

Volume 46, Number 6
Pages 489–596
March 15, 2021

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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The *Missouri Register* is published semi-monthly by

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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 and the CSR is sos.mo.gov/adrules/csr/csr. The Administrative Rules Division may be contacted by email at rules@sos.mo.gov.

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

HOW TO CITE RULES AND RSMO

RULES

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

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

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

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

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

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

Code and Register on the Internet

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

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

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

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

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

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

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

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

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

EMERGENCY RULE

19 CSR 20-20.200 COVID-19 Vaccine Priority Tier Evaluation Committee

PURPOSE: This rule provides the definitions and procedures to be followed by the COVID-19 Vaccine Priority Tier Evaluation Committee and Director of the Department of Health and Senior Services regarding employer requests for COVID-19 vaccine priority tier reclassification.

EMERGENCY STATEMENT: The Department of Health and Senior Services (“DHSS”) determined that this emergency rule is necessary to protect the public health, safety, and welfare of Missouri residents and visitors. This emergency rule is necessary to ensure that Missouri employers are able to request a reclassification of their COVID-19 Vaccine Priority Tiers in order to ensure that employees are able to receive vaccinations as soon as possible. As of this date, Missouri has had at least 467,313 positive test results for COVID-19 and at least 7,149 deaths. As COVID-19 vaccines are administered in the state, various priority tiers have been established in accordance with guidance from the CDC as well as other governmental entities. However, some employers have special circumstances that may justify

their prioritization over other similarly classified employers. Without a way for these employers to request a reclassification of their vaccine priority tier, the employees of such employers, most of whom are Missouri residents, may face increased exposure to COVID-19 instead of being vaccinated as soon as possible.

DHSS needs this emergency rule to allow the Director of DHSS to issue written decisions granting or denying an employer’s request for reclassification of its vaccine priority tier. This emergency rule provides the definitions and procedure to be followed by the COVID-19 Vaccine Priority Tier Evaluation Committee and Director of the Department of Health and Senior Services regarding employer requests for COVID-19 vaccine priority tier reclassification.

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 rule 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 rule was filed February 9, 2021, becomes effective February 25, 2021, and expires August 23, 2021.

(1) For the purpose of this rule, the following terms shall have the stated definition:

(A) “Committee” shall mean the nine-member COVID-19 Vaccine Priority Tier Evaluation Committee, which is a group tasked with evaluating an employer’s vaccine priority tier, which is composed of members from the following Missouri state agencies: Department of Agriculture, Department of Conservation, Department of Economic Development, Department of Health and Senior Services, Department of Labor & Industrial Relations, Department of Natural Resources, Department of Public Safety, and Department of Transportation, as well as a member from the Office of the Governor. This Committee will ultimately issue a recommendation to the Director of the Department of Health and Senior Services regarding an employer’s request for reclassification of its vaccine priority tier. Each member of the Committee shall be selected by its respective director except that the member from the Office of the Governor shall be selected by the Governor. The Committee shall be led by a chair and a vice-chair that shall be selected by the Director;

(B) “Department” shall mean the Department of Health and Senior Services;

(C) “Director” shall mean the Director of the Department of Health and Senior Services or his designee;

(D) “Employer” shall mean every sole proprietor, or other legal entity, using the service of one or more persons for pay;

(E) “Evaluation” shall mean the process by which the Committee receives an employer’s request for reclassification of its vaccine priority as established by the Department’s January 14, 2021 Health Order and any subsequent Health Orders regarding COVID-19 vaccinations, evaluates such request for reclassification, and issues a recommendation to the Director;

(F) “Form” shall mean the online, interactive submission form used by an employer to request a reclassification of its current Vaccine Priority Tier. This form, which is hereby incorporated by reference, is titled “Business Vaccine Form” and can be found under the Inquiry section of the Business and Organization Resources within the Priority Phases section of the Missouri “Stronger Together” COVID Vaccine website at the following hyperlink: <https://covidvaccine.mo.gov/priority/#howto> A copy of this form may be requested by contacting the Department of Health and Senior Services by emailing Info@health.mo.gov. This form does not include any later amendments or additions;

(G) “Recommendation” shall mean the written conclusion issued by the majority of the Committee members participating in an evaluation that is submitted to the Director for final consideration; and

(H) “Written decision” shall mean the determination made by the

Director as to whether the employer will have its request for reclassification granted or denied. This determination will be in writing and e-mailed directly to the e-mail address provided by the employer on the form.

(2) The procedure of the Committee shall adhere to the following protocol:

(A) An employer may request a reclassification of its vaccine priority tier to a higher priority tier by submitting a completed form to the Committee via online website submission;

(B) No later than ten (10) business days after receiving such completed form, the Committee shall complete its evaluation; and

(C) No later than five (5) business days after receiving a recommendation, the Director shall issue his written decision.

AUTHORITY: sections 192.006 and 192.020, RSMo Supp. 2020. Emergency rule filed Feb. 9, 2021, effective Feb. 25, 2021, expires Aug. 23, 2021.

PUBLIC COST: This emergency rule 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 rule 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 21-03

WHEREAS, unseasonal cold temperatures and demand for residential heating fuel such as propane, natural gas, and heating oil continues to rise and must be transported on Missouri highways to ensure sufficient supply in the central United States; and

WHEREAS, a massive public and private response is required to provide immediate emergency assistance and continuing emergency relief to residents and businesses in need of such services; and

WHEREAS, the State of Missouri is currently in a state of emergency within the meaning of Title 49, Code of Federal Regulations Section 390.23; and

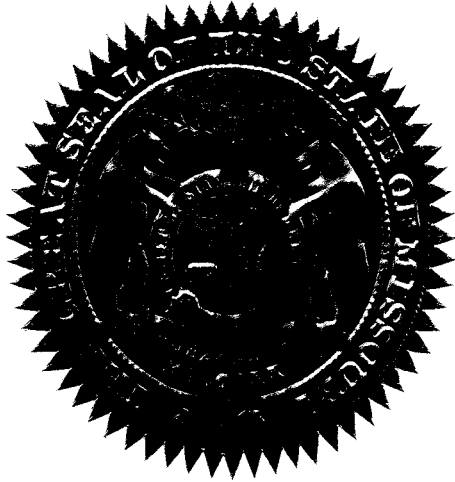
WHEREAS, a temporary suspension of current regulations on maximum driving times is critical to the safety and welfare of the citizens of the State of Missouri, in order to ensure that operators of commercial motor carriers who are assisting in the aforementioned emergency efforts within the State of Missouri can meet this emergency need for transportation of residential heating fuel.

NOW THEREFORE, I, MIKE PARSON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, hereby declare a state of emergency and order vehicles used in support of the aforementioned efforts be exempt from the hours of service requirements in Title 49, Code of Federal Regulations, Parts 390 through 399, as incorporated in state law, including but not limited to sections 307.400, 390.201, and 622.550, RSMo, for the duration of this Order.

This order applies only to residential heating fuel such as propane, natural gas, and heating oil. No other petroleum products or other fuels are covered by the exemption and suspension under this Order.

Nothing in this Order shall be construed as an exemption from applicable controlled substances and alcohol use and testing requirements found in 49 CFR Part 382, the commercial driver's license requirements found in 49 CFR Part 383, the financial responsibility requirements found in 49 CFR Part 387, applicable size and weight requirements, or any portion of Federal and State regulations not specifically identified. Additionally, nothing in this Order shall require or allow an ill or fatigued driver to operate a commercial motor vehicle, as indicated in Title 49 CFR 390.23(b). Motor carriers or drivers currently subject to an out-of-service order are not eligible for the exemption and suspension until the out-of-service order expires or the conditions for rescission have been satisfied.

The effective date of this Executive Order shall begin on February 11, 2021, and such Executive Order shall continue in effect until February 21, 2021, 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 11th day of February, 2021.

MICHAEL L. PARSON
GOVERNOR

ATTEST:

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 9—DEPARTMENT OF MENTAL HEALTH
Division 50—Admission Criteria
Chapter 2—Mental Health Services**

PROPOSED AMENDMENT

9 CSR 50-2.010 Admissions to Children's Supported Community Living. The department is amending the purpose, deleting current forms, sections (3), (5)-(8), (11)-(13), (15), and (16), adding new forms and sections (3), (5)-(7), (10), and (12)-(14), amending and renumbering remaining sections.

PURPOSE: This amendment updates the admission process for children's supported community living.

PURPOSE: This rule prescribes admissions criteria, the application process, and placement procedures for Children's Supported Community Living [of] (SCL) funded by the Division of [Comprehensive Psychiatric Services] Behavioral Health. This rule

applies to administrative agents.

[PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.]

(1) **Definitions.** Terms defined in sections 630.005 and 632.005, RSMo *[are incorporated by reference in]*, shall be used in the interpretation and enforcement of this rule. Unless the *[placement]* Division of Behavioral Health's (DBH) supported community living (SCL) contract clearly requires otherwise, the following other terms¹, *as* used in this *[chapter,]* rule shall mean:

(A) **Administrative agent, an organization and its approved designee(s) authorized by the department as an entry and exit point into the state mental health service delivery system for a geographic service area defined by the department;**

[(A)](B) Applicant, a minor for whom placement services in SCL *[have]* been requested², *in writing, including a person seeking readmission to Supported Community Living*;

[(B)] Client, a minor placed under section 630.620, RSMo in any residential facility licensed or certified solely by the department or in conjunction with the Department of Social Services under Chapter 630, RSMo;

(C) DSM IV, *Diagnostic and Statistical Manual of Mental Disorders (Fourth Edition) of the American Psychiatric Association;*

(D) Supported Community Living, an office which is responsible for the regional placement program and services and is the entry and exit for regional placement services and funding;

(E) Minor, any person under the age of eighteen (18) years; and

(F) Patient, an individual under observation, care, treatment or rehabilitation by any hospital or other mental health facility pursuant to the provisions of Chapter 632, RSMo.]

(C) Chief of Children's Community Operations (CCCO), DBH staff who oversee services and supports for children and youth in assigned regions of the state;

(D) Community psychiatric rehabilitation (CPR), an array of community-based, outpatient mental health services for children, youth, and adults who have been diagnosed with a severe, disabling mental illness or serious emotional disturbance. Administrative agents or affiliates are responsible for providing these services to eligible individuals in their designated service area(s);

(E) Domicile administrative agent, the service area in which a child's legal guardian resides or, if the child is under the jurisdiction of a juvenile court, the service area of the juvenile court that has assumed jurisdiction of the child;

(F) Regional community operations, the DBH office responsible for processing SCL placement funds for the administrative agent(s) in that region; and

(G) SCL placement, placement of a child/youth who has a diagnosed serious emotional disturbance (SED) into an out-of-home setting when determined clinically necessary by staff of the referring administrative agent. These settings include Professional Parent Homes (PPH), Treatment Family Homes

(TFH), and residential treatment facilities where services are provided to address the psychosocial and medical needs of youth with the goal of moving them into a less restrictive level of care.

(2) **Application for SCL.** The [A]application for placement in SCL shall be made by the [applicant's parents, the applicant's guardian, a court of competent jurisdiction, or a state or private agency] child's parents/legal guardian by completing the application form included herein. The application shall be submitted to the administrative agent overseeing the child's care.

[(3) An applicant shall meet all of the following admission criteria to be eligible for Children's Supported Community Living services from the Division of Comprehensive Psychiatric Services:

(A) Be under the age of eighteen (18);

(B) Have received a DSM IV Axis I primary diagnosis of mental disorder or mental illness; may have a secondary diagnosis of alcohol abuse, substance abuse or mental retardation; and

(C) Have, based upon sufficient documentation, a mental disorder or mental illness which constitutes substantial impairment in social role functioning and daily living skills to the extent that the client cannot function successfully outside a mental health facility without services. This substantial impairment may include, but not be limited to, the following behavioral characteristics:

1. Substantial impairment in impulse control and judgment in daily living skills;

2. History of aggressive/assaultive behaviors or self-abusive behaviors based on psychological disability;

3. Dysfunctional in school, home, community or a combination of these as a result of a mental disorder or mental illness to the extent that family and available community resources are not able to meet needs; and

4. Evidence of failure in less restrictive treatment environments.]

(3) **Eligibility Criteria.** Children's SCL is a time-limited placement resource for children/youth under the age of eighteen (18) who have been determined by administrative agent staff to be eligible for clinical treatment services in a PPH, TFH, or residential treatment facility due to a demonstrated inability to function in any less restrictive setting.

(A) Exceptions for SCL services for individuals up to age twenty-one (21) may be granted by the CCCO in the domicile county/region where the youth resides.

(B) Children/youth requiring SCL shall have been diagnosed with a SED as specified in 9 CSR 30-4.005(7) unless an exception is granted by the CCCO. These children may be unable to consistently function in a public school, may present a chronic runaway risk, and may present a history of emotional dysregulation which may include physical aggression toward self and/or others.

(4) [Department placement staff shall consider an applicant ineligible for Supported Community Living services from the Division of Comprehensive Psychiatric Services if] **Ineligible Applicants.** Children/youth shall be considered ineligible for SCL if—

(A) [The primary diagnosis is alcohol or substance abuse, or mental retardation] There is no primary psychiatric diagnosis as specified in 9 CSR 30-4.005(6);

(B) [Medical needs supersede the psychiatric disability and require considerable supervision and ongoing medical treatment] The child has a medical condition that requires considerable supervision and ongoing treatment which inhibits effective clinical treatment for his/her psychiatric disorder;

[(C) Impulses to harm self or others are not under control

according to clinical judgment;]

[(D)](C) It has been established that appropriate services are otherwise available through alternative resources;

[(E)](D) The application is submitted solely for the purpose of securing residential placement for a school-aged child as defined in Chapter 162, RSMo, to receive an appropriate education; or

[(F)](E) The [C]child's symptoms meet acute definition.

[(5) Supported Community Living offices or designee shall screen applicants for placement services to determine appropriateness of the referral, eligibility for services and placement need, if any. The Supported Community Living office may request additional information as necessary.

(6) If the Supported Community Living office makes a preliminary decision to accept a referral, it shall obtain the following referral materials:

(A) A comprehensive multidisciplinary evaluation including a psychosocial history, psychiatric evaluation/diagnosis, psychological evaluation/testing, performed within the past six (6) months; and information about the intellectual cognitive functioning of the youth;

(B) The psychiatric assessment (an evaluation which includes diagnosis shall be done by a psychiatrist or licensed clinical psychologist designated by the department);

(C) Current physical examination performed within the past ninety (90) days, laboratory tests and X-rays as ordered by physician;

(D) Background information which includes the youth's level of functioning including successes and failures in the school, home and community as well as in other placements;

(E) Any special procedures done in the diagnosis process or any special needs of the client;

(F) Information on medicines, allergies or other medical conditions;

(G) Information on legal status, including copies of guardianship, circuit or civil detention orders, if applicable;

(H) Completed and signed standard means test, 9 CSR 10-31.011;

(I) Achenbach Child Behavior Checklist;

(J) DMH Form 8311, Application for Supported Community Living Services for Minors; and

(K) Other demographic and pertinent information.

(7) Within five (5) working days after receipt of the referral information, the Supported Community Living office shall mail the applicant a report or overview on the status of the application, including a list of the items missing. Within fourteen (14) working days after receipt of the complete referral information, the Supported Community Living office shall indicate the disposition of the referral, in writing, by registered/certified mail, return receipt requested. If the applicant does not meet criteria for acceptance, the department, in the registered/certified letter, shall notify the agency or person who made application for the applicant of—

(A) The reasons for rejection;

(B) The deadline for appealing the decision;

(C) The name, address and telephone number of the person to whom the appeal should be directed; and

(D) The name, address and telephone number of a Department of Mental Health staff person who is qualified to provide information about the services offered by the Division of Comprehensive Psychiatric Services.

(8) **Appeals.** If the agency or person making application for the applicant disagrees with the rejection, s/he may appeal, in writing, within thirty (30) days after receipt of the notice

to the children's area director. Within fifteen (15) days of receiving the appeal, the children's area director shall review the applicant's referral materials along with a copy of the rejection letter and shall notify the applicant and the agency or person who made application for the applicant, in writing, by registered/certified letter of his/her decision on the appeal. If the agency or person making application disagrees with the decision of the head of the department's mental health facility, s/he may appeal, in writing, within fifteen (15) days of receipt of the decision to the director of Children and Youth Services. The children and youth director shall review the applicant's referral materials along with a copy of the rejection letter and notify the applicant and the agency or person making application, in writing by certified/registered letter, of his/her decision on the appeal within fifteen (15) days of its receipt. The decision of the children and youth director shall be final.

(9) If the decision is to accept the applicant into the Supported Community Living Program, Supported Community Living office staff shall follow departmental procedures for client admission.]

(5) Screening. Applicants for admission to SCL shall be screened by staff of the administrative agent to determine eligibility for services and placement need, if any. Screenings shall be conducted in settings that ensure privacy and confidentiality for individuals served.

(6) Registered Sex Offenders and Youth Identified on the Juvenile County Registry.

(A) Youth who are identified on the Missouri State Highway Patrol Sex Offender Registry shall not be placed in a youth residential treatment facility. Placement in a TFH or PPH may be considered if other children residing in the home, in any capacity, are over the age of eighteen (18) and do not have a diagnosed intellectual or developmental disability. Requirements for the proximity of the TFH or PPH to a school, childcare facility, public park, or public swimming pool as defined in the department's out-of-home placement protocol shall be followed.

(B) For a youth who is identified as a juvenile sex offender on the juvenile county registry, placement in a TFH or PPH may be considered if all of the other individuals residing in the home, in any capacity, are over the age of eighteen (18) and do not have a diagnosed intellectual or developmental disability. There shall be no one under the age of eighteen (18) in the home, including the provider's natural, adopted, or other children living in the home. Placement can be made in a residential facility as long as the requirements in the department's out-of-home placement protocol are followed and clinical judgment is exercised.

(C) If a registered sex offender or identified juvenile sex offender is being considered for SCL, the administrative agent shall comply with the department's established out-of-home placement protocol and notification procedures.

(7) Notification to the Applicant. The administrative agent shall communicate acceptance or denial of the application to the child's parent/guardian. Notification shall be documented and a record of the communication shall be maintained by the administrative agent.

(A) If the parent/guardian disagrees with a decision of ineligibility for admission, they shall be informed of the grievance process of the administrative agent managing the referral.

[(10)](8) Appropriate Placement. Before placing [any person] a child in [the Supported Community Living Program, the department shall consider each of the following] SCL, the administrative agent shall consider each of the following:

- (A) The [B]best interest of the [patient or resident] child;
- (B) The [L]least restrictive environment for care and treatment consistent with needs and conditions of the [patient or resident] child;
- (C) [Ability] The capacity of the proposed residential setting to provide necessary care and treatment for the [patient or resident] child which is of comparable quality to existing care and treatment based upon investigation of the alternative facility and its program of care and treatment; and
- (D) The [R]relationship of the [patient or resident] child to family, guardian, or friends/natural supports [so as] and the ability to maintain those relationships and encourage visits beneficial to the [patient or resident] child.

[(11) The Supported Community Living office staff shall notify the agency or person making application, in writing, to schedule a special staffing with applicant and other interested/responsible persons to determine all appropriate placement resources and to designate responsibility for procuring and making the placement.

(12) Supported Community Living/designee staff shall obtain appropriate releases of referral information signed by parent or guardian. The referral information shall include appropriate psychiatric, medical and social information. The referral information shall also include:

- (A) Treatment needs, including strengths and weaknesses; and
- (B) Legal status.

(13) The proposed Supported Community Living vendor shall indicate acceptance or rejection to the regional placement office, which shall document that response in the client file and inform the agency or person making application of the response.]

[(14)](9) Consent for Placement.

(A) If the applicant is a minor or has a legal guardian, the [department] administrative agent shall obtain consent of the parent or guardian before placement.

(B) If the [applicant] application is [an] for a child who is an involuntary [patient/client] commitment under Chapter 211 or Chapter 632, RSMo, the [department] administrative agent shall notify the court of competent jurisdiction of the proposed placement and allow ten (10) working days for the court to object.

[(C) For patients committed under Chapter 552, RSMo, the department shall follow procedures set out in section 552.040, RSMo for obtaining conditional release and subsequent placement.

(D) If a patient mental health facility, his/her parent, if s/he is a minor, or his/her legal guardian refuses to consent to the proposed placement, the department shall follow the procedure set out in section 630.635, RSMo.]

(C) Notwithstanding the provisions of sections 211.151, 211.161, and 211.181, RSMo, and any other provision of law contrary to this section, the juvenile court may not order that children be detained by, committed to, or otherwise placed in the Department of Mental Health for periods longer than thirty (30) days except as provided in sections 211.201 to 211.207, RSMo.

(10) Release of Information. The administrative agent shall obtain appropriate releases of referral information signed by the parent or guardian. The referral information shall include appropriate psychiatric, medical, and social information.

(11) Admission Procedures. If the administrative agent approves the applicant for admission into children's SCL, staff shall follow DBH procedures for admission.

(A) A staff person of the administrative agent shall be assigned to coordinate services with the child and his or her parents/guardian, family members/natural supports, and other agencies, as appropriate.

(B) Administrative agent staff shall assist the child's parent/guardian in applying for Medicaid and submitting verification of the application to the designated DBH regional community operations office.

(C) Selection of the SCL provider shall be coordinated with the child's parent/guardian, including an interview and pre-placement visit with the proposed provider, as appropriate.

(D) The administrative agent shall maintain documentation in the child's record regarding his/her placement in SCL including, but not limited to:

1. Signed acknowledgement of notice of privacy and practices;
2. SCL application form;
3. Results of the comprehensive clinical assessment;
4. Evaluation including diagnosis, IQ test results (if available), current level of functioning, recommended services/supports and psychosocial history within the past six (6) months performed by a qualified mental health professional;
5. Educational evaluation and school records, including cumulative record, diagnostic summary, individualized education plan (IEP) or 504 plan, or documentation from the home school district that the child does not have an IEP or 504 plan;
6. Immunization record;
7. Physical examination by a licensed healthcare provider within the past six (6) months, including any laboratory tests or imaging ordered;
8. Document of legal guardianship or copy of birth certificate, divorce decree, or court order verifying custody, as applicable;
9. Completed and scored standard means test;
10. Notice of cost;
11. Consent agreement for SCL services (must be signed by the parent/legal guardian and staff of the administrative agent managing the placement);
12. Notification of change report, including any co-payment from any other source(s) and/or ancillary funds associated with the placement such as personal spending allowances, transportation assistance, or special needs (must be submitted to the designated DBH regional community operations office within five (5) calendar days after the placement is made); and
13. Juvenile sex offender background check and Missouri State Highway Patrol sex offender background check.

(E) Copies of the documentation specified in paragraph (11)(D)1.-13. of this rule shall be sent to the SCL provider prior to or at the time of the child's admission to the program. This information shall be available for review by department staff and other authorized representatives upon request.

(F) Within five (5) calendar days of the child's placement in SCL, the administrative agent shall provide the DBH regional community operations office with completed copies of the SCL application, consent and agreement to SCL, notice of change, standard means test, notice of cost, and face sheet, including the child's demographic information and diagnosis.

(12) **Out-of-Region Placements.** All referrals and placements with a children's SCL provider outside the administrative agent's designated service area shall be managed by the domicile administrative agent, including funding for such placements.

(A) Staff of the domicile administrative agent shall provide continued monitoring of the child to ensure appropriate services are provided, including participating in monthly treatment team meetings, reviewing assessment/evaluation information and progress reports, and participating in discharge planning to ensure continuity of services when the child is placed back into his/her domicile region.

(B) The administrative agent shall notify the DBH domicile region CCCO of any out-of-region placements to ensure the SCL provider is addressing the child's needs and meeting department contract requirements.

(C) The domicile administrative agent shall send the documentation specified in paragraph (11)(D)1.-13. of this rule to the out-of-region SCL provider prior to or at the time of the child's admission to the program.

(13) **Inpatient Psychiatric Placements.** Referrals to a DBH inpatient psychiatric facility shall be made directly by the domicile administrative agent.

(A) The administrative agent shall inform the DBH domicile region CCCO when such referrals are made.

(B) Upon placement into the DBH facility, the domicile CCCO shall notify the CCCO in the region where the inpatient psychiatric facility is located.

(C) Staff of the domicile administrative agent shall monitor the child's clinical care by participating in monthly treatment team meetings, reviewing assessment/evaluation information and progress reports, and participating in discharge planning to ensure continuity of services when the child is placed back into his/her domicile region.

(14) **Service Delivery.** Responsibilities of the administrative agent overseeing the child's care and treatment while in SCL shall include, but are not limited to:

(A) Ensuring the child's parent/guardian is advised of all appropriate services and placement resources in order to give informed parental consent, including the opportunity to interview staff and tour residential treatment programs;

(B) Facilitating and participating in development of the child's treatment plan for residential services to ensure the plan includes measurable goals, participating in treatment plan reviews and discharge planning, and maintaining a copy of the treatment plan in the administrative agent's clinical record;

(C) Documenting the child's progress on a monthly basis, at a minimum, to ensure he/she is safe, healthy, and progressing in clinical treatment, including the addition of measurable actions and steps to address any concerns noted in regard to his/her achievement of treatment goals;

(D) Assuring appropriate services are provided to the child;

(E) Communicating with the parent/guardian, court, and/or other agency staff involved in the child's services and supports, as applicable;

(F) Coordinating and assisting in securing necessary clothing, personal items, and transportation, if needed, in accordance with personal spending guidelines;

(G) Coordinating and assisting in obtaining needed services, such as medical care and outpatient psychiatric services;

(H) Arranging for hospitalization for appropriate psychiatric services, if needed;

(I) Arranging for transfer to another residential treatment provider, if needed;

(J) Reporting any issues or concerns to the DBH regional CCCO;

(K) Ensuring personal spending is consistent with the child's needs as identified in the treatment plan;

(L) Ensuring there is progress toward achievement of individual and family-based goals identified in the treatment plan, which may include pursuing other treatment options if progress is not occurring; and

(M) Ensuring discharge planning begins at the time of admission and the discharge plan has clear objectives consistent with the overall goals identified in the individual treatment plan, and that necessary coordination and linkages with appropriate family members/natural supports and community resources are included and documented in the plan.

(15) Funding. **Funding for SCL** will be approved by the *[area director, Children's Services,]* CCCO or designee for an applicant based on the—

(A) Applicant's acceptance by a proposed *[Supported Community Living vendor]* **SCL provider**; and

(B) Availability of funds.

[(16) Applicants for whom placement is being sought will have their names placed on a list of those eligible for funding. Their status will be reviewed weekly by Supported Community Living office staff. Area directors will determine priorities for funding allocations within their regions.]



YOUTH COMMUNITY PLACEMENT APPLICATION FORM

REFERRAL AGENCY		DATE	
REFERRAL WORKER	PHONE	E-MAIL	

1. CLIENT DATA					
NAME		DOB	GENDER	DMH ID#	SS#
ADDRESS		CITY	STATE	ZIP	COUNTY
INSURANCE		POLICY NUMBER			
INSURANCE		POLICY NUMBER			
CURRENT SCHOOL			PHONE	GRADE	IQ
IEP Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, reason					

2. PARENT/GUARDIAN					
PARENT/GUARDIAN NAME			RELATIONSHIP		
ADDRESS			CITY	STATE	ZIP
COUNTY	HOME PHONE	CELL PHONE		WORK PHONE	

3. HOUSEHOLD MEMBERS					
NAME			RELATIONSHIP TO YOUTH		

4. PHYSICAL HEALTH					
CURRENT PHYSICIAN		PHONE	DATE OF LAST VISIT		
IMMUNIZATIONS CURRENT	DATE OF LAST EYE EXAM		DATE OF LAST DENTAL EXAM		
Yes <input type="checkbox"/> No <input type="checkbox"/>					
MEDICAL DIAGNOSIS					
ALLERGIES	IF YES, LIST ALLERGIES			EPI PEN REQUIRED	
Yes <input type="checkbox"/> No <input type="checkbox"/>				Yes <input type="checkbox"/> No <input type="checkbox"/>	

5. MENTAL HEALTH			
CURRENT PSYCHIATRIST	PHONE	DATE OF LAST VISIT	
CURRENT THERAPIST(S)	PHONE	DATE OF LAST VISIT	
6. DSM-5 DIAGNOSIS			
ICD-10-CM	DISORDER	SEVERITY	
7. MEDICATIONS			
MEDICATION NAME	DOSAGE	PRESCRIBER	
8. BEHAVIORS <i>(Please identify all behaviors)</i>			
Mild	Moderate	Severe	Behavior
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Breaks rules or get in trouble
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Impulsive or hyperactive
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Youth does things that are risky or dangerous
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has unrealistic thoughts, fears or worries
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has sleeping problems
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has social problems
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Development is delayed
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has eating or body image problems
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has repetitive, rigid or strange behaviors
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is moody or sad
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	May be abusing tobacco, alcohol or drugs
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has suicidal thoughts/behaviors or tries to hurt him/herself
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Picks fights, bullies, hurts or threatens others
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Destroys property
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Runs away
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Problem sexual behaviors

Please explain any behaviors marked moderate or severe.

Please explain trauma history of youth, as applicable.

Family plan for involvement with youth while out of home.

Reason for out-of-home referral (previous interventions, resources utilized/in place, placement goals).

Discharge/placement goals.

AUTHORITY: sections 630.050 and 630.705, RSMo [1994] 2016. Original rule filed Feb. 29, 1988, effective July 25, 1988. Amended: Filed March 30, 1992, effective Jan. 15, 1993. Amended: Filed July 17, 1995, effective March 30, 1996. Amended: Filed Feb. 9, 2021.

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 Denise Thomas, General Counsel, Department of Mental Health, PO Box 687, 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 9—DEPARTMENT OF MENTAL HEALTH
Division 50—Admission Criteria
Chapter 2—Mental Health Services**

PROPOSED AMENDMENT

9 CSR 50-2.510 Admissions to Adult [Placement Program] Community Residential Settings. The department is amending the rule title, purpose, and sections (1)-(6) and (12), removing sections (7)-(11) and (13)-(16), and adding new sections (7), (8), and (10)-(14).

PURPOSE: This amendment removes the department's obsolete supported community living offices and stipulates the responsibilities of administrative agents and affiliates for processing referrals and managing admissions to adult community residential settings.

PURPOSE: This rule prescribes eligibility and admission[s] criteria, the application process, [and placement] and notification procedures for [the adult placement program of the Division of Comprehensive Psychiatric Services] adult community residential settings funded by the Division of Behavioral Health (DBH). This rule applies to administrative agents, affiliates, and community residential settings.

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

(1) **Definitions.** Terms defined in sections 630.005 and 632.005, RSMo, shall be used in the interpretation and enforcement of this rule. Unless the **Division of Behavioral Health (DBH)** residential services contract clearly requires otherwise, the following other terms, as used in this [chapter] rule, shall mean:

(A) Administrative agent[s], *contracted mental health provider of adult and children's services by the Division of Comprehensive Psychiatric Services as defined in 9 CSR 25-2.005(2)(F).*, an organization and its approved designee(s) authorized by the department as an entry and exit point into the state mental health service delivery system for a geographic service area defined by the department;

(B) Affiliate, an organization [linked to] that is contracted with

the department [through operation of a certified community psychiatric rehabilitation center (CPRC) and/or a contract with one (1) or more administrative agents.] to provide specific community psychiatric rehabilitation (CPR) services for adults in a designated geographic area;

(C) Applicant, [a person] an individual for whom [placement services have] admission to a community residential setting has been requested [in writing, including a person seeking readmission to the community placement program.];

(D) Client, a person placed under section 630.620, RSMo in any residential facility licensed or certified solely by the department or in conjunction with the Department of Social Services under Chapter 630, RSMo.

(E) DSM-IV-TR, *Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, Text Revision, (2000)*, by the American Psychiatric Association, 1400 K Street NW, Washington, DC 20005, which is incorporated herein by reference. This rule does not incorporate any subsequent amendment or additions.

(F) Forensic client, a person who is a client of the Division of Comprehensive Psychiatric Services pursuant to Chapter 552, RSMo.

(G) Supported Community Living (SCL), offices subject to supervision by the division director or any other entity designated by the division director with responsibility for the regional placement program and services.]

(D) Charged consumer, an individual who has been permanently determined to lack capacity to understand the proceedings against him/her or to assist in his/her own defense under section 552.020, RSMo, for offenses the individual would otherwise have been required to register as an offender on or after January 1, 1995, under sections 589.400 to 589.425, RSMo;

(E) Charged consenting consumer, a charged consumer whose guardian has given consent to the DBH regional community operations office to disclose such legal charges against his/her ward to other individuals (guardian, if appointed) who may or will be residing with the charged consumer;

(F) Community Psychiatric Rehabilitation (CPR), an array of community-based, outpatient mental health services for children, youth, and adults who have been diagnosed with a severe, disabling mental illness or serious emotional disturbance. Administrative agents or their affiliates are responsible for providing these services to eligible individuals in their designated service area(s);

(G) DBH-funded community residential setting (used interchangeably in this rule with residential setting), living arrangements in the community designated for adults who meet the admission criteria specified in this rule. These settings include, but are not limited to, Psychiatric Individualized Supported Living (PISL), Intensive Residential Treatment Settings (IRTS), clustered apartments, residential care facilities, assisted living facilities, and intermediate care facilities;

(H) Forensic client, a person who is a client of the Division of Behavioral Health pursuant to sections 552.030 and 552.040, RSMo;

(I) General notification, written notification to an individual (guardian, if appointed) receiving DBH funding in a residential setting or other community dwelling, such as an apartment setting, of the potential to reside with a registered offender or charged consumer;

(J) Regional community operations, the DBH office responsible for overseeing DBH-funded community residential settings in assigned regions of the state;

(K) Registered offender, a person who is registered or will be registered by law enforcement upon discharge from a DBH-operated inpatient psychiatric facility or correctional facility pursuant to sections 589.400 to 589.425, RSMo; and

(L) Specific notification, written notification to an individual

(guardian, if appointed) receiving DBH funding in a residential setting or other community dwelling, such as an apartment setting, when a registered offender or charged consenting consumer has been referred for admission to the same setting, as well as when a registered offender or charged consenting consumer currently resides in the same setting, regardless of whether the offender or charged consenting consumer requires DBH funding. Specific notification is managed by the DBH regional community operations office. Specific notification of a registered offender includes the name of the offender, physical description, registerable offense(s), associated date(s) of offense(s), and the name of the residential setting where the offender is referred to or resides. The specific notification of a charged consenting consumer includes the name of the charged consumer, offense(s) and associated date(s) of offense(s), and the name of facility the charged consenting consumer is referred to or resides.

(2) **Forensic Clients.** All forensic clients shall *[be eligible for adult placement services from the Division of Comprehensive Psychiatric Services]* have priority for admission to a DBH-funded residential setting appropriate to their service and support needs.

(3) **Individuals in DBH Inpatient Psychiatric Facilities.** All adults *[persons who are inpatients of facilities operated by the Division of Comprehensive Psychiatric Services and]* being served in a DBH inpatient psychiatric facility who are referred *[by facility staff]* to an administrative agent/affiliate shall receive priority *[in]* consideration for admission to *[the adult placement program of the Division of Comprehensive Psychiatric Services]* a DBH-funded residential setting appropriate to their service and support needs.

(4) **Other Eligibility Criteria.** An applicant who does not meet the criteria of section (2) or (3) of this rule shall meet all of the following *[admission]* criteria to be eligible for *[adult placement services from the Division of Comprehensive Psychiatric Services]* admission to a residential setting:

(A) Be at least *[seventeen (17) years and nine (9) months of age]* eighteen (18) years of age;

(B) *[Have a current diagnosis that qualifies for the Comprehensive Psychiatric Rehabilitation Program under the DSM-IV-TR.]* Qualify for admission to a CPR program as specified in 9 CSR 30-4.005(6); and

(C) *[Based upon sufficient documentation, h/]*Have a mental disorder that constitutes substantial impairment in social role functioning and daily living skills *[to the extent that,]* based upon the *[administrative agent/affiliate's]* clinical judgment of the administrative agent/affiliate, which must include documentation that the *[client]* individual cannot function successfully outside a mental health facility without *[placement services]* appropriate services and supports in a community residential setting. Substantial impairment may include, but *[not be]* is not limited to, the following behavioral characteristics:

1. Substantial need for mental health treatment and social services;
2. History of inability or unwillingness to *[comply with treatment plans]* participate in treatment, including taking medications as prescribed;
3. Inadequate living skills to provide for basic necessities of food, clothing, shelter, safety, personal care, and health care without assistance;
4. *[Poor]* Inadequate social skills, which may be exhibited in aggressive or withdrawn behavior;
5. Frequent personal crises requiring emergency treatment or support and assistance;
6. Inability to effectively access community services and supports;

7. Lack of a personal support system (for example, family or *[friends]* other natural supports) to assist in accessing services/*sup-*ports; and

8. *[Inability to]* Lack of sustained employment.

(5) **Ineligible Applicants.** The *[A]*administrative agent/affiliate's staff shall consider an applicant ineligible for *[placement services from the Division of Comprehensive Psychiatric Services]* admission to a residential setting if—

(A) The primary diagnosis is *[alcohol or substance abuse or mental retardation]* a substance use disorder, intellectual disability, or developmental disability;

(B) Medical needs supersede the psychiatric *[disability]* disorder and require considerable supervision and ongoing *[medical]* treatment for a medical condition;

(C) *[Impulses to]* Risk of harm to self or others *[are]* is not *[under control]* manageable according to clinical judgment;

(D) The primary diagnosis is dementia; or

(E) Appropriate services have been established that are otherwise available through alternative resources.

(6) *[Administrative agents/affiliates shall screen applicants for placement services to determine the following: appropriateness of the referral, eligibility for services and placement need, if any. The referring agency or person shall provide a preliminary screening information summary on a form designated by the regional placement program. The regional placement program may request additional information as necessary. Administrative agents/affiliates shall conduct screenings in appropriate settings.]* **Screening.** Applicants for admission to a residential setting shall be screened by the administrative agent/affiliate to determine eligibility. Screenings shall be conducted in settings that ensure privacy and confidentiality for individuals served.

[(7) If the administrative agent/affiliate makes a preliminary decision to accept a referral, it shall obtain the following materials:

(A) Current physical examination, if available, necessary laboratory tests and X-rays as indicated; and

(B) Additional information at necessary to verify eligibility.

(8) *Within fourteen (14) working days after receipt of the referral information, the administrative agent/affiliate shall indicate the disposition of the referral in writing.*

(A) *If the applicant does not meet criteria for acceptance, the administrative agent/affiliate shall notify the referring agency or applicant by certified mail, return receipt requested, of the reasons for rejection, including in the notice information on the deadline for appealing the decision and to whom the appeal is to be sent.*

1. *If the applicant disagrees with the rejection, s/he may appeal in writing within thirty (30) days after receipt of the notice and may request to meet with the head of the mental health facility to present his/her case in person as well as in writing.*

2. *If the referring agency disagrees with the rejection, it may appeal in writing within thirty (30) days after receipt of the notice.*

3. *Appeals shall be addressed to the head of the department's mental health facility.*

4. *Within thirty (30) days of receiving the appeal, the head of the facility shall notify the applicant and the referring agency or person in writing of his/her decision on the appeal.*

5. *If the referring agency or applicant disagrees with the decision of the head of the department's mental health facility, s/he may appeal in writing within fifteen (15) days of*

receipt of the decision to the director of the Division of Comprehensive Psychiatric Services.

6. The division director shall notify the applicant and the referring agency or person in writing of his/her decision on the appeal within thirty (30) days of its receipt. The decision of the division director shall be final.

(B) If the applicant meets criteria for placement services, based upon the clinical judgement of the administrative agent/affiliate, the administrative agent/affiliate shall notify the referring agency or applicant of tentative placement plans.

(9) If the decision is to accept the applicant into the placement program, administrative agent/affiliate staff shall follow department procedures for client admission.

(10) Before placing any person in a residential facility or program, the administrative agent/affiliate shall consider each of the following:

(A) The choices and requests of the client;

(B) Least restrictive environment for care and treatment consistent with needs and conditions of the client;

(C) Ability of the facility or program to provide necessary care and treatment for the client; and

(D) Relationship of the client to family, guardian or friends so as to maintain relationships and encourage visits beneficial to the client.

(11) The administrative agent/affiliate staff shall consider a variety of placement options consistent with an individual client's clinical needs. When a proposed residential facility or program is determined appropriate, the administrative agent/affiliate shall provide to the following persons written reasons that the proposed placement is appropriate under section 630.615, RSMo:

(A) The client;

(B) A parent, if the client is a minor;

(C) The legal guardian; and

(D) The client's next of kin if applicable and with appropriate release of information.

(12) The administrative agent/affiliate staff shall obtain appropriate releases of referral information signed by the client, his/her parent, if a minor, or guardian. The administrative agent/affiliate staff shall submit the referral information to the proposed residential facility or program. The referral information shall include appropriate psychiatric, medical and social information. The referral information shall also include:

(A) Preliminary screening information summary;

(B) Level of functioning;

(C) Treatment needs, including strengths and weaknesses; and

(D) Legal status.

(13) The proposed residential facility or program shall indicate acceptance or rejection to the administrative agent/affiliate which shall document that response in the client file and inform the referring party of the response. If the client is competent to give informed consent, the administrative agent/affiliate shall allow ten (10) working days to obtain his/her consent before making a placement. If the client is a minor or has a legal guardian, the administrative agent/affiliate shall obtain consent of the parent or guardian before placement. If the client is an involuntary client under Chapter 211 or 632, RSMo, the administrative agent/affiliate shall notify the court of competent jurisdiction of the proposed placement and allow ten (10) working days for the

court to object. For clients committed under Chapter 552, RSMo, the department shall follow procedures set out in section 552.040, RSMo for obtaining conditional release and subsequent placement. If a client in a mental health facility, his/her parent, if s/he is a minor, or his/her legal guardian refuses to consent to the proposed placement, the administrative agent/affiliate shall follow the procedure set out in section 630.635, RSMo.

(14) At the time of placement, the administrative agent/affiliate shall include the following information in the residential facility placement packet, which shall accompany the client:

(A) Social history and assessment, if available; and

(B) Medical evaluation, if available, including current physical examination, diet, medication and special problems or needs.

(15) At the time of placement the administrative agent/affiliate shall provide a fourteen (14)-day supply of the client's prescription medication, unless less is requested by the placement facility, or the written prescription(s).

(16) The administrative agent/affiliate shall notify the supported community living office of the placement date.]

(7) Eligibility Determination. The administrative agent/affiliate shall determine if an applicant is eligible for admission to a residential setting. Priority shall be given to individuals identified in sections (2) and (3) of this rule.

(A) The administrative agent/affiliate shall communicate acceptance or denial of the application to the referral source. Notification shall be documented and a record of the communication shall be maintained by the administrative agent/affiliate.

(B) If an individual (guardian, if appointed) disagrees with a decision of ineligibility for admission, he/she shall be informed of the grievance process of the administrative agent/affiliate managing the referral.

(8) Appropriate Residential Setting. Prior to admitting an individual to a residential setting, the administrative agent/affiliate shall ensure the setting meets the individual's needs.

(A) Each of the following shall be considered to ensure the proposed residential setting is appropriate:

1. The best interest of the individual;

2. The least restrictive environment for care and treatment, consistent with needs of the individual;

3. The capacity of the proposed residential setting to provide necessary care and treatment for the individual;

4. The relationships of the individual to family, guardian, friends, and other natural supports and the ability to maintain those relationships and encourage visits beneficial to the individual; and

5. The preferences of the individual (guardian, if appointed) in the residential setting chosen.

(B) If a residential care facility, assisted living facility, or intermediate care facility is determined to be the appropriate residential setting for the individual, the facility must be licensed by the department and the Department of Health and Senior Services as specified in 9 CSR 40-1.055.

(9) Release of Information. The administrative agent/affiliate staff shall obtain appropriate releases of referral information signed by the individual (guardian, if appointed). The administrative agent/affiliate staff shall submit the referral information to the proposed residential setting including appropriate psychiatric, medical, and social information.

(10) Admissions. The administrative agent/affiliate shall follow

DBH procedures to manage admissions to residential settings.

(11) Notification Procedures. Department requirements shall be followed for notifying individuals (guardians, if appointed) referred to a residential setting who may reside with or may themselves be a registered offender under sections 589.400 to 589.425, RSMo, or charged consumer under section 552.020, RSMo, for offenses they would otherwise have been required to register as an offender under sections 589.400 to 589.425, RSMo.

(A) The following procedures shall be followed when an individual requiring DBH funding for housing or Intensive CPR (ICPR) services is referred to or residing in a residential setting or other community living arrangement, such as a single or multiple occupancy dwelling:

1. Prior to admission, a query with the Missouri State Highway Patrol shall be completed by the administrative agent/affiliate or DBH regional community operations office to verify the referred individual's status as a registered offender. If the administrative agent/affiliate manages the query, staff must comply with department policies and procedures related to the offender query process;

2. Prior to admission, general notification must be provided to each individual (guardian, if appointed) referred to inform him/her of the potential to reside with a registered offender(s) or charged consumer(s).

A. General notification to the individual (guardian, if appointed) referred shall be issued by the administrative agent/affiliate or DBH regional community operations office. If the administrative agent/affiliate manages the general notification, staff must comply with department policies and procedures related to the general notification process. The general notice must be received by the individual (guardian, if appointed) prior to admission to the residential setting;

3. Specific notification involving a registered offender will be issued by the DBH regional community operations office.

A. The administrative agent/affiliate shall notify the DBH regional community operations office that specific notification is required when they refer a registered offender requiring DBH funding to a residential setting, or the individual being referred will be residing in the same residential setting as a registered offender.

B. Specific notification will be issued by the DBH regional community operations office prior to the admission of each individual (guardian, if appointed) referred who requires DBH funding and will be residing in the same setting as a registered offender, regardless of whether the registered offender receives DBH funding.

C. Specific notification is also issued by the DBH regional community operations office prior to admission of each individual (guardian, if appointed) requiring DBH funding in a residential setting or dwelling when a registered offender is referred for admission to the same setting, regardless of whether the referred offender requires DBH funding.

D. Individuals who require DBH funding shall not be admitted to the residential setting or dwelling until the DBH regional community operations office completes the specific notification process and notifies the administrative agent/affiliate that the individual can be admitted; and

4. Specific notification of a charged consenting consumer shall be issued by the DBH regional community operations office to each individual (guardian, if appointed) referred who requires DBH funding and will be residing in the same setting as a charged consenting consumer, regardless of whether the charged consenting consumer receives DBH funding.

A. The administrative agent/affiliate shall notify the DBH regional community operations office that specific notification is required if the administrative agent/affiliate is aware the referred

individual is a charged consumer, or if the referred individual will be residing in the same setting as a charged consenting consumer.

B. The DBH regional community operations office will determine if the charged consumer (guardian, if appointed) consents to release information of his/her charged status to DBH-funded individuals residing in the residential setting or dwelling, including the individual's name and nature and date(s) of the crime(s) for which the charged consumer would have been required to register if he/she had been convicted.

(I) Regardless of whether consent to disclose these charges is obtained, the charged consumer may be admitted to the residential setting or dwelling.

(II) If consent is obtained, the DBH regional community operations office will send specific notification to DBH-funded individuals referred to or residing in the residential setting or dwelling.

C. Individuals who require DBH funding shall not be admitted to the residential setting or dwelling until the DBH regional community operations office completes the specific notification process and notifies the administrative agent/affiliate that the individual may be admitted.

(B) Offender notification procedures shall be followed by DBH-contracted residential settings prior to admitting a registered offender or charged consumer who does not receive services from an administrative agent/affiliate or funding from DBH.

1. When a residential setting intends to admit a registered offender, and the individual is not involved with an administrative agent/affiliate and does not require DBH funding, staff of the residential setting shall notify the DBH regional community operations office. The notification must be prior to the individual's admission if DBH-funded individuals currently reside at the residential setting. The DBH regional community operations office will verify the registered offender's criminal offense(s) and date(s) for which registration is required with the Missouri State Highway Patrol.

2. When the residential setting intends to admit a charged consumer, and the individual is not involved with an administrative agent/affiliate and does not require DBH funding, staff of the residential setting shall notify DBH. The DBH regional community operations office will obtain records to verify the charged consumer's name and nature of the crime(s) for which the charged consumer would have been required to register if he/she had been convicted. Following verification of individual's charged crime(s) and date(s), the DBH regional community operations office will request consent of the charged consumer (guardian, if appointed) to disclose his/her name and nature of the crime(s) to individuals requiring DBH funding who are referred to or residing at the residential setting. If consent is obtained, the individual is considered a charged consenting consumer.

3. If there are individuals funded by DBH who are referred to or residing at the residential setting, specific notification procedures as specified in this rule must be completed by the DBH regional community operations office prior to the admission of a registered offender or charged consenting consumer.

4. Registered offenders or charged consumers shall not be admitted to the residential setting until the DBH regional community operations office completes the specific notification process and notifies staff of the residential setting that the individual may be admitted.

A. If there are no individuals referred to or residing at the residential setting who require DBH funding, notifications are not required and the registered offender, charged consumer, or charged consenting consumer may be admitted to the residential setting.

B. Staff of the residential setting shall notify the DBH regional community operations office of the registered offender

or charged consumer's admission and discharge date. The department will provide this information to the administrative agent/affiliate in the service area where the residential setting is located.

(C) The administrative agent/affiliate shall maintain a record of all DBH-funded and/or contracted residential settings in their service area(s) where registered offenders and charged consenting consumers are residing in order to inform DBH regional community operations staff when specific notification is required.

(D) The administrative agent/affiliate shall maintain a record of individuals receiving DBH funding in residential settings and dwellings.

(12) **Prescribed Medication.** At the time of admission to a residential setting, the administrative agent/affiliate shall ensure the individual has access to his/her prescribed medication.

(13) **Bedrooms.** Individuals receiving DBH funding to live in a community residential setting shall not share a bedroom with more than one (1) person unless the administrative agent/affiliate provides adequate justification for other arrangements to the DBH regional community operations office and prior approval is granted for such arrangements.

(A) Single occupancy bedrooms are required for clustered apartments, Intensive Residential Treatment Settings (IRTS), and Psychiatric Individualized Supported Living (PISL).

(B) Further restrictions regarding sharing of bedrooms may be required based on individual needs, preferences, and least restrictive environment considerations.

(14) **Discharge.** DBH funding for an individual's personal needs and room and board shall be discontinued if there are other sufficient financial resources to cover these costs.

AUTHORITY: section 630.050, RSMo [2000] 2016. Original rule filed July 3, 1986, effective Dec. 15, 1986. Amended: Filed July 17, 1995, effective March 30, 1996. Amended: Filed Jan. 31, 2006, effective Aug. 30, 2006. Amended: Filed Feb. 9, 2021.

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 Denise Thomas, General Counsel, Department of Mental Health, PO Box 687, 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 20—DEPARTMENT OF COMMERCE AND INSURANCE
Division 2235—State Committee of Psychologists
Chapter 2—Licensure Requirements

PROPOSED AMENDMENT

20 CSR 2235-2.001 Educational Requirements, Section 337.021, RSMo. The committee is amending paragraphs (2)(B)13., 14., and 15.

PURPOSE: This amendment is a clarification and update of timeframes.

(2) The phrase "a program of studies whose content was primarily psychological" as used in sections 337.020 and 337.021, RSMo shall be defined as any one (1) of the following:

(B) A graduate training program is as follows:

1. An integrated, organized sequence of study, the purpose of which is to educate and train people to be a professional psychologist;

2. Core course work in the basic areas of psychology and course work, and training in preparation for the professional practice of psychology, as defined in section 337.015.3. and 4., RSMo shall include at least one (1), three (3) semester-hour graduate credit course or a combination of graduate credit courses totaling three (3) semester-hours or five (5) quarter-hours in each of the following areas:

A. The biological bases of behavior, such as courses in sensation and perception, psychophysiological psychology and psychopharmacology, brain and behavior;

B. The cognitive-affective bases of behavior, such as courses in learning, thinking, motivation, emotion and cognitive psychology;

C. The social bases of behavior, such as courses in the psychology of interpersonal relationships, group processes, social psychology, organizational theory, systems theory, group dynamics and role theory and family systems theory;

D. Individual differences, such as courses in personality theory, human development, abnormal psychology, developmental psychology, child psychology, adolescent psychology, psychology of aging, psychopathology and theories of personality; and

E. The scientific methods and procedures of understanding, predicting and influencing human behavior, such as courses in statistics, experimental design, psychometrics, individual testing, group testing, research design and methodology;

3. Each course must be an in-depth study solely devoted to a particular core area. No core area credit will be given for a course which contains only components or some aspects of a core area;

4. A course will be counted only once in granting credit for a core area;

5. No core course credit will be given for practicums, workshops, continuing education, applied courses, experiential courses, readings courses, independent studies or correspondence courses;

6. Credit will be given for seminar courses only if the applicant is awarded a grade for the course and provides substantiation through course descriptions in official school catalogs, course syllabi, bulletins or other like means, or through written documentation from a school official that the course was an in-depth study of a particular core area and that the course included lectures and discussions concerning a wide range of the key topics in that core area;

7. Titles of course work on official transcripts which are not self-explanatory must be substantiated through course descriptions in official school catalogs, course syllabi, bulletins or other like means, or through written documentation from a school official;

8. The committee will not count undergraduate level courses taken by an applicant as meeting any academic requirements unless the applicant's official graduate transcript clearly shows that the course was awarded graduate credit by the school or that a competency examination was successfully passed in that particular core area and is clearly shown on the transcript;

9. The committee will not accept course work for which an applicant received a failing or incomplete grade or for which no credit was given as indicated on the official transcript;

10. In evaluating transcripts, the committee shall consider one quarter (1/4) hour of academic credit as two-thirds (2/3) of a semester-hour;

11. An appropriate program of study also shall include graduate course work and supervised practical training in rendering services to individuals, groups and organizations in preparation for the professional practice of psychology as defined in section 337.015.2. and 4., RSMo;

12. The applicant shall provide official transcripts and any other supporting evidence necessary to document the fact that these educational requirements have been met. The applicant has the burden of

demonstrating that the academic course work and training constituted a program of study whose content was primarily psychological. A final determination of whether the program of study which formed the basis of the applicant's degree was primarily psychological is within the discretion of the department;

13. An applicant who has been denied licensure as a result of inadequate educational experience and wishes to make up academic deficiencies and to obtain prior approval from the committee of the applicant's proposed plan for completing the deficiencies may submit a proposed plan for completing the academic requirements to the committee for its evaluation. *[All information must be submitted to the committee no later than thirty (30) days prior to a regularly scheduled committee meeting in order to be reviewed at that meeting.]* Upon satisfactory completion of these deficiencies, the applicant shall reapply for licensure, submit the application fee and file with the committee an official transcript or verification from the academic registrar's office or other like school official that the academic deficiencies have been completed;

14. The committee will review an applicant's educational credentials upon receipt of official educational transcripts received directly from the universities and upon payment of the fee for prior educational review. *All information must be submitted to the committee no later than thirty (30) days prior to a regularly scheduled committee meeting to be reviewed at that meeting;* and

15. The committee will review an applicant's proposed plan for obtaining an appropriate educational degree or course work, or both, upon receipt of the photocopies of official school documents, such as course syllabi or catalog descriptions of course work and degree programs, and upon payment of the fee for prior educational review. *[All information must be submitted to the committee no later than thirty (30) days prior to a regularly scheduled committee meeting to be reviewed at that meeting.]*

AUTHORITY: section 337.050.5, RSMo Supp. [1989] 2020. This rule was originally filed as 4 CSR 235-3.011. This rule previously filed as 4 CSR 235-2.001. Original rule filed Jan. 14, 1981, effective June 11, 1981. Amended: Filed Oct. 4, 1988, effective Dec. 29, 1988. Amended: Filed Feb. 4, 1992, effective Dec. 3, 1992. Moved to 20 CSR 2235-2.001, effective Aug. 28, 2006. Amended: Filed Feb. 4, 2021.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Committee of Psychologists, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-526-0661, or via email at scop@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

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

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

ORDER OF RULEMAKING

By the authority vested in the State Milk Board under section 196.939, RSMo 2016, the board amends a rule as follows:

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

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 2, 2020 (45 MoReg 1657). No changes have been made in the text of the proposed rule, so it is not reprinted here. The proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

By the authority vested in the State Milk Board under section

196.939, RSMo 2016, the board rescinds a rule as follows:

2 CSR 80-3.010 Definitions **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 2, 2020 (45 MoReg 1657-1658). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

By the authority vested in the State Milk Board under section 196.939, RSMo 2016, the board rescinds a rule as follows:

2 CSR 80-3.050 Inspection of Production and Distribution Facilities **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 2, 2020 (45 MoReg 1658). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

By the authority vested in the State Milk Board under section 196.939, RSMo 2016, the board rescinds a rule as follows:

2 CSR 80-3.120 Enforcement Interpretation **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 2, 2020 (45 MoReg 1658). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—MISSOURI DEPARTMENT OF
TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 3—Utility and Private Line Location and
Relocation**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation

Commission under section 226.020, RSMo 2016, and section 227.240, RSMo Supp. 2020, the commission amends a rule as follows:

7 CSR 10-3.010 Location and Relocation of Utility Facilities on State Highways **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2020 (45 MoReg 1596-1597). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Highways and Transportation Commission received one (1) comment on the proposed amendment.

COMMENT #1: Mr. Tony Gott, PE, Chief Operations Officer, KAMO Electric Cooperative, Inc, raised the concern that MoDOT needs to provide enough lead-time for KAMO to prepare a Federally required NEPA Environmental Report and acquire the Federal environmental approval prior to commencing any future relocation project work.

RESPONSE: MoDOT must also comply with federal and state regulations, including NEPA. None of the proposed amendment changes to 7 CSR 10-3.010 nor 7 CSR 10-3.020 would have a negative impact on a utility partner's ability to schedule, and implement utility relocation work, nor negatively impact the NEPA approval process. No changes have been made to the amendment as a result of this comment.

**Title 7—MISSOURI DEPARTMENT OF
TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 3—Utility and Private Line Location and
Relocation**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under section 227.240, RSMo Supp. 2020, the commission amends a rule as follows:

7 CSR 10-3.020 Utility Relocation Hearings and Variance Request Hearings **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2020 (45 MoReg 1598). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Highways and Transportation Commission received one (1) comment on the proposed amendment.

COMMENT #1: Mr. Tony Gott, PE, Chief Operations Officer, KAMO Electric Cooperative, Inc, raised the concern that MoDOT needs to provide enough lead-time for KAMO to prepare a Federally required NEPA Environmental Report and acquire the Federal environmental approval prior to commencing any future relocation project work.

RESPONSE: MoDOT must also comply with federal and state regulations, including NEPA. None of the proposed amendment changes

to 7 CSR 10-3.010 nor 7 CSR 10-3.020 would have a negative impact on a utility partner's ability to schedule, and implement utility relocation work, nor negatively impact the NEPA approval process. No changes have been made to the amendment as a result of this comment.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and
Training Program
Chapter 15—Continuing Education**

ORDER OF RULEMAKING

By the authority vested in the Department of Public Safety under section 210.1014, RSMo Supp. 2020, the director amends a rule as follows:

11 CSR 75-15.010 Continuing Education Requirement **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 16, 2020 (45 MoReg 1791). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and
Training Program
Chapter 15—Continuing Education**

ORDER OF RULEMAKING

By the authority vested in the Department of Public Safety under section 210.1014, RSMo Supp. 2020, the director amends a rule as follows:

11 CSR 75-15.020 Minimum Standards for Continuing Education Training **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 16, 2020 (45 MoReg 1791). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 1—Controlled Substances**

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under section 195.015, RSMo Supp. 2020, and section 195.195, RSMo 2016, the department amends a rule as follows:

19 CSR 30-1.002 Schedules of Controlled Substances **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2020 (45 MoReg 1883-1896). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 1—Controlled Substances**

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under section 195.195, RSMo 2016, the department amends a rule as follows:

19 CSR 30-1.026 Separate Registrations is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2020 (45 MoReg 1896). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 1—Controlled Substances**

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under section 195.080, RSMo Supp. 2020, and section 195.195, RSMo 2016, the department amends a rule as follows:

19 CSR 30-1.064 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2020 (45 MoReg 1897). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received one (1) comment on this proposed amendment.

COMMENT #1: The Missouri Board of Pharmacy commented that they were in support of the proposed amendment, but suggested removing the six (6) month partial fill limit on Schedule V prescriptions in paragraph (2)(E)2. to be consistent with 195.060, 21 USC 829, and 20 CSR 2220-2.110.

RESPONSE AND EXPLANATION OF CHANGE: This comment correctly notes an inconsistency between the proposed amendment and other statutes and regulations and is updated accordingly.

19 CSR 30-1.064 Partial Filling of Controlled Substance Prescriptions

(2) The partial filling of a prescription for controlled substances list-

ed in Schedules II, III, IV, or V is permissible, provided that—
(E) No dispensing occurs—

1. For controlled substances listed in Schedule II, after sixty (60) days after the date on which the original prescription was issued; and

2. For controlled substances listed in Schedules III and IV after six (6) months after the date on which the original prescription was issued;

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 1—Controlled Substances**

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 195.017 and 195.417, RSMo Supp. 2020, and sections 195.030, 195.050, and 195.195, RSMo 2016, the department amends a rule as follows:

19 CSR 30-1.074 Dispensing Without a Prescription is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2020 (45 MoReg 1897). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE
Division 2063—Behavior Analyst Advisory Board
Chapter 2—Licensure Requirements**

ORDER OF RULEMAKING

By the authority vested in the Behavior Analyst Advisory Board under section 337.310, RSMo 2016, the board amends a rule as follows:

**20 CSR 2063-2.010 Renewal of License, Inactive License, and
Reactivation of License is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2020 (45 MoReg 1902). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE
Division 2165—Board of Examiners for
Hearing Instrument Specialists
Chapter 1—General Rules**

ORDER OF RULEMAKING

By the authority vested in the Board of Examiners for Hearing Instrument Specialists under section 346.125, RSMo 2016, the board

amends a rule as follows:

20 CSR 2165-1.010 General Organization is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2020 (45 MoReg 1902-1903). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE
Division 2220—State Board of Pharmacy
Chapter 5—Drug Distributor**

ORDER OF RULEMAKING

By the authority vested in the State Board of Pharmacy under section 338.140, RSMo Supp. 2020, the board amends a rule as follows:

**20 CSR 2220-5.020 Drug Distributor Licensing Requirements
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2020 (45 MoReg 1903-1904). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE
Division 2235—State Committee of Psychologists
Chapter 1—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Committee of Psychologists under sections 337.030 and 337.050, RSMo Supp. 2020, the board amends a rule as follows:

20 CSR 2235-1.050 Renewal of License is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2020 (45 MoReg 1904-1905). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE
Division 2263—State Committee for Social Workers
Chapter 1—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Committee for Social Workers

under section 337.627, RSMo Supp. 2020, the committee amends a rule as follows:

20 CSR 2263-1.035 Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2020 (45 MoReg 1905-1906). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs, and other items required to be published in the *Missouri Register* by law.

**Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 60—Missouri Health Facilities Review Committee
Chapter 50—Certificate of Need Program**

**NOTIFICATION OF REVIEW:
APPLICATION REVIEW SCHEDULE**

The Missouri Health Facilities Review Committee has initiated review of the CON applications listed below. A decision is tentatively scheduled for March 24, 2021. These applications are available for public inspection at the address shown below.

Date Filed

Project Number: Project Name
City (County)
Cost, Description

2/10/2021

#5836 HT: CoxHealth
Springfield (Greene County)
\$1,505,360, Replace a MRI unit

#5839 HT: Barnes-Jewish Hospital
St. Louis (St. Louis City)
\$23,000,000, Replace a proton therapy system

Any person wishing to request a public hearing for the purpose of commenting on these applications must submit a written request to this effect, which must be received by March 13, 2021. All written requests and comments should be sent to—

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
3418 Knipp Drive, Suite F
PO Box 570
Jefferson City, MO 65102
For additional information contact Alison Dorge at alison.dorge@health.mo.gov

**Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 60—Missouri Health Facilities Review Committee
Chapter 50—Certificate of Need Program**

**NOTIFICATION OF REVIEW:
APPLICATION REVIEW SCHEDULE**

The Missouri Health Facilities Review Committee has initiated review of the CON applications listed below. A decision is tentatively scheduled for May 3, 2021. These applications are available for public inspection at the address shown below.

Date Filed

Project Number: Project Name
City (County)
Cost, Description

2/18/2021

#5841 HS: CoxHealth
Springfield (Greene County)
\$2,026,324, Add an additional MRI unit

#5838 RS: Aspen Valley Senior Homes, LLC
Washington (Franklin County)
\$1,019,915, Establish 14-bed ALF

2/19/2021

#5840 RS: Majestic Residences at Old Hawthorne
Columbia (Boone County)
\$6,648,303, Establish 36-bed ALF

#5847 RS: Hampton Manor of Wentzville
Wentzville (St. Charles County)
\$14,011,000, Establish 85-bed ALF

#5848 RS: Hampton Manor of O’Fallon
O’Fallon (St. Charles County)
\$15,000,000, Establish 107-bed ALF

#5845 FS: University of Kansas Cancer Center North
Kansas City (Platte County)
\$2,171,345, Replace PET/CT unit

#5844 RS: Harold and Louise Assisted Living
Hannibal (Marion County)
\$2,000,000, Add 51 ALF beds

#5846 HS: Barnes-Jewish St. Peters Hospital
St. Peters (St. Charles County)
\$2,855,971, Replace cardiac catheterization lab

#5842 HS: SSM Health Saint Louis University Hospital Center for Radiation Medicine
St. Louis (St. Louis City)
\$2,857,686, Add additional linear accelerator

#5818 FS: Medical Plaza Imaging Associates
Kansas City (Jackson County)
\$2,687,885, Add additional MRI unit

Any person wishing to request a public hearing for the purpose of commenting on these applications must submit a written request to this effect, which must be received by March 24, 2021. All written requests and comments should be sent to—

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
3418 Knipp Drive, Suite F
PO Box 570
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