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SALUS POPULI SUPREMA LEX ESTO

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



JOHN R. ASHCROFT
SECRETARY OF STATE

MISSOURI
REGISTER

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July 1, 2020 July 15, 2020	August 3, 2020 August 17, 2020	August 30, 2020 August 30, 2020	September 30, 2020 September 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.

HOW TO CITE RULES AND RSMO

RULES

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

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

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

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

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

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

Code and Register on the Internet

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

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

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

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

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

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

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

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 20—Division of Community and Public Health Chapter 20—Communicable Diseases

EMERGENCY AMENDMENT

19 CSR 20-20.050 Quarantine or Isolation Practices and Closing of Schools and Places of Public and Private Assembly. The department is amending the purpose statement, section (3), and adding section (4).

PURPOSE: This amendment clarifies a component of section (3) and adds a section (4) pertaining to the issuance of gathering orders.

PURPOSE: This rule provides for the isolation or quarantine of persons and animals with a communicable disease and their contacts; it also authorizes the closing of schools and places of public and private assembly as well as the issuance of gathering orders.

EMERGENCY STATEMENT: The Department of Health and Senior Services (“DHSS”) determined that this emergency amendment is necessary to protect the public health, safety, and welfare of Missouri residents and visitors.

This emergency amendment is necessary help prevent the spread of Coronavirus 2019 (COVID-19) and to further facilitate Centers for Disease Control guidelines. The purpose of limiting the size of public gatherings is to help “flatten the curve,” an approach recommended

by multiple health and scientific organizations for slowing the rate of COVID-19 infections. Slowing infection rates helps prevent medical providers from becoming overloaded and reaching a point where they can no longer provide treatment to all those infected. Due to its severity and the rapid increase in the number of cases of COVID-19 infections and potential deaths to Missouri citizens, it is imperative for director of the Department of Health and Senior Services to have the authority to issue orders limiting public gathering to certain sizes.

DHSS needs this emergency amendment to ensure that the director of the Department of Health and Senior Services has the clear and immediate authority to limit the size of public gatherings to limit the spreads of the 2019 Novel Coronavirus (2019-nCoV) aka COVID-19. This emergency amendment provides for the isolation or quarantine of persons and animals with a communicable disease and their contacts; it also authorizes the closing of schools and places of public and private assembly as well as the issuance of gathering orders.

DHSS finds that there is an immediate danger to the public health, safety or welfare, which requires this emergency action. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. DHSS believes this emergency amendment is fair to all interested persons and parties under the circumstances. A proposed amendment covering this same material is published in this issue of the *Missouri Register*. This emergency amendment was filed March 20, 2020, becomes effective April 3, 2020, and expires January 13, 2021.

(3) The local health authority, the director of the Department of Health and Senior Services or the director’s designated representative is empowered to close any public or private school or other place of public or private assembly when, in the opinion of the local health authority, the director of the Department of Health and Senior Services or the director’s designated representative, the closing is necessary to protect the public health. However, in a statewide pandemic, as established by [only] the director of the Department of Health and Senior Services or the director’s designated representative, such individual shall have the authority to close a public or private school or other place of public or private assembly. The director or designated representative shall consult with the local health authorities prior to any such closing. Any school or other place of public or private assembly that is ordered closed shall not reopen until permitted by whomever ordered the closure.

(4) The director of the Department of Health and Senior Services or the director’s designated representative may issue an order limiting public gathering to a certain number of people as established by order, when, in the opinion of such person, such limitation is necessary to protect the public health. For the purpose of this rule, the term “gathering” shall mean any planned or spontaneous event or convening that would bring together more than the established number of people in a single space at the same time.

AUTHORITY: section 192.020, RSMo [Supp. 2006] 2016. This rule was previously filed as 13 CSR 50-101.061. Original rule filed Dec. 11, 1981, effective May 13, 1982. Emergency amendment filed June 15, 2007, effective July 6, 2007, expired Jan. 1, 2008. Amended: Filed June 15, 2007, effective Jan. 30, 2008. Emergency amendment filed March 20, 2020, effective April 3, 2020, expires Jan. 13, 2021. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

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

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

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 70—Lead Abatement and Assessment Licensing, Training Accreditation

EMERGENCY AMENDMENT

19 CSR 30-70.620 Work Practice Standards for a Lead Risk Assessment. The department is amending section (10).

PURPOSE: This amendment updates the lead-bearing substance concentration regarding dust samples and adds an additional category in order to align with Federal guidelines.

EMERGENCY STATEMENT: The Department of Health and Senior Services (“DHSS”) determined that this emergency amendment is necessary to protect the public health, safety, and welfare of Missouri residents and visitors.

This emergency amendment is necessary to ensure that the safest dust-lead hazard levels are followed for lead-abatement projects in Missouri. On January 6, 2020, the Environmental Protection Agency (EPA) updated its dust-lead hazard standards. Unfortunately, the EPA did not update its dust-lead hazard clearance levels. As a result, there is now a conflict between these two Federal regulations, which has resulted in numerous questions from lead-abatement workers in Missouri. When DHSS officials have spoken to the EPA about this discrepancy, the EPA has responded that HUD guidelines should be followed until the appropriate federal regulation can be updated. This emergency amendment will help remedy this confusion and ensure that only the safest dust-lead hazard levels are approved for projects in Missouri by adjusting the current levels to align with the HUD guidelines.

The EPA has determined that lead exposure in children can lead to behavior and learning problems, lower IQ, hyperactivity, slowed growth, hearing problems, and anemia. Lead exposure in pregnant women, according to the EPA, can cause the baby to be born prematurely or underweight, damage the baby’s brain, kidneys, and nervous system, increase the likelihood of behavioral problems, and put the mother at risk for miscarriage. According to the Centers for Disease Control and Prevention (CDC), lead exposure can have disruptive short-term effects as well as devastating health effects such as high blood pressure, heart disease, kidney disease, and reduced fertility from prolonged exposure. The Department of Health and Human Services (DHHS), the EPA and the International Agency for Research on Cancer (IARC) have determined that lead is probably cancer-causing in humans.

Given the dangers associated with lead exposure, it is imperative to clarify the discrepancy between EPA dust-lead standards and dust-lead hazard clearance levels. This amendment will ensure that lead abatement workers follow the safest allowable levels, which will result in less potential lead exposure for Missouri citizens. This emergency amendment delineates the standards to be followed by licensed risk assessors to conduct risk assessments in target housing and child-occupied facilities in accordance with standards set forth in sections 701.300 through 701.338, RSMo, and 19 CSR 30-70.600 through 19 CSR 30-70.630.

DHSS finds that there is an immediate danger to the public health, safety or welfare, which requires this emergency action. A proposed amendment, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States*

Constitutions. DHSS believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed March 27, 2020, becomes effective April 10, 2020, and expires October 6, 2020.

(10) Sampling Results. Analytical sampling results which are received as a result of having conducted a risk assessment, an EBL investigation risk assessment, or lead hazard screen risk assessment shall be interpreted in accordance with the following for the matrices indicated:

(B) Dust. A dust sample which has a lead concentration that exceeds the values indicated below is considered to be a lead-bearing substance.

Interior Floors—[40] 10 micrograms per square foot (µg/ft²)
Porch Floors – 40 micrograms per square foot (µg/ft²)
Interior Window Sills—[250] 100 micrograms per square foot (µg/ft²) [for interior window sills]
Window Troughs—[400] 100 micrograms per square foot (µg/ft²) [for window troughs]

AUTHORITY: section 701.301, RSMo [2000] 2016, and section 701.312, RSMo Supp. [2011] 2019. Emergency rule filed Aug. 19, 1999, effective Aug. 30, 1999, expired Feb. 25, 2000. Original rule filed Aug. 19, 1999, effective Feb. 29, 2000. Amended: Filed Nov. 30, 2011, effective June 30, 2012. Emergency amendment filed March 27, 2020, effective April 10, 2020, expires Oct. 6, 2020. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

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

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

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 70—Lead Abatement and Assessment Licensing, Training Accreditation

EMERGENCY AMENDMENT

19 CSR 30-70.630 Lead Abatement Work Practice Standards. The department is amending section (11).

PURPOSE: This amendment updates the lead-bearing substance concentration regarding dust samples and adds an additional category in order to align with Federal guidelines.

EMERGENCY STATEMENT: The Department of Health and Senior Services (“DHSS”) determined that this emergency amendment is necessary to protect the public health, safety, and welfare of Missouri residents and visitors.

This emergency amendment is necessary to ensure that the safest dust-lead hazard levels are followed for lead-abatement projects in Missouri. On January 6, 2020, the Environmental Protection Agency (EPA) updated its dust-lead hazard standards. Unfortunately, the EPA did not update its dust-lead hazard clearance levels. As a result, there is now a conflict between these two Federal regulations, which has resulted in numerous questions from lead-abatement workers in Missouri. When DHSS officials have spoken to the EPA about this

discrepancy, the EPA has responded that HUD guidelines should be followed until the appropriate federal regulation can be updated. This emergency amendment will help remedy this confusion and ensure that only the safest dust-lead hazard levels are approved for projects in Missouri by adjusting the current levels to align with the HUD guidelines.

The EPA has determined that lead exposure in children can lead to behavior and learning problems, lower IQ, hyperactivity, slowed growth, hearing problems, and anemia. Lead exposure in pregnant women, according to the EPA, can cause the baby to be born prematurely or underweight, damage the baby's brain, kidneys, and nervous system, increase the likelihood of behavioral problems, and put the mother at risk for miscarriage. According to the Centers for Disease Control and Prevention (CDC), lead exposure can have disruptive short-term effects as well as devastating health effects such as high blood pressure, heart disease, kidney disease, and reduced fertility from prolonged exposure. The Department of Health and Human Services (DHHS), the EPA and the International Agency for Research on Cancer (IARC) have determined that lead is probably cancer-causing in humans.

Given the dangers associated with lead exposure, it is imperative to clarify the discrepancy between EPA dust-lead standards and dust-lead hazard clearance levels. This amendment will ensure that lead abatement workers follow the safest allowable levels, which will result in less potential lead exposure for Missouri citizens. This emergency amendment delineates the criteria for conducting lead abatement projects in target housing and child-occupied facilities in accordance with standards set forth in sections 701.300 through 701.338, RSMo, and 19 CSR 30-70.600 through 19 CSR 30-70.630.

DHSS finds that there is an immediate danger to the public health, safety or welfare, which requires this emergency action. A proposed amendment, which covers the same material, is published in this issue of the **Missouri Register**. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri and United States Constitutions**. DHSS believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed March 27, 2020, becomes effective April 10, 2020, and expires October 6, 2020.

(11) Clearance Levels. For each respective media, the following clearance levels shall be met for a lead-abatement project to be considered complete (if background lead levels are lower than the following clearance levels, clearance is not complete until background values are met):

(A) Dust samples—

Media	Clearance Level
Interior Floors	[40] 10 µg/ft ²
Porch Floors	40 µg/ft ²
Interior window sills	[250] 100 µg/ft ²
Window troughs	[400] 100 µg/ft ²

AUTHORITY: section 701.301, RSMo [2000] 2016, and section 701.312, RSMo Supp. [2011] 2019. Emergency rule filed Aug. 19, 1999, effective Aug. 30, 1999, expired Feb. 25, 2000. Original rule filed Aug. 19, 1999, effective Feb. 29, 2000. Amended: Filed Nov. 30, 2011, effective June 30, 2012. Emergency amendment filed March 27, 2020, effective April 10, 2020, expires Oct. 6, 2020. A proposed amendment covering this same material is published in the issue of the **Missouri Register**.

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

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

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

EXECUTIVE ORDER

20-03

WHEREAS, on March 13, 2020, a state of emergency was declared, pursuant to Sections 44.100 and 44.110, RSMo, in an effort to ensure the protection of the safety and welfare of the citizens of Missouri from the Coronavirus and COVID-19;

WHEREAS, the emergency conditions and state of emergency continue to exist;

WHEREAS, the emergency conditions and state of emergency interfere with the electoral process in that a General Municipal Election is scheduled for April 7, 2020 in every election authority in the state (the counties, the City of Kansas City and the City of St. Louis);

WHEREAS, the Centers for Disease Control and Prevention recommends cancellation or suspension of gatherings and limiting close contacts via social distancing to limit the spread of the Coronavirus;

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

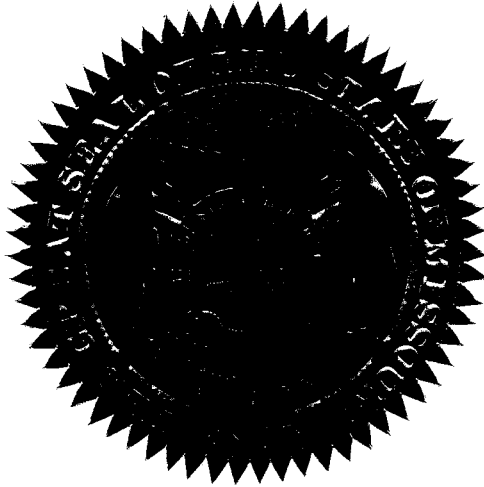
WHEREAS Section 44.100, RSMo, provides that during a state of emergency, the Governor is authorized to “perform and exercise such other functions, powers and duties as may be necessary to promote and secure the safety and protection of the civilian population”;

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 order, effective immediately:

- I. The General Municipal Election scheduled for April 7, 2020, is hereby postponed to June 2, 2020, in all of the State.
- II. The following dates apply to the June 2, 2020, General Municipal Election:
 - A. Each election authority shall cause to be published a notice of the June 2, 2020, election as required in Section 115.127.2, RSMo, and shall include a reference to this Executive Order;
 - B. The closing date for registration pursuant to Section 115.135.1 RSMo, shall remain March 11, 2020;
 - C. The minimum age requirement for voting as set forth in Mo. Const. Art. VIII, section 2, shall continue to be ascertained as of April 7, 2020;
 - D. The deadline for filing a declaration of intent to be a write-in candidate pursuant to Section 115.453(4) shall remain at 5:00 p.m. on March 27, 2020.
 - E. The deadline to apply for an absentee ballot under Section 115.279, RSMo, shall be May 20, 2020;

- F. The ballots already printed and bearing a date of April 7, 2020, shall be used for the election on June 2, 2020;
 - G. A public test of the voting equipment under Section 115.233, RSMo, shall be completed no later than June 1, 2020;
 - H. In-person absentee voting shall continue until 5:00 p.m. on June 1, 2020;
 - I. The deadline by which absentee ballots must be received by the election authority under Section 115.293.1, RSMo, shall be 7:00 p.m. on June 2, 2020; and
 - J. For covered voters as defined in Section 115.902(1), RSMo:
 - a. The deadline for a covered voter to request a ballot from an election authority shall be 5:00 p.m. on May 29, 2020 (§ 115.912, RSMo);
 - b. The deadline for an election authority to begin making ballots available to covered voters shall be April 18, 2020 (§ 115.914, RSMo); and
 - c. The deadline by which absentee ballots from covered voters must be received by an election authority shall be before noon on June 5, 2020 (§ 115.920, RSMo).
 - K. The election results shall be certified by an election authority no sooner than noon on June 5, 2020 (§ 115.508) and no later than June 16, 2020 (§ 115.507, RSMo).
- III. In addition to the legally required notice in II.A, above, each election authority, within its capabilities, shall endeavor to provide notice to the public by: (1) posting information on its website; (2) issuing press releases; (3) making public appearances; (4) directly contacting stakeholders, such as the candidates for election and the jurisdictions which have placed issues and candidates on the General Municipal Election ballot; and (5) using social media platforms to notify voters.
- IV. The candidates for offices for which no election is scheduled for April 7, 2020, due to the exemption in Section 115.124, RSMo, shall assume the responsibilities of their offices at the same time and in the same manner as if the election had been held on April 7, 2020.
- V. As provided in Article VII, Section 12 of the Missouri Constitution, "Except as provided in this constitution, and subject to the right of resignation, all officers shall continue to hold office for the term thereof, and until their successors are duly elected or appointed and qualified."

- VI. Nothing within this order shall be construed to effect any other election in the State of Missouri other than the General Municipal Election scheduled for April 7, 2020.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 18th day of March, 2020.

MICHAEL L. PARSON

GOVERNOR

ATTEST:

JOHN R. ASHCROFT

SECRETARY OF STATE

EXECUTIVE ORDER
20-04

WHEREAS, on March 13, 2020, Executive Order 20-02 invoked the provisions of sections 44.100 and 44.110, RSMo, and declared a state of emergency that exists in the State of Missouri due to the spread of COVID-19; and

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 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 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, 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

WHEREAS section 44.100, RSMo, provides that during a state of emergency, the Governor is authorized to “perform and exercise such other functions, powers and duties as may be necessary to promote and secure the safety and protection of the civilian population”; 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 requirement regarding the licensing, certification or issuance of permits evidencing professional, mechanical or other skills”; 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 Chapter 44, RSMo, hereby incorporate the declarations made in Executive Order 20-02, and further order the following:

1. The Director of the Department of Health and Senior Services is hereby vested with authority to temporarily waive or suspend the operation of any statutory requirement or administrative rule, upon approval of the Office of the Governor, where strict compliance with such requirements and rules would prevent, hinder, or delay necessary action by the department to respond to the COVID-19 health threat and to best serve public health and safety during the period of the emergency and subsequent recovery period.
2. The Director of the Department of Public Safety is hereby vested with authority to temporarily waive or suspend the operation of any statutory or administrative rule or regulation under the Director’s purview, upon approval of the Office of the Governor, in order to best serve the public health and safety during the period of the emergency and subsequent recovery period.
3. The Director of the Department of Social Services is hereby vested with authority to temporarily waive or suspend the operation of any statutory or administrative rule or regulation under the Director’s purview, upon approval of the Office of the Governor, in order to best serve public health and safety during the period of the emergency and subsequent recovery period.
4. The Director of the Department of Commerce and Insurance and the Division of Professional Registration and its Boards are hereby vested with authority to temporarily waive or suspend the operation of any statutory requirement or administrative rule under their purview, upon approval of the Office of the Governor, in order to best serve public health and safety during the period of the emergency and subsequent recovery period.
5. The Director of the Department of Labor and Industrial Relations is hereby vested with authority to temporarily waive or suspend the operation of any statutory or administrative rule or regulation under the Director’s purview, upon approval of the Office of the Governor, in order to best serve public health, safety, and financial needs during the period of the emergency and subsequent recovery period.

- 6. The Commissioner of the Office of Administration is hereby vested with authority to temporarily waive or suspend the operation of any statutory or administrative rule or regulation under the Commissioner’s purview, upon approval of the Office of the Governor, in order to best serve the public health and safety during the period of the emergency and subsequent recovery period.
- 7. I temporarily suspend the provisions of subsections 1 and 4 of section 334.108, section 191.1146, and 20 CSR 2220-020(11) relating to telemedicine and pharmacology for telemedicine, in order to allow physicians licensed under Chapter 334, RSMo, to decrease the risk of exposure to both healthcare providers and patients.
- 8. I temporarily suspend the provisions of section 307.400, RSMo, pertaining to hours of service of motor carriers and drivers of commercial motor vehicles in accordance with the Federal Motor Carriers Safety Administration Emergency Declaration under 49 CFR 390.23, No. 2020-02, allowing the immediate transportation of essential supplies, equipment, and persons.
- 9. I temporarily suspend the provisions of subsection 3 of section 161.210, RSMo, and 5 CSR 20-400.330, 500-560, 590-610, and 640 relating to teacher certification with regard to qualifying scores on exit examinations, and culminating clinical experience in terms of semester hours, weeks, and number of placements, in order to ensure that the teacher workforce shortage is not exacerbated by COVID-19.
- 10. Any executive agency, board, commission, or department, not specifically mentioned herein may submit a written request to the Office of the Governor to temporarily waive any statutory requirement or administrative rule under their purview in order to best serve public health and safety during the period of the emergency and subsequent recovery period. Such suspensions shall be effective upon written approval by the Office of the Governor.
- 11. Nothing in this Executive Order shall be construed to limit the Governor’s direct emergency powers as set forth in Chapter 44.

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 18th day of March, 2020.



ATTEST:

MICHAEL L. PARSON
GOVERNOR

JOHN R. ASHCROFT
SECRETARY OF STATE

**EXECUTIVE ORDER
20-05**

WHEREAS, on March 13, 2020, I signed Executive Order 20-02 declaring a state of emergency in response to the spread of the COVID-19 virus; and

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

WHEREAS, due to the public health threat caused by the spread of COVID-19, many restaurants have been forced to limit their normal business operations or cease operations to promote public health; and

WHEREAS, the limitations on restaurants could result in the spoliation of un-prepared food; and

WHEREAS, there has been an increased demand for un-prepared foods at grocery stores across the state; and

WHEREAS, restaurants may wish to sell their un-prepared food directly to members of the public without fear of punishment; and

WHEREAS, section 44.110, RSMo, authorizes the Governor to, during a state of emergency, suspend the activities of any political subdivision of the state.

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 chapter 44, RSMo, I hereby order the suspension of any prohibition of the sale of un-prepared food by restaurants to the public or the enforcement thereof by any political subdivision of the state. Nothing in this order shall be construed to suspend the enforcement of laws pertaining to adulterated or misbranded food pursuant to Chapter 196, RSMo.

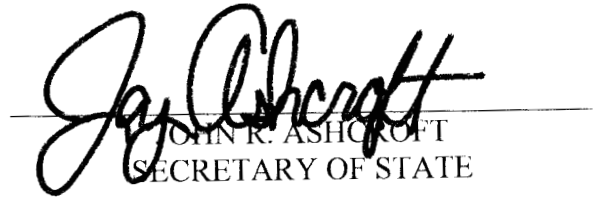
This order shall terminate on May 15, 2020, unless extended in whole or in part.

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 23rd day of March, 2020.



MICHAEL L. PARSON
GOVERNOR

ATTEST:



JOHN R. ASHCROFT
SECRETARY OF STATE



EXECUTIVE ORDER
20-06

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 presumptive positive cases of COVID-19 in the State of Missouri; COVID-19 can result in mild or severe symptoms, is highly contagious, and is spread through close contact between persons and respiratory transmission; COVID-19 poses a serious health risk for Missouri residents and visitors;

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;

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;

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

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

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

WHEREAS, on March 13, 2020, Executive Order 20-02 declared that a State of Emergency exists in the State of Missouri and directed the Missouri State Emergency Operations Plan be activated;

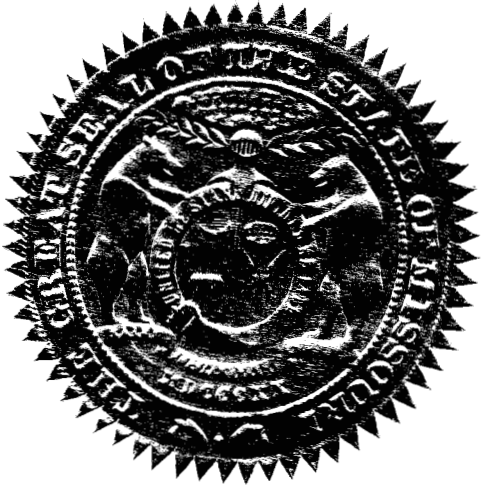
WHEREAS, additional resources of the State of Missouri are needed to prevent the risk of COVID-19 and to respond to a declared emergency and the increased health threat to the population;

WHEREAS, the National Guard is ready and poised to assist local and state civilian authorities in response to COVID-19 which has caused conditions of distress and hazards to public health and safety beyond the capacities of local and State agencies;

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

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 26th day of March, 2020.



A handwritten signature in black ink, appearing to read "Michael L. Parson", written over a horizontal line.

MICHAEL L. PARSON
GOVERNOR

ATTEST:

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

JOHN R. ASHCROFT
SECRETARY OF STATE

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

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

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

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

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

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

Proposed Amendment Text Reminder:
Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 10—Commissioner of Education
Chapter 2—Education Scholarships**

PROPOSED RESCISSION

5 CSR 10-2.010 Scholarship Granting Organizations. This rule set forth the requirements to qualify as a scholarship granting organization to grant scholarships permitted in section 161.825, RSMo and the annual requirements, once approved.

PURPOSE: This rule is being rescinded because section 161.825, RSMo, had a sunset date of December 31, 2019, it was not reauthorized by the general assembly, and no entities have applied to be scholarship granting organizations.

AUTHORITY: sections 161.092 and 161.825.12, RSMo Supp. 2013.

Original rule filed Oct. 29, 2013, effective May 30, 2014. Amended: Filed Nov. 3, 2014, effective May 30, 2015. Rescinded: Filed March 20, 2020.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Elementary and Secondary Education, ATTN: Dr. Margie Vandeven, Commissioner of Education, PO Box 480, Jefferson City, MO 65102-0480 or by email to DESE.AdminRules@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 10—Commissioner of Education
Chapter 2—Education Scholarships**

PROPOSED RESCISSION

5 CSR 10-2.020 Scholarships. This rule set forth the requirements for scholarships permitted in section 161.825, RSMo.

PURPOSE: This rule is being rescinded because section 161.825, RSMo, had a sunset date of December 31, 2019, and it was not reauthorized by the general assembly. No entities have applied to be scholarship granting organizations under 5 CSR 10-2.010 (also being rescinded at this time), and there are no outstanding scholarships.

AUTHORITY: sections 161.092 and 161.825.12, RSMo Supp. 2013. Original rule filed Oct. 29, 2013, effective May 30, 2014. Amended: Filed Nov. 3, 2014, effective May 30, 2015. Rescinded: Filed March 20, 2020.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Elementary and Secondary Education, ATTN: Dr. Margie Vandeven, Commissioner of Education, PO Box 480, Jefferson City, MO 65102-0480 or by email to DESE.AdminRules@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 10—Commissioner of Education
Chapter 2—Education Scholarships**

PROPOSED RESCISSION

5 CSR 10-2.030 Eligibility for Scholarships. This rule set forth the requirements to be eligible for scholarships permitted in section 161.825, RSMo.

PURPOSE: This rule is being rescinded because section 161.825, RSMo, had a sunset date of December 31, 2019, and it was not reauthorized by the general assembly. No entities have applied to be scholarship granting organizations under 5 CSR 10-2.010 (also being rescinded at this time), and there are no outstanding scholarships.

AUTHORITY: sections 161.092 and 161.825.12, RSMo Supp. 2013. Original rule filed Oct. 29, 2013, effective May 30, 2014. Amended: Filed Nov. 3, 2014, effective May 30, 2015. Rescinded: Filed March 20, 2020.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Elementary and Secondary Education, ATTN: Dr. Margie Vandeven, Commissioner of Education, PO Box 480, Jefferson City, MO 65102-0480 or by email to DESE.AdminRules@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 20—Division of Learning Services
Chapter 400—Office of Educator Quality**

PROPOSED RESCISSION

5 CSR 20-400.300 Procedures and Standards for Approval of Professional Education Programs in Missouri. This rule provided procedures and standards for approval of professional education programs in baccalaureate degree granting colleges and universities in Missouri. The rule also provided procedures and standards for approval of preliminary teacher education programs in associate's degree granting colleges in Missouri and acceptance of academic credits from these colleges for purposes of meeting requirements for teacher certification.

PURPOSE: This rule is being rescinded because these requirements are contained within 5 CSR 20-400.440.

AUTHORITY: sections 161.092 and 168.021, RSMo Supp. 2005 and 161.097 and 161.099, RSMo 2000. This rule was previously filed as 5 CSR 80-800.015 and 5 CSR 80-805.015. Original rule filed Sept. 29, 1986, effective Jan. 12, 1987. For intervening history, please consult the Code of State Regulations. Rescinded: Filed March 20, 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 Department of Elementary and Secondary Education, Attention: Dr. Paul Katnik, Assistant Commissioner, Office of Educator Quality, PO Box 480, Jefferson City, MO 65102-0480 or by email to educatorquality@dese.mo.gov. To be considered, comments must be

received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 20—Division of Learning Services
Chapter 400—Office of Educator Quality**

PROPOSED RESCISSION

5 CSR 20-400.310 Basic Education Competencies Required Prior to Admission to Approved Teacher Education Programs in Missouri. This regulation established 1) a requirement that all students shall demonstrate basic educational competencies prior to formal admission into the approved programs in Missouri and 2) procedures for implementation.

PURPOSE: This rule is being rescinded because these requirements are contained within 5 CSR 20-400.440.

AUTHORITY: sections 161.092, 168.021, and 168.400, RSMo Supp. 2012, and section 168.011, RSMo 2000. This rule was previously filed as 5 CSR 80-800.050 and 5 CSR 80-805.020. Original rule filed Aug. 15, 1983, effective Dec. 12, 1983. For intervening history, please consult the Code of State Regulations. Rescinded: Filed March 20, 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 Department of Elementary and Secondary Education, Attention: Dr. Paul Katnik, Assistant Commissioner, Office of Educator Quality, PO Box 480, Jefferson City, MO 65102-0480 or by email to educatorquality@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 20—Division of Learning Services
Chapter 400—Office of Educator Quality**

PROPOSED RESCISSION

5 CSR 20-400.320 Innovative and Alternative Professional Education Programs. This rule outlined the criteria for innovative or alternative programs for preparing candidates for a certificate of license to teach in Missouri.

PURPOSE: This rule is being rescinded because these requirements are included in 5 CSR 20-400.440.

AUTHORITY: sections 161.097 and 168.011, RSMo 2000 and 161.092, 168.021 and 168.081, RSMo Supp. 2005. This rule previously filed as 5 CSR 80-805.030. Original rule filed Oct. 25, 2001, effective June 30, 2002. Amended: Filed April 27, 2006, effective Nov. 30, 2006. Moved to 5 CSR 20-400.320, effective Aug. 16, 2011. Rescinded: Filed March 20, 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 Department of Elementary and Secondary Education, Attention: Dr. Paul Katnik, Assistant Commissioner, Office of Educator Quality, PO Box 480, Jefferson City, MO 65102-0480 or by email to educatorquality@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 20—Division of Learning Services
Chapter 400—Office of Educator Quality**

PROPOSED AMENDMENT

5 CSR 20-400.440 Procedures and Standards for Approval and Accreditation of Professional Education Programs in Missouri. The State Board of Education (board) is amending section (1), adding paragraph (3)(A)2., renumbering the remaining paragraphs in section (3) accordingly, deleting section (5), and amending the incorporated by reference material.

PURPOSE: This proposed amendment updates language and requirements for the approval and accreditation of professional education programs.

(1) Educator preparation programs in Missouri shall be approved and accredited according to the *Missouri Standards for the Preparation of Educators* (MoSPE), [(November 2012),] (March 2020), and are hereby incorporated by reference and made a part of this rule, as published by the Department of Elementary and Secondary Education, Educator Preparation, PO Box 480, Jefferson City, MO 65102-0480, and its website at <https://dese.mo.gov/educator-quality/educator-preparation/mo-standards-preparation-educators> and at <https://dese.mo.gov/governmental-affairs/dese-administrative-rules/incorporated-reference-materials>. This rule does not incorporate any subsequent amendments or additions.

(3) Initial Approval.

(A) An educator preparation program seeking initial approval to offer either a traditional or an alternative professional education program shall submit a written proposal to the Department of Elementary and Secondary Education (department) addressing the elements discussed in this section. All such programs shall be reviewed by the department and approved by the State Board of Education (board) pursuant to MoSPE and as outlined below. Only those programs which the department determines to have merit and potential for providing quality preparation for candidate certification will be considered for approval. The proposals should include at a minimum the following elements:

1. A description of the proposed program based upon a statement of the purpose and objectives for an area of the public school curriculum and a statement of the nature of the proposed program that is consistent with those objectives, the mission of the organization, and the conceptual framework for the educator preparation programs. These statements shall be based on analyses of current practices and trends in the identified area of the public school curriculum;

2. A clearly detailed plan that specifies the program's admission requirements for program candidates—

A. For traditional programs the plan must include discussion of the program's requirements for entry-level assessments designated by the board, with qualifying scores specified by the Educator Preparation Program;

B. For alternative programs the admission requirements must specify that the individual shall have earned a bachelor's or higher degree from a regionally accredited institution. The degree shall be in the content area of the desired certificate of license to teach or the individual shall have achieved a passing score on the designated exit assessment(s) in a middle or secondary content area of the desired certificate of license to teach. The individual shall participate in a structured interview conducted by the educator preparation program for screening, diagnostic, and advising purposes;

[2.]3. A clearly formulated statement of the competencies for educators in the identified area of the public school curriculum. These competencies shall include subject knowledge and professional skills based upon current research and practice and shall include the competencies for educators identified in the MoSPE adopted by the board;

[3.]4. Curriculum matrix delineating the courses and supervised field and clinical experiences prescribed to address competencies appropriate for candidates to meet state certification requirements, a description of the process by which the candidates will be prepared, and provisions for assessing candidates and keeping records of their progress through the program;

[4.]5. Identification of the administrative structure of the proposed program indicating where the responsibility is vested in the educator preparation program;

[5.]6. Clearly identified resources as stipulated by MoSPE to support the program. The continuing availability of the resources shall be assured for the duration of the program. Any resources not under the control of the program shall be defined and confirmed by the controlling agency; and

[6.]7. A written plan for the continuing evaluation of the proposed program that includes definition and specifications of the kinds of evidence that will be gathered and reported to the organization and the department at designated intervals. Evaluation reports shall provide information to identify areas in the program that need to be strengthened and/or to suggest new directions for program development.

[(5) Alternative Program Considerations.

(A) Alternative programs shall abide by and be evaluated according to the *Missouri Standards for the Preparation of Educators* included in rules promulgated by the board.

(B) Educator preparation programs shall be authorized to recommend for Initial Professional Certification (IPC) certificates of license candidates who complete approved alternative certification programs in accordance with the rules promulgated by the board.

(C) An individual may become a candidate in an alternative certification program upon meeting the following criteria:

1. The individual shall have earned a bachelor's or higher degree in the content area or a closely allied field of the desired certificate of license from a regionally accredited institution and shall have a cumulative grade point average no lower than the Missouri requirements as stipulated in the MoSPE standards, which is incorporated by reference into this rule. The individual shall participate in a structured interview conducted by the educator preparation program for screening, diagnostic, and advising purposes;

2. The individual shall undergo a background check conducted by the Missouri State Highway Patrol (Highway Patrol) and/or the Federal Bureau of Investigation (FBI), which includes submitting to the department the required information in a manner acceptable to the Highway Patrol and/or FBI and paying the required fees; and

3. The candidate shall enter into a four- (4-) party academic contract with the educator preparation program offering the alternative program, an employing Missouri school district and the department, whereupon s/he shall receive a two- (2-) year provisional certificate of license to teach and shall—

A. Be assigned by the school district a mentor who is engaged in professional education work comparable to the area the candidate is seeking certification for and who will observe and work with the candidate until the candidate completes the alternative program;

B. Receive any additional assistance, as determined by the educator preparation program, until the candidate completes the alternative program;

C. Participate in the employing school district's professional development programs;

D. Participate in the employing school district's performance evaluation system; and

E. Prior to the expiration of her/his provisional certificate of license, the candidate must successfully complete the exit assessment(s) designated by the board for the IPC certificate of license.]

AUTHORITY: sections 161.092, [and 168.021, RSMo Supp. 2012, and sections] 161.097, and 161.099, RSMo [2000] 2016. Original rule filed Aug. 28, 2012, effective March 30, 2013. Amended: Filed March 20, 2020.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attention: Dr. Paul Katnik, Assistant Commissioner, Office of Educator Quality, PO Box 480, Jefferson City, MO 65102-0480 or by email to educatorquality@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 30—Division of Financial and Administrative
Services
Chapter 261—School Transportation**

PROPOSED AMENDMENT

5 CSR 30-261.045 Pupil Transportation in Vehicles Other Than School Buses. The State Board of Education (board) is amending subsection (3)(A).

PURPOSE: The proposed amendment removes the requirement for restroom facilities in common carriers used to transport students to and from field trips or other special trips for educational purposes.

(3) Requirements for Transportation of Students in Authorized Common Carriers.

(A) Authorized common carriers shall only be used to transport students to and from field trips or other special trips for educational purposes and shall not be used to transport students to and from school. Authorized common carriers, as used in this rule, are over-the-road intercity-type coaches equipped with reclining seats[,] and

air conditioning [and restroom facilities, and]. **Authorized common carriers must also hold[ing] authority from the Missouri Department [of Economic Development, Division of Motor Carrier and Railroad Safety] of Transportation, Motor Carrier Services, or the Federal Motor Carrier Safety Administration.**

AUTHORITY: section 161.092, RSMo 2016, and section 304.060, RSMo [1994] Supp. 2019. This rule was previously filed as 5 CSR 40-261.045. Original rule filed Sept. 15, 1977, effective Jan. 16, 1978. For intervening history, please consult the *Code of State Regulations*. Amended: Filed March 20, 2020.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, ATTN: Debra Clink, Student Transportation Manager, School Financial and Administrative Services, PO Box 480, Jefferson City, MO 65102-0480 or by email to finadmgo@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH AND SENIOR
SERVICES
Division 10—Office of the Director
Chapter 4—Coordinated Health Care Services**

PROPOSED AMENDMENT

19 CSR 10-4.020 J-1 Visa Waiver Program. The department is amending sections (1), (3), (4), (5), (6), and (8).

PURPOSE: This amendment clarifies definitions used within the rule and clarifies how the department will select J-1 Visa Waivers when more than thirty (30) applications are received.

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

(A) Department means the Missouri Department of Health and Senior Services;

(B) Director means the director of the Missouri Department of Health and Senior Services; [and]

(C) Health [professional shortage area] **Professional Shortage Area (HPSA)** means a geographic area, population group, or [individual] facility designated by the United States Department of Health and Human Services, Health Resources and Services Administration [as having] with a shortage of [physicians] **primary care, dental, or mental health providers and services;**

(D) **Primary Care Specialty** means a physician practicing **Family Medicine, General Internal Medicine, General Pediatrics, General Obstetrics and Gynecology, or General Psychiatry;** and

(E) **Primary Care Physician** means a physician practicing in one (1) of the **Primary Care Specialties in (1)(D).**

(3) Application packages will be accepted between October 1 and [November 30] **October 31** of the current year. Each application package received by the department will be reviewed for completeness. Complete applications are those which include all required documentation, as listed in subsections (2)(A)-(H). Complete applications will be forwarded for approval by the director or his/her designee in the priority as outlined in sections (4)-(6). Upon approval, the department will send the request to the appropriate

federal authorities.

(4) The department's J-1 Visa Waiver Program will give priority to those physicians in one (1) of the following **primary care** specialties: Family *[Practice] Medicine*, *[General Practice]*, General Pediatrics, **General Obstetrics** and Gynecology, **General Internal Medicine**, or **General Psychiatry**. If the department receives more than thirty (30) completed application packages between October 1 and *[November 30]* **October 31**, application packages will be prioritized in the following order:

(A) Primary Care *[physicians]* **Physicians** will be prioritized before other *[specializations]* **specialties**;

(B) *[Primary Care]* HPSA score *[of the location]* of the health care facility employing the physician. Higher HPSA scores will be prioritized before lower HPSA scores*[/]*.

[(C) The date the application package was received by the department. Applications received earlier will be prioritized before applications received later;

(D) In the event that there are fewer remaining waivers than applicants, and with all of those applicants having equal status in priority, remaining waiver(s) will be recommended by lottery.]

1. In the event that up to six (6) Primary Care Physician applications are received, each Congressional district will be allotted three (3) J-1 Visa Waiver recommendations. Primary Care Physician applications will not impact other recommendations. If a Congressional district fails to fill its allotted recommendations, those recommendations in excess will be returned to the remaining pool of available recommendations. If a Congressional district has more than three (3) applications, the applications will be recommended based on HPSA score.

2. In the event that seven (7) or more, but no more than fourteen (14), Primary Care Physician applications are received, each Congressional district will be allotted two (2) J-1 Visa Waiver recommendations. Primary Care Physician applications will not impact other recommendations. If a Congressional district fails to fill its allotted recommendations, those recommendations in excess will be returned to the remaining pool of available recommendations. If a Congressional district has more than two (2) applications, the applications will be recommended based on HPSA score.

3. In the event that fifteen (15) or more, but no more than twenty-two (22), Primary Care Physician applications are received, each Congressional district will be allotted one (1) J-1 Visa Waiver recommendation. Primary Care Physician applications will not impact other recommendations. If a Congressional district fails to fill its allotted recommendations, those recommendations in excess will be returned back to the remaining pool of available recommendations. If a Congressional district has more than one (1) application, the application will be recommended based on HPSA score.

4. In the event that more than twenty-two (22) primary care physician applications are received, all remaining applications will be recommended based on the highest HPSA score.

5. In the event that more than thirty (30) Primary Care Physician applications are received, all applications will be recommended based on the highest HPSA score.

(5) In addition to the eligible physicians set forth in section (4), waivers may be recommended for other specialties and subspecialties.

(A) Physicians trained in other specialties may be considered for recommendation for a J-1 Visa Waiver based on the following criteria:

1. Vacant **recommendation** slots must be available; and
2. The specialty physician's application must comply with all other requirements of the J-1 Visa Program.

(B) The number of specialty recommendations in any given pro-

gram year will be determined by the number of available **recommendation** slots after all application packages for primary care physicians as outlined in section (4) are reviewed. If more application packages are received for specialists than the department has *[slots/ recommendations]* available, priority will be determined by *[Primary Care]* the HPSA score of the location of the health care facility employing the physician. (i.e. higher Primary Care HPSA scores will be assigned higher priority.)

(C) In the event that there are fewer remaining J-1 Visa Waiver recommendations available than applicants, and with all of those applications having equal status in priority, remaining J-1 Visa Waiver(s) will be recommended by lottery.

(6) If the department recommends less than thirty (30) physicians for J-1 Visa Waivers for application packages received between October 1 and *[November 30]* **October 31** of the current year, application packages will continue to be accepted, reviewed for completeness, and recommended in the order of the date they are received for any specialty until all available slots are filled.

(8) A physician who is practicing under a J-1 *[v]* Visa in another state who wishes to practice in a HPSA in Missouri and obtain a J-1 Visa Waiver may do so only under the following conditions:

AUTHORITY: section 191.411.1, RSMo 2016. This rule was previously filed as 19 CSR 50-4.020. Emergency rule filed April 17, 1995, effective April 27, 1995, expired Aug. 24, 1995. Original rule filed April 17, 1995, effective Oct. 30, 1995. Changed to 19 CSR 10-4.020 July 30, 1998. For intervening history, please consult the Code of State Regulations. Amended: Filed April 1, 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 Adam Crumbliss, Director, Department of Health and Senior Services, Division of Community and Public Health, PO Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 20—Division of Community and Public Health
Chapter 20—Communicable Diseases

PROPOSED AMENDMENT

19 CSR 20-20.050 Quarantine or Isolation Practices and Closing of Schools and Places of Public and Private Assembly. The department is amending the purpose statement, section (3), and adding section (4).

PURPOSE: This amendment clarifies a component of section (3) and adds a section (4) pertaining to the issuance of gathering orders.

PURPOSE: This rule provides for the isolation or quarantine of persons and animals with a communicable disease and their contacts; it also authorizes the closing of schools and places of public and private assembly as well as the issuance of gathering orders.

(3) The local health authority, the director of the Department of

Health and Senior Services, or the director's designated representative is empowered to close any public or private school or other place of public or private assembly when, in the opinion of the local health authority, the director of the Department of Health and Senior Services or the director's designated representative, the closing is necessary to protect the public health. However, in a statewide pandemic, *[only]* as established by the director of the Department of Health and Senior Services or the director's designated representative, **such individual** shall have the authority to close a public or private school or other place of public or private assembly. The director or designated representative shall consult with the local health authorities prior to any such closing. Any school or other place of public or private assembly that is ordered closed shall not reopen until permitted by whomever ordered the closure.

(4) The director of the Department of Health and Senior Services or the director's designated representative may issue an order limiting public gathering to a certain number of people as established by order, when, in the opinion of such person, such limitation is necessary to protect the public health. For the purpose of this rule, the term "gathering" shall mean any planned or spontaneous event or convening that would bring together more than the established number of people in a single space at the same time.

AUTHORITY: section 192.020, RSMo [Supp. 2006] 2016. This rule was previously filed as 13 CSR 50-101.061. Original rule filed Dec. 11, 1981, effective May 13, 1982. Emergency amendment filed June 15, 2007, effective July 6, 2007, expired Jan. 1, 2008. Amended: Filed June 15, 2007, effective Jan. 30, 2008. Emergency amendment filed March 20, 2020, effective April 3, 2020, expires Jan. 13, 2021. Amended: Filed March 20, 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 Adam Crumbliss, Director, Department of Health and Senior Services, Division of Community and Public Health, PO Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 30—Division of Regulation and Licensure Chapter 70—Lead Abatement and Assessment Licensing, Training Accreditation

PROPOSED AMENDMENT

19 CSR 30-70.620 Work Practice Standards for Lead Risk Assessment. The department is amending section (10).

PURPOSE: This amendment updates the lead-bearing substance concentration regarding dust samples and adds an additional category in order to align with Federal guidelines.

(10) Sampling Results. Analytical sampling results which are received as a result of having conducted a risk assessment, an EBL investigation risk assessment, or lead hazard screen risk assessment shall be interpreted in accordance with the following for the matrices indicated:

(B) Dust. A dust sample which has a lead concentration that exceeds the values indicated below is considered to be a lead-bearing substance.

Interior Floors— [40] 10 micrograms per square foot ($\mu\text{g}/\text{ft}^2$)
Porch Floors – 40 micrograms per square foot ($\mu\text{g}/\text{ft}^2$)
Interior Window Sills— [250] 100 micrograms per square foot ($\mu\text{g}/\text{ft}^2$) <i>[for interior window sills]</i>
Window Troughs— [400] 100 micrograms per square foot ($\mu\text{g}/\text{ft}^2$) <i>[for window troughs]</i>

AUTHORITY: section 701.301, RSMo [2000] 2016, and section 701.312, RSMo Supp. [2011] 2019. Emergency rule filed Aug. 19, 1999, effective Aug. 30, 1999, expired Feb. 25, 2000. Original rule filed Aug. 19, 1999, effective Feb. 29, 2000. Amended: Filed Nov. 30, 2011, effective June 30, 2012. Emergency amendment filed March 27, 2020, effective April 10, 2020, expires Oct. 6, 2020. Amended: Filed March 27, 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 Adam Crumbliss, Director, Department of Health and Senior Services, Division of Community and Public Health, PO Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 30—Division of Regulation and Licensure Chapter 70—Lead Abatement and Assessment Licensing, Training Accreditation

PROPOSED AMENDMENT

19 CSR 30-70.630 Lead Abatement Work Practice Standards. The department is amending section (11).

PURPOSE: This amendment updates the lead-bearing substance concentration regarding dust samples and adds an additional category in order to align with Federal guidelines.

(11) Clearance Levels. For each respective media, the following clearance levels shall be met for a lead-abatement project to be considered complete (if background lead levels are lower than the following clearance levels, clearance is not complete until background values are met):

(A) Dust samples—

Media	Clearance Level
Interior Floors	[40] 10 $\mu\text{g}/\text{ft}^2$
Porch Floors	40 $\mu\text{g}/\text{ft}^2$
Interior window sills	[250] 100 $\mu\text{g}/\text{ft}^2$
Window troughs	[400] 100 $\mu\text{g}/\text{ft}^2$

AUTHORITY: section 701.301, RSMo [2000] 2016, and section 701.312, RSMo Supp. [2011] 2019. Emergency rule filed Aug. 19, 1999, effective Aug. 30, 1999, expired Feb. 25, 2000. Original rule filed Aug. 19, 1999, effective Feb. 29, 2000. Amended: Filed Nov. 30, 2011, effective June 30, 2012. Emergency amendment filed March 27, 2020, effective April 10, 2020, expires Oct. 6, 2020. Amended: Filed March 27, 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 Adam Crumbliss, Director, Department of Health and Senior Services, Division of Community and Public Health, PO Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*