

The text of proposed rules and changes will appear under this heading. A 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 explanation is set out in the PURPOSE section of each rule. A citation of the legal authority to make rules is also required, and 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 If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission.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 that 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, file a new notice of proposed rulemaking, and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:
Boldface text indicates new matter.
[Bracketed text indicates matter being deleted.]

**Title 2 – DEPARTMENT OF AGRICULTURE
Division 90 – Weights, Measures and Consumer
Protection
Chapter 10 – Liquefied Petroleum Gases**

PROPOSED AMENDMENT

2 CSR 90-10.020 NFPA Manual No. 54, *National Fuel Gas Code*. The commission is updating section (1).

PURPOSE: This amendment updates the newly adopted National Fire Protection Association publications.

(1) Standards contained in National Fire Protection Association (NFPA) Manual No. 54, *National Fuel Gas Code, [2018] 2021* edition, published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269-9101, are incorporated herein by reference. This rule does not incorporate any subsequent amendments or additions to the referenced material.

The balance of this rule sets forth requirements for liquefied petroleum gas (LP gas) applications not covered in the manual. The scope of National Fire Protection Association (NFPA) Manual No. 54, *National Fuel Gas Code, [2018] 2021* edition, is to develop fire safety codes, standards, recommended practices, and manuals, as may be considered desirable, covering the installation of piping and appliances using fuel gases such as natural gas, manufactured gas, liquefied petroleum gas, and liquefied petroleum gas-air mixture.

AUTHORITY: sections 261.023.6. and 323.020, RSMo 2016. Original rule filed Jan. 24, 1968, effective Feb. 3, 1968. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 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 Propane Gas Commission, 4110 Country Club Drive, Suite 200, Jefferson City, MO 65109 or by email at admin@mopropanesc.org. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED AMENDMENT

5 CSR 20-400.220 Application for Substitute Certificate of License to Teach. The State Board of Education (board) is amending section (1).

PURPOSE: This amendment updates the number of required semester hours from sixty (60) semester hours to thirty-six (36) semester hours of college credit for a substitute certificate.

(1) An applicant for a substitute Missouri certificate of license to teach who has successfully completed *[sixty (60)] thirty-six (36)* semester hours or more of college-level credit from a regionally[-] accredited academic degree granting institution recognized by the Department of Elementary and Secondary Education (department), or has a high school diploma, General Education Diploma (GED), or High School Equivalency Test (HiSET), and has successfully completed a minimum of twenty (20) clock hours of department-approved substitute teacher training that includes professionalism, honoring diversity, engaging students, foundational classroom management techniques, basic instructional strategies, supporting students with special needs, and working with at-risk youth may be granted a substitute Missouri certificate of license to teach pursuant to the rules promulgated by the State Board of Education (board).

AUTHORITY: sections 161.092, 168.011, 168.071, and 168.081, RSMo 2016, and sections 168.021 and 168.036, RSMo Supp. [2021] 2022. This rule previously filed as 5 CSR 80-800.290. Emergency rule filed July 30, 1999, effective Aug. 9, 1999, expired Jan. 26, 2000. Original

rule filed July 30, 1999, effective Feb. 29, 2000. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed Aug. 30, 2022, effective Sept. 14, 2022, expires March 12, 2023. Amended: Filed Aug. 30, 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 Elementary and Secondary Education, ATTN: Dr. Paul Katnik, Assistant Commissioner, Office of Educator Quality, PO Box 480, Jefferson City, MO 65102-0480 or by email to educatorquality@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

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

PROPOSED AMENDMENT

5 CSR 20-400.370 Missouri Career Development and Teacher Excellence Plan. The State Board of Education (board) is amending subsections (1)(A) and (1)(D), sections (3)–(9), and updating Appendix A, including removing the Missouri Career Ladder Model from Appendix A.

PURPOSE: This amendment updates the guidelines for local district participation in the Career Ladder Program.

(1) For the purpose of this rule, unless the context clearly requires otherwise, the following terms shall mean:

(A) Career ladder salary supplement—The district may establish a salary supplement up to fifteen hundred dollars (\$1,500) for Career Stage I teachers, three thousand dollars (\$3,000) for Career Stage II teachers, and five thousand dollars (\$5,000) for Career Stage III teachers. The state’s payment is contingent upon appropriations for this purpose;

(D) Participating teacher—An individual employed full-time by a school district who is certificated under rules governing teacher certification to serve as a classroom teacher, librarian, *[guidance]* school counselor, school psychological examiner, parents as teachers educator, school psychologist, special education diagnostician, or speech pathologist and is on the district salary schedule and, as verified by a school district, has met criteria established for the career ladder; and

(3) *[Each local school district desiring to participate in the Career Ladder Program shall submit an application and district plan to the Division of Urban and Teacher Education prior to July 15, 1996 and April 15 in subsequent years.] Each local school district desiring to participate in the Career Ladder Grant Program shall submit an application and District Career Ladder Plan (DCLP) to the department annually by the date established in the Career Ladder Grant Program guidance.*

(4) Upon receipt of the school district’s career ladder application, the *[Division of Urban and Teacher Education]* **department** will review plans for eligibility to participate in the

[variable match rate] program. The **department will evaluate** the local district’s career ladder plan *[will be evaluated]* to determine compliance with applicable statutes and standards and procedures established in the Criteria for Local District Career Ladder Plans (Appendix A).

(5) **The department will notify** *[S]*school districts *[will be notified]* of necessary modifications, eligibility, or denial *[prior to August 1, 1996 and June 30, in subsequent years]*.

(6) Each *[eligible]* **approved** district shall identify participating teachers *[on Core Data collection forms]* **through the October cycle of the Core Data/MOSIS Collection System** provided by the department.

(7) Upon receipt of the Core Data information, the department will *[compile a]* **review the** list of participating teachers and *[determine]* **calculate** the state portion of the career ladder salary supplement *[according to the variable matching rate provisions of the law. The department will send to each district the list of participating teachers. The district will correct as necessary, verify this list and certify its accuracy to the commissioner of education on or before March 15].*

(8) *[Upon receipt of the certified list, t]*The department will schedule *[one (1)]* **the appropriate reimbursement for Career Ladder Stages I, II, and III**, payments to occur in *[July]* **June**, in concert with the regular payment of foundation program funds, contingent upon appropriations *[for this purpose, participating districts shall receive the appropriate reimbursement for Career Ladder Stage I in the first year of participation; Stages I and II in the second year; and Stages I, II and III in the third year].*

(9) Eligible districts receiving career ladder salary supplements shall pay to each teacher an amount specified in the district application not to exceed the **maximum** amounts **for Stages I, II, and III** as provided by section 168.515(1), RSMo. If staffing/eligibility changes occur subsequent to the certification of the career ladder entitlement, which cause the district to receive more or fewer funds necessary to implement the provisions of section 168.515, RSMo, the department shall be notified **of the changes**, *[with the modifications to Career Ladder Payment form by September 1,]* and the department will make an offsetting correction on the ensuing payment.

APPENDIX A**Criteria for Local District Career Ladder Plans****REQUIRED ELEMENTS OF THE DISTRICT CAREER LADDER PLAN**

The local district shall develop and submit to the Department of Elementary and Secondary Education (department) a District Career Ladder Plan (DCLP). This plan will provide the organizational basis for the district's career ladder. Development of a career ladder is voluntary for local school districts. When districts establish a career ladder plan, they also must accept the responsibility of raising the local portion of the funding. Teachers who meet the qualifications and responsibilities as established as specific criteria for Stage I, II, and III (section 168.500.2(3), RSMo) for the district career ladder shall have a reasonable expectation of participating on the career ladder.

- I. The DCLP shall contain a statement requiring that all criteria used for awarding payment be directly and obviously related to improvement of programs and services for students as outlined in the District School Improvement Plan, Curriculum Development Plan, Professional Development Plan, Missouri School Improvement Program, or instructional improvement.
- II. The DCLP shall contain three (3) stages and the qualifications for each stage. The annual supplemental pay shall not exceed \$1,500 for Stage I, \$3,000 for Stage II, or \$5,000 for Stage III. The state's payment is contingent upon appropriations for this purpose (section 168.515.1, RSMo). This supplemental pay shall be in addition to that which the teacher would normally be accorded by the district's salary schedule (section 168.505.1, RSMo).
- III. Each career ladder stage shall contain specific qualifications, responsibilities, and volunteer efforts to be completed by the educator prior to payment (section 168.500.2, RSMo). These qualifications shall include:
 - A. Appropriate years of teaching experience in Missouri public schools for each stage (section 168.500.2(5), RSMo).
 - At Stage I, the teacher shall have two (2) years of Missouri teaching experience, complete the required beginning teacher assistance program, participate in two (2) years of mentoring (section 168.400.4, RSMo), and show evidence of acceptable performance on all of the criteria on the most recent final evaluation instrument.
 - At Stage II, the teacher shall have three (3) years of Missouri teaching experience, and show evidence of acceptable performance on all of the criteria on the most recent final evaluation instrument.
 - At Stage III, the teacher shall have five (5) years of Missouri teaching experience, and show evidence of acceptable performance on all of the criteria on the most recent final evaluation instrument;
 - B. A clearly defined level of performance relative to the district's Performance Based Teacher Evaluation process;
 - C. A Career Development Plan to be organized by the teacher. The Career Development Plan shall contain the responsibilities to be completed by the teacher while on the career ladder, and provisions for verifying completion of these responsibilities. Following approval by the district, these plans may be amended for good cause;
 - D. Appropriate certification in subject area for each teacher;
 - E. Full-time regular length contract; and
 - F. The DCLP may contain additional qualifications deemed appropriate by the local board of education to the extent they are consistent with the provisions of sections 168.500 – 168.515, RSMo.
- IV. Each career ladder stage shall contain responsibilities commensurate and adjustable to the compensation offered for that stage that will be completed by the teacher while on the career ladder. These responsibilities shall directly and obviously relate to the improvement of programs and services for students as outlined in the District School Improvement Plan, Curriculum Development Plan, Professional Development Plan, Missouri School Improvement Program, or instructional improvement. Educators shall complete a minimum of fifty (50) clock hours at Stage I, seventy-five (75) clock hours at Stage II, and one hundred (100) clock hours at Stage III in an approved responsibility or volunteer effort. Responsibilities and volunteer efforts shall be detailed in the teacher's Career Development Plan. Such additional responsibilities and volunteer efforts should occur outside of the compensated hours and duties, and include but not be limited to:

- Participating in teacher externships as provided in section 168.025, RSMo;
- Serving as a coach, supervisor, or organizer of any extracurricular activities for which the teacher does not already receive additional compensation;
- Serving as a mentor or cooperating teacher for new teachers for which the teacher does not already receive additional compensation;
- Serving as a mentor for students, whether in a formal or informal capacity;
- Providing high quality tutoring or additional learning opportunities to students;
- Assisting students with postsecondary education preparation including, but not limited to, teaching an ACT or SAT preparation course or assisting students with completing college or career school admission or financial assistance applications;
- Receiving additional teacher training or certification outside of that offered by the school district; and
- Other (with description of how this responsibility or voluntary effort directly and obviously relates to the improvement of programs and services for students as outlined in the District School Improvement Plan, Curriculum Development Plan, Professional Development Plan, Missouri School Improvement Program, or instructional improvement).

V. The local school district shall show evidence of teacher, administrator, and patron involvement in the development of the DCLP.

VI. The DCLP shall contain provisions for assessment of the district's career ladder. Plans will be made for periodic assessment of the district's career ladder under the direction of the local board of education with assistance from administrators, teachers, and patrons. Criteria for assessment shall include, but not be limited to, benefits for schools and students, and teacher interest and participation.

VII. The DCLP shall contain procedures for appealing decisions made regarding approval or denial of application and placement on the career ladder (section 168.500.2(6), RSMo), including the right to substantive and procedural appeals of the local comprehensive, performance-based evaluation process. Procedures shall include, but not necessarily be limited to, the following:

- A. An opportunity to have the decision reviewed by the superintendent of schools; and
- B. An opportunity for the local board of education to review the superintendents decision.

Appeal procedures shall be implemented in a timely fashion. All decisions made with respect to a teacher's application to, and placement on, any stage of the career ladder shall be based on the qualifications for that stage as stated in the DCLP.

VIII. The DCLP shall contain provisions for recognition of teacher mobility from one (1) participating district to another within this state (section 168.500.5, RSMo).

The department will periodically review local district plans and will collect information from local districts regarding the career ladder process. The local district will report data on its Career Ladder Grant Program to the department upon request. The local district must advise the department regarding amendments to the DCLP adopted by the local board of education following approval of the original DCLP by the department.

AUTHORITY: sections 168.500-168.515, RSMo [1994] 2016 and Supp. 2022. This rule previously filed as 5 CSR 80-850.030. Original rule filed Feb. 26, 1986, effective May 29, 1986. Amended: Filed Aug. 31, 1992, effective April 8, 1993. Amended: Filed Sept. 27, 1995, effective March 30, 1996. Moved to 5 CSR 20-400.370, effective Aug. 16, 2011. Amended: Filed Aug. 25, 2022.

PUBLIC COST: This proposed amendment will cost the state agency an estimated \$37,000,000 and school districts an estimated \$25,000,000.

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

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

**FISCAL NOTE
PUBLIC COST**

- I. Department Title: Department of Elementary and Secondary Education
Division Title: Division of Learning Services
Chapter Title: Office of Educator Quality**

Rule Number and Name:	5 CSR 20-400.370 Missouri Career Development and Teacher Excellence Plan
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Elementary and Secondary Education	\$37,000,000
School Districts	\$25,000,000

III. WORKSHEET

SB 681 identifies the Missouri Department of Elementary and Secondary Education as responsible for 60% of the Career Ladder budget. This amount has been set at \$37,000,000. Missouri school districts are responsible for 40% of the Career Ladder budget. This amount is approximately \$25,000,000.

IV. ASSUMPTIONS

**Title 5 – DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 25 – Office of Childhood
Chapter 200 – Child Care Subsidy**

PROPOSED AMENDMENT

5 CSR 25-200.060 Eligibility and Authorization for Child Care Subsidy. The State Board of Education (board) is amending the purpose and sections (1)–(6), adding sections (7) and (8), and including incorporated by reference material.

PURPOSE: The purpose of the amendment is to update agency information in accordance with Executive Order 21-02, and update eligibility and authorization criteria for the Child Care Subsidy program.

PURPOSE: This rule establishes the requirements for eligibility [requirements] and authorization of Child Care Subsidy.

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

(1) Eligibility. To be eligible to receive Child Care Subsidy, the applicant shall meet the [following] criteria **established in the Child Care Subsidy Eligibility Policy Manual (Manual), revised August 2022, which is hereby incorporated by reference and made a part of this rule as published by the Department of Elementary and Secondary Education (department), Office of Childhood, and available at the department, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480, and its website at <https://dese.mo.gov/childhood/child-care-subsidy/child-care-manual> and at <https://dese.mo.gov/governmental-affairs/dese-administrative-rules/incorporated-reference-materials>. This rule does not incorporate any subsequent amendments or additions. Eligibility criteria includes information regarding:**

(A) Residency[. The applicant must reside in the state of Missouri and intend to remain in the state of Missouri for the duration Child Care Subsidy is provided] **of the applicant and the child;**

(B) Citizenship [S]status[. A child receiving services shall be a—] **of the child;**

[1. United States (U.S.) citizen; or

2. Qualified alien pursuant to 8 U.S.C. section 1641;]

(C) Eligibility [U]unit[. The applicant must qualify as an eligibility unit. A school age child, who is also the parent of a child in the same home, has the option of being a separate family unit for purposes of determining eligibility for Child Care Subsidy] **composition;**

(D) Relationship[. The applicant for child care services must be the parent, of the child for whom child care services are being requested] **between the applicant and the child;**

(E) Income [Eligibility Requirements.]; and

[1. To qualify for Child Care Subsidy, the eligibility unit's Adjusted Gross Income must be less than or equal to the maximum income for the family size allowed by income guidelines. Guidelines shall be published annually in an electronic format available to the public. Income guidelines are based on the Federal Poverty Level as published in the Federal Register. An eligibility unit income may not exceed eighty-five

percent (85%) of the state median income for an eligibility unit of the same size on the date a subsidized service is delivered. Protective services children do not have to demonstrate a financial need for Child Care Subsidy under this subsection.

2. Eligibility unit assets cannot exceed one (1) million dollars as certified by the applicant. The eligibility unit shall provide documentation of eligibility unit's assets if requested by the division.

3. The applicant shall provide documentation or any information requested by the Family Support Division to verify the eligibility unit's income.;

(F) Need for [C]child [C]care.

[1. To be eligible for Child Care Subsidy, applicant must have a valid need for child care and must be unable to arrange another child care plan. The applicant must provide documentation or any information requested by the Family Support Division to verify his/her need for child care. The need requirement is met under the following circumstances:

A. The applicant is a recipient of Temporary Assistance for Needy Families (TANF) benefits, and employed, in school, or enrolled in a training program for employment; or

B. The applicant is enrolled in a school or training program—

(I) To complete the High School Equivalency Test (HiSET);

(II) To attend regular high school classes;

(III) To attend a college or university with the intent of receiving a bachelor's degree; or

(IV) To attend a training or educational program in which the end result is a professional or technical job skill leading toward employment in a specific field upon graduation; or

C. The applicant has a disability or incapacity, confirmed by a medical professional or mental health professional, which renders him/her unable to care for a child except with the provision of child care. The applicant must submit a written, signed statement from a medical professional or mental health professional. This statement must include the hours of care needed per day/week and the anticipated duration of need for care;

D. The applicant is consider homeless as defined in 42 U.S.C. section 11302(a), also known as the McKinney-Vento Homeless Assistance Act, and the applicant is working with a community based organization to eradicate homelessness; or

E. The child is in the legal custody of the Children's Division pursuant to an order of the juvenile court.]

(2) Processing of Application.

(A) An applicant shall request child care subsidy in person, by telephone, by mail, by fax, or by electronic means [using a form furnished by the division.] to the Missouri Department of Elementary and Secondary Education (department) or designee. The [form] information required to apply shall include, but is not [be] limited to, information related to the applicant's residency, the child's citizenship status, household eligibility unit's composition, relationship[s] to the child, household eligibility unit's assets[,] and [household] income.

(B) Applicants shall provide complete and accurate information to the [division] department or designee when determining eligibility or continuing eligibility for child care [services] subsidy benefits. Applicants who fail to provide complete and accurate information or to comply with the provisions of these rules or the Manual shall be ineligible for Child Care Subsidy.

(D) Upon receipt of a completed application, the [Family Support Division of the Department of Social Services] department or designee shall review the application and determine the applicant's eligibility.

(E) If the department or designee determines the applicant is eligible for Child Care Subsidy, the department or designee shall determine the authorization amount for the child, in accordance with the Manual.

[(E)](F) If the [Family Support Division] department or designee determines the applicant is eligible for Child Care Subsidy, the [Family Support Division will] the department or designee shall send a written notice to the applicant notifying him/her of child care services authorized, amount of sliding scale fee, and changes that [must] shall be reported to maintain eligibility in accordance with the Manual.

[(F)](G) If the [Family Support Division] department or designee determines the applicant is not eligible for Child Care Subsidy, the [Family Support Division will] department or designee shall send a written notice to the applicant. The notice shall –

1. Inform the applicant of the nature of the decision;
2. Include a brief summary of the factual and legal basis for the [division's] department's decision; and
3. Notify the applicant of his/her right to appeal to the [director] Assistant Commissioner of the Office of Childhood or designee.

(3) Payment.

(A) Parental Choice.

1. A participant may enroll his/her child with any child care provider contracted with the [division] department, subject to acceptance by the child care provider. A parent may choose to enroll his/her child with a different provider at any time. [Child Care Subsidy payments shall be made directly to the child care provider. The parent shall notify the Family Support Division of the initial child care provider and any change in the child care provider within ten (10) days of the change. The notice shall include: the date of disenrollment from the provider, the names and identifying information of the child(ren) involved and, where applicable, identify the new subsidized child care provider.

2. If the participant chooses a child care provider who will care for a related child, the participant must sign an attestation of relationship to the child on a form provided by the division.]

2. Child Care Subsidy payments shall be made directly to the child care provider.

3. The parent shall notify the department or designee of the initial child care provider, and any change in the child care provider within ten (10) calendar days of the change. The notice shall include the date of disenrollment from the provider, the name and identifying information of the child and, where applicable, identify a new child care provider contracted with the department.

(B) Maximum Payment. Maximum payment by the [division] department for [infant, preschool, or school-age] child care services shall not exceed the maximum base rate plus any rate differentials or the actual charges by the child care provider, whichever is less. The maximum base rate is set on an annual basis based on appropriations from the General Assembly for the child care subsidy program and is based on the age of the child[, hours of care requested], facility type, and [in the applicable] geographic area [of the state].

(C) Sliding [Fee] Scale Fee. Child care participants may be required to pay a fee to the child care provider based on their adjusted gross income and family size. This fee shall be based on a sliding [fee] scale fee, which shall be determined on an annual basis based on appropriations from the General Assembly.

1. The sliding scale fee amount is determined by the household size and adjusted gross income.

2. The maximum child care subsidy payment shall be the maximum base rate minus the applicable sliding scale fee amount, if any.

3. The maximum base rate is based on the age of the child for whom child care services are requested, [hours] amount of care [requested], the facility type [requested], [in] and the applicable geographic area of the state. The maximum base rate is subject to appropriations.

4. The sliding scale fee may be waived for a child with special needs.

5. At the time of application or redetermination, [C] child care participants who failed to pay the required sliding scale fee shall be ineligible for Child Care Subsidy until the required sliding scale fee is paid or until the child care participant enters into a written agreement with the child care provider to pay the required fee. [The participant shall provide a copy of any such agreement to the division before the subsidy is paid.]

(D) Co[-P]ayment. Child care participant(s) may be required to pay a co[-]payment to the child care provider when the child care provider's rate for care is higher than the maximum rate paid by the [division] department. The parent [must] shall negotiate this fee directly with the child care provider. The [division] department shall not be responsible for the payment of, collection, or enforcement of any co[-]payment.

(4) Maintaining Eligibility.

(A) Reporting Changes.

1. A participant [must] shall report [the following events to the Family Support Division] changes to the department or designee within ten (10) [business] calendar days from the date of occurrence[:] in accordance with the Manual.

[A. A change in income if it exceeds eighty-five percent (85%) of the state median income for an eligibility unit of the same size;

B. Eligible child no longer resides with the participant;

C. Cessation of employment, job training, or education program; or

D. Any changes to the participant's contact information, including, but not limited to, address and phone number.]

2. Failure to timely report the [above] changes subject to reporting may result in a participant overpayment pursuant to [13 CSR 35-32.100] 5 CSR 25-200.100.

3. Upon receipt of a reported change [under subparagraphs (4)(A)1.A.–(4)(A)1.C, the Family Support Division], the department or designee shall [redetermine] assess the participant's continued eligibility [to receive child care subsidy, and notify the participant of the redetermination in the same manner as described in section (2). The Family Support Division may, but is not required to, redetermine the participant's eligibility upon receipt of a reported change under subparagraph (4)(A)1.D.].

4. Participants [will] shall remain eligible for child care subsidy for not less than [three (3) months after parent's] after ninety (90) days a participant's employment, job training, or educational program ends.

(B) Annual Redetermination. To continue to receive child care subsidy, participants shall request a redetermination [every twelve (12) months from the date of initial eligibility determination or most recent redetermination] at least thirty (30) calendar days prior to the end of the eligibility period.

(C) Transitional Child Care. An eligibility unit may be allowed a gradual phase out of child care assistance if the [family] eligibility unit's income has increased but remains less than the upper income limit for the highest level of transitional child care. The Family Support Division shall determine the eligibility unit's eligibility for transitional child care and shall notify the parent in writing.] in accordance with the Manual. The department or designee shall determine the participant's eligibility for transitional child care and shall notify the participant in writing.

(5) *[Direct Appeal to the Director. Any applicant or participant, whose child care subsidy eligibility has been denied or changed may appeal such decision to the director in accordance with the provisions of section 208.080, RSMo]* **Appeal Rights.** Any participant/applicant whose child care subsidy eligibility has been denied or changed may appeal such decision to the Assistant Commissioner or designee.

(A) The participant/applicant shall request *[a direct]* an appeal to the *[director]* Assistant Commissioner or designee in writing within ninety (90) calendar days of the date of notification of the denial or change of Child Care Subsidy eligibility.

(B) If the participant/applicant timely makes *[a direct]* an appeal to the *[director]* Assistant Commissioner or designee, the *[director shall designate]* Assistant Commissioner or designee may utilize the Administrative Hearings Unit of the Division of Legal Services of the Department of Social Services to hear all cases. *[The Administrative Hearings Unit shall hear cases under the procedures outlined in 13 CSR 40-2.160.]*

(E) Upon completion of the hearing, the Administrative Hearings Unit shall issue a written decision as approved by the *[director]* Assistant Commissioner or designee, except in default cases or cases disposed of by stipulation, consent order, or agreed settlement. The decision shall include or be accompanied by findings of fact and conclusions of law. The findings of fact shall be stated separately from the conclusions of law and shall include a concise statement of the findings on which the agency base[s]/d its order. The Administrative Hearings Unit shall deliver or mail its decision, findings of fact, and conclusions of law to each party, or his/her attorney of record. The decision of the Administrative Hearings Unit shall be the final decision of the department.

(6) **Destruction of Records.** The *[division]* department may destroy all applications and records compiled in connection with the determination and payment of Child Care Subsidy after *[ten (10)]* five (5) years have elapsed after the case is closed or the application has been rejected and the decision is final.

(7) **Child Care Subsidy for Protective Service Children.**

(A) The following categories of children are eligible for alternative eligibility determinations at the time of application:

1. Children in the legal custody of the Department of Social Services, Children's Division, pursuant to an order of the juvenile court;

2. Children who are the subject of a current adoption or guardianship subsidy agreement with the Children's Division; or

3. Children with an active family-centered service or intensive in-home service case with the Children's Division.

(B) These categories of children, or their parent(s), shall not be required to demonstrate a financial need for Child Care Subsidy under this subsection and are not subject to the eligibility unit's income maximums. The child's Protective Service status shall be the valid need for child care.

(C) Processing of the application and maintaining eligibility shall be in accordance with the Manual for this subset of children. The department or designee may utilize an alternative, expedited process, as stated in the Manual.

(8) **Wait Lists.**

(A) In the event that the number of participants exceeds program funding from the General Assembly, as determined by the department, the department may

utilize a waiting list.

(B) The department's waiting list shall utilize a priority ranking system for participants, in the following order:

1. Children with special need as defined in 5 CSR 25-200.050;

2. Children classified as homeless as defined in the McKinney-Vento Homeless Assistance Act;

3. Eligibility units with an adjusted gross income under one hundred (100) percent of the Federal Poverty Level; and

4. Eligibility units with an adjusted gross income of one hundred (100) percent of the Federal Poverty Level or greater.

AUTHORITY: sections 161.092, 207.020, [210.025] and 210.027, RSMo 2016, and sections 208.044 and 208.046, RSMo Supp. 2022. 42 U.S.C. section 9858, et. seq., Executive Order 03-03. This rule originally filed as 13 CSR 35-32.060. Original rule filed Jan. 3, 2017, effective Aug. 30, 2017. Moved to 5 CSR 25-200.060, effective Aug. 28, 2021. Amended: Filed Aug. 25, 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 Nancy Scherer, Department of Elementary and Secondary Education, Office of Childhood, PO Box 480, Jefferson City, MO 65102-0480, by faxing (573) 526-8000, or via email at ChildhoodRules@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 9 – DEPARTMENT OF MENTAL HEALTH Division 30 – Certification Standards Chapter 3 – Substance Use Disorder Prevention and Treatment Programs

PROPOSED RESCISSION

9 CSR 30-3.190 Specialized Program for Women and Children. This rule described service delivery requirements for substance use disorder treatment programs serving women and children.

PURPOSE: The department is rescinding this rule because it is outdated. The updated service delivery requirements will be readopted under the same rule number, 9 CSR 30-3.190, Comprehensive Substance Treatment and Rehabilitation (CSTAR) Program for Women and Children.

AUTHORITY: sections 630.050, 630.655 and 631.010, RSMo 2000. Original rule filed Feb. 28, 2001, effective Oct. 30, 2001. Rescinded: Filed Aug. 17, 2022.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement

in support of or in opposition to this proposed rescission with the Missouri Department of Mental Health, Denise Thomas, PO Box 687, Jefferson City, MO 65102 or by email to denise.thomas@dmh.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 9 – DEPARTMENT OF MENTAL HEALTH
Division 30 – Certification Standards
Chapter 3 – Substance Use Disorder Prevention and
Treatment Programs**

PROPOSED RULE

**9 CSR 30-3.190 Comprehensive Substance Treatment and
Rehabilitation (CSTAR) Program for Women and Children**

PURPOSE: This rule establishes requirements for CSTAR programs serving women and children.

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) Treatment Philosophy and Guiding Principles. Women and children's CSTAR programs shall demonstrate through policy and practice that women's substance use disorders differ from men's, both in their etiology and the services and supports needed for recovery.

(A) Women and children's CSTAR programs shall ensure –

1. Emotional and physical safety of the women and children served takes precedence over other considerations in the delivery of services;
2. Women-only therapeutic environments are available;
3. Trauma-sensitive services and supports to increase women's access to care, engagement, and retention in treatment are provided or arranged, such as community support, transportation, and child care;
4. Women-specific service needs and topic areas are addressed in treatment and through support services; and
5. Multiple modalities are offered to meet the needs of women such as group and individual counseling, community support, peer support, and opportunities for women to be in treatment with their children.

(B) Staff shall possess the knowledge and expertise to engage women with histories of trauma, recognize the presence of trauma symptoms, understand the role of trauma in the lives of women seeking services, and conduct themselves in ways that are not retraumatizing to those being served. The following trauma-informed principles shall be integrated into the program's service delivery practices:

1. Safety – ensuring physical and emotional safety for individuals and staff;
2. Trustworthiness – maximizing trustworthiness through task clarity, consistency, and maintaining appropriate interpersonal boundaries;
3. Choice – maximizing the experience of developmentally appropriate choice and control;
4. Collaboration – maximizing collaboration and sharing of power between individuals and staff; and
5. Empowerment – building on individuals' capacities,

encouraging them to have a voice and mastery of life, and prioritizing power and growth.

(C) All women shall receive or have trauma-informed, evidence-based services available and shall not be required to disclose their trauma history in order to receive those services. Women's treatment shall incorporate universal, trauma-informed principles into every service, regardless of whether trauma is disclosed.

(D) The Substance Abuse and Mental Health Services Administration (SAMHSA), Treatment Improvement Protocol 51, *Substance Abuse Treatment: Addressing the Specific Needs of Women*, 2015, hereby incorporated by reference and made a part of this rule, shall serve as a guide for the program's service delivery practices. This document is published by and available from SAMHSA, 1 Choke Cherry Road, Rockville, Maryland 20857, (877) 726-4727, www.samhsa.gov. This rule does not incorporate any subsequent amendments or additions to this publication.

(2) Eligibility Criteria and Program Structure. The program shall provide treatment services and other supports solely to women and their children. Services shall be based on individual and family needs, in accordance with admission and eligibility criteria for CSTAR.

(A) Priority admission shall be for women who are –

1. Pregnant and inject drugs;
2. Pregnant;
3. Postpartum (up to one (1) year after delivery);
4. Have children in their care and custody, including those at risk of losing custody or attempting to regain custody of their children;
5. Applicants or recipients of Temporary Assistance for Needy Families referred by the Department of Social Services, Family Support Division; and
6. Other populations specified by the department.

(B) Women who meet priority criteria shall be immediately admitted to the CSTAR program and receive appropriate services.

1. If the program is unable to provide immediate admission, staff shall facilitate referral to another women and children's CSTAR program that can provide immediate admission.

2. If immediate admission with an alternative women and children's CSTAR program is not available for a woman who is pregnant, program staff shall contact designated department staff to obtain assistance in facilitating arrangements for immediate admission with another program.

3. Women shall not be denied admission based solely on medication prescribed and monitored by a licensed physician, physician assistant, assistant physician, or advanced practice registered nurse (APRN) for an opioid disorder or other physical or behavioral health disorder.

(C) Adolescents who meet priority criteria shall be admitted if, in the staff's clinical judgment, the adolescent can appropriately participate in and benefit from the services and milieu offered. Programs shall have policies and procedures for serving adults and adolescents in the same environment.

(D) Culturally competent services shall be provided in the context of a family-centered and family-focused treatment model. Members of the treatment team shall be responsible for adapting to the needs of the mother and her family. An array of services shall be available to –

1. Assist families in functioning as a unit by establishing and maintaining a schedule, structure, regular habits, and healthy routines;
2. Allow for an integrated family plan that builds coherence and prioritizes the needs of individual family members;

3. Accommodate children who accompany their mother, in accordance with the mother's wishes;

4. Address substance use, mental, physical and emotional health, developmental, social, economic, and environmental needs of women and their families;

5. Allow women to define their families and focus on healthy relationships between parents, children, and others identified by the mother;

6. Address evolving and changing family engagement, recognizing everyone may not participate at the same time, stay the same length of time, or have the same motivations; and

7. Assist women and their families in accessing other services and supports in the community.

(E) Family oriented living arrangements, indoor recreational space for children and families, and safe, protected outdoor recreational and leisure space shall be available.

(F) Women and their children shall have access to age-appropriate physical healthcare, including obstetric and pediatric care.

(3) Gender-Responsive Services. The program shall address therapeutic issues relevant to women and their specific needs, as identified in individual treatment plans.

(A) Staff shall understand and recognize the distinctive characteristics and biopsychosocial issues associated with women in general, and specifically women who have substance use disorders, to provide effective treatment.

(B) Services shall be culturally sensitive and recognize the unique characteristics of women's initiation of substance use, effects of use, histories of trauma, co-occurring mental, developmental, and physical health disorders, and other treatment issues specific to women.

(C) Services shall be designed to assist women in maintaining their recovery and resiliency, such as –

1. Parenting and child development;
2. Life skills;
3. Family programs;
4. Facilitation of supervised parent-child bonding;
5. Educational remediation and support;
6. Employment readiness services;
7. Linkages with legal and child welfare systems, including reunification with children if applicable;
8. Housing support efforts and referrals;
9. Co-occurring disorder services, including access to psychological and pharmacological treatments for mental health disorders;
10. Education and linkage to eating disorder and nutrition services;
11. Medication services, including access to approved medication to treat substance use disorders for women who are pregnant; and
12. Recovery support and community support services that address long-term recovery needs such as domestic violence services, career counseling, legal services, and transportation services.

(4) Child Care. The program shall ensure child care is not a barrier to engagement in services or retention in treatment by ensuring coordination or facilitation of child care when the mother is participating in services.

(A) Programs offering on-site child care shall obtain licensure as a child care center as specified in 5 CSR 25-500.

(B) On-site child care shall –

1. Be designed to meet the developmental needs of the various age groups served and address cultural and other identified needs;
2. Provide each child with a variety of easily accessible,

developmentally appropriate learning and play materials;

3. Provide for a balance between free play and organized activities, between individual play and sharing experiences among children, and promote individual contact between staff and each child;

4. Provide reasonable regularity of age-appropriate activities with allowance for a variety of special events and time for children to be outdoors daily, weather permitting;

5. Be culturally responsive, nonjudgmental, trauma sensitive, and respectful;

6. Take responsible precautions to ensure a safe, welcoming, and sanitary environment appropriate for children;

7. Ensure no weapons are brought on to the premises;

8. Provide privacy (such as use of bathroom, sleeping arrangements) for opposite sex children transitioning into school and for any children demonstrating a need for privacy; and

9. Accommodate the needs of children with disabilities in accordance with the Americans with Disabilities Act as amended (ADAAA) or refer to another provider if the child's needs are identified to be beyond the scope of the program. The ADAAA, effective January 1, 2009, is hereby incorporated by reference and made a part of this rule and is available from the U.S. Department of Justice, 950 Pennsylvania Avenue NW, Civil Rights Division, Disability Rights Section-NYA, Washington, DC 20530, (800) 514-0301 voice, (800) 514-0383 TTY. This rule does not incorporate any subsequent amendments or additions to this publication.

(C) Child care may be arranged through a contractual agreement with a local, licensed child care center. Contracts shall comply with 9 CSR 10-7.090(6).

(D) Child care will not be funded by the department for children who are over fourteen (14) years of age, unless specific authorization has been granted by department staff.

(5) Supervision of Children. The program shall ensure children in child care are supervised in accordance with Department of Elementary and Secondary Education staff/child ratios as specified in 5 CSR 25-500.

(A) The parent/guardian shall be responsible for providing supervision when the child is not attending child care or participating in other scheduled program activities.

(B) Program staff shall assist the parent in providing age-appropriate activities, training, and guidance.

(6) Education for Children. The program shall assist the parent/guardian as necessary to ensure educational opportunities for school-age children in accordance with the requirements of the Department of Elementary and Secondary Education.

(7) Assessing Children's Needs and Documenting Services. Program staff shall inform women of the services available for children and educate them about involving their children in treatment while respecting the mother's wishes.

(A) When the mother chooses to involve her children in treatment, a trained staff member shall complete an initial screening utilizing an age-appropriate, validated instrument to determine specific service needs beyond child care and community support. The screening shall include an interview with at least one (1) parent and the child, whenever appropriate.

(B) If the need for a clinical assessment is indicated by the screening, a qualified staff member shall complete an assessment utilizing an age-appropriate, validated instrument. The assessment must be completed prior to delivery of services beyond child care and community support.

(C) An individual plan shall be developed based on the needs

of the mother and child, with the results of the assessment serving as a guide. The child's consent for treatment must be signed by the legal guardian.

(D) Services provided for children, including child care and community support, shall be documented in a separate clinical record for the child. The record shall include the child's developmental, physical, emotional, social, educational, and family background and current status.

(8) Services for Children. The program shall ensure trauma-informed services are available to address therapeutic issues relevant to children, based on the needs of individuals being served at those locations.

(A) Developmentally-appropriate activities and services shall be offered to meet the social, emotional, and behavioral needs of children to –

1. Build self-esteem and self-awareness;
2. Learn to identify and express feelings;
3. Build positive family relationships;
4. Learn healthy social engagement, peer relationships, social pressure skills, and teamwork;
5. Develop decision-making skills;
6. Learn self-management (impulse control, stress management, and goal-setting);
7. Understand substance use disorders and its effects on the family;
8. Learn and practice nonviolent ways to resolve conflict;
9. Learn safety practices such as personal space, boundaries, and personal safety;
10. Address developmental needs; and
11. Provide education on preventing alcohol, tobacco, and other drug use.

(B) Services for children shall address the issues and needs identified by the mother and her children, as documented in the individual plan, utilizing structured and unstructured therapeutic activity.

(C) Specialized services shall be provided including, but not limited to, children with high risk of sexual abuse, sexual acting-out behaviors, suicide risk, and the service needs of infants, toddlers, and preschoolers.

(D) Services for children from birth to three (3) years of age shall include, at a minimum, developmentally appropriate parent-child interactive bonding activities and developmentally appropriate structured activities that promote and nurture the growth and well-being of the infant.

(9) Qualified and Competent Staff. The program shall maintain a core workforce (employed or contracted) that is appropriately qualified and determined to be competent to adequately address the needs of women and children and deliver the behavioral health services the program is certified to provide.

(A) The program shall document that staff providing services for women and/or children have training in the following areas:

1. Trauma knowledge, trauma-informed treatment, identification of signs and symptoms of domestic violence, spousal or partner abuse, and child abuse and neglect, with special emphasis on failure to thrive and sexual abuse of children;
2. Child development and age-appropriate behaviors;
3. Parenting attachment styles and skills appropriate to infants, toddlers, preschool, and school-age children; and
4. The impact of substance use and substance use disorders on parenting and family units.

(B) The program shall document that staff working with children have ongoing training and demonstrate job-appropriate functional comprehension in the following areas:

1. The impact of prenatal drug and alcohol exposure on

child development;

2. The effect of substance use disorders on parenting children and families;

3. Trauma knowledge, trauma's impact on child brain development, and long-term impact of adverse childhood experiences;

4. Parenting attachment styles and skills appropriate to infants, toddlers, preschool, and school-age children;

5. Appropriate play activities according to developmental stage;

6. Common children's behavioral and developmental problems;

7. Recognition of sexual acting-out behavior; and

8. The substance use disorder recovery process, especially as it relates to family units.

(10) Health Promotion. The program shall maintain a safe, healthy environment that is responsive to the physical, behavioral, and emotional health needs of women and children.

(A) A full-time licensed nurse shall be accessible to women and children to provide trauma-informed medical and other consultative services necessary to monitor and manage health issues.

1. Services performed by a licensed practical nurse (LPN) must fall within their scope of practice and shall be supervised by a licensed physician (including psychiatrist), licensed physician assistant, licensed assistant physician, APRN, or registered nurse (RN).

(B) Key service functions of the nurse(s) shall include, but are not limited to –

1. Obtaining initial medical histories and vital signs of individuals admitted to the program;

2. Monitoring general health needs and meeting with individuals about medical concerns;

3. Providing disease prevention, risk reduction, and reproductive health education;

4. Reviewing medication requirements and educating individuals about the benefits of taking medications as prescribed and monitoring medication compliance; and

5. Monitoring lab levels, including consultation with the individual served, her physician, and the treatment team.

(C) The program shall employ staff in sufficient numbers and with appropriate training to respond to emergency situations and provide cardiopulmonary resuscitation (CPR) when necessary.

1. At least one (1) staff member who has current training in First Aid and CPR for infants, children, and adults shall be on duty seven (7) days per week, twenty-four (24) hours per day.

2. Staff must maintain current First Aid and CPR certification for healthcare providers through training that includes hands-on practice and in-person skills assessment. Online-only training is not acceptable.

(D) The program shall demonstrate effective working relationship(s) with a licensed physician, hospital, and/or clinic to provide access to emergency services and/or ongoing medical care for women, including pregnant and postpartum women, and their children.

(E) The program shall ensure an evaluation of medical need for each woman and child and shall ensure that each woman and child is medically stable to safely and adequately participate in services. For women, the evaluation of medical need shall include:

1. Current physical status, including vital signs; and

2. Symptoms of intoxication, impairment, or withdrawal.

(F) The program shall ensure that recommendations related to an individual's behavioral or physical health from a licensed physician (including psychiatrist), licensed physician assistant,

licensed assistant physician, or APRN are encouraged and coordinated regularly by their primary health care provider.

(G) Health-related services may include but are not limited to –

1. Nutritional counseling;
2. Education about reproductive health;
3. Wellness programs;
4. Education on sleep and dental hygiene;
5. Education about trauma and long-term physical health risks and conditions;
6. Education about sexually transmitted infections and infectious diseases, such as viral hepatitis and HIV/AIDS; and
7. Preventive healthcare education.

(H) If a specialized program for women and children provides withdrawal management/detoxification services, the program shall comply with applicable standards under 9 CSR 30-3.120. A specialized program for women and children shall not be required to accept applications for ninety-six- (96-) hour civil detention of intoxicated persons due to the presence of children within the program.

AUTHORITY: sections 630.050, 630.655, and 631.010, RSMo 2016. Original rule filed Feb. 28, 2001, effective Oct. 30, 2001. Rescinded and readopted: Filed Aug. 17, 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 Missouri Department of Mental Health, Denise Thomas, PO Box 687, Jefferson City, MO 65102 or by email to denise.thomas@dmh.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 11 – DEPARTMENT OF PUBLIC SAFETY
Division 45 – Missouri Gaming Commission
Chapter 9 – Internal Control System**

PROPOSED AMENDMENT

11 CSR 45-9.030 Minimum Internal Control Standards. The commission is amending the purpose statement and section (1), and removing the publisher's note.

PURPOSE: The amendment updates the information regarding where the individual chapters of the Minimum Internal Control Standards are located.

*PURPOSE: This rule establishes **the minimum requirements for the licensees' internal control [standards] systems.***

(1) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in the Minimum Internal Control Standards (MICS)[, which have been incorporated by reference herein by individual chapters in this rule]. **The individual chapters that comprise the MICS are established by individual regulations in this chapter.**

AUTHORITY: section 313.004, RSMo [2000] 2016, and sections 313.800 and 313.805, RSMo Supp. [2013, and section 313.800,

*RSMo Supp. 2014] 2022. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Sept. 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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment via email to MGCPolicy@mgc.dps.mo.gov, or by mail to the Missouri Gaming Commission, Policy Section, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for November 3, 2022, at 10 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

**Title 11 – DEPARTMENT OF PUBLIC SAFETY
Division 45 – Missouri Gaming Commission
Chapter 9 – Internal Control System**

PROPOSED AMENDMENT

11 CSR 45-9.104 Minimum Internal Control Standards (MICS) – Chapter D. The commission is amending the purpose statement.

PURPOSE: The amendment updates the purpose statement for this rule.

*PURPOSE: This rule [defines the documentation required for customer credit transactions] establishes the **minimum internal control standards for live table games.***

AUTHORITY: sections 313.004, 313.817, and 313.830, RSMo 2016, and sections 313.800, 313.805, and 313.812, RSMo Supp. [2021] 2022. Emergency rule filed July 31, 2014, effective Aug. 28, 2014, expired Feb. 26, 2015. Original rule filed July 31, 2014, effective Feb. 28, 2015. Amended: Filed Oct. 27, 2016, effective June 30, 2017. Amended: Filed Jan. 20, 2022, effective Sept. 30, 2022. Amended: Filed Sept. 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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment via email to MGCPolicy@mgc.dps.mo.gov, or by mail to the Missouri Gaming Commission, Policy Section, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for November 3, 2022, at 10 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

**Title 11 – DEPARTMENT OF PUBLIC SAFETY
Division 45 – Missouri Gaming Commission
Chapter 9 – Internal Control System**

PROPOSED AMENDMENT

11 CSR 45-9.109 Minimum Internal Control Standards (MICS) – Chapter I. The commission is amending the purpose statement.

PURPOSE: The amendment updates the purpose statement for this rule.

PURPOSE: This rule [provides regulatory procedures for the Class B licensees to follow regarding the investigation and reconciliation of credit instruments and payment of counter checks in the accounting records] establishes the minimum internal control standards for casino accounting.

AUTHORITY: sections 313.004, [313.800, 313.805, 313.812,] 313.817, and 313.830, RSMo 2016, and sections 313.800, 313.805, and 313.812, RSMo Supp. 2022. Emergency rule filed July 31, 2014, effective Aug. 28, 2014, expired Feb. 26, 2015. Original rule filed July 31, 2014, effective Feb. 28, 2015. Amended: Filed Nov. 1, 2018, effective June 30, 2019. Amended: Filed Sept. 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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment via email to MGCPolicy@mgc.dps.mo.gov, or by mail to the Missouri Gaming Commission, Policy Section, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for November 3, 2022, at 10 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 13 – DEPARTMENT OF SOCIAL SERVICES
Division 40 – Family Support Division
Chapter 37 – Early Periodic Screening, Diagnosis
and Treatment**

PROPOSED RESCISSION

13 CSR 40-37.010 Basis for Provision. This rule established the basis and criteria for provision of early periodic screening, diagnosis, and treatment services.

PURPOSE: This rule is being rescinded because the basis and criteria for payment of screenings and related services resulting from the Early Periodic Screening, Diagnosis, and Treatment was transferred to the MO HealthNet Division within the Department of Social Services; 13 CSR 70-25.110 Payment for Early Periodic Screening, Diagnostic, and Treatment Program Services.

AUTHORITY: section 207.020, RSMo 1986. Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Amended: Filed May 10, 1978, effective Aug. 11, 1978. Emergency amendment filed Aug. 16, 1979, effective Oct. 1, 1979, expired Nov. 10, 1979. Amended: Filed Aug. 1979, effective Nov. 11, 1979. Rescinded: Filed Aug. 30, 2022.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Social Services, Family Support Division, 615 Howerton Court, Jefferson City, MO 65109 or by email at Rules.Comment@dss.mo.gov. To be considered, comments must be delivered by regular mail, express or overnight mail, in person, or by courier within thirty (30) days after publication of this notice in the *Missouri Register*. If to be hand-delivered, comments must be brought to the Family Support Division at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.

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

PROPOSED RULE

13 CSR 70-20.042 Automatic Refill Programs and Medication Synchronization Programs

PURPOSE: This rule establishes the regulatory basis to prohibit automatic refill of prescriptions by providers for MO HealthNet participants. This rule also establishes policies for Medication Synchronization Programs in the MO HealthNet Pharmacy program.

(1) Definitions.

(A) Automatic Refill Program. Whereby providers automatically refill prescribed medications, devices, and supplies at regular intervals without an explicit request from the participant, or the participant's responsible party, for each refill.

(B) Medication Synchronization Program. Designed to allow a participant to receive all maintenance medications on the same day of the month or quarter. Before refilling any medications, the provider contacts the participant or the participant's responsible party to detect any new, discontinued, or changed medications. The provider only refills those medications requested by the participant or the participant's responsible party and coordinates pickup or delivery. Maintenance medications shall be as defined in 13 CSR 70-20.060.

(2) Automatic Refill Program.

(A) MO HealthNet does not allow automatic refills or automatic shipments of medications, devices, and supplies. MO HealthNet does not pay for any prescription without an explicit request from a participant or the participant's responsible party, such as a caregiver, for each refilling event.

(B) The pharmacy provider shall not contact the participant to initiate a refill unless it is part of a good faith clinical effort to assess the participant's medication regimen including but not limited to the Medication Synchronization Program. The good faith clinical effort contact must be documented and available to the department upon request. The possession, by a provider, of a prescription with remaining refills authorized, does not in itself constitute a request to refill the prescription. Participants and providers cannot waive the explicit refill request requirement and enroll in an automatic refill program.

(C) A nurse or other authorized agent of the facility may

initiate a request for a refill for a participant residing in a skilled nursing facility, group home, or assisted living arrangement.

(D) Any prescription filled without a request from a participant or the participant's responsible party may be subject to recoupment. Any provider who pursues an automatic refill policy may be subject to audit, claim recovery, suspension, or termination of their provider agreement.

(3) Medication Synchronization Program.

(A) The provider shall have written policies and procedures describing the Medication Synchronization Program which shall set forth, at a minimum, how the provider will comply with this section. The provider's written policies and procedures for the medication synchronization program shall be provided to the Department of Social Services upon request. Providers that do not provide the written policies and procedures within three (3) business days of the department's request may be subject to recoupment of any payments made to the provider by MO HealthNet for medications filled through the provider's medication synchronization program.

(B) Before a participant enrolls, and annually thereafter, the provider shall provide a written or electronic notice summarizing the program to the participant or participant's responsible party. Such notice shall include, at a minimum, instructions about how to withdraw a medication from refill through the program or to disenroll entirely from the program. The participant or participant's responsible party shall enroll by written, online, or electronic informed consent to participate in the program for each new medication wherein there is a change in the medication, strength, dosage form, or directions for use. The pharmacy shall keep a copy of the informed consent to enroll on file for three (3) years from the date of dispensing.

(C) Medication Synchronization Programs shall only include maintenance medications and are not allowed to include controlled substances or medications for acute or as-needed treatments. Providers may fill new maintenance medications for less than a full supply for the first fill to synchronize with the participant's maintenance medication fill date if requested by the participant or the participant's responsible party.

(D) Providers with a medication synchronization program must contact the participant or the participant's responsible party before refilling any medication and confirm each medication to be refilled to ensure an accurate medication list. The contact shall be via the telephone, video chat, or in person. The contact shall include a review of all medication(s) to reduce potential therapeutic duplication, fraud, waste, and abuse. Medication Synchronization Programs which generate or contribute to fraud, waste, or abuse will be subject to potential recoupment of claims and potential sanction of the provider. Records of the medication synchronization program contact with the participant or the participant's responsible party must be kept for audit purposes, including the date and time of contact.

(E) Any prescriptions filled without a request from a participant or the participant's responsible party may be subject to recoupment. Any provider who pursues a policy that includes refilling prescriptions on a regular date or any type of cycle fill, without meeting the specifications herein, may be subject to audit, claim recovery, or possible suspension or termination of their provider agreement.

AUTHORITY: sections 208.153, 208.201, and 660.017, RSMo 2016. Original rule filed Aug. 25, 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, Division of Legal Services-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 13 – DEPARTMENT OF SOCIAL SERVICES
Division 70 – MO HealthNet Division
Chapter 98 – Behavioral Health Services**

PROPOSED AMENDMENT

13 CSR 70-98.030 Applied Behavior Analysis Services. The division is amending all sections of the rule, is adding a new section (2), and is renumbering accordingly.

PURPOSE: This amendment replaces the word “recipient” with the word “participant” where it occurs in the existing rule. This amendment removes language requiring licensure for independent practice for behavior analysts to participate in the program. This amendment clarifies language regarding licensure to align this rule with MO HealthNet practice wherein providers in bordering states may enroll and provide services. This amendment also adds incorporation by reference language for one (1) definition and for the fee schedule.

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) [The following definitions will be used in administering this rule:] **Definitions.**

(A) “Applied Behavior Analysis (ABA)[—]” means the design, implementation, and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including the use of direct observation, measurement, and functional analysis of the relationships between environment and behavior. ABA does not include psychological testing, personality assessment, intellectual assessment, neuropsychological assessment, psychotherapy, cognitive therapy, sex therapy, psychoanalysis, hypnotherapy, family therapy, or counseling[.].

(B) “ABA Assessment for Intervention Planning” means assessment that is conducted according to best practice guidelines and considers the individual's specific strengths and concerns to inform the intervention planning process.

(C) “ABA intervention” means a type of intervention that involves directly and objectively measuring potential target behaviors and environmental events that influence them; constructing detailed, individualized behavior analytic treatment plans; using reinforcement and other scientifically validated procedures to build functional skills

and reduce behaviors that jeopardize health, safety, and independent functioning; managing treatment environments to maximize client progress; implementing treatment protocols repeatedly, frequently, and consistently; measuring target behaviors directly and frequently; and adjusting treatment protocols based on data.

(D) “Licensed Psychologist (LP)” means an individual who is currently licensed by the psychology board of the state in which the individual is practicing.

[(B)](E) “Autism Spectrum Disorder (ASD)[—]” as defined in the most recent edition of Diagnostic and Statistical Manual of Mental Disorders [of the American Psychiatric Association;].

[(C)](F) “Best practice guidelines[—]” means guidelines described in the Missouri Autism Guidelines Initiative’s publications entitled *Autism Spectrum Disorders: Missouri Best Practice Guidelines for Screening, Diagnosis, and Assessment* as published by the Missouri Department of Mental Health at their website at <https://www.autismguidelines.dmh.mo.gov/pdf/Guidelines.pdf>, 2010, and *Autism Spectrum Disorders: Guide to Evidence-Based Interventions* as published by the Missouri Department of Mental Health at their website at <https://www.autismguidelines.dmh.mo.gov/documents/Interventions.pdf>, 2012. These guidelines are incorporated by reference and made a part of this rule and a copy of each is available for reference at the MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109. This rule does not incorporate any subsequent amendments or additions.

[(D)](G) “Diagnostic evaluation[—]” means evaluation conducted according to best practice guidelines in order to determine if an ASD is present;

(H) “Licensed Assistant Behavior Analyst (LABA)” means an individual who is currently licensed to practice applied behavior analysis under the supervision of a licensed behavior analyst by the behavior analyst board under which the individual is practicing.

[(E)](I) “Licensed Behavior Analyst (LBA)[—]” means an individual who is currently licensed by the [Missouri Behavior Analyst Advisory Board to practice ABA independently] behavior analyst board of the state in which the individual is practicing.

(J) “Technician” means an individual who is credentialed by the Behavior Analyst Certification Board (BACB) as a Registered Behavior Technician® (RBT®).

[(F) ABA qualified Licensed Psychologist (LP)—an individual who is currently licensed by Missouri to practice psychology and who has ABA in the scope of his/her education, training, and competence;

(G) Licensed Assistant Behavior Analyst (LABA)—an individual who is currently licensed by Missouri to practice applied behavior analysis under the supervision of an LBA;

(H) Technician—an individual who is credentialed by the Behavior Analyst Certification Board (BACB) as a Registered Behavior Technician™ (RBT™);

(I) ABA Assessment for Intervention Planning—assessment that is conducted according to best practice guidelines and considers the individual’s specific strengths and concerns to inform the intervention planning process; and

(J) ABA intervention—involves directly and objectively measuring potential target behaviors and environmental events that influence them; constructing detailed, individualized behavior analytic treatment plans; using reinforcement and other scientifically validated procedures to build functional skills and reduce behaviors that jeopardize health, safety, and independent functioning; managing treatment environments to maximize client progress; implementing treatment protocols repeatedly, frequently, and consistently; measuring target behaviors directly and frequently; and adjusting treatment protocols based on

data.]

(2) Administration.

(A) The MO HealthNet ABA program shall be administered by the Department of Social Services, MO HealthNet Division. ABA services covered and not covered and the limitations under which services are covered shall be determined by the MO HealthNet Division and shall be included in the MO HealthNet 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_psy/print.pdf, August 25, 2022. This rule does not incorporate any subsequent amendments or additions.

[(2)](3) [Recipient] Participant Criteria.

(A) In order to qualify for and receive ABA services, a MO HealthNet participant must meet all of the following criteria. The participant must—:

1. Be under **twenty-one** (21) years of age;
2. Exhibit the presence of excesses and/or deficits of behaviors that significantly interfere with home or community activities (examples include, but are not limited to, aggression, self-injury, and elopement); and
3. Have a diagnostic evaluation performed by a licensed physician or licensed psychologist, resulting in a diagnosis of ASD, and recommending ABA services as medically necessary.

[(3)](4) Provider Criteria.

(A) To direct, supervise, and render ABA services, a professional shall meet the following specifications:

1. Be currently licensed [by Missouri] as an LBA or LP;
2. In order to be reimbursed by the MO HealthNet Division for ABA services, an LP must have ABA in his/her education, training, and experience;
- [2.]3. Be covered by professional liability insurance [to] with **minimum** limits of one (1) million dollars per occurrence, three (3) million dollars aggregate;
- [3.]4. Have no sanctions or disciplinary actions by the applicable state licensing board or the BACB;
- [4.]5. Have no current overpayment(s) due MO HealthNet and no Medicare or Medicaid sanctions or exclusions from participation in federally funded programs; and
- [5.]6. Be currently enrolled with MO HealthNet as a provider.

(B) Assistant behavior analysts who render or supervise ABA services shall meet the following qualifications:

1. Be currently licensed [by Missouri] as an LABA;
2. Be currently supervised by a [Missouri] LBA[.];
 - A. The supervisory relationship must be documented in writing;
 3. Be covered by professional liability insurance [to] with **minimum** limits of one (1) million dollars per occurrence, three (3) million dollars aggregate;
 4. Have no sanctions or disciplinary actions by the state licensing board or BACB;
 5. Have no current overpayment(s) due MO HealthNet and no Medicaid or Medicare sanctions or exclusions from participation in federally funded programs; and
 6. Be currently enrolled with MO HealthNet as a provider.

(C) Technicians who render ABA services shall —

1. Be credentialed by the BACB as an RBT®;
2. Work under the supervision of an LBA, LP (if officially granted supervisory privileges by the BACB), or LABA to the extent allowed for holders of the latter credential and at the discretion of the supervising LBA. RBT®s are required by the

BACB to be supervised by LBAs who are also Board Certified Behavior Analysts, Board Certified Behavior Analysts-Doctoral, Board Certified Assistant Behavior Analysts, or members of a professional group officially granted supervisory privileges by the BACB[;].

A. The supervisory relationship must be documented in writing; and

3. Have no current overpayment(s) due MO HealthNet and no Medicaid or Medicare sanctions or exclusions from participation in federally funded programs.

[(4)](5) Covered Services and Limitations.

(A) MO HealthNet covered ABA services (ABA assessment for intervention planning and ABA intervention) must be –

1. Medically necessary;
2. Precertified by MO HealthNet or its designee;
3. Delivered in accordance with the *[recipient's] participant's* treatment plan; and
4. Overseen and delivered by providers who meet criteria specified herein.

(B) Medical necessity for **initial** ABA assessment for intervention planning shall be determined based on a diagnostic evaluation. **Medical necessity for periodic reassessments shall be determined based on rationale for reassessment, to include but not limited to such considerations as readministration of tools, new behavior observed, new environment and participant responding differently, or lack of adequate progress.** Medical necessity for ABA intervention shall be determined based on an ABA assessment for intervention planning for initial intervention. Medical necessity for continued ABA intervention beyond the initial precertification period shall be determined based upon requested documentation including, but not limited to, updated treatment plan and progress graphs. **If progress is not evident, identification of barriers to progress and strategies to improve effectiveness of interventions are required.**

(C) ABA intervention services may be precertified for a time period not to exceed one hundred[-] eighty (180) days. Services provided without precertification shall not be considered for reimbursement, except in the case of retroactive MO HealthNet eligibility.

(D) Service Limitations.

1. Services shall be based upon the individual needs of the child and must give consideration to the child's age, school attendance requirements, and other daily activities as documented in the treatment plan.

2. Services must be delivered in a clinically appropriate setting for the behavior being treated.

[(5)](6) Not Medically Necessary/Non-Covered Services. The following services do not meet medical[ly] necessity criteria, nor qualify as MO HealthNet covered ABA services:

(A) Intervention services rendered when measurable functional improvement is not expected and services are not necessary to maintain function or prevent deterioration;

(B) Services that are solely educational are not covered. ABA treatment goals, objectives, and procedures that may be related in some way to educational activities but are medically necessary to address the deficits and symptoms of ASD in an individual are covered;

[(C) Educational services provided under an individualized family service plan (IFSP) or an individualized educational program (IEP), as required under the federal Individuals with Disabilities Education Act (IDEA);]

[(D)](C) Services that are solely vocational or recreational are not covered. ABA treatment goals, objectives, and procedures that may be related in some way to vocational or recreational activities but are medically necessary to address the deficits

and symptoms of ASD in an individual are covered; and

[(E)](D) Custodial care is not an ABA service and is not covered as part of this benefit. Developing, restoring, or maintaining self-help, daily living, or safety skills as part of an ABA treatment plan does not constitute custodial care and are covered.

[(6)](7) ABA Treatment Plan.

(A) ABA intervention services shall be rendered in accordance with the individual's treatment plan. The treatment plan shall –

1. Be person centered and individualized;
2. Be developed by an LBA or LP;
3. Be based on the ABA assessment for intervention planning;
4. *Delineate the baseline levels of target behaviors;*
5. *Specify long- and short-term objectives that are defined in observable, measurable, behavioral terms;*
6. *Specify the criteria that will be used to determine achievement of objectives;]*

[7.]4. Include assessment and treatment protocols for addressing each of the target behaviors;

[8.] *Clearly identify the schedule of services planned and the individuals responsible for delivering the services, including frequent review of data on target behaviors and adjustments in the treatment plan and/or protocols by the LBA or LP as needed;]*

[9.]5. Include training to enable LABAs and RBT's to implement assessment and treatment protocols;

[10.]6. Include training and support to enable parents and other caregivers to participate in treatment planning and treatment plan implementation;

[11.]7. Include care coordination involving the parents or caregiver(s), school, state disability programs, and others as applicable; and

[12.]8. Be consistent with applicable professional standards and guidelines relating to the practice of ABA as well as state Medicaid laws and regulations and applicable Missouri licensure laws and regulations.

[(7)](8) Reimbursement Methodology.

(A) MO HealthNet shall provide reimbursement for ABA services to enrolled LBAs or LPs who are currently licensed and in good standing with the state. Payment for services rendered by LABAs shall be made to the LBA supervising and employing these personnel. Payment for services rendered by technicians shall be made to the LBA or LP supervising and employing these personnel. If the LBA or LP operates through an agency or corporate entity, payment may be made to that agency or entity. Reimbursement for ABA services shall not be made to or for services rendered by a parent, a legal guardian, or other legally responsible person.

(B) Reimbursement for ABA services is made on a fee-for-services basis. The maximum allowable fee for a unit of service has been determined by the MO HealthNet to be a reasonable fee, consistent with efficiency, economy, and quality of care. Payment for covered services is the lower of the provider's actual billed charge (should be the provider's usual and customary charge to the general public for the service), or the maximum allowable per unit of service. Reimbursement shall only be made for services *[authorized]* precertified by *[the Medicaid agency]* MO HealthNet or its designee.

(C) The fee schedule and any annual/periodic adjustments to the fee schedule are published at *[http://www.dss.mo.gov/mhd/providers/index.htm]* <https://dss.mo.gov/mhd/providers/pages/cptagree.htm>. **The fee schedule is incorporated by reference and made a part of this rule as published by the Department of Social Services, Division of Legal Services,**

221 West High Street, Jefferson City, MO 65101, at its website, at <https://apps.dss.mo.gov/fmsFeeSchedules/default.aspx>, August 25, 2022. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: sections 208.201 and 660.017, RSMo [Supp. 2013] 2016. Original rule filed Dec. 14, 2015, effective July 30, 2016. Amended: Filed Aug. 25, 2022.

PUBLIC COST: This proposed amendment is estimated to cost the MO HealthNet Division three hundred sixty-six thousand six hundred sixty-nine dollars and seventy-one cents (\$366,669.71) annually in reimbursement for services provided by provisional licensed behavior analysts.

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.*

**FISCAL NOTE
PUBLIC COST**

- I. Department Title:** Title 13 - Department of Social Services
Division Title: Division 70 - MO HealthNet Division
Chapter Title: 98- Behavioral Health Services

Rule Number and Name:	13 CSR 70-98.030 Applied Behavior Analysis Services
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Social Services MO HealthNet Division	\$366,669.71 annually in increased provision of Applied Behavior Analysis services by provisional licensed behavior analysts and provisional licensed assistant behavior analysts.

III. WORKSHEET

For calendar year 2018:

ABA Services	Providers	Participants	Total Reimbursement	Average Annual Reimbursement per Provider
	118	582	\$3,933,366.01	\$33,333.61

As of 2/13/19 there are 25 provisional licensed behavior analysts in Missouri and 2 provisional licensed assistant behavior analysts. Based on the below assumptions, MHD estimates additional enrollment of 11 provisional licensed providers. Based on average annual reimbursement per provider, this would result in an increase of \$366,669.71 (11 x \$33,333.61).

IV. ASSUMPTIONS

40% of licensed behavior analysts in Missouri are enrolled with MHD. 55% of licensed assistant behavior analysts in Missouri are enrolled with MHD.

Title 20 – DEPARTMENT OF COMMERCE AND INSURANCE
Division 2120 – State Board of Embalmers and Funeral Directors
Chapter 1 – Organization and Description of Board

PROPOSED AMENDMENT

20 CSR 2120-1.040 Definitions. The board is amending sections (15) and (21).

PURPOSE: The proposed amendment provides clarification on the examination requirements.

(15) Embalmer examination – an examination consisting of the following:

(A) National Board Funeral Service Arts examination developed and furnished by the International Conference of Funeral Service Examining Boards, Inc., or *[designee of the board]* **other equivalent nationally accredited agency approved by the board which develops examinations for licensure of individuals in the death care profession;**

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

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

[(D)](C) Missouri Law examination.

(21) Funeral director examination – an examination consisting of the following:

(A) National Board Funeral Service Arts examination developed and furnished by the International Conference of Funeral Service Examining Boards, Inc., or *[designee of the board]* **other equivalent nationally accredited agency approved by the board which develops examinations for licensure of individuals in the death care profession; and**

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

[(C)](B) Missouri Law examination.

AUTHORITY: sections 333.011 and 333.111, RSMo 2016. This rule originally filed as 4 CSR 120-1.040. Original rule filed Dec. 31, 2003, effective July 30, 2004. Moved to 20 CSR 2120-1.040, effective Aug. 28, 2006. Amended: Filed Jan. 30, 2007, effective July 30, 2007. Amended: Filed July 22, 2009, effective Jan. 30, 2010. Amended: Filed March 9, 2020, effective Sept. 30, 2020. Amended: Filed Aug. 30, 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 State Board of Embalmers and Funeral Directors, Patty Faenger, Executive Director, 3605 Missouri Boulevard, PO Box 423, Jefferson City, MO 65102-0423, by facsimile at (573) 751-1155, or via email to embalm@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 20 – DEPARTMENT OF COMMERCE AND INSURANCE
Division 2120 – State Board of Embalmers and Funeral Directors
Chapter 2 – General Rules

PROPOSED AMENDMENT

20 CSR 2120-2.010 Embalmer's Registration and Apprenticeship. The board is adding new sections (9) and (12), renumbering as necessary, and amending newly numbered sections (13), (14), and (17).

PURPOSE: The proposed amendment provides clarification on the examination requirements.

(9) Effective January 1, 2023, the Missouri State Board embalmers' examination shall consist of the National Board Funeral Service Arts section, the National Board Funeral Service Science section, and Missouri Law section. Application, payment, scheduling, and administration for the national board examinations will be made directly through the International Conference of Funeral Service Examining Boards, Inc., or other equivalent nationally accredited agency approved by the board. An applicant shall be exempt from the requirement of successful completion of the Missouri Law section if the applicant has successfully completed the Missouri Law section for another Missouri license within the jurisdiction of the board and the license is in active status.

[(9)](10) The embalming examination shall cover knowledge of the subjects of embalming, anatomy, pathology, bacteriology, mortuary administration, chemistry, restorative arts, together with statutes, rules, and regulations governing the care, custody, shelter, and disposition of dead human bodies and the transportation thereof.

[(10)](11) An applicant shall submit proof of having satisfied the requirements of the National Board Funeral Service Arts section and the National Board Funeral Service Science section of the examination by having his/her official copy of the scores from the International Conference of Funeral Service Examining Boards, Inc., or designee of the board transmitted to the board from the Conference. In lieu of the National Board Funeral Service Arts examination, successful completion of the Missouri Funeral Service Arts examination will be accepted, or the board may accept successful completion of an examination administered by another state, territory, or province of the United States that is substantially equivalent or more stringent than the Missouri Funeral Service Arts examination.

(12) Effective January 1, 2023, the Missouri Funeral Service Arts section of the examination will no longer be administered in lieu of the National Funeral Service Arts section; however, an applicant may submit proof of having satisfied the requirements of the Missouri Funeral Service Arts section of the examination in lieu of the National Board

Funeral Service Arts section of the examination by having his/her official copy of the scores from the International Conference of Funeral Service Examining Boards, Inc., or other equivalent nationally accredited agency approved by the board, transmitted to the board from The Conference. The board will accept the successful score of the Missouri Funeral Service Arts examination taken prior to January 1, 2023, as long as the application, including the exam score is submitted per the requirements as outlined in board rules.

[(11)](13) Those applicants achieving seventy-five [percent] (75%) on each of the three (3) sections of the embalming examination will be deemed to have passed the board's embalming examination. Any applicant who scores less than seventy-five [percent] (75%) on any section of the embalming examination may retake the failed section, upon application and payment of the administration and reexamination fees. On any reexamination of a single failed section, the applicant shall score at least seventy-five [percent] (75%) to pass.

[(12)](14) After the applicant has made a passing grade *[on the National Board Funeral Service Arts section and the National Board Funeral Service Science section of the embalming examination, s/he]* on the national and/or state examinations as outlined in board rule, the applicant then may apply for registration as an apprentice embalmer. *[In lieu of the National Board Funeral Service Arts examination, successful completion of the Missouri Funeral Service Arts examination will be accepted, or the board may accept successful completion of an examination administered by another state, territory, or province of the United States that is substantially equivalent or more stringent than the Missouri Funeral Service Arts examination.]* This application shall contain the name(s) of the Missouri licensed embalmer(s) under whom **[s/he] the applicant** will serve. Each supervisor must be licensed and registered with and approved by the board. Any change in supervisor shall also be registered and approved within ten (10) business days after the change has been made. Applications shall be submitted on the forms provided by the board and shall be accompanied by the applicable fee. Application forms are available from the board office or the board's website at <http://pr.mo.gov/embalmers.asp>.

[(13)](15) Each apprentice embalmer shall provide to the board, on the application provided by the board, the name(s), location(s), and license number(s) of the licensed funeral establishment(s) where **[s/he] the apprentice** is serving as an apprentice. If the apprentice embalmer begins work at any other licensed funeral establishment during the period of apprenticeship, the apprentice embalmer shall notify the board, on the form provided by the board, within ten (10) business days after the change has been made.

[(14)](16) The period of apprenticeship under this rule shall be at least twelve (12) consecutive months. The apprentice embalmer shall devote at least thirty (30) hours per week to his/her duties as an apprentice embalmer. During the period of the apprenticeship, the certificate of registration issued to the apprentice shall be displayed, at all times, in a conspicuous location accessible to the public at each funeral establishment where the apprentice is working.

[(15)](17) Prior to completion of the period of apprenticeship, the apprentice embalmer shall achieve a grade of seventy-five [percent] (75%) or greater on the Missouri Law exam. This exam may be taken any time after graduating from an accredited institution of mortuary science, but shall be suc-

cessfully completed prior to appearing before the board for oral examination. The Missouri Law exam covers knowledge of Chapter 333, RSMo, and the rules governing the practice of embalming, funeral directing, and funeral home licensing, along with government benefits, statutes, and rules governing the care, custody, shelter, disposition, and transportation of dead human bodies. The Missouri Law section also contains questions regarding Chapter 436, RSMo, relating to pre-need statutes and Chapters 193 and 194, RSMo, relating to the Missouri Department of Health and Senior Services statutes, as well as questions regarding Federal Trade Commission rules and regulations and Occupational Safety and Health Administration (OSHA) requirements as they apply to Missouri licensees. Notification of intent to take this section of the examination shall be received by the board at least fifteen (15) working days prior to the date the candidate plans to sit for the examination.

[(16)](18) An affidavit provided by the board, signed by both the apprentice and the supervisor(s) verifying that the applicant has successfully completed the embalming of twenty-five (25) dead human bodies, shall be submitted to the board at the time of completion of the apprenticeship period and prior to the oral examination.

[(17)](19) After successful completion of the embalmer's examination and the embalmer apprenticeship as provided in these rules, the embalmer applicant shall appear for the oral examination. To appear for the oral examination, the embalmer applicant shall:—

(A) Submit an application on a form supplied by the board and pay the applicable fees to the board; and

(B) Successfully pass the oral examination administered by the board for licensure.

[(18)](20) The oral examination shall be conducted by one (1) or more board members who hold a Missouri state embalmer license, or a member of the board staff that is a licensed embalmer, and shall be conducted in person at a place and time established by the board. The oral examination shall consist of no fewer than five (5) substantive questions related to the practice of embalming and/or the statutes, rules, and regulations governing embalming practice in the state of Missouri. Whether the applicant satisfactorily completes the oral examination shall be in the sole discretion of the board.

[(19)](21) After satisfactory completion of these requirements, an embalmer's license shall be issued to an apprentice embalmer upon payment of the applicable fee and subject to the provisions of section 333.121, RSMo.

[(20)](22) An applicant shall meet the requirements of the board for licensure within five (5) years of his/her graduation from an accredited institution of mortuary science. If the applicant fails to meet the requirements of the board within the required time, a new application and applicable fees shall be filed with the board and the applicant shall be required to appear for the oral examination within five (5) years of the new date of application. No previous practicum, apprenticeship, application, or Missouri Law section will be considered for a new application. However, the successful examination results of the National Board Funeral Service Arts section and the National Board Funeral Service Science section, or designee of the board will be accepted.

[(21)](23) A Missouri licensed embalmer may engage in the practice of embalming in the state of Missouri only in Missouri licensed funeral establishments. Each embalmer shall inform

the board in writing of each funeral establishment name(s), location(s), and license number(s) where the embalmer is performing embalming.

[(22)](24) A Missouri licensed embalmer has the ongoing obligation to keep the board informed if the licensee has been finally adjudicated or found guilty, or entered a plea of guilty or *nolo contendere*, in a criminal prosecution under the laws of any state or of the United States, whether or not sentence was imposed. This information shall be provided to the board within thirty (30) days of being finally adjudicated or found guilty.

[(23)](25) Any embalmer licensed by the board in the state of Missouri who wishes to become a licensed funeral director shall be required to comply with all requirements necessary for licensure as a funeral director, except[,] the Missouri licensed embalmer shall be exempt from the requirement of a funeral director apprenticeship.

[(24)](26) Should an individual desire to obtain a Missouri embalmer's license after his/her license has become void under section 333.081.3, RSMo, the individual shall be required to make application, obtain a passing grade on the embalmer examination, and shall be required to complete a six (6) consecutive month period of apprenticeship during which time s/he shall be required to embalm at least twelve (12) dead human bodies under the supervision of a Missouri licensed embalmer. The applicant shall be required to pay the current applicable apprenticeship and application fees to obtain a new embalmer's license under this section. No previous apprenticeship, application, or examination will be considered for a new application under this section. However, the successful examination results of the National Board Funeral Service Arts section and the National Board Funeral Science section will be accepted.

[(25)](27) After successful completion of the embalmer's examination and the embalmer apprenticeship as provided in these rules, the embalmer applicant shall appear for the oral examination at a location specified by the board. To arrange for the oral examination, the embalmer applicant shall submit an application of a form supplied by the board and pay the applicable fees to the board. Applicants shall successfully pass the oral examination administered by the board for licensure.

[(26)](28) All certificates, registrations, and licenses, or duplicate copies thereof[,] issued by the State Board of Embalmers and Funeral Directors shall be displayed at all times in a conspicuous location accessible to the public in each office or place of business where they work, for inspection by any duly authorized agent of the board.

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

AUTHORITY: section[s] 333.041, [333.081, and 333.121,] RSMo Supp. [2008] 2022, and sections 333.081, 333.091, [SB 1, Ninety-fifth General Assembly 2009, and section] 333.111, and 333.330, RSMo [2000] 2016. This rule originally filed as 4 CSR 120-2.010. Original rule filed Oct. 17, 1975, effective Oct. 28, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 30, 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 State Board of Embalmers and Funeral Directors, Patty Faenger, Executive Director, 3605 Missouri Boulevard, PO Box 423, Jefferson City, MO 65102-0423, by facsimile at (573) 751-1155, or via email to embalm@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 20 – DEPARTMENT OF COMMERCE AND INSURANCE
Division 2120 – State Board of Embalmers and Funeral Directors
Chapter 2 – General Rules**

PROPOSED AMENDMENT

20 CSR 2120-2.060 Funeral Directing. The board is amending section (2), adding new sections (4), renumbering as necessary, and amending newly numbered sections (12), (25), and (27).

PURPOSE: The proposed amendment provides clarification on the examination requirements.

(2) Every person who desires to enter the profession of funeral directing in Missouri and who is not entitled to a license under section 333.051, RSMo, shall make application with the board for a Missouri funeral director license on the forms provided by the board and shall pay the funeral director application fee directly to the board. *[If the applicant has successfully completed the National Board Funeral Service Arts examination, no Missouri Funeral Service Arts examination is required.]* Application forms can be obtained from the board office or the board's website at <http://pr.mo.gov/embalmers.asp>.

(4) Effective January 1, 2023, the funeral director examination developed by the International Conference of Funeral Service Examining Boards, Inc., or other nationally accredited agency approved by the board, shall consist of the Missouri Law section and the National Board Funeral Service Arts section. The board will accept the successful score of the Missouri Arts examination taken prior to January 1, 2023, as long as the application, including the exam score, is submitted per the requirements as outlined in board rules.

[(4)](5) To serve as an apprentice funeral director, the applicant shall file with the board a completed funeral director application on the form prescribed by the board and also shall complete an application to be registered as an apprentice funeral director on the form prescribed by the board and pay all applicable fees. Application forms and a list of fees can be obtained from the board office or on the board's website at <http://pr.mo.gov/embalmers.asp>.

[(5)](6) The funeral director apprenticeship is not intended as a long-term method of practicing as a funeral director in the absence of progress toward licensure. Accordingly, effective February 28, 2010, an apprentice shall not be allowed to register with the board for more than two (2) apprenticeship periods that begin on or after February 28, 2010, unless otherwise

approved by the board for good cause.

[(6)](7) Upon registration and payment in full of all applicable fees, the board shall issue the apprentice funeral director applicant a funeral director apprentice registration. This registration authorizes the apprentice registrant to engage in the practice of funeral directing under the supervision of a Missouri licensed funeral director. The funeral director apprentice registration, or a copy thereof, shall be displayed, at all times, in a conspicuous location accessible to the public at each establishment where the apprentice is working.

[(7)](8) The funeral director apprentice registration authorizes the registrant to engage in the practice of funeral directing only during the period of apprenticeship. Once the apprenticeship is successfully completed as defined in this rule, the funeral director apprentice registration shall become null and void. Any Missouri licensed funeral director who allows a former apprentice who has completed his/her apprenticeship to engage in the practice of funeral directing before that apprentice is fully licensed shall be subject to discipline for misconduct under section 333.121.2, RSMo.

[(8)](9) Each registered funeral director apprentice shall provide to the board, on the application prescribed by the board, the name(s), location(s), and license number(s) of each funeral establishment(s) where they are serving as an apprentice. The funeral director apprenticeship may be served at a funeral establishment licensed by a state, other than Missouri, upon submission of proof to the board that the out-of-state funeral home is licensed for the care and preparation for burial and transportation of human dead in this state or another state which has established standards for admission to practice funeral directing equal to, or more stringent than, the requirement for admission to practice funeral directing in this state. The funeral director apprenticeship shall be served under the supervision of a Missouri licensed funeral director. If the funeral director apprentice changes funeral establishments during the course of the apprenticeship, the apprentice shall notify the board, on the form prescribed by the board, of the name(s), location(s), and funeral establishment(s) license number of the new apprenticeship location within ten (10) business days after the change has been made.

[(9)](10) Successful completion of a funeral director apprenticeship shall consist of the following:

(A) Completed service as an apprentice funeral director for a period consisting of at least twelve (12) consecutive months in a Function C funeral establishment; and

(B) Filing with the board a notarized affidavit(s) signed by the apprentice and his/her supervisor(s) that he/she has arranged for and conducted a minimum of ten (10) funeral ceremonies under the supervision of a Missouri licensed funeral director.

[(10)](11) An apprentice will be eligible to take the funeral director examination after completion of the twelve (12) consecutive month period of apprenticeship.

[(11)](12) An applicant will be deemed to have successfully completed the funeral director examination when a score of seventy-five [percent] (75[%]) or better is achieved on each section. If the applicant fails a section of the examination, the applicant shall be permitted to retake that section of the examination.

[(12)](13) All notifications for the funeral director's examination shall be in writing and received by the board at least

forty-five (45) days prior to the date the candidate plans to sit for the examination.

[(13)](14) A college accredited by a recognized national, state, or regional accrediting body may seek the approval of the State Board of Embalmers and Funeral Directors for a course of study in funeral directing by submitting a description of the program, the college catalog listing the course of study, and evidence that the program has been approved to be offered in that institution by the administration of the college and the Missouri Coordinating Board for Higher Education.

[(14)](15) An applicant shall be exempt from the requirement of successful completion of the Missouri Law examination if the applicant has successfully completed the Missouri Law examination for another Missouri license within the jurisdiction of the board if the current license remains in active status.

[(15)](16) Any funeral director that allows an unlicensed person to make at-need arrangements for the transportation or removal of a dead human body for or on behalf of the funeral director shall supervise the unlicensed person and shall be responsible for the conduct of the unlicensed person. This section shall not be construed to allow any unlicensed person to perform any other act for which a license is required by Chapter 333, RSMo.

[(16)](17) A Missouri licensed funeral director shall be present and personally shall supervise or conduct each funeral ceremony conducted by or from a Missouri licensed funeral establishment. A violation of this section will be considered misconduct in the practice of funeral directing.

[(17)](18) A Missouri licensed funeral director shall be present and personally shall supervise any disinterment, interment, entombment, or cremation as defined in 20 CSR 2120-1.040 conducted by a Missouri licensed funeral establishment. However, nothing in this rule shall be interpreted as requiring the presence of a Missouri licensed funeral director if the person(s) having the right to control the incidents of burial request otherwise. If the disinterment does not require legal notification to the county coroner or medical examiner, a funeral director's presence may not be required. A violation of this section shall be deemed misconduct in the practice of funeral directing.

(A) Once the body has been delivered to a cemetery for the purpose of interment or to a crematory for the purpose of cremation and after any funeral ceremonies have been complete, the Missouri licensed funeral director is not required to stay with the body.

(B) Nothing in this rule shall be interpreted as requiring the Missouri licensed funeral director to leave the cemetery before disposition is complete. Furthermore, nothing in this rule shall be interpreted as relieving the Missouri licensed funeral director of any responsibilities he/she has under his/her contract with the person(s) having the right to control the incidents of burial.

[(18)](19) Any licensed funeral establishment or funeral director that makes arrangements for an unlicensed person to transport dead human bodies within the state of Missouri, or out of this state, is responsible for the conduct of the unlicensed person.

[(19)](20) A funeral director or funeral establishment licensed in another state that enters the state of Missouri solely for the purpose of transporting a dead human body through Missouri to another state, country, or territory shall not be deemed to

be in the practice of funeral directing or required to obtain a license from the board. This regulation does not exempt any person or entity from complying with any applicable statutes or regulations governing the transportation of dead human bodies, including, but not limited to, Chapters 193 and 194, RSMo.

[(20)](21) A Missouri licensed funeral establishment or funeral director shall not allow an unlicensed person to make the following at-need arrangements with the person having the right to control the incidents of disposition:

(A) Arrangements for final disposition, supervision of visitation and memorial ceremony, grave attendance, cremation, entering into a contractual relationship for performance of any other funeral services;

(B) Embalming, cremation, care, or preparation; and

(C) Nothing in this subsection shall be construed to apply to persons exempt from Chapter 333, RSMo.

[(21)](22) The taking of preliminary information by an unlicensed person will not be construed as the making of at-need funeral arrangements under this rule.

[(22)](23) No temporary Missouri funeral director license authorized under section 333.041.7, RSMo, will be issued until the board has been advised as to the location of the Missouri licensed funeral establishment at which the temporary funeral director's license will be used. The holder of the temporary license shall be authorized to only work at the Missouri licensed funeral establishment(s) where the deceased and/or disabled Missouri licensed funeral director was authorized to work. Violation of this rule will be deemed unauthorized practice of funeral directing.

[(23)](24) The business and practice of funeral directing may be conducted only from a fixed place or establishment which has been licensed by the board.

[(24)](25) Limited License.

(A) A person holding a limited license shall only be allowed to work in a funeral establishment that is licensed as a Function B establishment (cremation only). A limited funeral director shall only engage in the activities of funeral directing authorized for a Function B funeral establishment.

(B) Every person desiring a limited license shall provide the following to the board:

1. Proof of being at least eighteen (18) years of age;

2. Proof of possession of a high school diploma or its equivalent;

3. Evidence of being a person of good moral character;

4. Proof of successful completion by achieving a score of seventy-five [percent] (75[%]) or better on the Missouri Law examination;

5. Completed application form as provided by the board;

6. Payment of applicable fees;

7. Payment of any fee charged by the Missouri Highway Patrol for a criminal history background check; and

8. Any other information the board may require.

(C) Every limited licensee shall provide the board with the name, location, and license number of each Function B funeral establishment where he/she is employed.

(D) A limited licensee shall be obligated to comply with all Missouri laws governing funeral directors subject to the limitations imposed by this rule and section 333.042.2, RSMo.

(E) If a limited licensee desires to obtain a full funeral director's license, the licensee shall be required to complete an apprenticeship consisting of at least twelve (12) consecutive months as required by section 333.042.2, RSMo, and accompa-

nying regulations [OR] or fulfill the education requirements set forth in section 333.042.3, RSMo. The limited licensee shall also provide to the board proof of successful completion of the remaining sections of the funeral director examination as required by these regulations. The applicant shall be exempt from the requirement of successful completion of the Missouri Law section if the applicant has successfully completed the Missouri Law section within twelve (12) months of the date that the board receives the new application.

[(25)](26) All certificates, registrations, and licenses, or duplicate copies thereof, issued by the State Board of Embalmers and Funeral Directors shall be displayed at all times in a conspicuous location accessible to the public in each office(s) or place(s) of business where they work, for inspection by any duly authorized agent of the board.

[(26)](27) Should an individual desire to obtain a Missouri funeral director's license after his/her license has become void under section 333.081.3, RSMo, the individual shall be required to make new application and pay all applicable fees to the board. No previous apprenticeship, application, or examination will be considered for the new application. However, the board shall accept the successful completion of the National Board Funeral Service Arts or the Missouri Funeral Service Arts, **if applicable**, examination for new application.

[(27)](28) A Missouri licensed funeral director may engage in the practice of funeral directing in the state of Missouri only in Missouri licensed funeral establishments. Each Missouri licensed funeral director shall inform the board in writing, in a timely manner, of each Missouri licensed funeral establishment name(s), location(s), and license number(s) where the Missouri licensed funeral director is engaged in funeral directing.

[(28)](29) A Missouri licensed funeral director has the ongoing obligation to keep the board informed if the licensee has been finally adjudicated or found guilty, or entered a plea of guilty or *nolo contendere*, in a criminal prosecution under the laws of any state or of the United States, whether or not sentence was imposed. This information shall be provided to the board within thirty (30) days of being finally adjudicated or found guilty.

[(29)](30) Person Deemed to be Engaged in the Practice of Funeral Directing.

(A) No person shall be deemed by the board to be engaged in the practice of funeral directing or to be operating a funeral establishment if the person prepares, arranges, or carries out the burial of the dead human body of a member of one's own family or next of kin as provided by section 194.119, RSMo, provided that the activity is not conducted as a business or for business purposes.

(B) The board shall not deem a person to be engaged in the practice of funeral directing or to be operating a funeral establishment if the person prepares, arranges, or carries out the burial of a dead human body pursuant to the religious beliefs, tenets, or practices of a religious group, sect, or organization, provided that the activity is not conducted as a business or for business purposes.

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

AUTHORITY: sections 333.041[,] and 333.042, [and 333.121,] RSMo Supp. [2008] 2022, and sections 333.091, [SB 1, Ninety-fifth General Assembly 2009, and section] 333.111, and 333.330, RSMo [2000] 2016. This rule originally filed as 4 CSR 120-2.060. Original rule filed Oct. 17, 1975, effective Oct. 28, 1975. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Aug. 30, 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 State Board of Embalmers and Funeral Directors, Patty Faenger, Executive Director, 3605 Missouri Boulevard, PO Box 423, Jefferson City, MO 65102-0423, by facsimile at (573) 751-1155, or via email to embalm@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 20 – DEPARTMENT OF COMMERCE AND
INSURANCE
Division 2245 – Real Estate Appraisers
Chapter 2 – General Rules**

PROPOSED AMENDMENT

20 CSR 2245-2.020 Commission Action. The commission is amending section (3).

PURPOSE: This amendment is necessary to ensure confidentiality of a licensee's file.

(3) Upon receipt of a complaint in proper form, the commission may investigate the actions of the licensee against whom the complaint is made. In conducting an investigation, the commission, at its discretion, may request the licensee under investigation to answer the charges made against him/her in writing and to produce relevant documentary evidence and may request him/her to appear before the commission. [A copy of any written answer of the licensee may be furnished to the complainant.] Upon its own motion, the commission may initiate an inquiry or investigation against an applicant or a licensee. Failure of a licensee to respond in writing, within thirty (30) days from the date of the commission's written request or inquiry, mailed to the licensee's address currently registered with the commission, will be sufficient grounds for taking disciplinary action against that licensee.

AUTHORITY: section 339.509, RSMo 2016. This rule originally filed as 4 CSR 245-2.020. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Aug. 17, 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 Real Estate Appraisers Commission, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489, or via email at reac@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 20 – DEPARTMENT OF COMMERCE AND
INSURANCE
Division 2245 – Real Estate Appraisers
Chapter 2 – General Rules**

PROPOSED AMENDMENT

20 CSR 2245-2.030 Records. The commission is deleting sections (4) and (5).

PURPOSE: This regulation is being amended to update how record requests are handled.

[(4) Responding to Requests for Access.

(A) Whenever a request for access to public records is made and the custodian is uncertain whether or not that access is required under the provisions of Chapter 610, RSMo, the custodian shall consult with the Office of the Attorney General before making a determination whether to deny access to records. In the event that contact by the custodian with the Office of the Attorney General is not practicable or is impossible, the custodian may make a decision to deny access pending consultation with the attorney general's office and within three (3) days shall give this reason for delay to the person requesting the information. However, in those circumstances, the custodian shall consult with the Office of the Attorney General concerning the decision within five (5) working days of the decision.

(B) Whenever a decision is made to deny access, the custodian will comply with the requirements in section 610.023, RSMo concerning informing the individual requesting access to the records of the grounds for denial of the request.

(C) Whenever the custodian denies access to the records and the person requesting access requests in writing that the request and denial be reviewed by the commission, the custodian shall supply to members of the commission copies of the written response where the denial was conveyed to the requesting individual. At the next meeting of the commission, the commission shall either affirm the decision of the custodian or reverse the decision of the custodian. In the event that the commission decides to reverse the decision of the custodian, the commission shall direct the custodian to so advise the person requesting access to the information and supply the access to the information during regular business hours.

(D) Whenever document access, which access may be granted or denied in the discretion of the commission, is requested and the custodian is not certain of the position of the commission regarding the request, the custodian shall inform the person requesting access that the request is denied pending review of the request by the commission at the next meeting.

(5) The custodian shall maintain a file in which is retained, for a period of at least two (2) years, copies of all written requests for access to records and responses to those requests. The file shall be maintained as a public record of the commission open for inspection by any member of the general public during regular business hours.]

AUTHORITY: section 339.509, RSMo 2016. This rule originally

filed as 4 CSR 245-2.030. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. Moved to 20 CSR 2245-2.030, effective Aug. 28, 2006. Amended: Filed April 6, 2018, effective Oct. 30, 2018. Amended: Filed Aug. 17, 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 Real Estate Appraisers Commission, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489, or via email at reacom@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 20 – DEPARTMENT OF COMMERCE AND INSURANCE
Division 2245 – Real Estate Appraisers
Chapter 3 – Applications for Certification and Licensure

PROPOSED AMENDMENT

20 CSR 2245-3.010 Applications for Certification and Licensure. The committee is amending section (5) and deleting section (8).

PURPOSE: The regulation is being amended so it is consistent with AQB licensure criteria outlined in 20 CSR 2245-6.017.

[(5) Prerequisite for Certification.

(A) State-Certified General Real Estate Appraiser.

1. As a prerequisite for certification as a state-certified general real estate appraiser, an applicant shall present satisfactory evidence to the commission that the applicant possesses three thousand (3,000) hours of appraisal experience obtained continuously over a period of not less than thirty (30) months. Hours may be treated as cumulative in order to achieve the necessary three thousand (3,000) hours of appraisal experience, and there are no limitations on the number of hours which may be awarded in any year. The applicant, for experience credit, shall have accumulated a total of three thousand (3,000) hours of appraisal experience of which at least fifty percent (50%) (one thousand five hundred (1,500) hours) shall be in non-residential appraisal work and under the supervision of a state-certified general real estate appraiser.

(B) State-Certified Residential Appraiser.

1. The prerequisite for certification as a state-certified residential appraiser shall be two thousand five hundred (2,500) hours of appraisal experience obtained continuously over a period of not less than twenty-four (24) months under the supervision of a state-certified real estate appraiser. Hours may be treated as cumulative in order to achieve the necessary two thousand five hundred (2,500) hours of appraisal experience, and there is no limitation on the number of hours which may be awarded in any year. Each applicant for certification shall furnish, under oath, a detailed listing of the real estate appraisal reports or file memoranda for each year for which experience is claimed by the applicant. Upon request, the applicant shall make available to the commission a sample of appraisal reports

which the applicant has prepared in the course of the applicant's appraisal practice. For the purposes of this section, "prepared" means the participation in any function of the real estate appraisal report. Education may not be substituted for experience except as allowed in section (8) of this rule. All experience shall have been obtained after January 30, 1989, and shall be Uniform Standards of Professional Appraisal Practice (USPAP) compliant. The USPAP, 2020 Edition, is incorporated herein by reference and can be obtained from The Appraisal Foundation, 1155 15th Street NW, Suite 1111, Washington, DC 20005, by calling (202) 347-7722, or at www.appraisalfoundation.org. This rule does not incorporate any subsequent amendments or additions to the USPAP. Acceptable appraisal experience as defined by the Appraiser Qualifications Board (AQB) includes, but is not limited to, the following (this should not be construed as limiting credit to only those individuals who are state-certified or state-licensed):

- A. Fee and staff appraisal;
- B. Ad valorem tax appraisal;
- C. Technical review appraisal;
- D. Appraisal analysis;
- E. Real estate consulting;
- F. Highest and best use analysis;
- G. Feasibility analysis/study; and
- H. Condemnation appraisal.

(C) State-Licensed Real Estate Appraiser.

1. As a prerequisite for licensure as a state-licensed real estate appraiser, an applicant shall present satisfactory evidence to the commission that the applicant possesses the equivalent of two thousand (2,000) hours of appraisal experience obtained over a period of not less than twelve (12) months under the supervision of a state-certified real estate appraiser and supported by adequate written reports or file memoranda. Hours may be treated as cumulative in order to achieve the necessary two thousand (2,000) hours of appraisal experience.]

[(D)](5) Applicants.

[1.](A) Each applicant for licensure shall furnish, under oath, a summarized listing of the real estate appraisal reports or file memoranda for each year for which experience is claimed by the applicant. Upon request, the applicant shall make available to the commission a sample of the appraisal reports that the applicant has prepared in the course of the applicant's appraisal practice. For the purposes of this section, "prepared" means the participation in any functions of the real estate appraisal report.

[2.](B) [Education may not be substituted for experience except as allowed in section (8) of this rule.] All experience shall have been obtained after January 30, 1989, and shall be USPAP compliant. Acceptable appraisal experience as defined by the AQB includes[,] but is not limited to[,] the following (this should not be construed as limiting credit to only those individuals who are state-certified or state-licensed):

- [A.]1.** Fee and staff appraisal;
- [B.]2.** Ad valorem tax appraisal;
- [C.]3.** Technical review appraisal;
- [D.]4.** Appraisal analysis;
- [E.]5.** Real estate consulting;
- [F.]6.** Highest and best use analysis;
- [G.]7.** Feasibility analysis/study; and
- [H.]8.** Condemnation appraisal.

[(8) Effective January 1, 2008, there need not be a client in order for an appraisal to qualify for experience, but experience gained for work without a client cannot exceed fifty percent (50%) of the total experience requirement. Case study or practicum courses that are approved by the AQB course approval program, or by an alternate method established by the

AQB, can satisfy the non-client experience requirement. A case study or practicum course shall include the generally applicable methods of appraisal practice for the credential category. A real estate appraisal assignment from a case study or practicum course shall require actual problem solving skills for a variety of property types for the credential category. Credit shall be granted for a maximum of thirty (30) classroom hours of instruction and a maximum of ninety (90) hours of experience credit per course. Content of case study or practicum courses shall include, but not be limited to:

(A) Requiring the student to produce credible appraisals that utilize an actual subject property;

(B) Performing actual market research containing actual sales analysis; and

(C) Applying and reporting the applicable appraisal approaches in conformity with USPAP.]

AUTHORITY: sections 339.509, 339.515, and 339.517, RSMo 2016. This rule originally filed as 4 CSR 245-3.010. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Aug. 17, 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 Real Estate Appraisers Commission, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489, or via email at reacom@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 20 – DEPARTMENT OF COMMERCE AND INSURANCE

Division 2245 – Real Estate Appraisers Chapter 6 – Educational Requirements

PROPOSED RESCISSION

20 CSR 2245-6.016 Examinations and Education. This rule defined the examination and education requirements for each level of registration, licensure, and certification for real estate appraisers.

PURPOSE: The rule is being rescinded due to outdated examination and education requirements.

AUTHORITY: sections 339.509, 339.511, and 339.515, RSMo Supp. 2012, and section 339.544, RSMo 2000. Original rule filed Nov. 13, 2012, effective June 30, 2013. Rescinded: Filed Aug. 29, 2022.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Real Estate Appraisers Commission, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489, or via email at reacom@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 20 – DEPARTMENT OF COMMERCE AND INSURANCE

Division 2245 – Real Estate Appraisers Chapter 6 – Educational Requirements

PROPOSED RESCISSION

20 CSR 2245-6.040 Case Study Courses. This rule established the criteria for real estate appraising education providers to obtain approval of case study courses that could be offered for both education and experience credit towards licensure and/or certification.

PURPOSE: Case study courses were never developed so the commission is rescinding the rule.

AUTHORITY: section 339.509(3) and (4), RSMo 2016. Original rule filed Nov. 21, 2006, effective July 30, 2007. For intervening history, please consult the **Code of State Regulations**. Rescinded: Filed Aug. 17, 2022.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Real Estate Appraisers Commission, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489, or via email at reacom@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 20 – DEPARTMENT OF COMMERCE AND INSURANCE

Division 2245 – Real Estate Appraisers Chapter 7 – Prelicense Course Approval

PROPOSED AMENDMENT

20 CSR 2245-7.060 Investigation and Review. The committee is amending section (2).

PURPOSE: The amendment removes language regarding the approval of instructors or courses.

(2) If the commission determines that a course provider, instructor, or course is in violation of any of these rules or otherwise fails to maintain reasonable standards, notice in writing specifying the defect will be transmitted promptly to the course provider, the instructor, or both. Failure of the provider, the instructor, or both[,] to correct the defects within thirty (30) days shall [be grounds for suspension or revocation of approval. The commission may deny, revoke, suspend or place on probation the approval of an instructor or course, if not

in compliance with the license law or these rules or if the level of performance or credentials are not in the public interest, or that the application or supporting material contains any false statement or substantial misrepresentation] void the commission's prior approval.

AUTHORITY: sections 339.509[RSMo 2000] and 339.517, RSMo [Supp. 2006] 2016. This rule originally filed as 4 CSR 245-7.060. Original rule filed Aug. 14, 1991, effective Jan. 13, 1992. Moved to 20 CSR 2245-7.060, effective Aug. 28, 2006. Amended: Filed Nov. 21, 2006, effective July 30, 2007. Amended: Filed Aug. 17, 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 Real Estate Appraisers Commission, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489, or via email at reacom@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 20 – DEPARTMENT OF COMMERCE AND
INSURANCE
Division 2245 – Real Estate Appraisers
Chapter 8 – Continuing Education**

PROPOSED AMENDMENT

20 CSR 2245-8.020 Course Approval. The commission is deleting section (6).

PURPOSE: The amendment removes language regarding the schedule of courses.

[(6) Dates, times and the location(s) of course offerings shall be submitted to the commission at least thirty (30) days prior to each course offering.]

AUTHORITY: sections 339.509 and 339.530, RSMo [2000] 2016. This rule originally filed as 4 CSR 245-8.020. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 17, 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 Real Estate Appraisers Commission, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489, or via email at reacom@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 20 – DEPARTMENT OF COMMERCE AND
INSURANCE
Division 2245 – Real Estate Appraisers
Chapter 8 – Continuing Education**

PROPOSED AMENDMENT

20 CSR 2245-8.050 Investigation and Review. The commission is amending section (2).

PURPOSE: This amendment removes language regarding approval of instructors or courses.

(2) If the commission determines that a course provider's instructor or course is in violation of any of these rules or otherwise fails to maintain reasonable standards, notice in writing specifying the defect will be transmitted promptly to the course provider [or], the instructor, or both. Failure of the course provider [or], the instructor, or both to correct the defects within thirty (30) days shall [be grounds for suspension or revocation of approval. The commission may deny, revoke, suspend or place on probation the approval of an instructor or course, if not in compliance with the license law or these rules or if their level of performance or credentials are not in the public interest, or that their application (see 20 CSR 2245 Chapter 3) or supporting material contains any false statement or substantial misrepresentation] void the commission's prior approval.

AUTHORITY: sections 339.509 and 339.530, RSMo [2000] 2016. This rule originally filed as 4 CSR 245-8.050. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 17, 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 Real Estate Appraisers Commission, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489, or via email at reacom@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 20 – DEPARTMENT OF COMMERCE AND
INSURANCE
Division 2267 – Office of Tattooing, Body Piercing,
and Branding
Chapter 2 – Licensing Requirements**

PROPOSED AMENDMENT

20 CSR 2267-2.020 Fees. The office is amending section (3) and adding new section (5).

PURPOSE: This amendment reduces the individual biennial renewal fee for the 2023 renewal period and rescinds the fee for a temporary courtesy license.

(3) A person who wishes to practice as a tattooist, body piercer, or brander shall pay fees to the division as follows:

*[(E) Temporary Courtesy License Application Filing
Fee for nonresident military spouse \$ 50]*

(5) To ensure compliance with section 324.524, RSMo, the following renewal fees shall be effective March 1, 2023, through June 30, 2023:

(A) Establishment renewal fee	\$10
(B) Combined establishment renewal fee	\$10
(C) Practitioner renewal fee	\$10
(D) Combined practitioner renewal fee	\$10

*AUTHORITY: sections 41.950[, 324.008,] and 324.522, RSMo 2016. This rule originally filed as 4 CSR 267-2.020. Original rule filed Aug. 15, 2002, effective Feb. 28, 2003. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Aug. 29, 2022.*

PUBLIC COST: This proposed amendment will result in a decrease of revenue for Office of Tattooing, Body Piercing, and Branding of approximately three hundred thirty-six thousand three hundred ninety dollars (\$336,390) between March 1, 2023, and June 30, 2023.

PRIVATE COST: This proposed amendment will save private entities three hundred thirty-six thousand three hundred ninety dollars (\$336,390) between March 1, 2023, and June 30, 2023.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of Tattooing, Body Piercing, and Branding, PO Box 1335, Jefferson City, MO 65102, via facsimile at (573) 526-3489, or via email at tattoo@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Commerce and Insurance
Division 2267—Office of Tattooing, Body Piercing, and Branding
Chapter 2 - Licensing Requirements
Proposed Amendment - 220 CSR 2267-2.020 Fees

II. SUMMARY OF FISCAL IMPACT

Estimated Fiscal Impact Effective March 1, 2023 through June 30, 2023

Affected Agency or Political Subdivision	Estimated Annual Decrease in Revenue	
Office of Tattooing, Body Piercing, and Branding	\$336,390	
	Total Annual Loss of Revenue starting March 1, 2023 through June 30, 2023	\$336,390

III. WORKSHEET

See Private Entity Fiscal Note

IV. ASSUMPTION

1. The total loss of revenue is based on the cost savings reflected in the Private Entity Fiscal Note filed with this rule.
2. The board utilizes a rolling five year financial analysis process to evaluate its fund balance, establish fee structure and assess budgetary needs. The five year analysis is based on the projected revenue, expenses and number of licensees. Based on the board's recent five year analysis, the board voted on a reduction individual renewal fees.
3. It is anticipated that the total loss in revenue will begin FY2023, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE FISCAL NOTE**I. RULE NUMBER**

Title 20 - Department of Commerce and Insurance
 Division 2267—Office of Tattooing, Body Piercing, and Branding
 Chapter 2 - General Rules
 Proposed Amendment - 220 CSR 2267-2.020 Fees

II. SUMMARY OF FISCAL IMPACT

Estimated Fiscal Impact Effective March 1, 2023 through June 30, 2023

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated cost savings of compliance with the amendment by affected entities:
406	Establishment Renewal Fee (Fee Decrease @ \$190)	\$77,140
230	Combined Establishment Renewal Fee (Fee Decrease @ \$290)	\$66,700
1,840	Practitioner Renewal Fee (Fee Decrease @ \$90)	\$165,600
245	Combined Practitioner Renewal Fee (Fee Decrease @ \$110)	\$26,950
	Estimated Cost Savings from March 1, 2023 to June 30, 2023	\$336,390

III. WORKSHEET

See Table Above

IV. ASSUMPTION

- The figures reported above are based on FY23 actuals.
- It is anticipated that the total loss in revenue will begin FY2023, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

Note: The board is statutorily obligated to enforce and administer the provisions of sections 324.520 to 324.526, RSMo. Pursuant to section 324.522, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 324.520 to 324.526, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 324.520 to 324.526, RSMo.

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

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

**Title 9 – DEPARTMENT OF MENTAL HEALTH
Division 30 – Certification Standards
Chapter 4 – Mental Health Programs**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 630.192 and 630.193 to 630.198, RSMo 2016, the department amends a rule as follows:

9 CSR 30-4.0432 Assertive Community Treatment (ACT) in Community Psychiatric Rehabilitation Programs **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2022 (47 MoReg 569-571). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15 – ELECTED OFFICIALS
Division 30 – Secretary of State
Chapter 14 – Election Contributions**

ORDER OF RULEMAKING

By the authority vested in the secretary of state under Article

VIII, section 23(18) of the *Missouri Constitution*, the secretary of state amends a rule as follows:

15 CSR 30-14.010 Campaign Contribution Limits **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2022 (47 MoReg 886-887). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective on **January 1, 2023.**

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

By the authority vested in the board of trustees under section 169.020, RSMo Supp. 2022, the board of trustees hereby amends a rule of the Public School Retirement System of Missouri as follows:

16 CSR 10-5.020 Disability Retirement **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 2022 (47 MoReg 829-831). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 16 – RETIREMENT SYSTEMS
Division 10 – The Public School Retirement System
of Missouri
Chapter 6 – The Public Education Employee
Retirement System of Missouri**

ORDER OF RULEMAKING

By the authority vested in the board of trustees under section 169.020, RSMo Supp. 2022, the board of trustees hereby amends a rule of the Public School Retirement System of Missouri as follows:

16 CSR 10-6.070 Disability Retirement **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 2022 (47 MoReg 832-834). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20 – DEPARTMENT OF COMMERCE AND
INSURANCE****Division 2231 – Division of Professional Registration
Chapter 1 – Organization and Description of Division****ORDER OF RULEMAKING**

By the authority vested in the Division of Professional Registration under section 324.001, RSMo Supp. 2022, the division amends a rule as follows:

20 CSR 2231-1.010 General Organization is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 2022 (47 MoReg 835). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20 – DEPARTMENT OF COMMERCE AND
INSURANCE****Division 2231 – Division of Professional Registration
Chapter 2 – Designation of License Renewal Dates
and Related Renewal Information****ORDER OF RULEMAKING**

By the authority vested in the Division of Professional Registration under section 324.001, RSMo Supp. 2022, the division amends a rule as follows:

**20 CSR 2231-2.010 Designation of License Renewal Dates and
Related Renewal Information is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 2022 (47 MoReg 835-836). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

Salary Schedule Maintained pursuant to Section 105.005, RSMo

<u>Office</u>	<u>FY 2022 Salary</u>
<u>Elected Officials</u>	
Governor	\$ 137,167
Lt. Governor	88,646
Attorney General	119,348
Secretary of State	110,439
State Treasurer	110,439
State Auditor	110,439
<u>General Assembly</u>	
Senator	36,813
Representative	36,813
Speaker of House	39,313
President Pro Tem of Senate	39,313
Speaker Pro Tem of the House	38,313
Majority Floor Leader of House	38,313
Majority Floor Leader of Senate	38,313
Minority Floor Leader of House	38,313
Minority Floor Leader of Senate	38,313
<u>State Tax Commissioners**</u>	114,273
<u>Administrative Hearing Commissioners</u>	110,312
<u>Labor and Industrial Relations</u>	
Commissioners	115,935
<u>Division of Workers' Compensation</u>	
Chief Legal Counsel *	111,121
Administrative Law Judge *	122,762
Administrative Law Judge in Charge *	127,762
Director, Division of Workers' Compensation*	129,762
<u>Public Service Commissioners**</u>	114,273
	<u>FY 2022</u>
<u>Statutory Department Directors</u>	\$91,992 - \$156,456
Administration, Agriculture, Corrections, Economic Development, Labor and Industrial Relations, Natural Resources, Public Safety, Revenue, and Social Services	
<u>Probation and Parole</u>	
Chairman	\$76,728 - \$130,524
Board Members	\$69,336 - \$111,864

**Division of Workers' Compensation statutory salaries are tied to those of Associate Circuit Judges and are subject to appropriation.*

Salary Schedule Maintained pursuant to Section 476.405, RSMo

<u>Office</u>	<u>FY 2022 Salary</u>
<u>Supreme Court</u>	
Chief Justice	\$193,545
Judges	185,127
<u>Court of Appeals</u>	
Judges	169,214
<u>Circuit Court</u>	
Circuit Court Judges	159,578
Associate Circuit Judges	146,812
<u>Juvenile Officers</u>	
Juvenile Officer	50,534
Chief Deputy Juvenile Officer	44,003
Deputy Juvenile Officer Class 1	39,265
Deputy Juvenile Officer Class 2	35,802
Deputy Juvenile Officer Class 3	32,694
<u>Court Reporters</u>	60,072
<u>Probate Commissioner *</u>	149,723
<u>Deputy Probate Commissioner *</u>	137,745
<u>Family Court Commissioner *</u>	137,745
<u>Circuit Clerk</u>	
1st Class Counties	74,001
St. Louis City	119,326
Jackson, Jasper & Cape Girardeau	78,429
2nd & 4th Class Counties	66,744
3rd Class Counties	58,455
Marion-Hannibal & Palmyra	65,712
Randolph	63,840

**Salaries are tied to those of Circuit and Associate Circuit Judges, subject to appropriation.*

**Title 3 – DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 5 – Wildlife Code: Permits**

STATEMENT OF ACTUAL COST

3 CSR 10-5.900 Resident Black Bear Hunting Permit

The original public cost estimate for this rulemaking was published in the *Missouri Register* on October 15, 2020 (45 MoReg 1573-1575). The actual one-time cost to the Department of Conservation in FY22 was one hundred six thousand and six hundred dollars (\$106,600), which was 344% more than the original public cost estimate of twenty-four thousand dollars (\$24,000).

The process and operation of the new bear season is different than other seasons currently in operation by the department. The number of hours estimated by the vendors was less than the actual hours needed to complete the one-time project.

**Title 10 – DEPARTMENT OF NATURAL RESOURCES
Division 140 – Division of Energy
Chapter 2 – Energy Set-Aside Fund**

IN ADDITION

Notification: Applications accepted between October 3, 2022, and June 30, 2023, for Energy Efficiency and Renewable Energy Loan Cycle.

The Missouri Department of Natural Resources' (department) Division of Energy is making available approximately five (5) million dollars in loan financing for qualified energy efficiency and renewable energy projects. Energy-saving investments may include projects such as insulation, lighting systems, heating and cooling systems, combined heat and power, pumps, motors, aerators, renewable energy systems, and other measures that reduce energy use and cost. Recipients repay loans with money saved on energy costs.

Eligible Energy-Using Sectors: Loan funds will be allocated to eligible energy-using sectors as follows:

- Public schools (K-12);
- Public higher education institutions;
- Public and private not-for-profit hospitals; and
- Local governments. Local governments include a county, city, or village (which may include water treatment plants or waste water facilities), local government/public owned airport facilities (municipal, county, regional, and international); or any hospital district as defined in section 206.010, RSMo; or any sewer district as defined in section 249.010, RSMo; or any water supply districts as defined in section 247.010, RSMo; or any ambulance district as defined in section 190.010, RSMo; or any sub-district of a zoological park and museum district as defined in section 184.352, RSMo.

Application Procedures: An application for loan funds may be submitted to the department for the purpose of financing all or a portion of the cost of implementing an energy-saving project.

Each applicant may apply for a loan not to exceed one (1) million dollars. Loan applications will not be considered for less than ten thousand dollars (\$10,000) or with a payback score of

less than six (6) months.

If funds remain after review and priority ranking of applications received by March 1, 2023, the department will consider awarding loans in excess of one (1) million dollars.

Requests for loan financing must be made using the Division of Energy's Energy Loan Program Application Authorization Form, Fuel Use Summary Form, and Energy Conservation Measure Summary Form. Application forms and instructions are available on the department's website: <https://energyloan.mo.gov>.

The Application Authorization Form must be signed and dated by an authorized official. An authorized official is an individual with authority to obligate an eligible applicant to the terms of loan agreement and promissory note to repay loan proceeds.

A paper or electronic copy of the signed original Application Authorization Form and required documents may be submitted to the department's address below.

Applications received after June 30, 2023, will not be considered for a loan award for this FY2023 cycle but may be held for consideration during subsequent application cycles.

The department may request additional information as needed to determine the feasibility of a project, the project's estimated annual energy savings, and financial risks of a loan transaction. Also, an energy conservation measure has the potential of affecting other areas within the facility or system. Applicants must have no outstanding actions for violations of applicable federal, state, or local laws, ordinances, and rules.

Interest Rates: Loan principal plus two and one-half percent (2.50%) interest is to be repaid to the department in semi-annual payments not to exceed a ten- (10-) year repayment period. An administrative fee of one percent (1%) of loan principal will be added to the repayment amount.

Selection Criteria: Recipients of loan financing will be determined on a first-come first-served basis. Applications will be reviewed based on the date all information needed to determine the feasibility of the project is received. ****Note**** Loan applications will be approved or disapproved within ninety (90) days of receipt of a complete application.

For more information, contact –

Missouri Department of Natural Resources
Division of Energy
Attn: Energy Loan Program Clerk
PO Box 176
1101 Riverside Drive
Jefferson City, MO 65102

Phone: (855) 522-2796
Email: energy@dnr.mo.gov
Website: <https://energyloan.mo.gov/>

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

**NOTIFICATION OF REVIEW:
APPLICATION REVIEW SCHEDULE**

The Missouri Health Facilities Review Committee has initiated

review of the CON applications listed below. A decision is tentatively scheduled for October 24, 2022. These applications are available for public inspection at the address shown below.

Date Filed**Project Number:** Project Name

City (County)

Cost, Description

9/7/2022**#5969 HT:** Westfield Nursing Center

Sikeston (New Madrid County)

\$12,500,000, Replace 98-bed SNF (15 mile LTC replacement)

9/12/2022**#5975 HT:** Christian Hospital NE/NW

St. Louis (St. Louis County)

\$1,672,760, Replace cardiac cath/EP lab

#5974 HT: Lee's Summit Medical Center

Lee's Summit (Jackson County)

\$4,243,985, Replace MRI

#5973 HT: Research Medical Center

Kansas City (Jackson County)

\$2,992,872, Replace EP lab

#5959 HT: SSM Health St. Clare Hospital

Fenton (St. Louis County)

\$2,842,689, Replace linear accelerator

Any person wishing to request a public hearing for the purpose of commenting on these applications must submit a written request to this effect, which must be received by October 14, 2022. All written requests and comments should be sent to –

Chairman

Missouri Health Facilities Review Committee

c/o Certificate of Need Program

3418 Knipp Drive, Suite F

PO Box 570

Jefferson City, MO 65102

For additional information, contact Alison Dorge at alison.dorge@health.mo.gov.

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

Notice of Dissolution
To All Creditors of and
Claimants Against
Becky Beck Agency, Inc.

All are hereby notified that on July 22, 2022, the shareholders authorized and consented to the dissolution of Becky Beck Agency, Inc., a Missouri corporation, and thereafter submitted its Articles of Dissolution to the Missouri Secretary of State. Said corporation requests that all persons, entities and organizations with claims against it present them immediately by letter to Denker Law Firm, LLC, 229 SE Douglas, Ste 210, Lee's Summit, MO 6463.

All claims must include the name and address of the claimant; the amount claimed; the basis for the claim; documentation of the claim; and the relevant dates associated with the claim.

NOTICE: All claims against Becky Beck Agency, Inc. will be barred unless a proceeding to enforce the claim is commenced within two (2) years after the publication date of this notice.

NOTICE OF DISSOLUTION
To All Creditors and Claimants Against
AMRIC RESOURCES, INC.
a Missouri Corporation

On July 27, 2022, AMRIC RESOURCES, INC., a Missouri corporation, filed its Articles of Dissolution with the Missouri Secretary of State. The dissolution of the corporation was effective on that date.

AMRIC RESOURCES, INC. requests that all persons and organizations who have claims against it to present them immediately by letter to AMRIC RESOURCES, INC., c/o Trish Heimerdinger, 3505 Tree Court Industrial Blvd., St. Louis, Missouri 63122.

All claims must include the following: the name and address of the claimant; the amount claimed; the basis of the claim; the date(s) on which the events which form the basis of the claim occurred; and copies of any other supporting data.

Pursuant to Section 351.482 of the Revised Statutes of Missouri, as amended, any claim against AMRIC RESOURCES, INC. will be barred unless a proceeding to enforce the claim is commenced within two years after the last publication of the notices required by the statute.

“NOTICE OF DISSOLUTION

TO ALL CREDITORS AND CLAIMANTS AGAINST TRINITY FINANCE, INC., a Missouri Corporation (the “Corporation”):

You are hereby notified that dissolution of the Corporation was authorized by the shareholders on July 27, 2022. All persons having claims against the Corporation must present their claims in writing and mail their claims to:

Andy Grassi
836 N. Glenstone Ave.
Springfield, MO 65802

A claim against the Corporation will be barred unless a proceeding to enforce the claim is commenced within two (2) years after the publication of this Notice. In order to file a claim with the Corporation, you must furnish the following: (a) the name, address and telephone number of the claimant; (b) the amount claimed; (c) a description of the nature of the debt or the basis of the claim; (d) the date or dates the claim accrued; and (e) if the claim is founded on a writing, a copy of the writing.”

**NOTICE OF WINDING UP TO ALL CREDITORS OF AND CLAIMANTS AGAINST
CARL & DAVID, LLC**

On August 5, 2022, Carl & David, LLC, a Missouri limited liability company, Charter Number LC1405683 (the “Company”), filed its Notice of Winding Up with the Missouri Secretary of State, effective as of the filing date.

All persons or organizations having claims against the Company are required to present them immediately in writing to: Kirkland Woods & Martinsen LLP, Attn: Emily J. Kembell, 3250 E. Sunshine St., Suite 310, Springfield, MO 65804.

Each claim must include: (1) claimant’s name and current address; (2) the amount claimed; (3) the date the claim was incurred; and (4) a clear and concise statement of the facts supporting the claim.

NOTE: CLAIMS AGAINST THE COMPANY WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED WITHIN THREE (3) YEARS AFTER THE PUBLICATION OF THIS NOTICE.

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY TO ALL
CREDITORS AND CLAIMANTS AGAINST KRF, L.L.C.**

On August 30, 2022, KRF, L.L.C., a Missouri limited liability company (hereinafter the "Company"), filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State.

Any Claims against the Company may be sent to: Bush & Patchett, L.L.C., Attn: Adam Patchett, 4240 Philips Farm Rd., Ste. 109, Columbia, MO 65201. Each claim must include the following information: name, address, and telephone number of the claimant; amount of claim; date of which the claim arose; basis for the claim; and documentation in support of the claim.

All claims against the Company will be barred unless the proceeding to enforce the claim in commenced within three years after the publication of this notice.