

Volume 45, Number 8  
Pages 523–572  
April 15, 2020

SALUS POPULI SUPREMA LEX ESTO

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



JOHN R. ASHCROFT  
SECRETARY OF STATE

MISSOURI  
REGISTER

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

The *Missouri Register* is published semi-monthly by

**SECRETARY OF STATE**

**JOHN R. ASHCROFT**

Administrative Rules Division

James C. Kirkpatrick State Information Center

600 W. Main

Jefferson City, MO 65101

(573) 751-4015

EDITOR-IN-CHIEF

CURTIS W. TREAT

•

MANAGING EDITOR

JOHN C. STEGMANN

•

EDITOR

VONNE KILBOURN

•

ASSOCIATE EDITOR

JENNIFER ALEX MOORE

•

PUBLICATION SPECIALIST

JACQUELINE D. WHITE

•

ADMINISTRATIVE AIDE

TAMMY WINKELMAN

•

READER

THOMAS HUBER

ISSN 0149-2942

The *Missouri Register* and *Code of State Regulations* (CSR) are available on the Internet. The Register address is [sos.mo.gov/adrules/moreg/moreg](http://sos.mo.gov/adrules/moreg/moreg) and the CSR is [sos.mo.gov/adrules/csr/csr](http://sos.mo.gov/adrules/csr/csr). The Administrative Rules Division may be contacted by email at [rules@sos.mo.gov](mailto:rules@sos.mo.gov).

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



## IN THIS ISSUE:

### EMERGENCY RULES

<b>Department of Natural Resources</b>	
Hazardous Waste Management Commission . . . . .	.527

<b>EXECUTIVE ORDERS</b> . . . . .	.529
-----------------------------------	------

### PROPOSED RULES

<b>Missouri Department of Transportation</b>	
Missouri Highways and Transportation Commission . . . . .	.531
<b>Department of Commerce and Insurance</b>	
Missouri State Board of Accountancy . . . . .	.532
State Board of Embalmers and Funeral Directors . . . . .	.533
State Board of Registration for the Healing Arts . . . . .	.548
State Board of Pharmacy . . . . .	.549

### ORDERS OF RULEMAKING

<b>Department of Agriculture</b>	
Plant Industries . . . . .	.550
Weights, Measures and Consumer Protection . . . . .	.551
<b>Department of Higher Education and Workforce Development</b>	
Commissioner of Higher Education and Workforce Development . . . . .	.551
<b>Department of Natural Resources</b>	
Air Conservation Commission . . . . .	.551

### IN ADDITIONS

<b>Department of Social Services</b>	
MO HealthNet Division . . . . .	.553

<b>DISSOLUTIONS</b> . . . . .	.554
-------------------------------	------

Register Filing Deadlines	Register Publication Date	Code Publication Date	Code Effective Date
December 2, 2019 December 16, 2019	<b>January 2, 2020</b> <b>January 15, 2020</b>	January 30, 2020 January 30, 2020	February 29, 2020 February 29, 2020
January 2, 2020 January 15, 2020	<b>February 3, 2020</b> <b>February 18, 2020</b>	February 29, 2020 February 29, 2020	March 30, 2020 March 30, 2020
February 3, 2020 February 18, 2020	<b>March 2, 2020</b> <b>March 16, 2020</b>	March 31, 2020 March 31, 2020	April 30, 2020 April 30, 2020
March 2, 2020 March 16, 2020	<b>April 1, 2020</b> <b>April 15, 2020</b>	April 30, 2020 April 30, 2020	May 30, 2020 May 30, 2020
April 1, 2020 April 15, 2020	<b>May 1, 2020</b> <b>May 15, 2020</b>	May 31, 2020 May 31, 2020	June 30, 2020 June 30, 2020
May 1, 2020 May 15, 2020	<b>June 1, 2020</b> <b>June 15, 2020</b>	June 30, 2020 June 30, 2020	July 30, 2020 July 30, 2020
June 1, 2020 June 15, 2020	<b>July 1, 2020</b> <b>July 15, 2020</b>	July 31, 2020 July 31, 2020	August 30, 2020 August 30, 2020

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at [sos.mo.gov/adrules/pubsched](http://sos.mo.gov/adrules/pubsched).

## HOW TO CITE RULES AND RSMO

### RULES

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

<b>Title</b>		<b>Division</b>	<b>Chapter</b>	<b>Rule</b>
3	CSR	10-	4	.115
Department	<i>Code of 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](http://sos.mo.gov/adrules/csr/csr)

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

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

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

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

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

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

### EMERGENCY AMENDMENT

**10 CSR 25-12.010 Fees and Taxes.** The commission proposes to amend section (1) of the rule by removing a reference to subsection (G), and rescinding subsection (G) in its entirety.

*PURPOSE:* This amendment removes a new subsection of this rule that would have established a temporary fee structure. The amendment was disapproved by the Missouri General Assembly and there is no statutory authority for this amended rule language.

*EMERGENCY STATEMENT:* The statutory authority on which the amendments to this rule were adopted allows the General Assembly to disapprove the Order of Rulemaking within sixty (60) days of the next legislative session. To exercise this authority, on March 6, 2020, the General Assembly, through Senate Concurrent Resolution 38, which disapproved the Order of Rulemaking and directed the Missouri Hazardous Waste Management Commission to continue to use the hazardous waste generator registration fee rates currently in effect, rather than the increased rates scheduled to go into effect on January 1, 2021. In order to ensure that the Order of Rulemaking does not go into effect on March 30, to be implemented effective January 1, 2021, this emergency amendment to remove the language added in the Order of Rulemaking is necessary. Without this emergency amendment, the rule previously adopted would go into effect

on March 30, and would be in direct conflict with the legislative authority on which the rule was adopted. This emergency amendment was filed March 12, 2020, becomes effective March 27, 2020, and expires September 22, 2020.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. Registration renewal fees for owners of multiple underground storage tank (UST) sites.

A. For individuals or companies that own a single site where an underground storage tank is removed in a calendar year, the hazardous waste generator registration fee for the site will be assessed at the appropriate amount under the temporary fee structure established above in section 10 CSR

25-12.010(1)(G)1.

*B. For individuals or companies that own two or more sites where underground storage tanks were removed in the same calendar year, the hazardous waste generator registration fee for all remaining tank removals within the same calendar year will be assessed the regular registration renewal fee established in 10 CSR 25-12.010(1)(E)1.A. through (1)(E)1.C.*

*C. Tank owners claiming this discount are responsible for providing documentation required to verify common ownership of the multiple underground storage tank sites and also for providing a list of all of their ID numbers that describes which ID number is to be assessed under the temporary fee structure and which ID number(s) are to be assessed under the regular registration renewal fee.*

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

*AUTHORITY: sections 260.370, 260.390, 260.395, and 260.437, RSMo 2016, and sections 260.380, 260.391, and 260.475, RSMo Supp. 2019. Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. For interviewing history, please consult the **Code of State Regulations**. Emergency amendment filed March 12, 2020, effective March 27, 2020, expires Sept. 22, 2020.*

*PUBLIC COST: This emergency amendment will cost state agencies or political subdivisions and other public entities less than five hundred dollars (\$500) in the aggregate in the time the emergency is in effect.*

*PRIVATE COST: This emergency amendment will cost private entities less than five hundred dollars (\$500) in the aggregate in the time the emergency is in effect.*

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

## EXECUTIVE ORDER 20-02

WHEREAS, I have been advised by the Missouri Department of Health and Senior Services and the State Emergency Management Agency that there have been confirmed and or presumptive positive cases of COVID-19 in this state; and

WHEREAS, COVID-19 can result in mild or severe symptoms, is highly contagious, and is spread through close contact between persons and respiratory transmission; and

WHEREAS, COVID-19 poses a serious health risk for Missouri residents and visitors; and

WHEREAS, the Centers for Disease Control and Prevention activated its Emergency Operations Center to better provide ongoing support to the COVID-19 response on January 21, 2020; and

WHEREAS, the U.S. Secretary of Health and Human Services declared a public health emergency to aid the nation's healthcare community in responding to COVID-19 on January 31, 2020; and

WHEREAS, the first case of COVID-19 in the State of Missouri was identified on March 7, 2020; and

WHEREAS, the World Health Organization officially declared a pandemic due to COVID-19 on March 11, 2020; and

WHEREAS, the spread of COVID-19 and identification of additional cases in Missouri is likely to continue, and steps should be taken to prevent a substantial risk to public health and safety; and

WHEREAS, to date, the Centers for Disease Control and Prevention has reported 1,629 COVID-19 cases and 41 deaths therefrom; and

WHEREAS, the resources of the State of Missouri will be needed to assist in a joint incident response; and

WHEREAS, an invocation of the provisions of Sections 44.100 and 44.110, RSMo, is required to ensure the protection of the safety and welfare of the citizens of Missouri; and

WHEREAS, Section 44.100, RSMo, provides that during a state of emergency, the Governor is authorized to "waive or suspend the operation of any statutory requirement or administrative rule prescribing procedures for conducting state business, where strict compliance with such requirements and rules would prevent, hinder, or delay necessary action by the department of health and senior services to respond to a declared emergency or increased health threat to the population"; and

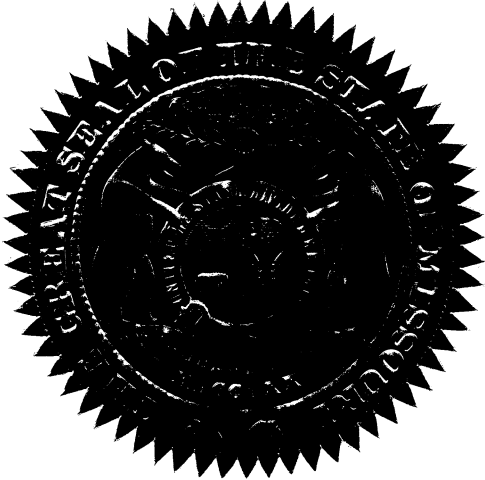
NOW, THEREFORE, I, MICHAEL L. PARSON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and the Laws of the State of Missouri, including Section 44.100 and 44.110, RSMo, do hereby declare that a State of Emergency exists in the State of Missouri and direct the Missouri State Emergency Operations Plan be activated.

I further direct the executive agencies of the State of Missouri to monitor and advise the Office of the Governor concerning the pricing of commodities, goods, and services in order to prevent unfair market practices.

I further authorize state agencies to provide assistance, as needed.

This order shall terminate on May 15, 2020, unless extended in whole or in part.

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 13<sup>th</sup> day of March, 2020.



MICHAEL L. PARSON  
GOVERNOR

ATTEST:

  
JOHN R. ASHCROFT  
SECRETARY OF STATE



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

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

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

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

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

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

Proposed Amendment Text Reminder:

**Boldface text indicates new matter.**

*[Bracketed text indicates matter being deleted.]*

## Title 7—MISSOURI DEPARTMENT OF TRANSPORTATION

### Division 10—Missouri Highways and Transportation Commission

#### Chapter 25—Motor Carrier Operations

#### PROPOSED AMENDMENT

**7 CSR 10-25.010 Skill Performance Evaluation Certificates For Commercial Drivers.** The Missouri Highways and Transportation Commission is amending sections (1), (2), (3), (4), and (6) and adding a new subsection (4)(C).

*PURPOSE: This amendment would allow persons with a hearing deficiency or impairment to apply and be considered for an exemption from the federal medical qualifications that require a minimum hearing level threshold in order to drive a commercial motor vehicle in intrastate commerce. The amendment would also incorporate by reference the most recent version of federal regulations related to skill*

*performance evaluation and exemption certificates and would incorporate the latest version of the state application form and accompanying instructions for such certificates. The amendment would also clarify the medical professionals that may perform physical examinations.*

(1) Definitions and Substitutions. Except when the context clearly suggests otherwise, the words and terms used in this rule, or in any federal regulation incorporated by reference in this rule, shall have the meaning stated in this section.

(B) Whenever the term "commercial motor vehicle" is used in the federal regulation, the term shall include any motor vehicle, or the *[operation]* operator or driver of any motor vehicle, within the jurisdiction of the commission pursuant to the provisions of section 226.008, RSMo.

(F) **Except for subsection (4)(A) and section (6) of this rule,** *[W]henver the term "exemption" is used in this rule [or has reference to 49 CFR part 381], the term "SPE certificate" shall be substituted for the term "exemption."* *[With the exception of Subpart C, Section 381.315, the commission incorporates by reference in, and makes a part of this rule, the provisions of Title 49, CFR Part 381 as published by the United States Government Printing Office, 732 North Capitol Street NW, Washington DC 20401, on March 1, 2016. This rule does not incorporate any subsequent amendments or additions to 49 CFR Part 381. "SPE certificate" means a skill performance evaluation certificate, as defined in subsection 4 of section 622.555, RSMo.]*

(J) **The word "SPE certificate" means a skill performance evaluation certificate as defined in subsection 4 of section 622.555, RSMo.** Publication of a *Missouri Register* notice of application for *S[kill] P[erformance] E[valuation] Certificates [for Commercial Drivers]* is not required.

(2) Delegation of Authority. The commission authorizes the director to administer the skill performance evaluation program for intrastate drivers of commercial motor vehicles, as provided in sections **622.027 and 622.555, RSMo,** and this rule. The director, at his/her discretion, may delegate any part of this authority to other department personnel.

(3) Filing and Determination of Applications; Demonstration and Verification of Ability to Operate Commercial Motor Vehicles. Applications for an intrastate SPE certificate, and related documents, and information reasonably required by the director, shall be filed *[with the director of Motor Carrier Services,]* at PO Box 270, Jefferson City, MO 65102. Every application shall include all information and supporting documents required by section 622.555, RSMo, this rule, and the "Application for Skill Performance Evaluation Certificate." The application **and accompanying instructions [is] are** incorporated herein by reference and made a part of this rule as published on **[October 12] November 19, 2016/8** by the Missouri Department of Transportation Motor Carrier Services Division, PO Box 270, Jefferson City, MO 65102. *[The application and related instructions approved by the director, and any additional information reasonably required by the director.]* This rule does not incorporate any subsequent amendments or additions of the application **and instructions.**

(C) At any time while an application is pending, or after the person is issued a SPE certificate, the director may require the person to demonstrate or verify the person's present ability to operate a commercial motor vehicle safely with his/her physical deficiency or impairment. These requirements may include:

1. Successfully completing a road test, using a commercial motor vehicle and associated equipment of the type which the applicant drives or seeks to drive pursuant to the SPE certificate;
2. Obtaining additional or periodic physical examinations by a

[physician] **physiatrist; orthopedic surgeon; audiologist, otolaryngologist; ophthalmologist;** or optometrist; and

3. Filing additional or periodic reports with the director concerning the person's medical, **hearing** or vision examinations, treatment, prognosis, employment, driving record, accidents, traffic violations, and other pertinent information.

(4) Physical Deficiencies. Persons who are physically unqualified to drive commercial motor vehicles pursuant to any provision of **Title 49, Code of Federal Regulations (CFR)**, section 391.41(b) may apply for intrastate SPE certificates, and the director may issue intrastate SPE certificates to those applicants, only if—

(A) The Federal Motor Carrier Safety Administration (FMCSA) is currently administering a program for issuing SPE certificates, or exemptions from the physical qualification requirements, to interstate drivers who are physically unqualified because of the same physical deficiency or impairment affecting the applicant; **except that a FMCSA exemption from 49 CFR section 391.41(b)(8) will not authorize the issuance of a SPE certificate for Missouri intrastate operation;**

(B) The applicant files an application for SPE certificate with the director, which conforms to all applicable requirements of section 622.555, RSMo, and this rule, and conforms to the same standards and procedures that are applicable under FMCSA's comparable interstate SPE certificate or exception program, as modified and supplemented by any applicable provisions of section 622.555, RSMo, or this rule[.]; and

(C) **With the exception of Subpart C, Section 381.315, the commission incorporates by reference, and makes a part of this rule, the provisions of Title 49, CFR Part 381 as published by the United States Government Printing Office, 732 North Capitol Street NW, Washington DC 20401, on October 1, 2018. The commission also incorporates by reference, and makes a part of this rule, the provisions of Title 49 CFR Subpart 391.41 as published by the United States Government Printing Office, 732 North Capitol Street NW, Washington, DC 20401, on October 1, 2018. The commission also incorporates by reference, and makes a part of this rule, the provisions of Title 49 CFR Subpart 391.49 as published by the United States Government Printing Office, 732 North Capitol Street NW, Washington, DC 20401, on October 1, 2018. This rule does not incorporate any subsequent amendments or additions to 49 CFR Part 381 Subpart 391.41, and Subpart 391.49.**

(6) Federal Exemption or SPE Certification. Upon the filing of an application containing such information as the director may require, the director may waive any procedural requirements pursuant to this rule and shall issue an intrastate SPE certificate to any driver who is authorized to operate commercial motor vehicles in interstate commerce by a currently valid SPE certificate, or **hearing, or** vision exemption issued by the FMCSA. Each SPE certificate issued pursuant to this section shall be conditioned upon the driver's continued possession of the federal SPE certificate in good standing, and the driver's compliance with all applicable requirements, including all conditions specified in the driver's federal SPE certificate, and any other conditions imposed by the director.

*AUTHORITY: sections 226.008 and 622.555, RSMo 2016. Emergency rule filed June 6, 2003, effective June 16, 2003, expired Feb. 26, 2004. Original rule filed June 6, 2003, effective Dec. 30, 2003. Amended: Filed Oct. 14, 2016, effective July 30, 2017. Amended: Filed March 6, 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 Missouri Highways and Transportation Commission, Pamela J. Harlan, Secretary to the Commission, 105 W. Capitol Avenue, PO Box 270, Jefferson City, MO 65102 or Pamela.Harlan@modot.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 2010—Missouri State Board of Accountancy  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**20 CSR 2010-2.065 Requirements for Licensure through Reciprocity.** The board is amending section (2).

*PURPOSE: This amendment removes language that requires experience to be obtained out of state.*

(2) The board may issue a license to an out-of-state applicant who:  
(A) Has had four (4) years of experience, as a licensed certified public accountant, [outside of this state,] of the type described in subdivision 326.280.1(6), RSMo within the ten (10) years immediately preceding the application;

*AUTHORITY: section 326.262, RSMo [Supp. 2009] 2016. Original rule filed April 3, 2006, effective Nov. 30, 2006. Amended: Filed Feb. 23, 2010, effective Aug. 30, 2010. Amended: Filed March 9, 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 Accountancy, PO Box 613, Jefferson City, MO 65102, by facsimile at 573-751-0012, or via email at mosba@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 2010—Missouri State Board of Accountancy  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**20 CSR 2010-2.075 Reinstatement of License to Practice.** The board is amending sections (1), (3), and (4).

*PURPOSE: The proposed amendment requires the applicant to obtain necessary CPE prior to reinstatement and removes the option to allow the applicant to obtain the necessary CPE in the 60 days after reinstatement is issued.*

(1) The board may reinstate the license of any licensee provided[:]—  
(A) That person submits evidence to the board, **along with the**

reinstatement application and fee, that he or she has completed forty (40) hours of continuing professional education (CPE) during the twelve (12) months previous to making application for reinstatement of the license; or].

*[(B) That person agrees to obtain the required forty (40) hours of continuing professional education within sixty (60) days of applying for reinstatement. Continuing professional education taken within sixty (60) days before or after applying for reinstatement may be used to meet the requirement for the first year of licensure.]*

(3) Continuing education courses required under sections (1) and (2) of this rule shall comply with the provisions of the current continuing education requirements as set forth in 20 CSR 2010-4.010 to 20 CSR 2010-4.041. The forty (40) hours required in subsection[s] (1)(A) [and (B)] above shall include a minimum of two (2) hours taken in the area of ethics.

(4) An applicant for reinstatement who has been practicing public accounting in Missouri without a license shall not be reinstated until he or she pays all required fees and [penalties] delinquent fees, which he or she has not paid previously, and fulfills the [continuing professional education] CPE requirement [or agrees to obtain the required hours of continuing professional education within sixty (60) days of reinstatement], for any periods during which he or she was practicing public accounting in Missouri.

*AUTHORITY: sections 324.038[,] and 326.262, RSMo 2016, and sections 326.286, 326.310, and 326.316, RSMo Supp. [2009] 2019. This rule originally filed as 4 CSR 10-2.075. Original rule filed June 13, 1984, effective Oct. 11, 1984. For intervening history, please consult the Code of State Regulations. Amended: Filed March 9, 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 Accountancy, PO Box 613, Jefferson City, MO 65102, by facsimile at 573-751-0012, or via email at mosba@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 2010—Missouri State Board of Accountancy  
Chapter 4—Continuing Education Requirements**

**PROPOSED AMENDMENT**

**20 CSR 2010-4.020 Qualifying Programs.** The board is amending section (1)

*PURPOSE: This amendment adds an additional means to earn CPE credit.*

(1) Programs Qualifying for Continuing Professional Education (CPE) Credit.

(D) Authoring a program. A licensee may receive CPE credit for authorship of published articles, books and other publications relevant to maintaining or improving professional competence

upon the following conditions:

1. The board determines that the research and writing maintain or improve the professional competency of the author or writer as a CPA;

2. The number of credit hours claimed is consistent with the quality and scope of the article, book, or program;

3. CPE credits may be claimed only upon publication. A licensee shall not receive CPE credit for re-authoring or re-presenting the same or substantially similar program;

4. To receive CPE credit for authorship, the material must contain a minimum of seven hundred fifty (750) words. CPE credit for authorship is determined by the number of words divisible by seven hundred fifty (750) (# of words / 750 = 1 CPE hour). The number of words do not include any material not critical to the publication. Examples of material that is not critical and, therefore, excluded from the word count are the introduction, biographies, table of contents, glossary, reference materials (including, but not limited to, recitation of an accounting rule or regulation), or appendices;

5. CPE credit for authorship will be granted only in one (1) hour increments. Where the word count formula exceeds a one (1) hour increment, the final total is rounded down to the nearest full hour; and

6. If requested, a copy of the publication shall be provided to the board in electronic format.

*AUTHORITY: section 326.271, RSMo 2016. This rule originally filed as 4 CSR 10-4.020. Original rule filed Nov. 5, 1984, effective Feb. 11, 1985. For intervening history, please consult the Code of State Regulations. Amended: Filed March 9, 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 Accountancy, PO Box 613, Jefferson City, MO 65102, by facsimile at 573-751-0012, or via email at mosba@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 2120—State Board of Embalmers and Funeral Directors**

**Chapter 1—Organization and Description of Board**

**PROPOSED AMENDMENT**

**20 CSR 2120-1.040 Definitions.** The board is adding new sections (3), (6)-(10), (12), (16), (23), (26), (28), and (32), deleting sections (18) and (22), renumbering as needed, amending sections (11), (13)-(15), (18), (20)-(22), (24), (27), and (30)-(31).

*PURPOSE: This proposed amendment incorporates additional terms used throughout the board's regulations and provides for a single search location.*

(3) Authorized external investment advisor—any federal or Missouri registered investment advisor qualified to advise a trustee of a preneed trust and retained by the preneed trustee.

[(3)](4) Board—Missouri State Board of Embalmers and Funeral Directors created by the provisions of Chapter 333, RSMo.

[(4)](5) Corporation—a business entity incorporated under the laws of Missouri or any other state with authority to do business in the state of Missouri.

**(6) Cremated remains—the bone fragments which remain after the cremation process is completed.**

**(7) Cremation—a final disposition of dead human remains; the mechanical process which reduces remains to bone fragments through heat, evaporation, and/or an alkaline hydrolysis chemical process.**

**(8) Cremation box—a container into which cremated remains are placed.**

**(9) Cremation chamber—the total functioning mechanical unit for the actual cremation process.**

**(10) Cremation container—the container in which the human remains are delivered to the crematory area for cremation.**

[(5)](11) Cremation log—a written record or log kept in the cremation area available at all times in full view for a board inspector[, which shall include the following:].

[(A)] The name of the deceased to be cremated;

[(B)] The name of the Missouri licensed establishment where the body is cremated;

[(C)] The date and time the body arrived at the crematory;

[(D)] The date and time the cremation took place;

[(E)] The name and signature of the Missouri licensed funeral director or Missouri licensed embalmer supervising the cremation;

[(F)] The supervising Missouri licensed funeral director's license number or the supervising Missouri licensed embalmer's license number; and

[(G)] The name of the Missouri licensed funeral establishment, or other that was in charge of making the arrangements if from a different location.]

**(12) Crematory area—the portion of a building which houses the cremation chamber and includes the room where a cremation chamber is located.**

[(6)](13) Disinterment—removal of dead human remains from the ground, grave, [or] tomb, mausoleum, or other place where dead human remains are interred.

[(7)](14) Embalmer—an individual holding an embalmer's license issued by the [State B]board [of Embalmers and Funeral Directors].

[(8)](15) Embalmer examination—an examination consisting of the following:

(A) National Board Funeral Service Arts [Section] examination developed and furnished by the International Conference of Funeral Service Examining Boards, Inc., or designee of the board;

(B) In lieu of the National Board Funeral Service Arts examination, successful completion of the Missouri Funeral Service Arts examination will be accepted, or the board may accept successful completion of an examination administered by another state, territory, or province of the United States that is substantially equivalent or more stringent than the Missouri Funeral Service Arts examination;

(C) National Board Funeral Service Science [Section] examination developed and furnished by the International Conference of Funeral Service Examining Boards, Inc., or designee of the board;

and

(D) Missouri Law [Section] examination.

**(16) Entombment—the placing of a dead body in a tomb.**

[(9)](17) Executive director—executive secretary of the board.

[(10)](18) Function—the purpose for which a [physical location] funeral establishment may be used as set forth in these rules.

[(11)](19) Funeral ceremony—a religious service or other rite or memorial ceremony for a decedent.

[(12)](20) Funeral director—an individual holding a funeral director license issued by the [State B]board [of Embalmers and Funeral Directors].

[(13)](21) Funeral director examination—an examination consisting of the following:

[(A)] Missouri Law Examination; and

[(B)] Missouri Funeral Service Arts Examination developed and furnished by the International Conference of Funeral Service Examining Boards, Inc., or designee of the board; or

[(C)] National Board Funeral Service Arts Examination developed and furnished by the International Conference of Funeral Service Examining Boards, Inc., or designee of the board.]

(A) National Board Funeral Service Arts examination developed and furnished by the International Conference of Funeral Service Examining Boards, Inc., or designee of the board;

(B) In lieu of the National Board Funeral Service Arts examination, successful completion of the Missouri Funeral Service Arts examination will be accepted, or the board may accept successful completion of an examination administered by another state, District of Columbia, territory, or province of the United States that is substantially equivalent or more stringent than the Missouri Funeral Service Arts examination; and

(C) Missouri Law examination.

[(14)](22) Funeral director-in-charge—an individual licensed as a funeral director by the [State Board of Embalmers and Funeral Directors] board responsible for the general management and supervision of a Missouri licensed funeral establishment in the state of Missouri. Each Missouri licensed funeral establishment shall have a Missouri licensed funeral director designated as the funeral director-in-charge. A funeral director limited may serve as funeral director-in-charge of a funeral establishment which is licensed for only cremation including transportation of dead human bodies to and from the funeral establishment.

**(23) Funeral Director Limited—allows a person to work only in a funeral establishment which is licensed for only cremation including transportation of dead human bodies to and from the funeral establishment.**

[(15)](24) Funeral establishment—a building, place, or premises licensed by the [Missouri State Board of Embalmers and Funeral Directors] board devoted to or used in the care and preparation for burial, cremation, or transportation of the human dead and includes every building, place, or premises maintained for that purpose or held out to the public by advertising or otherwise to be used for that purpose.

[(16)](25) Funeral service—any service performed in connection with the care of a dead human body from the time of death until final disposition including, but not limited to:

(A) Removal;

(B) Entering into contractual agreements for the provision of

funeral services;

(C) Arranging, planning, conducting, and/or supervising visitations and funeral ceremonies;

(D) Interment;

(E) Cremation;

(F) Disinterment;

(G) Burial; and

(H) Entombment.

**(26) Independent Financial Advisor**—an investment advisor retained pursuant to section 436.440.6, RSMo.

[(17)](27) Interment—burial of dead human remains in the ground [or], a tomb [entombment of dead human remains], a mausoleum, or other place where dead human remains are interred.

[(18)] Limited license—allows a person to work only in a funeral establishment which is licensed for only cremation including transportation of dead human bodies to and from the funeral establishment.]

**(28) Person**—any individual, partnership, corporation, cooperative, association, or other entity.

[(19)](29) Preparation room—refers to the room in a Missouri licensed funeral establishment where dead human bodies are embalmed, bathed, and/or prepared for final disposition.

[(20)](30) Reciprocity examination—[shall] consists of the Missouri Law Examination.

[(21)](31) Register log—a written record or log [kept in the preparation/embalming room of] maintained in a Missouri licensed funeral establishment available at all times in full view for a board inspector[, which shall include the following:].

(A) The name of the deceased;

(B) The date and time the dead human body arrived at the funeral establishment;

(C) The date and time the embalming took place, if applicable;

(D) The name and signature of the Missouri licensed embalmer, if applicable;

(E) The name and signature of the Missouri registered apprentice embalmer, if any;

(F) The Missouri licensed embalmer's license number, if applicable;

(G) The Missouri apprentice embalmer registration number, if any; and

(H) The name of the licensed funeral establishment, or other that was in charge of making the arrangements if from a different location.]

(22) The rules in this division are declared severable. If any rule, or section of a rule, is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions shall remain in full force and effect unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.]

**(32) Urn**—any receptacle into which the cremated remains are placed for other than transportation or short-term storage.

*AUTHORITY:* sections 333.011, SB 1, Ninety-fifth General Assembly 2009 and [section] 333.111, RSMo [2000] 2016. This rule originally filed as 4 CSR 120-1.040. Original rule filed Dec. 31, 2003, effective July 30, 2004. Moved to 20 CSR 2120-1.040, effective Aug. 28, 2006. Amended: Filed Jan. 30, 2007, effective July 30,

2007. Amended: Filed July 22, 2009, effective Jan. 30, 2010. Amended: Filed March 9, 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 State Board of Embalmers and Funeral Directors, Lori Hayes, Executive Director, 3605 Missouri Boulevard, PO Box 423, Jefferson City, MO 65102-0423, by facsimile at (573) 751-1155, or via email to [embalm@pr.mo.gov](mailto:embalm@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 2120—State Board of Embalmers and Funeral Directors**  
**Chapter 2—General Rules**

**PROPOSED RESCISSION**

**20 CSR 2120-2.030 Registration of Licensees with Local Registrars of Vital Statistics.** This rule outlined the procedure for registering renewal licenses with local registrars.

*PURPOSE:* This rule is being rescinded as the language is no longer valid.

*AUTHORITY:* sections 194.119, RSMo Supp. 2003 and 333.091 and 333.111, RSMo 2000. This rule originally filed as 4 CSR 120-2.030. Original rule filed Oct. 17, 1975, effective Oct. 28, 1975. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed March 9, 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 State Board of Embalmers and Funeral Directors, Lori Hayes, Executive Director, 3605 Missouri Boulevard, PO Box 423, Jefferson City, MO 65102-0423, by facsimile at (573) 751-1155, or via email to [embalm@pr.mo.gov](mailto:embalm@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 2120—State Board of Embalmers and Funeral Directors**  
**Chapter 2—General Rules**

**PROPOSED RULE**

**20 CSR 2120-2.031 Death Certificate Filings**

*PURPOSE: This rule outlines the requirements of Missouri licensed embalmers and funeral directors filing death certificates.*

(1) Each licensed embalmer who embalms a dead human body shall state on the death certificate that he/she embalmed the dead human body described on the death certificate. Each statement shall be attested to its accuracy as determined by the Missouri Department of Health and Senior Services pursuant to section 193.145, RSMo. If the body was not embalmed, the fact that the body was not embalmed shall be stated on the death certificate prior to the filing of the death certificate by the licensed funeral director.

(2) Each authentication of a licensed embalmer and licensed funeral director on a death certificate must correspond with the licensee's authentication as approved and licensed by the board.

*AUTHORITY: sections 193.145, 194.119, and 333.111, RSMo 2016. Original rule filed March 9, 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 State Board of Embalmers and Funeral Directors, Lori Hayes, Executive Director, 3605 Missouri Boulevard, PO Box 423, Jefferson City, MO 65102-0423, by facsimile at (573) 751-1155, or via email to embalm@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 2120—State Board of Embalmers and Funeral Directors Chapter 2—General Rules**

#### **PROPOSED AMENDMENT**

**20 CSR 2120-2.071 Funeral Establishments Containing a Crematory Area.** The board is deleting sections (1), (15), (16), (19), (20), and (27), renumbering as necessary, amending sections (2), (3), (5), (7), (11), (13), (15), (17), (19), and (20).

*PURPOSE: The purpose of this amendment is to update the existing regulation's terminology and provide additional clarification regarding the chemical disposition process. The amendment also removes the definitions, which were moved to a general rule containing other definitions.*

*[(1) Definitions.*

*(A) Cremated remains—the bone fragments which remain after the cremation process is completed.*

*(B) Cremation—the technical heating process which reduces remains to bone fragments through heat and evaporation; a final disposition of dead human remains.*

*(C) Cremation box—a container into which cremated remains are placed for transportation or short-term storage.*

*(D) Cremation chamber—the total functioning mechanical unit for the actual cremation process.*

*(E) Cremation container—the case in which the human remains are delivered to the crematory area for cremation.*

*(F) Crematory area—the building or portion of a building*

*which houses the cremation chamber and the holding facility.*

*(G) Holding facility—the area within the crematory area in which dead bodies are placed while awaiting cremation.*

*(H) Short-term storage—storage for a period of thirty (30) days or fewer.*

*[(I) Urn—the receptacle into which the cremated remains are placed for other than transportation or short-term storage.]*

*[(2)](1) No dead human body shall be cremated in this state except in a funeral establishment licensed by the board as a Function B establishment.*

*[(3)](2) Each Missouri licensed funeral establishment that contains a crematory area shall maintain permanent records [which shall] that include:*

*(A) A written authorization for cremation executed prior to cremation by the person entitled to custody or control of the body which shows the time and date when authorization for cremation was given; and*

*(B) Information regarding the cremation [which] shall include:*

- 1. The full name of the deceased;*
- 2. The last place of residence of the deceased;*
- 3. The place of death of the deceased;*
- 4. The place of birth of the deceased;*
- 5. The date and place of the funeral;*

*6. The name of the [Missouri] licensed funeral director, other than a [limited license] funeral director **limited**, with whom the arrangements were made;*

*7. The name of the person(s) who made the arrangements with the [Missouri] licensed funeral director and the relationship to the deceased;*

*8. The date and time when cremation was begun;*

*9. The name and address of the person to whom the cremated remains were released or the location where the cremated remains were placed; [and]*

*10. If the cremated remains were delivered or placed other than by an employee of the Missouri licensed funeral establishment, the name of the person who made the delivery or placement or the name of the business by which the cremated remains were shipped along with the receipt number[.]; and*

**11. If cremation is to be performed by chemical disposition, the written authorization shall also include:**

**A. Specific consent for cremation by chemical process with an explanation of the process to be utilized; and**

**B. Disclosures on the disposition of personal property including, but not limited to, jewelry, medical devices, and any other items that might remain after the chemical disposition process is complete.**

*[(4)](3) Cremation log—a written record or log kept in the cremation area available at all times in full view, which will include the following:*

*(A) The name of the deceased to be cremated;*

*(B) The name of the Missouri licensed establishment where the body is cremated;*

*(C) The date and time the body arrived at the crematory;*

*(D) The date and time the cremation took place;*

*(E) The name and signature of the Missouri licensed funeral director [or Missouri licensed embalmer] supervising the cremation;*

*(F) The supervising Missouri licensed funeral director's license number [or the supervising Missouri licensed embalmer's license number; and];*

*(G) The name of the Missouri licensed funeral establishment [or other] that was in charge of making the arrangements if from a different location[.]; and*

**(H) The type of cremation performed.**

*[(5)](4)* All records required to be maintained by this rule shall be maintained on the premises of the Missouri licensed funeral establishment for two (2) years from the date the record was created. All documents required to be maintained by this rule may be maintained electronically, but all documents shall be stored in such a manner to allow access by the board, or its assignee, and so the board, or its assignee, may easily and timely obtain hard copies or electronic copies in a format easily readable by the board, or its assignee.

*[(6)](5)* If the deceased gave written authorization to cremate and did not revoke the authorization, that authorization shall satisfy the requirement for authorization to cremate. If the deceased did not give written authorization to cremate, the next of kin of the deceased or the county coroner or medical examiner pursuant to Chapter 58, RSMo, may give authorization to cremate. Authorization to cremate given prior to the death may be in any written document, including a preneed contract. The next of kin, for purposes of this rule, *[shall be as]* is defined in section 194.119.2, RSMo.

*[(7)](6)* If the Missouri licensed funeral establishment receives no authorization for cremation from any of the persons identified in section *[(6)] (5)* of this rule, the Missouri licensed funeral establishment may proceed with cremation if it has attempted to locate a person from whom authorization to cremate may be obtained for at least ten (10) days and it has a written statement from city, county, or state law enforcement officials that they have assisted the Missouri licensed funeral establishment in attempting to locate a person from whom authorization for cremation could be obtained but have been unable to locate such a person. However, the Missouri licensed funeral establishment may proceed with cremation prior to the elapse of twenty-four (24) hours if the deceased died as a result of a communicable disease, was subject to isolation at the time of death, and has not been properly embalmed in accordance with 19 CSR 20-24.010.

*[(8)](7)* The cremation chamber shall be completely functioning at all times and shall be constructed specially to withstand high temperatures and/or chemicals used in the cremation and to protect the surrounding structure. A Function B establishment shall not be in violation of this rule if the cremation chamber is completely restored to functioning capacity within one hundred twenty (120) days from the date the cremation chamber ceases to be in compliance with this section. However, if there are extenuating circumstances and the cremation chamber could not be repaired, documentation of such shall be provided to the board for review and approval. Cremation chambers shall be maintained in proper working order and in compliance with all applicable Missouri Department of Health and Senior Services statutes, rules and regulations, and Missouri Department of Natural Resources, statutes, rules and regulations, and all other applicable federal, state, city, county, and municipal statutes, rules and regulations.

(A) If a Function B has only one (1) cremation chamber and that chamber is not functioning, written notification shall be made to the board within ten (10) business days after the cremation chamber stops functioning.

(B) A Function B establishment that has a nonfunctioning cremation chamber may arrange for cremation at another licensed establishment, if the use of an alternate establishment for purposes of cremation is disclosed to the person making the arrangements on the cremation authorization form and the type of cremation performed is as authorized in the written authorization to cremate. In no event shall any licensee or licensed establishment cremate human remains in the same retort or the same processor used for cremating non-human remains.

*[(9)](8)* The crematory area shall include a work center area equipped with forced air ventilation adequate to protect the health and safety of the operator and any other person(s) present.

*[(10)](9)* No person shall be permitted in the crematory area while any dead human body is in the crematory area awaiting cremation or being cremated or while the cremation remains are being removed from the cremation chamber except the Missouri licensed funeral director, the Missouri licensed embalmer, employees of the Missouri licensed funeral establishment in which the body is being cremated, members of the family of the deceased, persons authorized by the members of the family of the deceased, or any other person authorized by law.

*[(11)](10)* When there is no Missouri licensed funeral establishment employee in the crematory area, the crematory area shall be secure from entry by persons other than Missouri licensed funeral establishment employees or a Missouri licensed embalmer authorized by the funeral establishment.

*[(12)](11)* Each **dead human** body delivered to the crematory, if not already in a cremation container, plastic pouch, cardboard cremation container, casket made of wood or wood product or metal, shall be placed in such a pouch, container or casket. If a metal container or casket is used, the person making the arrangements shall be informed by the Missouri licensed funeral director with whom the arrangements are made of the disposition of the metal container or casket after cremation, if not placed in the retort. The cremation container shall be composed of a combustible, nonexplosive, opaque material which is adequate to assure protection to the health and safety of any person in the crematory area. The casket or container shall be leak resistant if the body enclosed is not embalmed or if death was caused by a contagious disease. **Each cremation box or urn into which the cremated remains are placed after removal from the cremation chamber shall be labeled clearly with the full name of the deceased and the name of the Missouri licensed funeral establishment with whom the arrangements were made, pursuant to Chapter 193, RSMo.**

*[(13)](12)* The Missouri licensed funeral director with whom the arrangements are made shall make inquiry to determine the presence or existence of any body prosthesis, bridgework, or similar items.

*[(14)](13)* No **dead human** body shall be cremated, **except for cremation by chemical disposition**, with a pacemaker in place. The Missouri licensed funeral director with whom the arrangements are made shall take all steps necessary to ensure that any pacemakers are removed prior to cremation.

*[(15)* No body shall be cremated until after a completed death certificate has been filed with the local registrar as required by section 193.175, RSMo.

*(16)* Except for metal containers or caskets, each cremation container or casket into which a body is placed shall be placed into the cremation chamber with the body and be cremated. If a metal container or casket is used, the purchaser shall be informed by the funeral director at the time the arrangements are made of the disposition of the metal container or casket after cremation, if the container or casket is not to be placed in the retort. Each cremation box or urn into which the cremated remains are placed after removal from the cremation chamber shall be labeled clearly with the full name of the deceased and the name of the Missouri licensed funeral establishment with whom the arrangements were made.]

*[(17)](14)* The remains of only one (1) body shall be in the cremation chamber at one (1) time unless simultaneous cremation has been authorized in writing by the person(s) entitled to custody or control of each body.



~~[(18)]~~(15) Following the completion of the cremation process, ~~[all]~~ residual of the cremation process including the cremated remains and any other matter shall be thoroughly removed from the cremation chamber prior to placing another body in the cremation chamber.

~~[(19)]~~ If the cremated remains do not fill the interior of the cremation box adequately, the extra space may be filled with shredded paper or clean absorbent cotton.

~~[(20)]~~ If the cremated remains will not fit within the receptacle designated in the arrangements, the remainder shall be placed in a separate receptacle or, if written permission is obtained from the person entitled to custody or control of the body, disposed of in some other manner.]

~~[(21)]~~(16) The cremation box shall be composed of rigid materials which shall be sealed in order to prevent the leakage of cremated remains or the entry of foreign objects.

~~[(22)]~~(17) If the cremated remains are to be shipped, the cremation box shall be packed securely in a ~~[corrugated cardboard box which is securely closed with tape]~~ sturdy and sealed shipping container acceptable to the shipper.

~~[(23)]~~(18) Cremated remains shall be shipped only by a method which has an internal tracing system available and which provides a receipt signed by the person accepting delivery.

~~[(24)]~~(19) Each urn into which cremated remains are placed by a licensee or funeral establishment shall be made of a durable material which shall enclose the cremated remains entirely.

~~[(25)]~~(20) Each Missouri licensed funeral establishment which comes into possession of cremated remains, whether or not it is the Missouri licensed funeral establishment at which the cremation occurred, shall retain the cremated remains until they are delivered, placed, or shipped pursuant to the instructions of the person(s) entitled to custody or control of the body. However, nothing in this rule shall prohibit a Missouri licensed funeral establishment from disposing of cremated remains in another fashion if the Missouri licensed funeral establishment has obtained written permission for other disposition contingent upon the Missouri licensed funeral establishment attempting to dispose of the cremated remains according to instructions but being unable to do so through no fault of the Missouri licensed funeral establishment and provided that other disposition shall not occur prior to thirty (30) days after cremation. **Any Missouri licensed funeral establishment that comes into possession of unclaimed cremated remains may also dispose of these remains pursuant to Chapter 194, RSMo.**

~~[(26)]~~(21) Nothing in this rule shall be construed to prohibit a Missouri licensed funeral establishment which contains a crematory area from establishing more restrictive standards for its own operation.

~~[(27)]~~ The rules in this division are declared severable. If any rule, or section of a rule, is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions shall remain in full force and effect unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.]

*AUTHORITY: sections 333.061, [and 333.121, RSMo Supp. 2008 and sections] 333.III, [and] 333.145, and 333.340, RSMo [2000] 2016. This rule originally filed as 4 CSR 120-2.071. Original rule filed May 29, 1987, effective Sept. 11, 1987. For intervening history, please consult the Code of State Regulations.*

*Amended: Filed March 9, 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 State Board of Embalmers and Funeral Directors, Lori Hayes, Executive Director, 3605 Missouri Boulevard, PO Box 423, Jefferson City, MO 65102-0423, by facsimile at (573) 751-1155, or via email to embalm@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 2120—State Board of Embalmers and Funeral  
Directors  
Chapter 2—General Rules**

**PROPOSED RULE**

**20 CSR 2120-2.200 Military Training to Meet Requirements for Licensure**

*PURPOSE: This rule requires the board to accept evidence of military education, training, or service to be applied toward the requirements for licensure.*

(1) Any applicant for licensure may, as part of the evidence of meeting the requisite educational and/or training requirements for licensure, submit evidence of military experience as a member of the military.

(2) The board shall review the evidence submitted and, if appropriate, make additional inquiry of the applicant to determine the scope and duties of the military experience to determine whether the military experience counts towards the qualifications for licensure.

(3) In its review of the military experience, the board shall evaluate the content and nature of the military experience to determine whether that military experience counts towards the education, training, or service requirements for licensure. The board shall construe liberally the military experience in determining whether it will count towards the education, training, or service requirements for licensure.

(4) “Active duty” is full time duty in the active military service of the United States or the state of Missouri as defined in Section 101(a)(5), Title 10 of the U.S. Code and section 41.030, RSMo.

(5) “Military experience” is education, training, or service completed by an applicant while a member of the military.

(6) “Military” is the United States armed forces or reserves, the national guard of any state, the military reserves of any state, or the naval militia of any state.

*AUTHORITY: sections 324.007, 333.III, and 333.340, RSMo 2016. Original rule filed March 9, 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 State Board of Embalmers and Funeral Directors, Lori Hayes, Executive Director, 3605 Missouri Boulevard, PO Box 423, Jefferson City, MO 65102-0423, by facsimile at (573) 751-1155, or via email to [embalm@pr.mo.gov](mailto:embalm@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 2120—State Board of Embalmers and Funeral Directors**

**Chapter 3—Preneed**

**PROPOSED RESCISSION**

**20 CSR 2120-3.010 Preneed Seller Registration.** Under Chapter 436, RSMo, the State Board of Embalmers and Funeral Directors was directed to register persons as preneed sellers. Under section 333.111.1., RSMo, the State Board of Embalmers and Funeral Directors is directed to promulgate rules. . . “for the transaction of its business. . .” This rule complied with the statutory directive that the board promulgate rules for the transaction of its business in registering persons as preneed sellers.

*PURPOSE:* This rule is being rescinded and new language is being proposed to clarify the requirements.

*AUTHORITY:* section 333.III.1, RSMo 1986. This rule originally filed as 4 CSR 120-3.010. Original rule filed Jan. 7, 1983, effective June 11, 1983. Moved to 20 CSR 2120-3.010, effective Aug. 28, 2006. Rescinded: Filed March 9, 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 State Board of Embalmers and Funeral Directors, Lori Hayes, Executive Director, 3605 Missouri Boulevard, PO Box 423, Jefferson City, MO 65102-0423, by facsimile at (573) 751-1155, or via email to [embalm@pr.mo.gov](mailto:embalm@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 2120—State Board of Embalmers and Funeral Directors**

**Chapter 3—Preneed**

**PROPOSED RULE**

**20 CSR 2120-3.010 Preneed Sellers**

*PURPOSE:* This rule outlines the provisions for the practice of pre-

need seller.

(1) Applications for a preneed seller license are to be made on the forms provided by the board and be accompanied by the applicable fees. At a minimum an applicant shall submit with the application—

(A) Evidence of being an individual resident of Missouri who is eighteen (18) years of age or older, or if a business entity, current registration of the entity name that reflects it is in good standing and, if applicable, current registration of fictitious name(s), both from the Missouri Secretary of State;

(B) Evidence if the applicant is a corporation, each officer, director, manager, or controlling shareholder, is eligible for licensure if they were applying for licensure as an individual;

(C) The name and address of a custodian of records responsible for maintaining the books and records of the seller relating to preneed contracts;

(D) The name and address of a trustee or, if applicable, the financial institution where any preneed trust or joint accounts will be maintained;

(E) The name and address of each insurance company that may be utilized for insurance funded preneed contracts;

(F) Have established, as grantor, a preneed trust, or an agreement to utilize a preneed trust with terms consistent with sections 436.400 to 436.510, RSMo. A trust shall not be required if the applicant certifies to the board that the seller will only sell insurance-funded or joint account-funded preneed contracts;

(G) The name, address, and license number of an individual designated to serve as manager in charge of the seller’s business;

(H) The name(s), address(es), and license number(s) of each preneed agent who is authorized to sell, negotiate, or solicit preneed contracts on behalf of the seller;

(I) The name(s) and address(es) of each preneed provider with whom the licensee will have a contractual agreement to be designated as a preneed provider;

(J) A written consent authorizing the state board to inspect or order an investigation, examination, or audit of the seller’s books and records which contain information concerning preneed contracts sold by or on behalf of the seller;

(K) A certificate of no tax due from the Missouri Department of Revenue, if applicable; and

(L) A Missouri Highway Patrol fee for each person that is an officer or who has at least a ten percent (10%) interest in the business.

(2) An applicant that does not meet the requirements of the board for licensure within ninety (90) days from the date the application is filed with the board and still desires to seek licensure shall file a new application and pay applicable fees.

(3) If the manager in charge changes, the seller shall provide written notice to the board within thirty (30) days of the change.

(4) The seller license issued by the board is effective for a specific name of a person or entity authorized to conduct business in Missouri and may include “doing business as” name(s). Whenever the ownership or name of the Missouri licensed seller changes, a new license shall be obtained.

(A) If a change of ownership is caused by a change in the majority of owners, for whatever reason (death, sale of interest, divorce, etc.) without the addition of any new owner(s), it is not necessary to obtain a new seller license. However, a new application for a seller license form shall be filed as an amended application within thirty (30) days prior to the change of ownership.

(B) If a corporation owns a Missouri licensed seller, it is not necessary to obtain a new seller license or to file an amended application for a seller license if the owners of the stock change.

(C) However, as a separate person, if a corporation begins ownership of a Missouri licensed seller or ceases ownership of a Missouri licensed seller, a new seller license shall be obtained regardless of

the relationship of the previous or subsequent owner to the corporation.

(5) Except as otherwise provided in sections 436.400 to 436.510, RSMo, and any rules validly promulgated pursuant to those sections—

(A) The seller shall be obligated to collect and properly deposit and disburse all payments made by, or on behalf of, a purchaser of a preneed contract; and

(B) A purchaser may make payments on any preneed contract by making the payment directly to the trustee, the insurance company, or the financial institution where the joint account is held, as applicable, in lieu of paying the seller.

*AUTHORITY: sections 333.320, 333.340, 436.415, and 436.520, RSMo 2016. This rule originally filed as 4 CSR 120-3.010. Original rule filed Jan. 7, 1983, effective June 11, 1983. Moved to 20 CSR 2120-3.010, effective Aug. 28, 2006. Rescinded and readopted: Filed March 9, 2020.*

*PUBLIC COST: This proposed rule will increase revenue for the State Board of Embalmers and Funeral Directors by three thousand seventy-five dollars (\$3,075) and the Missouri State Highway Patrol two hundred ten dollars (\$210) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*PRIVATE COST: This proposed rule will cost private entities three thousand two hundred eighty-five dollars (\$3,285) 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 rule with the State Board of Embalmers and Funeral Directors, Lori Hayes, Executive Director, 3605 Missouri Boulevard, PO Box 423, Jefferson City, MO 65102-0423, by facsimile at (573) 751-1155, or via email to [embalm@pr.mo.gov](mailto:embalm@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**PUBLIC FISCAL NOTE**

**I. RULE NUMBER**

**Title 20 -Department of Commerce and Insurance  
Division 2120 - State Board of Embalmers and Funeral Directors  
Chapter 3 - Preneed  
Proposed Rule 20 CSR 2120-3.010 Preneed Sellers**

**II. SUMMARY OF FISCAL IMPACT**

<b>Affected Agency or Political Subdivision</b>	<b>Estimated Revenue</b>	
State Board of Embalmers and Funeral Directors		<b>\$3,075</b>
	<b>Estimated Increased Revenue Biennially for the Life of the Rule</b>	<b>\$3,075</b>

<b>Affected Agency or Political Subdivision</b>	<b>Estimated Revenue</b>	
Missouri State Highway Patrol		<b>\$210</b>
	<b>Estimated Increased Revenue Biennially for the Life of the Rule</b>	<b>\$210</b>

**III. WORKSHEET**

See Private Entity Fiscal Note

**IV. ASSUMPTION**

1. The estimated revenue is based on the costs reflected in the Private Entity Fiscal Note filed with this amendment.
2. The fee due for fingerprint background checks shall be paid by the applicant directly to the Missouri State Highway patrol or its approved vendor.

## PRIVATE FISCAL NOTE

## I. RULE NUMBER

**Title 20 -Department of Commerce and Insurance**  
**Division 2120 - State Board of Embalmers and Funeral Directors**  
**Chapter 3 - Preneed**  
**Proposed Rule 20 CSR 2120-3.010 Preneed Sellers**

## 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:
13	Preneed Seller Application (Fee @ \$200)	\$2,600
3	Preneed Seller Application - Amended (Fee @ \$25)	\$75
2	Preneed Seller Application Reapply after 90 days (Fee @ \$200)	\$400
15	Criminal Background Check (Fee @ \$14)	\$210
	<b>Estimated Cost of Compliance Annually for the Life of the Rule</b>	<b>\$3,285</b>

## III. WORKSHEET

See Table Above

## IV. ASSUMPTION

1. The above figures are based on upon the average number of applicants received annually.
2. The fee due for fingerprint background checks shall be paid by the applicant directly to the Missouri State Highway patrol or its approved vendor.
3. Applicants may incur minimal photocopy and postage expenses to submit documents to the board. Photocopy and postage expenses are not being calculated in this fiscal note.
4. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

NOTE: The costs accounted for in this fiscal note are not actually new costs, but costs that already exist. All costs associated with a rule must be re-accounted for when rescinding and readopting a rule.

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

**Division 2120—State Board of Embalmers and Funeral  
Directors**

**Chapter 3—Preneed**

**PROPOSED RESCISSION**

**20 CSR 2120-3.020 Preneed Provider Registration.** Under Chapter 436, RSMo, the State Board of Embalmers and Funeral Directors was directed to register persons as preneed providers. Under section 333.111.1., RSMo, the State Board of Embalmers and Funeral Directors is directed to promulgate rules. . . “for the transaction of its business. . .” This rule complied with the statutory directive that the board promulgate rules for the transaction of its business in registering persons as preneed providers.

*PURPOSE: This rule is being rescinded and new language is being proposed to clarify the requirements.*

*AUTHORITY: section 333.III.1, RSMo 1986. This rule originally filed as 4 CSR 120-3.020. Original rule filed Jan. 7, 1983, effective June 11, 1983. Moved to 20 CSR 2120-3.020, effective Aug. 28, 2006. Rescinded: Filed March 9, 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 State Board of Embalmers and Funeral Directors, Lori Hayes, Executive Director, 3605 Missouri Boulevard, PO Box 423, Jefferson City, MO 65102-0423, by facsimile at (573) 751-1155, or via email to embalm@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 2120—State Board of Embalmers and Funeral  
Directors**

**Chapter 3—Preneed**

**PROPOSED RULE**

**20 CSR 2120-3.020 Preneed Providers**

*PURPOSE: This rule outlines the provisions for the practice of pre-need provider.*

(1) Applications for licensure as preneed providers are to be made on the forms provided by the board and be accompanied by the applicable fees. At a minimum an applicant shall submit with the application—

(A) Evidence, if a business entity, current registration of the entity name that reflects it is in good standing and, if applicable, current registration of fictitious name(s), both from the Missouri Secretary of State;

(B) Evidence if applicant is a corporation, each officer, director, manager, or controlling shareholder is eligible for licensure if they were applying for licensure as an individual;

(C) The name and address of a custodian of records responsible for maintaining the books and records of the provider relating to pre-

need contracts;

(D) The name(s) and address(es) of each seller authorized by the provider to sell preneed contracts in which the provider is designated or obligated as the provider;

(E) A written consent authorizing the state board to inspect or order an investigation, examination, or audit of the provider’s books and records which contain information concerning preneed contracts sold for or on behalf of a seller or in which the applicant is named as a provider;

(F) A certificate of no tax due from the Missouri Department of Revenue, if applicable; and

(G) A Missouri Highway Patrol fee for each person that is an officer or who has at least a ten percent (10%) interest in the business.

(2) An applicant that does not meet the requirements of the board for licensure within ninety (90) days from the date the application is filed with the board and still desires to seek licensure shall file a new application and pay applicable fees.

(3) The provider license issued by the board is effective for a specific name of a person or entity authorized to conduct business in Missouri and may include “doing business as” name(s). Whenever the ownership or name of the Missouri licensed provider changed, a new license shall be obtained.

(A) If a change of ownership is caused by a change in the majority of owners, for whatever reason (death, sale of interest, divorce, etc.) without the addition of any new owner(s), it is not necessary to obtain a new provider license. However, a new application for a provider license form shall be filed as an amended application within thirty (30) days prior to change of ownership.

(B) If a corporation owns a Missouri licensed provider, it is not necessary to obtain a new provider license or to file an amended application for a provider license if the owners of the stock change.

(C) However, as a separate person, if a corporation begins ownership of a Missouri licensed provider or ceases ownership of a Missouri licensed provider, a new provider license shall be obtained regardless of the relationship of the previous or subsequent owner to the corporation.

(4) As defined by section 333.011(10), RSMo, the provider of services under any preneed contract pursuant to sections 436.400 to 436.525, RSMo, shall include any licensed funeral establishment that has agreed to undertake the obligations of a preneed contract pursuant to sections 436.400 to 436.525, RSMo.

(5) Any provider who is a licensed funeral establishment who has agreed to undertake the obligations of a preneed contract pursuant to sections 436.400 to 436.525, RSMo, must meet all requirements of both a licensed funeral establishment and a preneed provider pursuant to Chapter 333, RSMo, and sections 436.400 to 436.525, RSMo.

(6) After initial application, if there is a change in seller affiliation, the provider shall provide written notice to the board, pursuant to section 436.420.3, RSMo, that the provider has authorized a new seller to designate the provider on the seller’s preneed contracts. This notice shall be provided to the board within fifteen (15) days after the provider authorizes the seller to act, and the notice shall contain, at least:

(A) Name and address of the provider;

(B) License number of the provider;

(C) Name, address, and license number of the seller; and

(D) Effective date of the authorization or agreement.

*AUTHORITY: sections 333.011(10), 333.III.1, 333.315, 333.340, 436.420, and 436.520, RSMo 2016. This rule originally filed as 4 CSR 120-3.020. Original rule filed Jan. 7, 1983, effective June 11, 1983. Moved to 20 CSR 2120-3.020, effective Aug. 28, 2006.*

*Rescinded and readopted: Filed March 9, 2020.*

*PUBLIC COST: This proposed rule will increase revenue for the State Board of Embalmers and Funeral Directors by two thousand nine hundred dollars (\$2,900) and the Missouri State Highway Patrol two hundred eighty dollars (\$280) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*PRIVATE COST: This proposed rule will cost private entities three thousand one hundred eighty dollars (\$3,180) 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 rule with the State Board of Embalmers and Funeral Directors, Lori Hayes, Executive Director, 3605 Missouri Boulevard, PO Box 423, Jefferson City, MO 65102-0423, by facsimile at (573) 751-1155, or via email to [embalm@pr.mo.gov](mailto:embalm@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**PUBLIC FISCAL NOTE**

**I. RULE NUMBER**

**Title 20 -Department of Commerce and Insurance  
Division 2120 - State Board of Embalmers and Funeral Directors  
Chapter 3 - Preneed  
Proposed Rule 20 CSR 2120-3.020 Preneed Providers**

**II. SUMMARY OF FISCAL IMPACT**

<b>Affected Agency or Political Subdivision</b>	<b>Estimated Revenue</b>	
State Board of Embalmers and Funeral Directors		<b>\$2,900</b>
	<b>Estimated Increased Revenue Biennially for the Life of the Rule</b>	<b>\$2,900</b>

<b>Affected Agency or Political Subdivision</b>	<b>Estimated Revenue</b>	
Missouri State Highway Patrol		<b>\$280</b>
	<b>Estimated Increased Revenue Annually for the Life of the Rule</b>	<b>\$280</b>

**III. WORKSHEET**

See Private Entity Fiscal Note

**IV. ASSUMPTION**

1. The estimated revenue is based on the costs reflected in the Private Entity Fiscal Note filed with this amendment.

## PRIVATE FISCAL NOTE

## I. RULE NUMBER

**Title 20 -Department of Commerce and Insurance**  
**Division 2120 - State Board of Embalmers and Funeral Directors**  
**Chapter 3 - Preneed**  
**Proposed Rule 20 CSR 2120-3.020 Preneed Providers**

## 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:
5	Provider Application (Fee @ \$200)	\$1,000
15	Provider Application with Funeral Establishment (Fee @ \$100)	\$1,500
1	Provider Application - Reapply after 90 days (Fee @ \$200)	\$200
1	Provider Application with Funeral Establishment Reapply after 90 days (Fee @ \$100)	\$100
4	Amended Provider Application (Fee @ \$25)	\$100
20	Criminal Background Check (Fee @ \$14)	\$280
<b>Estimated Cost of Compliance Annually for the Life of the Rule</b>		<b>\$3,180</b>

## III. WORKSHEET

See Table Above

## IV. ASSUMPTION

1. The above figures are based on upon the average number of applicants during the previous five (5) fiscal years.
2. The fee due for fingerprint background checks shall be paid by the applicant directly to the Missouri State Highway patrol or its approved vendor.
3. Applicants may incur minimal photocopy and postage expenses to submit documents to the board. Photocopy and postage expenses are not being calculated in this fiscal note.
4. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

NOTE: The costs accounted for in this fiscal note are not actually new costs, but costs that already exist. All costs associated with a rule must be re-accounted for when rescinding and readopting a rule.



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

**Division 2120—State Board of Embalmers and Funeral Directors**  
**Chapter 3—Preneed**

**PROPOSED RESCISSION**

**20 CSR 2120-3.200 Seller Obligations.** This rule clarified the duties of the seller of a preneed contract.

*PURPOSE:* This proposed rescission is being filed because the content of this regulation has been rewritten into other regulations as appropriate.

*AUTHORITY:* sections 333.340, 436.415, and 436.520, RSMo Supp. 2009. Emergency rule filed Dec. 4, 2009, effective Dec. 14, 2009, expired June 11, 2010. Original rule filed Dec. 4, 2009, effective June 30, 2010. Rescinded: Filed March 9, 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 State Board of Embalmers and Funeral Directors, Lori Hayes, Executive Director, 3605 Missouri Boulevard, PO Box 423, Jefferson City, MO 65102-0423, by facsimile at (573) 751-1155, or via email to [embalm@pr.mo.gov](mailto:embalm@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 2120—State Board of Embalmers and Funeral Directors**  
**Chapter 3—Preneed**

**PROPOSED RESCISSION**

**20 CSR 2120-3.300 Provider Includes Funeral Establishment.** This rule established that a provider in a preneed contract included, but is not limited to, a funeral establishment that had agreed to undertake the obligations of a preneed contract under sections 436.400 to 436.520, RSMo.

*PURPOSE:* The proposed rescission is being filed because the content of this regulation has been rewritten into other regulations as appropriate.

*AUTHORITY:* sections 333.011(10), 333.340, and 436.520, RSMo Supp. 2009. Emergency rule filed Dec. 4, 2009, effective Dec. 14, 2009, expired June 11, 2010. Original rule filed Dec. 4, 2009, effective June 30, 2010. Rescinded: Filed March 9, 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 State Board of Embalmers and Funeral Directors, Lori Hayes, Executive Director, 3605 Missouri Boulevard, PO Box 423, Jefferson City, MO 65102-0423, by facsimile at (573) 751-1155, or via email to [embalm@pr.mo.gov](mailto:embalm@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 2120—State Board of Embalmers and Funeral Directors**  
**Chapter 3—Preneed**

**PROPOSED RESCISSION**

**20 CSR 2120-3.310 Change in Seller Affiliation.** This rule explained the provider's obligation for a change in seller affiliation under a preneed contract.

*PURPOSE:* The proposed rescission is being filed because the content of this regulation has been rewritten into other regulations as appropriate.

*AUTHORITY:* sections 333.325.4, 333.340, and 436.520, RSMo Supp. 2009. Emergency rule filed Dec. 4, 2009, effective Dec. 14, 2009, expired June 11, 2010. Original rule filed Dec. 4, 2009, effective June 30, 2010. Rescinded: Filed March 9, 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 State Board of Embalmers and Funeral Directors, Lori Hayes, Executive Director, 3605 Missouri Boulevard, PO Box 423, Jefferson City, MO 65102-0423, by facsimile at (573) 751-1155, or via email to [embalm@pr.mo.gov](mailto:embalm@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 2120—State Board of Embalmers and Funeral Directors**  
**Chapter 3—Preneed**

**PROPOSED AMENDMENT**

**20 CSR 2120-3.525 Independent Financial Advisor is Agent of Trustee and Authorized External Investment Advisor.** The board is amending the title, purpose, and adding new sections (2)-(8).

*PURPOSE:* The purpose of this amendment is to provide additional clarification relating to authorized external investment advisors and their requirements and clarifies differences in statutory requirements pre- and post- August 28, 2009 when the law changed.

*PURPOSE:* This rule clarifies that an independent financial advisor is an agent of the trustee in a trust-funded preneed contract and sets forth the qualifications and duties of an authorized external investment advisor for a preneed trust.

(2) An authorized external investment advisor, as provided in section 436.445, RSMo, is an agent, as provided in section 436.440, RSMo, of the trustee.

(3) A preneed trust may utilize the services of an authorized external investment advisor as provided in sections 436.435, 436.440, and 436.445, RSMo.

(4) Any authorized external investment advisor utilized by a preneed trustee must have a current and active federal or Missouri registration as an investment advisor at all times when he or she serves as an investment advisor for a preneed trust.

(5) Any authorized external investment advisor shall exercise his or her duties in compliance with the provisions of applicable state and federal laws including compliance with his or her fiduciary duties including the duties of loyalty and of care.

(6) Except as provided in sections 436.400 to 436.525, RSMo, only a preneed trustee may retain the services of an authorized external investment advisor to assist the preneed trustee with the investment of preneed trust assets.

(7) If a preneed trustee utilizes the services of authorized external investment advisor, that relationship shall be memorialized in a written agreement that discloses the scope of duties and powers delegated, the compensation to be paid to the authorized external investment advisor, any relationship or contracts between the authorized external investment advisor and the seller, any relationship or contract between the authorized external investment advisor and any provider of any preneed contract for which funds are held in the seller's preneed trust, and any other provisions that the trustee deems necessary to meet its fiduciary duties.

(8) Any independent financial advisor, in place before August 28, 2009 in compliance with the provisions of section 436.440.6, RSMo, must be either a federally registered or Missouri registered independent qualified investment advisor at all times when acting as an investment advisor for a preneed trust and must meet all requirements required of an authorized external investment advisor.

*AUTHORITY:* sections 333.340, 436.440.6, 436.445, and 436.520, RSMo [Supp. 2009] 2016. Emergency rule filed Dec. 4, 2009, effective Dec. 14, 2009, expired June 11, 2010. Original rule filed Dec. 4, 2009, effective June 30, 2010. Amended: Filed March 9, 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 State Board of Embalmers and Funeral Directors, Lori Hayes, Executive Director, 3605 Missouri Boulevard, PO Box 423, Jefferson City, MO 65102-0423, by facsimile at (573) 751-1155, or via email to [embalm@pr.mo.gov](mailto:embalm@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 2150—State Board of Registration for the  
Healing Arts  
Chapter 5—General Rules**

**PROPOSED RULE**

**20 CSR 2150-5.029 Pharmacist Authority to Prescribe Pursuant to Section 338.665**

*PURPOSE:* This rule establishes requirements for pharmacists prescribing as authorized by section 338.665, RSMo.

(1) Definitions.

(A) A nicotine replacement therapy product; as defined by section 338.665, RSMo.

(2) Training. Pharmacists prescribing must be competent to perform the services provided and shall maintain ongoing/continued competency.

(3) Pharmacist prescribing and patient care activities must be safely and properly performed.

(A) Pharmacists shall collect patient or medical history to allow the pharmacist to properly assess the patient and safely provide patient care. Prior to prescribing, the pharmacist shall use a screening procedure based on clinical guidelines to identify appropriate patients for treatment. The pharmacist shall refer high-risk patients or patients with a contraindication to the patient's primary care provider or an appropriate healthcare provider, as deemed necessary or appropriate.

(B) In addition to this rule, pharmacists shall comply with all applicable provisions of Chapter 338, RSMo, and the rules of the Board of Pharmacy governing prescribing and record-keeping, including, but not limited to, 20 CSR 2220-2.018. Pharmacists may provide a prescription to the patient or transmit a prescription to a pharmacy for dispensing.

(4) Patient medical records. Prescribing pharmacists shall maintain an adequate and complete patient medical record for each patient that documents the care provided. Patient medical records must be separately maintained and individually retrievable.

(A) At a minimum, the required patient medical record must include:

1. The patient's name, birthdate, address and telephone number;
2. The date(s) the patient was seen;
3. The patient's primary care provider, if provided;
4. Documentation of the patient screening as required by section (3) of this rule;
5. Any pertinent medical or medication information/history;
6. The name and dosage of any medication prescribed;
7. Any recommended medication treatment plan(s) or follow-up consultation(s); and
8. Any healthcare provider referrals.

(B) Patient medical records must be securely and confidentially maintained in compliance with applicable state and federal law. At a minimum, patient medical records must be maintained for five (5) years from the date created. Records maintained at a pharmacy must be produced immediately or within two (2) hours of a request from the Board of Pharmacy or an authorized designee of the Board of Pharmacy. Records not maintained at a pharmacy must be produced within three (3) business days of a request from the Board of Pharmacy.

*AUTHORITY:* section 334.125, RSMo 2016, and sections 338.010 and 338.665, RSMo Supp. 2019. Original rule filed March 9, 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 State Board of Registration for the Healing Arts, PO Box 4, 3605 Missouri Boulevard, Jefferson City, MO 65102, by facsimile at (573) 751-3166, or via email at [healingarts@pr.mo.gov](mailto:healingarts@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 2220—State Board of Pharmacy  
Chapter 6—Pharmaceutical Care Standards**

**PROPOSED RULE**

**20 CSR 2220-6.200 Pharmacist Authority to Prescribe Pursuant to Section 338.665**

*PURPOSE: This rule establishes requirements for pharmacists prescribing as authorized by section 338.665, RSMo.*

(1) Definitions.

(A) A nicotine replacement therapy product; as defined by section 338.665, RSMo.

(2) Training. Pharmacists prescribing must be competent to perform the services provided and shall maintain ongoing/continued competency.

(3) Pharmacist prescribing and patient care activities must be safely and properly performed.

(A) Pharmacists shall collect patient or medical history to allow the pharmacist to properly assess the patient and safely provide patient care. Prior to prescribing, the pharmacist shall use a screening procedure based on clinical guidelines to identify appropriate patients for treatment. The pharmacist shall refer high-risk patients or patients with a contraindication to the patient's primary care provider or an appropriate healthcare provider, as deemed necessary or appropriate.

(B) In addition to this rule, pharmacists shall comply with all applicable provisions of Chapter 338, RSMo, and the rules of the board governing prescribing and record-keeping, including, but not limited to, 20 CSR 2220-2.018. Pharmacists may provide a prescription to the patient or transmit a prescription to a pharmacy for dispensing.

(4) Patient medical records. Prescribing pharmacists shall maintain an adequate and complete patient medical record for each patient that documents the care provided. Patient medical records must be separately maintained and individually retrievable.

(A) At a minimum, the required patient medical record must include:

1. The patient's name, birthdate, address and telephone number;
2. The date(s) the patient was seen;
3. The patient's primary care provider, if provided;
4. Documentation of the patient screening as required by section (3) of this rule;
5. Any pertinent medical or medication information/history;
6. The name and dosage of any medication prescribed;

7. Any recommended medication treatment plan(s) or follow-up consultation(s); and

8. Any healthcare provider referrals.

(B) Patient medical records must be securely and confidentially maintained in compliance with applicable state and federal law. At a minimum, patient medical records must be maintained for five (5) years from the date created. Records maintained at a pharmacy must be produced immediately or within two (2) hours of a request from the board or the board's authorized designee. Records not maintained at a pharmacy must be produced within three (3) business days of a board request.

*AUTHORITY: sections 338.010, 338.140, and 338.665, RSMo Supp. 2019. Original rule filed March 9, 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 Missouri Board of Pharmacy, PO Box 625, 3605 Missouri Boulevard, Jefferson City, MO 65102, by facsimile at (573) 526-3464, or via email at [pharmacy@pr.mo.gov](mailto:pharmacy@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this rule in the *Missouri Register*. No public hearing is scheduled.*