

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 If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission.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.

on the area map or the online conservation atlas. Portions of these designated areas may be open to other activities by posting.

(A) From October 15 – February 15:

1. Coon Island Conservation Area;
2. Duck Creek Conservation Area;
3. Fountain Grove Conservation Area;
4. Four Rivers Conservation Area (August A. Busch Jr. Memorial Wetlands);
5. Grand Pass Conservation Area;
6. Montrose Conservation Area;
7. Otter Slough Conservation Area (Waterfowl Hunt Zone 1);

and

8. Schell-Osage Conservation Area.

(C) From November 1 through the end of the last segment of the appropriate zone's Canada goose season:

1. Little River Conservation Area; and
2. Ten Mile Pond Conservation Area (Waterfowl Hunt Zone 1).

(D) From November 15 through the end of the last segment of the appropriate zone's Canada goose season on Ten Mile Pond Conservation Area (Waterfowl Hunt Zone 2).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed July 29, 2022.

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 Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. 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.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.115 Closings. The commission proposes to amend paragraphs (6)(A)7. and (6)(C)2. of this rule and add a new subsection (6)(D).

PURPOSE: The proposed amendment corrects the omission of a word and establishes closings on Ten Mile Pond Conservation Area to public use for waterfowl hunting.

(6) On the following department areas, portions designated as Waterfowl Hunting Only Zone are closed to all public use except waterfowl hunting, according to the dates listed below, and as shown

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.184 Quail Hunting. The commission proposes to remove sections (2) and (3), and renumber the subsequent section of this rule.

PURPOSE: The proposed amendment removes quail hunting restrictions on Whetstone Creek Conservation Area and Cover (Dan and Maureen) Prairie Conservation Area.

[(2) On Whetstone Creek Conservation Area quail hunting is permitted only through December 15.

(3) On Cover (Dan and Maureen) Prairie Conservation Area quail hunting is permitted only by holders of the prescribed hunting permit who have been selected to participate in the area's managed quail hunts.]

~~/(4)/(2)~~ Quail hunting is prohibited on the following department areas:

- (A) Busch (August A.) Memorial Conservation Area; **and**
- (B) Reed (James A.) Memorial Wildlife Area.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. Original rule filed Oct. 10, 2008, effective April 30, 2009. For intervening history, please consult the Code of State Regulations. Amended: Filed July 29, 2022.

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 Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. 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.

~~/(R)/(X)~~ Weldon Spring Conservation Area;
~~/(S)/(Y)~~ Whetstone Creek Conservation Area; **and**
~~/(T)/(Z)~~ White (William G. and Erma Parke) Conservation Area.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. Material covered in this rule previously filed as 3 CSR 10-11.180. Original rule filed Sept. 12, 2011, effective March 1, 2012. For intervening history, please consult the Code of State Regulations. Amended: Filed July 29, 2022.

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

PRIVATE COST: This proposed amendment will cost private entities approximately nine thousand one hundred fifty-seven dollars and twenty cents (\$9,157.20) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.185 Dove Hunting. The commission proposes to add subsections (3)(B), (3)(E), (3)(H), (3)(S), (3)(T), and (3)(U) and reletter the subsequent subsections of this rule.

PURPOSE: The proposed amendment prohibits the use of lead shot on Blue Spring Branch Conservation Area, Capps Creek Conservation Area, Fort Crowder Conservation Area, Shawnee Trail Conservation Area, Sloan (Dr. O.E. and Eloise) Conservation Area, and Stockton Lake Management Lands.

(3) Use or possession of lead shot is prohibited for hunting doves on the following department areas:

- (A) Bilby Ranch Lake Conservation Area;
- (B) Blue Spring Branch Conservation Area;**
- ~~/(B)/(C)~~ Bois D'Arc Conservation Area;
- ~~/(C)/(D)~~ Busch (August A.) Memorial Conservation Area;
- (E) Capps Creek Conservation Area;**
- ~~/(D)/(F)~~ Crowley's Ridge Conservation Area;
- ~~/(E)/(G)~~ Davisdale Conservation Area;
- (H) Fort Crowder Conservation Area;**
- ~~/(F)/(I)~~ Harmony Mission Lake Conservation Area;
- ~~/(G)/(J)~~ Lamine River Conservation Area;
- ~~/(H)/(K)~~ Logan (William R.) Conservation Area;
- ~~/(I)/(L)~~ Maintz Wildlife Preserve;
- ~~/(J)/(M)~~ Pacific Palisades Conservation Area;
- ~~/(K)/(N)~~ Park (Guy B.) Conservation Area;
- ~~/(L)/(O)~~ Peabody Conservation Area;
- ~~/(M)/(P)~~ Pony Express Lake Conservation Area;
- ~~/(N)/(Q)~~ Reed (James A.) Memorial Wildlife Area;
- ~~/(O)/(R)~~ Reform Conservation Area;
- (S) Shawnee Trail Conservation Area;**
- (T) Sloan (Dr. O.E. and Eloise) Conservation Area;**
- (U) Stockton Lake Management Lands;**
- ~~/(P)/(V)~~ Talbot (Robert E.) Conservation Area;
- ~~/(Q)/(W)~~ Truman Reservoir Management Lands (Bethlehem);

**FISCAL NOTE
PRIVATE COST**

- I. **Department Title: Department of Conservation
Division Title: Conservation Commission
Chapter Title: 11-Wildlife Code: Special Regulations for Department Areas**

Rule Number and Title:	3 CSR 10-11.185 Dove Hunting
Type of Rulemaking:	Proposed Amendment

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:
1,761	Projected dove hunters on the six conservation areas listed in the proposed amendment.	\$9,157.20/ year Projected costs per year impacting approximately 1,761 dove hunters at the six (6) proposed conservation areas. Each hunter will spend an additional \$5.20 per box during the dove hunting season to use non-toxic shot versus lead shot.

III. WORKSHEET

7,827 (Average number of dove hunters at conservation areas around the state, during the month of September)/ 80 (MDC conservation areas managed for doves) = 97.84 hunters per area in the month of September.

97.84 (hunters per area in the month of September) X 3 (month dove season in Missouri) = 293.52 average number of dove hunters per 80 conservation areas per season.

293.52 (average number of dove hunters per 80 conservation areas per season) X 6 (conservation areas proposed to be included as prohibiting the use of toxic shot) = 1,761 hunters per season to be impacted by the proposed amendment adding six (6) conservation areas prohibiting the use of lead shot.

40% (estimated increase of steel shot over lead shot) X \$13.00/box (approximate price of lead shot size 6 & 7 from Missouri retailers) = \$5.20 increase in price/ box of steel shot over lead shot.

\$5.20 (increase in price/ box of steel shot over lead shot) X 1,761 (hunters per season to be impacted by the proposed amendment adding six (6) conservation areas prohibiting the use of lead shot) = \$9,157.20 (projected costs for non-toxic shot vs. lead shot by hunters on the six (6) proposed conservation areas per season)

IV. ASSUMPTIONS

Conservation areas listed in the proposed rule do not have mandatory check-in for dove hunting, which makes it difficult to get an accurate calculation on the number of hunters utilizing these areas. Less popular conservation areas could accommodate zero to hundreds of dove hunters. Popular conservation areas listed in the proposed rule could have several hundred hunters for the first week and then fewer hunters throughout the remainder of the season. Weather conditions could impact hunter presence, for example during wet years, many of the areas would have no active dove management.

Therefore, the below assumptions have been made:

- 7,827 (Average number of dove hunters at conservation areas around the state, during September)
- 3 (month dove season in Missouri)
- 80 MDC conservation areas managed for doves (MDC public web page)
- 40% (Estimated increase of steel shot over lead shot)
- \$13.00/box (approximate price of lead shot size 6 & 7 from Missouri retailers)
- 6 new conservation areas proposed to be included as prohibiting the use of lead shot (Blue Spring Branch Conservation Area, Capps Creek Conservation Area, Fort Crowder Conservation Area, Shawnee Trail Conservation Area, Sloan (Dr. O.E. and Eloise) Conservation Area, and Stockton Lake Management Lands).

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.215 Fishing, Length Limits. The commission proposes to add paragraph (2)(B)6. and renumber subsequent paragraphs of this rule.

PURPOSE: The proposed amendment sets a minimum length limit of eighteen inches (18") for black bass on DiSalvo (Carl) Lake (Bismarck Conservation Area).

(2) On lakes and ponds, except as listed below, black bass more than twelve inches (12") but less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught.

(B) Black bass less than eighteen inches (18") total length must be returned to the water unharmed immediately after being caught on the following department areas or individually named lakes:

1. Bellefontaine Conservation Area;
2. Lakes 33 and 35 (Busch (August A.) Memorial Conservation Area);
3. Belcher Branch Lake Conservation Area;
4. Combs (Jerry P.) Lake (Little River Conservation Area);
5. Delaney (Robert G.) Lake Conservation Area;
6. **DiSalvo (Carl) Lake (Bismarck Conservation Area);**
7. Hartell (Ronald and Maude) Conservation Area;
8. Happy Holler Lake Conservation Area;
9. Lake Paho Conservation Area; and
10. Port Hudson Lake Conservation Area.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed July 29, 2022.

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 Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

PROPOSED AMENDMENT

3 CSR 10-12.110 Use of Boats and Motors. The commission proposes to amend subsection (2)(EE) and to add subsection (4)(A) and reletter the subsequent subsections in section (4) of this rule.

PURPOSE: The proposed amendment prohibits the use of boats on

St. Joseph (Corby Pond) and prohibits the use of motors on Cape Girardeau (Capaha Park Lake), areas under management agreement with the department in the Community Assistance Program (CAP).

(2) Boats are prohibited on the following areas:
(EE) St. Joseph (**Corby Pond**, Krug Park Lagoon);

(4) Only boats without motors may be used on the following areas:
(A) **Cape Girardeau (Capaha Park Lake);**
(A)/(B) Columbia (Stephens Park Lake, Twin Lakes); and
(B)/(C) Sedalia (Clover Dell Park Lake).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed July 29, 2022.

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 Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

PROPOSED AMENDMENT

3 CSR 10-12.135 Fishing, Methods. The commission proposes to add subsection (8)(A) and reletter the subsequent subsections of this rule.

PURPOSE: The proposed amendment restricts fishing methods to flies, artificial lures, and unscented soft plastic baits from November 1 through January 31 at Cape Girardeau (Capaha Park Lake), an area under management agreement with the department in the Community Assistance Program (CAP).

(8) Only flies, artificial lures, and soft plastic baits (unscented) may be used from November 1 through January 31 on the following lakes:

- (A) **Cape Girardeau (Capaha Park Lake);**
- (A)/(B) Columbia (Cosmo-Bethel Lake);
- (B)/(C) Farmington (Giessing Lake);
- (C)/(D) Fulton (Veterans Park Lake);
- (D)/(E) Hannibal (Huckleberry Lake);
- (E)/(F) Jackson (Rotary Lake);
- (F)/(G) Jefferson City (McKay Park Lake);
- (G)/(H) Jennings (Koeneman Park Lake);
- (H)/(I) Kirksville (Spur Pond);
- (I)/(J) Kirkwood (Walker Lake);
- (J)/(K) Marshall (Lake Minesa);
- (K)/(L) Mexico (Kiwans Lake);
- (L)/(M) Missouri Western State University (Everyday Pond);
- (M)/(N) Overland (Wild Acres Park Lake);
- (N)/(O) Perry County (Legion Lake 1);

~~/(O)/(P)~~ Sedalia (Liberty Park Pond);
~~/(P)/(Q)~~ Sikeston (Sikeston Recreation Complex Lake);
~~/(Q)/(R)~~ St. Joseph (Krug Park Lagoon);
~~/(R)/(S)~~ St. Louis (Jefferson Lake);
~~/(S)/(T)~~ St. Louis County (Tilles Park Lake); and
~~/(T)/(U)~~ Union (Union City Lake).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed July 29, 2022.

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 Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities

PROPOSED AMENDMENT

3 CSR 10-12.140 Fishing, Daily and Possession Limits. The commission proposes to add subsection (2)(AA) and (9)(A) and reletter the subsequent subsections of this rule.

PURPOSE: The proposed amendment restricts the daily limit of black bass to two (2) on St. Joseph (Corby Pond) and establishes a catch and release season for trout on Cape Girardeau (Capaha Park Lake), areas under management agreement with the department in the Community Assistance Program (CAP).

(2) The daily limit for black bass is two (2) on the following lakes:

(AA) St. Joseph (Corby Pond);

~~/(AA)/(BB)~~ St. Louis (Benton Park Lake, Boathouse Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, North Lake, South Lake);

~~/(BB)/(CC)~~ St. Louis County (Bee Tree Park Lake, Blackjack Lake, Carp Lake, Creve Coeur Park Lake, Fountain Lake, Island Lake, Jarville Lake, Simpson Park Lake, Spanish Lake, Sunfish Lake, Tilles Park Lake);

~~/(CC)/(DD)~~ Union (Union City Lake);

~~/(DD)/(EE)~~ Warrensburg (Lions Lake);

~~/(EE)/(FF)~~ Watkins Mill State Park (Williams Creek Lake);

~~/(FF)/(GG)~~ Wentzville (Community Club Lake, Heartland Lake);
and

~~/(GG)/(HH)~~ Windsor (Farrington Park Lake).

(9) Trout must be returned to the water unharmed immediately after being caught from November 1 through January 31 on the following lakes and may not be possessed on these waters during this season:

(A) Cape Girardeau (Capaha Park Lake);

~~/(A)/(B)~~ Columbia (Cosmo-Bethel Lake);

~~/(B)/(C)~~ Farmington (Giessing Lake);
~~/(C)/(D)~~ Fulton (Veterans Park Lake);
~~/(D)/(E)~~ Hannibal (Huckleberry Lake);
~~/(E)/(F)~~ Jackson (Rotary Lake);
~~/(F)/(G)~~ Jefferson City (McKay Park Lake);
~~/(G)/(H)~~ Jennings (Koeneman Park Lake);
~~/(H)/(I)~~ Kirksville (Spur Pond);
~~/(I)/(J)~~ Kirkwood (Walker Lake);
~~/(J)/(K)~~ Marshall (Lake Minesa);
~~/(K)/(L)~~ Mexico (Kiwanis Lake);
~~/(L)/(M)~~ Overland (Wild Acres Park Lake);
~~/(M)/(N)~~ Perry County (Legion Lake 1);
~~/(N)/(O)~~ Sedalia (Liberty Park Pond);
~~/(O)/(P)~~ Sikeston (Sikeston Recreation Complex Lake);
~~/(P)/(Q)~~ St. Louis (Jefferson Lake);
~~/(Q)/(R)~~ St. Louis County (Tilles Park Lake); and
~~/(R)/(S)~~ Union (Union City Lake).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed July 29, 2022.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions approximately four thousand five hundred fifty-five dollars and eighty-four cents (\$4,555.84) annually.

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 Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST**

**I. Department Title: Title 3 – Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 12 – Wildlife Code: Special Regulations for Areas Owned by Other Entities**

Rule Number and Name:	3 CSR 10-12.140 Fishing, Daily and Possession Limits.
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Conservation	\$2,776.40/year
City of Cape Girardeau	\$1,779.44/year

III. WORKSHEET

Department of Conservation

Fish Cost (City of Cape Girardeau): 3.2 acres * 400 fish/acre * \$2.71/trout*.50 percent = **\$1,734.40**

Mileage (City of Cape Girardeau Delivery): 340 miles * \$1.74/mile = **\$591.60**

Staff Time (Delivery – City of Cape Girardeau: 2 staff*9 hours*\$22.52/hour = **\$405.36**

Staff time for Other Coordination: 1 cities*1 staff * 2 hours*\$22.52/hour = **\$45.04**

MDC/Cape Girardeau Subtotal: **\$2,776.40**

City of Cape Girardeau

Fish Cost: 3.2 acres * 400 fish/acre * \$2.71/trout*.50 percent = **\$1,734.40**

Coordination/Administration: 1 staff* 2 hours*\$22.52/hour = **\$45.04**

City of Cape Girardeau Subtotal: **\$1,779.44**

Total of Above: \$ 4,555.84 (Annual Cost)

4. ASSUMPTIONS

- The Department will cover fifty percent (50%) of the purchase cost for trout with Winter Urban Trout Program partners.
- Cities in the Winter Urban Trout Program will cover fifty percent (50%) of the purchase cost for trout.
- The cost per trout is two dollars and seventy-one cents (\$2.71) (Contract Price: Contract #CC211298001).
- Stocking rate is four hundred (400) trout per acre for Winter Urban Trout Program partners (Source: A Plan for Allocation and Stocking Trout in MO (July 2009).

- The Department will provide for the delivery of the trout. All mileage in this assumption is figured from Montauk State Fish Hatchery to the city lake stocking point.
- The MDC operation cost for a fish delivery truck (road tractor – tandem axle) to deliver trout is one dollar and sixty-nine (\$1.74) per mile (Source: MDC Fleet Services FY22).
- Average cost of coldwater hatchery staff time per hour is twenty dollars and forty-two cents (\$22.52) (Source: MDC FY 22 Salary Structure, Salary Range Table, Midpoint of salary range).
- Cape Girardeau (Capaha Park Lake) is three point two (3.2) acres (CAP agreement FY22).
- City staff time for coordination of stocking is estimated at the same hourly rate as MDC staff.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

PROPOSED AMENDMENT

3 CSR 10-12.145 Fishing, Length Limits. The commission proposes to add paragraph (2)(A)7. and (2)(B)11., and renumber the subsequent paragraphs of each subsection of this rule.

PURPOSE: The proposed amendment establishes a minimum length limit for black bass of fifteen inches (15") on Cape Girardeau (Capaha Park Lake) and eighteen inches (18") on St. Joseph (Corby Pond), areas under management agreement with the department in the Community Assistance Program (CAP).

(2) Black bass more than twelve inches (12") but less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught, except as follows:

(A) Black bass less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught on the following lakes:

1. Arrow Rock State Historic Site (Big Soldier Lake);
2. Belton (Cleveland Lake);
3. Bethany (Old Bethany City Reservoir);
4. Blue Springs (Lake Remembrance);
5. Butler City Lake;
6. Cameron (Century Lake, Eagle Lake, Grindstone Lake, Sunrise Lake);
7. **Cape Girardeau (Capaha Park Lake);**
[7.]/8. Carthage (Kellogg Lake);
[8.]/9. Columbia (Stephens Park Lake);
[9.]/10. Concordia (Edwin A. Pape Lake);
[10.]/11. Confederate Memorial State Historic Site lakes;
[11.]/12. Dexter City Lake;
[12.]/13. East Prairie (K.S. Simpkins Park Pond);
[13.]/14. Farmington (Asher Lake, Hager Lake, Giessing Lake, Thomas Lake);
[14.]/15. Hamilton City Lake;
[15.]/16. Harrison County Lake;
[16.]/17. Higginsville (Higginsville City Lake, Upper Higginsville City Lake);
[17.]/18. Holden City Lake;
[18.]/19. Jackson (Litz Park Lake, Rotary Lake);
[19.]/20. Jackson County (Lake Jacomo, Prairie Lee Lake);
[20.]/21. Jefferson City (McKay Park Lake);
[21.]/22. Kearney (Jesse James Park Lake);
[22.]/23. Keytesville (Maxwell Taylor Park Pond);
[23.]/24. Kirksville (Hazel Creek Lake);
[24.]/25. Liberty (Capitol Federal® Sports Complex Ponds Nos. 1, 2, 3, 4, 5, 6, 7, and 8);
[25.]/26. Marble Hill (Pellegrino Lake);
[26.]/27. Mark Twain National Forest (Fourche Lake, Huzzah Pond, Loggers Lake, McCormack Lake, Noblett Lake, Roby Lake);
[27.]/28. Maysville (Willow Brook Lake);
[28.]/29. Mineral Area College (Quarry Pond);
[29.]/30. Odessa (Lake Venita);
[30.]/31. Pershing State Park ponds;
[31.]/32. Potosi (Roger Bilderback Lake);
[32.]/33. Raymore (Johnston Lake);
[33.]/34. Sikeston (Sikeston Recreation Complex Lake);
[34.]/35. Unionville (Lake Mahoney);
[35.]/36. University of Missouri (McCredie Lake);
[36.]/37. Warrensburg (Lions Lake);
[37.]/38. Watkins Mill State Park (Williams Creek Lake); and
[38.]/39. Windsor (Farrington Park Lake).

(B) Black bass less than eighteen inches (18") total length must be

returned to the water unharmed immediately after being caught on the following lakes:

1. Ballwin (New Ballwin Park Lake, Vlasis Park Lake);
2. Columbia (Twin Lakes);
3. Fenton (Preslar Lake, Upper Fabick Lake, Westside Park Lake);
4. Ferguson (January-Wabash Lake);
5. Jennings (Koeneman Park Lake);
6. Kirkwood (Walker Lake);
7. Overland (Wild Acres Park Lake);
8. Sedalia Water Department (Spring Fork Lake);
9. St. Ann (Gendron Lake);
10. St. Charles (Fountain Lakes Pond, Kluesner Lake, Moore Lake, Skate Park Lake);
11. **St. Joseph (Corby Pond);**
[11.]/12. St. Louis (Benton Park Lake, Boathouse Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, North Lake, South Lake);
[12.]/13. St. Louis County (Bee Tree Park Lake, Blackjack Lake, Carp Lake, Creve Coeur Park Lake, Fountain Lake, Island Lake, Jarville Lake, Simpson Park Lake, Spanish Lake, Sunfish Lake, Tilles Park Lake);
[13.]/14. Union (Union City Lake); and
[14.]/15. Wentzville (Community Club Lake, Heartland Lake);

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed July 29, 2022.

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 Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. 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 10—DEPARTMENT OF NATURAL RESOURCES
Division 90—State Parks
Chapter 2—State Parks Administration**

PROPOSED AMENDMENT

10 CSR 90-2.010 Definitions. The Department of Natural Resources, Division of State Parks, is amending section (3).

PURPOSE: This amendment adds a definition of group camp.

(3) Group Camping Definitions.

(A) **Group camp.** A group facility within a state park or historic site that can accommodate organized groups such as nonprofit youth groups, school and church groups, families, and weddings. Group camps include features such as a dining hall with a kitchen, sleeping cabins or barracks, restrooms, and showers.

[(A)](B) **Camp director.** The person from the using group designated as the authority responsible for the entire camping program.

[(B)](C) New group. For the purpose of group camping applications, a new group is considered to be any group that did not use the requested group camp in the prior year, requested additional or new camp dates, or failed to respond during the preferred application period.

[(C)](D) Group camp swim areas are:

1. A swimming pool, which is an engineered structure whose primary use is for swimming; or
2. Any beach or water facility located on a lake and dedicated solely for use by group campers.

AUTHORITY: section 253.035, RSMo 2016. This version filed Dec. 31, 1975, effective Jan. 10, 1976. Amended: Filed June 10, 1981, effective Sept. 11, 1981. For intervening history, please consult the Code of State Regulations. Amended: Filed July 18, 2022.

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 Department of Natural Resources, Division of State Parks, Attention: Rule Coordinator, PO Box 176, Jefferson City, MO 65102 or by email to amanda.mckay@dnr.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 10—DEPARTMENT OF NATURAL RESOURCES
Division 90—State Parks
Chapter 2—State Parks Administration
PROPOSED AMENDMENT

10 CSR 90-2.030 Camping and Recreational Activities. The Department of Natural Resources, Division of State Parks, is amending sections (5), (9), (11), (13), (16), and (23).

PURPOSE: This amendment updates the changes made to the reservation system. This amendment also includes what is prohibited.

(5) **Campsite Availability. Reservations are accepted for most campsites during a certain portion of the year. Unreserved and nonreservable [C] campsites are available on a ["first-come first-served"] walk-up registration basis [except those which have been reserved under the formal reservation system or as provided for under other regulations. A campsite is considered unavailable and occupied when it has posted a valid camping permit and contains substantial personal property (i.e., dining fly, trailer, tent, licensed vehicle), or a]. A valid camping permit [and an official marker/sign as provided specifically by the state park or historic site. The valid camping permit] documents reservation and takes priority as evidence and first right of occupancy for the standard camping day in the event the campsite is inadvertently occupied by anyone other than the original holder of the camping [permit] reservation.**

(9) **Holding or Reserving a Campsite.**

(B) Reservable campsites shall not be occupied without a reservation, or directions from the park staff. *[Paid-for reservation campsites will be held vacant for the payer until 3:00 p.m. on the last day paid for]* **A camping reservation may be forfeited if the camper has not arrived and has not made contact with park staff to arrange for late arrival by 3 p.m. on the day after the camper's scheduled arrival date.**

(11) **Campsites Designated for Persons with Disabilities.** *[A campsite] Campsites designed for persons with disabilities may only be [sold to campers without disabilities when all of the particular types (basic, electric, sewer/electric) of campsite have been sold. A camper without disabilities may occupy the campsite for persons with disabilities for the duration of his/her camping stay on a day-by-day basis if a similar campsite is not available. Should a camper with disabilities arrive prior to 6:00 p.m., the camper without disabilities shall be required to move to a similar campsite if available.] reserved by a party that includes at least one (1) person with a disability. Same-day camping permits for these sites may be issued to parties that do not include a person with a disability when all other campsites of the same type (basic, electric, sewer/electric, sewer/electric/water) have been sold. Such permits will allow the party to occupy the campsite designated for persons with disabilities for the duration of their stay.*

(13) **Special Use Camp Areas.**

(A) Special use camp areas *[are assigned on a "first-come first-served" basis or may be reserved by phone or mail]* **may be reserved up to twelve (12) months in advance online or by contacting the applicable facility. Priority shall be given to nonprofit, youth organizations, and/or applications based on date of submission if more than one (1) request is received simultaneously.**

(16) **General Camping Rules.**

(A) The following are prohibited:

1. Occupying a campsite without a valid camping permit;

[1.]2. Discharging of sewage or treated water, commonly referred to as "grey water," from tents, campers, or recreational vehicles, except at designated locations;

[2.]3. Fires outside of the fire pits, barbecue grills (where provided), and other locations approved by the facility manager;

[3.]4. Leaving a fire unattended;

[4.]5. Hanging of lanterns on trees or shrubs;

[5.]6. Trenching around tent camps for protection against water or wind damage; and

[6.]7. Using electronic insect killing devices.

(23) **Shelter Houses.** Open shelters and/or enclosed shelters may be provided in the day use areas of Missouri's state parks and state historic sites.

(A) Open and enclosed shelters may be reserved **up to twelve (12) months** in advance *[through the respective park staff]* **online or by contacting the applicable facility** or contracted concessionaire, with full payment being made **at time of reservation.**

AUTHORITY: section 253.035, RSMo 2016. This version of rule filed Dec. 31, 1975, effective Jan. 10, 1976. For intervening history, please consult the Code of State Regulations. Amended: Filed July 18, 2022.

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 Department of Natural Resources, Division of State Parks, Attention: Rule Coordinator, PO Box 176, Jefferson City, MO 65102 or by email to amanda.mckay@dnr.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 10—DEPARTMENT OF NATURAL RESOURCES
Division 90—State Parks
Chapter 2—State Parks Administration**

PROPOSED AMENDMENT

10 CSR 90-2.050 Organized Group Camps. The Department of Natural Resources, Division of State Parks, is amending section (1) of this rule.

PURPOSE: This amendment updates how to reserve a group camp and the time frame it can be reserved.

(1) Application Procedure.

(B) Any group may apply to reserve a group camp **online or by [requesting an application from the respective facility manager] contacting the applicable facility.**

(C) Applications for reservations may be taken up to **[eleven (11)] twelve (12)** months in advance of the day of arrival. All applications for the next calendar year open season are due by October 16. Those groups applying after that date will be offered remaining dates. The reserving party must also indicate a second and third priority stay period. Rental priorities shall be given to nonprofit, youth organizations, and/or applications with the earliest postmark.

AUTHORITY: section 253.035, RSMo 2016. This version filed Dec. 31, 1975, effective Jan. 10, 1976. For intervening history, please consult the *Code of State Regulations*. Amended: Filed July 18, 2022.

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 Department of Natural Resources, Division of State Parks, Attention: Rule Coordinator, PO Box 176, Jefferson City, MO 65102 or by email to amanda.mckay@dnr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 3—Conditions of Provider Participation,
Reimbursement, and Procedure of General Applicability**

PROPOSED AMENDMENT

13 CSR 70-3.030 [Sanctions] Administrative Actions for Improperly Paid, False, or Fraudulent Claims for MO HealthNet Services. This amendment changes the title of the rule, the purpose, and revises sections (1) through (6).

PURPOSE: This proposed amendment updates, clarifies, and simplifies language in this rule. The language changes reflect the reality that some actions taken under this rule are not due to fraud, but rather to mistakes on the part of the provider or the agency. Claims in these circumstances must still be recouped, but are not necessarily considered “sanctions.” Also, the language regarding which practitioners can bill for certain services needs to be updated. Section (3) (Program Violations) has 44 distinct paragraphs/violations, some of which are not clear or are redundant, and the language updates rectify these issues.

PURPOSE: This rule establishes the basis on which certain claims for MO HealthNet services or merchandise will be determined to be **improperly paid, false, or fraudulent** and lists the [sanctions which] **administrative actions that may be imposed and the method of imposing those [sanctions] actions.**

(1) Administration.

(A) The MO HealthNet program shall be administered by the Department of Social Services, MO HealthNet Division. The 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 division and shall be included in the MO HealthNet provider manuals, which are incorporated by reference and made a part of this rule as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109, at its website dss.mo.gov/mhd, [October 1, 2017] **July 20, 2022**. This rule does not incorporate any subsequent amendments or additions.

(2) The following definitions will be used in administering this rule:

(A) “Adequate documentation” means documentation from which services rendered and the amount of reimbursement received by a provider can be readily discerned and verified with reasonable certainty. “Adequate medical records” are records which are of the type and in a form from which symptoms, conditions, diagnosis, treatments, prognosis, and the identity of the patient to which these things relate can be readily discerned and verified with reasonable certainty. **[All] Not all documentation [must be made available at the same site at which the service was rendered.] is considered a medical record. Certain services such as respite, and certain in-home services will not contain all the information that a medical record contains. All documentation must be made available at the same site at which the service was rendered, unless the services were provided in the participant’s home, via a mobile unit, or other circumstance that would require the records be kept at an office location away from the delivery site.** An adequate and complete patient record is a record which is legible, which is made contemporaneously with the delivery of the service, which addresses the patient/client specifics, which include, at a minimum, individualized statements that support the assessment or treatment encounter, and shall include documentation of the following information:

1. First name, last name, and either middle initial or date of birth of the MO HealthNet participant;

2. An accurate, complete, and legible description of each service(s) provided;

3. Name, title, and signature of the MO HealthNet enrolled provider delivering the service. Inpatient hospital services must have signed and dated physician, **physician assistant, nurse practitioner,** or psychologist orders within the patient’s medical record for the admission and for services billed to MO HealthNet. For patients registered on hospital records as outpatient, the patient’s medical record must contain signed and dated physician orders for services billed to MO HealthNet. Services provided by an individual under the direction or supervision are not reimbursed by MO HealthNet. Services provided by a person not enrolled with MO HealthNet are not reimbursed by MO HealthNet;

4. The name of the referring entity, when applicable;

5. The date of service (month/day/year);

6. For those MO HealthNet programs and services that are reimbursed according to the amount of time spent in delivering or rendering a service(s) (except for services American Medical Association Current Procedural Terminology (CPT) procedure codes 99291–99292 and targeted case management services administered through the Department of Mental Health and as specified under 13 CSR 70-91.010 Personal Care Program (4)(A)) the actual begin and end time taken to deliver the service (for example, 4:00–4:30 p.m.) **or for Evaluation and Management (E/M) CPT procedures codes 99202-99215, the total time spent on the service must be documented;**

7. The setting in which the service was rendered;

8. The plan of treatment, evaluation(s), test(s), findings, results, and prescription(s) as necessary. Where a hospital acts as an independent laboratory or independent radiology service for persons considered by the hospital as “nonhospital” patients, the hospital must have a written request or requisition slip ordering the tests or procedures;

9. The need for the service(s) in relationship to the MO HealthNet participant’s treatment plan;

10. The MO HealthNet participant’s progress toward the goals stated in the treatment plan (progress notes);

11. Long-term care facilities shall be exempt from the seventy-two- (72-) hour documentation requirements rules applying to paragraphs (2)(A)9. and (2)(A)10. However, applicable documentation should be contained and available in the entirety of the medical record; **and**

12. For applicable programs, it is necessary to have adequate invoices, trip tickets/reports, activity log sheets, employee records (excluding health records), and training records of staff; *[and]*

[13. For targeted case management services administered through the Department of Mental Health, documentation shall include:

A. First name, last name, and either middle initial or date of birth of the MO HealthNet participant;

B. An accurate, complete, and legible case note of each service provided;

C. Name of the case manager providing the service;

D. Date the service was provided (month/day/year);

E. Amount of time in minutes/hour(s) spent completing the activity;

F. Setting in which the service was rendered;

G. Individual treatment plan or person centered plan with regular updates;

H. Progress notes;

I. Discharge summaries when applicable; and

J. Other relevant documents referenced in the case note such as letters, forms, quarterly reports, and plans of care;

(B) Affiliates means persons having an overt, covert, or conspiratorial relationship so that any one (1) of them directly or indirectly controls or has the power to control another;

(C) Closed-end provider agreement means an agreement that is for a specified period of time, not to exceed twelve (12) months, and that must be renewed in order for the provider to continue to participate in the MO HealthNet program;

(D) Contemporaneous means at the time the service was performed or within five (5) business days, of the time the service was provided;]

(B) “Exclusion” means an individual or entity may not participate in the MO HealthNet program for misconduct ranging from fraud convictions to patient abuse;

[(E)](C) “Federal health care program” means a program as defined in section 1128B(f) of the Social Security Act;

[(F)](D) “Fiscal agent” means an organization under contract to the state MO HealthNet agency for providing any services in the administration of the MO HealthNet program;

[(G)](E) “MO HealthNet agency” or the “agency” [means] or the “single state agency” means the Department of Social Services, which is the single state agency charged with administering or supervising the administration of [a state Medicaid plan] the MO HealthNet (Medicaid) program in Missouri;

[(H)](F) “Open-end provider agreement” means an agreement that has no specific termination date and continues in force as long as it is agreeable to both parties;

[(I)](G) “Participation” means the ability and authority to provide services or merchandise to eligible MO HealthNet participants and to receive payment from the MO HealthNet program for those ser-

vices or merchandise;

[(J)](H) “Person” means any natural person, company, firm, partnership, unincorporated association, corporation, or other legal entity;

[(K)](I) “Provider” means [an individual, firm, corporation, pharmacy, hospital, long-term care facility, association, or institution which has a provider agreement to provide services to a participant] any person, partnership, corporation, not-for-profit corporation, professional corporation, or other business entity that enters into a contract or provider agreement with the department or its divisions for the purpose of providing services to eligible persons, and obtaining from the department or its divisions reimbursement pursuant to [Chapter] 208.164, RSMo;

[(L)](J) “Record” means any books, papers, journals, charts, treatment histories, medical histories, tests and laboratory results, photographs, Xrays, and any other recordings of data or information made by or caused to be made by a provider relating in any way to services provided to MO HealthNet participants and payments charged or received. MO HealthNet claim for payment information, appointment books, financial ledgers, financial journals, or any other kind of patient charge without corresponding adequate medical records do not constitute adequate documentation;

[(M)](K) “Supervision” means to direct an employee of the provider in the performance of a covered and allowable service such as under the MO HealthNet dental and nurse midwife programs or a covered and allowable non-psychiatric service under the MO HealthNet physician program. In order to direct the performance of such service, the provider must be in the office where the service is being provided and must be immediately available to give directions in person to the employee actually rendering the service and the adequately documented service must be cosigned by the enrolled billing provider;

[(N)](L) “Suspension from participation” means an exclusion from participation for a specified period of time;

[(O)](M) “Suspension of payments” means placement of payments due a provider in an escrow account;

[(P)](N) “Termination from participation” means the ending of participation in the MO HealthNet program; and

[(Q)](O) “Withholding of payments” means a reduction or adjustment of the amounts paid to a provider on pending and subsequently submitted bills for purposes of offsetting overpayments previously made to the provider.

(3) Program Violations.

(A) *[Sanctions] Administrative actions* may be imposed by the MO HealthNet agency against a provider for any one (1) or more of the following reasons:

1. Presenting, or causing to be presented, for payment any false or fraudulent claim for services or merchandise in the course of business related to MO HealthNet;

2. Submitting, or causing to be submitted, false information for the purpose of obtaining greater compensation than that to which the provider is entitled under applicable MO HealthNet program policies or rules, including, but not limited to, the billing or coding of services which results in payments in excess of the fee schedule for the service actually provided or billing or coding of services which results in payments in excess of the provider’s charges to the general public for the same services or billing for higher level of service or increased number of units from those actually ordered or performed or both, or altering or falsifying medical records to obtain or verify a greater payment than authorized by a fee schedule or reimbursement plan;

3. Submitting, or causing to be submitted, false information for the purpose of meeting prior authorization requirements or for the purpose of obtaining payments in order to avoid the effect of those changes;

4. Failing to make available, and disclosing to the MO HealthNet agency or its authorized agents, all records relating to services provided to MO HealthNet participants or records relating to MO HealthNet payments, whether or not the records are commingled with non-Title XIX (Medicaid) records. All records must be kept a minimum of five (5) years from the date of service unless a more specific provider regulation applies. The minimum five- (5-) year retention of records requirement continues to apply in the event of a change of ownership or discontinuing enrollment in MO HealthNet. Services billed to the MO HealthNet agency that are not adequately documented in the patient's medical records or for which there is no record that services were performed shall be considered a violation of this section. Copies of records must be provided upon request of the MO HealthNet agency or its authorized agents, regardless of the media in which they are kept. Failure to make these records available on a timely basis at the same site at which the services were rendered or at the provider's address of record with the MO HealthNet agency, or failure to provide copies as requested, or failure to keep and make available adequate records which adequately document the services and payments shall constitute a violation of this section and shall be a reason for sanction. Failure to send records, which have been requested via mail, within the specified time frame shall constitute a violation of this section and shall be a reason for sanction;

5. Failing to provide and maintain quality, necessary, and appropriate services, including adequate staffing for long-term care facility MO HealthNet participants, within accepted medical community standards as adjudged by a body of peers, as set forth in both federal and state statutes or regulations. Failure shall be documented by repeat discrepancies. The discrepancies may be determined by a peer review committee, medical review teams, independent professional review teams, utilization review committees, or by Professional Standards Review Organizations (PSRO). The medical review may be conducted by qualified peers employed by the single state agency;

6. Engaging in conduct or performing an act deemed improper or abusive of the MO HealthNet program or continuing the conduct following notification that the conduct should cease. This will include inappropriate or improper actions relating to the management of participants' personal funds or other funds;

7. Breaching of the terms of the MO HealthNet provider agreement of any current written and published policies and procedures of the MO HealthNet program (such policies and procedures are contained in provider manuals or bulletins which are incorporated by reference and made a part of this rule as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109, at its website www.dss.mo.gov/mhd, October 1, 2017. This rule does not incorporate any subsequent amendments or additions or fail to comply with the terms of the provider certification on the MO HealthNet claim form;

8. Utilizing or abusing the MO HealthNet program as evidenced by a documented pattern of inducing, furnishing, or otherwise causing a participant to receive services or merchandise not otherwise required or requested by the participant, attending physician, or appropriate utilization review team; a documented pattern of performing and billing tests, examinations, patient visits, surgeries, drugs, or merchandise that exceed limits or frequencies determined by the department for like practitioners for which there is no demonstrable need, or for which the provider has created the need through ineffective services or merchandise previously rendered;

9. Rebating or accepting a fee or portion of a fee or charge for a MO HealthNet patient referral; or collecting a portion of the service fee from the participant, except this shall not apply to MO HealthNet services for which participants are responsible for payment of a copayment or coinsurance in accordance with 13 CSR 70-4.050 and 13 CSR 70-4.051;

10. Violating any provision of the State Medical Assistance Act or any corresponding rule;

11. Submitting a false or fraudulent application for provider status which misrepresents material facts. This shall include concealment or misrepresentation of material facts required on any provider agreements or questionnaires submitted by affiliates when the provider knew, or should have known, the contents of the submitted documents;

12. Violating any laws, regulations, or code of ethics governing the conduct of occupations or professions or regulated industries. In addition to all other laws which would commonly be understood to govern or regulate the conduct of occupations, professions, or regulated industries, this provision shall include any violations of the civil or criminal laws of the United States, of Missouri, or any other state or territory, where the violation is reasonably related to the provider's qualifications, functions, or duties in any licensed or regulated profession or where an element of the violation is fraud, dishonesty, moral turpitude, or an act of violence;

13. Failing to meet standards required by state or federal law for participation (for example, licensure);

14. Exclusion from the Medicare program or any other federal health care program;

15. Failing to accept MO HealthNet payment as payment in full for covered services or collecting additional payment from a participant or responsible person, except this shall not apply to MO HealthNet services for which participants are responsible for payment of a copayment or coinsurance in accordance with 13 CSR 70-4.050 and 13 CSR 70-4.051;

16. Refusing to execute a new provider agreement when requested to do so by the single state agency in order to preserve the single state agency's compliance with federal and state requirements; or failure to execute an agreement within twenty (20) days for compliance purposes;

17. Failing to correct deficiencies in provider operations within ten (10) days or date specified after receiving written notice of these deficiencies from the single state agency or within the time frame provided from any other agency having licensing or certification authority;

18. Being formally reprimanded or censured by a board of licensure or an association of the provider's peers for unethical, unlawful, or unprofessional conduct; any termination, removal, suspension, revocation, denial, probation, consented surrender, or other disqualification of all or part of any license, permit, certificate, or registration related to the provider's business or profession in Missouri or any other state or territory of the United States;

19. Being suspended or terminated from participation in another governmental medical program such as Workers' Compensation, Crippled Children's Services, Rehabilitation Services, Title XX Social Service Block Grant, or Medicare;

20. Using fraudulent billing practices arising from billings to third parties for costs of services or merchandise or for negligent practice resulting in death or injury or substandard care to persons including, but not limited to, the provider's patients;

21. Failing to repay or make arrangements for the repayment of identified overpayments or otherwise erroneous payments prior to the allowed forty-five (45) days which the provider has to refund the requested amount;

22. *Billing the MO HealthNet program more than once for the same service when the billings were not caused by the single state agency or its agents;*

23. *Billing the state MO HealthNet program for services not provided prior to the date of billing (prebilling), except in the case of prepaid health plans or pharmacy claims submitted by point-of-service technology; whether or not the pre-billing causes loss or harm to the MO HealthNet program;*

24. *Failing to reverse or credit back to the medical assistance program (MO HealthNet) within thirty (30) days any pharmacy claims submitted to the agency that represent products or services not received by the participant; for example, prescriptions that were returned to stock because they were not picked up;*

25. *Conducting any action resulting in a reduction or depletion of a long-term care facility MO HealthNet participant's personal funds or reserve account, unless specifically authorized in writing by the participant, relative, or responsible person;*

26. *Submitting claims for services not personally rendered by the individually enrolled provider, except for the provisions specified in the MO HealthNet dental, physician, or nurse midwife programs where such claims may be submitted only if the individually enrolled provider directly supervised the person who actually performed the service and the person was employed by the enrolled provider at the time the service was rendered. All claims for psychiatric, psychological counseling, speech therapy, physical therapy, and occupational therapy services may only be billed by the individually enrolled provider who actually performs the service, as supervision is noncovered for these services. Services performed by a nonenrolled person due to MO HealthNet sanction, whether or not the person was under supervision of the enrolled provider, is a noncovered service;*

27. *Making any payment to any person in return for referring an individual to the provider for the delivery of any goods or services for which payment may be made in whole or in part under MO HealthNet. Soliciting or receiving any payment from any person in return for referring an individual to another supplier of goods or services regardless of whether the supplier is a MO HealthNet provider for the delivery of any goods or services for which payment may be made in whole or in part under MO HealthNet is also prohibited. Payment includes, without limitation, any kickback, bribe, or rebate made, either directly or indirectly, in cash or in-kind;*

28. *Billing for services through an agent, which were upgraded from those actually ordered, performed; or billing or coding services, either directly or through an agent, in a manner that services are paid for as separate procedures when, in fact, the services were performed concurrently or sequentially and should have been billed or coded as integral components of a total service as prescribed in MO HealthNet policy for payment in a total payment less than the aggregate of the improperly separated services; or billing a higher level of service than is documented in the patient/client record; or unbundling procedure codes;*

29. *Conducting civil or criminal fraud against the MO HealthNet program or any other state Medicaid (medical assistance) program, or any criminal fraud related to the conduct of the provider's profession or business;*

30. *Having sanctions or any other adverse action invoked by another state Medicaid program;]*

1. **Failure to meet standards under state or federal law for participation (for example, licensure);**

2. **Failure to comply with the provisions of the signed Missouri Department of Social Services, MO HealthNet Division Title XIX Participation Agreement with the provider relating to**

health care services. The standard agreement is accessible online and incorporated by reference and made a part of this rule as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109, at its website www.dss.mo.gov/mhd, July 20, 2022. This rule does not incorporate any subsequent amendments or additions;

3. **Rebating or accepting a fee or portion of a fee or charge for a MO HealthNet patient referral, or collecting a portion of the service fee from the participant;**

4. **Failure to accept MO HealthNet payment as payment in full for covered services or collecting additional payment from a participant or responsible person;**

5. **Failure to reverse or credit back to MO HealthNet within thirty (30) days any pharmacy claims submitted to the agency that represent products or services not received by the participant; for example, prescriptions that were returned to stock because they were not picked up;**

6. **For providers of Consumer Directed Services (CDS), failure to submit to MO Medicaid Audit and Compliance (MMAC) a required CDS quarterly Financial and Services report, annual service report, or an annual financial statement audit or financial statement review;**

7. **Failure to utilize an Electronic Visit Verification (EVV) system that complies with the requirements of 13 CSR 70-3.320 to document delivery of personal care services requiring EVV usage;**

8. **Failure to make to MMAC an annual attestation of compliance with the provisions of Section 6032 of the federal Deficit Reduction Act of 2005 by March 1 of each year, or failing to provide a requested copy of an attestation, or failing to provide written notification of having more than one (1) federal tax identification number by September 30 of each year, or failing to provide requested proof of a claimed exemption from the provisions of Section 6032 of the federal Deficit Reduction Act of 2005;**

9. **Failure to advise MMAC, in writing, on enrollment forms specified by the single state agency, of any changes affecting the provider's enrollment records within ninety (90) days of the change, with the exception of change of ownership or control of any provider which must be reported within thirty (30) days;**

10. **Refusing to execute a new provider agreement when requested to do so by MMAC in order to preserve the single state agency's compliance with federal and state requirements; or failure to execute an agreement within thirty (30) days for compliance purposes;**

11. **Billing the MO HealthNet program more than once for the same service when the billings were not caused by the single state agency or its agents;**

12. **Billing the MO HealthNet program for services not provided prior to the date of billing ("prebilling"), except in the case of prepaid health plans or pharmacy claims submitted by point-of-service technology, whether or not the prebilling causes loss or harm to the MO HealthNet program;**

13. **Submitting claims for services not personally rendered by the individually enrolled provider, except for the provisions specified in the MO HealthNet programs where such claims may be submitted only if the individually enrolled provider directly supervised the person who actually performed the service and the person was employed by the enrolled provider at the time the service was rendered. Such policies and procedures are contained in provider manuals which are incorporated by reference and made a part of this rule as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109, at its website www.dss.mo.gov/mhd, July 20, 2022. This rule does not incorporate any subsequent amendments or additions;**

14. **Failure to provide and maintain quality, necessary, and appropriate services, including adequate staffing for MO HealthNet participants, within accepted medical community**

standards as adjudged by a body of peers, as set forth in both federal and state statutes or regulations. The medical review may be conducted by qualified peers employed by the single state agency;

15. Breaching of the terms of the MO HealthNet provider agreement or of any current written and published policies and procedures of the MO HealthNet program or failing to comply with the terms of the provider certification on the MO HealthNet claim form. Such policies and procedures are contained in provider manuals which are incorporated by reference and made a part of this rule as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109, at its website www.dss.mo.gov/mhd, July 20, 2022. This rule does not incorporate any subsequent amendments or additions;

16. Failure to meet any of the documentation requirements under this paragraph. All records must be kept a minimum of six (6) years from the date of service unless a more specific provider regulation applies. The minimum six- (6-) year retention of records requirement continues to apply in the event of a change of ownership or discontinuing enrollment in MO HealthNet. Services billed to the MO HealthNet agency that are not adequately documented in the patient's medical records or for which there is no record that services were performed shall be considered a violation of this section. Copies of records must be provided upon request of the single state agency or its authorized agents, regardless of the media in which they are kept—

A. Failure to maintain documentation which is to be made contemporaneously to the date of service;

B. Failure to maintain records for services provided and all billing done under provider number regardless to whom the reimbursement is paid and regardless of who in their employment or service produced or submitted the MO HealthNet claim or both;

C. Failure to make available, and disclosing to the MO HealthNet agency or its authorized agents, all records relating to services provided to MO HealthNet participants or records relating to MO HealthNet payments, whether or not the records are commingled with non-Title XIX (Medicaid) records;

D. Failure to make these records available on a timely basis;

E. Failure to provide copies as requested;

F. Failure to keep and make available adequate records which adequately document the services and payments;

G. Failure to send records, which have been requested via mail, fax, or email, to the address or number on record with the agency, within the specified time frame;

H. For providers other than long-term care facilities, failure to retain in legible form for at least six (6) years from the date of service, worksheets, financial records, appointment books, appointment calendars (for those providers who schedule patient/client appointments), adequate documentation of the service, and other documents and records verifying data transmitted to a billing intermediary, whether the intermediary is owned by the provider or not; or

I. For long-term care providers, failing to retain in legible form, for at least seven (7) years from the date of service, worksheets, financial records, adequate documentation for the service(s), and other documents and records verifying data transmitted to a billing intermediary, whether the intermediary is owned by the provider or not. The documentation must be maintained so as to protect it from damage or loss by fire, water, computer failure, theft, or any other cause;

17. Removing or coercing from the possession or control of a participant any item of durable medical equipment which has reached MO HealthNet-defined purchase price through MO HealthNet rental payments or otherwise become the property of the participant without paying fair market value to the partici-

pant;

18. Failure to timely submit civil rights compliance data or information or failure to timely take corrective action for civil rights compliance deficiencies within thirty (30) days after notification of these deficiencies or failure to cooperate or supply information required or requested by civil rights compliance officers of the single state agency;

19. Billing the MO HealthNet program for services rendered to a participant in a long-term care facility when the resident resided in a portion of the facility which was not MO HealthNet-certified or properly licensed or was placed in a non-licensed or MO HealthNet non-certified bed;

20. Failure to submit proper diagnosis codes, procedure codes, billing codes regardless to who the reimbursement is paid and regardless of who in their employment or service produced or submitted the MO HealthNet claim;

21. Failure to submit and document, as defined in subsection (2)(A), the length of time (begin and end clock time) actually spent providing a service, except for services as specified under 13 CSR 70-91.010(4)(A) Personal Care Program, regardless to who the reimbursement is paid and regardless of whom in their employment or service produced or submitted the MO HealthNet claim or both;

22. Billing for the same service as another provider when the service is performed or attended by more than one (1) enrolled provider. MO HealthNet will reimburse only one (1) provider for the exact same service;

23. Failure to repay or make arrangements for the repayment of identified overpayments or otherwise improper payments prior to the allowed forty-five (45) days which the provider has to refund the requested amount;

24. Presenting, or causing to be presented, for payment, any false or fraudulent claim for services or merchandise in the course of business related to MO HealthNet by an agent or employee of the provider;

25. Submitting, or causing to be submitted, false information for the purpose of meeting prior authorization requirements or for the purpose of obtaining payments in order to avoid the effect of those changes;

26. Submitting, or causing to be submitted, false information for the purpose of obtaining greater compensation than that to which the provider is entitled under applicable MO HealthNet program policies or rules, including but not limited to the billing or coding of services which results in payments in excess of the fee schedule for the service actually provided or billing or coding of services which results in payments in excess of the provider's charges to the general public for the same services or billing for higher level of service or increased number of units from those actually ordered or performed or both, or altering or falsifying medical records to obtain or verify a greater payment than authorized by a fee schedule or reimbursement plan;

27. Engaging in conduct or performing an act deemed improper or abusive of the MO HealthNet program or failing to correct deficiencies in provider operations within ten (10) days or a date specified after receiving written notice of these deficiencies from the single state agency or within the time frame provided from any other agency having licensing or certification authority. This will include inappropriate or improper actions relating to the management of participants' personal funds or other funds;

28. Billing violations as follows:

A. Billing for services through an agent, which were upgraded from those actually ordered and performed;

B. Billing or coding services, either directly or through an agent, in a manner that services are paid for as separate procedures when, in fact, the services were performed concurrently or sequentially and should have been billed or coded as integral components of a total service as prescribed in MO HealthNet policy for payment in a total payment less than the aggregate of the

improperly separated services;

C. Billing a higher level of service than is documented in the patient/client record; or

D. Unbundling procedure codes;

29. Utilizing or abusing the MO HealthNet program as evidenced by a documented pattern of inducing, furnishing, or otherwise causing a participant to receive services or merchandise not otherwise required or requested by the participant, attending physician, or appropriate utilization review team; or as evidenced by a documented pattern of performing and billing tests, examinations, patient visits, surgeries, drugs, or merchandise that exceed limits or frequencies determined by the department for like practitioners for which there is no demonstrable need, or for which the provider has created the need through ineffective services or merchandise previously rendered;

[31.]30. [Failing] Failure to take reasonable measures to review claims for payment for accuracy, duplication, or other errors caused or committed by employees when the failure allows material errors in billing to occur. This includes failure to review remittance advice statements provided which results in payments which do not correspond with the actual services rendered;

[32. Submitting improper or false claims to the state or its fiscal agent by an agent or employee of the provider;

33. For providers other than long-term care facilities, failing to retain in legible form for at least five (5) years from the date of service, worksheets, financial records, appointment books, appointment calendars (for those providers who schedule patient/client appointments), adequate documentation of the service, and other documents and records verifying data transmitted to a billing intermediary, whether the intermediary is owned by the provider or not. For long-term care providers, failing to retain in legible form, for at least seven (7) years from the date of service, worksheets, financial records, adequate documentation for the service(s), and other documents and records verifying data transmitted to a billing intermediary, whether the intermediary is owned by the provider or not. The documentation must be maintained so as to protect it from damage or loss by fire, water, computer failure, theft, or any other cause;

34. Removing or coercing from the possession or control of a participant any item of durable medical equipment which has reached MO HealthNet-defined purchase price through MO HealthNet rental payments or otherwise become the property of the participant without paying fair market value to the participant;

35. Failing to timely submit civil rights compliance data or information or failure to timely take corrective action for civil rights compliance deficiencies within thirty (30) days after notification of these deficiencies or failure to cooperate or supply information required or requested by civil rights compliance officers of the single state agency;

36. Billing the MO HealthNet program for services rendered to a participant in a long-term care facility when the resident resided in a portion of the facility which was not MO HealthNet-certified or properly licensed or was placed in a nonlicensed or MO HealthNet-noncertified bed;

37. Failure to comply with the provisions of the Missouri Department of Social Services, MO HealthNet Division Title XIX Participation Agreement with the provider relating to health care services;

38. Failure to maintain documentation which is to be made contemporaneously to the date of service;

39. Failure to maintain records for services provided and all billing done under his/her provider number regardless to whom the reimbursement is paid and regardless of whom in his/her employ or service produced or submitted the MO HealthNet claim or both;

40. Failure to submit proper diagnosis codes, procedure

codes, billing codes regardless to whom the reimbursement is paid and regardless of whom in his/her employ or service produced or submitted the MO HealthNet claim;

41. Failure to submit and document, as defined in subsection (2)(A) the length of time (begin and end clock time) actually spent providing a service, except for services as specified under 13 CSR 70-91.010(4)(A) Personal Care Program, regardless to whom the reimbursement is paid and regardless of whom in his/her employ or service produced or submitted the MO HealthNet claim or both;

42. Billing for the same service as another provider when the service is performed or attended by more than one (1) enrolled provider. MO HealthNet will reimburse only one (1) provider for the exact same service;

43. Failing to make an annual attestation of compliance with the provisions of Section 6032 of the federal Deficit Reduction Act of 2005 by March 1 of each year, or failing to provide a requested copy of an attestation, or failing to provide written notification of having more than one (1) federal tax identification number by September 30 of each year, or failing to provide requested proof of a claimed exemption from the provisions of section 6032 of the federal Deficit Reduction Act of 2005; and

44. Failing to advise the single state agency, in writing, on enrollment forms specified by the single state agency, of any changes affecting the provider's enrollment records within ninety (90) days of the change, with the exception of change of ownership or control of any provider which must be reported within thirty (30) days.]

31. Submitting a false or fraudulent application for provider status which misrepresents material facts. This shall include concealment or misrepresentation of material facts required on any provider agreements or questionnaires submitted by affiliates when the provider knew, or should have known, the contents of the submitted documents;

32. Violating any laws, regulations, or code of ethics governing the conduct of occupations or professions or regulated industries. In addition to all other laws which would commonly be understood to govern or regulate the conduct of occupations, professions, or regulated industries, this provision shall include any violations of the civil or criminal laws of the United States, of Missouri, or any other state or territory, where the violation is reasonably related to the provider's qualifications, functions, or duties in any licensed or regulated profession or where an element of the violation is fraud, dishonesty, moral turpitude, or an act of violence;

33. Being formally reprimanded or censured by a board of licensure or an association of the provider's peers for unethical, unlawful, or unprofessional conduct; or any termination, removal, suspension, revocation, denial, probation, consented surrender, or other disqualification of all or part of any license, permit, certificate, or registration related to the provider's business or profession in Missouri or any other state or territory of the United States;

34. Conducting any action resulting in a reduction or depletion of a long-term care facility MO HealthNet participant's personal funds or reserve account, unless specifically authorized in writing by the participant, relative, or responsible person;

35. Making any payment to any person in return for referring an individual to the provider for the delivery of any goods or services for which payment may be made in whole or in part under MO HealthNet. Soliciting or receiving any payment from any person in return for referring an individual to another supplier of goods or services regardless of whether the supplier is a MO HealthNet provider for the delivery of any goods or services for which payment may be made in whole or in part under MO HealthNet is also prohibited. "Payment" includes, without limitation, any kickback, bribe, or rebate made, either directly or

indirectly, in cash or in-kind;

36. Using fraudulent billing practices arising from billings to third parties for costs of services or merchandise or for negligent practice resulting in death or injury or substandard care to persons including but not limited to the provider's patients;

37. Having an adverse action invoked against the provider by another state Medicaid program;

38. Committing civil or criminal fraud against the MO HealthNet program or any other state Medicaid program, or any criminal fraud related to the conduct of the provider's profession or business;

39. Being excluded, suspended, or terminated from participation, or having payments suspended by the Medicare program or any other federal health care program. Voluntarily terminating from the Medicare program or other federal health care program is not a violation.

(4) Any one (1) or more of the following *[sanctions]* administrative actions may be invoked against providers for any one (1) or more of the program violations specified in section (3) of this rule:

(J) *[One hundred percent (100%) r]*Review of some or all of the provider's claims prior to payment;

(N) Denial of payment for any new admission to a skilled nursing facility (SNF), intermediate care facility (ICF), or ICF/individuals with intellectual disabilities (IID) that no longer meets the applicable conditions of participation (for SNFs) or standards (for ICFs and ICF/IIDs) if the facility's deficiencies do not pose immediate jeopardy to patients' health and safety. Imposition of this *[sanction]* administrative action must be in accordance with all applicable federal statutes and regulations.

(5) Imposition of *[a Sanction]* an Administrative Action.

(A) The decision as to the *[sanction]* administrative action to be imposed shall be at the discretion of the MO HealthNet agency. The following factors shall be considered in determining the *[sanction]* administrative action(s) to be imposed:

1. Seriousness of the offense(s)—The state agency shall consider the seriousness of the offense(s) including *[,]* but not limited to *[,]* whether or not an overpayment (that is, financial harm) occurred to the program, whether substandard services were rendered to MO HealthNet participants, or circumstances were such that the provider's behavior could have caused or contributed to inadequate or dangerous medical care for any patient(s), or a combination of these. Violation of pharmacy laws or rules, practices potentially dangerous to patients, and fraud are to be considered particularly serious;

2. Extent of violations—The state MO HealthNet agency shall consider the extent of the violations as measured *[,]* by but not limited to *[,]* the number of patients involved, the number of MO HealthNet claims involved the number of dollars identified in any overpayment, and the length of time over which the violations occurred. The MO HealthNet agency may calculate an overpayment or impose *[sanctions]* administrative actions under this rule by reviewing records pertaining to all or part of a provider's MO HealthNet claims. When records are examined pertaining to part of a provider's MO HealthNet claims, no random selection process in choosing the claims for review as set forth in 13 CSR 70-3.130 need be utilized by the MO HealthNet agency. But, if the random selection process is not used, the MO HealthNet agency may not construe violations found in the partial review to be an indication that the extent of the violations in any unreviewed claims would exist to the same or greater extent;

3. History of prior violations—The state agency shall consider whether or not the provider has been given notice of prior violations of this rule or other program policies. If the provider has received notice and has failed to correct the deficiencies or has resumed the deficient performance, a history shall be given substantial weight supporting the agency's decision to invoke *[sanctions]* administrative

actions. If the history includes a prior imposition of *[sanction]* administrative action(s), the agency should not apply a lesser *[sanction]* action in the second case, even if the subsequent violations are of a different nature;

4. Prior imposition of *[sanctions]* administrative actions—The MO HealthNet agency shall consider more severe *[sanctions]* administrative action in cases where a provider has been subject to *[sanctions]* actions by the MO HealthNet program, any other governmental medical program, Medicare, or exclusion by any private medical insurance carriers for misconduct in billing or professional practice. Restricted or limited participation in compromise after being notified or a more severe *[sanction]* action should be considered as a prior imposition of *[a sanction]* an action for the purpose of this subsection;

5. Prior provision of provider education—In cases where *[sanctions]* administrative actions are being considered for billing deficiencies only, the MO HealthNet agency may mitigate its *[sanction]* action if it determines that prior provider education was not provided. In cases where *[sanctions]* actions are being considered for billing deficiencies only and prior provider education has been given, prior provider education followed by a repetition of the same billing deficiencies shall weigh heavily in support of the medical agency's decision to invoke severe *[sanctions]* actions; and

6. Actions taken or recommended by peer review groups, licensing boards, or Professional Review Organizations (PRO) or utilization review committees—Actions or recommendations by a provider's peers shall be considered as serious if they involve a determination that the provider has kept or allowed to be kept, substandard medical records, negligently or carelessly performed treatment or services, or, in the case of licensing boards, placed the provider under restrictions or on probation.

(B) Where a provider has been convicted of defrauding any Medicaid program, has *[been]* had previously *[sanctioned]* actions invoked due to program abuse, has been terminated from the Medicare program, the MO HealthNet agency shall terminate the provider from participation in the MO HealthNet program.

(C) When *[a sanction]* an administrative action involving the collection, recoupment, or withholding of MO HealthNet payments from a provider is imposed on a provider, it shall become effective ten (10) days from the date of mailing or delivery of said notice, whichever occurs first. When any other *[sanction]* action is imposed on a provider it shall become effective thirty (30) days from the date of mailing or delivery of a decision of the Department of Social Services or its designated division, whichever occurs first. If, in the judgment of the single state agency, the surrounding facts and circumstances clearly show that serious abuse or harm may result from delaying the imposition of *[a sanction]* an administrative action, any *[sanction]* action may be made effective three (3) days after mailing of the notice to the provider or immediately upon receipt of notice by the provider, whichever occurs first.

(D) *[A sanction]* An administrative action may be applied to all known affiliates of a provider, provided that each decision to include an affiliate is made on a case-by-case basis after giving due regard to all relevant facts and circumstances. The violation, failure, or inadequacy of performance may be imputed to an affiliate when the affiliate knew or should have known of the provider's actions.

(G) When the provisions of the previously mentioned are violated by a provider of services *[which]* that is a clinic, group, corporation, or other association, the single state agency may suspend or terminate the organization, the individual person, or both, within the organization who knew or should have known of the violation.

(H) When a provider has *[been sanctioned]* an administrative action imposed, the single state agency shall notify, as appropriate, the applicable professional society, board of registration or licensure, federal and state agencies of the finding made and the *[sanctions]* action(s) imposed.

(J) Except where termination has been imposed, a provider who has *[been sanctioned]* an administrative action imposed may be

required to participate in a provider education program as a condition of continued participation. Provider education programs may include:

1. Telephone and written instructions;
2. Provider manuals and workshops;
3. Instruction in claim form completion;
4. Instruction on the use and format of provider manuals;
5. Instruction on the use of procedure codes;
6. Key provisions of the MO HealthNet program;
7. Instruction on reimbursement rates; and
8. Instruction on how to inquire about coding or billing problems.

(6) Amounts Due the Department of Social Services *[F]*from a Provider.

(D) Repayment or an agreement to repay amounts due the Department of Social Services by a provider shall not prevent the imposition of any *[sanction]* **administrative action** by the single state agency upon the provider.

AUTHORITY: sections 208.153, 208.201, and 660.017, RSMo 2016. This rule was previously filed as 13 CSR 40-81.160. Original rule filed Sept. 22, 1979, effective Feb. 11, 1980. For intervening history, please consult the Code of State Regulations. Amended: Filed July 20, 2022.

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 Department of Social Services, MO HealthNet Division, PO Box 6500, Jefferson City, MO 65102-6500 or online at <https://dssrule-tracker.mo.gov/dss-proposed-rules/welcome.action>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.*

Title 13—DEPARTMENT OF SOCIAL SERVICES Division 70—MO HealthNet Division Chapter 8—Program of All-Inclusive Care for the Elderly

PROPOSED RULE

13 CSR 70-8.010 Program of All-Inclusive Care for the Elderly

PURPOSE: This rule establishes the requirements for agencies contracting to provide services to eligible participants through the MO HealthNet Division's (MHD) Program of All-Inclusive Care for the Elderly (PACE).

(1) Purpose and Scope. This rule implements the Program of All-Inclusive Care for the Elderly (PACE). PACE provides comprehensive, community-based, acute, and long-term care services to participants who meet certain eligibility requirements, meet the criteria for level of care (LOC), and who can be served safely in the community. PACE is jointly funded and administered by the Centers for Medicare & Medicaid Services (CMS) and the state administering agency (SAA) as defined in section (2) of this rule.

(2) Definitions. For purposes of this regulation, the following words and phrases are defined as follows:

(A) "Interdisciplinary team" shall refer to the interdisciplinary

team defined in 42 CFR 460.102 and in the program agreement;

(B) "Level of care (LOC)" shall refer to the level of care provided in a nursing facility, as established by the State of Missouri;

(C) "PACE organization (PO)" shall refer to the entity that provides services to participants under a PACE program agreement with CMS and the SAA;

(D) "Participant" shall refer to a person who receives services through the PACE organization;

(E) "Program agreement" shall refer to an agreement between a PACE organization, CMS, and the state administering agency for the operation of a PACE program; and

(F) "State administering agency (SAA)" shall refer to the Missouri Department of Social Services, MO HealthNet Division (MHD).

(3) Eligibility Criteria.

(A) To be eligible for PACE services, a participant must—

1. Be at least fifty-five (55) years of age;
2. Reside within a PACE organization's service area;
3. Meet the state's level of care requirements;
4. At the time of initial enrollment, reside in a non-institutional setting (e.g., house, apartment) without jeopardizing the participant's health or safety;
5. Agree to obtain all health-related services only through the PACE organization during the participant's period of enrollment in PACE;

6. Not be enrolled in one (1) or more of the following (or will discontinue being enrolled in one (1) or more of the following upon enrollment in PACE):

- A. A Medicaid managed-care program other than PACE;
- B. A hospice program;
- C. A Medicaid 1915(c) home and community-based services (HCBS) waiver program;
- D. A nursing facility certified by MHD while MHD is covering the person's nursing facility expenses; or
- E. A health home;
7. Not reside in a state mental institution or an intermediate care facility for the intellectually disabled; and
8. Not be in a MO HealthNet coverage penalty period for a transfer of property under 42 U.S.C. 1396p(c).

(4) Enrollment Process.

(A) The PO shall develop and adhere to an enrollment process to be approved by the division.

(B) Completion of enrollment documentation and notifications is the responsibility of the PO in accordance with the division-approved enrollment process.

(5) Disenrollment Process.

(A) The PO shall develop and adhere to a disenrollment process to be approved by the division.

(B) For each participant who is voluntarily or involuntarily disenrolled, the PO shall—

1. Continue to provide for the necessary services to the participant through the last day of enrollment;
2. Create a discharge plan to help the participant obtain necessary transitional care through appropriate referrals to other Medicaid or Medicare service providers; and
3. Provide the medical records of the participant within five (5) business days after receipt of release of information.

(6) Provider Qualifications.

(A) In order to qualify as a PO, a prospective PO shall—

1. Meet all CMS requirements outlined in the application process through CMS;
2. Enroll as a MO HealthNet provider with the Missouri Medicaid Audit and Compliance Unit (MMAC).
 - A. Any providers with which the PO contracts for the provision of MO HealthNet-covered services shall also enroll with

MMAC; and

3. Shall complete and submit a feasibility study to be approved by the division.

(7) Provider Responsibilities.

(A) The PO shall be responsible for completing the SAA LOC assessment tool with the participant and/or authorized representative, and submitting the determination to the division.

1. The PO shall include with the determination that it submits to the division any supplemental documentation that the PO used to support its assessment.

(B) The PO shall be responsible for enrollment of the participant into PACE services, pursuant to federal and state law.

(C) The PO shall meet all applicable requirements under federal, state, and local law that are relevant to the PACE program and to MO HealthNet providers.

(D) The PO shall adhere to all terms outlined in the PACE program agreement between CMS, the division, and the PO.

(8) Capitation Payment.

(A) The division shall issue to the PO a monthly capitation payment for each PACE-enrolled MO HealthNet participant, and the PO shall assume full financial risk for that participant's care.

(B) The PO shall deliver a comprehensive service package, including all Medicare and Medicaid-covered services, as well as those additional services specified in the PACE program agreement.

(C) The PO shall consolidate the delivery of care by linking Medicaid and Medicare funding through the pooling of all capitation payments.

(9) Termination of the PACE Program Agreement.

(A) The division may terminate a PACE program agreement at any time for cause as outlined in the PACE program agreement.

1. Termination for cause include but is not limited to uncorrected deficiencies in the quality of care furnished to participants, the PACE organization's failure to comply substantially with conditions for a PACE program, or non-compliance with the terms of the program agreement.

(B) In the event of termination of the PACE program agreement, the PO may seek review of the department's action pursuant to section 208.156, RSMo.

(10) Annual Behavioral Health Screenings.

(A) The PO shall conduct annual behavioral health screenings. The PO shall conduct the Short Michigan Alcoholism Screening Test – Geriatric Version (SMAST-G) for every participant.

(B) In addition to the screening test identified in subsection (A) of this section, the PO shall determine which additional annual screening is appropriate for the participant in collaboration with the interdisciplinary team. The PO shall choose one (1) of the following assessments:

1. Rating Anxiety in Dementia (RAID) for participants with dementia; or

2. Geriatric Anxiety Scale – 10 Item Version (GAS-10) for cognitively normal participants.

(11) Provider Reporting.

(A) The PO shall provide to the division a list of all contracted and employed providers, in an easily readable and accessible format, by close of business on the last business day of each quarter (last business day of March, June, September, and December).

(B) The list of providers shall include the following details:

1. Provider/organization legal name;

2. National Provider Identifier (NPI) number; and

3. The effective date on which the provider enrolled with the PO.

AUTHORITY: sections 208.153, 208.201, and 660.017, RSMo 2016,

and section 208.152, RSMo Supp. 2021. Original rule filed Aug. 1, 2022.

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

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

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

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 95—Private Duty Nursing Care Under the
Healthy Children and Youth Program**

PROPOSED AMENDMENT

13 CSR 70-95.010 Private Duty Nursing. The MO HealthNet Division is amending sections (3) and (10).

PURPOSE: This amendment revises section (3) regarding the MO HealthNet provider enrollment criteria for private duty nursing (PDN) providers. Section (10) was also revised to update the incorporation by reference date.

(3) Criteria for Providers of Private Duty Nursing Care for Children.

(A) A provider of private duty nursing care must have a valid MO HealthNet Private Duty Nursing Provider Agreement in effect with the Department of Social Services, Missouri Medicaid Audit and Compliance Unit (MMAC). To enroll, the applicant must *[either submit a written proposal, or]* be a Medicare-certified and MO HealthNet-enrolled home health agency, or be accredited by Joint Commission for Accreditation of Health Organization (JCAHO), or be accredited by Community Health Accreditation Program (CHAPS), **or submit a Private Duty Nursing Provider Agreement Addendum to MMAC Provider Enrollment.**

(10) MO HealthNet Private Duty Nursing Provider Manual. The Department of Social Services, MO HealthNet Division, shall administer the MO HealthNet Private Duty Nursing program. The services covered and not covered, the program limitations, and the maximum allowable fees for all covered services shall be included in the Private Duty Nursing provider manual, which is incorporated by reference and made a part of this rule as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109, at its website at http://manuals.momed.com/collections/collection_pdn/print.pdf, **[April 21, 2020] August 1, 2022.** This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: sections 208.153, 208.201, and 660.017, RSMo 2016, and section 208.152, RSMo Supp. [2020] 2021. Original rule filed Sept. 2, 1993, effective April 9, 1994. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Aug. 1, 2022.

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

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

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

Title 16—RETIREMENT SYSTEMS
Division 10—The Public School Retirement System of Missouri
Chapter 5—Retirement, Options and Benefits

PROPOSED AMENDMENT

16 CSR 10-5.010 Service Retirement. The Public School Retirement System is amending section (6) related to working after retirement.

PURPOSE: The amendment to section (6) of 16 CSR 10-5.010 relates to working after retirement for PSRS members and is necessary pursuant to CCS#2/HCS/SS/SCS/SBs 681 and 662 which became effective on July 1, 2022, pursuant to the bill’s emergency clause. This legislation provides for a temporary waiver (through June 30, 2025) of certain hourly and salary limitations normally placed on PSRS retirees who return to work for covered employers. This legislation was passed to assist covered employers who are struggling to find enough qualified and available substitute teachers. The temporary waiver does not apply to all work performed by PSRS retirees; it applies only to hours and salary for PSRS retirees who return to work to substitute teach. Therefore, to administer this legislation as it relates to PSRS retirees, PSRS must define what it considers to be work that qualifies as substitute teaching under this temporary legislative waiver.

(6) Part-time employment is any employment which is less than full-time. Temporary-substitute employment is any employment either in a position held by a regularly employed person who is temporarily absent or in a position which is temporarily vacant.

(C) Effective July 1, 2022, and until June 30, 2025, pursuant to section 168.036.6, RSMo, and notwithstanding any other provisions to the contrary, any person retired and currently receiving a retirement benefit under sections 169.010 to 169.141, RSMo, other than for disability, may be employed to substitute teach on a part-time or temporary substitute basis by an employer included in the retirement system and for such work may exceed five hundred fifty (550) hours in any one (1) school year and may earn an amount in excess of the compensation limit set forth in subsection (6)(A) of this rule and section 169.560, RSMo, without a discontinuance of the retiree’s retirement allowance. This section shall also apply to work performed by PSRS retirees, other than disability retirees, who are employed to substitute teach by third parties or as independent contractors for employers included in the retirement system. For purposes of administering this section as applicable to PSRS retirees, to substitute teach shall mean to instruct or guide the studies of students in a teaching position which requires a DESE-issued certificate in place of a regularly employed teacher who is temporarily unavailable. For community colleges, to substitute teach shall mean to instruct or guide the studies of students in a teaching position certified by the executive officer of the institution pursuant to section 169.140, RSMo, in place of a regularly employed teacher who is temporarily unavailable. A regularly employed teacher is considered temporarily unavailable when the teacher’s position is

unfilled due to the absence of the regular or former teacher for twelve (12) months or less.

((C))(D) A retiree receiving a retirement benefit, other than a disability benefit, from PSRS may be employed by an employer included in that system in any position that normally does not require a person employed in that position to be duly certificated by the Department of Elementary and Secondary Education and through such employment may earn during the school year not more than sixty percent (60%) of the minimum teacher’s salary for a teacher without a master’s degree as set forth in section 163.172, RSMo, without a discontinuance of the retiree’s retirement allowance. The employer shall contribute to the Public Education Employee Retirement System of Missouri (PEERS) at the rate set for that system on all salary as defined in section 169.010, RSMo, and 16 CSR 103.010(9) of the person so employed. Such employee shall not contribute on such earnings and shall earn no service credit in either system for such employment. If such employment exceeds the limitation on compensation, the retiree’s retirement benefit from PSRS shall cease until the employment terminates or a new school year begins, and such person shall become a member of and contribute to any retirement system described in this subsection if the person satisfies the retirement system’s membership eligibility requirements. A PSRS retiree who meets PSRS eligibility requirements after exceeding the limits set forth above shall not be eligible to elect membership in PEERS under section 169.712, RSMo. The provisions of this subsection shall not apply to positions held by a PSRS retiree employed by a community college included in the system.

((D))(E) This rule shall not apply to employment with a state college, a state university, or any state agency.

((E))(F) The employer covered by PSRS, the third-party employer, the independent contractor, and the retiree shall maintain a log of all dates worked, hours worked, wage earned, and the employer. The employer covered by PSRS, the third-party employer, the independent contractor, and retiree shall provide a copy of the work log upon request of retirement system.

Employee Name:		School Year:	
Date Worked	Hours Worked	Wage Earned	Employer

The working after retirement limits set forth in section 169.560, RSMo, shall be applied on a *pro rata* basis as provided below to a retiree’s hours of work during the school year in which the retiree’s date of retirement is effective.

Effective date of retirement	Hours allowed after retirement for school year
July 1	550
August 1	504
September 1	458
October 1	413
November 1	367
December 1	321
January 1	275
February 1	229
March 1	183
April 1	138
May 1	92
June 1	0

The working after retirement limits set forth in section 169.560, RSMo, shall be applied on a *pro rata* basis as provided below to a retiree’s base salary to determine the retiree’s earnings limit during the school year in which the retiree’s date of retirement is effective.

Effective date of retirement	Percentage of base salary allowed after retirement for school year
July 1	50%
August 1	46%
September 1	42%
October 1	38%
November 1	33%
December 1	29%
January 1	25%
February 1	21%
March 1	17%
April 1	13%
May 1	8%
June 1	0%

AUTHORITY: section 169.020, RSMo [2016] Supp. 2021. Original rule filed Dec. 19, 1975, effective Jan. 1, 1976. For intervening history, please consult the Code of State Regulations. Amended: Filed July 19, 2022.

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 Public School Retirement System of Missouri, attn: General Counsel, at PO Box 268, 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 16—RETIREMENT SYSTEMS
Division 10—The Public School Retirement System of Missouri
Chapter 6—The Public Education Employee Retirement System of Missouri

PROPOSED AMENDMENT

16 CSR 10-6.060 Service Retirement. The Public School Retirement System is amending this regulation by adding a new section (5) related to working after retirement.

PURPOSE: The amendment to 16 CSR 10-6.060 (adding a new section (5)) relates to working after retirement for PEERS members and is necessary pursuant to CCS#2/HCS/SS/SCS/SBs 681 and 662 which became effective on July 1, 2022, pursuant to the bill's emergency clause. This legislation provides for a temporary waiver (through June 30, 2025) of certain hourly limitations normally placed on PEERS retirees who return to work for covered employers. This legislation was passed to assist covered employers who are struggling to find enough qualified and available substitute teachers. The temporary waiver does not apply to all work performed by PEERS retirees; it applies only to hours for PEERS retirees who return to work to substitute teach. Therefore, to administer this legislation as it relates to PEERS retirees, PEERS must define what it considers to be work that qualifies as substitute teaching under this temporary legislative waiver.

(5) Effective July 1, 2022, and until June 30, 2025, pursuant to section 168.036.6, RSMo, and notwithstanding any other provisions to the contrary, any person retired and currently receiving a retirement benefit under sections 169.600 to 169.715, RSMo, other than for disability, may be employed to substitute teach on a part-time or temporary substitute basis by an employer includ-

ed in the retirement system and for such work may exceed five hundred fifty (550) hours in any one (1) school year without a discontinuance of the retiree's retirement allowance. For purposes of administering this section as applicable to PEERS retirees, to substitute teach shall mean to instruct or guide the studies of students in a teaching position which requires a DESE-issued certificate in place of a regularly employed teacher who is temporarily unavailable. For community colleges, to substitute teach shall mean to instruct or guide the studies of students in a teaching position certified by the executive officer of the institution pursuant to section 169.140, RSMo, in place of a regularly employed teacher who is temporarily unavailable. A regularly employed teacher is considered temporarily unavailable when the teacher's position is unfilled due to the absence of the regular or former teacher for twelve (12) months or less.

[(5)](6) Effective July 1, 2015, for any employment teaching at a community college included in the system, each credit hour taught by a retired member will be the equivalent of thirty (30) hours for the purposes of this rule and section 169.560, RSMo, regardless of the number of hours actually worked by the retired member related to the course(s) taught. For any said course(s) taught during summer session, all hours for said course(s) shall be counted as having occurred during the school year in which the course(s) commence. Any hours worked performing additional duties for a community college not related to said course(s) for which a retired member receives compensation above and beyond that received for teaching said course(s) shall be counted on a hour-by-hour basis for the purposes of this rule and section 169.560, RSMo.

[(6)](7) A member electing Option 2, Option 3, or Option 4 in his/her application for service retirement shall furnish proof of date of birth of the person nominated to receive the survivorship payments.

[(7)](8) A member electing Option 2, Option 3, or Option 4 in his/her application for service retirement shall indicate the relationship establishing an insurable interest in his/her life for the person nominated and, if requested by the board, shall furnish evidence of the existence of the insurable interest. An insurable interest shall be considered to exist because of the relationship to a member of a wife, husband, father, mother, child (including a stepchild or adopted child), or any other person who has a financial interest in the continued life of the member or who is dependent upon the member for all or part of his/her support.

[(8)](9) Any member retiring under the provisions of section 169.563, RSMo, shall have the same rights of retirement benefit plan election as a member retiring under section 169.670, RSMo. Further, the surviving spouse of any member who dies prior to retirement and while eligible to retire under section 169.563, RSMo, shall have the same survivorship benefit rights as provided under section 169.670, RSMo.

[(9)](10) Any actuarial adjustment to a retirement allowance payment made because of the nomination of a successor beneficiary as provided in 169.715, RSMo, shall take effect in the month a properly completed nomination of successor beneficiary form is received by the Retirement System or the month of the retiree's marriage to the successor beneficiary, whichever occurs later. The nomination of a successor beneficiary shall be effective immediately upon receipt by the Retirement System of the properly completed nomination of successor beneficiary form or the date of the retiree's marriage to the successor beneficiary, whichever occurs later. Effective August 28, 2017, the properly completed nomination of successor beneficiary form submitted pursuant to section 169.715, RSMo, must be received by the Retirement System within one (1) year of remarriage of the retirement member and the new spouse.

/(10)/(11) The effective date of any monthly benefit to a service retiree shall be the first day of the calendar month following the event establishing eligibility for the benefit, assuming all other requirements of the law and rules of the board of trustees have been met. Monthly benefit payments shall be made on the last day of each calendar month and shall be only for complete months. The initial payment shall include all benefits accrued since the effective date.

/(11)/(12) A qualified member who desires to elect retirement Option 7 "Accelerated Payment Option" must do so in accordance with the terms, conditions, and limitations of this paragraph and section 169.670, RSMo.

(A) By selecting the Accelerated Payment Option, the member is electing to utilize the retirement allowance the member is eligible to receive from this retirement system in conjunction with the retirement benefit the member is eligible to receive from the federal Social Security Administration commencing at the minimum Social Security retirement age (as established by law at the time the Accelerated Payment Option is elected), in order to receive from the two (2) systems combined, and within the limitations noted herein, level or near level monthly retirement benefits during the member's retirement.

(B) Under the Accelerated Payment Option, the member must select a benefit payment plan authorized by section 169.670, RSMo, for which the member qualifies, including the options for reduced monthly benefit payments for life (with continuing payments to a designated beneficiary), but the amount of the benefit payment the member would otherwise be eligible to receive under the plan selected will be modified in the manner described herein.

1. The retirement allowance paid to the member by this retirement system under the Accelerated Payment Option will be actuarially equivalent to the retirement allowance the member would normally receive under the benefit payment plan selected, but to facilitate level or near level monthly benefit payments during retirement in the manner described herein, the member agrees to accept a plan of monthly benefit payments from this retirement system that will vary in amount, depending on the age of the member.

A. By electing the Accelerated Payment Option, the member agrees to accelerate payment of a portion of the member's retirement allowance to the early months of retirement, but as a consequence, and in order to maintain actuarial equivalence, the member further agrees to receive a reduced benefit payment amount over the remainder of the retirement period.

B. Under the Accelerated Payment Option, from the effective date of retirement from this retirement system until the retiree reaches the minimum Social Security retirement age (as established by law at the time the Accelerated Payment Option is elected), the retiree will receive a larger monthly benefit payment from this retirement system than would otherwise be paid under the benefit payment plan selected by the retiree. Upon reaching the minimum Social Security retirement age (as previously defined), the retiree will receive a smaller monthly benefit payment from this retirement system than would otherwise be paid under the benefit payment plan selected by the retiree.

2. The amount of the variable monthly benefit payment received from this retirement system will be actuarially determined by the retirement system using the benefit payment plan selected by the member and the member's projected retirement benefit from Social Security at the minimum eligible retirement age (as established by law at the time the Accelerated Payment Option is elected). The actuarial calculation will identify the necessary increase over and reduction below the monthly benefit otherwise payable under the benefit payment plan selected by the member, so that in conjunction with the monthly retirement benefit the member is eligible to receive from Social Security commencing at the minimum retirement age (as established by law at the time the Accelerated Payment Option is elected), the member can potentially receive level or near level monthly benefit payments during the member's retirement.

3. The plan of variable monthly benefit payments from this retirement system under the Accelerated Payment Option contemplates that the retiree will apply for and begin receiving retirement benefits from Social Security at the minimum Social Security retirement age set by law at the time the Accelerated Payment Option is elected, but nothing herein or in section 169.670, RSMo, shall be construed as a promise or guarantee by this retirement system that the Social Security Administration will make such payments, or that any payments made will comport with the estimate of projected Social Security benefits used to calculate the variable monthly benefits from this retirement system, or that such payments will commence at the time originally identified by the Social Security Administration. Similarly, nothing herein or in section 169.670, RSMo, shall be construed as a promise or guarantee that this retirement system will make up any shortfall in Social Security benefits from those projected at the time the Accelerated Payment Option is elected, or that this retirement system has any obligations other than those expressly assumed herein to assure a stream of level or near level monthly retirement benefits. It shall be the sole responsibility of the retiree and the Social Security Administration, respectively, to secure and/or pay Social Security retirement benefits sufficient to combine with the plan of variable retirement benefits available from this system to yield a level or near level stream of monthly benefit payments during retirement. Neither a failure by the retiree or the Social Security Administration to fulfill their respective obligations, nor a subsequent change in the minimum Social Security retirement age, will nullify the retiree's election of the Accelerated Payment Option or compel recalculation of the plan of variable monthly benefits determined at the time of election.

4. The retirement allowance the member is eligible to receive from this retirement system will determine the capacity of the Accelerated Payment Option to effectively provide level or near level monthly benefit payments for a retiree in the manner described herein. Some members may not be eligible for sufficient benefits to achieve a meaningful leveling of benefit payments under the Accelerated Payment Option and a member must exercise independent judgement in deciding whether the Accelerated Payment Option is appropriate in light of the member's particular circumstances. Nothing in this paragraph or in section 169.670, RSMo, shall be construed as a promise or guarantee by this retirement system that the Accelerated Payment Option will provide a level or near level combination of benefit payments for all retirees, and in no case will the necessary adjustments to the monthly benefit otherwise payable under the plan selected by the member cause the amount to be paid when the member reaches the minimum Social Security retirement age (as established by law at the time the Accelerated Payment Option is elected) to be less than twenty-five percent (25%) of the member's original, non-adjusted benefit (i.e., the monthly benefit that would otherwise be payable under the benefit payment plan selected by the member).

5. If the retiree selects a benefit payment plan that provides for the payment of retirement benefits to a beneficiary upon the retiree's death, the amount of the beneficiary's payment in any particular month will be established by determining the monthly benefit amount the retiree would have received under the Accelerated Payment Option were the retiree still living, and then incorporating any reduction from that benefit level, if appropriate, based on the benefit payment plan selected by the retiree.

(C) The provisions in section 169.670, RSMo, and 16 CSR 10-6.100 concerning the right to receive a cost-of-living adjustment (COLA), the amount of any COLA, and any other limitations concerning COLAs shall apply with equal effect to benefits paid under the Accelerated Payment Option, except as follows:

1. Any COLA the retiree is eligible to receive will be based on the amount of the monthly benefit payable by this retirement system when the COLA takes effect; and

2. If a retiree has received COLAs prior to reaching the minimum Social Security retirement age (as established by law at the time

the Accelerated Payment Option is elected), the reduced benefit paid by this retirement system from that point forward will include only that percentage of the previously awarded COLAs that would have been earned by the benefit amount payable after the retiree reaches the Social Security minimum retirement age (as previously defined).

(D) Limitations on and other provisions concerning post-retirement employment found in this rule and in Chapter 169, RSMo, shall apply with equal effect to a retiree under the Accelerated Payment Option, except as follows:

1. If a retiree under the Accelerated Payment Option subsequently returns to employment covered by this retirement system, benefit payments will be suspended, and the retiree's covered service will recommence under a new membership;

2. While the retirement benefits are suspended, they will continue to accrue COLAs based on the benefit that would have been paid to the retiree had the individual not returned to covered employment;

3. When the individual terminates covered employment and is again eligible to begin receiving retirement benefits, the retirement system will recalculate and, if necessary, adjust the amount of the prospective benefit payments under the Accelerated Payment Option to assure that they remain actuarially equivalent to the benefit payment plan selected at the time of the original retirement; and

4. A retiree under the Accelerated Payment Option who returns to covered employment and thereby qualifies for a second benefit based on the new membership may not elect the Accelerated Payment Option for the second benefit.

(E) A member who wishes to elect to receive retirement benefits under the Accelerated Payment Option, or who wants to receive an estimate of benefits under the Accelerated Payment Option, must provide the retirement system with a written estimate of the member's projected Social Security retirement benefit at the minimum eligible retirement age (as then in effect), prepared and issued by the Social Security Administration. The Social Security benefit estimate must have been issued no more than one hundred eighty (180) days prior to the date of the application for retirement or the date of the request for an Accelerated Payment Option benefit estimate. The Social Security benefit estimate must identify the projected retirement benefits for the member only, and may not include any benefits that could accrue to the member from a spouse, family member, or some other source.

(F) If a member dies prior to retirement, the member's surviving spouse cannot elect to receive benefits from this retirement system under the Accelerated Payment Option.

/(12)/(13) Any person who is receiving or has received a retirement allowance from the system, other than a disability retirement allowance, who returns to employment in a position covered by the system shall undertake such employment under a new and separate membership in the system.

(A) Such person shall be eligible for a subsequent retirement allowance after one (1) year of creditable service under the new membership in the system. Such subsequent retirement allowance shall be separate and distinct from such person's previous retirement allowance.

(B) After earning at least one (1) year of creditable service and upon termination of employment under the subsequent membership with the system, such person may—1) withdraw from the system and receive a refund of the person's contributions made during the subsequent membership; 2) apply for a subsequent retirement allowance; or 3) leave the contributions with the system.

(C) Such person shall not receive a retirement allowance for any previous membership service while the person is earning creditable service under a subsequent membership with the system.

(D) All previous years of creditable service, not otherwise forfeited, will be considered to determine the formula factor, which may include the temporary allowance provided in section 169.671.1(5), RSMo, to be used in calculating the subsequent retirement

allowance.

/(13)/(14) In addition to the retirement allowance provided in section 169.670.1(1)–(3), RSMo, a member retiring on or after July 1, 2000, whose creditable service is thirty (30) years or more or whose sum of age and creditable service is eighty (80) years or more, shall receive a temporary retirement allowance equivalent to four-tenths (4/10) of one percent (1%) of the member's final average salary multiplied by the member's years of service until such time as the member reaches minimum retirement age for Social Security retirement benefits ("minimum Social Security retirement age"), subject to the terms, conditions, and limitations of this rule.

(A) "Minimum Social Security retirement age" is the minimum age at which the retiree would be eligible to receive reduced Social Security retirement benefits. If otherwise eligible, a retiree shall receive the temporary retirement allowance until the retiree first attains minimum Social Security retirement age as that age is periodically adjusted by the Social Security Administration, but in no event shall the temporary retirement allowance terminate prior to the earlier of the retiree's death or the retiree's attainment of age sixty-two (62).

(B) To receive the temporary retirement allowance, the member must select a benefit payment plan authorized by section 169.670, RSMo, for which the member qualifies, which may include an option for reduced monthly benefit payments for life, with continuing payments to a designated beneficiary.

1. A retiree who elects Option 1 shall receive the temporary retirement allowance until the earlier of the retiree's death or the time at which the retiree attains minimum Social Security retirement age, provided that in no event shall the temporary retirement allowance terminate prior to the earlier of the retiree's death or the retiree's attainment of age sixty-two (62).

2. A retiree who elects Option 2, 3, 4, or 7 shall receive the temporary retirement allowance, as actuarially reduced pursuant to section 169.670.4, RSMo, in the same manner as described in this rule, provided that if the retiree dies prior to reaching minimum Social Security retirement age, such temporary retirement allowance shall be paid to the retiree's designated beneficiary (as adjusted pursuant to the retiree's elected option) until such time as the retiree would have reached the minimum Social Security retirement age had the retiree lived.

3. A retiree who elects Option 5 or 6 shall receive the temporary retirement allowance, as actuarially reduced pursuant to section 169.670.4, RSMo, in the same manner as described in this rule, provided that if the retiree dies prior to reaching minimum Social Security retirement age, such temporary retirement allowance shall be paid to the retiree's designated beneficiary until such time as the retiree would have reached minimum Social Security retirement age had the retiree lived or until the payments to the retiree's beneficiary would otherwise terminate pursuant to Option 5 or 6, whichever occurs first.

(C) By accepting the temporary retirement allowance, the retiree agrees to receipt of a retirement allowance that may decrease substantially when the retiree reaches minimum Social Security retirement age and further, that such decrease will be magnified if the retiree elected Option 7. By accepting the temporary retirement allowance, the retiree agrees that the payment of the temporary retirement allowance is not designed to provide for equal or substantially equal retirement allowance payments throughout the retiree's life when such payments are received in conjunction with Social Security benefits or otherwise. Nothing herein or in section 169.670, RSMo, shall be construed as a promise or guarantee by this retirement system that the Social Security Administration will make any payments, or that any payments made, when added to the retiree's retirement allowance, will result in equal or substantially equal payments throughout the retiree's life or the life of any named beneficiary, or that this retirement system has any obligation to assure a stream of equal or substantially equal monthly retirement benefits. It shall be

the sole responsibility of the retiree and the Social Security Administration, respectively, to secure or pay Social Security retirement benefits. Neither a failure by the retiree or the Social Security Administration to fulfill their respective obligations, nor a subsequent change in the minimum Social Security retirement age shall compel this retirement system to recalculate the monthly benefits determined at the time of the retiree's election of a retirement option pursuant to section 169.670, RSMo.

(D) The provisions in section 169.670, RSMo, and 16 CSR 10-6.100 concerning the right to receive a cost-of-living adjustment ("COLA"), the amount of any COLA, and any other limitations concerning COLAs shall apply with equal effect to the temporary retirement allowance, except as follows:

1. Any COLA the retiree is eligible to receive will be based on the amount of the monthly benefit payable by this retirement system when the COLA takes effect; and

2. If a retiree has received COLAs prior to reaching the minimum Social Security retirement age, the reduced retirement allowance paid by Public Education Employee Retirement System (PEERS) from that point forward will include only that percentage of the previously awarded COLAs that would have been earned by the benefit amount payable after the retiree reaches the minimum Social Security retirement age.

(E) Limitations on and other provisions concerning post-retirement employment found in this rule and in Chapter 169, RSMo, shall apply with equal effect to a retiree receiving a temporary retirement allowance, except as follows:

1. If a retiree receiving a temporary retirement allowance subsequently returns to employment covered by this retirement system, benefit payments will be suspended, and the retiree's covered service will commence under a new membership;

2. While the retirement benefits are suspended, they will continue to accrue COLAs based on the benefit that would have been paid to the retiree had the retiree not returned to covered employment;

3. A retiree receiving a temporary retirement allowance who returns to covered employment and thereby qualifies for a second benefit based on the new membership may receive a temporary retirement allowance as part of the retiree's subsequent benefit if eligible pursuant to section 169.561, RSMo, and sections ~~[[11]]~~ (12) and ~~[[12]]~~ (13) of this rule.

(F) If a member dies prior to retirement, a beneficiary eligible to receive monthly benefits pursuant to 169.670.4(2), RSMo, is eligible to receive a temporary retirement allowance if the member would have been eligible to receive the temporary retirement allowance. The temporary retirement allowance paid to such beneficiary shall be administered in the same manner as if the member had retired and elected Option 2 of section 169.670.4(2), RSMo.

~~[[14]]~~(15) Pursuant to section 169.596, RSMo, a person receiving a retirement benefit from the Public Education Employee Retirement System of Missouri (PEERS) may be employed up to full-time for no more than twenty-four (24) months for a PEERS-covered school district without a suspension of his or her retirement benefit provided that such school district certifies that it has met the requirements set forth in section 169.596, RSMo, and provided that such school district does not exceed the limit on the number of PEERS retirees that may be hired pursuant to section 169.596, RSMo.

(A) As used in section 169.596.2, RSMo, "full-time" shall mean "regularly employed" as defined in 16 CSR 10-6.010(1).

(B) As used in section 169.596, RSMo, "early retirement incentive" shall have the same definition as "consideration for agreeing to terminate employment" provided in 16 CSR 10-3.010(9)(B)6., except that it shall not include retirement notice or separation notice incentives of total value of five thousand dollars (\$5,000) or less for providing notice of intent to retire or separate employment.

(C) The school district shall notify PEERS in a manner acceptable to PEERS of the school district's intent to hire a PEERS retiree

under section 169.596, RSMo, prior to the first date of such employment.

(D) A school district hiring a PEERS retiree under section 169.596, RSMo, shall certify to PEERS through the Online Automated System Integrated Solution (OASIS) or in another manner acceptable to PEERS that—

1. It has met the requirements of section 169.596, RSMo; and

2. It has not exceeded the limit on the number of PEERS retirees it may hire under section 169.596, RSMo.

~~[[15]]~~(16) If the designated joint and survivor beneficiary of a retiree who elected Option 2, 3, or 4 dies before the retired member, the retired member's retirement allowance will be increased to the amount the retired member would be receiving had the retired member elected Option 1. The increase in retirement allowance shall be effective the month of the beneficiary's death.

~~[[16]]~~(17) Any member receiving a retirement allowance from the Public Education Employee Retirement System of Missouri who elected a reduced retirement allowance under subsection 4 of section 169.670, RSMo, who, at the time of that election, named his or her spouse as the nominated beneficiary may have the retirement allowance increased to the amount the retired member would be receiving had the retired member elected Option 1 under the following circumstances:

(A) Where the marriage of the retired member and the nominated spouse was dissolved on or after September 1, 2017, the dissolution decree must clearly provide for sole retention by the retired member of all rights in the retirement allowance to the satisfaction of the Public Education Employee Retirement System of Missouri;

(B) Where the marriage of the retired member and the nominated spouse was dissolved prior to September 1, 2017:

1. If the dissolution decree clearly provides for sole retention by the retired member of all rights in the retirement allowance to the satisfaction of the Public Education Employee Retirement System of Missouri, the parties must either obtain an amended or modified dissolution decree after September 1, 2017, that provides for the immediate removal of the nominated spouse, or the nominated spouse must sign a notarized statement on a form designated by the Public Education Employee Retirement System of Missouri consenting to his or her immediate removal as the nominated beneficiary and disclaiming all rights to future benefits;

2. If the dissolution decree does not clearly provide for sole retention by the retired member of all rights in the retirement allowance to the satisfaction of the Public Education Employee Retirement System of Missouri, the parties must obtain an amended or modified dissolution decree after September 1, 2017, which provides for sole retention by the retired member of all rights in the retirement allowance;

(C) The retired member and the nominated spouse must have been married at the time of the election of the reduced retirement allowance under subsection 4 of section 169.670, RSMo;

(D) In order to receive the increased retirement allowance, a retired member who elected a term certain plan under subsection 4 of section 169.670, RSMo, must have named his or her spouse as the primary beneficiary at the time of retirement. The increased retirement allowance shall continue for the remainder of the retired member's lifetime and no provisions of the term certain plan shall continue to apply to the retired member. All beneficiaries nominated by the retired member under the term certain plan shall be void, and the retired member must name new beneficiaries for any accumulated contributions payable upon the retired member's death. The retired member shall not be eligible to nominate a new spouse pursuant to section 169.715, RSMo;

(E) A retired member who elected the Option 7 Accelerated Payment Option in conjunction with a reduced retirement allowance under subsection 4 of section 169.670, RSMo, upon application for the increased retirement allowance pursuant to section 169.715,

RSMo, will have his or her retirement allowance increased to the amount he or she would receive had he or she elected Option 1 in conjunction with the Option 7 Accelerated Payment Option; and

(F) Any such increase in the retirement allowance shall be effective upon the receipt of an application for such increase, including the nominated spouse's consent and disclaimer form, if required, and a certified copy of the decree of dissolution (and separation agreement, if applicable) that meets the requirements of this section. The increased retirement allowance will be paid prospectively only after receipt of all of the aforementioned documents. No retroactive benefits will be paid.

AUTHORITY: section 169.610, RSMo [2016] Supp. 2021. Original rule filed Dec. 19, 1975, effective Jan. 1, 1976. For intervening history, please consult the Code of State Regulations. Amended: Filed July 19, 2022.

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 Public School Retirement System of Missouri, attn: General Counsel, at PO Box 268, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 100—Safe Place for Newborns

PROPOSED RULE

19 CSR 30-100.010 Newborn Safety Incubators

PURPOSE: This rule establishes the specifications governing the installation, maintenance, and oversight of newborn safety incubators.

PUBLISHER'S NOTE: The secretary of state has determined that publication of the entire text of the material that 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) As used in this rule, the following terms and phrases shall mean:

(A) Department shall mean the Department of Health and Senior Services;

(B) Facility shall mean the entity registered with the Department of Health and Senior Services and approved to utilize an installed newborn safety incubator;

(C) Newborn safety incubator shall mean a medical device used to maintain an optimal environment for the care of a newborn infant; and

(D) Relinquishing parent shall mean the biological parent or person acting on such parent's behalf who leaves a newborn infant in a newborn safety incubator.

(2) Specifications for a newborn safety incubator.

(A) Each newborn safety incubator shall—

1. Be a medical bassinet in compliance with 21 CFR 880.5145 with the exception of bassinet wheels. The bassinet wheels shall be removed for installation in compliance with paragraph (2)(A)2.;

2. Have the supporting frame of the medical bassinet physically anchored to a position that aligns the plastic basket or bed portion of the bassinet with the wall directly beneath the access portal door and prevents movement of the unit as a whole; and

3. Provide a safe sleep environment which includes:

A. A firm flat bassinet mattress;

B. A bassinet mattress sheet that fits snugly on a mattress and overlaps the mattress, so it cannot be dislodged by pulling on the corner of the sheet; and

C. Is free from any bedding, including pillows, bumpers, and blankets.

(3) Installation of a newborn safety incubator.

(A) Access portal door.

1. The newborn safety incubator shall have an access portal door. This access portal door shall only be installed on an exterior wall that ensures anonymity of the relinquishing parent and provides access to an area within the interior of the building. The newborn safety incubator access portal door shall only be installed in a manner within the interior of the building that provides unencumbered access from the exterior of the building through the access portal door for the surrender of the child into the medical bassinet. The access portal door shall have a lock that can lock automatically upon closure by the relinquishing parent after the newborn has been placed in the newborn safety incubator. The placement of the newborn safety incubator access portal door and the medical bassinet within the interior of the building shall provide unencumbered access to the medical bassinet so a facility trained individual can respond to an alarm notification that a child has been surrendered into the newborn safety incubator.

2. The access portal door shall—

A. Lock automatically upon closure;

B. May only be unlocked from the interior of the building;

C. Trigger a series of alarms that, at a minimum, shall include—

(I) An audible alarm triggered to a central location within the facility one (1) minute after the opening of the access portal door; and

(II) An automatic call to 911 triggered from the alarm system if the alarm is not turned off from within the facility within one (1) minute of the commencement of the initial alarm.

3. The installation of the access portal door shall be completed by a general contractor who shall affirm in the *General Contractor Attestation* form, included herein, that the access portal door and the area where the newborn safety incubator is located meets the requirements of subsections (3)(A) and (3)(B). The general contractor signing the form maintains ultimate responsibility for all work performed in the process of the construction of the access portal door and the area where the newborn safety incubator is located.

(B) Interior of the building.

1. The interior of the building shall provide a monitored climate controlled environment, including temperature control within the range of sixty-eight (68) to seventy-five (75) degrees.

2. The interior of the building shall provide air circulation that is free from pollutants, exhaust, chemical fumes, and smoke.

3. The interior of the building shall have an automated external defibrillator (AED) within close vicinity to the newborn safety incubator.

4. The interior of the building shall have appropriate lighting for relinquishing parents and staff to be able to see the newborn safety incubator and signage. This lighting shall have battery backup in the event that the electricity is out.

(C) Alarm system.

1. There shall be an alarm system installed in relation to the

access portal door and the location where the newborn safety incubator is located that will alert a facility trained individual overseeing the newborn safety incubator that the access portal door has been opened, so that the facility trained individual can then check to see if a newborn has been placed in the newborn safety incubator.

2. The access portal door alarm shall only be capable of being turned off from within the facility once a response is made to the newborn safety incubator.

3. The access portal door alarm shall be—

A. Wired into the existing structure's electrical or telecommunications system;

B. If wired into the structure's existing electrical system—

(I) Be in compliance with the NFPA 70, National Electrical Code (NEC), and NFPA 1, Fire Code if applicable. The NFPA 70, NEC, Revised 2020, and NFPA 1, Fire Code, Revised 2021, are incorporated by reference in this rule as published by the National Fire Protection Agency, 1 Batterymarch Park, Quincy, Massachusetts, 02169-7471, or can be found at www.nfpa.org. This rule does not incorporate any subsequent amendments or additions;

(II) Be installed by a licensed electrical contractor; and

(III) If the facility has a secondary or back-up power supply, then the alarm system shall be wired into the secondary or back-up power supply to ensure continued operation of the alarm system during outages of the structure's primary power supply. If the facility does not have a secondary or back-up power supply, then the alarm system shall have battery back-up; and

C. Tested following installation to ensure the activation of the audible, 911, and disarming components of the system.

4. The installation of the alarm system shall be completed by either a licensed electrical contractor/electrician if wired into the structure's existing electrical system and the facility's secondary or back-up power supply if applicable or a telecommunications installation professional if wired into the structure's existing telecommunications network. The licensed electrical contractor/electrician or telecommunications installation professional who completes the installation of the alarm system shall affirm in the *Licensed Electrical Contractor/Electrician or Telecommunications Installation Professional Attestation* form, included herein, that the alarm system meets the requirements of paragraph (3)(A)2. and subsection (3)(C) in this rule. The licensed electrical contractor/electrician or the telecommunications installation professional who signs the form maintains ultimate responsibility for all work performed in the process of the installation of the alarm system.

(D) Signage.

1. Each location where a newborn safety incubator is installed shall post signage that clearly identifies the newborn safety incubator access portal door and provides both written and pictorial instruction to the relinquishing parents. This written signage shall be in English, Spanish, and any other language that is commonly used in the community. The written and pictorial instruction shall depict how to do the following:

A. Open the access portal door;

B. Place the infant inside the medical bassinet; and

C. Close the access portal door to engage the lock.

2. The written signage shall also provide contact information for the Children's Division at the Missouri Department of Social Services, including the hotline number, in order to direct any questions the relinquishing parent(s) may have regarding the newborn after the newborn is placed in the newborn safety incubator to the Children's Division.

(4) Maintenance/staff.

(A) Each registered facility shall have a medical contact in order to obtain the required newborn safety incubator. The newborn safety incubator is a prescription device per 21 CFR 880.5145.

(B) Each registered facility shall have at least one (1) individual trained, present, and on duty in the facility at all times, twenty four hours (24) a day, seven (7) days a week to take possession of a new-

born placed in the newborn safety incubator. Training shall occur before the individual is initially placed on duty with the facility and as needed as issues/problems arise. Training shall consist of compliance with this rule including at least what to do when taking possession of a newborn from a newborn safety incubator—

1. How to care for the newborn before the newborn is transferred to the hospital;

2. Who to call for immediate transportation of the newborn to the nearest hospital;

3. How to test the alarm system, how to recognize the alarm, how to silence the alarm, how to check the newborn safety incubator twice a day for debris;

4. How to clean and sanitize the newborn safety incubator;

5. How to access the newborn safety incubator from the interior of the building;

6. How to complete required paperwork; and

7. Who to contact if there are any problems related to the relinquishment of a newborn.

(C) Staff shall also be current in cardiopulmonary resuscitation (CPR) and automated external defibrillator (AED) certification which includes CPR and AED use specifically for infants. The facility shall complete documentation of the required training and maintain a list of individuals trained to be on duty. The facility shall also complete documentation regarding the individuals on duty each day. This documentation shall be maintained onsite and current as long as the newborn safety incubator is registered at that facility's location. Documentation of the required training, the list of trained individuals and which individuals were on duty shall be made available to the department upon the department's request. This documentation shall be maintained for a period of five (5) years.

(D) Upon taking possession of a newborn from a newborn safety incubator, facility staff shall arrange for the immediate transportation of the child to the nearest hospital licensed pursuant to Chapter 197, RSMo.

(E) The facility shall test the alarm system a minimum of once a week to ensure the activation of the audible, 911, and disarming components of the system are properly working. The facility shall complete documentation of this required testing of the alarm system. This documentation shall be maintained onsite and current as long as the newborn safety incubator is registered at that facility's location. Documentation of the required testing shall be made available to the department upon the department's request. This documentation shall be maintained for a period of five (5) years.

(F) The facility shall test the access portal door locking system at least once a week to ensure the activation of the automatic locking system. The facility shall complete documentation of this required testing of the access portal door automatic locking system. This documentation shall be maintained onsite and current as long as the newborn safety incubator is registered at that facility's location. Documentation of the required testing shall be made available to the department upon the department's request. This documentation shall be maintained for a period of five (5) years.

(G) The newborn safety incubator shall be checked a minimum of twice daily for debris. The facility shall complete documentation of this twice daily check for debris. This documentation shall be maintained onsite and current as long as the newborn safety incubator is registered at that facility's location. Documentation of the required twice daily check for debris shall be made available to the department upon the department's request. This documentation shall be maintained for a period of five (5) years.

(H) The newborn safety incubator shall be cleaned at least weekly and after any child surrender. The cleaning of the bassinet shall include:

1. An inspection for breaks in integrity that would impair either cleaning or disinfection/sterilization;

2. Sanitization of the basket or bed portion of the bassinet with an EPA-registered hospital disinfectant (e.g. phenolics) using the label's safety precautions and directions. The surfaces of the

bassinet shall be rinsed with water after sanitizing and then dried before being returned to use; and

3. The facility shall complete documentation of this required cleaning and sanitization. This documentation shall be maintained onsite and current as long as the newborn safety incubator is registered at that facility's location. Documentation of the required cleaning and sanitization shall be made available to the department upon the department's request. This documentation shall be maintained for a period of five (5) years.

(I) The facility shall keep track of the number of newborns placed into the newborn safety incubator at its facility. This documentation shall be maintained onsite and current as long as the newborn safety incubator is registered at that facility's location. This documentation shall be made available to the department upon the department's request. This documentation shall be maintained for a period of five (5) years.

(5) Oversight.

(A) Prior to utilizing an installed newborn safety incubator, each facility that has a newborn safety incubator installed at a location shall register with the department. This registration shall include—

1. A completed *Newborn Safety Incubator – Location, Contact Information and Attestation of Compliance* registration form, included herein;

2. A completed *General Contractor Attestation* form, included herein, completed by the general contractor; and

3. A completed *Licensed Electrical Contractor/Electrician or Telecommunications Installation Professional Attestation* form, included herein, completed by the licensed electrical contractor/electrician or telecommunications installation professional.

(B) After receiving a completed registration packet, the department shall complete an inspection of the facility to confirm compliance with this rule. If the department finds any deficiencies during the inspection that do not conform with this rule, the department will provide the facility written notice of all deficiencies. The facility shall send the department a plan of corrections within ten (10) calendar days to demonstrate how the facility has corrected or is planning to correct the deficiencies set forth by the department.

(C) Once all deficiencies have been corrected by the facility and approved by the department, then the facility may begin utilizing the installed newborn safety incubator at the location and area of the facility that was reviewed and approved by the department. If the facility changes the location of the newborn safety incubator, then the facility shall immediately contact the department within twenty-four (24) hours and shall not use the newborn safety incubator until the department has inspected and approved the new location. Depending on where the newborn safety incubator has been relocated, the facility may need to complete new registration forms set forth in subsection (5)(A).

(D) The department will post the location of approved facilities on its website at www.health.mo.gov.

(E) The facility shall make the department aware of any change(s) in the contact or contact information listed on the *Newborn Safety Incubator—Location, Contact Information and Attestation of Compliance* registration form within ten (10) days of any change(s) occurring by completing a new *Newborn Safety Incubator—Location, Contact Information and Attestation of Compliance* registration form and submitting it to the department.

(F) The facility shall annually complete a *Newborn Safety Incubator—Location, Contact Information and Attestation of Compliance* registration form and submit this completed form to the department within thirty (30) days of the anniversary of the initial or previous renewal registration date.

(G) The department may, at any time, request additional information that the department determines to be necessary to assess compliance with the applicable criteria, standards, and requirements established by this rule. The facility shall submit any additional information requested by the department within thirty (30) days of the

department's request. The department may require any additional information requested to be submitted in less than thirty (30) days if health or safety is of concern.

(H) Any facility that has a newborn safety incubator registered with the department may choose to voluntarily terminate their registration by doing the following:

1. Removing the newborn safety incubator from use by locking the access portal door and removing all signage for the newborn safety incubator; and

2. Notifying the department within seven (7) days of removing the newborn safety incubator from use, so the department can close out the registration and remove the facility's name and location from the department's website.

(I) The department may inspect the facility at any time to determine compliance with the requirements of this rule. If the department finds any deficiencies during the inspection that do not conform with this rule, the department will provide the facility written notice of all deficiencies. The facility shall send the department a written plan of corrections within ten (10) calendar days to demonstrate how the facility has corrected or is planning to correct the deficiencies set forth by the department. The plan of corrections shall include the date and time the facility plans to resume normal operation of the newborn safety incubator and what measures will be taken to mitigate any risk identified by cited deficiencies until the deficiency or deficiencies are corrected. Failure of the facility to be in compliance with the requirements of this rule may result in legal action against the facility by the department.



MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
DIVISION OF REGULATION AND LICENSURE
**NEWBORN SAFETY INCUBATOR- LOCATION, CONTACT INFORMATION AND
ATTESTATION OF COMPLIANCE**

REGISTRATION OF NEWBORN SAFETY INCUBATORS

There is/are _____ (number) newborn safety incubator/s located at the following location in Missouri:

_____ Name of Facility
_____ Street Address of Facility
_____ City and Zip Code

Please also list the mailing address if it is different from the address above, which may include PO Boxes

_____ Name of Facility
_____ Address of Facility, which may include PO Boxes
_____ City, State, and Zip Code

Please also provide additional contact information:

_____ Name of CEO/COO/Administrator
_____ Email address of CEO/COO/Administrator
_____ Fax number (if applicable)
_____ Phone number of CEO/COO/Administrator
_____ Phone number of facility which can be reached 24 hours a day

ATTESTATION OF COMPLIANCE

I have read and reviewed 19 CSR 30-100.010 and 210.950, RSMo, and agree to ensure compliance with 19 CSR 30-100.010 and 210.950, RSMo. I will make the Department aware of any change(s) in the contact or contact's information listed on this form within ten (10) days of the change(s) occurring. If I change the location of the newborn safety incubator, then I agree to immediately contact the Department within twenty-four (24) hours and to not use the newborn safety incubator until the Department has inspected and approved the new location. I agree to annually complete this form and send it to the Department within thirty (30) days of the anniversary of the initial or previous renewal registration date. In the event that I decide to voluntarily terminate my registration of a newborn safety incubator and stop using the newborn safety incubator, I agree to remove the newborn safety incubator from use by locking the access portal door and removing all signage for the newborn safety incubator. I will also notify the department within seven (7) days of removing the newborn safety incubator from use so the Department can close out the registration and remove the facility's name and location from its website.

SIGNATURE OF COO/CEO/ADMINISTRATOR

DATE

Please return this form to the following email or mailing address:

Missouri Department of Health and Senior Services
Bureau of Emergency Medical Services
P.O. Box 570
920 Wildwood Drive
Jefferson City, MO 65102-0570
emslicensing@health.mo.gov



MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
DIVISION OF REGULATION AND LICENSURE
**LICENSED ELECTRICAL CONTRACTOR/ELECTRICIAN OR TELECOMMUNICATIONS
INSTALLATION PROFESSIONAL ATTESTATION**

ATTESTATION

This form shall be completed and signed by the licensed electrical contractor/electrician or telecommunications installation professional who completed the installation of the alarm system.

The installation of the alarm system was completed on _____
DATE

I affirm that the alarm system complies with the following requirements in 19 CSR 30-100.010(3)(A)2 and (3)(C):

1. The alarm system installed in relation to the access portal door and the location where the newborn safety incubator is located will alert a facility trained individual overseeing the newborn safety incubator that the access portal door has been opened.
2. The access portal door alarm is only capable of being turned off from within the facility once a response is made to the newborn safety incubator.
3. The access portal door alarm is wired into the existing structure's: (please check one)
 - electrical
 - telecommunications system
 If wired into the structure's existing electrical system, then I attest that a licensed electrical contractor installed this wiring and the wiring is in compliance with the NFPA 70, National Electrical Code and NFPA 1, Fire Code (if applicable).
4. The facility (please check one)
 - does have a secondary power supply
 - does have a back-up power supply
 - does not have a secondary or back-up power supply
 If the facility has a secondary or back-up power supply, the alarm system was wired into the secondary or back-up power supply by a licensed electrical contractor/electrician to ensure continued operation of the alarm system during outages of the structure's primary power supply.
5. A series of alarms trigger within one (1) minute after opening the access portal door (both an audible alarm triggered to a central location within the facility and an automatic call to 911 triggered from the alarm system if the alarm is not turned off from within the facility within one (1) minute of the commencement of the initial alarm).
6. The audible alarm, automatic call to 911 and the disarming component for the alarm system have been tested and are working appropriately.

By signing this form, I attest that the installation of the access portal door complies with the requirements set forth in 19 CSR 30-100.010(3)(A)2 & (3)(C).

SIGNATURE OF ELECTRICAL CONTRACTOR/ELECTRICIAN OR TELECOMMUNICATIONS INSTALLATION PROFESSIONAL WHO COMPLETED THE INSTALLATION OF THE ACCESS PORTAL DOOR	DATE
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BUSINESS NAME (IF APPLICABLE)

STREET ADDRESS

CITY, STATE AND ZIP CODE

LICENSE NUMBER/JURISDICTION FOR THIS PROJECT (IF APPLICABLE)

PHONE NUMBER AND EMAIL ADDRESS (IF APPLICABLE)

Please return this form to the following email or mailing address:

Missouri Department of Health and Senior Services
Bureau of Emergency Medical Services
P.O. Box 570
920 Wildwood Drive
Jefferson City, MO 65102-0570
emslicensing@health.mo.gov



MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
DIVISION OF REGULATION AND LICENSURE
GENERAL CONTRACTOR ATTESTATION

This form shall be filled out and signed by the general contractor who completed the installation of the access portal door.

The installation of the access portal door was completed on _____
DATE

I affirm that the access portal door complies with the following requirements in 19 CSR 30-100.010(3)(A) & (B):

1. The newborn safety incubator has an access portal door.
2. The access portal door was installed on an exterior wall and provides access to an area within the interior of the building.
3. There is unencumbered access from the exterior of the building through the access portal door.
4. The access portal door has a lock that can be engaged by the relinquishing parent after the newborn has been placed in the newborn safety incubator. The access portal door locks automatically upon closure. This lock may only be unlocked from the interior of the building.
5. A series of alarms trigger within one (1) minute after opening the access portal door (both an audible alarm triggered to a central location within the facility and an automatic call to 911 triggered from the alarm system if the alarm is not turned off from within the facility within one (1) minute of the commencement of the initial alarm).

By signing this form, I attest that the installation of the access portal door complies with the requirements set forth in 19 CSR 30-100.010(3)(A) & (B).

GENERAL CONTRACTOR'S SIGNATURE

DATE

GENERAL CONTRACTOR'S BUSINESS (IF APPLICABLE)

GENERAL CONTRACTOR'S STREET ADDRESS

GENERAL CONTRACTOR'S CITY, STATE AND ZIP CODE

GENERAL CONTRACTOR'S LICENSE NUMBER/JURISDICTION FOR THIS PROJECT (IF APPLICABLE)

GENERAL CONTRACTOR'S PHONE NUMBER AND EMAIL ADDRESS (IF APPLICABLE)

Please return this form to the following email or mailing address:

Missouri Department of Health and Senior Services
Bureau of Emergency Medical Services
P.O. Box 570
920 Wildwood Drive
Jefferson City, MO 65102-0570
emslicensing@health.mo.gov

AUTHORITY: section 210.950, RSMo Supp. 2021. Emergency rule filed July 29, 2022, effective Aug. 12, 2022, expires Feb. 23, 2023. Original rule filed July 29, 2022.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions nine hundred five thousand nine hundred thirty dollars (\$905,930) in the aggregate.

PRIVATE COST: This proposed rule will cost private entities four hundred forty-seven thousand nine hundred sixty-five dollars (\$447,965) annually.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Taz Meyer at Taz.Meyer@health.mo.gov or Missouri Department of Health and Senior Services, PO Box 570, Jefferson City, MO 65102-0570. 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: 19 CSR 30-100.010 Newborn Safety Incubators.**

Rule Number and Title:	19 CSR 30-100.010 Newborn Safety Incubators
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
(2) Entities/Facilities with Newborn Safety Incubators	\$895,930 in the aggregate
(1) DHSS Inspector	\$10,000 in the aggregate
TOTAL COSTS =	\$905,930 in the aggregate

III. WORKSHEET

Costs for each entity

Medical bassinet

Medical bassinet, mattress and sheets = \$1750

Signage

Sign to post by the newborn safety incubator = \$500

Room addition or renovation of space for newborn safety incubator

Construction of a room or renovation of space to place the newborn safety incubator including the costs of the general contractor, the access portal door on the exterior wall, locking system for the access portal door, climate controlled environment with a proper air circulation system and lighting including battery backup = \$75,000.

Audible alarm system

Audible alarm system with automatic call capability to 911 if the alarm is not disarmed within one (1) minute, costs for licensed electrical contractor and potentially a telecommunications installation professional to install and wire the alarm system, wiring of electrical access portal door alarm into the existing electrical system, and alarm system wired into secondary backup supply or battery backup = \$15,000.

Staff on duty

One (1) staff X \$15.00 X 24 hours/day X 7 days/week X 52 weeks/year = \$131,040

Benefits for five staff to rotate 24/7 schedule

\$40,000 benefits X (5) staff for each entity = \$200,000/year

Paid training to train new and current staff

Paid training to train new and current staff= \$3,000

CPR with AED training

Class to train staff for CPR and AED \$35.00 X five (5) staff = \$175

AED machine

AED machine= \$2,500

Supervisor to train staff, ensure inspections are completed and fill out paperwork

1/8 of supervisor's duties for entity= \$15,000

Maintenance and testing of access portal door and audible alarm system

Maintenance and testing of access portal door and audible alarm system= \$4,000

Total for costs for public entities = \$1750 (medical bassinet) + \$500 (signage) + \$75,000 (room renovation or addition) + \$15,000 (audible alarm system) + \$131,040 (staff on duty) + \$200,000 (benefits for five staff) + \$3,000 (paid training to train new and current staff) + \$175 (CPR with AED training) + \$2,500 (AED machine) + \$15,000 (supervisor to train) + \$4,000 (maintenance and testing of access portal door and audible alarm system) = \$447,965 annually X 2 facilities/entities = \$895,930 annually.

Department Inspector

Department inspector 1/8 of current job duties - \$10,000.

IV. ASSUMPTIONS

The Department is estimating a staff of at least five (5) individuals to rotate through a 24/7 schedule. The pay is estimated at the federal minimum wage of \$15.00. The Department is also estimating that a supervisor that already works for the entity/facility will conduct the training with the staff and ensure that inspections and paperwork is completed.

The Department has estimated the construction costs and the set-up of the alarm system in these costs. After the first year, these costs will not be incurred again. However, in subsequent years, there will be costs for the maintenance and testing of the systems (access portal door and audible alarm system).

**FISCAL NOTE
PRIVATE COST**

- I. Department Title: Department of Health and Senior Services
Division Title: Division of Regulation and Licensure
Chapter Title: 19 CSR 30-100.010 Newborn Safety Incubators**

Rule Number and Title:	19 CSR 30-30-100.010 Newborn Safety Incubators
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:
(1)	Entity/Facility with Newborn Safety Incubators	\$447,965 annually
	TOTAL COSTS =	\$447,965 annually

III. WORKSHEET

Costs for the entity

Medical bassinet

Medical bassinet, mattress and sheets = \$1750

Signage

Sign to post by the newborn safety incubator = \$500

Room addition or renovation of space for newborn safety incubator

Construction of a room or renovation of space to place the newborn safety incubator including the costs of the general contractor, the access portal door on the exterior wall, locking system for the access portal door, climate controlled environment with a proper air circulation system and lighting including battery backup = \$75,000.

Audible alarm system

Audible alarm system with automatic call capability to 911 if the alarm is not disarmed within one (1) minute, costs for licensed electrical contractor and potentially a telecommunications installation professional to install and wire the alarm system, wiring of electrical access portal door alarm into the existing electrical system, and alarm system wired into secondary backup supply or battery backup = \$15,000.

Staff on duty

One (1) staff X \$15.00 X 24 hours/day X 7 days/week X 52 weeks/year = \$131,040

Benefits for five staff to rotate 24/7 schedule

\$40,000 benefits X (5) staff for each entity = \$200,000/year

Paid training to train new and current staff

Paid training to train new and current staff= \$3,000

CPR with AED training

Class to train staff for CPR and AED \$35.00 X five (5) staff = \$175

AED machine

AED machine= \$2,500

Supervisor to train staff, ensure inspections are completed and fill out paperwork

1/8 of supervisor's duties for entity= \$15,000

Maintenance and testing of access portal door and audible alarm system

Maintenance and testing of access portal door and audible alarm system= \$4,000

Total for costs for private entity = \$1750 (medical bassinet) + \$500 (signage) + \$75,000 (room renovation or addition) + \$15,000 (audible alarm system) + \$131,040 (staff on duty) + \$200,000 (benefits for five staff) + \$3,000 (paid training to train new and current staff) + \$175 (CPR with AED training) + \$2,500 (AED machine) + \$15,000 (supervisor to train) + \$4,000 (maintenance and testing of access portal door and audible alarm system) = \$447,965 annually

IV. ASSUMPTIONS

The Department is estimating a staff of at least five (5) individuals to rotate through a 24/7 schedule. The pay is estimated at the federal minimum wage of \$15.00. The Department is also estimating that a supervisor that already works for the entity/facility will conduct the training with the staff and ensure that inspections and paperwork is completed.

The Department has estimated the construction costs and the set-up of the alarm system in these costs. After the first year, these costs will not be incurred again. However, in subsequent years, there will be costs for the maintenance and testing of the systems (access portal door and audible alarm system).

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE
Division 4240—Public Service Commission
Chapter 40—Gas Utilities and Gas Safety Standards

PROPOSED AMENDMENT

20 CSR 4240-40.020 Incident, Annual, and Safety-Related Condition Reporting Requirements. The commission staff proposes amending sections (1), (2), (4), (5), (6), (7), (9), (10), (12), and (14).

PURPOSE: This amendment modifies the rule to address amendments of 49 CFR part 191 promulgated between January 2021 and December 2021, modifies the notification criteria for Missouri incidents, and makes clarification and editorial changes.

(1) Scope. (191.1)

(A) This rule prescribes requirements for the reporting of incidents, safety-related conditions, *[and]* annual pipeline summary data, **National Operator Registry information, and other miscellaneous conditions** by operators of gas pipeline facilities and **underground natural gas storage facilities** located in Missouri and under the jurisdiction of the commission. **This rule applies to onshore gathering lines, including Type R gathering lines as determined in 20 CSR 4240-40.030(1)(E). (192.8)**

(B) *[This rule does not apply to]* **Subsections (11)(B) and (11)(C) and section (12) do not apply to the onshore gathering of gas—**

1. Through a pipeline that operates at less than zero (0) pound per square inch gauge (psig) (0 kPa); or
2. Through a pipeline that is not a regulated onshore gathering line *[as determined in 20 CSR 4240-40.030(1)(E) (192.8)]*.

(2) Definitions. (191.3) As used in this rule and in the PHMSA Forms referenced in this rule—

(D) Federal incident means any of the following events:

1. An event that involves a release of gas from a pipeline, gas from an underground natural gas storage facility (UNGSF), liquefied natural gas (LNG), liquefied petroleum gas, refrigerant gas, or gas from an LNG facility, and that results in one (1) or more of the following consequences:

A. A death or personal injury necessitating inpatient hospitalization; or

B. Estimated property damage of *[fifty thousand dollars (\$50,000)]* **one hundred twenty-two thousand dollars (\$122,000)** or more, including loss to the operator and others, or both, but excluding the cost of gas lost. **For adjustments for inflation observed in calendar year 2021 onwards, changes to the reporting threshold will be posted on PHMSA's website. These changes will be determined in accordance with appendix A to 49 CFR part 191;** or

C. Unintentional estimated gas loss of three (3) million cubic feet or more;

2. An event that results in an emergency shutdown of an LNG facility or an UNGSF. Activation of an emergency shutdown system for reasons other than an actual emergency does not constitute an incident; or

3. An event that is significant, in the judgment of the operator, even though it did not meet the criteria of paragraphs (2)(D)1. or (2)(D)2.

(N) Regulated onshore gathering means a Type A, Type B, or Type C gas gathering pipeline system as determined in 20 CSR 4240-40.030(1)(E) (192.8);

(O) Reporting-regulated gathering means a Type R gathering line as determined in 20 CSR 4240-40.030(1)(E). (192.8) A Type R gathering line is subject only to this rule;

[(N)](P) Transportation of gas means the gathering, transmission, or distribution of gas by pipeline, or the storage of gas, in or affect-

ing intrastate, interstate, or foreign commerce; and

[(O)](Q) Underground natural gas storage facility (UNGSF) means a gas pipeline facility that stores natural gas in an underground facility incidental to the transportation of natural gas, including—

1. A depleted hydrocarbon reservoir, an aquifer reservoir, or a solution-mined cavern; and

2. In addition to the reservoir or cavern, a UNGSF includes injection, withdrawal, monitoring, and observation wells; wellbores and downhole components; wellheads and associated wellhead piping; wing-valve assemblies that isolate the wellhead from connected piping beyond the wing-valve assemblies; and any other equipment, facility, right-of-way, or building used in the underground storage of natural gas.

(4) Immediate Notice of Missouri Incidents.

(A) Within two (2) hours following discovery by the operator, or as soon thereafter as practicable if emergency efforts to protect life and property would be hindered, each gas operator must notify designated commission personnel by telephone of the following events within areas served by the operator:

1. An event that involves a release of gas involving the operator's actions or pipeline system, or where there is a suspicion by the operator that the event may involve a release of gas involving the operator's actions or pipeline system, and results in one (1) or more of the following consequences~~[-]~~:

A. A death;

B. A personal injury involving medical care administered in an emergency room or health care facility, whether inpatient or outpatient, beyond initial treatment and prompt release after evaluation by a health care professional; or

C. Estimated property damage of *[ten thousand dollars (\$10,000)]* **seventeen thousand five hundred dollars (\$17,500)** or more, including loss to the gas operator or others, or both, and including the cost of gas lost;

2. An event that is significant, in the judgement of the operator, even though it did not meet the criteria of paragraph (4)(A)1.; or

3. An event that is reported as a Federal incident under section (3).

(5) Report Submission Requirements. (191.7)

(B) Missouri *[(incident)]* **[(R)]**reports.

1. This subsection applies to events that meet the criteria in subsection (4)(A) but are not a federal incident reported under subsection (5)(A). Within thirty (30) days of a telephone notification made under subsection (4)(A), each gas operator must submit the applicable U.S. Department of Transportation Form PHMSA F 7100.1, PHMSA F 7100.2, or PHMSA F 7100.3 to designated commission personnel. Additional information required in subsections (6)(B) and (9)(B) for federal incidents is also required for these events.

2. The incident report forms for gas distribution systems (PHMSA F 7100.1, revised *[April 2019]* **May 2021**), gas transmission and gathering pipeline systems (PHMSA F 7100.2, revised *[April 2019]* **January 2020**), and LNG facilities (PHMSA F 7100.3, revised April 2019) are incorporated by reference in subsection (5)(G).

(G) Forms *[(incorporated)]* **[(R)]**reference.

1. The following forms are incorporated by reference and made part of this rule.

A. U.S. Department of Transportation Form PHMSA F 1000.1, revised January 2020. The PHMSA F 1000.1 form is the Operator Identification (OPID) Assignment Request form and does not include any amendments or additions to the January 2020 version.

B. U.S. Department of Transportation Form PHMSA F 1000.2, revised January 2020. The PHMSA F 1000.2 form is the National Registry Notification form for reporting changes including operator name change, change in entity operating, shared safety program change, change in ownership for gas facilities, construction or

rehabilitation of gas facilities, change in ownership for LNG, and construction for LNG. The PHMSA F 1000.2 form does not include any amendments or additions to the January 2020 version.

C. U.S. Department of Transportation Form PHMSA F 7100.1, revised *[April 2019] May 2021*. The PHMSA F 7100.1 form is the incident report form for gas distribution systems and does not include any amendments or additions to the *[April 2019] May 2021* version.

D. U.S. Department of Transportation Form PHMSA F 7100.1-1, revised *[October 2018] May 2021*. The PHMSA F 7100.1-1 form is the annual report form for gas distribution systems and does not include any amendments or additions to the *[October 2018] May 2021* version.

E. *[U.S. Department of Transportation Form PHMSA F 7100.1-2, revised October 2014. The PHMSA F 7100.1-2 form is the report form for mechanical fitting failures and does not include any amendments or additions to the October 2014 version] Reserved.*

F. U.S. Department of Transportation Form PHMSA F 7100.2, revised *[April 2019] January 2020*. The PHMSA F 7100.2 form is the incident report form for gas transmission and gathering pipeline systems and does not include any amendments or additions to the *[April 2019] January 2020* version.

G. U.S. Department of Transportation Form PHMSA F 7100.2-1, revised October *[2014] 2021*. The PHMSA F 7100.2-1 form is the annual report form for gas transmission and gathering pipeline systems and does not include any amendments or additions to the October *[2014] 2021* version.

H. U.S. Department of Transportation Form PHMSA F 7100.3, revised April 2019. The PHMSA F 7100.3 form is the incident report form for LNG facilities and does not include any amendments or additions to the April 2019 version.

I. U.S. Department of Transportation Form PHMSA F 7100.3-1, revised *[August 2017] October 2014*. The PHMSA F 7100.3-1 form is the annual report form for LNG facilities and does not include any amendments or additions to the *[August 2017] October 2014* version.

J. U.S. Department of Transportation Form PHMSA 7100.4-1, approved August 2017. The PHMSA F 7100.4-1 form is the annual report form for underground natural gas storage facilities and does not include any amendments or additions to the August 2017 version.

K. U.S. Department of Transportation Form PHMSA 7100.2-2, approved March 2022. The PHMSA F 7100.2-2 form is the incident report form for reporting-regulated gathering pipeline systems and does not include any amendments or additions to the March 2022 version.

L. U.S. Department of Transportation Form PHMSA 7100.2-3, approved March 2022. The PHMSA F 7100.2-3 form is the annual report form for reporting-regulated gathering pipeline systems and does not include any amendments or additions to the March 2022 version.

2. The forms listed in paragraph (5)(D)1. are published by the U.S. Department of Transportation Office of Pipeline Safety, PHP-10, 1200 New Jersey Avenue SE, Washington, DC 20590-0001. The forms are available at www.phmsa.dot.gov/forms/pipeline-forms or upon request from the pipeline safety program manager at the address given in subsection (5)(E).

(6) Distribution System—Federal Incident Report. (191.9)

(A) Except as provided in subsection (6)(C), each operator of a distribution pipeline system must submit U.S. Department of Transportation Form PHMSA F 7100.1 as soon as practicable but not more than thirty (30) days after detection of an incident required to be reported under section (3) (191.5). See the report submission requirements in subsection (5)(A). The incident report form (revised *[April 2019] May 2021*) is incorporated by reference in subsection (5)(G).

(7) Distribution System—Annual Report *[and Mechanical Fitting Failure Reports]*.

(A) Annual Report. (191.11)

1. Except as provided in paragraph (7)(A)3., each operator of a distribution pipeline system must submit an annual report for that system on U.S. Department of Transportation Form PHMSA F 7100.1-1. This report must be submitted each year, not later than March 15, for the preceding calendar year. See the report submission requirements in subsection (5)(A).

2. The annual report form (revised *[October 2018] May 2021*) is incorporated by reference in subsection (5)(G).

3. The annual report requirement in this subsection does not apply to a master meter system, *[or to]* a petroleum gas system *[which]* that serves fewer than one hundred (100) customers from a single source, or an individual service line directly connected to a production pipeline or a gathering line other than a regulated gathering line as determined in 20 CSR 4240-40.030(1)(E). (192.8)

[(B) Mechanical Fitting Failure Reports. (191.12)]

1. Each mechanical fitting failure, as required by 20 CSR 4240-40.030(17)(E) (192.1009), must be submitted on a Mechanical Fitting Failure Report Form (U.S. Department of Transportation Form PHMSA F 7100.1-2). An operator must submit a mechanical fitting failure report for each mechanical fitting failure that occurs within a calendar year not later than March 15 of the following year. Alternatively, an operator may elect to submit its reports throughout the year. In addition, an operator must also report this information to designated commission personnel.

2. The Mechanical Fitting Failure Report Form (October 2014) is incorporated by reference in subsection (5)(G).]

(B) Reserved.

(9) Transmission Systems; Gathering Systems; Liquefied Natural Gas Facilities; and Underground Natural Gas Storage Facilities—Federal Incident Report. (191.15)

(A) Transmission or *[G]gathering*.

1. Each operator of a transmission or a regulated onshore gathering pipeline system must submit U.S. Department of Transportation Form PHMSA F 7100.2 as soon as practicable but not more than thirty (30) days after detection of an incident required to be reported under section (3). (191.5).] See the report submission requirements in subsection (5)(A). The incident report form (revised *[April 2019] January 2020*) is incorporated by reference in subsection (5)(G).

2. Each operator of a reporting-regulated gathering pipeline system must submit U.S. Department of Transportation Form PHMSA F 7100.2-2 as soon as practicable but not more than thirty (30) days after detection of an incident required to be reported under section (3) (191.5) that occurs after May 16, 2022. See the report submission requirements in subsection (5)(A). The incident report form (revised March 2022) is incorporated by reference in subsection (5)(G).

(C) Underground natural gas storage facility. Each operator of an UNGSF must submit U.S. Department of Transportation Form PHMSA F 7100.2 as soon as practicable but not more than thirty (30) days after detection of an incident required to be reported under section (3). (191.5).] See the report submission requirements in subsection (5)(A). The incident report form (revised *[April 2019] January 2020*) is incorporated by reference in subsection (5)(G).

(10) Transmission Systems; Gathering Systems; Liquefied Natural Gas Facilities; and Underground Natural Gas Storage Facilities—Annual Report. (191.17)

(A) Transmission or *[G]gathering*.

1. Each operator of a transmission or a regulated onshore gathering pipeline system must submit an annual report for that system on U.S. Department of Transportation Form PHMSA F 7100.2-1.

This report must be submitted each year, not later than March 15, for the preceding calendar year. See the report submission requirements in subsection (5)(A). The annual report form (revised October [2014] 2021) is incorporated by reference in subsection (5)(G).

2. Type R gathering. Beginning with an initial annual report submitted in March 2023 for the 2022 calendar year, each operator of a reporting-regulated gas gathering pipeline system must submit an annual report for that system on U.S. Department of Transportation Form PHMSA F 7100.2-3. This report must be submitted each year, not later than March 15, for the preceding calendar year. See the report submission requirements in subsection (5)(A). The annual report form (revised March 2022) is incorporated by reference in subsection (5)(G).

(B) LNG. Each operator of a liquefied natural gas facility must submit an annual report for that system on U.S. Department of Transportation Form PHMSA F 7100.3-1. This report must be submitted each year, not later than March 15, for the preceding calendar year. See the report submission requirements in subsection (5)(A). The annual report form (revised [August 2017] October 2014) is incorporated by reference in subsection (5)(G).

(12) Reporting Safety-Related Conditions. (191.23)

(B) A report is not required for any safety-related condition that—

1. Exists on a master meter system, a reporting-regulated gathering pipeline, a Type C gas gathering pipeline with an outside diameter of 12.75 inches or less, a Type C gathering pipeline covered by the exception in 49 CFR 192.9(f)(1), or a customer-owned service line;

2. Is an incident or results in an incident before the deadline for filing the safety-related condition report;

3. Exists on a pipeline (other than an UNGSF or an LNG facility) that is more than two hundred twenty (220) yards (two hundred (200) meters) from any building intended for human occupancy or outdoor place of assembly, except that reports are required for conditions within the right-of-way of an active railroad, paved road, street, or highway;

4. Exists on an UNGSF, where a well or wellhead is isolated, allowing the reservoir or cavern and all other components of the facility to continue to operate normally and without pressure restriction; or

5. Is corrected by repair or replacement in accordance with applicable safety standards before the deadline for filing the safety-related condition report. Notwithstanding this exception, a report must be filed for—

A. Conditions under paragraph (12)(A)1., unless the condition is localized corrosion pitting on an effectively coated and cathodically protected pipeline; and

B. Any condition under paragraph (12)(A)10.

(14) National Pipeline Mapping System (NPMS). (191.29)

(C) This section does not apply to gathering pipelines.

AUTHORITY: sections 386.250, 386.310, and 393.140, RSMo 2016. This rule originally filed as 4 CSR 240-40.020. Original rule filed Feb. 5, 1970, effective Feb. 26, 1970. For intervening history, please consult the Code of State Regulations. Amended: Filed July 29, 2022.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed amendment with the Missouri Public Service

Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received no later than October 1, 2022, and should include a reference to Commission Case No. GX-2022-0340. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for 10:00 a.m., October 4, 2022, in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE
Division 4240—Public Service Commission
Chapter 40—Gas Utilities and Gas Safety Standards**

PROPOSED AMENDMENT

20 CSR 4240-40.030 Safety Standards—Transportation of Gas by Pipeline. The commission staff proposes amending sections (1)–(6), (9), (10), (12), (13), (17), and Appendices B and E.

PURPOSE: This amendment modifies the rule to address amendments of 49 CFR part 192, promulgated between January 2021 and December 2021, and makes clarification and editorial changes.

(1) General.

(B) Definitions. (192.3) [a]As used in this rule—

1. Abandoned means permanently removed from service;

2. Active corrosion means continuing corrosion that, unless controlled, could result in a condition that is detrimental to public safety;

3. Administrator means the Administrator of the Pipeline and Hazardous Materials Safety Administration of the United States Department of Transportation to whom authority in the matters of pipeline safety have been delegated by the Secretary of the United States Department of Transportation, or his or her delegate;

4. Alarm means an audible or visible means of indicating to the controller that equipment or processes are outside operator-defined, safety-related parameters;

5. Building means any structure that is regularly or periodically occupied by people;

6. Commission means the Missouri Public Service Commission;

7. Composite materials means materials used to make pipe or components manufactured with a combination of either steel and/or plastic and with a reinforcing material to maintain its circumferential or longitudinal strength;

[7.]8. Control room means an operations center staffed by personnel charged with the responsibility for remotely monitoring and controlling a pipeline facility;

[8.]9. Controller means a qualified individual who remotely monitors and controls the safety-related operations of a pipeline facility via a supervisory control and data acquisition (SCADA) system from a control room, and who has operational authority and accountability for the remote operational functions of the pipeline facility;

[9.]10. Customer meter means the meter that measures the transfer of gas from an operator to a consumer;

[10.]11. Designated commission personnel means the pipeline

safety program manager at the address contained in 20 CSR 4240-40.020(5)(E) for correspondence;

[11.]/12. Distribution line means a pipeline other than a gathering or transmission line;

[12.]/13. Electrical survey means a series of closely spaced pipe-to-soil readings over pipelines which are subsequently analyzed to identify locations where a corrosive current is leaving the pipeline, except that other indirect examination tools/methods can be used for an electrical survey included in the federal regulations in 49 CFR part 192, subpart O and appendix E (incorporated by reference in section (16));

[13.]/14. Engineering critical assessment (ECA) means a documented analytical procedure based on fracture mechanics principles, relevant material properties (mechanical and fracture resistance properties), operating history, operational environment, in-service degradation, possible failure mechanisms, initial and final defect sizes, and usage of future operating and maintenance procedures to determine the maximum tolerable sizes for imperfections based upon the pipeline segment maximum allowable operating pressure;

[14.]/15. Feeder line means a distribution line that has a maximum allowable operating pressure (MAOP) greater than 100 psi (689 kPa) gauge that produces hoop stresses less than twenty percent (20%) of specified minimum yield strength (SMYS);

[15.]/16. Follow-up inspection means an inspection performed after a repair procedure has been completed in order to determine the effectiveness of the repair and to ensure that all hazardous leaks in the area are corrected;

[16.]/17. Fuel line means the customer-owned gas piping downstream from the outlet of the customer meter or operator-owned pipeline, whichever is farther downstream;

[17.]/18. Gas means natural gas, flammable gas, manufactured gas, or gas which is toxic or corrosive;

[18.]/19. Gathering line means a pipeline that transports gas from a current production facility to a transmission line or main;

[19.]/20. High-pressure distribution system means a distribution system in which the gas pressure in the main is higher than an equivalent to fourteen inches (14") water column;

[20.]/21. Hoop stress means the stress in a pipe wall acting circumferentially in a plane perpendicular to the longitudinal axis of the pipe produced by the pressure in the pipe;

[21.]/22. Listed specification means a specification listed in subsection I. of Appendix B, which is included herein (at the end of this rule);

[22.]/23. Low-pressure distribution system means a distribution system in which the gas pressure in the main is less than or equal to an equivalent of fourteen inches (14") water column;

[23.]/24. Main means a distribution line that serves as a common source of supply for more than one (1) service line;

[24.]/25. Maximum actual operating pressure means the maximum pressure that occurs during normal operations over a period of one (1) year;

[25.]/26. Maximum allowable operating pressure (MAOP) means the maximum pressure at which a pipeline or segment of a pipeline may be operated under this rule;

[26.]/27. Moderate consequence area means—

A. An onshore area that is within a “potential impact circle” as defined in 49 CFR 192.903 (incorporated by reference in section (16)), containing either—

(I) Five (5) or more buildings intended for human occupancy; or

(II) Any portion of the paved surface (including shoulders) of a designated “interstate,” “other freeway or expressway,” as well as any “other principal arterial” roadway with four (4) or more lanes, as defined in the Federal Highway Administration’s *Highway Functional Classification Concepts, Criteria and Procedures*, Section 3.1 (see: https://www.fhwa.dot.gov/planning/processes/statewide/related/highway_functional_classifications/fcauab.pdf), and that does not meet the definition of “high consequence area” in 49 CFR 192.903 (incorporated by reference in section (16)); and

rated by reference in section (16)); and

B. The length of the moderate consequence area extends axially along the length of the pipeline from the outermost edge of the first potential impact circle containing either five (5) or more buildings intended for human occupancy; or any portion of the paved surface, including shoulders, of any designated interstate, freeway, or expressway, as well as any other principal arterial roadway with four (4) or more lanes, to the outermost edge of the last contiguous potential impact circle that contains either five (5) or more buildings intended for human occupancy, or any portion of the paved surface, including shoulders, of any designated interstate, freeway, or expressway, as well as any other principal arterial roadway with four (4) or more lanes;

[27.]/28. Municipality means a city, village, or town;

[28.]/29. Operator means a person who engages in the transportation of gas;

[29.]/30. Person means any individual, firm, joint venture, partnership, corporation, association, county, state, municipality, political subdivision, cooperative association, or joint stock association, and including any trustee, receiver, assignee, or personal representative of them;

[30.]/31. Petroleum gas means propane, propylene, butane (normal butane or isobutanes), and butylene (including isomers), or mixtures composed predominantly of these gases, having a vapor pressure not exceeding 208 psi (1434 kPa) gauge at 100°F (38°C);

[31.]/32. PHMSA means the Pipeline and Hazardous Materials Safety Administration of the United States Department of Transportation;

[32.]/33. Pipe means any pipe or tubing used in the transportation of gas, including pipe-type holders;

[33.]/34. Pipeline means all parts of those physical facilities through which gas moves in transportation, including pipe, valves, and other appurtenances attached to pipe, compressor units, metering stations, regulator stations, delivery stations, holders, and fabricated assemblies;

[34.]/35. Pipeline environment includes soil resistivity (high or low), soil moisture (wet or dry), soil contaminants that may promote corrosive activity, and other known conditions that could affect the probability of active corrosion;

[35.]/36. Pipeline facility means new and existing pipelines, rights-of-way, and any equipment, facility, or building used in the transportation of gas or in the treatment of gas during the course of transportation;

[36.]/37. Reading means the highest sustained reading when testing in a bar hole or opening without induced ventilation;

[37.]/38. Service line means a distribution line that transports gas from a common source of supply to an individual customer, to two (2) adjacent or adjoining residential or small commercial customers, or to multiple residential or small commercial customers served through a meter header or manifold. A service line ends at the outlet of the customer meter or at the connection to a customer’s piping, whichever is further downstream, or at the connection to customer piping if there is no meter;

[38.]/39. Service regulator means the device on a service line that controls the pressure of gas delivered from a higher pressure to the pressure provided to the customer. A service regulator may serve one (1) customer or multiple customers through a meter header or manifold;

[39.]/40. SMYS means specified minimum yield strength is—

A. For steel pipe manufactured in accordance with a listed specification, the yield strength specified as a minimum in that specification; or

B. For steel pipe manufactured in accordance with an unknown or unlisted specification, the yield strength determined in accordance with paragraph (3)(D)2. (192.107[[b]](b));

[40.]/41. Supervisory control and data acquisition (SCADA) system means a computer-based system or systems used by a controller in a control room that collects and displays information about

a pipeline facility and may have the ability to send commands back to the pipeline facility;

[41.]42. Sustained reading means the reading taken on a combustible gas indicator unit after adequately venting the test hole or opening;

[42.]43. Transmission line means a pipeline, other than a gathering line, that—

A. Transports gas from a gathering line or storage facility to a distribution center, storage facility, or large volume customer that is not downstream from a distribution center (A large volume customer may receive similar volumes of gas as a distribution center, and includes factories, power plants, and institutional users of gas.);

B. Operates at a hoop stress of twenty percent (20%) or more of SMYS; or

C. Transports gas within a storage field;

[43.]44. Transportation of gas means the gathering, transmission, or distribution of gas by pipeline or the storage of gas, in or affecting intrastate, interstate, or foreign commerce;

[44.]45. Tunnel means a subsurface passageway large enough for a man to enter;

[45.]46. Vault or manhole means a subsurface structure that a man can enter;

[46.]47. Weak link means a device or method used when pulling polyethylene pipe, typically through methods such as horizontal directional drilling, to ensure that damage will not occur to the pipeline by exceeding the maximum tensile stresses allowed;

[47.]48. Welder means a person who performs manual or semi-automatic welding;

[48.]49. Welding operator means a person who operates machine or automatic welding equipment; and

[49.]50. Yard line means an underground fuel line that transports gas from the service line to the customer's building. If multiple buildings are being served, building means the building nearest to the connection to the service line. For purposes of this definition, if aboveground fuel line piping at the meter location is located within five feet (5') of a building being served by that meter, it will be considered to the customer's building and no yard line exists. At meter locations where aboveground fuel line piping is located greater than five feet (5') from the building(s) being served, the underground fuel line from the meter to the entrance into the nearest building served by that meter will be considered the yard line and any other lines are not considered yard lines.

(D) Incorporation By Reference of the Federal Regulation at 49 CFR 192.7. (192.7)

1. As set forth in the *Code of Federal Regulations* (CFR) dated October 1, [2019] 2020, and the subsequent amendment 192-[125/128] (published in *Federal Register* on [October 1, 2019] January 11, 2021, page [84] 86 FR [52180] 2210), the federal regulation at 49 CFR 192.7 is incorporated by reference and made a part of this rule. This rule does not incorporate any subsequent amendments to 49 CFR 192.7.

2. The *Code of Federal Regulations* and the *Federal Register* are published by the Office of the Federal Register, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001. The October 1, [2019] 2020 version of 49 CFR part 192 is available at <https://www.govinfo.gov/#citation>. The *Federal Register* publication on page [84] 86 FR [52180] 2210 is available at [<https://www.govinfo.gov/content/pkg/FR-2019-10-01/pdf/2019-20306.pdf>] <https://www.govinfo.gov/content/pkg/FR-2021-01-11/pdf/2021-00208.pdf>.

3. The regulation at 49 CFR 192.7 provides a listing of the documents that are incorporated by reference partly or wholly in 49 CFR part 192, which is the federal counterpart and foundation for this rule. All incorporated materials are available for inspection from several sources, including the following sources:

A. The Office of Pipeline Safety, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590. For more information, contact 202-366-4046

or go to the PHMSA website at www.phmsa.dot.gov/pipeline/regis;

B. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, go to the NARA website at www.archives.gov/federal-register/cfr/ibr-locations.html or call 202-741-6030 or 866-272-6272; and

C. Copies of standards incorporated by reference can also be purchased or are otherwise made available from the respective standards-developing organizations listed in 49 CFR 192.7.

4. Federal amendment 192-94 (published in *Federal Register* on June 14, 2004, page 69 FR 32886) moved the listing of incorporated documents to 49 CFR 192.7 from 49 CFR part 192—Appendix A, which is now “Reserved.” This listing of documents was in Appendix A to this rule prior to the 2008 amendment of this rule. As of the 2008 amendment, Appendix A to this rule is also “Reserved” and included herein.

(E) Gathering Lines. (192.8 and 192.9)

1. As set forth in the *Code of Federal Regulations* (CFR) dated October 1, [2019] 2020, and the subsequent amendments 192-[125/129] (published in *Federal Register* on [October 1, 2019] November 15, 2021, page [84] 86 FR [52180] 63266) and 192-131 (published in *Federal Register* on May 4, 2022, page 86 FR 26296), the federal regulations at 49 CFR 192.8 and 192.9 are incorporated by reference and made a part of this rule. This rule does not incorporate any subsequent amendments to 49 CFR 192.8 and 192.9.

2. The *Code of Federal Regulations* is published by the Office of the Federal Register, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001. The October 1, [2019] 2020, version of 49 CFR part 192 is available at <https://www.govinfo.gov/#citation>. The *Federal Register* publication on page [84] FR 52180 is available at <https://www.govinfo.gov/content/pkg/FR-2019-10-01/pdf/2019-20306.pdf>] 86 FR 63266 is available at <https://www.govinfo.gov/content/pkg/FR-2021-11-15/pdf/2021-24240.pdf>.

3. The regulations at 49 CFR 192.8 and 192.9 provide the requirements for gathering lines. The requirements for offshore lines are not applicable to Missouri.

4. For purposes of this subsection, the following substitutions should be made for certain references in the federal pipeline safety regulations incorporated by reference in paragraph (1)(E)1.:

A. The references to “part 191 of this chapter” in 49 CFR 192.8 should refer to “20 CSR 4240-40.020” instead.

B. The references to “section 192.18” in 49 CFR 192.8 and 192.9 should refer to “subsection (1)(M) of this rule” instead.

(G) What General Requirements Apply to Pipelines Regulated [u/Under this Rule? (192.13)

1. No person may operate a segment of pipeline listed in the first column that is readied for service after the date in the second column, unless—

A. The pipeline has been designed, installed, constructed, initially inspected, and initially tested in accordance with this rule; or

B. The pipeline qualifies for use under this rule in accordance with subsection (1)(H). (192.14)

Pipeline	Date
Regulated onshore gathering pipeline to which [49 CFR 192.8 and 192.9] this rule did not apply until April 14, 2006 (see (1)(E))	March 15, 2007
Regulated onshore gathering pipeline to which this rule did not apply until May 16, 2022 (see (1)(E))	May 16, 2023
All other pipelines	March 12, 1971

2. No person may operate a segment of pipeline listed in the first column that is replaced, relocated, or otherwise changed after the date in the second column, unless that replacement, relocation, or change has been made according to the requirements in this rule.

Pipeline	Date
Regulated onshore gathering pipeline to which <i>49 CFR 192.8 and 192.9</i> this rule did not apply until April 14, 2006 (see (1)(E))	March 15, 2007
Regulated onshore gathering pipeline to which this rule did not apply until May 16, 2022 (see (1)(E))	May 16, 2023
All other pipelines	November 12, 1970

3. Each operator shall maintain, modify as appropriate, and follow the plans, procedures, and programs that it is required to establish under this rule.

4. This section and sections (9), (10) and (11)–(17) apply regardless of installation date. The requirements within other sections of this rule apply regardless of the installation date only when specifically stated as such.

(H) Conversion to Service Subject to this Rule. (192.14)

1. Except as provided in paragraph (1)(H)4., a *[steel]* pipeline previously used in service not subject to this rule qualifies for use under this rule if the operator prepares and follows a written procedure to carry out the following requirements:

A. The design, construction, operation, and maintenance history of the pipeline must be reviewed and, where sufficient historical records are not available, appropriate tests must be performed to determine if the pipeline is in a satisfactory condition for safe operation;

B. The pipeline right-of-way, all aboveground segments of the pipeline, and appropriately selected underground segments must be visually inspected for physical defects and operating conditions which reasonably could be expected to impair the strength or tightness of the pipeline;

C. All known unsafe defects and conditions must be corrected in accordance with this rule; and

D. The pipeline must be tested in accordance with section (10) to substantiate the maximum allowable operating pressure permitted by section (12).

2. Each operator must keep for the life of the pipeline a record of investigations, tests, repairs, replacements, and alterations made under the requirements of paragraph (1)(H)1.

3. An operator converting a pipeline from service not previously covered by this rule must notify PHMSA and designated commission personnel sixty (60) days before the conversion occurs as required by 20 CSR 4240-40.020(11).

4. This paragraph lists situations where steel pipe may not be converted to service subject to this rule.

A. Steel yard lines that are not cathodically protected must be replaced under subsection (15)(C).

B. Buried steel fuel lines that are not cathodically protected may not be converted to a pipeline as defined in subsection (1)(B), such as a service line or main.

C. Buried steel pipes that are not cathodically protected may not be converted to a service line.

D. Buried steel pipes that are not cathodically protected may not be converted to a main in Class 3 and Class 4 locations.

(M) How to Notify PHMSA and Designated Commission Personnel. (192.18)

1. An operator must provide any notification required by this rule by—

A. Sending the notification by electronic mail to InformationResourcesManager@dot.gov; or

B. Sending the notification by mail to ATTN: Information

Resources Manager, DOT/PHMSA/OPS, East Building, 2nd Floor, E22–321, 1200 New Jersey Ave. SE, Washington, DC 20590.

2. An operator must also notify designated commission personnel by electronic mail to PipelineSafetyProgramManager@psc.mo.gov or by mail to Pipeline Safety Program Manager, Missouri Public Service Commission, PO Box 360, Jefferson City, MO 65102.

3. Unless otherwise specified, if the notification is made pursuant to (1)(E), (9)(G), (10)(K)2., (12)(E)5.D. and E., (12)(M)3.B., (12)(U)3.B.(III) and 3.F., (12)(V)2.C., (13)(DD)3.G., (13)(EE)4.C.(IV) and 5.B.(I)(e), 49 CFR 192.921(a)(7) (incorporated by reference in section (16)), or 49 CFR 192.937(c)(7) (incorporated by reference in section (16)) to use a different integrity assessment method, analytical method, sampling approach, or technique (i.e., “other technology”) that differs from that prescribed in those requirements, the operator must notify PHMSA at least ninety (90) days in advance of using the “other technology.” An operator may proceed to use the “other technology” ninety-one (91) days after submittal of the notification unless it receives a letter from the Associate Administrator for Pipeline Safety informing the operator that PHMSA objects to the proposed use of “other technology” or that PHMSA requires additional time to conduct its review.

(2) Materials.

(B) General. (192.53) Materials for pipe and components must be—

1. Able to maintain the structural integrity of the pipeline under temperature and other environmental conditions that may be anticipated;

2. Chemically compatible with any gas that they transport and with any other material in the pipeline with which they are in contact;

3. Qualified in accordance with the applicable requirements of this section; *[and]*

4. Only of steel or polyethylene for pipe for the underground construction of pipelines, except that other previously qualified materials may be used for *[-]* **repair of pipe constructed of the same material; and**

[A. Repair of existing facilities constructed of the same material; and

B. Fittings, valves, or other appurtenances attached to the pipe.]

5. Other piping materials may be used with approval of the commission.

(3) Pipe Design.

(I) Design of Plastic Pipe. (192.121)

1. Design *[Formula. Design formulas]* **Pressure. The design pressure for plastic pipe *[are]* is determined in accordance with either of the following formulas:**

$$P = 2 S \frac{t}{(D-t)} \times DF$$

$$P = \frac{2 S}{(SDR-1)} \times DF$$

where

P = Design pressure, psi (kPa) gauge;

S = For thermoplastic pipe, the hydrostatic design base (HDB) is determined in accordance with the listed specification at a temperature equal to 73 °F (23 °C), 100 °F (38 °C), 120 °F (49 °C), or 140 °F (60 °C). In the absence of an HDB established at the specified temperature, the HDB of a higher temperature may be used in determining a design pressure rating at the specified temperature by arithmetic interpolation using the procedure in Part D.2. of PPI TR-3/2008, *HDB/PDB/SDB/MRS Policies* (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D));

t = Specified wall thickness, inches (millimeters);

D = Specified outside diameter, inches (millimeters); and

SDR = Standard dimension ratio, the ratio of the average specified outside diameter to the minimum specified wall thickness, corresponding to a value from a common numbering system that was derived from the American National Standards Institute preferred number series 10.

DF = Design Factor, a maximum of 0.32 unless otherwise specified for a particular material in this subsection.

2. General Requirements for Plastic Pipe and Components.

A. The design pressure may not exceed a gauge pressure of 100 psi (689 kPa) gauge for plastic pipe.

B. Plastic pipe may not be used where operating temperatures of the pipe will be:

(I) Below -20 °F (-29 °C), or -40 °F (-40 °C) if all pipe and pipeline components whose operating temperature will be below -20 °F (-29 °C) have a temperature rating by the manufacturer consistent with that operating temperature; or

(II) Above the temperature at which the HDB used in the design formula under this subsection is determined.

C. The wall thickness for thermoplastic pipe may not be less than 0.062 inches (1.57 millimeters).

D. All plastic pipe must have a listed HDB in accordance with PPI TR-4/2012 (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)).

3. Polyethylene (PE) Pipe Requirements.

A. The federal regulation at 49 CFR 192.121(c)(1) is not adopted in this rule. (This federal regulation permits higher design pressures for certain types of PE pipe.)

B. For PE pipe produced on or after January 22, 2019, a DF of 0.40 may be used in the design formula, provided:

- (I) The design pressure does not exceed 100 psig;
- (II) The material designation code is PE2708 or PE4710;
- (III) The pipe has a nominal size (IPS or CTS) of [12] 24 inches or less; and

(IV) The wall thickness for a given outside diameter is not less than that listed in the following table:

PE Pipe: Minimum Wall Thickness and SDR Values		
Pipe Size (inches)	Minimum wall thickness (inches)	Corresponding SDR (values)
½" CTS	0.090	7
¾" CTS	0.090	9.7
½" IPS	0.090	9.3
¾" IPS	0.095	11
1" CTS	[0.119] 0.099	11
1" IPS	0.119	11
1 ¼" IPS	0.151	11
1 ½" IPS	0.173	11
2"	0.216	11
3"	0.259	13.5
4"	0.265	17
6"	0.315	21
8"	0.411	21
10"	0.512	21
12"	0.607	21
16"	0.762	21
18"	0.857	21
20"	0.952	21
22"	1.048	21
24"	1.143	21

4. The federal regulations at 49 CFR 192.121(d) through (f) are not adopted in this rule. (Those federal regulations address design requirements for types of plastic pipe other than PE pipe.)

(4) Design of Pipeline Components.

(H) Components Fabricated by Welding. (192.153)

1. Except for branch connections and assemblies of standard pipe and fittings joined by circumferential welds, the design pressure of each component fabricated by welding, whose strength cannot be determined, must be established in accordance with paragraph UG-101 of the ASME Boiler and Pressure Vessel Code (Section VIII, Division 1) (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)).

2. Each prefabricated unit that uses plate and longitudinal seams must be designated, constructed, and tested in accordance with [section 1 of] the ASME Boiler and Pressure Vessel Code (Rules for Construction of Pressure Vessels as defined in either Section VIII, Division 1 or 2) (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)), except for the following:

- A. Regularly manufactured butt-welding fittings;
- B. Pipe that has been produced and tested under a specification listed in Appendix B to this rule;
- C. Partial assemblies such as split rings or collars; and
- D. Prefabricated units that the manufacturer certifies have been tested to at least twice the maximum pressure to which they will be subjected under the anticipated operating conditions.

3. Orange-peel bull plugs and orange-peel swages may not be used on pipelines that are to operate at a hoop stress of twenty percent (20%) or more of the SMYS of the pipe.

4. Except for flat closures designed in accordance with the ASME Boiler and Pressure Vessel Code (Section VIII, Division 1 or 2) (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)), flat closures and fish tails may not be used on pipe that either operates at 100 psi (689 kPa) gauge or more, or is more than three inches (3") (76 millimeters) nominal diameter.

5. [A component having] The test requirements for a prefabricated unit or pressure vessel, defined for this paragraph as components with a design pressure established in accordance with paragraph (4)(H)1. or 2. [and subject to the strength testing requirements of paragraph (10)(C)2. must be tested to at least one and one-half (1.5) times the MAOP.] are as follows:

A. A prefabricated unit or pressure vessel installed after July 14, 2004, is not subject to the strength testing requirements of paragraph (10)(C)2. provided the component has been tested in accordance with paragraph (4)(H)1. or 2. and with a test factor of at least 1.3 times MAOP;

B. A prefabricated unit or pressure vessel must be tested for a duration specified as follows:

(I) A prefabricated unit or pressure vessel installed after July 14, 2004, but before October 1, 2021, is exempt from paragraphs (10)(C)3. and 4. and paragraph (10)(D)3. provided it has been tested for a duration consistent with the ASME BPVC requirements referenced in paragraph (4)(H)1. or 2; and

(II) A prefabricated unit or pressure vessel installed on or after October 1, 2021, must be tested for the duration specified in either paragraph (10)(C)3. or 4., (10)(D)3., or (10)(E)1., whichever is applicable for the pipeline in which the component is being installed;

C. For any prefabricated unit or pressure vessel permanently or temporarily installed on a pipeline facility, an operator must either—

(I) Test the prefabricated unit or pressure vessel in accordance with this subsection and section (10) after it has been placed on its support structure at its final installation location. The test may be performed before or after it has been tied-in to the pipeline. Test records that meet paragraph (10)(I)1. must be kept for the operational life of the prefabricated unit or pressure vessel; or

(II) For a prefabricated unit or pressure vessel that is pressure tested prior to installation or where a manufacturer's pressure test is used in accordance with paragraph (4)(H)5., inspect the prefabricated unit or pressure vessel after it has been placed on its support structure at its final installation location and confirm that the prefabricated unit or pressure vessel was not damaged during any prior operation, transportation, or installation into the pipeline. The inspection procedure and documented inspection must include visual inspection for vessel damage, including, at a minimum, inlets, outlets, and lifting locations. Injurious defects that are an integrity threat may include dents, gouges, bending, corrosion, and cracking. This inspection must be performed prior to operation but may be performed either before or after it has been tied-in to the pipeline. If injurious defects that are an integrity threat are found, the prefabricated unit or pressure vessel must be either non-destructively tested, re-pressure tested, or remediated in accordance with the applicable requirements in this rule for a fabricated unit or with the applicable ASME BPVC requirements referenced in paragraphs (4)(H)1. or 2. Test, inspection, and repair records for the fabricated unit or pressure vessel must be kept for the operational life of the component. Test records must meet the requirements in paragraph (10)(I)1.;

D. An initial pressure test from the prefabricated unit or pressure vessel manufacturer may be used to meet the requirements of this subsection with the following conditions:

(I) The prefabricated unit or pressure vessel is newly-manufactured and installed on or after October 1, 2021, except as provided in part (4)(H)5.D.(II);

(II) An initial pressure test from the fabricated unit or pressure vessel manufacturer or other prior test of a new or existing prefabricated unit or pressure vessel may be used for a component that is temporarily installed in a pipeline facility in order to complete a testing, integrity assessment, repair, odorization, or emergency response-related task, including noise or pollution abatement. The temporary component must be promptly removed after that task is completed. If operational and environmental constraints require leaving a temporary prefabricated unit or pressure vessel under this paragraph in place for longer than thirty (30) days, the operator must notify PHMSA and designated commission personnel in accordance with subsection (1)(M);

(III) The manufacturer's pressure test must meet the minimum requirements of this rule; and

(IV) The operator inspects and remediates the prefabricated unit or pressure vessel after installation in accordance with part (4)(H)5.C.(II);

E. An existing prefabricated unit or pressure vessel that is temporarily removed from a pipeline facility to complete a testing, integrity assessment, repair, odorization, or emergency response-related task, including noise or pollution abatement, and then reinstalled at the same location must be inspected in accordance with part (4)(H)5.C.(II); however, a new pressure test is not required provided no damage or threats to the operational integrity of the prefabricated unit or pressure vessel were identified during the inspection and the MAOP of the pipeline is not increased; and

F. Except as provided in part (4)(H)5.D.(II) and subparagraph (4)(H)5.E., on or after October 1, 2021, an existing prefabricated unit or pressure vessel relocated and operated at a different location must meet the requirements of this rule and the following:

(I) The prefabricated unit or pressure vessel must be designed and constructed in accordance with the requirements of this rule at the time the vessel is returned to operational service at the new location; and

(II) The prefabricated unit or pressure vessel must be pressure tested by the operator in accordance with the testing

and inspection requirements of this rule applicable to newly installed prefabricated units and pressure vessels.

(HH) Passage of Internal Inspection Devices. (192.150)

1. Except as provided in paragraphs (4)(HH)2. and (4)(HH)3., each new transmission line and each replacement of line pipe, valve, fitting, or other line component in a transmission line must be designed and constructed to accommodate the passage of instrumented internal inspection devices in accordance with NACE SP0102, section 7 (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)).

2. This subsection does not apply to—

A. Manifolds;

B. Station piping such as at compressor stations, meter stations, or regulator stations;

C. Piping associated with storage facilities, other than a continuous run of transmission line between a compressor station and storage facilities;

D. Cross-overs;

E. Sizes of pipe for which an instrumented internal inspection device is not commercially available;

F. Transmission lines, operated in conjunction with a distribution system which are installed in Class 4 locations; *and*

G. Gathering lines; and

/G./H. Other piping that, under 49 CFR 190.9, the administrator finds in a particular case would be impracticable to design and construct to accommodate the passage of instrumented internal inspection devices.

3. An operator encountering emergencies, construction time constraints, or other unforeseen construction problems need not construct a new or replacement segment of a transmission line to meet paragraph (4)(HH)1., if the operator determines and documents why an impracticability prohibits compliance with paragraph (4)(HH)1. Within thirty (30) days of discovering the emergency or construction problem, the operator must petition, under 49 CFR 190.9, for approval that design and construction to accommodate passage of instrumented internal inspection devices would be impracticable. If the petition is denied, within one (1) year after the date of the notice of the denial, the operator must modify that segment to allow passage of instrumented internal inspection devices.

(5) Welding of Steel in Pipelines.

(E) Limitations on Welders and Welding Operators. (192.229)

1. No welder or welding operator whose qualification is based on nondestructive testing may weld compressor station pipe and components.

2. A welder or welding operator may not weld with a particular welding process unless, within the preceding six (6) calendar months, the welder or welding operator was engaged in welding with that process. **Alternatively, welders or welding operators may demonstrate they have engaged in a specific welding process if they have performed a weld with that process that was tested and found acceptable under section 6, section 9, section 12, or Appendix A of API Standard 1104 (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)) within the preceding seven and one-half (7 1/2) months.**

3. A welder or welding operator qualified under paragraph (5)(D)1. (192.227[[a]](a))—

A. May not weld on pipe to be operated at a pressure that produces a hoop stress of twenty percent (20%) or more of SMYS unless within the preceding six (6) calendar months the welder or welding operator has had one (1) weld tested and found acceptable under section 6, section 9, section 12, or Appendix A of API Standard 1104 (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)). Alternatively, welders or welding operators may maintain an ongoing qualification status by performing welds tested and found acceptable under the above acceptance criteria at least twice each calendar year, but at intervals not exceeding seven and one-half (7 1/2) months. A welder or welding operator

qualified under an earlier edition of a standard listed in 49 CFR 192.7 (see subsection (1)(D)) may weld, but may not requalify under that earlier edition; and

B. May not weld on pipe to be operated at a pressure that produces a hoop stress of less than twenty percent (20%) of SMYS unless the welder or welding operator is tested in accordance with subparagraph (5)(E)3.A. or requalifies under subparagraph (5)(E)4.A. or B.

4. A welder or welding operator qualified under paragraph (5)(D)2. may not weld unless—

A. Within the preceding fifteen (15) calendar months, but at least once each calendar year, the welder or welding operator has requalified under paragraph (5)(D)2.; or

B. Within the preceding seven and one-half (7 1/2) calendar months, but at least twice each calendar year, the welder or welding operator has had—

(I) A production weld cut out, tested, and found acceptable in accordance with the qualifying test; or

(II) For a welder who works only on service lines two inches (2") (51 millimeters) or smaller in diameter, two (2) sample welds tested and found acceptable in accordance with the test in subsection III. of Appendix C to this rule.

(6) Joining of Materials Other Than by Welding.

(F) Plastic Pipe (192.281)

1. General. A plastic pipe joint that is joined by solvent cement, adhesive, or heat fusion may not be disturbed until it has properly set. Plastic pipe may not be joined by a threaded joint or miter joint.

2. Solvent cement joints. Each solvent cement joint on plastic pipe must comply with the following:

A. The mating surfaces of the joint must be clean, dry, and free of material which might be detrimental to the joint;

B. The solvent cement must conform to ASTM D 2564-12 for PVC (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)); and

C. The joint may not be heated or cooled to accelerate the setting of the cement.

3. Heat-fusion joints. Each heat-fusion joint on a PE pipe or component, except for electrofusion joints, must comply with ASTM F2620/-12/ (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)), **or an alternative written procedure that has been demonstrated to provide an equivalent or superior level of safety and has been proven by test or experience to produce strong gastight joints**, and the following:

A. A butt heat-fusion joint must be joined by a device that holds the heater element square to the ends of the pipe or component, compresses the heated ends together, and holds the pipe in proper alignment in accordance with the appropriate procedure qualified under subsection (6)(G);

B. A socket heat-fusion joint must be joined by a device that heats the mating surfaces of the pipe or component uniformly and simultaneously to establish the same temperature. The device used must be the same device specified in the operator's joining procedure for socket fusion;

C. An electrofusion joint must be made using the equipment and techniques prescribed by the fitting manufacturer or using equipment and techniques shown, by testing joints to the requirements of part (6)(G)1.A.(III), to be equivalent or better than the requirements of the fitting manufacturer; and

D. Heat may not be applied with a torch or other open flame.

4. Mechanical joints. Each compression type mechanical joint on plastic pipe must comply with the following:

A. The gasket material in the coupling must be compatible with the plastic;

B. A rigid internal tubular stiffener, other than a split tubular stiffener, must be used in conjunction with the coupling;

C. All mechanical fittings must meet a listed specification based upon the applicable material; and

D. All mechanical joints or fittings installed after April 22, 2019, must be Category 1 as defined by a listed specification for the applicable material, providing a seal plus resistance to a force on the pipe joint equal to or greater than that which will cause no less than **twenty-five percent (25%)** elongation of pipe, or the pipe fails outside the joint area if tested in accordance with the applicable standard.

(G) Plastic Pipe—Qualifying Joining Procedures. (192.283)

1. Heat fusion, solvent cement, and adhesive joints. Before any written procedure established under paragraph (6)(B)2. is used for making plastic pipe joints by a heat fusion, solvent cement, or adhesive method, the procedure must be qualified by subjecting specimen joints made according to the procedure to the following tests, as applicable:

A. The test requirements of—

(I) In the case of thermoplastic pipe, based on the pipe material, the Sustained Pressure Test or the Minimum Hydrostatic Burst Test per the listed specification requirements. Additionally, for electrofusion joints, based on the pipe material, the Tensile Strength Test or the Joint Integrity Test per the listed specification;

(II) *(Reserved)*;

(III) In the case of electrofusion fittings for polyethylene pipe and tubing, paragraph 9.1 (Minimum Hydraulic Burst Pressure Test), paragraph 9.2 (Sustained Pressure Test), paragraph 9.3 (Tensile Strength Test), or paragraph 9.4 (Joint Integrity Tests) of ASTM F1055-98(2006) (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D));

B. For procedures intended for lateral pipe connections, subject a specimen joint made from pipe sections joined at right angles according to the procedure to a force on the lateral pipe until failure occurs in the specimen. If failure initiates outside the joint area, the procedure qualifies for use; and

C. For procedures intended for non-lateral pipe connections, perform **tensile** testing in accordance with a listed specification. If the test specimen elongates no less than twenty-five percent (25%) or failure initiates outside the joint area, the procedure qualifies for use.

2. Mechanical joints. Before any written procedure established under paragraph (6)(B)2. is used for making mechanical plastic pipe joints, the procedure must be qualified in accordance with a listed specification based upon the pipe material.

3. A copy of each written procedure being used for joining plastic pipe must be available to the persons making and inspecting joints.

(H) Plastic Pipe—Qualifying Persons to Make Joints. (192.285)

1. No person may make a plastic pipe joint unless that person has been qualified under the applicable joining procedure by—

A. Appropriate training or experience in the use of the procedure; and

B. Making a specimen joint from pipe sections joined according to the procedure that passes the inspection and test set forth in paragraph (6)(H)2.

2. The specimen joint must be—

A. Visually examined during and after assembly or joining and found to have the same appearance as a joint or photographs of a joint that is acceptable under the procedure; and

B. In the case of a heat fusion, solvent cement, or adhesive joint—

(I) Tested under any one (1) of the test methods listed under paragraph (6)(G)1. (192.283/[a]/(a)), *[or]* and for polyethylene heat fusion joints (except for electrofusion joints) visually inspected *[and tested]* in accordance with ASTM F2620/-12/ (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)), **or a written procedure that has been demonstrated to provide an equivalent or superior level of safety**, applicable to the type of joint and material being tested;

(II) Examined by ultrasonic inspection and found not to contain flaws that would cause failure; or

(III) Cut into at least three (3) longitudinal straps, each of which is—

(a) Visually examined and found not to contain voids or discontinuities on the cut surfaces of the joint area; and

(b) Deformed by bending, torque, or impact and, if failure occurs, it must not initiate in the joint area.

3. A person must be requalified under an applicable procedure once each calendar year at intervals not exceeding fifteen (15) months, or after any production joint is found unacceptable by testing under subsection (10)(G). (192.513)

4. Each operator shall establish a method to determine that each person making joints in plastic pipelines in the operator's system is qualified in accordance with this subsection.

5. For transmission pipe installed after July 1, 2021, records demonstrating each person's plastic pipe joining qualifications at the time of construction in accordance with this section must be retained for a minimum of five (5) years following construction.

(9) Requirements for Corrosion Control.

(B) How Does this Section Apply to Converted Pipelines and Regulated Onshore Gathering Lines? (192.452)

1. Converted pipelines. Notwithstanding the date the pipeline was installed or any earlier deadlines for compliance, each pipeline which qualifies for use under this rule in accordance with subsection (1)(H) must have a cathodic protection system designed to protect the pipeline in its entirety in accordance with subsection (9)(H) within one (1) year after the pipeline is readied for service.

2. *[Regulated] Type A and B* onshore gathering lines. For any *[regulated] Type A and B* onshore gathering line *[to which 49 CFR 192.8 and] under 49 CFR 192.9 [did not apply until] existing on April 14, 2006, that was not previously subject to this part, and for any gathering line that becomes a regulated onshore gathering line under subsection (1)(E) of this rule (192.9) after April 14, 2006, because of a change in class location or increase in dwelling density:]—*

A. The requirements of this section specifically applicable to pipelines installed before August 1, 1971, apply to the gathering line regardless of the date the pipeline was actually installed; and

B. The requirements of this section specifically applicable to pipelines installed after July 31, 1971, apply only if the pipeline substantially meets those requirements.

3. **Type C onshore regulated gathering lines. For any Type C onshore regulated gathering pipeline under subsection (1)(E) of this rule (192.9) existing on May 16, 2022, that was not previously subject to this rule, and for any Type C onshore gas gathering pipeline that becomes subject to section (9) after May 16, 2022, because of an increase in MAOP, change in class location, or presence of a building intended for human occupancy or other impacted site—**

A. The requirements of section (9) specifically applicable to pipelines installed before August 1, 1971, apply to the gathering line regardless of the date the pipeline was actually installed; and

B. The requirements of section (9) specifically applicable to pipelines installed after July 31, 1971, apply only if the pipeline substantially meets those requirements.

4. **Regulated onshore gathering lines generally. Any gathering line that is subject to section (9) per subsection (1)(E) of this rule or 49 CFR 192.9 at the time of construction must meet the requirements of section (9) applicable to pipelines installed after July 31, 1971.**

(I) External Corrosion Control—Monitoring. (192.465)

1. Each pipeline that is under cathodic protection must be tested at least once each calendar year, but with intervals not exceeding fifteen (15) months, to determine whether the cathodic protection meets the requirements of subsection (9)(H) of this rule. (192.463) However, if tests at those intervals are impractical for separately protected short sections of mains or transmission lines, not in excess of

one hundred feet (100') (thirty meters (30 m)), or separately protected service lines, these pipelines may be surveyed on a sampling basis. At least twenty percent (20%) of these protected structures, distributed over the entire system, must be surveyed each calendar year, with a different twenty percent (20%) checked each subsequent year, so that the entire system is tested in each five- (5-) year period. Each short section of metallic pipe less than one hundred feet (100') (thirty meters (30 m)) in length installed and cathodically protected in accordance with paragraph (9)(R)2. **of this rule (192.483[[b]](b))**, each segment of pipe cathodically protected in accordance with paragraph (9)(R)3. **of this rule (192.483[[c]](c))** and each electrically isolated metallic fitting not meeting the requirements of paragraph (9)(D)5. **of this rule (192.455[[f]](f))** must be monitored at a minimum rate of ten percent (10%) each calendar year, with a different ten percent (10%) checked each subsequent year, so that the entire system is tested every ten (10) years.

2. **Cathodic protection rectifiers and impressed current power sources must be periodically inspected as follows:**

[2.]A. Each cathodic protection rectifier or other impressed current power source must be inspected six (6) times each calendar year, but with intervals not exceeding two and one-half (2 1/2) months *[to ensure that it is operating.] between inspections, to ensure adequate amperage and voltage levels needed to provide cathodic protection are maintained. This may be done either through remote measurement or through an onsite inspection of the rectifier; and*

B. After January 1, 2022, each remotely inspected rectifier must be physically inspected for continued safe and reliable operation at least once each calendar year, but with intervals not exceeding fifteen (15) months.

3. Each reverse current switch, each diode, and each interference bond whose failure would jeopardize structure protection must be electrically checked for proper performance six (6) times each calendar year, but with intervals not exceeding two and one-half (2 1/2) months. Each other interference bond must be checked at least once each calendar year, but with intervals not exceeding fifteen (15) months.

4. Each operator shall take prompt remedial action to correct any deficiencies indicated by the monitoring set forth in paragraphs (9)(I)1.-3. Corrective measures must be completed within six (6) months unless otherwise approved by designated commission personnel.

5. After the initial evaluation required by paragraphs (9)(D)2. and (9)(E)2., each operator must, not less than every three (3) years at intervals not exceeding thirty-nine (39) months, reevaluate its unprotected pipelines and cathodically protect them in accordance with section (9) in areas in which active corrosion is found. Unprotected steel service lines are subject to replacement pursuant to subsection (15)(C). The operator must determine the areas of active corrosion by electrical survey. However, on distribution lines and where an electrical survey is impractical on transmission lines, areas of active corrosion may be determined by other means that include review and analysis of leak repair and inspection records, corrosion monitoring records, exposed pipe inspection records, the pipeline environment, and by instrument leak detection surveys (see subsections (13)(D) and (13)(M)). When the operator conducts electrical surveys, the operator must demonstrate that the surveys effectively identify areas of active corrosion.

(V) Corrosion Control Records. (192.491)

1. Each operator shall maintain records or maps to show the location of cathodically protected piping, cathodic protection facilities, galvanic anodes, and neighboring structures bonded to the cathodic protection system. Records or maps showing a stated number of anodes, installed in a stated manner or spacing, need not show specific distances to each buried anode. Each operator shall develop and maintain maps showing, at a minimum:*],* the location of cathodically protected mains (except for short sections less than one hundred feet (100') in length); feeder lines; and transmission lines; and

all cathodic protection facilities such as rectifiers, test points (except for service riser locations that are not used each year), electrical isolating devices that separate protection zones, and interference bonds.

2. Each record or map required by paragraph (9)(V)1. must be retained for as long as the pipeline remains in service.

3. Each operator shall maintain a record of each test, survey, inspection, and remedial action required by this section in sufficient detail to demonstrate the adequacy of corrosion control measures or that a corrosive condition does not exist. These records must be retained for at least five (5) years, *except that* with the following exceptions:

A. Operators must retain records related to paragraphs (9)(I)1., (9)(I)4., (9)(I)5., and (9)(N)2. *[must be retained]* for as long as the pipeline remains in service.; **and**

B. Operators must retain records of atmospheric corrosion inspections of each pipeline that is being inspected under paragraph (9)(Q) for the longer of the two (2) most recent atmospheric corrosion inspections or five (5) years.

(10) Test Requirements.

(D) Test Requirements for Pipelines to Operate at a Hoop Stress Less Than Thirty Percent (30%) of SMYS and *1/2*At or Above One Hundred (100) psi (689 kPa) Gauge. (192.507) Except for service lines and plastic pipelines, each segment of a pipeline that is to be operated at a hoop stress less than thirty percent (30%) of SMYS and at or above one hundred (100) psi (689 kPa) gauge must be tested in accordance with subparagraph (12)(M)1.B. and the following:

1. The pipeline operator must use a test procedure that will ensure discovery of all potentially hazardous leaks in the segment being tested;

2. If, during the test, the segment is to be stressed to twenty percent (20%) or more of SMYS and natural gas, inert gas, or air is the test medium—

A. A leak test must be made at a pressure between one hundred (100) psi (689 kPa) gauge and the pressure required to produce a hoop stress of twenty percent (20%) of SMYS; or

B. The line must be walked to check for leaks while the hoop stress is held at approximately twenty percent (20%) of SMYS;

3. The pressure must be maintained at or above the test pressure for at least one (1) hour.; **and**

4. For fabricated units and short sections of pipe for which a post-installation test is impractical, a pre-installation pressure test must be conducted in accordance with the requirements of this subsection.

(12) Operations.

(I) Damage Prevention Program. (192.614)

1. Except for pipelines listed in paragraphs (12)(I)6. and 7., each operator of a buried pipeline shall carry out in accordance with this subsection a written program to prevent damage to that pipeline by excavation activities. For the purpose of this subsection, excavation activities include excavation, blasting, boring, tunneling, back-filling, the removal of aboveground structures by either explosive or mechanical means, and other earthmoving operations. Particular attention should be given to excavation activities in close proximity to cast iron mains with remedial actions taken as required by subsection (13)(Z) of this rule. (192.755).

2. An operator may perform any of the duties specified in paragraph (12)(I)3. through participation in a public service program, such as a one-call system, but such participation does not relieve the operator of responsibility for compliance with this subsection. However, an operator must perform the duties of subparagraph (12)(I)3.D. through participation in the qualified one-call system for Missouri. An operator's pipeline system must be covered by the qualified one-call system for Missouri.

3. The damage prevention program required by paragraph (12)(I)1. must, at a minimum—

A. Include the identity, on a current basis, of persons who

normally engage in excavation activities in the area in which the pipeline is located. A listing of persons involved in excavation activities shall be maintained and updated at least once each calendar year with intervals not exceeding fifteen (15) months. If an operator chooses to participate in an excavator education program of a one-call notification center, as provided for in subparagraphs (12)(I)3.B. and C., then such updated listing shall be provided to the one-call notification center *[prior to December 1 of each calendar year]* **within the one-call notification center participation renewal period.** This list should at least include, but not be limited to, the following:

(I) Excavators, contractors, construction companies, engineering firms, etc.—Identification of these should at least include a search of the phone book yellow pages, checking with the area and/or state office of the Associated General Contractors, and checking with the operating engineers local union hall(s);

(II) Telephone company;

(III) Electric utilities and co-ops;

(IV) Water and sewer utilities;

(V) City governments;

(VI) County governments;

(VII) Special road districts;

(VIII) Special water and sewer districts; and

(IX) Highway department district(s);

B. Provide for at least a semiannual general notification of the public in the vicinity of the pipeline. Provide for actual notification of the persons identified in subparagraph (12)(I)3.A., at least once each calendar year at intervals not exceeding fifteen (15) months by registered or certified mail, or notification through participation in an excavator education program of a one-call notification center meeting the requirements of subparagraph (12)(I)3.C. Mailings to excavators shall include a copy of the applicable sections of Chapter 319, RSMo, or a summary of the provisions of Chapter 319, RSMo, approved by designated commission personnel, concerning underground facility safety and damage prevention pertaining to excavators. The operator's public notifications and excavator notifications shall include information concerning the existence and purpose of the operator's damage prevention program, as well as information on how to learn the location of underground pipelines before excavation activities are begun;

C. In order to provide for an operator's compliance with the excavator notification requirements of subparagraph (12)(I)3.B., a one-call system's excavator education program must—

(I) Maintain and update a comprehensive listing of excavators who use the one-call notification center and who are identified by the operators pursuant to the requirements of subparagraph (12)(I)3.A.;

(II) Provide for at least semiannual educational mailings to the excavators named on the comprehensive listing maintained pursuant to part (12)(I)3.C.(I), by first class mail; and

(III) Provide for inclusion of the following in at least one (1) of the semiannual mailings specified in part (12)(I)3.C.(II): Chapter 319, RSMo, or a summary of the provisions of Chapter 319, RSMo, approved by designated commission personnel, concerning underground facility safety and damage prevention which pertain to excavators; an explanation of the types of temporary markings normally used to identify the approximate location of underground facilities; and a description of the availability and proper use of the one-call system's notification center;

D. Provide a means of receiving and recording notification of planned excavation activities;

E. Include maintenance of records for subparagraphs (12)(I)3.B.–D. as follows:

(I) Copies of the two (2) most recent annual notifications sent to excavators identified in subparagraph (12)(I)3.A., or the four (4) most recent semiannual notifications sent in accordance with subparagraph (12)(I)3.C., must be retained;

(II) Copies of notifications required in subparagraph

(12)(I)3.D. shall be retained for at least two (2) years. At a minimum, these records should include the date and the time the request was received, the actions taken pursuant to the request, and the date the response actions were taken; and

(III) Copies of notification records required by Chapter 319, RSMo, to be maintained by the notification center shall be available to the operator for at least five (5) years;

F. If the operator has buried pipelines in the area of excavation activity, provide for actual notification of persons who give notice of their intent to excavate of the type of temporary marking to be provided and how to identify the markings;

G. Provide for temporary marking of buried pipelines in the area of excavation activity before, as far as practical, the activity begins; and

H. Provide as follows for inspection of pipelines that an operator has reason to believe could be damaged by excavation activities:

(I) The inspection must be done as frequently as necessary during and after the activities to verify the integrity of the pipeline; and

(II) In the case of blasting, any inspection must include leakage surveys.

4. Each notification identified in subparagraph (12)(I)3.D. should be evaluated to determine the need for and the extent of inspections. The following factors should be considered in determining the need for and extent of those inspections:

- A. The type and duration of the excavation activity involved;
- B. The proximity to the operator's facilities;
- C. The type of excavating equipment involved;
- D. The importance of the operator's facilities;
- E. The type of area in which the excavation activity is being performed;

F. The potential for serious incident should damage occur;

G. The prior history of the excavator with the operator; and

H. The potential for damage occurring which may not be easily recognized by the excavator.

5. The operator should pay particular attention, during and after excavation activities, to the possibility of joint leaks and breaks due to settlement when excavation activities occur near cast iron and threaded-coupled steel.

6. A damage prevention program under this subsection is not required for the following pipelines:

A. Pipelines to which access is physically controlled by the operator; and

B. Pipelines that are part of a petroleum gas system subject to subsection (1)(F) of this rule (192.11) or part of a distribution system operated by a person in connection with that person's leasing of real property or by a condominium or cooperative association.

7. Pipelines operated by persons other than municipalities (including operators of master meters) whose primary activity does not include the transportation of gas need not comply with the following:

A. The requirement of paragraph (12)(I)1. that the damage prevention program be written; and

B. The requirements of subparagraphs (12)(I)3.A., (12)(I)3.B., and (12)(I)3.C.

(M) Maximum Allowable Operating Pressure—Steel or Plastic Pipelines. (192.619 and 192.620)

1. Except as provided in paragraphs (12)(M)3., 4., and 6., no person may operate a segment of steel or plastic pipeline at a pressure that exceeds the lowest of the following:

A. The design pressure of the weakest element in the segment, determined in accordance with sections (3) and (4). However, for steel pipe in pipelines being converted under subsection (1)(H) or uprated under section (11), if any variable necessary to determine the design pressure under the design formula in subsection (3)(C) is unknown, one (1) of the following pressures is to be used as design pressure:

(I) Eighty percent (80%) of the first test pressure that pro-

duces yield under section N5 of Appendix N of ASME B31.8 (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)), reduced by the appropriate factor in part (12)(M)1.B.(II); or

(II) If the pipe is twelve and three-quarter inches (12 3/4") (three hundred twenty-four (324) mm) or less in outside diameter and is not tested to yield under this paragraph, two hundred (200) psi (one thousand three hundred seventy-nine (1379) kPa) gauge;

B. The pressure obtained by dividing the highest pressure to which the segment was tested after construction or uprated as follows:

(I) For plastic pipe in all locations, the test pressure is divided by a factor of 1.5; and

(II) For steel pipe operated at one hundred (100) psi (six hundred eighty-nine (689) kPa) gauge or more, the test pressure is divided by a factor determined in accordance with the following table:

Class Location	Factors ^{1,2} , /s/Segment -			
	Installed before Nov. 12, 1970	Installed after Nov. 11, 1970, and before July 1, 2020	Installed on or after July 1, 2020	Converted under subsection (1)(H) (192.14)
1	1.1	1.1	1.25	1.25
2	1.25	1.25	1.25	1.25
3	1.4	1.5	1.5	1.5
4	1.4	1.5	1.5	1.5

¹ For segments installed, uprated, or converted after July 31, 1977, that are located on a platform in inland navigable waters, including a pipe riser, the factor is 1.5.

² For a component with a design pressure established in accordance with paragraphs (4)(H)1. or (4)(H)2. of this rule (192.153(a) or (b)) installed after July 14, 2004, the factor is 1.3;

C. The highest actual operating pressure to which the segment was subjected during the five (5) years preceding the applicable date in the second column. This pressure restriction applies unless the segment was tested in accordance with subparagraph (12)(M)1.B. after the applicable date in the third column or the segment was uprated in accordance with section (11); **and**

Pipeline Segment	Pressure Date	Test Date
Onshore regulated gathering pipeline (Type A or Type B under 49 CFR 192(b)) that first became subject to [49 CFR 192.8 and 192.9] this rule after April 13, 2006 (see subsection (1)(E)).	March 15, 2006, or date line becomes subject to this rule, whichever is later.	Five (5) years preceding applicable date in second column.
Onshore regulated gathering pipeline (Type C under 49 CFR 192.9(d)) that first became subject to this rule on or after May 16, 2022.	May 16, 2023, or date pipeline becomes subject to this rule, whichever is later.	Five (5) years preceding applicable date in second column.
Onshore transmission pipeline that was a gathering line not subject to [49 CFR 192.8 and 192.9] this rule before March 15, 2006 (see subsection (1)(E)).	March 15, 2006, or date pipeline becomes subject to this rule, whichever is later.	[March 15, 2001] Five (5) years preceding applicable date in second column.
All other pipelines.	July 1, 1970	July 1, 1965

D. The pressure determined by the operator to be the maximum safe pressure after considering and accounting for records of material properties, including material properties verified in accordance with subsection (12)(E), if applicable, and the history of the pipeline segment, including known corrosion and the actual operating pressure.

2. No person may operate a segment of pipeline to which this subsection applies unless overpressure protective devices are installed for the segment in a manner that will prevent the maximum allowable operating pressure from being exceeded, in accordance with subsection (4)(CC) of this rule. (192.195)

3. The requirements on pressure restrictions in this subsection do not apply in the following instances:

A. An operator may operate a segment of pipeline found to be in satisfactory condition, considering its operating and maintenance history, at the highest actual operating pressure to which the segment was subjected during the five (5) years preceding the applicable date in the second column of the table in subparagraph

(12)(M)1.C. An operator must still comply with subsection (12)(G)/.; **and**

B. For any Type C gas gathering pipeline under subsection (1)(E) of this rule (192.9) existing on or before May 16, 2022, that was not previously subject to this rule and the operator cannot determine the actual operating pressure of the pipeline for the five (5) years preceding May 16, 2023, the operator may establish MAOP using other criteria based on a combination of operating conditions, other tests, and design with approval from PHMSA. The operator must notify PHMSA in accordance with subsection (1)(M) of this rule (192.18). The notification must include the following information:

(I) The proposed MAOP of the pipeline;

(II) Description of pipeline segment for which alternate methods are used to establish MAOP, including diameter, wall thickness, pipe grade, seam type, location, endpoints, other pertinent material properties, and age;

(III) Pipeline operating data, including operating history

and maintenance history;

(IV) Description of methods being used to establish MAOP;

(V) Technical justification for use of the methods chosen to establish MAOP; and

(VI) Evidence of review and acceptance of the justification by a qualified technical subject matter expert.

4. No person may operate a pipeline at a pressure that results in a hoop stress greater than seventy-two percent (72%) of SMYS.

5. Notwithstanding the requirements in paragraphs (12)(M)1. through 4., operators of steel transmission pipelines that meet the criteria specified in paragraph (12)(U)1. must establish and document the maximum allowable operating pressure in accordance with subsection (12)(U).

6. Operators of steel transmission pipelines must make and retain records necessary to establish and document the MAOP of each pipeline segment in accordance with paragraphs (12)(M)1. through 5. as follows:

A. Operators of pipelines in operation as of July 1, 2020, must retain any existing records establishing MAOP for the life of the pipeline;

B. Operators of pipelines in operation as of July 1, 2020, that do not have records establishing MAOP and are required to reconfirm MAOP in accordance with subsection (12)(U), must retain the records reconfirming MAOP for the life of the pipeline; and

C. Operators of pipelines placed in operation after July 1, 2020, must make and retain records establishing MAOP for the life of the pipeline.

7. Alternative maximum allowable operating pressure for certain steel pipelines. (192.620) The federal regulations at 49 CFR 192.620 are not adopted in this rule.

(13) Maintenance.

(BB) Pressure Regulating, Limiting, and Overpressure Protection—Individual Service Lines Directly Connected to [Production,] Regulated Gathering[,] or Transmission Pipelines. (192.740)

1. This subsection applies, except as provided in paragraph (13)(BB)3., to any service line directly connected to a *[production, gathering, or]* transmission pipeline or regulated gathering pipeline as determined in subsection (1)(E) of this rule (192.8) that is not operated as part of a distribution system.

2. Each pressure regulating or limiting device, relief device (except rupture discs), automatic shutoff device, and associated equipment must be inspected and tested at least once every three (3) calendar years, not exceeding thirty-nine (39) months, to determine that it is:—

A. In good mechanical condition;

B. Adequate from the standpoint of capacity and reliability of operation for the service in which it is employed;

C. Set to control or relieve at the correct pressure consistent with the pressure limits of *[paragraph] subsection (4)(DD)2.*; and to limit the pressure on the inlet of the service regulator to sixty (60) psi (414 kPa) gauge or less in case the upstream regulator fails to function properly; and

D. Properly installed and protected from dirt, liquids, or other conditions that might prevent proper operation.

3. This subsection does not apply to equipment installed on *[service lines.]—*

A. A service line that only serves engines that power irrigation pumps./.; or

B. A service line directly connected to either a production or gathering pipeline other than a regulated gathering line as determined in subsection (1)(E) of this rule (192.8).

(17) Gas Distribution Pipeline Integrity Management (IM).

(B) What Do the Regulations in this Section Cover? (192.1003)

1. General. Unless exempted in paragraph (17)(B)2., this sec-

tion prescribes minimum requirements for an IM program for any gas distribution pipeline covered under this rule, including liquefied petroleum gas systems. A gas distribution operator, *other than a master meter operator,* must follow the requirements in *[subsections (17)(C)–(G). A master meter operator must follow the requirements in subsection (17)(H)]* section (17).

2. Exceptions. Section (17) does not apply to *[an individual service line directly connected to a transmission, gathering, or production pipeline.]—*

A. Individual service lines directly connected to a production line or a gathering line other than a regulated onshore gathering line as determined in subsection (1)(E) of this rule (192.8);

B. Individual service lines directly connected to either a transmission or regulated gathering pipeline and maintained in accordance with paragraphs (13)(BB)1. and 2. of this rule (192.740(a) and (b)); and

C. Master meter systems.

(C) What Must a Gas Distribution Operator (Other than a [Master Meter] Small LPG Operator) Do to Implement this Section? (192.1005) No later than August 2, 2011, a gas distribution operator must develop and implement an integrity management program that includes a written integrity management plan as specified in subsection (17)(D).

(D) What Are the Required Elements of an Integrity Management Plan? (192.1007) A written integrity management plan must contain procedures for developing and implementing the following elements:

1. Knowledge. An operator must demonstrate an understanding of its gas distribution system developed from reasonably available information.

A. Identify the characteristics of the pipeline's design and operations and the environmental factors that are necessary to assess the applicable threats and risks to its gas distribution pipeline.

B. Consider the information gained from past design, operations, and maintenance.

C. Identify additional information needed and provide a plan for gaining that information over time through normal activities conducted on the pipeline (e.g., design, construction, operations, or maintenance activities).

D. Develop and implement a process by which the IM program will be reviewed periodically and refined and improved as needed.

E. Provide for the capture and retention of data on any new pipeline installed. The data must include, at a minimum, the location where the new pipeline is installed and the material of which it is constructed./.;

2. Identify threats. The operator must consider the following categories of threats to each gas distribution pipeline: corrosion (including atmospheric corrosion), natural forces, excavation damage, other outside force damage, material or welds, equipment failure, incorrect operations, and other *[concerns] issues* that could threaten the integrity of its pipeline. An operator must consider reasonably available information to identify existing and potential threats. Sources of data may include, but are not limited to, incident and leak history, corrosion control records (including atmospheric corrosion records), continuing surveillance records, patrolling records, maintenance history, and excavation damage experience./.;

3. Evaluate and rank risk. An operator must evaluate the risks associated with its distribution pipeline. In this evaluation, the operator must determine the relative importance of each threat and estimate and rank the risks posed to its pipeline. This evaluation must consider each applicable current and potential threat, the likelihood of failure associated with each threat, and the potential consequences of such a failure. An operator may subdivide its pipeline into regions with similar characteristics (e.g., contiguous areas within a distribution pipeline consisting of mains, services, and other appurtenances; areas with common materials or environmental factors), and for which similar actions likely would be effective in reducing risk./.;

4. Identify and implement measures to address risks. Determine

and implement measures designed to reduce the risks from failure of its gas distribution pipeline. These measures must include an effective leak management program (unless all leaks are repaired when found)./;

5. Measure performance, monitor results, and evaluate effectiveness.

A. Develop and monitor performance measures from an established baseline to evaluate the effectiveness of its IM program. An operator must consider the results of its performance monitoring in periodically re-evaluating the threats and risks. These performance measures must include the following:

(I) Number of hazardous leaks either eliminated or repaired as required by paragraph (14)(C)1. (or total number of leaks if all leaks are repaired when found), categorized by cause;

(II) Number of excavation damages;

(III) Number of excavation tickets (receipt of information by the underground facility operator from the notification center);

(IV) Total number of leaks either eliminated or repaired, categorized by cause;

(V) Number of hazardous leaks either eliminated or repaired as required by paragraph (14)(C)1. (or total number of leaks if all leaks are repaired when found), categorized by material; and

(VI) Any additional measures the operator determines are needed to evaluate the effectiveness of the operator's IM program in controlling each identified threat./;

6. Periodic evaluation and improvement. An operator must re-evaluate threats and risks on its entire pipeline and consider the relevance of threats in one (1) location to other areas. Each operator must determine the appropriate period for conducting complete program evaluations based on the complexity of its system and changes in factors affecting the risk of failure. An operator must conduct a complete program re-evaluation at least every five (5) years. The operator must consider the results of the performance monitoring in these evaluations./; and

7. Report results. Report, on an annual basis, the four (4) measures listed in parts (17)(D)5.A.(I)–(IV), as part of the annual report required by 20 CSR 4240-40.020(7)(A). An operator also must report the four (4) measures to designated commission personnel.

(E) *[What Must an Operator Report When a Mechanical Fitting Fails? (192.1009)]*

1. *Except as provided in paragraph (17)(E)2., each operator of a distribution pipeline system must submit a report on each mechanical fitting failure, excluding any failure that results only in a nonhazardous leak. The report(s) must be submitted in accordance with 20 CSR 4240-40.020(7)(B) (191.12).*

2. *The mechanical fitting failure reporting requirements in paragraph (17)(E)1. do not apply to master meter operators] (Reserved).*

(H) What Must a *[Master Meter] Small LPG* Operator Do to Implement this Section? (192.1015)

1. General. No later than August 2, 2011, the **small LPG** operator *[of a master meter system]* must develop and implement an IM program that includes a written IM plan as specified in paragraph (17)(G)2. The IM program for these pipelines should reflect the relative simplicity of these types of pipelines.

2. Elements. A written integrity management plan must address, at a minimum, the following elements:

A. Knowledge. The operator must demonstrate knowledge of its pipeline, which, to the extent known, should include the approximate location and material of its pipeline. The operator must identify additional information needed and provide a plan for gaining knowledge over time through normal activities conducted on the pipeline (e.g., design, construction, operations, or maintenance activities);

B. Identify threats. The operator must consider, at minimum, the following categories of threats (existing and potential): corrosion, natural forces, excavation damage, other outside force damage, mate-

rial or weld failure, equipment failure, and incorrect operation;

C. Rank risks. The operator must evaluate the risks to its pipeline and estimate the relative importance of each identified threat;

D. Identify and implement measures to mitigate risks. The operator must determine and implement measures designed to reduce the risks from failure of its pipeline;

E. Measure performance, monitor results, and evaluate effectiveness. The operator must monitor, as a performance measure, the number of leaks eliminated or repaired on its pipeline and their causes; and

F. Periodic evaluation and improvement. The operator must determine the appropriate period for conducting IM program evaluations based on the complexity of its pipeline and changes in factors affecting the risk of failure. An operator must re-evaluate its entire program at least every five (5) years. The operator must consider the results of the performance monitoring in these evaluations.

3. Records. The operator must maintain, for a period of at least ten (10) years, the following records:

A. A written IM plan in accordance with this subsection, including superseded IM plans;

B. Documents supporting threat identification; and

C. Documents showing the location and material of all piping and appurtenances that are installed after the effective date of the operator's IM program and, to the extent known, the location and material of all pipe and appurtenances that were existing on the effective date of the operator's program.

Appendix B to 20 CSR 4240-40.030

Appendix B—Qualification of Pipe and Components

I. List of Specifications.

A. Listed Pipe Specifications.

ANSI/API *[ANSI/API]* Specification 5L—Steel pipe, “API Specification for Line Pipe” (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)).

ASTM A53/A53M—Steel pipe, “Standard Specification for Pipe, Steel Black and Hot-Dipped, Zinc-Coated, Welded and Seamless” (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)).

ASTM A106/A106M—Steel pipe, “Standard Specification for Seamless Carbon Steel Pipe for High Temperature Service” (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)).

ASTM A333/A333M—Steel pipe, “Standard Specification for Seamless and Welded Steel Pipe for Low Temperature Service” (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)).

ASTM A381—Steel pipe, “Standard Specification for Metal-Arc-Welded Steel Pipe for Use with High-Pressure Transmission Systems” (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)).

ASTM A671/A671M—Steel pipe, “Standard Specification for Electric-Fusion-Welded Pipe for Atmospheric and Lower Temperatures” (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)).

ASTM A672/A672M—Steel pipe, “Standard Specification for Electric-Fusion-Welded Steel Pipe for High-Pressure Service at Moderate Temperatures” (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)).

ASTM A691/A691M—Steel pipe, “Standard Specification for Carbon and Alloy Steel Pipe, Electric-Fusion-Welded for High-Pressure Service at High Temperatures” (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)).

ASTM D2513[-12ae1]—“Standard Specification for Polyethylene (PE) Gas Pressure Pipe, Tubing, and Fittings” (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)).

ASTM F2817-10—“Standard Specification for Poly (Vinyl Chloride) (PVC) Gas Pressure Pipe and Fittings for Maintenance or Repair” (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)).

B. Other Listed Specifications for Components.

ASME B16.40-2008—“Manually Operated Thermoplastic Gas Shutoffs and Valves in Gas Distribution Systems” (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)).

ASTM D2513[-12ae1]—“Standard Specification for Polyethylene (PE) Gas Pressure Pipe, Tubing, and Fittings” (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)).

ASTM F1055-98 (2006)—“Standard Specification for Electrofusion Type Polyethylene Fittings for Outside Diameter Controlled Polyethylene Pipe and Tubing” (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)).

ASTM F1924-12—“Standard Specification for Plastic Mechanical Fittings for Use on Outside Diameter Controlled Polyethylene Gas Distribution Pipe and Tubing” (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)).

ASTM F1948-12—“Standard Specification for Metallic Mechanical Fittings for Use on Outside Diameter Controlled Thermoplastic Gas Distribution Pipe and Tubing” (incorporated by reference, in 49 CFR 192.7 and adopted in subsection (1)(D)).

ASTM F1973-13—“Standard Specification for Factory Assembled Anodeless Risers and Transition Fittings in Polyethylene (PE) and Polyamide 11 (PA 11) and Polyamide 12 (PA 12) Fuel Gas Distribution Systems” (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)).

ASTM F2817-10—“Standard Specification for Poly (Vinyl Chloride) (PVC) Gas Pressure Pipe and Fittings for Maintenance or Repair” (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)).

II. Steel pipe of unknown or unlisted specification.

A. Bending properties. For pipe two inches (2") (51 millimeters) or less in diameter, a length of pipe must be cold bent through at least ninety degrees (90°) around a cylindrical mandrel that has a diameter twelve (12) times the diameter of the pipe, without developing cracks at any portion and without opening the longitudinal weld. For pipe more than two inches (2") (51 millimeters) in diameter, the pipe must meet the requirements of the flattening tests set forth in ASTM A53/A53M (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)), except that the number of tests must be at least equal to the minimum required in paragraph II.D. of this appendix to determine yield strength.

B. Weldability. A girth weld must be made in the pipe by a welder who is qualified under section (5) of 20 CSR 4240-40.030. The weld must be made under the most severe conditions under which welding will be allowed in the field and by means of the same procedure that will be used in the field. On pipe more than four inches (4") (102 millimeters) in diameter, at least one (1) test weld must be made for

each one hundred (100) lengths of pipe. On pipe four inches (4") (102 millimeters) or less in diameter, at least one (1) test weld must be made for each four hundred (400) lengths of pipe. The weld must be tested in accordance with API Standard 1104 (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)). If the requirements of API Standard 1104 cannot be met, weldability may be established by making chemical tests for carbon and manganese, and proceeding in accordance with section IX of the ASME Boiler and Pressure Vessel Code (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)). The same number of chemical tests must be made as are required for testing a girth weld.

C. Inspection. The pipe must be clean enough to permit adequate inspection. It must be visually inspected to ensure that it is reasonably round and straight and there are no defects which might impair the strength or tightness of the pipe.

D. Tensile properties. If the tensile properties of the pipe are not known, the minimum yield strength may be taken as twenty-four thousand (24,000) psi (165 MPa) or less, or the tensile properties may be established by performing tensile tests as set forth in API Specification 5L (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)). All test specimens shall be selected at random and the following number of tests must be performed:

Number of Tensile Tests—All Sizes

10 lengths or less	1 set of tests for each length.
11 to 100 lengths	1 set of tests for each 5 lengths, but not less than 10 tests.
Over 100 lengths	1 set of tests for each 10 lengths, but not less than 20 tests.

If the yield-tensile ratio, based on the properties determined by those tests, exceeds 0.85, the pipe may be used only as provided in paragraph (2)(C)3. of 20 CSR 4240-40.030. (192.55[c])

III. Steel pipe manufactured before November 12, 1970, to earlier editions of listed specifications. Steel pipe manufactured before November 12, 1970, in accordance with a specification of which a later edition is listed in section I. of this appendix, is qualified for use under this rule if the following requirements are met:

A. Inspection. The pipe must be clean enough to permit adequate inspection. It must be visually inspected to ensure that it is reasonably round and straight and that there are no defects which might impair the strength or tightness of the pipe; and

B. Similarity of specification requirements. The edition of the listed specification under which the pipe was manufactured must have substantially the same requirements with respect to the following properties as a later edition of that specification listed in section I. of this appendix:

1) Physical (mechanical) properties of pipe, including yield and tensile strength, elongation and yield to tensile ratio, and testing requirements to verify those properties; and

2) Chemical properties of pipe and testing requirements to verify those properties; and

C. Inspection or test of welded pipe. On pipe with welded seams, one (1) of the following requirements must be met:

1) The edition of the listed specification to which the pipe was manufactured must have substantially the same requirements with respect to nondestructive inspection of welded seams and the standards for acceptance or rejection and repair as a later edition of the specification listed in section I. of this appendix; or

2) The pipe must be tested in accordance with section (10) of 20 CSR 4240-40.030 to at least one and one-fourth (1.25) times the maximum allowable operating pressure if it is to be installed in a Class 1 location and to at least one and one-half (1.5) times the maximum allowable operating pressure if it is to be installed in a Class 2, 3, or 4 location. Notwithstanding any shorter time period permitted under section (10) of 20 CSR 4240-40.030, the test pressure must be maintained for at least eight (8) hours.

Appendix E to 20 CSR 4240-40.030**Appendix E—Table of Contents—Safety Standards—Transportation of Gas by Pipeline.****20 CSR 4240-40.030(1) General**

- (A) What Is the Scope of this Rule? (192.1)
- (B) Definitions. (192.3)
- (C) Class Locations. (192.5)
- (D) Incorporation By Reference of the Federal Regulation at 49 CFR 192.7. (192.7)
- (E) Gathering Lines. (192.8 and 192.9)
- (F) Petroleum Gas Systems. (192.11)
- (G) What General Requirements Apply to Pipelines Regulated *u*/Under this Rule? (192.13)
- (H) Conversion to Service Subject to this Rule. (192.14)
- (I) Rules of Regulatory Construction. (192.15)
- (J) Filing of Required Plans, Procedures, and Programs.
- (K) Customer Notification Required by Section 192.16 of 49 CFR 192. (192.16)
- (L) Customer Notification, Paragraph (12)(S)2.
- (M) How to Notify PHMSA and Designated Commission Personnel. (192.18)

20 CSR 4240-40.030(2) Materials

- (A) Scope. (192.51)
- (B) General. (192.53)
- (C) Steel Pipe. (192.55)
- (D) Plastic Pipe. (192.59)
- (E) Marking of Materials. (192.63)
- (F) Transportation of Pipe. (192.65)
- (G) Records: Material Properties. (192.67)
- (H) Storage and Handling of Plastic Pipe and Associated Components. (192.69)

20 CSR 4240-40.030(3) Pipe Design

- (A) Scope. (192.101)
- (B) General. (192.103)
- (C) Design Formula for Steel Pipe. (192.105)
- (D) Yield Strength (S) for Steel Pipe. (192.107)
- (E) Nominal Wall Thickness (t) for Steel Pipe. (192.109)
- (F) Design Factor (F) for Steel Pipe. (192.111)
- (G) Longitudinal Joint Factor (E) for Steel Pipe. (192.113)
- (H) Temperature Derating Factor (T) for Steel Pipe. (192.115)
- (I) Design of Plastic Pipe. (192.121)
- (J) Reserved. (192.123)
- (K) Design of Copper Pipe for Repairs. (192.125)
- (L) Additional Design Requirements for Steel Pipe Using Alternative Maximum Allowable Operating Pressure. (192.112)
- (M) Records: Pipe design. (192.127)

20 CSR 4240-40.030(4) Design of Pipeline Components

- (A) Scope. (192.141)
- (B) General Requirements. (192.143)
- (C) Qualifying Metallic Components. (192.144)
- (D) Valves. (192.145)
- (E) Flanges and Flange Accessories. (192.147)
- (F) Standard Fittings. (192.149)
- (G) Tapping. (192.151)
- (H) Components Fabricated by Welding. (192.153)
- (I) Welded Branch Connections. (192.155)
- (J) Extruded Outlets. (192.157)
- (K) Flexibility. (192.159)
- (L) Supports and Anchors. (192.161)
- (M) Compressor Stations—Design and Construction. (192.163)
- (N) Compressor Stations—Liquid Removal. (192.165)
- (O) Compressor Stations—Emergency Shutdown. (192.167)
- (P) Compressor Stations—Pressure Limiting Devices. (192.169)
- (Q) Compressor Stations—Additional Safety Equipment.

(192.171)

- (R) Compressor Stations—Ventilation. (192.173)
- (S) Pipe-Type and Bottle-Type Holders. (192.175)
- (T) Additional Provisions for Bottle-Type Holders. (192.177)
- (U) Transmission Line Valves. (192.179)
- (V) Distribution Line Valves. (192.181)
- (W) Vaults—Structural Design Requirements. (192.183)
- (X) Vaults—Accessibility. (192.185)
- (Y) Vaults—Sealing, Venting, and Ventilation. (192.187)
- (Z) Vaults—Drainage and Waterproofing. (192.189)
- (AA) Risers Installed After January 22, 2019. (192.204)
- (BB) Valve Installation in Plastic Pipe. (192.193)
- (CC) Protection Against Accidental Overpressuring. (192.195)
- (DD) Control of the Pressure of Gas Delivered From Transmission Lines and High-Pressure Distribution Systems to Service Equipment. (192.197)
- (EE) Requirements for Design of Pressure Relief and Limiting Devices. (192.199)
- (FF) Required Capacity of Pressure Relieving and Limiting Stations. (192.201)
- (GG) Instrument, Control, and Sampling Pipe and Components. (192.203)
- (HH) Passage of Internal Inspection Devices. (192.150)
- (II) Records: Pipeline Components. (192.205)

20 CSR 4240-40.030(5) Welding of Steel in Pipelines

- (A) Scope. (192.221)
- (B) General.
- (C) Welding Procedures. (192.225)
- (D) Qualification of Welders and Welding Operators. (192.227)
- (E) Limitations on Welders and Welding Operators. (192.229)
- (F) Protection From Weather. (192.231)
- (G) Miter Joints. (192.233)
- (H) Preparation for Welding. (192.235)
- (I) Inspection and Test of Welds. (192.241)
- (J) Nondestructive Testing. (192.243)
- (K) Repair or Removal of Defects. (192.245)

20 CSR 4240-40.030(6) Joining of Materials Other Than by Welding

- (A) Scope. (192.271)
- (B) General. (192.273)
- (C) Cast Iron Pipe. (192.275)
- (D) Ductile Iron Pipe. (192.277)
- (E) Copper Pipe. (192.279)
- (F) Plastic Pipe. (192.281)
- (G) Plastic Pipe—Qualifying Joining Procedures. (192.283)
- (H) Plastic Pipe—Qualifying Persons to Make Joints. (192.285)
- (I) Plastic Pipe—Inspection of Joints. (192.287)

20 CSR 4240-40.030(7) General Construction Requirements for Transmission Lines and Mains

- (A) Scope. (192.301)
- (B) Compliance With Specifications or Standards. (192.303)
- (C) Inspection—General. (192.305)
- (D) Inspection of Materials. (192.307)
- (E) Repair of Steel Pipe. (192.309)
- (F) Repair of Plastic Pipe During Construction. (192.311)
- (G) Bends and Elbows. (192.313)
- (H) Wrinkle Bends in Steel Pipe. (192.315)
- (I) Protection From Hazards. (192.317)
- (J) Installation of Pipe in a Ditch. (192.319)
- (K) Installation of Plastic Pipe. (192.321)
- (L) Casing. (192.323)
- (M) Underground Clearance. (192.325)
- (N) Cover. (192.327)
- (O) Additional Construction Requirements for Steel Pipe Using Alternative Maximum Allowable Operating Pressure. (192.328)

(P) Installation of Plastic Pipelines by Trenchless Excavation. (192.329)

20 CSR 4240-40.030(8) Customer Meters, Service Regulators, and Service Lines

- (A) Scope, Compliance with Specifications or Standards, and Inspections. (192.351)
- (B) Service Lines and Yard Lines.
- (C) Customer Meters and Regulators—Location. (192.353)
- (D) Customer Meters and Regulators—Protection From Damage. (192.355)
- (E) Customer Meters and Regulators— Installation. (192.357)
- (F) Customer Meter Installations—Operating Pressure. (192.359)
- (G) Service Lines—Installation. (192.361)
- (H) Service Lines—Valve Requirements. (192.363)
- (I) Service Lines—Location of Valves. (192.365)
- (J) Service Lines—General Requirements for Connections to Main Piping. (192.367)
- (K) Service Lines—Connections to Cast Iron or Ductile Iron Mains. (192.369)
- (L) Service Lines—Steel. (192.371)
- (M) Service Lines—Plastic. (192.375)
- (N) New Service Lines Not in Use. (192.379)
- (O) Service Lines—Excess Flow Valve Performance Standards. (192.381)
- (P) Excess Flow Valve Installation. (192.383)
- (Q) Manual Service Line Shut-Off Valve Installation. (192.385)
- (R) Installation of Plastic Service Lines by Trenchless Excavation. (192.376)

20 CSR 4240-40.030(9) Requirements for Corrosion Control

- (A) Scope. (192.451)
- (B) How Does this Section Apply to Converted Pipelines and Regulated Onshore Gathering Lines? (192.452)
- (C) General. (192.453)
- (D) External Corrosion Control—Buried or Submerged Pipelines Installed After July 31, 1971. (192.455)
- (E) External Corrosion Control—Buried or Submerged Pipelines Installed Before August 1, 1971. (192.457)
- (F) External Corrosion Control—Inspection of Buried Pipeline When Exposed. (192.459)
- (G) External Corrosion Control—Protective Coating. (192.461)
- (H) External Corrosion Control—Cathodic Protection. (192.463)
- (I) External Corrosion Control—Monitoring. (192.465)
- (J) External Corrosion Control—Electrical Isolation. (192.467)
- (K) External Corrosion Control—Test Stations. (192.469)
- (L) External Corrosion Control—Test Leads. (192.471)
- (M) External Corrosion Control—Interference Currents. (192.473)
- (N) Internal Corrosion Control—General and Monitoring. (192.475 and 192.477)
- (O) Internal Corrosion Control—Design and Construction of Transmission Line. (192.476)
- (P) Atmospheric Corrosion Control—General. (192.479)
- (Q) Atmospheric Corrosion Control—Monitoring. (192.481)
- (R) Remedial Measures—General. (192.483)
- (S) Remedial Measures—Transmission Lines. (192.485)
- (T) Remedial Measures—Distribution Lines Other Than Cast Iron or Ductile Iron Lines. (192.487)
- (U) Remedial Measures—Cast Iron and Ductile Iron Pipelines. (192.489)
- (V) Corrosion Control Records. (192.491)
- (W) Direct Assessment. (192.490)
- (X) In-line Inspection of Pipelines. (192.493)

20 CSR 4240-40.030(10) Test Requirements

- (A) Scope. (192.501)
- (B) General Requirements. (192.503)

(C) Strength Test Requirements for Steel Pipelines to Operate at a Hoop Stress of Thirty Percent (30%) or More of SMYS. (192.505)

(D) Test Requirements for Pipelines to Operate at a Hoop Stress Less Than Thirty Percent (30%) of SMYS and /a/At or Above One Hundred (100) psi (689 kPa) gauge. (192.507)

(E) Test Requirements for Pipelines to Operate Below One Hundred (100) psi (689 kPa) gauge. (192.509)

(F) Test Requirements for Service Lines. (192.511)

(G) Test Requirements for Plastic Pipelines. (192.513)

(H) Environmental Protection and Safety Requirements. (192.515)

(I) Records. (192.517)

(J) Test Requirements for Customer-Owned Fuel Lines.

(K) Transmission Lines: Spike Hydrostatic Pressure Test. (192.506)

20 CSR 4240-40.030(11) Uprating

(A) Scope. (192.551)

(B) General Requirements. (192.553)

(C) Uprating to a Pressure That Will Produce a Hoop Stress of Thirty Percent (30%) or More of SMYS in Steel Pipelines. (192.555)

(D) Uprating—Steel Pipelines to a Pressure That Will Produce a Hoop Stress Less Than Thirty Percent (30%) of SMYS—Plastic, Cast Iron, and Ductile Iron Pipelines. (192.557)

20 CSR 4240-40.030(12) Operations

(A) Scope. (192.601)

(B) General Provisions. (192.603)

(C) Procedural Manual for Operations, Maintenance, and Emergencies. (192.605)

(D) Qualification of Pipeline Personnel. (Subpart N)

(E) Verification of Pipeline Material Properties and Attributes: Steel Transmission Pipelines. (192.607)

(F) Change in Class Location—Required Study. (192.609)

(G) Change in Class Location—Confirmation or Revision of Maximum Allowable Operating Pressure. (192.611)

(H) Continuing Surveillance. (192.613)

(I) Damage Prevention Program. (192.614)

(J) Emergency Plans. (192.615)

(K) Public Awareness. (192.616)

(L) Investigation of Failures. (192.617)

(M) Maximum Allowable Operating Pressure—Steel or Plastic Pipelines. (192.619 and 192.620)

(N) Maximum Allowable Operating Pressure—High-Pressure Distribution Systems. (192.621)

(O) Maximum and Minimum Allowable Operating Pressure—Low-Pressure Distribution Systems. (192.623)

(P) Odorization of Gas. (192.625)

(Q) Tapping Pipelines Under Pressure. (192.627)

(R) Purging of Pipelines. (192.629)

(S) Providing Service to Customers.

(T) Control Room Management. (192.631)

(U) Maximum Allowable Operating Pressure Reconfirmation: Steel Transmission Pipelines. (192.624)

(V) Engineering Critical Assessment for Maximum Allowable Operating Pressure Reconfirmation: Steel Transmission Pipelines. (192.632)

20 CSR 4240-40.030(13) Maintenance

(A) Scope. (192.701)

(B) General. (192.703)

(C) Transmission Lines—Patrolling. (192.705)

(D) Transmission Lines—Leakage Surveys. (192.706)

(E) Line Markers for Mains and Transmission Lines. (192.707)

(F) Record Keeping.

(G) Transmission Lines—General Requirements for Repair Procedures. (192.711)

(H) Transmission Lines—Permanent Field Repair of Imperfections

and Damages. (192.713)

(I) Transmission Lines—Permanent Field Repair of Welds. (192.715)

(J) Transmission Lines—Permanent Field Repair of Leaks. (192.717)

(K) Transmission Lines—Testing of Repairs. (192.719)

(L) Distribution Systems—Patrolling. (192.721)

(M) Distribution Systems—Leakage Surveys. (192.723)

(N) Test Requirements for Reinstating Service Lines and Fuel Lines. (192.725)

(O) Abandonment or Deactivation of Facilities. (192.727)

(P) Compressor Stations—Inspection and Testing of Relief Devices. (192.731)

(Q) Compressor Stations—Storage of Combustible Materials and Gas Detection. (192.735 and 192.736)

(R) Pressure Limiting and Regulating Stations—Inspection and Testing. (192.739)

(S) Pressure Limiting and Regulating Stations—Telemetry or Recording Gauges. (192.741)

(T) Pressure Limiting and Regulating Stations—Capacity of Relief Devices. (192.743)

(U) Valve Maintenance—Transmission Lines. (192.745)

(V) Valve Maintenance—Distribution Systems. (192.747)

(W) Vault Maintenance. (192.749)

(X) Prevention of Accidental Ignition. (192.751)

(Y) Caulked Bell and Spigot Joints. (192.753)

(Z) Protecting or Replacing Disturbed Cast Iron Pipelines. (192.755)

(AA) Repair of Plastic Pipe. (192.720)

(BB) Pressure Regulating, Limiting, and Overpressure Protection—Individual Service Lines Directly Connected to [Production,] Regulated Gathering[,] or Transmission Pipelines. (192.740)

(CC) Joining Plastic Pipe by Heat Fusion; Equipment Maintenance and Calibration. (192.756)

(DD) Transmission Lines: Assessments Outside of High Consequence Areas. (192.710)

(EE) Analysis of Predicted Failure Pressure. (192.712)

(FF) Launcher and Receiver Safety. (192.750)

20 CSR 4240-40.030(14) Gas Leaks

(A) Scope.

(B) Investigation and Classification Procedures.

(C) Leak Classifications.

20 CSR 4240-40.030(15) Replacement Programs

(A) Scope.

(B) Replacement Programs—General Requirements.

(C) Replacement Program—Unprotected Steel Service Lines and Yard Lines.

(D) Replacement Program—Cast Iron.

(E) Replacement/Cathodic Protection Program—Unprotected Steel Transmission Lines, Feeder Lines, and Mains.

20 CSR 4240-40.030(16) Pipeline Integrity Management for Transmission Lines

20 CSR 4240-40.030(17) Gas Distribution Pipeline Integrity Management (IM)

(A) What Definitions Apply to this Section? (192.1001)

(B) What Do the Regulations in this Section Cover? (192.1003)

(C) What Must a Gas Distribution Operator (Other than a [Master Meter] Small LPG Operator) Do to Implement this Section? (192.1005)

(D) What Are the Required Elements of an Integrity Management Plan? (192.1007)

(E) [What Must an Operator Report When a Mechanical Fitting Fails? (192.1009)] **Reserved.**

(F) What Records Must an Operator Keep? (192.1011)

(G) When May an Operator Deviate from Required Periodic Inspections Under this Rule? (192.1013)

(H) What Must a [Master Meter] Small LPG Operator Do to Implement this Section? (192.1015)

20 CSR 4240-40.030(18) Waivers of Compliance

AUTHORITY: sections 386.250, 386.310, and 393.140, RSMo 2016. This rule originally filed as 4 CSR 240-40.030. Original rule filed Feb. 23, 1968, effective March 14, 1968. For intervening history, please consult the Code of State Regulations. Amended: Filed July 29, 2022.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed amendment with the Missouri Public Service Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received no later than October 1, 2022, and should include a reference to Commission Case No. GX-2022-0340. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for 10:00 a.m., October 4, 2022, in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.