



Missouri Department Of Health And Senior Services
Home and Community Based Services
InterRAI Home Care Assessment System (HC), © InterRAI
Level of Care Algorithm

Behavioral:

- E3a - Wandering
- E3c - Physical Abuse
- E3d - Socially Inappropriate / Disruptive
- E3e - Inappropriate Public Sexual Behavior
- E3f - Resists Care
- J3g - Abnormal Thought Process
- J3h - Delusions
- J3i - Hallucinations
- N7b - Mental Condition

If (N7b=1)
OR (E3a =1)
OR (E3c=1)
OR (E3d=1)
OR (E3e=1)
OR (E3f=1)
OR (J3g=1)
OR (J3h=1)
OR (J3i=1)
Then LOC = 3

If (N7b=2 **or** N7b=3)
OR (E3a=2 **or** E3a=3)
OR (E3c=2 **or** E3c=3)
OR (E3d=2 **or** E3d=3)
OR (E3e=2 **or** E3e=3)
OR (E3f=2 **or** E3f=3)
OR (J3g=2 **or** J3g=3 **or** J3g=4)
OR (J3h=2 **or** J3h=3 **or** J3h=4)
OR (J3i=2 **or** J3i=3 **or** J3i=4)
Then LOC = 6

If (N7b=2 **or** N7b=3)
AND
(E3a=3)
OR (E3c=3)
OR (E3d=3)
OR (E3e=3)
OR (E3f=3)
OR (J3g=3 **or** J3g=4)
OR (J3h=3 **or** J3h=4)
OR (J3i=3 **or** J3i=4)
Then LOC = 9



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Cognition:

- C1 - Cognitive Skills
- C2a - Short Term Memory
- C2b - Procedural Memory
- C2c - Situational Memory
- C3c - Mental Function
- D1 - Making Self Understood
- D2 - Ability to Understand Others

If (C1=1 or C1=2)
AND
 (C2a=1)
OR (C2b=1)
OR (C2c=1)
OR (C3c=1 or C3c=2)
OR (D1=2 or D1=3 or D1=4)
OR (D2=2 or D2=3 or D2=4)
 Then LOC = 3

If (C1=3)
AND
 (C2a=1)
OR (C2b=1)
OR (C2c=1)
OR (C3c=1 or C3c =2)
OR (D1=3)
OR (D2=3)
 Then LOC = 6

If (C1=3)
AND
 (D1=4)
OR (D2=4)
OR
 (C1=4)
 Then LOC = 9

If (C1=5)
 Then LOC = 18 *TRIGGER

Mobility:

- G2f - Locomotion
- G2i - Bed Mobility
- G3a - Primary mode of locomotion



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- If (G2f=3 or G2f=4)
OR
(G2i=3 or G2i=4)
Then LOC = 3
- If (G2f=5)
OR
(G2i=5 or G2i=6)
Then LOC = 6
- If (G3a=3)
OR
(G2f=6)
Then LOC = 18 *TRIGGER

Eating:

- G2j - Eating
K2c - Therapeutic Diet
- If (G2j=1 or G2j=2 or G2j=3)
OR
(K2c=1)
Then LOC = 3
- If (G2j=4)
Then LOC = 6
- If (G2j=5)
Then LOC = 9
- If (G2j=6)
Then LOC = 18 *TRIGGER

Toileting:

- G2g - Transfer Toilet
G2h - Toilet Use
- If (G2g=3 or G2g=4)
OR
(G2h=3 or G2h=4)
Then LOC = 3
- If (G2g=5)
OR



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(G2h=5)
Then LOC = 6

If (G2g=6)
OR
(G2h=6)
Then LOC = 9

Bathing:

G2a - Bathing

If (G2a=3 **or** G2a=4)
Then LOC = 3

If (G2a=5 **or** G2a=6)
Then LOC = 6

Dressing and Grooming:

G2b - Personal Hygiene

G2c - Dressing Upper Body

G2d - Dressing Lower Body

If (G2b=3 **or** G2b=4)
OR
(G2c =3 **or** G2c=4)
OR
(G2d=3 **or** G2d=4)
Then LOC = 3

If (G2b=5 **or** G2b=6)
OR
(G2c=5 **or** G2c=6)
OR
(G2d=5 **or** G2d=6)
Then LOC = 6

Rehabilitation:

N3ea - Physical Therapy

N3fa - Occupational Therapy

N3ga - Speech-Language Pathology and Audiology Services

N3ia - Cardiac Rehabilitation

If (N3ca = 1)
OR



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(N3fa = 1)

OR

(N3ga = 1)

OR

(N3ia = 1)

Then LOC = 3

If (N3ea = 2 **or** N3ea = 3)

OR

(N3fa = 2 **or** N3fa = 3)

OR

(N3ga = 2 **or** N3ga = 3)

OR

(N3ia = 2 **or** N3ia = 3)

Then LOC = 6

If (N3ca = 4 **or** N3ea = 5 **or** N3ea = 6 **or** N3ea = 7)

OR

(N3fa = 4 **or** N3fa = 5 **or** N3fa = 6 **or** N3fa = 7)

OR

(N3ga = 4 **or** N3ga = 5 **or** N3ga = 6 **or** N3ga = 7)

OR

(N3ia = 4 **or** N3ia = 5 **or** N3ia = 6 **or** N3ia = 7)

Then LOC = 9

Treatments:

- H1 - Bladder Continence
- H2 - Urinary Collection Device
- H3 - Bowel Continence
- K3 - Mode of Nutrition
- L1 - Pressure Ulcer Severity
- L3 - Presence of Skin Ulcer
- L4 - Major Skin Problems
- L5 - Skin Tears or Cuts
- N2g - Suctioning
- N2h - Tracheostomy Care
- N2j - Ventilator or Respirator
- N2k - Wound Care

If (H1=1)

OR

(H2=1 **or** H2=2 **or** H2=3)

OR

(H3=1)

OR

(K3=5 **or** K3=6 **or** K3=7 **or** K3=8)



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OR
(N2g=1 or N2g=2 or N2g=3 or N2g=4)
OR
(N2h=1 or N2h=2 or N2h=3 or N2h=4)
OR
(N2j=1 or N2j=2 or N2j=3 or N2j=4)
OR
(N2k=1 or N2k=2 or N2k=3 or N2k=4)
AND
(L1=2 or L1=3 or L1=4 or L1=5 or L1=6)
OR
(L3=1)
OR
(L4=1)
OR
(L5=1)
Then LOC = 6

Medication Management:

G1d - Managing Medications

If (G1d=1 or G1d=2 or G1d=3 or G1d=4)
Then LOC = 3

If (G1d=5 or G1d=6)
Then LOC = 6

Meal Preparation:

G1a - Meal Prep

If (G1a=3 or G1a=4)
Then LOC= 3

If (G1a=5 or G1a=6)
Then LOC = 6

Safety:

Part I – Determine if the individual exhibits any of the following risk factors.

D4 – Vision
J1 – Falls
J3a – Problem frequency to move to standing position
J3b – Problem frequency to turn to face opposite direction
J3c – Problem frequency for dizziness



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J3d – Problem frequency for unsteady gait

If

(D4=3)
OR
(J1=1 **or** J1=2 **or** J1=3)
OR
(J3a=2 **or** J3a=3 **or** J3a=4)
OR
(J3b=2 **or** J3b=3 **or** J3b=4)
OR
(J3c=2 **or** J3c=3 **or** J3c=4)
OR
(J3d=2 **or** J3d=3 **or** J3d=4)
Then LOC = 3

If (D4=4)
OR (J1=1 **or** J1=2 **or** J1=3 **or** D4=3)
AND
(J3a=2 **or** J3a=3 **or** J3a=4)
OR
(J3b=2 **or** J3b=3 **or** J3b=4)
OR
(J3c=2 **or** J3c=3 **or** J3c=4)
OR
(J3d=2 **or** J3d=3 **or** J3d=4)
Then LOC = 6

Part II – After calculating the score in part 1, determine if the individual is age 75 or greater or has been previously institutionalized in the last 5 years in one of the settings outlined below. If so, increase the score as outlined to calculate the final safety score. If they do not have either of the additional risk factors, use the score calculated in part 1.

Previous institutionalizations include:

- B4a - Long Term Care Facility
- B4b - RCF/ALF
- B4c - Mental Health Residence
- B4d - Psychiatric Hospital or Unit
- B4e - Settings for Persons with Intellectual Disability

If Safety Score of 0
AND
Age of 75 or greater
OR
Institutionalization
Then LOC = 3



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- If Safety score of 0
AND
Age of 75 or greater
AND
Institutionalization
Then LOC =6
- If Safety Score of 3
AND
Age of 75 or greater
OR
Institutionalization
Then LOC = 6
- If Safety Score of 3
AND
Age of 75 or greater
AND
Institutionalization
Then LOC = 9
- If Safety score of 6
AND
Institutionalization
Then LOC=9
- If Safety score of 6
AND
Age of 75 or greater
Then LOC=18 * TRIGGER

*AUTHORITY: sections 192.006, 192.2000, and 198.079, RSMo 2016. This rule was previously filed as 13 CSR 40-81.084 and 13 CSR 15-9.030. Original rule filed Aug. 9, 1982, effective Nov. 11, 1982. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Jan. 12, 2021.*

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions three thousand dollars (\$3,000) 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 Steve Bollin, Director of the Division of Regulation and Licensure, PO Box 570, Jefferson City, MO 65102-0570 or at RegulationUnit@health.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PUBLIC COST**

- I. Department Title: Department of Health and Senior Services
Division Title: Division of Regulation and Licensure
Chapter Title: Certification**

Rule Number and Name:	19 CSR 30-81.030 Evaluation and Assessment Measures for Title XIX Recipients and Applicants in Long-Term Care Facilities
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
(1) Department of Health and Senior Services, Division of Regulation and Licensure, Section for Long-Term Care Regulation	\$3,000 annually
TOTAL COSTS =	\$3000 annually

III. WORKSHEET

Section for Long-Term Care Regulation:

The department received the following quote to maintain the REDCap online database system for referring individuals to input data from the required forms.

Monthly maintenance:

- \$250.00 per month to maintain the online database.

Calculation

- A. The costs for the department to have oversight/management of the online database system: \$250.00 per month.
1. Total cost for the SLCR to have oversight/management of the online database system: \$250.00 x 12 months = \$3,000 per annually.

IV. ASSUMPTIONS

The proposed amendment requires referring individuals to fill out and submit information contained in the department's Level One Nursing Pre-Admission Screening for Mental Illness/Intellectual Disability or Related Condition and Nursing Facility Level of Care Assessment into the department's online database (REDCap) in order to determine level-of-care and appropriate placement in a long-term care facility for Title XIX applicants and recipients.

The public fiscal note does not include costs a referring individual may incur as a result of the time it may take the individual to enter required information into the department's online database because the current process takes much more time. Currently, the existing process takes more time because the forms do not contain the necessary information to complete the forms in their entirety which results in multiple contacts to obtain necessary information before it is considered complete. Also, some referring individuals handwrite the answers in the forms which takes more time.

The department does not believe there will be an increase in costs to public entities because the point count is being lowered from twenty-four (24) to eighteen (18) points. Additionally, we are changing the level-of-care categories from nine (9) to twelve (12) thereby increasing the probability for additional applicants and recipients to qualify for Title XIX funded long-term care services.

Division of Senior and Disability Services:

At this time, the department does not anticipate that there will be an increase or decrease to Medicaid costs as a result of this amendment. The department is lowering the score needed to qualify for level of care at the same time that it is changing qualification requirements related to level of care score. The department anticipates that there will be a shift in who qualifies for services with the most in need now qualifying for services. There will be a transition as some people who did not qualify in the past will now qualify for services and some people who qualified in the past will no longer qualify for services. The department anticipates the costs to Medicaid will be even as a result of this transition.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE

**Division 2030—Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects
Chapter 8—Land Surveying**

PROPOSED AMENDMENT

20 CSR 2030-8.020 Professional Land Surveyor—Professional Development Units. The board is deleting subsection (1)(B).

PURPOSE: This rule is being amended to delete the contact hour requirement for professional development units.

(1) Each licensed professional land surveyor, as a condition for renewal of his/her license, shall complete a minimum of twenty (20) professional development units (PDUs) each two- (2-) year period immediately preceding renewal, except as provided in section (2) of this rule.

[(B) Of the twenty (20) professional development units in the two- (2-) year renewal period, not more than twelve (12) shall be obtained in nonpersonal contact activities. Nonpersonal contact activities include correspondence courses, video and televised courses, Internet and email courses, or other activities where the presenter is not in physical proximity to the attendee.]

AUTHORITY: section 327.041, RSMo 2016. This rule originally filed as 4 CSR 30-8.020. Original rule filed Dec. 8, 1981, effective March 11, 1982. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Jan. 13, 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 Board of Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects, PO Box 184, Jefferson City, MO 65102, via facsimile at (573)751-8046, or via email at moapeplspla@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE

**Division 2220—State Board of Pharmacy
Chapter 2—General Rules**

PROPOSED RULE

20 CSR 2220-2.425 Required Pharmacy Reporting

PURPOSE: The purpose of this rule is to establish requirements for reporting compounding information to the Missouri Board of Pharmacy to ensure compliance with state and federal law.

(1) Pharmacies located in Missouri that have distributed or dispensed compounded human drug preparations/products pursuant to prescriptions or medication orders in the previous calendar year, shall annually report the following information on a form provided by the board:

(A) The number of prescriptions or medication orders for compounded human drug preparations/products that the pharmacy distributed or dispensed interstate during the previous calendar year;

(B) The number of prescriptions or medication orders for compounded human drug preparations/products that the pharmacy dispensed (or caused to be dispensed) from the facility in which the drug preparations/products were compounded during the previous calendar year;

(C) The number of prescription or medication orders for compounded human drug preparations/products dispensed on-site at the pharmacy during the previous calendar year (e.g., picked up the patient or the patient's designee);

(D) The sum of the figures from subsections (1)(B) and (1)(C) above; and

(E) The quotient from dividing the figure in subsection (1)(A) by the figure from subsection (1)(D).

(2) If the figure in subsection (1)(E) is greater than 0.5, the pharmacy shall also report the following information:

(A) The total number of prescription or medication orders for sterile compounded human drugs distributed or dispensed interstate during the previous calendar year;

(B) A list of the states where the pharmacy was licensed during the previous calendar year; and

(C) A list of the states into which the pharmacy distributed compounded human drug preparations/products during the previous calendar year.

(3) The required information shall be reported no later than January 31, each calendar year.

(4) Notwithstanding the above, a pharmacy which participates in and reports all information required by this rule to the National Association of Boards of Pharmacy (NABP) Information Sharing Network shall not be required to also report to the board. Pharmacies reporting to NABP's Sharing Network shall notify the board no later than January 31 each calendar year that information required by this rule has been reported to NABP. A copy of information submitted to NABP pursuant to this rule shall be provided to the board or the board's authorized designee within five (5) business days of a request from the board or authorized board designee.

AUTHORITY: sections 338.010 and 338.140, RSMo Supp. 2020, and sections 338.240 and 338.280, RSMo 2016. Original rule filed Jan. 7, 2021.

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

PRIVATE COST: This proposed rule will cost private entities approximately thirteen thousand eight hundred seventy-seven dollars and seventy-six cents (\$ 13,877.76) annually over the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Board of Pharmacy, PO Box 625, 3605 Missouri Boulevard, Jefferson City, MO 65102, by facsimile at (573) 526-3464, or via email at pharmacy@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title: Department of Commerce and Insurance
Division Title: State Board of Pharmacy
Chapter Title: General Rules**

Rule Number and Title:	20 CSR 2220-2.425 Required Pharmacy Reporting
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
512	Missouri Resident Compounding Pharmacies	\$ 13,877.76 <i>in the aggregate recurring annually over the life of the rule</i>

III. ASSUMPTIONS/WORKSHEETS

The following general estimations were used to calculate private fiscal costs:

1. Further, the proposed rule is applicable only to Missouri located pharmacies. Based on licensing data for FY 2021, the Board estimates approximately 512 Missouri pharmacies would be required to annually report and maintain records pursuant to the rule.
2. The Board further estimates approximately 90-minutes of administrative support staff time would be needed to complete the required tracking/reporting of compounding data, with an estimated hourly salary of \$ 18.07 based on 2019 data from the United States Bureau of Labor Statistics Occupational Employment and Wages. Significantly, Missouri compounding pharmacies are currently required to maintain compounding and prescription records which could be manually or electronically modified to meet rule requirements.
3. Accordingly, the Board estimates an aggregate private fiscal impact of \$ 13,877.76, recurring annually over the life of the rule (\$18.07 administrative support staff hourly salary x 90-minute estimated compliance time x 512 compounding pharmacies subject to the rule).
4. Total estimated costs may vary with inflation and increase at the rate projected by the Legislative Oversight Committee and the Internal Revenue Service.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE
Division 2234—Board of Private Investigator and Private Fire Investigator Examiners
Chapter 6—Continuing Education Requirements—Private Investigators and Agency Investigator Employees

PROPOSED AMENDMENT

20 CSR 2234-6.010 Continuing Education. The board is amending the chapter title and sections (1), (3), and (4).

PURPOSE: The board is amending subsection (3)(A) which adds the other affected profession of licensed agency investigator employee, subsection (3)(B) adds language allowing the automatic approval of any POST approved course as meeting the CE requirement, and subsection (4)(F) exempts the CE requirement for first time licensees during their first renewal period.

(1) Continuing Education Courses.

(A) Attendance at continuing education courses is required *[by law]* to renew private investigator licenses.

(3) Special Approval of Courses.

(A) Any licensed private investigator or licensed agency investigator employee may petition the board to approve a particular course that he or she has attended or may attend that is offered by a person who has not complied with this board's continuing education rules.

1. The application shall be accompanied by the individual course review fee.

2. The materials set out in subsection (1)(B) of this rule should accompany the application. If any of the materials set out in subsection (1)(B) of this rule are not available, the applicant may provide supplemental material. The board may decline to approve the course for lack of sufficient information.

3. Proof of attendance, or a proposal for establishing proof of attendance, shall be included with the application.

(B) Any licensed private investigator or licensed agency investigator employee may submit evidence of a completed Peace Officer Standards and Training Program (POST) approved course for continuing education credit without submitting an individual course review application and fee.

(4) Continuing Education Reporting Period.

(A) Every private investigator licensed in Missouri shall, on or before February 28, 2014, and every two (2) years thereafter, obtain and report to the board proof of completion of sixteen (16) continuing education hours.

1. Private Investigators are not required to obtain and report evidence of continuing education hours within their first renewal reporting cycle.

2. Agency Investigator Employees are not required to obtain and report evidence of continuing education hours within their first renewal reporting cycle.

(F) Licensees who attend an open meeting session of the Missouri Board of Private Investigator and Private Fire Investigator Examiners will receive one (1) hour of continuing education credit. To qualify, licensees must sign in at the beginning of the open meeting session and sign out at the end of the open meeting session. This continuing education credit does not qualify as directly related to the updating and maintaining of knowledge and skills in conducting private investigation business.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Private Investigator and Private Fire Investigator Examiners, Pam Groose, Executive Director, PO Box 1335, Jefferson City, MO 65102-1335, by fax at (573) 526-0661, or via email at pi@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

AUTHORITY: sections 324.1122, 324.1126, and 324.1138, RSMo [Supp. 2013] 2016. Original rule filed June 26, 2009, effective Jan. 30, 2010. Amended: Filed Sept. 13, 2013, effective March 30, 2014. Amended: Filed Jan. 5, 2021.

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 2—Grade “A” Pasteurized Milk Regulations**

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 80-2.190 State Milk Board Grade “A” Milk Policies
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 1564). No changes have been made in the text of the proposed amendment, so it is not reprinted here. The proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

By the authority vested in the State Board of Education (board) under sections 160.400 and 161.092, RSMo 2016, and section (2)(A) of Art. IX, Mo. Const., the board rescinds a rule as follows:

5 CSR 20-100.250 Charter Schools is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 1, 2020 (45 MoReg 1406). 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 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 20—Division of Learning Services
Chapter 400—Office of Educator Quality**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education (board) under sections 161.092, 168.011, 168.071, 168.081, 168.400, 168.405, and 168.409, RSMo 2016, and section 168.021, RSMo Supp. 2020, the board amends a rule as follows:

**5 CSR 20-400.640 Certification Requirements for Initial Student
Services Certificate is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2020 (45 MoReg 1407-1410). 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 the publication in the *Code of State Regulations*.

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

COMMENT: The Missouri Association of School Psychologists (MASP) supports this proposed change to a single K-12 school counselor certificate, instead of the current certification (either K-6 or 7-12). This proposed change to a K-12 counselor certification offers greater ease of hiring and ensures that school districts have fully certified candidates. MASP also supports the changes required in part (1)(B)3.A.(II), Field and Clinical Experiences.

RESPONSE: The comment is in support of the proposed amendment; therefore, no changes have been made to the amendment as a result of this comment.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 70—Division of Alcohol and Tobacco Control
Chapter 2—Rules and Regulations**

ORDER OF RULEMAKING

By the authority vested in the Department of Public Safety, Division of Alcohol and Tobacco Control under section 311.660, RSMo 2016, the division amends a rule as follows:

**11 CSR 70-2.030 Change of Facts, Posting, Transfer, and Lost
Licenses—Executors—Administrators is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15, 2020 (45 MoReg 1341). 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 70—Division of Alcohol and Tobacco Control
Chapter 2—Rules and Regulations**

ORDER OF RULEMAKING

By the authority vested in the Department of Public Safety, Division of Alcohol and Tobacco Control under section 311.660, RSMo 2016, the division amends a rule as follows:

11 CSR 70-2.060 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15, 2020 (45 MoReg 1341-1342). 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 Division of Alcohol and Tobacco Control received one (1) comment on the proposed amendment.

COMMENT #1: Clayton Weems, with the Division of Alcohol and Tobacco Control, stated that the proposed language in 11 CSR 70-2.060 should be modified to mirror the language in 11 CSR 70-2.120 in order to be consistent, mitigate potential confusion, and to make it easier for ATC to enforce.

RESPONSE AND EXPLANATION OF CHANGE: New section (4) will be changed to mirror the language in 11 CSR 70-2.120 as it relates to manufacturers.

11 CSR 70-2.060 Manufacturers

(4) Applicants for a manufacturing license shall provide a copy of a certificate demonstrating successful completion of a health inspection with their license application. No such applicant may be granted a manufacturer license without such a certificate, subject to the following exceptions:

(A) If an applicant does not have a health inspection certificate on the day they file their license application, they may submit a written statement with their application stating that they will provide a copy of their health inspection certificate within ten (10) days of the issuance of that certificate. Failure to provide a copy of the health certificate within ten (10) days of issuance may result in disciplinary action; and

(B) If a state or local health authority determines that an applicant does not need a health inspection, the applicant may submit documentation from said state or local health authority showing that the applicant does not need a health inspection in lieu of a health inspection certificate.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 70—Division of Alcohol and Tobacco Control
Chapter 2—Rules and Regulations**

ORDER OF RULEMAKING

By the authority vested in the Department of Public Safety, Division of Alcohol and Tobacco Control under section 311.660, RSMo 2016, the Division of Alcohol and Tobacco Control amends a rule as follows:

11 CSR 70-2.120 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15, 2020 (45 MoReg 1342). 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 Division of Alcohol and Tobacco Control received five (5) comments on the proposed amendment.

COMMENT #1: Ronald Leone, with the Missouri Petroleum Marketers and Convenience Store Association, noted that the proposed language is unnecessary, confusing, and unfairly adds unnecessary regulatory burden to the applicant.

RESPONSE AND EXPLANATION OF CHANGE: The language has been adjusted to make the intent of the proposed amendment clear and to alleviate any confusion. The language does not place a new regulatory burden on the applicant because it requires submission of a copy of the health inspection certificate that the applicant is already required to obtain by Department of Health and Senior Services (DHSS) standards.

COMMENT #2: Ronald Leone, with the Missouri Petroleum Marketers and Convenience Store Association, requested that all of the proposed new language be deleted, or alternatively, change the ten (10) day requirement to thirty (30) days.

RESPONSE: The ten (10) day requirement will remain to stay consistent with section 311.220, RSMo, which requires the city or county license to be submitted to the division within ten (10) days of receipt.

COMMENT #3: Ronald Leone, with the Missouri Petroleum Marketers and Convenience Store Association, questioned if a licensee has the same rights with a license conditioned on providing a health inspection certificate within ten (10) days as a license that does not have such a conditional license.

RESPONSE AND EXPLANATION OF CHANGE: The language has been revised to remove the requirement to request a conditional license. There is no difference between a conditional license and a regular license, so the division removed this language to alleviate any confusion or concern.

COMMENT #4: Clayton Weems, with the Division of Alcohol and Tobacco Control, requested that the proposed language be modified to clarify that only retailers who prepare or permit the consumption of alcoholic beverages are impacted, make the language easier for applicants and licensees to understand, and make the language easier for ATC to interpret and enforce.

RESPONSE AND EXPLANATION OF CHANGE: The rule has been revised to provide simplicity and clarification, and to limit the rule to retailers who prepare and permit the consumption of alcohol on their premise, which is the intent of this proposed amendment.

COMMENT #5: Clayton Weems, with the Division of Alcohol and Tobacco Control, requested to add additional language to exclude retailers who don't need a health inspection from DHSS, and to exclude event-based retailers from this requirement.

RESPONSE AND EXPLANATION OF CHANGE: The language was revised to add these exceptions. Event-based retailers would not need a health inspection, and the division would not require a health inspection if DHSS does not require one.

11 CSR 70-2.120 Retail Licensees

(1) Sanitary Premises.

(B) Applicants for a retail liquor license who prepare or pour

intoxicating liquor as defined in section 311.020, RSMo, or permit the consumption thereof on their premises shall provide a copy of a certificate demonstrating successful completion of a health inspection with their license application. No such applicant may be granted a retail liquor license without such a certificate, subject to the following exceptions:

1. If an applicant does not have a health inspection certificate on the day they file their license application, they may submit a written statement with their application stating that they will provide a copy of their health inspection certificate within ten (10) days of the issuance of that certificate. Failure to provide a copy of the health inspection certificate within ten (10) days of issuance may result in disciplinary action;

2. If a state or local health authority determines that an applicant does not need a health inspection, the applicant may submit documentation from said state or local health authority showing that the applicant does not need a health inspection in lieu of a health inspection certificate; and

3. This regulation does not apply to any applicant seeking a temporary license.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 70—Division of Alcohol and Tobacco Control
Chapter 3—Tobacco Regulations**

ORDER OF RULEMAKING

By the authority vested in the Department of Public Safety, Division of Alcohol and Tobacco Control under section 407.934, RSMo 2016, the division adopts a rule as follows:

11 CSR 70-3.020 Use of Minors in Enforcement is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 15, 2020 (45 MoReg 1342-1343). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

By the authority vested in the Department of Social Services, MO HealthNet Division, under sections 208.153, 208.201, and 660.017, RSMo 2016, the division amends a rule as follows:

13 CSR 70-20.200 Drug Prior Authorization Process is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 2, 2020 (45 MoReg 1660-1662). 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 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 20—Pharmacy Program**

ORDER OF RULEMAKING

By the authority vested in the Department of Social Services, MO HealthNet Division, under sections 208.153, 208.175, 208.201, and 660.017, RSMo 2016, the division amends a rule as follows:

**13 CSR 70-20.300 Retrospective Drug Use Review Process
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 2, 2020 (45 MoReg 1663-1664). 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 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 25—Physician Program**

ORDER OF RULEMAKING

By the authority vested in the Department of Social Services, MO HealthNet Division, under section 208.152, RSMo Supp. 2020, and sections 208.201 and 660.017, RSMo 2016, the division adopts a rule as follows:

13 CSR 70-25.140 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 2020 (45 MoReg 1412-1420). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Social Services, MO HealthNet Division (MHD) received eleven (11) comments on the proposed rule.

COMMENT #1: Brooke Sweeney, Medical Director, Children's Mercy Kansas City recommended modification of paragraph (5)(A)1. to allow a twelve (12) month re-enrollment clause for children. This clause currently exists for only adult participants in subparagraph (5)(A)2.F.

RESPONSE AND EXPLANATION OF CHANGE: MHD has removed subparagraphs (5)(A)1.F. and (5)(A)2.F., and has created subsection (5)(B) to apply the twelve (12) month re-enrollment clause to both children and adults.

COMMENT #2: Brooke Sweeney, Medical Director, Children's Mercy Kansas City recommended clarifying the definition of Medical Nutrition Therapy (MNT) in paragraph (1)(A)4. by adding the word "licensed" prior to "registered dietitian." This makes the definition consistent with the MNT provider requirements in paragraph (2)(B)1.

RESPONSE AND EXPLANATION OF CHANGE: MHD has clarified the definition of Medical Nutrition Therapy in paragraph (1)(A)4. by adding "licensed" prior to "registered dietitian."

COMMENT #3: Brooke Sweeney, Medical Director, Children's Mercy Kansas City recommended replacing the semicolon at the end

of subsection (2)(D) with a period, since subsection (2)(E) is a stand-alone provision under this section.

RESPONSE AND EXPLANATION OF CHANGE: MHD has replaced the semicolon at the end of subsection (2)(D) and replaced it with a period.

COMMENT #4: Paul Petry, Medical Director of Pediatrics, Freeman Health System commented in support of the proposed rule, saying that the expansion of treatment options covered by Medicaid for patients diagnosed with obesity would be a welcome addition.

RESPONSE: MHD appreciates the comment.

COMMENT #5: Yalaka Huyette, President, Missouri Academy of Nutrition and Dietetics requested a modification to the definition of Medical Nutrition Therapy (MNT) in paragraph (1)(A)4. by changing the provider reference to “licensed registered dietitian or registered dietitian nutritionist,” and to also modify the provider requirements in the MNT paragraph (2)(B)1. to read: “Have a current license to practice as a Licensed Registered Dietitian or Registered Dietitian Nutritionist in the state in which they practice.”

RESPONSE AND EXPLANATION OF CHANGE: MHD has added “Licensed registered dietitian or registered dietitian nutritionist” to the definition in paragraph (1)(A)4., and to paragraph (2)(B)1. Subparagraph (5)(A)2.F. was removed and the information was moved to a separate subsection in the regulation to give an additional twelve (12) month re-enrollment clause to both children and adults.

COMMENT #6: Yalaka Huyette, President, Missouri Academy of Nutrition and Dietetics recommended a twelve (12) month re-enrollment clause for children be added to paragraph (5)(A)1.

RESPONSE AND EXPLANATION OF CHANGE: Concurrent with its response to Comment #1, MHD has removed subparagraphs (5)(A)1.F. and (5)(A)2.F., and has created subsection (5)(B) to apply the twelve (12) month re-enrollment clause to both children and adults.

COMMENT #7: Kristin Sohl, President, Missouri Chapter of American Academy of Pediatrics requested an additional twelve (12) month re-enrollment clause for children as it is for adults in subparagraph (5)(A)2.F.

RESPONSE AND EXPLANATION OF CHANGE: Concurrent with its response to Comments #1 and #6, MHD has removed subparagraphs (5)(A)1.F. and (5)(A)2.F., and has created subsection (5)(B) to apply the twelve (12) month re-enrollment clause to both children and adults.

COMMENT #8: Kristen Thompson, Director of Pediatric Integration, Burrell Behavioral Health Center wrote to express her strong support for this proposed rule.

RESPONSE: MHD appreciates the comment.

COMMENT #9: Eric Martin, Director of Behavioral Health Services, MO HealthNet Division recommended updating the incorporation by reference of the Physician Provider Manual in section (1) to the most current version, which is December 27, 2019.

RESPONSE AND EXPLANATION OF CHANGE: MHD has updated the date of the incorporated Physician Provider Manual in section (1) to December 27, 2019.

COMMENT #10: Eric Martin, Director of Behavioral Health Services, MO HealthNet Division recommended changing the term “families and youth” to “families or youth,” and to change the word “diagnosis” to “diagnoses” in subparagraph (2)(B)3.B. The commenter also recommended changing the phrase “The provider has documentation...” to “The provider will have documentation...” in subparagraph (2)(B)3.C. The commenter also recommended changing “Medicaid” to “MO HealthNet” in subsection (2)(E).

RESPONSE AND EXPLANATION OF CHANGE: MHD made

the recommended changes.

COMMENT #11: Eric Martin, Director of Behavioral Health Services, MO HealthNet Division, recommended clarifying the language in subparagraphs (5)(A)1.B. and (5)(A)2.B. by changing the phrase “Upon completion of the month six (6) of services...” to “Upon completion of the six (6) month period of services.”

RESPONSE AND EXPLANATION OF CHANGE: MHD made the recommended changes.

13 CSR 70-25.140 Biopsychosocial Treatment of Obesity for Youth and Adults

(1) Administration. The MO HealthNet Division, Department of Social Services, shall administer Biopsychosocial Treatment of Obesity for Youth and Adult participants. Biopsychosocial treatment of obesity services covered and not covered, the limitations under which services are covered, and the maximum allowable fees for all covered services shall be determined by the MO HealthNet Division and shall be included in the *MO HealthNet Physician Provider Manual* and *Behavioral Health Services Manual*, which are incorporated by reference and made part of this rule as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109, at its website at, <http://manuals.momed.com/manuals>, December 27, 2019. This rule does not incorporate any subsequent amendments or additions. Biopsychosocial treatment of obesity services covered by the MO HealthNet program shall include only those which are shown to be medically necessary.

(A) In the administration of the rule, the following definitions are used:

1. “Biopsychosocial Treatment of Obesity” means using a combination of obesity screenings, Medical Nutrition Therapy (MNT), and Intensive Behavioral Therapy (IBT) to promote life style changes leading to weight loss in adult and youth participants.

A. “Adult Intensive Behavioral Therapy (IBT)” means obesity management by utilizing intensive multicomponent, behavior-based weight loss interventions that promote and sustain weight loss in adult participants.

B. “Youth Intensive Behavioral Therapy (IBT)” means obesity management by utilizing comprehensive, intensive behavior-based weight loss interventions that can include multi-component family-based behavioral treatment (FBT) interventions tailored to participant needs targeting both the parent/guardian and the youth;

2. “Body Mass Index (BMI)” means a measure that relates body weight to height and is calculated by dividing weight in kilograms (kg) by the square of height in meters (expressed in kg/m²).

A. “Body Mass Index (BMI) Percentile” means the range of BMI values as expressed in percentiles for age and gender as plotted on the pediatric BMI chart.

B. “Pediatric Body Mass Index (BMI) Chart” means a graphic display of normal progressive changes in body mass index for the pediatric population ages two (2) to twenty (20) years of age;

3. “Consultation” for the purpose of this rule means the experienced behavioral health clinician who meets provider requirements for Intensive Behavioral Therapy (IBT) outlined in this regulation support and evaluate the newly certified provider’s competency in delivery of behaviorally based intervention for patients diagnosed with obesity;

4. “Medical Nutrition Therapy (MNT)” means nutritional diagnostic, therapy, and counseling services furnished by a licensed registered dietitian or registered dietitian nutritionist, and includes a review of nutritional health, eating habits, and development of an individualized nutrition plan; and

5. “Qualified University” means a United States regionally accredited college, university, or foreign equivalent, or an academic university-based medical center affiliated with such a university.

(2) Provider Participation. To be eligible to provide services for the MO HealthNet Biopsychosocial Treatment of Obesity Program—

(B) Provider Requirements for MNT. In order to provide medical nutrition therapy for obesity a provider is required to meet the following criteria:

1. Have a current license to practice as a Licensed Registered Dietitian or Registered Dietitian Nutritionist in the state in which they practice;

2. The Provider will need to obtain one (1) of the following specialist certificates in order to provide MNT for treatment of obesity:

A. Certificate of Training in Adult Weight Management Program;

B. Certificate of Training in Obesity Interventions for Adults;

C. Certificate of Training in Child and Adolescent Weight Management; or

D. Completion of a qualified training program that provides professional medical nutrition therapy training addressing obesity and weight management treatment for participant population(s) served;

3. A licensed provider may provide MNT without a certificate as listed above if the provider meets the following criteria:

A. The provider has maintained a dietitian license credential for a minimum of two (2) years;

B. The provider has a minimum of two thousand (2,000) hours of specialty practice experience delivering weight management behavioral treatment for individuals and/or families or youth with obesity diagnoses within the past five (5) years; and

C. The provider will have documentation of a minimum of six (6) hours of obesity or weight management CEUs or professional equivalent post receipt of license credential;

(D) Continuing Education Unit (CEU) requirement. The provider must maintain six (6) hours of obesity or weight management CEUs or professional equivalent every two (2) years for the patient population served, either youth or adult or both.

1. The required evaluation and documentation on compliance with certification standards post completion of a qualified training program from an experienced provider does not count toward the six (6) hours of CEUs.

(E) The provider must meet the provider qualifications outlined in this regulation in order to bill MO HealthNet for the service.

(5) Biopsychosocial Treatment of Obesity Services.

(A) Biopsychosocial Treatment of Obesity Services provide integrated medical nutrition therapy and behavioral health services, coordinated by the primary care or referring physician, or other licensed practitioner of healing, to facilitate behavior changes to manage obesity and associated co-morbidities. Biopsychosocial treatment of obesity for youth and adult participants requires a referral and a prescribed service in the participant's plan of care from a prescribing provider as part of an office visit for evaluation and management. The prescribing provider must obtain prior authorization from MO HealthNet before the participant starts receiving services. A prescribing provider is defined as a physician or other licensed practitioner of healing arts within the scope of authorized practice under State law.

1. Service structure for youth participants.

A. Biopsychosocial Treatment of Obesity Youth Services include a six (6) month period of intervention that allows a maximum of four (4) hours of individual IBT and twenty-two (22) hours of group IBT for a total of twenty-six (26) hours of IBT and one (1) hour and forty-five (45) minutes of MNT.

B. Upon completion of the six (6) month period of services, the dietitian and behavioral health provider shall make recommendations to the prescribing provider regarding continuation of services based on the continuation criteria set forth by MO HealthNet. The prescribing provider shall make the final determination for the participant to continue with the services based on the participant meeting the continuation criteria and shall request prior authorization for the additional six (6) months of services.

C. Continuation Criteria for the youth participant months

seven (7) through twelve (12) include the following:

(I) The youth participant must meet whichever is lesser of the three (3) youth benchmarks listed below, at the end of month six (6) of services—

(a) A decrease in their BMI chart percentile to less than the ninety-fifth (95th) percentile or five percent (5%) of body weight;

(b) The youth participants that had a BMI percentile at the beginning of treatment >99th percentile, shows a decrease of nine (9) units in percentage above the ninety-fifth (95th) percentile (as calculated by age and gender norms of the CDC BMI percentile curve); or

(c) Weight stabilization (defined as ± 0.5 BMI units); and

(II) If the youth participant does not meet the weight loss threshold, the prescribing provider shall perform the necessary lab work to rule out the presence of other conditions (e.g., endocrine disorders) that may complicate efforts to reduce weight, and if present, should request to continue with biopsychosocial treatment with medical treatment for the identified condition(s).

D. Continuation of Biopsychosocial Treatment of Obesity Youth services for months seven (7) through twelve (12) include an additional one (1) hour of individual IBT and two (2) hours of group IBT for a maximum of three (3) hours of IBT; and an additional thirty (30) minutes of MNT.

E. Providers are able to structure the services in order to meet the individual needs of the participant within the maximum allowable service structure. The total annual limit for services for the youth participant is twenty-nine (29) hours for IBT and two (2) hours and fifteen (15) minutes for MNT.

2. Service structure for adult participants—

A. Biopsychosocial Treatment of Obesity Adult Services include a six (6) month period of intervention that allows a maximum of three (3) hours of individual behavior therapy and nine (9) hours of group behavior therapy for a total of twelve (12) hours of behavior therapy and one (1) hour forty-five (45) minutes of MNT;

B. Upon completion of the six (6) month period of services, the dietitian and behavioral health provider shall make recommendations to the prescribing provider regarding continuation of services based on the continuation criteria set forth by MO HealthNet. The prescribing provider shall make the final determination for the participant to continue with the services based on the participant meeting the continuation criteria and shall request prior authorization for the additional six (6) months of services;

C. Continuation Criteria for the adult participant months seven (7) through twelve (12) include the following:

(I) The adult participant must meet the adult benchmark of a reduction in body weight of five percent (5%) at the end of month six (6) of services; and

(II) If the adult participant does not meet the weight loss threshold, the prescribing provider shall perform the necessary lab work to rule out the presence of other conditions (e.g. endocrine disorders) that may complicate efforts to reduce weight, and if present, should request to continue with biopsychosocial treatment with medical treatment for the identified condition(s);

D. Continuation of Biopsychosocial Treatment of Obesity Adult services for months seven (7) through twelve (12) include an additional one (1) hour of individual IBT and two (2) hours of group IBT for a maximum of three (3) hours of IBT; and an additional thirty (30) minutes of MNT;

E. Providers are able to structure the services in order to meet the individual needs of the participant within the maximum allowable service structure. The total annual limit for services for the adult participants is fifteen (15) hours for behavior therapy and two (2) hours fifteen (15) minutes for medical nutritional therapy; and

F. If the participant does not notify the provider of absences and has missed two (2) or more sessions, the provider may reevaluate the need for further services.

(B) A participant that is unable to meet the continuation criteria for the additional six (6) months of Biopsychosocial Treatment of

Obesity services has the option, after twelve (12) months, to re-enroll for services if the participant meets the established criteria and has an approved prior authorization.

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

ORDER OF RULEMAKING

By the authority vested in the Department of Social Services, MO HealthNet Division, under section 208.152, RSMo Supp. 2020, and sections 208.153, 208.164, 208.201, 208.631, 208.633, and 660.017, RSMo 2016, the division amends a rule as follows:

13 CSR 70-99.010 Comprehensive Day Rehabilitation Program is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 2, 2020 (45 MoReg 1664). 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 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 1—Organization**

ORDER OF RULEMAKING

By the authority vested in the secretary of state under section 536.023.3, RSMo 2016, the secretary amends a rule as follows:

15 CSR 30-1.010 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 1792-1793). 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 secretary of state received one (1) comment on the proposed amendment.

COMMENT #1: Human Resources staff commented that paragraph (1)(A)3. includes language that is no longer valid due to a change in Chapter 36 of Missouri Revised Statutes that removes the merit system process.

RESPONSE AND EXPLANATION OF CHANGE: The secretary of state agrees with staff's suggestions and removed the language that conflicts with the changes to Chapter 36, RSMo.

15 CSR 30-1.010 General Organization

(1) The Office of Secretary of State has many diverse responsibilities. The office collects, compiles, stores, and publishes a variety of state documents. The secretary of state is the chief elections official. The secretary of state oversees several areas relating to state commerce, such as administration of the Uniform Commercial Code and registration of corporations and securities. In addition, the secretary of state is the keeper of the Great Seal of the State of Missouri and authenticates official acts of the governor. Except where otherwise noted, the general mailing address is: 600 West Main Street, PO Box 1767, Jefferson City, MO 65102. Functions of the office are divided

into seven (7) divisions: Elections, Securities, Business Services, Library Services, Records Services, Administrative Rules, and Administrative Services. The executive deputy secretary of state is second-in-command and is charged by law with implementing the policies and procedures of the secretary of state and supervising the day-to-day operations of certain phases of the office. The executive deputy secretary of state shall possess all the powers and perform any of the duties prescribed by law to be performed by the secretary of state when and for such period of time as the secretary of state may designate. The divisions of the office are as follows:

(A) State Library. The State Library is composed of the state librarian and two (2) sections: Library Development and Reference Services. The State Library promotes and encourages library services, continuing education, resource sharing, technology, program planning, needs assessment, and evaluation; provides counsel, advice, and continuing education to library boards; and ensures library and information services to diverse populations through libraries. It also receives federal grants including Library Services and Technology Act (LSTA) program, prepares reports, keeps records, and directs information about federal programs to libraries in the state. Information may be obtained from the state librarian in person on the second floor of the James C. Kirkpatrick State Information Center, by written request to PO Box 387, Jefferson City, MO 65102, by email at mostlib@sos.mo.gov, by fax at (573) 751-3612, or by telephone at (573) 522-4036 or (800) 325-0131.

1. The State Library Development section produces informative publications, brochures, newsletters, and other publications for the Missouri library community, coordinates all activities of the Missouri Center for the Book, works with statewide and local literacy organizations, and consults with libraries on the development of literacy programs. It administers federal and state grants and the privately funded grants or projects. Other programs include library automation and technology; library administration and management; state and community partnerships; youth and senior services; and the State Census Data Center. Information may be obtained from this section in person on the second floor of the James C. Kirkpatrick State Information Center, by written request to PO Box 387, Jefferson City, MO 65102, by email at mostlib@sos.mo.gov, by fax at (573) 751-3612 or by telephone at (573) 522-4036 or (800) 325-0131.

2. The State Library Reference Services section provides library and information services, reference services, and research to government officials, agencies, and employees. It also administers the federal and state documents programs. Information may be obtained from this section in person on the second floor of the James C. Kirkpatrick State Information Center, by written request to PO Box 387, Jefferson City, MO 65102, by email at libref@sos.mo.gov, by fax at (573) 751-3612 or by telephone at (573) 751-3615.

3. Wolfner Library provides public library services and administers library materials, equipment, and information services to persons unable to use standard print. Information may be obtained from this section in person on the second floor of the James C. Kirkpatrick State Information Center, by written request to PO Box 387, Jefferson City, MO 65102, by email at wolfner@sos.mo.gov, by fax at (573) 751-3612 or by telephone at (573) 751-8720 or instate toll free (800) 392-2614;

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE
Division 2030—Missouri Board for Architects,
Professional Engineers, Professional Land Surveyors,
and Professional Landscape Architects
Chapter 4—Applications**

ORDER OF RULEMAKING

By the authority vested in the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and

Professional Landscape Architects under section 327.041, RSMo 2016, the board rescinds a rule as follows:

20 CSR 2030-4.055 Criteria to File Application under section 324.008.1., RSMo, for a Temporary Courtesy License **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 2, 2020 (45 MoReg 1664-1665). 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 20—DEPARTMENT OF COMMERCE AND INSURANCE
Division 2063—Behavior Analyst Advisory Board
Chapter 1—General Rules

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 2063-1.015 Fees **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 2, 2020 (45 MoReg 1665-1666). 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 2200—State Board of Nursing
Chapter 4—General Rules

ORDER OF RULEMAKING

By the authority vested in the State Board of Nursing under section 335.036, RSMo Supp. 2020, the board amends a rule as follows:

20 CSR 2200-4.010 Fees **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 2, 2020 (45 MoReg 1667-1668). 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 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the Missouri Board of Pharmacy under

sections 338.140 and 338.215, RSMo Supp. 2020, the board adopts a rule as follows:

20 CSR 2220-2.680 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 15, 2020 (45 MoReg 1611-1615). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Representatives from TelePharm and Cardinal Health jointly submitted three (3) comments on the proposed rule.

COMMENT #1: TelePharm and Cardinal Health indicated subsection (4)(A) of the proposed rule mistakenly states the pharmacist-in-charge of the Class R pharmacy must visit the remote dispensing site weekly during the first month of operation to verify compliance and monthly thereafter. The commenters suggested the intent of sections 338.215.3 and 338.215.8, RSMo, is to allow *any* pharmacist employed by the Class R supervising pharmacy to perform these activities and asked the board to amend subsection (4)(A) to reflect this intent.

RESPONSE: Section 338.215.3 provides that a remote dispensing site pharmacy shall be under the supervision and control of a supervising pharmacist employed by the supervising pharmacy. The term supervising pharmacist is not defined in section 338.215, RSMo, and does appear to be used in a different manner in distinct parts of section 338.215, RSMo. Since the pharmacist-in-charge is responsible and statutorily held accountable for the compliance with dispensing requirements at the Class R pharmacy along with the supervising pharmacy, the board believes it is appropriate for the pharmacist-in-charge of the Class R site to conduct the visits required under the statute and rule. No changes have been made in response to this comment.

COMMENT #2: TelePharm and Cardinal Health contend that the intent of section 338.215, RSMo, was to allow any pharmacy who shares common ownership with a remote dispensing site pharmacy to oversee/supervise dispensing activity at a Class R site. In line with this construction, the commenters suggested amending subsection (4)(D) of the rule to provide that a Class R site may be remotely supervised by a pharmacist at “a” supervising pharmacy rather than “the” supervising pharmacy. TelePharm and Cardinal Health suggest use of “the” supervising pharmacy throughout the rule implies that a Class R site cannot have multiple supervising pharmacies as the legislature intended.

RESPONSE: The board disagrees with the proposed statutory construction and interprets section 318.215, RSMo, to allow only one (1) supervising pharmacy per Class R remote dispensing site. No changes have been made in response to the comment.

COMMENT #3: TelePharm and Cardinal Health suggested the board amend subsection (2)(B) by eliminating the factors the board listed for consideration in granting a waiver of the ten (10) mile distance requirement between a Class R remote dispensing site pharmacy and an existing pharmacy. The commenters stated the factors are more restrictive than section 338.215.7, RSMo, which only requires an applicant to demonstrate how the proposed remote site dispensing pharmacy will promote public health.

RESPONSE AND EXPLANATION OF CHANGE: The factors listed in subsection (2)(B) all relate to how the dispensing site pharmacy will promote public health, and will provide guidance to applicants. However, the board will amend the section to emphasize that the primary inquiry is whether the proposed site will promote public health.

20 CSR 2220-2.680 Class R-Remote Dispensing Site Pharmacy

(2) A Class R pharmacy permit is required for any Missouri location

operating, or offering to operate, as a remote dispensing site pharmacy in Missouri. Applications for a Class R permit must be submitted on a form approved by the board with the pharmacy permit fee, in accordance with 20 CSR 2220-2.020.

(B) Class R pharmacies must be located at least ten (10) miles away from an existing retail pharmacy unless the Class R pharmacy is part of a community mental health center, federally qualified health center, rural health clinic, or outpatient clinic setting. Requests to waive the mileage requirement may be submitted to the board in writing along with documentation demonstrating how the proposed remote dispensing site pharmacy will promote public health. The board will consider the following factors when determining whether to grant a waiver request:

1. The availability of pharmacy services in the proposed pharmacy area;
2. The nature of proposed Class R pharmacy services;
3. Benefits or risks to patient care;
4. The applicant's and supervising pharmacy's experience and compliance history; and
5. Any other factor that may benefit or adversely impact public health.

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

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

ORDER OF RULEMAKING

By the authority vested in the Missouri State Committee of Interpreters under section 209.328, RSMo 2016, the committee amends a rule as follows:

20 CSR 2232-2.010 Application for Licensure **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 2, 2020 (45 MoReg 1669). 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 2232—Missouri State Committee of Interpreters
Chapter 2—Licensure Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri State Committee of Interpreters under section 209.328, RSMo 2016, the committee amends a rule as follows:

20 CSR 2232-2.020 Application for Temporary License **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 2, 2020 (45 MoReg 1669). 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 2232—Missouri State Committee of Interpreters
Chapter 2—Licensure Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri State Committee of Interpreters under section 209.328, RSMo 2016, the committee amends a rule as follows:

20 CSR 2232-2.030 Name and Address Change, License Renewal, and Inactive License **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 2, 2020 (45 MoReg 1669-1670). 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 2234—Board of Private Investigator
and Private Fire Investigator Examiners
Chapter 1—General Rules**

ORDER OF RULEMAKING

By the authority vested in the Board of Private Investigator and Private Fire Investigator Examiners under section 324.1138, RSMo 2016, the board amends a rule as follows:

20 CSR 2234-1.050 Fees **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 2, 2020 (45 MoReg 1670-1671). 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 2234—Board of Private Investigator and
Private Fire Investigator Examiners
Chapter 2—Private Investigator and Private Fire
Investigator**

ORDER OF RULEMAKING

By the authority vested in the Board of Private Investigator and Private Fire Investigator Examiners under section 324.1138, RSMo 2016, the board amends a rule as follows:

20 CSR 2234-2.010 Application for Licensure—Private Investigator **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 2, 2020 (45 MoReg 1672). 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 2234—Board of Private Investigator and Private Fire Investigator Examiners
Chapter 2—Private Investigator and Private Fire Investigator

ORDER OF RULEMAKING

By the authority vested in the Board of Private Investigator and Private Fire Investigator Examiners under section 324.1138, RSMo 2016, the board amends a rule as follows:

20 CSR 2234-2.015 Application for Licensure—Private Fire Investigator **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 2, 2020 (45 MoReg 1672-1673). 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 2234—Board of Private Investigator and Private Fire Investigator Examiners
Chapter 3—Private Investigator Agency and Private Fire Investigator Agency

ORDER OF RULEMAKING

By the authority vested in the Board of Private Investigator and Private Fire Investigator Examiners under section 324.1138, RSMo 2016, the board amends a rule as follows:

20 CSR 2234-3.010 Application for Licensure—Agency **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 2, 2020 (45 MoReg 1673). 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 2234—Board of Private Investigator and Private Fire Investigator Examiners
Chapter 3—Private Investigator Agency and Private Fire Investigator Agency

ORDER OF RULEMAKING

By the authority vested in the Board of Private Investigator and

Private Fire Investigator Examiners under section 324.1138, RSMo 2016, the board amends a rule as follows:

20 CSR 2234-3.040 Application for Licensure—Agency Employee **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 2, 2020 (45 MoReg 1673). 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 4240—Public Service Commission
Chapter 125—Manufactured Home Installers

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.692, RSMo 2016, the commission amends a rule as follows:

20 CSR 4240-125.040 Manufactured Home Installer License **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 2, 2020 (45 MoReg 1673-1674). 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 public comment period ended December 2, 2020, and the commission held a public hearing on the proposed amendment on December 3, 2020. The commission's staff filed a written comment and testified at the hearing in support and explanation of the amendment. No other comments were received.

COMMENT #1: Staff explained that the amendment was needed to allow manufactured home installers to attend and staff to conduct license certification classes virtually when extenuating circumstances, such as the COVID-19 pandemic, exist.

RESPONSE: The commission thanks staff for its work in making this change in order to protect staff and the public during the current pandemic and any future unknown extenuating circumstances. No change was made as a result of this comment.

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 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 30—Division of Financial and Administrative
Services
Chapter 4—General Administration**

IN ADDITION

NOTICE OF SUSPENSION OF RULE

5 CSR 30-4.030 Audit Policy and Requirements

ACTION TAKEN: 5 CSR 30-4.030(4)(C) shall be temporarily suspended, as a result of and in accordance with Executive Order 20-04. The temporary suspension applies to this subsection of the rule that requires school officials of public school districts and charter schools to submit an audit of financial, transportation, and attendance records of the district in accordance with generally accepted auditing standards to the Department of Elementary and Secondary Education no later than December 31 of each year.

EMERGENCY STATEMENT: Pursuant to Executive Order (EO) 20-04 dated March 18, 2020, and extended pursuant to EO 20-10 dated May 4, 2020, EO 20-12 dated June 11, 2020, and EO 20-19 dated November 19, 2020, this subsection of the rule is suspended effective January 13, 2021 until January 31, 2021.

The Secretary of State is required by sections 347.141 and 359.481, RSMo, to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to adrules.dissolutions@sos.mo.gov.

NOTICE OF DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS AGAINST INTRA-STATE DEVELOPMENT CO.

Intra-State Development Co., a Missouri corporation, filed its Articles of Dissolution by Voluntary Action with the Missouri Secretary of State on October 15, 2020. The dissolution was effective on that date.

Any and all claims against Intra-State Development Co. may be sent to Larry G. Schulz, Esq., 2900 Brooktree Lane, Suite 100, Gladstone, Missouri 64119. Each claim should include the following information: the name, address and telephone number of the claimant; the amount of the claim; the basis for the claim; documentation supporting the claim; and the date(s) on which the event(s) on which the claim is based occurred.

Any and all claims against Intra-State Development Co. will be barred unless a proceeding to enforce such claim is commenced within two (2) years after the date this notice is published.

Notice of Dissolution to All Creditors of and All Claimants Against Fienup Farm, Inc.

On December 14, 2018, Fienup Farm, Inc., a Missouri corporation (the "Company"), filed its Articles of Dissolution by Voluntary Action with the Missouri Secretary of State.

Any claims against the Company must be sent to: William Fienup, 13045 Wheatfield Farm Road, St. Louis, Missouri 63141. Each claim must include the name, address and phone number of claimant; amount and nature of claim; date on which the claim arose; and any claim documentation.

All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within two (2) years after the date of publication of this notice.

NOTICE TO CREDITORS AND CLAIMANTS OF PELOPIDAS, L.L.C.

Pelopidas, L.L.C., a Missouri Limited Liability Company has dissolved and is in the process of winding up its affairs. On December 28, 2020, the Company filed Notice of Winding Up with the Secretary of State of Missouri. Any and all claims against the Company may be sent to Stephen J. Smith of McCarthy, Leonard & Kaemmerer, LC, 825 Maryville Centre Drive, Suite 300, Town and Country, MO 63017. Each claim should include the following: name, address and telephone number of claimant, amount of claim, basis of the claim, and documents related to the claim. Any and all claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three years after the date of this publication of this notice.

**Notice of Winding Up of Limited Liability Company
to All Creditors of and All Claimants Against
RREC 2 Investment Fund, LLC**

On January 8, 2021, RREC 2 Investment Fund, LLC, a Missouri limited liability company (the "Company"), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company must be sent to: Steven R. Wild, Office of General Counsel, 227 University Hall, Columbia, Missouri 65211. Each claim must include the name, address and phone number of claimant; amount of the claim; basis for the claim; and documentation of the claim.

All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the date of publication of this notice.

**Notice of Winding Up of Limited Liability Company
to All Creditors of and All Claimants Against
MRC XIII Investment Fund, LLC**

On January 8, 2021, MRC XIII Investment Fund, LLC, a Missouri limited liability company (the "Company"), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company must be sent to: Steven R. Wild, Office of General Counsel, 227 University Hall, Columbia, Missouri 65211. Each claim must include the name, address and phone number of claimant; amount of the claim; basis for the claim; and documentation of the claim.

All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the date of publication of this notice.