subitems a.

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

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

Code and Register on the Internet

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

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

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

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

Rules 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.

Rules 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.

All 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.

expires April 12, 2021.

(1) Requirements for an Installer License.

(C) A manufactured home installer must attend certification classes every three (3) years *[or as otherwise required by the manager]*, except this requirement may be extended by a period not to exceed two (2) additional years by order of the commission, on the recommendation of the manager, finding such attendance is not feasible as the result of a natural disaster, public health emergency, or other exigent circumstance. As an alternative, attendance of certification classes may be held virtually through an internet portal capable of video and multimedia presentations and two-way communication.

AUTHORITY: section 700.692, RSMo 2016. This rule originally filed as 4 CSR 240-125.040. Original rule filed Jan. 14, 2005, effective June 30, 2005. Amended: Filed Aug. 15, 2013, effective March 30, 2014. Amended: Filed July 6, 2017, effective March 30, 2018. Moved to 20 CSR 4240-125.040, effective Aug. 28, 2019. Emergency amendment filed Sept. 30, 2020, effective Oct. 15, 2020, expires April 12, 2021. A proposed amendment covering this same material is published in this issue of the Missouri Register.

PUBLIC COST: This emergency amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the time the emergency is effective.

PRIVATE COST: This emergency amendment will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE
Division 4240—Public Service Commission
Chapter 125—Manufactured Home Installers**

EMERGENCY AMENDMENT

20 CSR 4240-125.040 Manufactured Home Installer License. The Public Service Commission is amending subsection (1)(C).

PURPOSE: This amendment modifies certification class requirements for manufactured home installers.

EMERGENCY STATEMENT: This emergency amendment is necessary because the Governor, in Executive Order 20-02, has declared a State of Emergency related to the COVID-19 pandemic. The Public Service Commission finds an immediate danger to the public health requires this emergency action, because absent it, members of the public and the commission staff could be exposed to COVID-19 pandemic by attending in-person training sessions. 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 emergency amendment is fair to all interested stakeholders and parties under the circumstances. This emergency amendment was filed September 30, 2020, becomes effective October 15, 2020, and

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

EXECUTIVE ORDER
20-17

WHEREAS, our citizens have the right to peacefully assemble and protest and the State of Missouri is committed to protecting the lawful exercise of the citizens' constitutional rights; and

WHEREAS, the events that are occurring or could occur in the cities of Kansas City and St. Louis, and other affected communities in the State of Missouri, have created or may create conditions of distress and hazards to the safety, welfare, and property of the residents and visitors of these communities beyond the capacities of local jurisdictions and other established agencies; and

WHEREAS, the rule of law must be maintained in the cities of Kansas City and St. Louis, and other affected communities in the State of Missouri, for the protection, safety, welfare, and property of the residents, visitors, and businesses of those communities; and

WHEREAS, additional resources of the State of Missouri are or may be needed to help relieve the conditions of distress and hazard to the safety and welfare of the residents of the cities of Kansas City and St. Louis, and other affected communities in the State of Missouri; and

WHEREAS, the conditions necessary to declare the existence of an emergency pursuant to Chapter 44, RSMo, are found to exist due to this civil unrest; and

WHEREAS, an invocation of the provisions of sections 44.010 through 44.130, RSMo, is necessary to ensure the safety and welfare of the citizens of the State of Missouri; and

WHEREAS, in consultation with community leaders, public safety officials, and emergency preparedness officials, I have determined that the following actions are necessary and appropriate to provide for the safety and welfare of Missouri's residents, visitors, private property, and businesses.

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, including Sections 44.010 through 44.130, RSMo, do hereby declare that a State of Emergency exists in the State of Missouri due to civil unrest.

I further order, pursuant to Sections 41.480 and 41.690, RSMo, the Adjutant General of the State of Missouri, or his designee, to forthwith call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and it is further ordered and directed that the Adjutant General or his designee, and through him, the commanding officer of any unit or other organization of such organized militia so called into active service take such action and employ such equipment as may be necessary in support of civilian authorities, and provide such assistance as may be authorized and directed by the Governor of this State.

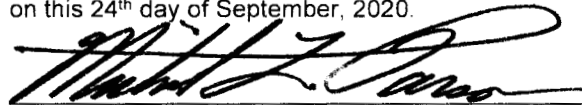
I also terminate Executive Order 20-11.

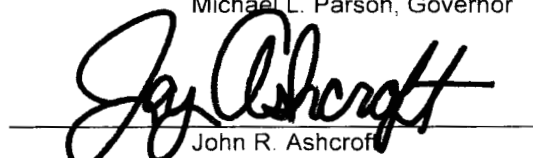
This order shall be terminated upon execution of a subsequent Executive Order.



ATTEST:

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 24th day of September, 2020.


Michael L. Parson, Governor


John R. Ashcroft
Secretary of State

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbology under the heading of proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety- (90-) day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) The *Grade "A" Pasteurized Milk Ordinance (PMO), 2019 Revision* of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration establishes minimum standards which must be complied with for satisfactorily producing and for processing Grade "A" raw milk for pasteurization and Grade "A" pasteurized milk and milk products in Missouri. The document further contains administrative procedures, which provide information as to satisfactory compliance with the required items of sanitation. The *Grade "A" Pasteurized Milk Ordinance (PMO), 2019 Revision* is hereby incorporated by reference as published by the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, Division of Plant and Dairy Food (HFS-316), 5100 Paint Branch Parkway, College Park, MD 20740-3835. This rule does not incorporate any subsequent amendments or additions to the Pasteurized Milk Ordinance (PMO).

AUTHORITY: section 196.939, RSMo 2016. Original rule filed Sept. 17, 2020.

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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for December 3, 2020, from 10-11 a.m. at Missouri Department of Agriculture, 1616 Missouri Boulevard, Jefferson City, MO 65109 in the State Milk Board Office.

Proposed Amendment Text Reminder:
Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

**Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 3—Production and Distribution of Grade "A"
Raw Milk and Milk Products**

PROPOSED RULE

2 CSR 80-3.001 Adoption of the *Grade "A" Pasteurized Milk Ordinance (PMO), 2019 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration*

*PURPOSE: This rule provides for the adoption of the *Grade "A" Pasteurized Milk Ordinance (PMO), 2019 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration* which is the recommended ordinance for adoption by state and local governments for the sanitary control of *Grade "A" milk and milk products.**

**Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 3—Production and Distribution of Grade "A"
Retail Raw Milk and Milk Products**

PROPOSED RESCISSION

2 CSR 80-3.010 Definitions. This rule defined terms used in the regulations of the State Milk Board.

*PURPOSE: This proposed rescission eliminates unnecessary duplication of portions of the *Pasteurized Milk Ordinance* that is adopted by reference.*

AUTHORITY: section 196.939, RSMo 2016. Original rule filed June 20, 1973, effective June 30, 1973. Amended: Filed July 24, 2012, effective Jan. 30, 2013. Amended: Filed April 30, 2018, effective Nov. 30, 2018. Rescinded: Filed Sept. 17, 2020.

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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for December 3, 2020 from 10–11 a.m. at Missouri Department of Agriculture, 1616 Missouri Boulevard, Jefferson City, MO 65109 in the State Milk Board Office.

Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 3—Production and Distribution of Grade “A”
Retail Raw Milk and Milk Products

PROPOSED RESCISSION

2 CSR 80-3.050 Inspection of Production and Distribution Facilities. This rule provided requirements concerning the inspection of production and distribution facilities.

PURPOSE: This proposed rescission eliminates unnecessary duplication of portions of the Pasteurized Milk Ordinance that is adopted by reference.

AUTHORITY: section 196.939, RSMo 2000. Original rule filed June 20, 1973, effective June 30, 1973. Amended: Filed July 24, 2012, effective Jan. 30, 2013. Rescinded: Filed Sept. 17, 2020.

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 PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for December 3, 2020 from 10–11 a.m. at Missouri Department of Agriculture, 1616 Missouri Boulevard, Jefferson City, MO 65109 in the State Milk Board Office.

Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 3—Production and Distribution of Grade “A”
Retail Raw Milk and Milk Products

PROPOSED RESCISSION

2 CSR 80-3.120 Enforcement Interpretation. This rule provided regulations pertaining to enforcement interpretation.

PURPOSE: This proposed rescission eliminates unnecessary duplication of portions of the Pasteurized Milk Ordinance that is adopted by reference.

AUTHORITY: section 196.939, RSMo 2016. Original rule filed June 20, 1973, effective June 30, 1973. Amended: Filed July 24, 2012, effective Jan. 30, 2013. Amended: Filed July 23, 2014, effective Jan. 30, 2015. Amended: Filed April 22, 2016, effective Oct. 30, 2016. Amended: Filed April 30, 2018, effective Nov. 30, 2018. Rescinded: Filed Sept. 17, 2020.

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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for December 3, 2020 from 10 –11 a.m. at Missouri Department of Agriculture, 1616 Missouri Boulevard, Jefferson City, MO 65109 in the State Milk Board Office.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 30—Office of the Director
Chapter 17—Technical Standards for Criminal Justice
Information Sharing

PROPOSED RULE

11 CSR 30-17.010 Definitions and Technical Standards for Information Sharing

PURPOSE: This rule defines terms and establishes technical standards for any vendor wishing to sell or lease their information sharing system product(s) in Missouri to a criminal justice agency, as well as establishes requirements for any criminal justice agency building an information sharing system.

(1) Definitions.

(A) Central Vendor File (CVF)—The Criminal Justice Information Services (CJIS) Criminal Systems Agency (CSA) maintains a Central Vendor File (CVF) that contains vendor information for vendors and vendor staff who have met the latest Federal Bureau of Investigation (FBI) CJIS security policy requirements to handle Criminal Justice Information (CJI) and who the Criminal Records and Justice Information Advisory Committee (CRJIAC) certifies as compliant with the state of Missouri’s information standards contained in this rule. The CVF will contain information about CJI sharing systems that have been certified and versions of said products that have been certified.

(B) Criminal justice agency means—

1. Courts; and
2. A governmental agency or any subunit thereof that performs the administration of criminal justice pursuant to a statute or executive order.

(C) Criminal Justice Information (CJI)—All of the FBI CJIS provided data necessary for law enforcement and civil agencies to perform their missions including, but not limited to; biometric, identity history, biographic, property, and case/incident history data, as defined per the FBI’s Criminal Justice Information Services (CJIS) Security Policy.

(D) Criminal Justice Information Interface (CJI-I)—System interface used for the electronic sharing of CJI or Missouri court data related to the administration of criminal justice as defined in section 43.500, RSMo, or victim notification responsibilities required by

section 595.209, RSMo, from a local entity to another local entity, or to a state agency or program, as well as from a state agency or program to a federal agency or program, as defined per the FBI's Criminal Justice Information Services (CJIS) Security Policy.

(E) Criminal Justice Information Service (CJIS) Criminal Systems Agency (CSA)—An FBI designated agency for the State of Missouri responsible for establishing and administering an information technology security program throughout the CSA's user community, to include the local levels, as defined per the FBI's Criminal Justice Information Services (CJIS) Security Policy.

(F) Criminal Records and Justice Information Advisory Committee (CRJIAC)—Committee established pursuant to section 43.518, RSMo, the purpose of which includes recommend policies and strategies, including standards and technology, for promoting electronic justice information sharing, between authorized agencies and institutions. For purposes of this regulation, CRJIAC includes any subcommittee that has been designated by CRJIAC to act on its behalf.

(G) Director—The director of the Department of Public Safety.

(H) Information Sharing System—An agency-wide system that provides for the storage, retrieval, retention, manipulation, archiving, and viewing of information, records, documents, or files pertaining to a criminal justice agency's administration of criminal justice that uses a Criminal Justice Information Interface.

(I) Missouri Court Data—Data that falls within the rules established by the Missouri Supreme Court for data sharing that apply to state and local courts within Missouri.

(J) Missouri Incident Based Reporting System (MIBRS)—A Missouri program, established pursuant to section 43.505, RSMo that is used by law enforcement to collect and report data on crimes that occur in Missouri for compilation at the state and federal level.

(K) Metadata—Structured information that describes, explains, locates, or otherwise makes it easier to retrieve, use, or manage an information resource. Metadata is commonly referred to as data about data, information about information, or information describing the characteristics of data. Whenever the term "data" is used in this rule, such term includes metadata.

(L) National Incident Based Reporting System (NIBRS)—A national program that is used by law enforcement to collect and report data on crimes to the Federal Bureau of Investigation for compilation at the federal level.

(M) National Identity Exchange Federation (NIEF)—An organization establishing a national standard for securing the sharing of information across diverse organizations and systems.

(N) National Information Exchange Model (NIEM)—A national standard for the efficient sharing of information across diverse organizations and systems.

(O) National Data Exchange (N-DEX)—The unclassified national information sharing system that enables criminal justice agencies to search, link, analyze, and share local, state, tribal, and federal records.

(P) Vendor—Any entity that supplies products or services to a criminal justice agency for a fee.

(2) Technical Standards for Information Sharing.

(A) Vendors seeking to sell or lease, or criminal justice agencies seeking to build, an information sharing system in Missouri shall ensure the information sharing system abides by the standards on file with the CSA for the purposes of contributing to criminal justice information sharing programs, including, but not limited to, MIBRS, NIBRS, and N-DEX.

(B) Any vendor seeking to sell or lease a CJI sharing system to any criminal justice agency located within the state of Missouri, shall provide written notice of this rule within any related marketing materials to such criminal justice agency. Such marketing materials must also state if the information sharing system is listed and approved on the CSA CVF.

(C) Any criminal justice agency contracting with a vendor to

develop or operate a CJI interface shall use a vendor on the CSA CVF.

(D) All data associated with an information sharing system shall remain the property of the originating criminal justice agency. Such data shall be returned to the originating criminal justice agency upon the termination of the contract in a format that meets the standards of this rule or as otherwise agreed to in writing by both parties.

(E) No data associated with an information sharing system may be sold, transferred, or shared with a third party without consent from the owner of the data except as otherwise provided by statute. In no event shall any CJI data be transferred to or shared with any entity not eligible to receive such data or metadata pursuant to section 43.500, RSMo, et seq., *Code of Federal Regulations* (CFR) Title 28 Part 20 Criminal Justice Information Systems, or any other applicable law.

(F) Adoption of standards for CJI interfaces and CJI sharing.

1. In general, CRJIAC may adopt or recommend to the director the existing national standards for CJI interfaces and CJI sharing, unless a national standard does not exist or the existing national standard deviates from a previously approved state standard. In those cases where a national standard does not exist or CRJIAC determines that the national standard is not aligned with the established state standard, providers shall use the NIEF and NIEM standards for the exchange and securing of CJI.

2. CRJIAC may recommend the standards for CJI interfaces related to those purposed described under subsection (2)(A). The director may adopt the recommended standard, and the CSA shall place the recommended standards on file.

(G) The transfer of CJI from a local entity to a state agency or program or from a state agency or program to a federal agency or program shall comply with standards on file with the CSA.

(H) Vendor CJI system shall be reviewed by CRJIAC and recommended for approval by the director. If approved by the director, a vendor CJI system product shall be placed on the CSA CVF.

(I) If a criminal justice agency has an internally developed or operated information sharing system, any CJI interfaces shall comply with standards on file with the CSA.

(J) Any information sharing system using a CJI interface shall comply with the standards on file with the CSA no later than two (2) years following the effective date of this rule.

(K) CRJIAC may recommend that the director implement a compliance transition period following the adoption of or update to a standard.

(L) This rule shall only apply to CJI interfaces that share CJI in an ongoing or recurring manner and shall not apply to one- (1-) time transfers of information.

(M) CRJIAC may recommend strategies regarding appropriate remedies for vendors selling information sharing systems in Missouri that does not comply with these standards.

AUTHORITY: section 43.509, RSMo Supp. 2020. Original rule filed Sept. 29, 2020.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Public Safety, Director's Office, Attn: CRJIAC Administrative Rules, PO Box 749, Jefferson City, MO 65102-0749. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED AMENDMENT

13 CSR 70-20.200 Drug Prior Authorization Process. The Department of Social Services is removing sections (2), (5), (7), amending sections (3), (4), (6), (8), (9), (10), (12), adding new sections (4) and (5), and renumbering as necessary.

PURPOSE: The purpose of this amendment is to incorporate the functions of the Drug Prior Authorization Committee into the Drug Utilization Review Board and to dissolve the Drug Prior Authorization Committee.

(1) The following definitions shall be used in the interpretation and enforcement of this rule:

(A) "Clinical editing" shall be defined as that process which screens the use of specific medications on the basis of clinical appropriateness by requiring evidence of appropriate indications for use, and to achieve a cost savings, may require the initial use of less expensive agents[.];

(B) "Fiscal editing" shall be defined as a process that screens the use of specific medications to reimburse based on the least expensive dosage forms in order to achieve a cost savings[.];

(C) "Open access" shall be defined as the availability of a product without being subjected to prior authorization, clinical edits, or step therapy but shall not preclude fiscal and utilization edits[.];

(D) "Preferred Drug List" shall be defined as a list of medications within a functional therapeutic class that are available via open access on the basis of supplemental rebate status and consideration of available evidence-based clinical review findings[.];

(E) "Step therapy" shall be defined as a process that specifies the sequence in which different prescription drugs are to be reimbursed[.]; and

(F) "Utilization edits" are defined as prospective screening edits used to review the appropriate use of medication and may be advisory or preemptory.

[(2) This rule establishes a MO HealthNet Drug Prior Authorization Committee in the Department of Social Services, MO HealthNet Division. The committee shall be composed of three (3) practicing physicians licensed pursuant to Chapter 334, RSMo; three (3) practicing pharmacists licensed pursuant to Chapter 338, RSMo, one (1) of whom shall hold a doctoral degree in pharmacy (Pharm. D.); and one (1) registered professional nurse, as defined in Chapter 335, RSMo, practicing in a long-term care setting. All members shall be appointed by the director of the Department of Social Services. The members shall serve for a term of four (4) years. Members of the committee shall receive no compensation for their services, but shall be reimbursed for their actual and necessary expenses incurred, as approved by the MO HealthNet Division out of appropriations made for that purpose. The MO HealthNet Drug Prior Authorization Committee shall meet quarterly. The proposed dates for the meetings shall be announced for one (1) calendar year at the last meeting of the previous calendar year. If a meeting date is changed the new date must be posted at www.dss.mo.gov/mhd for at least thirty (30) days prior to the originally scheduled meeting.]

[(3)](2) All persons eligible for medical assistance benefits shall have access to all pharmaceutical products for which there is federal financial participation except those drugs that may be restricted under Section 4401 of P.L. 101-508 (Omnibus Budget Reconciliation Act of 1990). The MO HealthNet [Drug Prior Authorization

Committee] Division shall review those drugs that may be restricted and recommend to the Drug Utilization Review (DUR) Board those appropriate for inclusion as a regular benefit of the MO HealthNet program or through prior authorization.

[(4)](3) The department or the division may require prior authorization of pharmaceutical products. Any such restriction shall be based on medical and clinical criteria, and Missouri-specific data. The [committee] MO HealthNet Division shall develop this medical and clinical criteria based on predetermined standards consistent with the following:

- (A) The American Hospital Formulary Service Drug Information;
- (B) The *United States Pharmacopoeia* Drug Information; and
- (C) Peer-reviewed medical literature.

(4) The MO HealthNet Division shall review medications used to treat rare medical conditions with the Rare Disease Advisory Council. The MO HealthNet Division shall develop medical and clinical criteria and make recommendations to the Rare Disease Advisory Council. Proposals approved by the Rare Disease Advisory Council shall be presented to the DUR Board.

[(5) If the division finds that the data enumerated in section (4) of this rule has been documented, the MO HealthNet Drug Prior Authorization Committee shall hold a public hearing prior to making recommendations to the department and prior to any final decision by the division to require prior authorization for that pharmaceutical product, class, or category.]

(5) The DUR Board shall hold a public hearing at least once every ninety (90) days during which the MO HealthNet Division shall make recommendations to the board and prior to any final decision by the division to require prior authorization for that pharmaceutical product, class, or category.

(6) The tentative meeting agenda of the *[MO HealthNet Drug Prior Authorization Committee] DUR Board* with the therapeutic classes to be discussed shall be posted on the MO HealthNet Division website (www.dss.mo.gov/mhd) approximately fourteen (14) days prior but no less than seven (7) days prior to the meeting.

(A) The specific therapeutic class or classes to be considered at the next regularly scheduled *[MO HealthNet Drug Prior Authorization Committee] DUR Board* meeting shall be placed on the current agenda or posted on the website approximately thirty (30) days prior to the scheduled meeting.

(B) Any interested party shall be granted the opportunity for clinically relevant public comment for up to *[fifteen (15)] five (5) minutes [in the aggregate]* per medication under review by the *[committee] DUR Board*. The responsibility of scheduling the presentation shall rest with the *[manufacturer of the drug product] interested party*. Interested parties representing a manufacturer shall be granted five (5) minutes in the aggregate per medication under review by the DUR Board.

(C) Following the consideration of all presented information, the *[committee] DUR Board may accept or alter the recommendations from the MO HealthNet Division*. The board shall make their final recommendation to the MO HealthNet Division by a majority vote of the members of the committee present thereto in a recorded roll call vote.

[(7) The recommendations from the MO HealthNet Drug Prior Authorization Committee shall be referred to the Drug Utilization Review (DUR) Board for placement upon the agenda of the next regularly scheduled meeting. The DUR board may accept or alter the recommendations from the MO HealthNet Drug Prior Authorization Committee in arriving at their recommendation for the MO HealthNet Division. If provided to the division fourteen (14) days in advance of the

DUR board meeting, clinically relevant written material shall be presented before the recommendation is considered by the DUR board. The DUR board, at their sole discretion, may entertain clinically relevant public comment up to fifteen (15) minutes in aggregate per medication. The responsibility of scheduling the presentation shall rest with the manufacturer of the drug product. Any changes recommended by the DUR board shall be made available via the approved minutes of the DUR board meeting in a timely fashion, at least thirty (30) days prior to the implementation of the recommendations.]

*[(8)](7) After all recommendations have been reviewed and accepted, the MO HealthNet Division staff shall coordinate the implementation of the recommendations. All pertinent information relating to edit **implementation** schedule and edit criteria shall be made available to the public by reasonable means, including, but not limited to, posting on the division website in a timely fashion following the DUR board meeting. Changes to the MO HealthNet pharmacy benefit will be posted on a timely basis on the division website. In addition, information on covered medications shall be made available to the public *[for use with a personal digital assistant device]*. As determined by the division, patients stabilized on certain restricted medications *[shall]* **may** be allowed to access such medication through the MO HealthNet program for as long as the MO HealthNet program determines that it is fiscally prudent and clinically supported.*

*[(9)](8) On an annual basis, the [MO HealthNet Drug Prior Authorization Committee] **DUR Board** shall review all criteria in place, including prior authorization, step therapy, clinical edits, fiscal edits, and the preferred drug list. Annual reviews will be staggered and scheduled to occur at the scheduled meeting closest to completion of a full calendar year after approval of the criteria. If additional clinical or fiscal information is available since the original consideration, interested parties shall have the opportunity to address the *[committee] board* and request reconsideration of prior authorization, step therapy, clinical edits, fiscal edits, and preferred drug list criteria **as part of the annual review**. *[All requests shall be scheduled with the division fourteen (14) days in advance of the meeting.]* All such presentations shall be clinically relevant and limited to a maximum of *[fifteen (15)]* **five (5)** minutes. The responsibility of scheduling the presentation shall rest with the *[manufacturer of the drug product]* **interested party**.*

*[(10)](9) The division shall not otherwise restrict the prescribing and dispensing of covered outpatient prescription drugs (other than Drug Efficacy Study Implementation (DESI) drugs as designated by federal law) pursuant to this rule without consulting the *[Drug Prior Authorization Committee] **DUR Board***. The division may limit the number of prescriptions allowed for each medical assistance participant.*

*[(11)](10) As used in the rule, DESI drugs are drugs described in section 107(c)(3) of the Drug Amendments of 1962 and identical, similar, or related drugs (within the meaning of section 310.6(b)(1) of Title 21 of the *Code of Federal Regulations*).*

*[(12)](11) When implementing the provisions of section *[(4)](3)* of **this rule**, Missouri-specific data shall include the consideration of use and cost data, pharmacoeconomic information and prudent utilization of state funds, and shall include medical and clinical criteria.*

AUTHORITY: sections 208.153 [and], 208.201, and 660.017, RSMo [Supp. 2013] 2016. Original rule filed Feb. 3, 1992, effective Aug. 6, 1992. Emergency amendment filed May 22, 2002, effective June 1, 2002, expired Nov. 27, 2002. Amended: Filed June 3, 2002, effective Nov. 30, 2002. Amended: Filed Dec. 14, 2004, effective June 30,

2005. Amended: Filed Sept. 26, 2013, effective March 30, 2014. Amended: Filed Sept. 16, 2020.

PUBLIC COST: This proposed amendment will save state agencies or political subdivisions an estimated two thousand seven hundred dollars (\$2,700) in the aggregate.

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PUBLIC COST**

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

| | |
|------------------------------|---|
| Rule Number and Name: | 13 CSR 70-20.200 Drug Prior Authorization Process |
| Type of Rulemaking: | Proposed Amendment |

II. SUMMARY OF FISCAL IMPACT

| Affected Agency or Political Subdivision | Estimated Cost of Compliance in the Aggregate |
|--|---|
| Department of Social Services MO HealthNet Division | Estimated Annual Savings = \$2700 |

III. WORKSHEET

N/A

IV. ASSUMPTIONS

On average, MO HealthNet spends \$386 annually for mileage reimbursement and meal per diem per committee member. The cost savings estimate of \$2700 assumes the total annual cost for complete attendance by all committee members.

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

PROPOSED AMENDMENT

13 CSR 70-20.300 Retrospective Drug Use Review Process. The Department of Social Services is amending the purpose, removing sections (2), (10), and (11), amending sections (1), (4), (6), (7), and (12), renumbering as needed, and adding new sections (6), (7), and (8).

PURPOSE: The purpose of this amendment is to incorporate the current functions of the Drug Prior Authorization Committee into the Drug Utilization Review (DUR) Board.

PURPOSE: This rule establishes the division process by which the Drug [Use] Utilization Review Board will be established as required by Section 4401 of P.L. 101-508 (Omnibus Budget Reconciliation Act of 1990) and by section 208.175, RSMo.

(1) Drug [Use] Utilization Review (DUR) Board. This rule establishes a MO HealthNet DUR Board in the Department of Social Services, MO HealthNet Division. The board shall be composed as specified in section 208.175, RSMo.

[(2)] Members of the DUR Board must have the following minimum qualifications:

(A) Must be licensed by Missouri, with that license in active status and in good standing; and

(B) Must have recognized knowledge and expertise in one (1) or more of the following:

- 1. The clinically appropriate prescribing of covered outpatient drugs;*
- 2. The clinically appropriate dispensing and monitoring of covered outpatient drugs;*
- 3. Drug use review, evaluation, and intervention; or*
- 4. Medical quality assurance.]*

[(3)](2) A chairperson shall be elected by the board members.

[(4)](3) The DUR [b]Board shall meet at least once every ninety (90) days. A quorum of two-thirds (2/3) of the total members, including no fewer than [two (2)] three (3) physicians or [two (2)] three (3) pharmacists, is required for the board to act in its official capacity.

[(5)](4) Members shall serve four- (4-)/-] year terms, except the terms of the original members, two (2) shall be appointed for a term of two (2) years, three (3) shall be appointed for a term of three (3) years, and three (3) shall be appointed for a term of four (4) years. Members may be reappointed, provided that minimum qualifications for membership continue to be met. Nominations shall be referred for final appointment by the governor subject to advice and consent of the senate. As vacancies occur, the DUR [b]Board shall solicit and select a slate of nominees.

[(6)](5) The members of the DUR [b]Board shall receive no compensation for their services other than reasonable expenses actually incurred in the performance of their official duties.

(6) The DUR Board shall hold a public hearing during which the MO HealthNet Division shall make recommendations to the board. The hearing shall be prior to any final decision by the division to require prior authorization for that pharmaceutical product, class, or category.

(7) The tentative meeting agenda of the DUR Board with the therapeutic classes to be discussed shall be posted on the MO

HealthNet Division website (www.dss.mo.gov/mhd) approximately fourteen (14) days prior but no less than seven (7) days prior to the meeting.

(A) The specific therapeutic class or classes to be considered at the next regularly scheduled DUR Board meeting shall be placed on the current agenda or posted on the website approximately thirty (30) days prior to the scheduled meeting.

(B) Any interested party shall be granted the opportunity for clinically relevant public comment for up to five (5) minutes per medication under review by the DUR Board. The responsibility of scheduling the presentation shall rest with the interested party. Interested parties representing a manufacturer shall be granted five (5) minutes in the aggregate per medication under review by the DUR Board.

(C) Following the consideration of all presented information, the DUR Board may accept or alter the recommendations from the MO HealthNet Division. The board shall make their final recommendation to the MO HealthNet Division by a majority vote of the members of the committee present thereto in a recorded roll call vote.

(D) The specific therapeutic class or classes recommended for restriction by means of step therapy, clinical edit, fiscal edit, or preferred drug list shall be available on the division website at www.dss.mo.gov/mhd approximately fifteen (15) calendar days after the meeting.

(8) Any changes recommended by the DUR Board shall be made available via the approved minutes of the DUR Board meeting in a timely fashion, at least thirty (30) days prior to the implementation of the recommendations.

*[(7)](9) The DUR [b]Board shall provide, either directly or through contracts between the MO HealthNet Division and accredited health care schools, state medical societies, or state pharmacist associations or societies or other appropriate organizations, for educational outreach programs as required by P.L. 101-508, Section 4401, to educate practitioners on common drug therapy problems with the aim of improving prescribing and dispensing practices. This outreach shall include an educational newsletter to MO HealthNet providers including appropriate drug use guidelines and MO HealthNet utilization statistics. **The board activities shall include:***

(A) Establishment and implementation of medical standards and criteria for the prospective and retrospective DUR program;

(B) Development, selection, application, and assessment of educational interventions for physicians, pharmacists, and participants that improve care; and

(C) Administration of the Drug Prior Authorization Process as outlined in 13 CSR 70-20.200.

[(8)](10) As specified by P.L. 101-508, Section 4401, the DUR [b]Board shall monitor drug use, and prescribing and dispensing practices in the MO HealthNet program. This monitoring shall include reviewing and refining therapeutic criteria modules used in both retrospective and prospective DUR, as well as overseeing retrospective DUR intervention methods used.

[(9)](11) The DUR [b]Board shall advise the Department of Social Services regarding all activities associated with the DUR process, including identifying types of intervention methods to be initiated by the review committees, ranging from letters to physicians and pharmacists, face-to-face education, and educational symposiums for targeted providers. The board shall provide educational support and guidance as needed by the review committees. The review committees, in turn, shall report intervention results and make recommendations based on these results to the board.

[(10)] The DUR board shall review and research recommendations from the Drug Prior Authorization Committee, as established by 13 CSR 70-20.200, regarding the advisability of

implementing or removing prior authorization requirements for a drug or class of drugs, and make a recommendation to the Department of Social Services.

(11) *Specialized DUR Committees.* Subject to appropriation, up to six (6) regional review committees may be appointed by the director of the Department of Social Services for the areas surrounding St. Louis, Kansas City, Springfield, Cape Girardeau, Kirksville and Columbia. Other specialized review committees may be formed at the discretion of the Department of Social Services. Members of the review committees shall be physicians and pharmacists appointed by the DUR board, totaling no fewer than five (5) and no more than ten (10) members per committee. A quorum of fifty-one percent (51%) of the total members must be present to conduct business. Regional committee members shall have the same minimum qualifications as required for the DUR board members. Regional committee meetings shall be held every other month. The members of each committee shall elect a chairperson, who shall serve as an ex officio member of the DUR board. Committee members shall receive no compensation other than reasonable expenses actually incurred in the performance of their official duties.]

(12) [The regional review committees shall conduct patient profile reviews, including opening and closing of cases at the committee meetings. Interventions shall be initiated and follow-up reviews performed by the regional committees.] Patterns of inappropriate or aberrant prescribing or dispensing shall be identified and referred to the board in order for targeted education to be formulated.

AUTHORITY: sections 208.153, 208.175, [and] 208.201, and 660.017, RSMo [Supp. 2013] 2016. Original rule filed Dec. 14, 1992, effective June 7, 1993. Amended: Filed Sept. 16, 2013, effective March 30, 2014. Amended: Filed Sept. 16, 2020.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 99—Comprehensive Day Rehabilitation**

PROPOSED AMENDMENT

13 CSR 70-99.010 Comprehensive Day Rehabilitation Program. The department is amending sections (1) and (8).

PURPOSE: This proposed amendment removes outdated language and updates the incorporation by reference in section (1).

(1) Administration. The MO HealthNet Comprehensive Day Rehabilitation Program shall be administered by the Department of Social Services, MO HealthNet Division. The Comprehensive Day

Rehabilitation services covered and not covered, the limitations under which services are covered, and the maximum allowable fees for all covered services shall be determined by the MO HealthNet Division and shall be included in the MO HealthNet provider manuals, which are incorporated by reference and made a part of this rule as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109, at its website [www.dss.mo.gov/mhd, December 3, 2007] <http://manuals.momed.com/manuals/>, September 6, 2019. This rule does not incorporate any subsequent amendments or additions. Comprehensive Day Rehabilitation Program services shall include only those services that are prior authorized by the MO HealthNet Division or its designee.

(8) Records Retention. These records must be retained for [five (5)] six (6) years from the date of service. Fiscal and medical records coincide with and fully document services billed to the MO HealthNet agency. Providers must furnish or make the records available for inspection or audit by the Department of Social Services or its representative upon request. Failure to furnish, reveal, or retain adequate documentation for services billed to the MO HealthNet program, as specified above, is a violation of this regulation.

AUTHORITY: section[s] 208.152, RSMo Supp. 2020, and sections 208.153, 208.164, 208.201, [and] 208.631, 208.633, and 660.017, RSMo [Supp. 2007 and sections 208.164 and 208.633, RSMo 2000] 2016. Emergency rule filed Aug. 11, 2005, effective Sept. 1, 2005, expired Feb. 27, 2006. Original rule filed June 1, 2005, effective Nov. 30, 2005. Amended: Filed June 1, 2006, effective Dec. 30, 2006. Amended: Filed Oct. 30, 2007, effective April 30, 2008. Amended: Filed Sept. 16, 2020.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE**

**Division 2030—Missouri Board for Architects,
Professional Engineers, Professional Land Surveyors,
and Professional Landscape Architects
Chapter 4—Applications**

PROPOSED RESCISSION

20 CSR 2030-4.055 Criteria to File Application under section 324.008.1., RSMo, for a Temporary Courtesy License. This rule stated the requirements and procedures for a nonresident spouse of an active duty member of the military who is transferred to this state in the course of the member's military duty to obtain a temporary courtesy license to practice architecture, professional engineering, professional land surveying, or professional landscape architecture for one hundred eighty (180) days which may be extended, at the discretion of the board and upon receipt of an additional fee, for another one hundred eighty (180) days.

PURPOSE: This rule is being rescinded due to the recent passage of HB 1511 which repealed this provision.

AUTHORITY: section 324.008.1., RSMo 2016. Original rule filed July 26, 2012, effective Jan. 30, 2013. Non-substantive change filed Oct. 21, 2015, published Dec. 31, 2015. Amended: Filed March 30, 2018, effective Sept. 30, 2018. Rescinded: Filed Sept. 21, 2020.

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 Missouri Board of Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects, PO Box 184, Jefferson City, MO 65102, via facsimile at (573)751-8046, or via email at moapeplspla@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 2063—Behavior Analyst Advisory Board
Chapter 1—General Rules**

PROPOSED AMENDMENT

20 CSR 2063-1.015 Fees. The department is adding a new subsection (1)(I).

PURPOSE: This rule is being revised to allow a fee to be collected when requested to verify a Missouri license to another state.

(1) The following fees are established for the Behavior Analyst Advisory Board and are payable to the State Committee of Psychologists:

(I) Verification of License Fee **\$ 25**

AUTHORITY: sections 337.310[, 337.315, 337.320,] and 337.340, RSMo [Supp. 2012] 2016, and sections 337.315 and 337.320, RSMo Supp. 2020. Emergency rule filed Nov. 30, 2010, effective Dec. 10, 2010, expired June 7, 2011. Original rule filed Nov. 30, 2010, effective May 30, 2011. Amended: Filed May 22, 2013, effective Nov. 30, 2013. Amended: Filed Sept. 16, 2020.

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

PRIVATE COST: This proposed amendment will cost private entities four hundred seventy-five dollars (\$475) 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 Behavior Analyst Advisory Board, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-526-0661 or via email at scop@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 -Department of Commerce and Insurance
Division 2063—Behavior Analyst Advisory Board
Chapter 1 - General Rules
Proposed Amendment to 20 CSR 2063-1.015 – Fees

II. SUMMARY OF FISCAL IMPACT

| Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule: | Classification by type of the business entities which would likely be affected: | Estimated costs for the life of the rule by affected entities: |
|---|---|--|
| 19 | Verification Fee (Fee @ \$25) | \$475 |
| | Estimated Revenue Beginning in FY21 and Annually Thereafter | \$475 |

III. WORKSHEET

See Table Above

IV. ASSUMPTION

1. The figures reported above for the verification fee are based upon staff estimates. The board receives an average of nineteen (19) requests for verification annually.
2. It is anticipated that the total 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.

Note: The committee is statutorily obligated to enforce and administer the provisions of sections 337.300 to 337.347, RSMo. Pursuant to section 337.310, RSMo, the board shall by rule and regulation set the amount of fees authorized by section 337.310, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the committee for administering the provisions of sections 337.300 to 337.347, RSMo.

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE
Division 2200—State Board of Nursing
Chapter 4—General Rules**

PROPOSED AMENDMENT

20 CSR 2200-4.010 Fees. The board is amending section (1).

PURPOSE: The amendment increases the fee to apply for a RN or LPN license by endorsement and increases the RN and LPN biennial renewal fee.

(1) The following fees are established by the State Board of Nursing:

(C) Endorsement Fee—RN \$ [55] 105
(D) Endorsement Fee—LPN \$ [51] 101

(J) Biennial Renewal Fee—

1. RN—

A. Effective January 1, 2009 \$ 60

*B. Effective January 1, 2011,
to December 31, 2012* \$ 40]

C.]A. Effective January 1, 2013 \$ 60

B. Effective July 1, 2021 \$ 85

2. LPN—

A. Effective January 1, 2009 \$ 52

*B. Effective January 1, 2011,
to December 31, 2012* \$ 32]

C.]A. Effective January 1, 2013 \$ 52

B. Effective July 1, 2021 \$ 77

3. License renewal for a professional nurse shall be biennial[;], occurring on odd-numbered years and the license shall expire on April 30 of each odd-numbered year. License renewal for a practical nurse shall be biennial[;], occurring on even-numbered years and the license shall expire on May 31 of each even-numbered year. Renewal shall be for a twenty-four- (24-)/-] month period except in instances when renewal for a greater or lesser number of months is caused by acts or policies of the Missouri State Board of Nursing. Renewal applications (see 20 CSR 2200-4.020) shall be mailed every even-numbered year by the Missouri State Board of Nursing to all LPNs currently licensed and every odd-numbered year to all RNs currently licensed;

4. Renewal fees for each biennial renewal period shall be accepted by the Missouri State Board of Nursing only if accompanied by an appropriately completed renewal application; and

5. All fees established for licensure or licensure renewal of nurses incorporate an educational surcharge in the amount of one dollar (\$1) per year for practical nurses and five dollars (\$5) per year for professional nurses. These funds are deposited in the professional and practical nursing student loan and nurse repayment fund;

AUTHORITY: section 335.046, RSMo 2016, and sections 324.001.10 and 335.036, RSMo Supp. [2018] 2020. This rule originally filed as 4 CSR 200-4.010. Emergency rule filed Aug. 13, 1981, effective Aug. 23, 1981, expired Dec. 11, 1981. Original rule filed Aug. 13, 1981, effective Nov. 12, 1981. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 30, 2020.

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

PRIVATE COST: This proposed amendment will cost private entities one hundred eleven thousand two hundred fifty dollars (\$111,250) annually and three million forty-three thousand seven hundred fifty dollars (\$3,043,750) beginning in FY22 and biennially thereafter over the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight

Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Board of Nursing, PO Box 656, Jefferson City, Missouri 65102 or by email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 -Department of Commerce and Insurance
Division 2200—State Board of Nursing
Chapter 4 - General Rules
Proposed Amendment to 20 CSR 2200-4.010 Fees

II. SUMMARY OF FISCAL IMPACT

| Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule: | Classification by type of the business entities which would likely be affected: | Estimated costs for the life of the rule by affected entities: |
|---|---|--|
| 2,000 | Endorsement Fee - RN (Fee Increase @ \$50) | \$100,000 |
| 225 | Endorsement Fee - LPN (Fee Increase @ \$50) | \$11,250 |
| Estimated Revenue Beginning in FY21 and Annually Thereafter | | \$111,250 |

| Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule: | Classification by type of the business entities which would likely be affected: | Estimated costs for the life of the rule by affected entities: |
|---|---|--|
| 99,375 | Biennial Renewal - RN (Fee Increase @ \$25) | \$2,484,375 |
| 22,375 | Biennial Renewal - LPN (Fee Increase @ \$25) | \$559,375 |
| Estimated Revenue Beginning in FY22 and Biennially Thereafter | | \$3,043,750 |

III. WORKSHEET

See Table Above

IV. ASSUMPTION

1. The board utilizes a rolling five year financial analysis process to evaluate its fund balance, establish fee structure, and assess budgetary needs. The five year analysis is based on the projected revenue, expenses, and number of licensees. Based on the board's recent five (5) year analysis, the board voted to increase the endorsement fee by fifty dollars (\$50) and a twenty-five dollar (\$25) renewal fee increase.
2. It is anticipated that the total 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.

Note: The board is statutorily obligated to enforce and administer the provisions of sections 335.011 to 335.257, RSMo. Pursuant to section 335.036, RSMo, the board shall by rule and regulation set the amount of fees authorized by section 335.036, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the division for administering the provisions of sections 335.011 to 335.257, RSMo.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE

**Division 2232—Missouri State Committee of Interpreters
Chapter 2—Licensure Requirements**

PROPOSED AMENDMENT

20 CSR 2232-2.010 Application for Licensure. The committee is amending sections (1), (2), and (4).

PURPOSE: The committee is deleting extraneous language in regard to the submission requirements of applications for licensure.

(1) An application for licensure shall be submitted on [the] forms provided by the committee [and]. [t/The forms may be obtained [by writing the division or committee at 3605 Missouri Boulevard, PO Box 1335, Jefferson City, MO 65102] on the committee's website or by calling (573) 526-7787. The TTY number for Relay Missouri is (800) 735-2966 and for Voice Relay Missouri the telephone number is (800) 735-2466.

(2) An application is not considered officially filed with the committee until it has been determined by the committee [or division staff] to be complete [and the application is submitted on the form provided by the committee, typewritten or printed in black ink, signed, notarized,] and accompanied by the application fee [pursuant to 20 CSR 2232-1.040(1)(A)].

(4) Following review by the committee [or division staff], the applicant [shall] will be informed in writing of the decision regarding the application for licensure.

AUTHORITY: section 43.543, RSMo Supp. [2013] 2020, and section 209.328.2(1) and (3), RSMo [2000] 2016. This rule originally filed as 4 CSR 232-2.010. Original rule filed Feb. 18, 1999, effective July 30, 1999. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 30, 2020.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Committee of Interpreters, Pam Groose, Executive Director, PO Box 1335, Jefferson City, MO 65102, by fax 573-526-0661, or via email at interpreters@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 2232—Missouri State Committee of Interpreters
Chapter 2—Licensure Requirements**

PROPOSED AMENDMENT

20 CSR 2232-2.020 Application for Temporary License. The committee is amending sections (1), (2), and (4).

PURPOSE: The committee is deleting extraneous language in regard to the forms required for licensure.

(1) Application for a temporary license shall be submitted on [the] forms provided by the committee [and]. **The forms** may be obtained [by writing the division or committee at 3605 Missouri Boulevard, PO Box 1335, Jefferson City, MO 65102] on the committee's website or by calling (573) 526-7787. The TTY number for Relay Missouri is (800) 735-2966 and for Voice Relay Missouri the telephone number is (800) 735-2466.

(2) An application for a temporary license is not considered officially filed with the committee until it has been determined by the committee [or division staff] to be complete [and the application is submitted on the form provided by the committee, typewritten or printed in black ink, signed, notarized,] and accompanied by the application fee for temporary licensure [pursuant to 20 CSR 2232-1.040(1)(D)].

(4) Following review by the committee, the applicant [shall] will be informed in writing of the decision regarding the application for a temporary license.

AUTHORITY: section 43.543, RSMo Supp. [2013] 2020, and section 209.328.2(1) and (3), RSMo [2000] 2016. This rule originally filed as 4 CSR 232-2.020. Original rule filed Feb. 18, 1999, effective July 30, 1999. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 30, 2020.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Committee of Interpreters, Pam Groose, Executive Director, PO Box 1335, Jefferson City, MO 65102, by fax 573-526-0661, or via email at interpreters@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 2232—Missouri State Committee of Interpreters
Chapter 2—Licensure Requirements**

PROPOSED AMENDMENT

20 CSR 2232-2.030 Name and Address Change, License Renewal, and Inactive License. The committee is amending sections (3)-(5).

PURPOSE: The committee is deleting extraneous language.

(3) A licensed interpreter whose address has changed shall [inform] notify the committee of the address change within thirty (30) days of the effective date of the change.

(4) A license shall be renewed prior to the expiration of the license. Failure to receive a license renewal notice shall not relieve the licensee of the obligation to renew the license to practice as an interpreter and pay the required fee prior to the expiration date of the license. **Completed /R/renewals** shall be postmarked no later than the expiration date of the license to avoid the late penalty fee [as defined in 20 CSR 2232-1.040(1)(C)].

(5) Licensees who request to be classified inactive may maintain

their inactive status and receive a license indicating *[their]* inactive status by paying the inactive license renewal fee *[as provided in 20 CSR 2232-1.040]*. A holder of an inactive license shall not have his or her license reactivated until he or she pays the required reactivation fee, and in addition, submits proof of a current and valid certification. If a holder of an inactive license reactivates at the time of renewal, the licensee shall only be required to pay the renewal fee, and in addition, submit proof of a current and valid certification.

AUTHORITY: *sections 209.328.2], RSMo 2000,] and [section] 324.039, RSMo [Supp. 2013] 2016. This rule originally filed as 4 CSR 232-2.030. Original rule filed Feb. 18, 1999, effective July 30, 1999. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 30, 2020.*

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

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

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Committee of Interpreters, Pam Goose, Executive Director, PO Box 1335, Jefferson City, MO 65102, by fax 573-526-0661, or via email at interpreters@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 2234—Board of Private Investigator and
Private Fire Investigator Examiners
Chapter 1—General Rules**

PROPOSED AMENDMENT

20 CSR 2234-1.050 Fees. The board is amending section (4).

PURPOSE: *The amendment adds a verification fee and an insufficient funds check fee.*

(4) The following miscellaneous fees are established as follows:

| | |
|-------------------------------------|--------------|
| (D) Verification Fee | \$ 15 |
| (E) Insufficient Funds Check | \$ 25 |

AUTHORITY: *sections 324.1102 and 324.1132, RSMo [Supp. 2013] 2016. Original rule filed June 26, 2009, effective Jan. 30, 2010. Amended: Filed Oct. 8, 2010, effective May 30, 2011. Amended: Filed Sept. 13, 2013, effective March 30, 2014. Amended: Filed Sept. 29, 2020.*

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

PRIVATE COST: *This proposed amendment will cost private entities five hundred ninety dollars (\$590) 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 Private Investigator and Private Fire Investigator*

Examiners, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-0878 or via email at pi@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

PRIVATE FISCAL NOTE

I. RULE NUMBER

**Title 20 -Department of Commerce and Insurance
 Division 2234—Board of Private Investigator and Private Fire Investigator Examiners
 Chapter 1 - General Rules
 Proposed Amendment to 20 CSR 2234-1.050 Fees**

II. SUMMARY OF FISCAL IMPACT

| Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule: | Classification by type of the business entities which would likely be affected: | Estimated costs for the life of the rule by affected entities: |
|---|---|--|
| 36 | Verification Fee (Fee @ \$15) | \$540 |
| 2 | Insufficient Funds (Fee @ \$25) | \$50 |
| Estimated Revenue Beginning in FY21 and Annually Thereafter | | \$590 |

III. WORKSHEET

See Table Above

IV. ASSUMPTION

1. The figures reports above for the verification fee are based upon staff estimates. The board receives an average of ten (10) requests for verification annually.
2. The figures reports above for the insufficient funds fee are based upon staff estimates. The board receives an average of two (2) returned checks annually.
3. It is anticipated that the total 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.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE

**Division 2234—Board of Private Investigator and Private Fire Investigator Examiners
Chapter 2—Private Investigator and Private Fire Investigator**

PROPOSED AMENDMENT

20 CSR 2234-2.010 Application for Licensure—Private Investigator. The board is amending sections (1), (2), (7) and (8), deleting sections (3) and (6), and renumbering as necessary.

PURPOSE: The board is amending section (1) the reference to the statute regarding the application for licensure, section (2) by deleting the method of completion of the application for licensure, subsection (2)(A) deleting the reference to the fee rule, section (3) deleting the reference to the method of completion and notarization requirements, and section (8) deletes the word preliminary as the executive director has been delegated the authority to approve all applications.

(1) An application for licensure as a private investigator [*pursuant to section 324.1108, RSMo,*] shall be submitted on the form [*which may be obtained by contacting the Board of Private Investigator and Private Fire Investigator Examiners*] provided by the board. The forms may be obtained on the board's website.

(2) A completed application for licensure as a private investigator [*must be typewritten or printed in black ink, signed, and notarized, including information pertaining to the private investigator, and*] shall include:

(A) The appropriate [*licensure*] application fee [*pursuant to 20 CSR 2234-1.050*];

(D) Proof of the liability insurance required by law in the form of a Certificate of Insurance issued by an insurance company licensed to do business in the state of Missouri and contains a statement that the Board of Private Investigator and Private Fire Investigator Examiners is a certificate holder; a Certificate of Insurance issued by an agent is not acceptable;

[(3) An application will not be considered officially filed with the board unless it is typewritten or printed in black ink, signed, notarized, accompanied by all documents required by the board, and the application fee.]

[(4)](3) A candidate shall pass the examination within one (1) year of the approval date of the application.

[(5)](4) Examination requirements may be waived by the board pursuant to section 324.1110, RSMo.

[(6) Applicants seeking reciprocity shall meet the requirements of section (2) or (3) of this rule and provide proof of licensure in another state.]

[(7)](5) The applicant [*shall*] will be informed in writing of the decision regarding the application for licensure.

[(8)](6) The board may delegate the [*preliminary*] review of license applications to the executive director.

AUTHORITY: sections 324.1102[, 324.1108, 324.1110, 324.1112,] and 324.1114, RSMo [Supp. 2013] 2016, and sections 324.1108, 324.1110, and 324.1112, RSMo Supp. 2020. Original rule filed June 26, 2009, effective Jan. 30, 2010. Amended: Filed Sept. 13, 2013, effective March 30, 2014. Amended: Filed Sept. 29, 2020.

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 Private Investigator and Private Fire Investigator Examiners, Pam Groose, Executive Director, PO Box 1335, Jefferson City, MO 65102-1335, by fax at (573) 526-0661, or via email at pi@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 2234—Board of Private Investigator and Private Fire Investigator Examiners
Chapter 2—Private Investigator and Private Fire Investigator**

PROPOSED AMENDMENT

20 CSR 2234-2.015 Application for Licensure—Private Fire Investigator. The board is amending sections (1), (2), and (4), deleting section (3), and renumbering as necessary.

PURPOSE: The Board is amending section (1) by deleting the reference to the statute, section (2) deleting the method of completing the application and notarization, and section (3) deleting the method of completing the application.

(1) An application for licensure as a private fire investigator [*pursuant to section 324.1108, RSMo,*] shall be submitted on the form [*which may be obtained by contacting the Board of Private Investigator and Private Fire Investigator Examiners*] provided by the board. The forms may be obtained on the board's website.

(2) A completed application for licensure as a private fire investigator [*must be typewritten or printed in black ink, signed, and notarized, including information pertaining to the private fire investigator, and*] shall include:

(A) The appropriate [*licensure*] application fee [*pursuant to 20 CSR 2234-1.050*];

(D) Proof of the liability insurance required by law in the form of a Certificate of Insurance issued by an insurance company licensed to do business in the state of Missouri and contains a statement that the Board of Private Investigator and Private Fire Investigator Examiners is a certificate holder; a Certificate of Insurance issued by an agent is not acceptable;

[(3) An application will not be considered officially filed with the board unless it is typewritten or printed in black ink, signed, notarized, accompanied by all documents required by the board, and the application fee.]

[(4)](3) The applicant [*shall*] will be informed in writing of the decision regarding the application for licensure.

[(5)](4) The board may delegate the review of license applications to the executive director.

AUTHORITY: sections 324.1102[, 324.1108, 324.1110, 324.1112,] and 324.1114, RSMo [Supp. 2013] 2016, and sections

324.1108, 324.1110, and 324.1112, RSMo Supp. 2020. Original rule filed Sept. 13, 2013, effective March 30, 2014. Amended: Filed Sept. 29, 2020.

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 Private Investigator and Private Fire Investigator Examiners, Pam Groose, Executive Director, PO Box 1335, Jefferson City, MO 65102-1335, by fax at (573) 526-0661, or via email at pi@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 2234—Board of Private Investigator and Private Fire Investigator Examiners
Chapter 3—Private Investigator Agency and Private Fire Investigator Agency

PROPOSED AMENDMENT

20 CSR 2234-3.010 Application for Licensure—Agency. The board is amending sections (1), (2), and (6).

PURPOSE: The board is deleting extraneous language in regard to the forms required for licensure.

(1) An application for agency licensure [pursuant to section 324.1108, RSMo,] shall be submitted on the form [which may be obtained by contacting the board] provided by the board.

(2) A completed application for agency licensure [must be typewritten or printed in black ink, signed, and notarized, and] shall include:

(A) The appropriate [licensure] application fee [pursuant to 20 CSR 2234-1.050];

(B) The name of the Missouri licensed private investigator-in-charge or the private fire investigator-in-charge and designate a primary office location;

(D) Proof of the liability insurance required by law in the form of a Certificate of Insurance issued by an insurance company licensed to do business in the state of Missouri and contains a statement that the Board of Private Investigator and Private Fire Investigator Examiners is a certificate holder. A Certificate of Insurance issued by an agent is not acceptable; and

(6) The applicant [shall] will be informed in writing of the decision regarding the application for licensure.

AUTHORITY: sections 324.1102, [324.1108, 324.1110, 324.1112,] 324.1114, and 324.1132, RSMo [Supp. 2013] 2016, and sections 324.1108, 324.1110, and 324.1112 RSMo Supp. 2020. Original rule filed June 26, 2009, effective Jan. 30, 2010. Amended: Filed Sept. 13, 2013, effective March 30, 2014. Amended: Filed Sept. 29, 2020.

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

PRIVATE COST: This proposed amendment will not cost private enti-

ties more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Private Investigator and Private Fire Investigator Examiners, Pam Groose, Executive Director, PO Box 1335, Jefferson City, MO 65102-1335, by fax at (573) 526-0661, or via email at pi@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 2234—Board of Private Investigator and Private Fire Investigator Examiners
Chapter 3—Private Investigator Agency and Private Fire Investigator Agency

PROPOSED AMENDMENT

20 CSR 2234-3.040 Application for Licensure—Agency Employee. The board is amending sections (1) and (2).

PURPOSE: The board is deleting extraneous language in regard to the forms required for licensure.

(1) An application for licensure pursuant to section 324.1108, RSMo, shall be submitted on the form [which may be obtained by contacting the Board of Private Investigator and Private Fire Investigator Examiners] provided by the board. The forms may be obtained on the board's website.

(2) A completed application for licensure [must be typewritten or printed in black ink, signed, and notarized, including information pertaining to the private investigator or private fire investigator agency employee, and] must include:

(A) The appropriate [licensure] application fee [pursuant to 20 CSR 2234-1.050];

AUTHORITY: sections 324.1102[,] and 324.1116, RSMo 2016, and section 324.1118, RSMo Supp. [2013] 2020. Original rule filed June 26, 2009, effective Jan. 30, 2010. Amended: Filed Sept. 13, 2013, effective March 30, 2014. Amended: Filed Sept. 29, 2020.

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 Private Investigator and Private Fire Investigator Examiners, Pam Groose, Executive Director, PO Box 1335, Jefferson City, MO 65102-1335, by fax at (573) 526-0661, or via email at pi@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 4240—Public Service Commission
Chapter 125—Manufactured Home Installers

PROPOSED AMENDMENT

20 CSR 4240-125.040 Manufactured Home Installer License. The

Public Service Commission is amending subsection (1)(C).

PURPOSE: This amendment modifies certification class requirements for manufactured home installers.

(1) Requirements for an Installer License.

(C) A manufactured home installer must attend certification classes every three (3) years *[or as otherwise required by the manager]*, **except this requirement may be extended by a period not to exceed two (2) additional years by order of the commission, on the recommendation of the manager, finding such attendance is not feasible as the result of a natural disaster, public health emergency, or other exigent circumstance. As an alternative, attendance of certification classes may be held virtually through an internet portal capable of video and multimedia presentations and two- (2-) way communication.**

AUTHORITY: section 700.692, RSMo 2016. This rule originally filed as 4 CSR 240-125.040. Original rule filed Jan. 14, 2005, effective June 30, 2005. Amended: Filed Aug. 15, 2013, effective March 30, 2014. Amended: Filed July 6, 2017, effective March 30, 2018. Moved to 20 CSR 4240-125.040, effective Aug. 28, 2019. Emergency amendment filed Sept. 30, 2020, effective Oct. 15, 2020, expires April 12, 2021. Amended: Filed Sept. 30, 2020.

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: *Anyone may file a statement in support of or in opposition to the proposed amendment with the Missouri Public Service Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before December 2, 2020, and should include a reference to Commission Case No. MX-2020-0357. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed amendment is scheduled for 10:00 a.m. on December 3, 2020, via telephone conference. Interested persons may appear at this hearing to give comments in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions. To participate in the public hearing, at the time of the hearing call toll free 1-855-718-6621, listen to the prompt and enter meeting number 133 545 9992, followed by # (pound/hashtag symbol). If prompted for a password, enter 0357. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

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

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

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 40—Licensing Rules
Chapter 1—Definitions, Licensing Procedures, and
General Requirements for Community Residential
Programs and Day Programs**

ORDER OF RULEMAKING

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

9 CSR 40-1.015 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 2020 (45 MoReg 897-903). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received three (3) staff comments and two (2) public comments on the proposed amendment.

COMMENT #1: A department staff member requested the term and definition for "individual treatment plan" be added.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees this term and definition should be added because it is used throughout the licensing rules. The definition for individual treatment plan has been added as new subsection (2)(AA), and the definitions from that point forward have been updated to follow the alphabetic sequence.

COMMENT #2: A department staff member requested the wording in the first sentence of the definition for Intensive Residential Treatment Setting (IRTS), numbered as (2)(AA) in the proposed amendment, be changed to state, "living environment where medically necessary services/supports are provided for five (5) to sixteen (16) adults with serious mental illness who are transitioning from an inpatient psychiatric hospital to the community, or are at risk of returning to inpatient care due to their clinical status or need for increased support."

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the staff comment and revised the sentence as suggested. As a result of adding a term and definition to section (2) of this rule, this term is subsection (2)(BB) in the final amendment.

COMMENT #3: A department staff member requested the words, "who is a" be removed after "A psychiatric pharmacist" in paragraph (2)(SS)10. of the proposed amendment.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and changed the language as suggested by staff. As a result of adding a term and definition to section (2) of this rule, this change is in paragraph (2)(TT)10. in the final order.

COMMENT #4: Jeff Grosvenor, Missouri Association of Rehabilitation Facilities (MARF), commented that MARF members are concerned the reference to "generally accepted professional standards" in definition (2)(L), competency-based training, is vague and not defined and they are unable to determine the potential cost of implementing training requirements that are not defined.

RESPONSE: "Generally accepted professional standards" is broadly recognized terminology in various fields, including mental health service delivery, and is associated with the implementation and practice of recognized standards of care for a specific population. No changes will be made to the definition.

COMMENT #5: Jeff Grosvenor, Missouri Association of Rehabilitation Facilities (MARF), commented that MARF members are concerned these draft CSRs may reference the current DMH contract language that needs to be amended. MARF has been working with DMH contract staff and the Division of Developmental Disabilities staff to have several areas of the contract amended to accurately reflect the contractual agreement between DD community providers and DMH.

RESPONSE: These regulations do not apply to organizations that provide services as part of the Division of Developmental Disabilities (DD) Medicaid waiver; those programs are required to meet department certification standards and are not subject to these licensing regulations. No action will be taken.

9 CSR 40-1.015 Definitions

(2) The following additional words and terms, as used in 9 CSR 40, mean:

(AA) Individual Treatment Plan (ITP), written document developed in collaboration with the individual seeking assistance for a behavioral health condition (or his or her parent/legal guardian) that identifies the individual's strengths, goals, preferences, abilities, physical and behavioral health needs, and desired outcomes for a healthy lifestyle in the community. Treatment staff, treatment team members, and family members/natural supports (if acceptable to the individual being served) participate in the development of the plan and assist the individual in identifying and accessing a mix of services and supports to meet his/her needs and achieve desired goals for recovery and resiliency;

(BB) Intensive Residential Treatment Setting (IRTS), living environment where medically necessary services/supports are provided for five (5) to sixteen (16) adults with serious mental illness who are

transitioning from an inpatient psychiatric hospital to the community, or are at risk of returning to inpatient care due to their clinical status or need for increased support. This environment is most appropriate for individuals who can tolerate regular interaction with their peers, but have significant difficulties with activities of daily living and may require round-the-clock observation and oversight and/or periodic redirection from staff to avoid behaviors potentially harmful to themselves or others;

(CC) Isolation, removing an individual from a social setting to prevent spread of contagious disease;

(DD) License, written notification that a community residential program or day program complies with department licensing requirements to serve individuals with mental illness, intellectual disabilities, and developmental disabilities;

(EE) Licensee, an individual, partnership, association, corporation, or governmental entity which has received a license or program license from the department to operate a community residential program or day program to provide services and supports for individuals with mental illness, intellectual disabilities, and developmental disabilities;

(FF) Mechanical supports, supportive devices used in normative situations to achieve proper body position and balance; these are not restraints;

(GG) Medication administration, qualified staff preparing and/or giving a legally prescribed individual dose of medication to an individual served, including observation and monitoring the individual's response to the medication;

(HH) Medication control, the process of physically controlling, transporting, storing, and disposing of medications, including medications self-administered by individuals served;

(II) Medication use, the practice of handling, prescribing, and dispensing medication (including administering and observing self-administration) to persons served in response to specific symptoms, behaviors, and conditions for which the use of medication is indicated and deemed effective. This includes prescribed and sample medications and may, when required as part of the treatment regimen, include over-the-counter or alternative medication provided to persons served;

(JJ) Misuse of funds/property, as defined in 9 CSR 10-5.200, Report of Complaints of Abuse, Neglect, and Misuse of Funds/Property;

(KK) Natural supports, provided by a person of the individual's choice to assist him or her in achieving personal goals and facilitating integration into their community. Natural supports are provided by persons who are not paid staff of an agency but may be initiated, planned, and facilitated in partnership with an agency;

(LL) Neglect, as defined in 9 CSR 10-5.200, Report of Complaints of Abuse, Neglect, and Misuse of Funds/Property;

(MM) Outcome, a specific measurable result of services/supports provided to an individual or identified target population;

(NN) Person-centered, services and supports developed in collaboration with the individual served that are respectful of informed consent and the preferences of the individual, resulting in a therapeutic alliance which contributes significantly to treatment/rehabilitation outcomes;

(OO) Physical abuse, as defined in 9 CSR 10-5.200, Report of Complaints of Abuse, Neglect, and Misuse of Funds/Property;

(PP) Probationary license, written authorization to continue service delivery for a specified period of time to enable a licensee to achieve compliance with the department's licensing requirements as set forth in a consent agreement between the department and the licensee;

(QQ) Program license, written notification that a community residential program with a current license, temporary operating permit, or probationary license from the Department of Health and Senior Services (DHSS) under sections 198.006—198.096, RSMo, also meets the department's licensing requirements relative to admission criteria, care, treatment, and habilitation or rehabilitation needs of

individuals served;

(RR) Psychiatric crisis, an individual is exhibiting a substantial increase in symptoms related to a severe emotional disturbance or mental illness based upon his or her baseline functioning. The reason(s) why the crisis occurred and how it is expressed varies by individual and may include harm to self or others, disorientation, being out of touch with reality, compromised ability to function, or other expression of emotional distress not characteristic to the individual. Immediate clinical assessment and intervention is necessary to ensure the safety of the individual and others;

(SS) Psychiatric Individualized Supported Living (PISL), living environment where medically necessary services/supports are provided for one (1) to four (4) adults with serious mental illness who are transitioning from an inpatient psychiatric hospital to the community, or are at risk of returning to inpatient care due to their clinical status or need for increased support. This environment is most appropriate for individuals who—

1. Have intermittent difficulty tolerating other individuals in their immediate living area;

2. Require access to an individual bedroom to avoid psychiatric relapse, aggression, or other behaviors associated with a risk of re-hospitalization; and/or

3. Have substantial difficulties with activities of daily living and require round-the-clock observation and oversight; and/or

4. Require daily redirection from staff to avoid behaviors potentially harmful to themselves or others;

(TT) Qualified mental health professional (QMHP), any of the following:

1. A physician licensed under Missouri law to practice medicine or osteopathy and with training in mental health services or one (1) year of experience, under supervision, in treating problems related to mental illness or specialized training;

2. A psychiatrist licensed under Missouri law as a physician and who has successfully completed a training program in psychiatry approved by the American Medical Association, the American Osteopathic Association, or other training program identified as equivalent by DMH;

3. A psychologist licensed under Missouri law to practice psychology with specialized training in mental health services;

4. A professional counselor licensed under Missouri law to practice counseling with specialized training in mental health services;

5. A clinical social worker licensed under Missouri law with a master's degree in social work from an accredited program and with specialized training in mental health services;

6. A psychiatric nurse licensed under Chapter 335, RSMo, as a registered professional nurse with at least two (2) years of experience in a psychiatric or substance use disorder treatment setting or a master's degree in psychiatric nursing;

7. An individual possessing a master's or doctorate degree in counseling and guidance, rehabilitation counseling and guidance, vocational counseling, psychology, pastoral counseling, family therapy, or related field who has successfully completed a practicum or has one (1) year of experience under the supervision of a QMHP;

8. An occupational therapist certified by the National Board for Certification in Occupational Therapy, registered in Missouri, who has a bachelor's degree and has completed a practicum in a psychiatric setting or has one (1) year of experience in a psychiatric setting, or has a master's degree and has completed either a practicum in a psychiatric setting or has one (1) year of experience in a psychiatric setting;

9. An advanced practice registered nurse (APRN) under section 335.016, RSMo, who has had education beyond the basic nursing education and is certified by a nationally recognized professional organization as having a nursing specialty, or who meets criteria for APRNs established by the board of nursing; or

10. A psychiatric pharmacist, registered pharmacist in good standing with the Missouri Board of Pharmacy who is a board-certified psychiatric pharmacist through the Board of Pharmaceutical

Specialties, or a registered pharmacist currently in a psychopharmacology residency where the service has been supervised by a board-certified psychiatric pharmacist;

(UU) Reciprocal license, issued by the department to a residential program that has a current valid license as a Residential Treatment Agency for Children and Youth from the Department of Social Services under 13 CSR 35-71, if the applicant has applied for a license from the department and paid the application fee;

(VV) Research, as defined in 9 CSR 60-1.010;

(WW) Residential care facility (RCF), as defined in section 198.006, RSMo;

(XX) Residential program, program in the community serving ten (10) or more individuals with intellectual or developmental disabilities by providing social support, health supervision, and habilitation training in skills of daily living;

(YY) Restraint, as defined in 9 CSR 10-7.140;

(ZZ) Safety crisis plan, as defined in 9 CSR 45-3.090 Behavior Supports;

(AAA) Scheduled (controlled) medication, categories or schedules assigned to medication by the Drug Enforcement Administration based on a drug's acceptable medical use and the drug's abuse or dependency potential;

(BBB) Seclusion, involuntary confinement of an individual alone in a room or an area from which he/she is physically prevented from leaving or having contact with others;

(CCC) Self-administration of medication (adults), the application of a medication, (whether by injection, inhalation, oral ingestion, or any other means) by the individual served to his or her body, and may include the program storing the medication and staff handing the medication container to the individual at the time designated to take the medication;

(DDD) Sexual abuse, as defined in 9 CSR 10-5.200, Report of Complaints of Abuse, Neglect, and Misuse of Funds/Property;

(EEE) Staff (staff member, employee, personnel), paid employee or contractor providing services and/or supports on behalf of a licensed or deemed licensed program, on a full- or part-time basis, and has contact with individuals served by the program;

(FFF) Stock supply/stock pharmaceutical, prescription and non-prescription medication stored on-site for the provision of medication services by a program. Stock supplies are checked by qualified staff on a routine basis for expiration dates and reviewed annually by a pharmacy consultant and approved by the medical director or pharmacy technician;

(GGG) Substance use disorder, diagnostic term in the fifth edition of the *Diagnostic and Statistical Manual of Mental Disorders (DSM-5)* referring to recurrent use of alcohol or other drugs that causes clinically and functionally significant impairment such as health problems, disability, and failure to meet major responsibilities at work, school, or home. Depending on the level of severity, this disorder is classified as mild, moderate, or severe. The document incorporated by reference does not include any later revisions or updates and is available from the American Psychiatric Association, 1000 Wilson Boulevard, Suite 1825, Arlington, VA 22209-3901;

(HHH) Supports, array of activities, resources, relationships, and services designed to assist an individual's integration into the community, participation in services/supports, improve functioning, and/or recovery and resiliency;

(III) Targeted case management, Medicaid program that assists individuals served by the Division of Developmental Disabilities (DD) to gain access to needed medical, social, educational, and other services;

(JJJ) Temporary operating permit, written authorization from the department permitting a licensee seeking license renewal or a new owner applying for an initial license to continue service delivery pending completion of the licensing survey process and the applicant is not at fault for any delay in the process;

(KKK) Time-out, temporarily separating a person from an environment where he or she has exhibited unacceptable behavior;

(LLL) Trauma, experiences that cause intense physical and psychological stress reactions. May refer to a single event, multiple events, or a set of circumstances experienced by an individual as physically and emotionally harmful or threatening and has lasting adverse effects on the individual's physical, social, emotional, or spiritual well-being;

(MMM) Treatment, a professionally recognized approach that applies accepted theories, principles, and techniques designed to achieve rehabilitative outcomes for individuals served;

(NNN) Verbal abuse, as defined in 9 CSR 10-5.200, Report of Complaints of Abuse, Neglect, and Misuse of Funds/Property; and

(OOO) Volunteer, an unpaid person formally recognized by a program to provide direct services or supports to individuals it serves.

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ORDER OF RULEMAKING

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

9 CSR 40-1.055 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 2020 (45 MoReg 903-909). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received four (4) staff comments and two (2) public comments.

COMMENT #1: Staff indicated there is a typo in paragraph (6)(A)1. The "s" should be removed from the word "references" in the second sentence of the paragraph.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and made this correction.

COMMENT #2: Staff indicated there are words missing from subsection (26)(B) and the sentence is unclear as written.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and revised the sentence to add "a written report" to subsection (26)(B).

COMMENT #3: For sections (16) and (20), staff indicated the language should be changed to, "ninety (90) business days."

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and revised sections (16) and (20) as indicated.

COMMENT #4: Staff indicated section (3) was removed from the old rule, but failed to mention the old form is being removed.

RESPONSE AND EXPLANATION OF CHANGE: The department will add the current application form to the new rule and revise language in section (5) to indicate the application form is "included herein" and add the department website for those who want to download the application form.

COMMENT #5: Jeff Grosvenor, Missouri Association of Rehabilitation Facilities (MARF), commented that most agency staff are currently dealing with COVID-19 issues and have staff working remotely or in different capacities to assist in taking care of individuals. Many agencies will not be able to dedicate staff resources to conduct

a review of twelve (12) draft *Code of State Regulations (CSRs)* during this unprecedented time. Most agencies are busy trying to keep up on daily information including:

- a. Center for Disease Control COVID-19 updates;
- b. DMH COVID-19 updates;
- c. Provider Relief Fund application information;
- d. Payroll Protection Program;
- e. Other CAREs Act resources;
- f. Local community COVID-19 regulations; and
- g. Other necessary information.

Agencies are spending a lot of staff resources to make sure they comply with all the guidance being provided during the COVID-19 pandemic. The timing of these draft CSRs is probably the worst possible time to expect meaningful input from stakeholders.

RESPONSE: There will always be factors outside of our control that disrupt the department's service delivery system. Department staff are aware of the impact the COVID-19 pandemic is having on individuals we serve, as well as organizations that deliver services. Department staff have eliminated barriers and waived various regulations to ensure minimal service disruption and to ease staff workloads. This assistance will continue throughout the duration of the pandemic. As stipulated in section 536.175, RSMo, the department is under a five- (5-) year rolling review of all regulations published in the *Code of State Regulations* and will continue the review process as required in state statute. As is customary when the department proposes new regulations or amendments, draft language is disseminated to providers and other stakeholders for review and comments prior to official filing of the regulations with the secretary of state. The proposed licensing rules and amendments were posted to the DMH website for a thirty- (30-) day comment period in April, 2019 and June, 2019, allowing ample time for providers to review the draft regulations in their entirety and submit questions and comments to the department. No action will be taken.

COMMENT #6: Jeff Grosvenor, Missouri Association of Rehabilitation Facilities (MARF), commented that MARF members are concerned these draft CSRs may reference the current DMH contract language that needs to be amended. MARF has been working with DMH contract staff and the Division of Developmental Disabilities staff to have several areas of the contract amended to accurately reflect the contractual agreement between DD community providers and DMH.

RESPONSE: These regulations do not apply to organizations that provide services as part of the Division of Developmental Disabilities (DD) Medicaid waiver; those programs are required to meet department certification standards and are not subject to these licensing regulations. No action will be taken.

9 CSR 40-1.055 Licensing Procedures

(5) An agency or individual may request to be licensed by completing the application form included herein and submitting the application and other documentation as specified. The application form can be downloaded from the department's website <https://dmh.mo.gov/media/pdf/application-licensure>. Completed applications must be mailed to: Department of Mental Health, Office of Licensure and Certification, PO Box 687, Jefferson City, MO 65102, fax (573) 751-7815, or emailed to: DMH-OLC@dmh.mo.gov.

(6) An application for an initial license must be submitted not less than thirty (30) days prior to the opening date for a new residential program or day program. The application must be approved by department staff prior to a Division of Fire Safety inspection or department license inspection being scheduled. A diagram of the interior of the building(s), in approximate scale, and a narrative indicating how each area of the building will be used is required for first-time applicants.

(A) Prior to new construction, remodeling an existing structure(s), or any structural alterations to an existing building, a copy of the plans must be submitted to the Office of Licensure and Certification for review and approval, including an explanation for utilizing each area of the building. The architect or contractor shall certify in writing the plans are in compliance with these licensing regulations.

1. Construction shall not begin until the plans have been reviewed and approved by the Division of Fire Safety. All plans for new construction, remodeling, and additions must comply with the 2010 *Americans with Disabilities Act Standards for Accessible Design*, hereby incorporated by reference and is published by and available from the U.S. Department of Justice, Civil Rights Division, 950 Pennsylvania Avenue NW, Washington, DC 20530, available at: <https://www.ada.gov/regs2010/2010ADAStandards/2010ADASTandards.htm>. This rule does not incorporate any subsequent amendments or additions to the regulations listed above. This rule does not prohibit programs from complying with regulations set forth in newer versions of the incorporated by reference material listed in this paragraph of this rule.

2. During the construction or remodeling process, an inspection of the framing, wiring, and rough-in wiring for the fire alarm system must be conducted by the Division of Fire Safety before the walls are enclosed. Failure to have these inspections constitutes cause for disapproval by the Division of Fire Safety.

3. An existing residential program or day program shall not increase the capacity of any room or total capacity of any building without meeting new construction requirements as specified in this rule.

(16) The licensee shall submit the application for a license for a succeeding year to the department at least ninety (90) business days before the expiration date of its current license.

(20) If the department has not completed its license inspection before the expiration date of a current license and the applicant is not at fault for the delay, a temporary operating permit, not to exceed ninety (90) business days, will be issued by the department in order to complete the survey.

(26) If the department determines an applicant or existing licensee is not in compliance with these licensing regulations at the time of the inspection, the applicant will be notified as follows:

(B) Within twenty (20) business days after completion of the on-site license inspection, a written report will be sent to the program director explaining the area(s) of non-compliance;

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ORDER OF RULEMAKING

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

9 CSR 40-1.060 Program Administration is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 15, 2020 (45 MoReg 909-911). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received four (4) comments.

COMMENT #1: Cori Putz, Preferred Family Healthcare, requested that subparagraph (6)(A)2.A. be changed to allow online training for First Aid and CPR certification during situations such as a pandemic. The rule currently states that certification provided solely online is not acceptable.

RESPONSE: In-person training is expected. During unforeseen circumstances, the department will issue guidance for managing this process. No changes will be made to the rule language.

COMMENT #2: Jeff Grosvenor, Missouri Association of Rehabilitation Facilities (MARF), commented that most agency staff are currently dealing with COVID-19 issues and have staff working remotely or in different capacities to assist in taking care of individuals. Many agencies will not be able to dedicate staff resources to conduct a review of twelve (12) draft *Code of State Regulations (CSRs)* during this unprecedented time. Most agencies are busy trying to keep up on daily information including:

- a. Center for Disease Control COVID-19 updates;
- b. DMH COVID-19 updates;
- c. Provider Relief Fund application information;
- d. Payroll Protection Program;
- e. Other CAREs Act resources;
- f. Local community COVID-19 regulations; and
- g. Other necessary information.

Agencies are spending a lot of staff resources to make sure they comply with all the guidance being provided during the COVID-19 pandemic. The timing of these draft CSRs is probably the worst possible time to expect meaningful input from stakeholders.

RESPONSE: There will always be factors outside of our control that disrupt the department's service delivery system. Department staff are aware of the impact the COVID-19 pandemic is having on individuals we serve, as well as organizations that deliver services. Department staff have eliminated barriers and waived various regulations to ensure minimal service disruption and to ease staff workloads. This assistance will continue throughout the duration of the pandemic. As stipulated in section 536.175, RSMo, the department is under a five- (5-) year rolling review of all regulations published in the *Code of State Regulations* and will continue the review process as required in state statute. As is customary when the department proposes new regulations or amendments, draft language is disseminated to providers and other stakeholders for review and comments prior to official filing of the regulations with the secretary of state. The proposed licensing rules and amendments were posted to the DMH website for a thirty- (30-) day comment period in April, 2019 and June, 2019, allowing ample time for providers to review the draft regulations in their entirety and submit questions and comments to the department. No action will be taken.

COMMENT #3: Jeff Grosvenor, Missouri Association of Rehabilitation Facilities (MARF): If DMH believes the cost to private entities to comply with the new requirements is not more than five hundred dollars (\$500) in the aggregate, we request the department provide their cost estimates to determine how this was determined. Other provisions in these rules set forth additional operational requirements that may require providers to expend more than five hundred dollars (\$500) in the aggregate (i.e., annual in-service training for employees, ongoing competency-based training for all staff and volunteers, implementation of a client orientation program, development of a social committee, etcetera). We believe the costs of compliance by private entities in the aggregate will be more than five hundred dollars (\$500), recommend DMH revise their cost estimate, or provide information on how they calculated these costs to be less than five hundred dollars (\$500) in the aggregate.

RESPONSE: These regulations do not apply to organizations that provide services as part of the Division of Developmental Disabilities

(DD) Medicaid waiver; those programs are required to meet department certification standards and are not subject to these licensing regulations. The practices referenced such as annual in-service training, ongoing competency-based training, and client orientation involve internal staff resources and are already in place in most licensed organizations and will not result in costs of more than five hundred dollars (\$500) in the aggregate. No action will be taken.

COMMENT #4: Jeff Grosvenor, Missouri Association of Rehabilitation Facilities (MARF), commented that MARF members are concerned these draft CSRs may reference the current DMH contract language that needs to be amended. MARF has been working with DMH contract staff and the Division of Developmental Disabilities staff to have several areas of the contract amended to accurately reflect the contractual agreement between DD community providers and DMH.

RESPONSE: These regulations do not apply to organizations that provide services as part of the Division of Developmental Disabilities (DD) Medicaid waiver; those programs are required to meet department certification standards and are not subject to these licensing regulations. No action will be taken.

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ORDER OF RULEMAKING

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

9 CSR 40-1.065 Individual Rights and Responsibilities is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 15, 2020 (45 MoReg 911-913). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received three (3) comments.

COMMENT #1: Jeff Grosvenor, Missouri Association of Rehabilitation Facilities (MARF), commented that most agency staff are currently dealing with COVID-19 issues and have staff working remotely or in different capacities to assist in taking care of individuals. Many agencies will not be able to dedicate staff resources to conduct a review of twelve (12) draft *Code of State Regulations (CSRs)* during this unprecedented time. Most agencies are busy trying to keep up on daily information including:

- a. Center for Disease Control COVID-19 updates;
- b. DMH COVID-19 updates
- c. Provider Relief Fund application information;
- d. Payroll Protection Program;
- e. Other CAREs Act resources;
- f. Local community COVID-19 regulations; and
- g. Other necessary information.

Agencies are spending a lot of staff resources to make sure they comply with all the guidance being provided during the COVID-19 pandemic. The timing of these draft CSRs is probably the worst possible time to expect meaningful input from stakeholders.

RESPONSE: There will always be factors outside of our control that disrupt the department's service delivery system. Department staff

are aware of the impact the COVID-19 pandemic is having on individuals we serve, as well as organizations that deliver services. Department staff have eliminated barriers and waived various regulations to ensure minimal service disruption and to ease staff workloads. This assistance will continue throughout the duration of the pandemic. As stipulated in section 536.175, RSMo, the department is under a five- (5-) year rolling review of all regulations published in the *Code of State Regulations* and will continue the review process as required in state statute. As is customary when the department proposes new regulations or amendments, draft language is disseminated to providers and other stakeholders for review and comments prior to official filing of the regulations with the secretary of state. The proposed licensing rules and amendments were posted to the DMH website for a thirty- (30-) day comment period in April, 2019 and June, 2019, allowing ample time for providers to review the draft regulations in their entirety and submit questions and comments to the department. No action will be taken.

COMMENT #2: Jeff Grosvenor, Missouri Association of Rehabilitation Facilities (MARF) commented: If DMH believes the cost to private entities to comply with the new requirements is not more than five hundred dollars (\$500) in the aggregate, we request the department provide their cost estimates to determine how this was determined. Other provisions in these rules set forth additional operational requirements that may require providers to expend more than five hundred dollars (\$500) in the aggregate (i.e., annual in-service training for employees, ongoing competency-based training for all staff and volunteers, implementation of a client orientation program, development of a social committee, etcetera). We believe the costs of compliance by private entities in the aggregate will be more than five hundred dollars (\$500), recommend DMH revise their cost estimate, or provide information on how they calculated these costs to be less than five hundred dollars (\$500) in the aggregate.

RESPONSE: These regulations do not apply to organizations that provide services as part of the Division of Developmental Disabilities (DD) Medicaid waiver; those programs are required to meet department certification standards and are not subject to these licensing regulations. The practices referenced such as annual in-service training, ongoing competency-based training, and client orientation involve internal staff and are already in place in most licensed organizations and will not result in costs of more than five hundred dollars (\$500) in the aggregate. No action will be taken.

COMMENT #3: Jeff Grosvenor, Missouri Association of Rehabilitation Facilities (MARF), commented that MARF members are concerned these draft CSRs may reference the current DMH contract language that needs to be amended. MARF has been working with DMH contract staff and the Division of Developmental Disabilities staff to have several areas of the contract amended to accurately reflect the contractual agreement between DD community providers and DMH.

RESPONSE: These regulations do not apply to organizations that provide services as part of the Division of Developmental Disabilities (DD) Medicaid waiver; those programs are required to meet department certification standards and are not subject to these licensing regulations. No action will be taken.

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ORDER OF RULEMAKING

By the authority vested in the Director of the Department of Mental Health under sections 630.192, and 630.193 to 630.198, RSMo

2016, the department adopts a rule as follows:

9 CSR 40-1.070 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 15, 2020 (45 MoReg 913-914). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Three (3) comments were received.

COMMENT #1: Jeff Grosvenor, Missouri Association of Rehabilitation Facilities (MARF), commented that most agency staff are currently dealing with COVID-19 issues and have staff working remotely or in different capacities to assist in taking care of individuals. Many agencies will not be able to dedicate staff resources to conduct a review of twelve (12) draft *Code of State Regulations* (CSRs) during this unprecedented time. Most agencies are busy trying to keep up on daily information including:

- a. Center for Disease Control COVID-19 updates;
- b. DMH COVID-19 updates;
- c. Provider Relief Fund application information;
- d. Payroll Protection Program;
- e. Other CAREs Act resources;
- f. Local community COVID-19 regulations; and
- g. Other necessary information.

Agencies are spending a lot of staff resources to make sure they comply with all the guidance being provided during the COVID-19 pandemic. The timing of these draft CSRs is probably the worst possible time to expect meaningful input from stakeholders.

RESPONSE: There will always be factors outside of our control that disrupt the department's service delivery system. Department staff are aware of the impact the COVID-19 pandemic is having on individuals we serve, as well as organizations that deliver services. Department staff have eliminated barriers and waived various regulations to ensure minimal service disruption and to ease staff workloads. This assistance will continue throughout the duration of the pandemic. As stipulated in section 536.175, RSMo, the department is under a five- (5-) year rolling review of all regulations published in the *Code of State Regulations* and will continue the review process as required in state statute. As is customary when the department proposes new regulations or amendments, draft language is disseminated to providers and other stakeholders for review and comments prior to official filing of the regulations with the secretary of state. The proposed licensing rules and amendments were posted to the DMH website for a thirty- (30-) day comment period in April, 2019 and June, 2019, allowing ample time for providers to review the draft regulations in their entirety and submit questions and comments to the department. No action will be taken.

COMMENT #2: Jeff Grosvenor, Missouri Association of Rehabilitation Facilities (MARF), questioned whether the attempt by DMH to promulgate a list of requirements that applies to both residential programs and day programs under one (1) regulation makes sense. For example:

- a. Does it make sense that both residential programs and day programs be required to maintain an inventory of personal items?
- b. Does it make sense to require both residential programs and day programs to have a sign-out log?
- c. Does it make sense to require a day program have a bathroom with a tub or shower?

RESPONSE AND EXPLANATION OF CHANGE: These regulations do not apply to organizations that provide services as part of the Division of Developmental Disabilities (DD) Medicaid waiver; those programs are required to meet department certification standards and are not subject to these licensing regulations. With a few exceptions, the general licensing regulations in 9 CSR 40-1 are applicable to all

residential programs and day programs, therefore, it makes sense to eliminate redundancy as much as possible. Specific program requirements are set out in separate regulations.

(1) Question a. – if individuals bring personal belongings to a day program, particularly if items are left at the program, it is best practice for staff to maintain an inventory of personal items. The department will add “if applicable” to this requirement.

(2) Question b. – licensed residential programs and day programs must maintain a log documenting program departures by individual served. No changes will be made.

(3) Question c. – staff operating a day program should consider the needs of individuals being served. While a bathroom with a tub and shower may not be necessary in all day programs, individuals who may require assistance with hygiene and/or using the restroom may benefit by having these accommodations available. The language will not be changed. Department staff will manage this through the licensing approval/survey process.

COMMENT #3: Jeff Grosvenor, Missouri Association of Rehabilitation Facilities (MARF), commented that MARF members are concerned these draft CSRs may reference the current DMH contract language that needs to be amended. MARF has been working with DMH contract staff and the Division of Developmental Disabilities staff to have several areas of the contract amended to accurately reflect the contractual agreement between DD community providers and DMH.

RESPONSE: These regulations do not apply to organizations that provide services as part of the Division of Developmental Disabilities (DD) Medicaid waiver; those programs are required to meet department certification standards and are not subject to these licensing regulations. No action will be taken.

9 CSR 40-1.070 Organized Record System

(7) Inventory of Personal Items. At the time of admission and at regular intervals, program staff shall inventory each individual’s personal possessions, if applicable. Separate records with backup documentation, receipts, and notations shall be maintained for—

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ORDER OF RULEMAKING

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

9 CSR 40-1.075 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 15, 2020 (45 MoReg 914-916). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One (1) staff comment and two (2) public comments were received.

COMMENT #1: In subsection (2)(D), staff indicated the word “guidelines” should be replaced with “schedules” in all sentences where it is used. An edition date is needed for the IBR referenced in this section.

RESPONSE AND EXPLANATION OF CHANGE: The department

agrees and will make the wording changes and add the edition date.

COMMENT #2: Jeff Grosvenor, Missouri Association of Rehabilitation Facilities (MARF), commented that most agency staff are currently dealing with COVID-19 issues and have staff working remotely or in different capacities to assist in taking care of individuals. Many agencies will not be able to dedicate staff resources to conduct a review of twelve (12) draft *Code of State Regulations (CSRs)* during this unprecedented time. Most agencies are busy trying to keep up on daily information including:

- a. Center for Disease Control COVID-19 updates;
- b. DMH COVID-19 updates;
- c. Provider Relief Fund application information;
- d. Payroll Protection Program;
- e. Other CAREs Act resources;
- f. Local community COVID-19 regulations; and
- g. Other necessary information.

Agencies are spending a lot of staff resources to make sure they comply with all the guidance being provided during the COVID-19 pandemic. The timing of these draft CSRs is probably the worst possible time to expect meaningful input from stakeholders.

RESPONSE: There will always be factors outside of our control that disrupt the department’s service delivery system. Department staff are aware of the impact the COVID-19 pandemic is having on individuals we serve, as well as organizations that deliver services. Department staff have eliminated barriers and waived various regulations to ensure minimal service disruption and to ease staff workloads. This assistance will continue throughout the duration of the pandemic. As stipulated in section 536.175, RSMo, the department is under a five- (5-) year rolling review of all regulations published in the *Code of State Regulations* and will continue the review process as required in state statute. As is customary when the department proposes new regulations or amendments, draft language is disseminated to providers and other stakeholders for review and comments prior to official filing of the regulations with the secretary of state. The proposed licensing rules and amendments were posted to the DMH website for a thirty- (30-) day comment period in April, 2019 and June, 2019, allowing ample time for providers to review the draft regulations in their entirety and submit questions and comments to the department. No action will be taken.

COMMENT #3: Jeff Grosvenor, Missouri Association of Rehabilitation Facilities (MARF), commented that MARF members are concerned these draft CSRs may reference the current DMH contract language that needs to be amended. MARF has been working with DMH contract staff and the Division of Developmental Disabilities staff to have several areas of the contract amended to accurately reflect the contractual agreement between DD community providers and DMH.

RESPONSE: These regulations do not apply to organizations that provide services as part of the Division of Developmental Disabilities (DD) Medicaid waiver; those programs are required to meet department certification standards and are not subject to these licensing regulations. No action will be taken.

9 CSR 40-1.075 Person-Centered Services

(2) Health Screen and Risk Assessment. Within thirty (30) days of transition into a residential program or day program, each individual served shall have verification in his/her record of having a health screening and risk assessment within the past year from their primary healthcare provider. The primary healthcare provider may be a physician, assistant physician, advanced practice registered nurse (APRN), or physician assistant.

(D) Immunizations shall be current as recommended by DHSS 2020 immunization schedules incorporated by reference and available at: <https://health.mo.gov/living/wellness/immunizations/schedules.php>.

MO Department of Health and Senior Services, 912 Wildwood, PO Box 570, Jefferson City, Missouri 65102, Phone: 573-751-6400. This rule does not incorporate any subsequent amendments or additions to the schedules listed above. This rule does not prohibit programs from complying with schedules set forth in newer versions of the incorporated by reference material listed in this subsection of this rule.

Title 9—DEPARTMENT OF MENTAL HEALTH
Division 40—Licensing Rules
Chapter 1—Definitions, Licensing Procedures, and
General Requirements for Community Residential
Programs and Day Programs

ORDER OF RULEMAKING

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

9 CSR 40-1.080 Dietary Services is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 15, 2020 (45 MoReg 917-918). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Two (2) comments were received.

COMMENT #1: Jeff Grosvenor, Missouri Association of Rehabilitation Facilities (MARF), commented that most agency staff are currently dealing with COVID-19 issues and have staff working remotely or in different capacities to assist in taking care of individuals. Many agencies will not be able to dedicate staff resources to conduct a review of twelve (12) draft *Code of State Regulations* (CSRs) during this unprecedented time. Most agencies are busy trying to keep up on daily information including:

- a. Center for Disease Control COVID-19 updates;
- b. DMH COVID-19 updates;
- c. Provider Relief Fund application information;
- d. Payroll Protection Program;
- e. Other CAREs Act resources;
- f. Local community COVID-19 regulations; and
- g. Other necessary information.

Agencies are spending a lot of staff resources to make sure they comply with all the guidance being provided during the COVID-19 pandemic. The timing of these draft CSRs is probably the worst possible time to expect meaningful input from stakeholders.

RESPONSE: There will always be factors outside of our control that disrupt the department's service delivery system. Department staff are aware of the impact the COVID-19 pandemic is having on individuals we serve, as well as organizations that deliver services. Department staff have eliminated barriers and waived various regulations to ensure minimal service disruption and to ease staff workloads. This assistance will continue throughout the duration of the pandemic. As stipulated in section 536.175, RSMo, the department is under a five- (5-) year rolling review of all regulations published in the *Code of State Regulations* and will continue the review process as required in state statute. As is customary when the department proposes new regulations or amendments, draft language is disseminated to providers and other stakeholders for review and comments prior to official filing of the regulations with the secretary of state. The proposed licensing rules and amendments were posted to the DMH website for a thirty- (30-) day comment period in April, 2019 and June, 2019, allowing ample time for providers to review the draft regulations in their entirety and submit questions and comments to

the department. No action will be taken.

COMMENT #2: Jeff Grosvenor, Missouri Association of Rehabilitation Facilities (MARF), commented that MARF members are concerned these draft CSRs may reference the current DMH contract language that needs to be amended. MARF has been working with DMH contract staff and the Division of Developmental Disabilities staff to have several areas of the contract amended to accurately reflect the contractual agreement between DD community providers and DMH.

RESPONSE: These regulations do not apply to organizations that provide services as part of the Division of Developmental Disabilities (DD) Medicaid waiver; those programs are required to meet department certification standards and are not subject to these licensing regulations. No action will be taken.

Title 9—DEPARTMENT OF MENTAL HEALTH
Division 40—Licensing Rules
Chapter 1—Definitions, Licensing Procedures, and
General Requirements for Community Residential
Programs and Day Programs

ORDER OF RULEMAKING

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

9 CSR 40-1.085 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 15, 2020 (45 MoReg 918-920). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received four (4) staff comments and four (4) public comments.

COMMENT #1: Staff requested that subsection (11)(B) be changed to state, "National Suicide Prevention Lifeline" rather than "Suicide Hotline."

RESPONSE AND EXPLANATION OF CHANGE: The department agrees to make this change as that is the official title for the national hotline.

COMMENT #2: Staff requested that subsection (11)(C) be reworded to state, "The telephone number for each individual's support team member(s) or administrative agent/affiliate staff shall be readily accessible to individuals served and staff in the program."

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and made the requested change to this section.

COMMENT #3: In paragraph (1)(A)8., staff requested that "24 CFR Part 35" be moved after "Regulations." Also in this section, a publisher name and edition date need to be included for the IBR.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with these changes and will rearrange the wording and add publisher name and edition date.

COMMENT #4: In paragraph (5)(A)8., staff indicated an edition date is needed for the IBR.

RESPONSE AND EXPLANATION OF CHANGE: The department will add the edition date.

COMMENT #5: Jeff Grosvenor, Missouri Association of Rehabilitation Facilities (MARF), commented that most agency staff are currently dealing with COVID-19 issues and have staff working remotely or

in different capacities to assist in taking care of individuals. Many agencies will not be able to dedicate staff resources to conduct a review of twelve (12) draft *Code of State Regulations (CSRs)* during this unprecedented time. Most agencies are busy trying to keep up on daily information including:

- a. Center for Disease Control COVID-19 updates;
- b. DMH COVID-19 updates;
- c. Provider Relief Fund application information;
- d. Payroll Protection Program;
- e. Other CAREs Act resources;
- f. Local community COVID-19 regulations; and
- g. Other necessary information.

Agencies are spending a lot of staff resources to make sure they comply with all the guidance being provided during the COVID-19 pandemic. The timing of these draft CSRs is probably the worst possible time to expect meaningful input from stakeholders.

RESPONSE: There will always be factors outside of our control that disrupt the department's service delivery system. Department staff are aware of the impact the COVID-19 pandemic is having on individuals we serve, as well as organizations that deliver services. Department staff have eliminated barriers and waived various regulations to ensure minimal service disruption and to ease staff workloads. This assistance will continue throughout the duration of the pandemic. As stipulated in section 536.175, RSMo, the department is under a five- (5-) year rolling review of all regulations published in the *Code of State Regulations* and will continue the review process as required in state statute. As is customary when the department proposes new regulations or amendments, draft language is disseminated to providers and other stakeholders for review and comments prior to official filing of the regulations with the secretary of state. The proposed licensing rules and amendments were posted to the DMH website for a thirty- (30-) day comment period in April, 2019 and June, 2019, allowing ample time for providers to review the draft regulations in their entirety and submit questions and comments to the department. No action will be taken.

COMMENT #6: Jeff Grosvenor, Missouri Association of Rehabilitation Facilities (MARF), commented that a number of these regulations require that residential and day programs comply with certain newer standards including, but not limited to, the 2017 NFPA Standards for Ventilation Control and Fire Protection of Commercial Cooking Operations, the 2017 National Electrical Code, the 2018 National Standard Plumbing Code, the 2018 regulations of the NFPA Life Safety Code 101, and the 2019 NFPA Standards for Installation of Sprinkler Systems. There are other specific requirements related to things like ceiling height, window sizes, floor levels, etc. In addition, modular units are no longer permitted. There is nothing in the proposed regulations indicating that these regulations will only be applied prospectively to new programs. From the plain language of the regulation, they could potentially be applied to all providers, including existing providers. It is our understanding these new regulations impacting current facilities will be applied for new development or any new renovations of current facilities and will not be applied to all current settings. Is that correct? If that is not correct and current facilities are now required to comply with all the new requirements, we recommend the department revise their cost estimate to private entities which states "is not more than \$500 in the aggregate."

We recommend DMH consider adding specific language to make clear that the standards apply only to new providers as of the effective date of the rule. If it is DMH's intent to impose the new standards on existing providers, existing providers must be provided additional resources and a grace period in which to comply.

RESPONSE: These regulations do not apply to organizations that provide services as part of the Division of Developmental Disabilities (DD) Medicaid waiver; those programs are required to meet department certification standards and are not subject to these licensing regulations. With regard to the comment that clarification be added to indicate the standards apply only to new providers as of the effective

date of the rule, the department believes the rule contains adequate language in 9 CSR 40-1.055 Licensing Procedures, section (6). Currently licensed organizations either already meet the regulations as specified in the proposed rule or have been granted an exception by the department and will not be subject to additional costs in order to comply with the new regulations. No action will be taken.

COMMENT #7: Jeff Grosvenor, Missouri Association of Rehabilitation Facilities (MARF), questioned whether the attempt by DMH to promulgate a list of requirements that applies to both residential programs and day programs under one regulation makes sense. For example:

- a. Does it make sense that both residential programs and day programs be required to maintain an inventory of personal items?
- b. Does it make sense to require both residential programs and day programs to have a sign-out log?
- c. Does it make sense to require a day program have a bathroom with a tub or shower?

RESPONSE AND EXPLANATION OF CHANGE: These regulations do not apply to organizations that provide services as part of the Division of Developmental Disabilities (DD) Medicaid waiver; those programs are required to meet department certification standards and are not subject to these licensing regulations. With a few exceptions, the general licensing regulations in 9 CSR 40-1 are applicable to all residential programs and day programs, therefore, it makes sense to eliminate redundancy as much as possible. Specific program requirements are set out in separate regulations.

(1) Question a. – if individuals bring personal belongings to a day program, particularly if items are left at the program, it is best practice for staff to maintain an inventory of personal items. The department will add "if applicable" to this requirement.

(2) Question b. – licensed residential programs and day programs must maintain a log documenting program departures by individual served. No changes will be made.

(3) Question c. – staff operating a day program should consider the needs of individuals being served. While a bathroom with a tub and shower may not be necessary in all day programs, individuals who may require assistance with hygiene and/or using the restroom may benefit by having these accommodations available. The language will not be changed. Department staff will manage this through the licensing approval/survey process.

COMMENT #8: Jeff Grosvenor, Missouri Association of Rehabilitation Facilities (MARF), commented that MARF members are concerned these draft CSRs may reference the current DMH contract language that needs to be amended. MARF has been working with DMH contract staff and the Division of Developmental Disabilities staff to have several areas of the contract amended to accurately reflect the contractual agreement between DD community providers and DMH.

RESPONSE: These regulations do not apply to organizations that provide services as part of the Division of Developmental Disabilities (DD) Medicaid waiver; those programs are required to meet department certification standards and are not subject to these licensing regulations. No action will be taken.

9 CSR 40-1.085 Environment

(1) Physical Environment. All residential programs and day programs shall be in compliance with applicable state and local building codes, fire codes, and ordinances to ensure the health, safety, and security of all individuals.

(A) The physical environment shall—

1. Be clean, structurally sound, and attractive inside and out;
2. Have solid, skid-proof floors that are free from tripping hazards and, unless carpeted, have a smooth finish;
3. Have ceilings at least seven feet, six inches (7'6") in height in all rooms used by individuals served. Allowances may be made by

Division of Fire Safety staff for the installation of ductwork and plumbing. No more than forty percent (40%) of the ceiling in each room shall be below minimal height, with no portion of the ceiling lower than six feet, eight inches (6' 8");

4. Be equipped with a functional heating and air conditioning system with room temperatures maintained to meet the reasonable comfort needs of individuals served;

5. Be free of noxious odors;

6. Have control measures to prevent rodent and insect infestation;

7. Have windows, doors, and vents for ventilation and temperature control that operate as designed and are maintained to repel rodents and insects;

8. Comply with Department of Housing and Urban Development (HUD) 2017 Lead-Based Paint Regulations, 24 CFR Part 35, hereby incorporated by reference and available from HUD, 451 7th Street S.W., Washington, DC 20410, (202) 708-1112, TTY (202) 708-1455, available at: <https://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=e1741143a75841f15fcd930d325ac2b&rgn=div5&view=text&node=24:1.1.1.1.24&idno=24>. This rule does not incorporate any subsequent amendments or additions to the regulations listed above. This rule does not prohibit programs from complying with regulations set forth in newer versions of the incorporated by reference material listed in this paragraph of this rule; and

9. Have adequate fencing around swimming pools, sewage lagoons, liquefied petroleum gas (LPG) tanks, and other potentially hazardous areas.

(5) Bedrooms. Individuals receiving services in a residential program shall be provided with a bedroom to meet their specific needs.

(A) All bedrooms shall—

1. Provide at least sixty (60) square feet of floor space per individual in multiple sleeping rooms, and at least eighty (80) square feet of floor space per individual in single sleeping rooms;

2. Have no more than four (4) individuals in a shared room, except behavioral health community residential programs shall have no more than one (1) individual per room as specified in 9 CSR 40-4.001;

3. Have at least one (1) outside window for evacuation purposes that complies with state and local fire safety codes. Windows shall operate as designed, without the use of tools to open or close, provide full visual access to the outdoors, have a clear opening of not less than twenty inches (20") in width and twenty-four inches (24") in height, and be no more than forty-four inches (44") above the finished floor. Any latching window device must be operable from not more than fifty-four inches (54") above the finished floor;

4. Have a floor level which is no more than three feet (3') below the outside grade on the window side of the room;

5. Have a clean and comfortable pillow, mattress, and bed. Cots, convertible beds, and bunk beds shall not be used. Hospital beds may be used in accordance with an order from the individual's primary healthcare provider. Each individual's mattress shall be at least as long as his/her height with the exception of individuals in the developmental period, in which case the mattress shall be at least four inches (4") longer than his/her height;

6. Have furnishings in good operating condition for each individual including, at a minimum, a chair (with the exception of individuals using a wheelchair or those who prefer not to have a chair), closet space, a place for storage of personal items, and space for hanging pictures or wall decor;

7. Have clean sheets, pillowcases, mattress cover, bedspread, and blanket(s) to meet individual needs; and

8. Have an interior door for safety and privacy, unless staff supervision and monitoring are required as documented in the Individual Support Plan (ISP), Individual Treatment Plan (ITP), or care plan of the individual served. Locking devices for bedroom doors must comply with regulations of the 2018 National Fire Protection Association (NFPA) *Life Safety Code 101*, hereby incorpo-

rated by reference and available from NFPA, 1 Batterymarch Park, Quincy, MA 02169-9101, (617) 770-3000 or 1-800-344-3555, available at: www.nfpa.org. This rule does not incorporate any subsequent amendments or additions to the regulations listed above. This rule does not prohibit programs from complying with regulations set forth in newer versions of the incorporated by reference material listed in this paragraph of this rule.

(11) Telephones. An adequate number of telephones, appropriate to the needs of individuals being served in the program, must be reasonably accessible and located to allow individuals to make and receive private calls. Free local telephone access shall be available for individuals to contact their healthcare providers or other service providers such as behavioral health, developmental disabilities, housing, employment, and educational resources.

(A) Cellular phones may be used when all of the following conditions are met:

1. The phone must always have a signal;

2. The phone must always be charged;

3. The phone is set up to allow individuals to make and receive normal calls;

4. The phone must remain in the program at all times; and

5. The emergency plan for the program must address the use of cellular phones.

(B) Telephone numbers for the local fire department, police and/or sheriff's department, Access Crisis Intervention, Missouri Adult Abuse and Neglect Hotline, National Suicide Prevention Lifeline, and department's Office of Constituent Services shall be readily accessible where telephones are located.

(C) The telephone number for each individual's support team member(s) or administrative agent/affiliate staff shall be readily accessible to individuals served and staff in the program.

Title 9—DEPARTMENT OF MENTAL HEALTH Division 40—Licensing Rules Chapter 1—Definitions, Licensing Procedures, and General Requirements for Community Residential Programs and Day Programs

ORDER OF RULEMAKING

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

9 CSR 40-1.105 Implementation of Licensing Authority for Certain Day Programs and Community Residential Facilities **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 15, 2020 (45 MoReg 923). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 9—DEPARTMENT OF MENTAL HEALTH Division 40—Licensing Rules Chapter 2—Rules for All Day Programs and Community Residential Facilities

ORDER OF RULEMAKING

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

9 CSR 40-2.015 Resident and Client Rights is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 15, 2020 (45 MoReg 923-924). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 40—Licensing Rules
Chapter 2—Rules for All Day Programs and Community Residential Facilities**

ORDER OF RULEMAKING

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

9 CSR 40-2.075 Administrative Policies and Procedures is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 15, 2020 (45 MoReg 924). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 40—Licensing Rules
Chapter 3—Rules for Residential Facilities Licensed by the Division of Aging Serving People Who Are Mentally Ill, Mentally Disordered, Mentally Retarded or Developmentally Disabled**

ORDER OF RULEMAKING

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

9 CSR 40-3.115 Admission Criteria is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 15, 2020 (45 MoReg 924). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 40—Licensing Rules
Chapter 3—Rules for Residential Facilities Licensed by the Division of Aging Serving People Who Are Mentally Ill, Mentally Disordered, Mentally Retarded or Developmentally Disabled**

ORDER OF RULEMAKING

By the authority vested in the Director of the Department of Mental

Health under sections 630.192, and 630.193 to 630.198, RSMo 2016, the department rescinds a rule as follows:

9 CSR 40-3.135 Care, Treatment, Habilitation and Rehabilitation is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 15, 2020 (45 MoReg 924). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 40—Licensing Rules
Chapter 4—Behavioral Health Community Residential Programs**

ORDER OF RULEMAKING

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

9 CSR 40-4.001 Program and Staffing Requirements is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 15, 2020 (45 MoReg 925-926). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Two (2) comments were received.

COMMENT #1: Jeff Grosvenor, Missouri Association of Rehabilitation Facilities (MARF), commented that most agency staff are currently dealing with COVID-19 issues and have staff working remotely or in different capacities to assist in taking care of individuals. Many agencies will not be able to dedicate staff resources to conduct a review of twelve (12) draft *Code of State Regulations (CSRs)* during this unprecedented time. Most agencies are busy trying to keep up on daily information including:

- a. Center for Disease Control COVID-19 updates;
- b. DMH COVID-19 updates;
- c. Provider Relief Fund application information;
- d. Payroll Protection Program;
- e. Other CAREs Act resources;
- f. Local community COVID-19 regulations; and
- g. Other necessary information.

Agencies are spending a lot of staff resources to make sure they comply with all the guidance being provided during the COVID-19 pandemic. The timing of these draft CSRs is probably the worst possible time to expect meaningful input from stakeholders.

RESPONSE: There will always be factors outside of our control that disrupt the department's service delivery system. Department staff are aware of the impact the COVID-19 pandemic is having on individuals we serve, as well as organizations that deliver services. Department staff have eliminated barriers and waived various regulations to ensure minimal service disruption and to ease staff workloads. This assistance will continue throughout the duration of the pandemic. As stipulated in section 536.175, RSMo, the department is under a five- (5-) year rolling review of all regulations published in the *Code of State Regulations* and will continue the review process as required in state statute. As is customary when the department proposes new regulations or amendments, draft language

is disseminated to providers and other stakeholders for review and comments prior to official filing of the regulations with the secretary of state. The proposed licensing rules and amendments were posted to the DMH website for a thirty- (30-) day comment period in April, 2019 and June, 2019, allowing ample time for providers to review the draft regulations in their entirety and submit questions and comments to the department. No action will be taken.

COMMENT #2: Jeff Grosvenor, Missouri Association of Rehabilitation Facilities (MARF), commented that MARF members are concerned these draft CSRs may reference the current DMH contract language that needs to be amended. MARF has been working with DMH contract staff and the Division of Developmental Disabilities staff to have several areas of the contract amended to accurately reflect the contractual agreement between DD community providers and DMH.

RESPONSE: These regulations do not apply to organizations that provide services as part of the Division of Developmental Disabilities (DD) Medicaid waiver; those programs are required to meet department certification standards and are not subject to these licensing regulations. No action will be taken.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 40—Licensing Rules
Chapter 4—Behavioral Health Community Residential
Programs**

ORDER OF RULEMAKING

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

9 CSR 40-4.095 Recordkeeping is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 15, 2020 (45 MoReg 926). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 40—Licensing Rules
Chapter 4—Behavioral Health Community Residential
Programs**

ORDER OF RULEMAKING

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

9 CSR 40-4.115 Admission Criteria is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 15, 2020 (45 MoReg 926). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 40—Licensing Rules
Chapter 4—Behavioral Health Community Residential
Programs**

ORDER OF RULEMAKING

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

**9 CSR 40-4.116 Admission Criteria for Psychiatric Group Homes
II is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 15, 2020 (45 MoReg 926-927). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 40—Licensing Rules
Chapter 4—Behavioral Health Community Residential
Programs**

ORDER OF RULEMAKING

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

**9 CSR 40-4.135 Care, Treatment, Habilitation and Rehabilitation
is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 15, 2020 (45 MoReg 927). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 40—Licensing Rules
Chapter 4—Behavioral Health Community Residential
Programs**

ORDER OF RULEMAKING

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

**9 CSR 40-4.145 Maintenance, Housekeeping and Laundry
is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 15, 2020 (45 MoReg 927). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 9—DEPARTMENT OF MENTAL HEALTH
Division 40—Licensing Rules
Chapter 4—Behavioral Health Community Residential Programs

ORDER OF RULEMAKING

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

9 CSR 40-4.155 Fire Safety is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 15, 2020 (45 MoReg 927-928). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 9—DEPARTMENT OF MENTAL HEALTH
Division 40—Licensing Rules
Chapter 6—Family Living Arrangements

ORDER OF RULEMAKING

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

9 CSR 40-6.001 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 15, 2020 (45 MoReg 928). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received one (1) staff comment and three (3) public comments on the proposed rule.

COMMENT #1: A department staff member indicated the rule referenced in subsection (2)(B) is incorrect.

RESPONSE AND EXPLANATION OF CHANGE: The rule cited is an error and was corrected to state (4)(E).

COMMENT #2: Jeff Grosvenor, Missouri Association of Rehabilitation Facilities (MARF), commented that most agency staff are currently dealing with COVID-19 issues and have staff working remotely or in different capacities to assist in taking care of individuals. Many agencies will not be able to dedicate staff resources to conduct a review of twelve (12) draft *Code of State Regulations (CSRs)* during this unprecedented time. Most agencies are busy trying to keep up on daily information including:

- a. Center for Disease Control COVID-19 updates;
- b. DMH COVID-19 updates;
- c. Provider Relief Fund application information;
- d. Payroll Protection Program;
- e. Other CAREs Act resources;
- f. Local community COVID-19 regulations; and
- g. Other necessary information.

Agencies are spending a lot of staff resources to make sure they comply with all the guidance being provided during the COVID-19 pandemic. The timing of these draft CSRs is probably the worst possible time to expect meaningful input from stakeholders.

RESPONSE: There will always be factors outside of our control that

disrupt the department's service delivery system. Department staff are aware of the impact the COVID-19 pandemic is having on individuals we serve, as well as organizations that deliver services. Department staff have eliminated barriers and waived various regulations to ensure minimal service disruption and to ease staff workloads. This assistance will continue throughout the duration of the pandemic. As stipulated in section 536.175, RSMo, the department is under a five- (5-) year rolling review of all regulations published in the *Code of State Regulations* and will continue the review process as required in state statute. As is customary when the department proposes new regulations or amendments, draft language is disseminated to providers and other stakeholders for review and comments prior to official filing of the regulations with the secretary of state. The proposed licensing rules and amendments were posted to the DMH website for a thirty- (30-) day comment period in April, 2019 and June, 2019, allowing ample time for providers to review the draft regulations in their entirety and submit questions and comments to the department.

COMMENT #3: Barbara Francis, Bootheel Counseling Services, Bloomfield, MO commented: I know the FLA program services are just a very small part of the overall residential programs which these rule changes address. My opposition/concern is in the area of Fire Safety and Emergency Preparedness:

(3) Fire Safety. FLA providers shall comply with 9 CSR 40-1.090 with modifications as specified:

(A) Subsection (1)(A) Division of Fire Safety inspection is waived;

(C) Subsection (1)(M), notification and documentation from the local fire authority is waived.

My concern/opposition is the following: In 9 CSR 40-1.090, reference is made to "complying with the requirements of the Division of Fire Safety" or "as deemed necessary by Division of Fire Safety" or "the local authority." It also states, "the program director shall ensure..." or a reference to the rules of NFPA Life Safety Code 101, which is not an easy document to get access to or to understand once you do have access. Who, if not the Division of Fire Safety, will be educating and monitoring program directors to know, understand, and implement safety requirements listed in these rules? Is this left up to the administrative agencies who are providing oversight of the FLAs? The average person doesn't know where smoke detectors need to be placed in a room with a ceiling fan for maximum efficiency; standards for clothes dryers being properly vented; differences between solid and hollow core brick in relationship to a fireplace or chimney; or that some wood products used in home construction are held together with synthetic resins containing urea formaldehyde which, when burning, can become toxic or melt into the skin like napalm. Many of these facilities are in rural areas where there are no building or fire safety codes and the local fire chief is a volunteer with no formal training of the NFPA safety code or any other code. The State of Missouri has no state fire code for a lay person to reference, so who assumes the liability? How can someone/program managers/agency administrators, who are not specifically trained in fire safety, be held to a standard in one (1) section and a fire safety inspection be waived in another? Who is liable if or when an incident occurs due to standards not being fully met? As an administrative agency, we have parents place the welfare of their children in our hands to ensure their safety when we are putting them in homes (FLAs) that are supposed to meet licensure standards. My concern is, can we fully meet those standards without guidance/oversight from the ones who are specifically trained in those areas?

RESPONSE: DMH staff are committed to ensuring all individuals are served in safe environments. Prior to approving a home for FLA services, DMH staff interview the potential provider(s) and conduct a home study to ensure the home meets fire safety and other environmental requirements for programs serving four (4) or fewer individuals as specified in these licensure rules. Annual inspections are also conducted by DMH licensure staff. In addition, providers are

required to complete training specified by the department prior to being approved to provide in-home services. One (1) of the goals of FLA services is to provide a homelike environment for the individuals being served. Installation of sprinkler systems, exit signs, and other modifications required for larger facilities are not only cost prohibitive to the home owner, but are not necessary for a private home and detract from the desired homelike environment. Staff of the Division of Fire Safety reviewed the proposed rules and determined they comply with general fire safety recommendations for private homes in regard to location of exits, smoke and carbon monoxide detectors, fire extinguishers, etc. Staff in the Division of Fire Safety, Fire Safety Inspection Unit, are available for consultation and interpretation of NFPA codes. No changes will be made.

COMMENT #4: Jeff Grosvenor, Missouri Association of Rehabilitation Facilities (MARF), commented that MARF members are concerned these draft CSRs may reference the current DMH contract language that needs to be amended. MARF has been working with DMH contract staff and the Division of Developmental Disabilities staff to have several areas of the contract amended to accurately reflect the contractual agreement between DD community providers and DMH.

RESPONSE: These regulations do not apply to organizations that provide services as part of the Division of Developmental Disabilities (DD) Medicaid waiver; those programs are required to meet department certification standards and are not subject to these licensing regulations. No action will be taken.

9 CSR 40-6.001 Provider Requirements and Program Structure

(2) Licensure Requirements. Applicants for licensure to provide services and supports in a FLA must have documentation of ownership of their home or, if renting, documentation of a current lease agreement and approval from the landlord to provide family living arrangements.

(B) Providers must complete specialized training required by the department. Training must be documented as specified in 9 CSR 40-1.060(4)(E).

Title 9—DEPARTMENT OF MENTAL HEALTH Division 40—Licensing Rules Chapter 6—Family Living Arrangements

ORDER OF RULEMAKING

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

9 CSR 40-6.015 Physical Plant is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 15, 2020 (45 MoReg 928-929). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 9—DEPARTMENT OF MENTAL HEALTH Division 40—Licensing Rules Chapter 6—Family Living Arrangements

ORDER OF RULEMAKING

By the authority vested in the Director of the Department of Mental Health under sections 630.192, and 630.193 to 630.198, RSMo

2016, the department rescinds a rule as follows:

9 CSR 40-6.035 General Medical and Health Care is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 15, 2020 (45 MoReg 929). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 9—DEPARTMENT OF MENTAL HEALTH Division 40—Licensing Rules Chapter 6—Family Living Arrangements

ORDER OF RULEMAKING

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

9 CSR 40-6.055 Food Services is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 15, 2020 (45 MoReg 929). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 9—DEPARTMENT OF MENTAL HEALTH Division 40—Licensing Rules Chapter 6—Family Living Arrangements

ORDER OF RULEMAKING

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

9 CSR 40-6.075 Adequate Staff is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 15, 2020 (45 MoReg 929-930). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 9—DEPARTMENT OF MENTAL HEALTH Division 40—Licensing Rules Chapter 7—Rules for Semi-Independent Living Arrangements

ORDER OF RULEMAKING

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

9 CSR 40-7.015 Physical Plant is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 15, 2020 (45 MoReg 930). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 40—Licensing Rules
Chapter 7—Rules for Semi-Independent Living
Arrangements**

ORDER OF RULEMAKING

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

9 CSR 40-7.035 General Medical and Health Care is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 15, 2020 (45 MoReg 930). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 40—Licensing Rules
Chapter 7—Rules for Semi-Independent Living
Arrangements**

ORDER OF RULEMAKING

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

9 CSR 40-7.055 Food Services is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 15, 2020 (45 MoReg 930). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 40—Licensing Rules
Chapter 7—Rules for Semi-Independent Living
Arrangements**

ORDER OF RULEMAKING

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

9 CSR 40-7.075 Adequate Staff is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 15, 2020 (45 MoReg

930-931). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 40—Licensing Rules
Chapter 8—Rules for Psychiatric Group Homes**

ORDER OF RULEMAKING

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

9 CSR 40-8.075 Adequate Staff is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 15, 2020 (45 MoReg 931). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 40—Licensing Rules
Chapter 9—Day Programs Serving Individuals with
Mental Illness and Intellectual or Developmental
Disabilities**

ORDER OF RULEMAKING

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

9 CSR 40-9.015 Physical Plant Requirements is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 15, 2020 (45 MoReg 931). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 40—Licensing Rules
Chapter 9—Day Programs Serving Individuals with
Mental Illness and Intellectual or Developmental
Disabilities**

ORDER OF RULEMAKING

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

9 CSR 40-9.035 General Medical and Health Care is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 15, 2020 (45 MoReg 931-932). No changes have been made in the proposed rescission, so

it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 40—Licensing Rules
Chapter 9—Day Programs Serving Individuals with
Mental Illness and Intellectual or Developmental
Disabilities**

ORDER OF RULEMAKING

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

9 CSR 40-9.055 Food Services is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 15, 2020 (45 MoReg 932). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 40—Licensing Rules
Chapter 9—Day Programs Serving Individuals with
Mental Illness and Intellectual or Developmental
Disabilities**

ORDER OF RULEMAKING

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

9 CSR 40-9.075 Program and Staffing Requirements is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 2020 (45 MoReg 932-934). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Two (2) comments were received.

COMMENT #1: Jeff Grosvenor, Missouri Association of Rehabilitation Facilities (MARF), commented that most agency staff are currently dealing with COVID-19 issues and have staff working remotely or in different capacities to assist in taking care of individuals. Many agencies will not be able to dedicate staff resources to conduct a review of twelve (12) draft *Code of State Regulations* (CSRs) during this unprecedented time. Most agencies are busy trying to keep up on daily information including:

- a. Center for Disease Control COVID-19 updates;
- b. DMH COVID-19 updates;
- c. Provider Relief Fund application information;
- d. Payroll Protection Program;
- e. Other CAREs Act resources;
- f. Local community COVID-19 regulations; and
- g. Other necessary information.

Agencies are spending a lot of staff resources to make sure they com-

ply with all the guidance being provided during the COVID-19 pandemic. The timing of these draft CSRs is probably the worst possible time to expect meaningful input from stakeholders.

RESPONSE: There will always be factors outside of our control that disrupt the department’s service delivery system. Department staff are aware of the impact the COVID-19 pandemic is having on individuals we serve, as well as organizations that deliver services. Department staff have eliminated barriers and waived various regulations to ensure minimal service disruption and to ease staff workloads. This assistance will continue throughout the duration of the pandemic. As stipulated in section 536.175, RSMo, the department is under a five- (5-) year rolling review of all regulations published in the *Code of State Regulations* and will continue the review process as required in state statute. As is customary when the department proposes new regulations or amendments, draft language is disseminated to providers and other stakeholders for review and comments prior to official filing of the regulations with the secretary of state. The proposed licensing rules and amendments were posted to the DMH website for a thirty- (30-) day comment period in April, 2019 and June, 2019, allowing ample time for providers to review the draft regulations in their entirety and submit questions and comments to the department. No action will be taken.

COMMENT #2: Jeff Grosvenor, Missouri Association of Rehabilitation Facilities (MARF), commented that MARF members are concerned these draft CSRs may reference the current DMH contract language that needs to be amended. MARF has been working with DMH contract staff and the Division of Developmental Disabilities staff to have several areas of the contract amended to accurately reflect the contractual agreement between DD community providers and DMH.

RESPONSE: These regulations do not apply to organizations that provide services as part of the Division of Developmental Disabilities (DD) Medicaid waiver; those programs are required to meet department certification standards and are not subject to these licensing regulations. No action will be taken.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 40—Licensing Rules
Chapter 9—Day Programs Serving Individuals with
Mental Illness and Intellectual or Developmental
Disabilities**

ORDER OF RULEMAKING

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

9 CSR 40-9.095 Recordkeeping is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 15, 2020 (45 MoReg 934). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 40—Licensing Rules
Chapter 9—Day Programs Serving Individuals with
Mental Illness and Intellectual or Developmental
Disabilities**

ORDER OF RULEMAKING

By the authority vested in the Director of the Department of Mental

Health under sections 630.192, and 630.193 to 630.198, RSMo 2016, the department rescinds a rule as follows:

9 CSR 40-9.115 Admission Criteria is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 15, 2020 (45 MoReg 934-935). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 40—Licensing Rules
Chapter 9—Day Programs Serving Individuals with
Mental Illness and Intellectual or Developmental
Disabilities**

ORDER OF RULEMAKING

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

**9 CSR 40-9.135 Care, Treatment, Habilitation and Rehabilitation
is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 15, 2020 (45 MoReg 935). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 40—Licensing Rules
Chapter 9—Day Programs Serving Individuals with
Mental Illness and Intellectual or Developmental
Disabilities**

ORDER OF RULEMAKING

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

**9 CSR 40-9.145 Maintenance, Housekeeping and Laundry
is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 15, 2020 (45 MoReg 935). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 40—Licensing Rules
Chapter 9—Day Programs Serving Individuals with
Mental Illness and Intellectual or Developmental
Disabilities**

ORDER OF RULEMAKING

By the authority vested in the Director of the Department of Mental Health under sections 630.192, and 630.193 to 630.198, RSMo

2016, the department rescinds a rule as follows:

9 CSR 40-9.155 Fire Safety is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 15, 2020 (45 MoReg 935). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 40—Licensing Rules
Chapter 10—Rules for Day Programs Serving People
Who Are Mentally Ill or Mentally Disordered**

ORDER OF RULEMAKING

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

9 CSR 40-10.015 Physical Plant Requirements is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 15, 2020 (45 MoReg 935-936). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 40—Licensing Rules
Chapter 10—Rules for Day Programs Serving People
Who Are Mentally Ill or Mentally Disordered**

ORDER OF RULEMAKING

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

9 CSR 40-10.035 General Medical and Health Care is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 15, 2020 (45 MoReg 936). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 40—Licensing Rules
Chapter 10—Rules for Day Programs Serving People
Who Are Mentally Ill or Mentally Disordered**

ORDER OF RULEMAKING

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

9 CSR 40-10.055 Food Services is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 15, 2020 (45 MoReg 936). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 40—Licensing Rules
Chapter 10—Rules for Day Programs Serving People
Who Are Mentally Ill or Mentally Disordered**

ORDER OF RULEMAKING

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

9 CSR 40-10.075 Adequate Staff is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 15, 2020 (45 MoReg 936-937). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 40—Licensing Rules
Chapter 10—Rules for Day Programs Serving People
Who Are Mentally Ill or Mentally Disordered**

ORDER OF RULEMAKING

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

9 CSR 40-10.095 Recordkeeping is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 15, 2020 (45 MoReg 937). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 40—Licensing Rules
Chapter 10—Rules for Day Programs Serving People
Who Are Mentally Ill or Mentally Disordered**

ORDER OF RULEMAKING

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

9 CSR 40-10.115 Admission Criteria is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 15, 2020 (45 MoReg 937). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 40—Licensing Rules
Chapter 10—Rules for Day Programs Serving People
Who Are Mentally Ill or Mentally Disordered**

ORDER OF RULEMAKING

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

9 CSR 40-10.135 Care, Treatment and Rehabilitation is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 15, 2020 (45 MoReg 937-938). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 40—Licensing Rules
Chapter 10—Rules for Day Programs Serving
People Who Are Mentally Ill or Mentally Disordered**

ORDER OF RULEMAKING

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

9 CSR 40-10.145 Maintenance, Housekeeping and Laundry is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 15, 2020 (45 MoReg 938). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 40—Licensing Rules
Chapter 10—Rules for Day Programs Serving People
Who Are Mentally Ill or Mentally Disordered**

ORDER OF RULEMAKING

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

9 CSR 40-10.155 Fire Safety is rescinded.

A notice of proposed rulemaking containing the proposed rescission

was published in the *Missouri Register* on June 15, 2020 (45 MoReg 938). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH AND SENIOR
SERVICES
Division 30—Division of Regulation and Licensure
Chapter 95—Medical Marijuana**

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under Article XIV of the *Missouri Constitution*, the department amends a rule as follows:

19 CSR 30-95.110 Physicians is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2020 (45 MoReg 1005). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE
Division 2010—Missouri State Board of Accountancy
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the Missouri State Board of Accountancy under section 326.271, RSMo 2016, the board amends a rule as follows:

20 CSR 2010-2.160 Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 2020 (45 MoReg 1071-1072). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.