

Volume 47, Number 23  
Pages 1699–1762

December 1, 2022

# MISSOURI



# REGISTER

John R. Ashcroft  Secretary of State

The *Missouri Register* is an official publication of the state of Missouri, under the authority granted to the secretary of state by sections 536.015 and 536.033, RSMo. Reproduction of rules is allowed; however, no reproduction shall bear the name *Missouri Register* or “official” without the express permission of the secretary of state.

The *Missouri Register* is published semi-monthly by

**SECRETARY OF STATE**

**John R. Ashcroft**

Administrative Rules Division

James C. Kirkpatrick State Information Center

600 W. Main

Jefferson City, MO 65101

(573) 751-4015

EDITOR-IN-CHIEF

CURTIS W. TREAT

•

MANAGING EDITOR

STEPHANIE MARTIN

•

PUBLICATION SPECIALIST II

JACQUELINE D. WHITE

•

EDITOR II

VONNE KILBOURN

•

EDITOR

JENNIFER ALEX MOORE

•

ADMINISTRATIVE AIDE III

TAMMY WINKELMAN

ISSN 0149-2942

The *Missouri Register* and *Code of State Regulations* (CSR) are available on the Internet. The Register address is [sos.mo.gov/adrules/moreg/moreg](http://sos.mo.gov/adrules/moreg/moreg) and the CSR is [sos.mo.gov/adrules/csr/csr](http://sos.mo.gov/adrules/csr/csr). The Administrative Rules Division may be contacted by email at [rules@sos.mo.gov](mailto:rules@sos.mo.gov).

The secretary of state's office makes every effort to provide program accessibility to all citizens without regard to disability. If you desire this publication in alternate form because of a disability, please contact the Division of Administrative Rules, PO Box 1767, Jefferson City, MO 65102, (573) 751-4015. Hearing impaired citizens should contact the director through Missouri relay, (800) 735-2966.



## IN THIS ISSUE:

### EMERGENCY RULES

**Department of Revenue**  
 Director of Revenue..... 1703

**Department of Health and Senior Services**  
 Missouri State Public Health Laboratory..... 1706

**Missouri Consolidated Health Care Plan**  
 Health Care Plan ..... 1706

### EXECUTIVE ORDERS ..... 1708

### PROPOSED RULES

**Department of Economic Development**  
 Economic Development Programs..... 1709  
 Division of Business and Community Services ..... 1709  
 Division of Savings and Loan Supervision ..... 1711

**Department of Public Safety**  
 Missouri Gaming Commission ..... 1711

**Department of Revenue**  
 Director of Revenue..... 1712

**Department of Social Services**  
 MO HealthNet Division..... 1716

**Department of Health and Senior Services**  
 Missouri State Public Health Laboratory..... 1718

**Department of Commerce and Insurance**  
 Missouri Board for Architects, Professional Engineers,  
 Professional Land Surveyors, and Professional  
 Landscape Architects..... 1718

**Missouri Consolidated Health Care Plan**  
 Health Care Plan ..... 1722

### ORDERS OF RULEMAKING

**Department of Elementary and Secondary Education**  
 Division of Financial and Administrative Services.... 1723

**Department of Natural Resources**  
 Division of Energy ..... 1723

**Department of Public Safety**  
 Division of Alcohol and Tobacco Control ..... 1723

**Department of Social Services**  
 MO HealthNet Division..... 1727

**Department of Health and Senior Services**  
 Missouri Health Facilities Review Committee..... 1732

**Department of Commerce and Insurance**  
 Missouri State Board of Accountancy ..... 1742  
 Office of Tattooing, Body Piercing, and Branding..... 1742

### DISSOLUTIONS ..... 1743

### SOURCE GUIDES

**RULE CHANGES SINCE UPDATE**..... 1749

**EMERGENCY RULES IN EFFECT**..... 1753

**EXECUTIVE ORDERS** ..... 1754

**REGISTER INDEX**..... 1756

Register Filing Deadlines	Register Publication Date	Code Publication Date	Code Effective Date
August 1, 2022 August 15, 2022	<b>September 1, 2022</b> <b>September 15, 2022</b>	September 30, 2022 September 30, 2022	October 30, 2022 October 30, 2022
September 1, 2022 September 15, 2022	<b>October 3, 2022</b> <b>October 17, 2022</b>	October 31, 2022 October 31, 2022	November 30, 2022 November 30, 2022
October 3, 2022 October 17, 2022	<b>November 1, 2022</b> <b>November 15, 2022</b>	November 30, 2022 November 30, 2022	December 30, 2022 December 30, 2022
November 1, 2022 November 15, 2022	<b>December 1, 2022</b> <b>December 15, 2022</b>	December 31, 2022 December 31, 2022	January 30, 2023 January 30, 2023
December 1, 2022 December 15, 2022	<b>January 3, 2023</b> <b>January 17, 2023</b>	January 29, 2023 January 29, 2023	February 28, 2023 February 28, 2023
January 3, 2023 January 17, 2023	<b>February 1, 2023</b> <b>February 15, 2023</b>	February 28, 2023 February 28, 2023	March 30, 2023 March 30, 2023
February 1, 2023 February 15, 2023	<b>March 1, 2023</b> <b>March 15, 2023</b>	March 31, 2023 March 31, 2023	April 30, 2023 April 30, 2023
March 1, 2023 March 15, 2023	<b>April 3, 2023</b> <b>April 17, 2023</b>	April 30, 2023 April 30, 2023	May 30, 2023 May 30, 2023

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

## HOW TO CITE RULES AND RSMO

### RULES

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

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

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

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

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

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

### ***Code and Register on the Internet***

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

The *Code* address is [sos.mo.gov/adrules/csr/csr](http://sos.mo.gov/adrules/csr/csr)

The *Register* address is [sos.mo.gov/adrules/moreg/moreg](http://sos.mo.gov/adrules/moreg/moreg)

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

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

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

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

**Title 12 – DEPARTMENT OF REVENUE  
Division 10 – Director of Revenue  
Chapter 41 – General Tax Provisions**

**EMERGENCY AMENDMENT**

**12 CSR 10-41.010 Annual Adjusted Rate of Interest.** The department is amending section (1).

*PURPOSE:* This emergency amendment establishes the annual adjusted rate of interest to be implemented and applied on taxes remaining unpaid during calendar year 2023.

*EMERGENCY STATEMENT:* The director of revenue is mandated to establish not later than October 22 annual adjusted rate of interest based upon the adjusted prime rate charged by banks during September of that year as set by the Board of Governors of the Federal Reserve rounded to the nearest full percent. This emergency amendment is necessary to ensure public awareness and to preserve a compelling governmental interest requiring an early effective date in that the amendment informs the public of the established rate of interest to be paid on unpaid amounts of taxes for the 2023 calendar year. A proposed amendment, that covers the same material, is published in this issue of the *Missouri Register*. The director has limited the scope of the emergency amendment to the circumstances creating the emergency. The director has followed procedures calculated to assure fairness to all interested persons and parties and has

*complied with protections extended by the Missouri and United States Constitutions. This emergency amendment was filed October 21, 2022, becomes effective January 1, 2023, and expires June 29, 2023.*

(1) Pursuant to section 32.065, RSMo, the Director of Revenue upon official notice of the average predominant prime rate quoted by commercial banks to large businesses, as determined and reported by the Board of Governor’s of the Federal Reserve System in the Federal Reserve Statistical Release H.15(519) for the month of September of each year has set by administrative order the annual adjusted rate of interest to be paid on unpaid amounts of taxes during the succeeding calendar year as follows:

<b>Calendar Year</b>	<b>Rate of Interest on Unpaid Amounts of Taxes</b>
1995	12%
1996	9%
1997	8%
1998	9%
1999	8%
2000	8%
2001	10%
2002	6%
2003	5%
2004	4%
2005	5%
2006	7%
2007	8%
2008	8%
2009	5%
2010	3%
2011	3%
2012	3%
2013	3%
2014	3%
2015	3%
2016	3%
2017	4%
2018	4%
2019	5%
2020	5%
2021	3%
2022	3%
<b>2023</b>	<b>6%</b>

*AUTHORITY:* section 32.065, RSMo 2016. Emergency rule filed Oct. 13, 1982, effective Oct. 23, 1982, expired Feb. 19, 1983. Original rule filed Nov. 5, 1982, effective Feb. 11, 1983. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed Oct. 21, 2022, effective Jan. 1, 2023, expires June 29, 2023. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

*PUBLIC COST:* This emergency amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the time the emergency is effective. This emergency amendment will result in an increase in the interest rate charged on delinquent taxes.

*PRIVATE COST:* This emergency amendment will cost private entities more than five hundred dollars (\$500) in the time the emergency is effective. This emergency amendment will result in an increase in the interest rate charged on delinquent taxes. The actual number of affected taxpayers is unknown. See detailed fiscal note for further explanation.

**FISCAL NOTE  
PUBLIC COST**

**I. RULE NUMBER**

<b>Rule Number and Name:</b>	12 CSR 10-41.010 Annual Adjusted Rate of Interest
<b>Type of Rulemaking:</b>	Emergency Amendment

**II. SUMMARY OF FISCAL IMPACT**

<b>Estimate of the number of entities by class which would likely be affected by adoption of the proposed rule:</b>	<b>Classification by types of the business entities which would likely be affected:</b>	<b>Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:</b>
Any taxpayer with delinquent tax.	Any taxpayer with delinquent tax.	<i>This proposed amendment will not cost public entities more than five hundred dollars (\$500) in the aggregate. The 2023 interest rate imposed on delinquent taxes is 6%.</i>

**III. WORKSHEET**

The proposed amendment establishes the rate of interest for 2023 at six percent (6%), which is three percent (3%) higher than the rate in 2022.

This proposed amendment will not cost public entities more than five hundred dollars (\$500) in the aggregate. The 2023 interest rate imposed on delinquent taxes will be 6% on each \$100 of delinquent taxes to public entities.

**Interest on Delinquent Taxes Paid to Department of Revenue**

	<b>Current Rule 3.00%</b>	<b>Proposed Amendment 6.00%</b>
<b>Example:</b>		
Past due tax amount	\$100.00	\$100.00
Interest Amount (%)	\$3.00	\$6.00
<b>Total Amount Due</b>	<b>\$103.00</b>	<b>\$106.00</b>

**IV. ASSUMPTIONS**

Pursuant to Section 32.065, RSMo, the Director of Revenue is mandated to establish an annual adjusted rate of interest based upon the adjusted prime rate charged by banks during September of that year, as set by the Board of Governors of the Federal Reserve, rounded to the nearest full percentage. The actual bank prime loan rate noted by the Federal Reserve in 2023 is five point seven three percent (5.73%). The statute requires the interest rate be "rounded to the nearest full percent"; therefore the delinquent rate will be six percent (6%).

**FISCAL NOTE  
PRIVATE COST**

**I. RULE NUMBER**

<b>Rule Number and Name:</b>	12 CSR 10-41.010 Annual Adjusted Rate of Interest
<b>Type of Rulemaking:</b>	Emergency Amendment

**II. SUMMARY OF FISCAL IMPACT**

<b>Estimate of the number of entities by class which would likely be affected by adoption of the proposed rule:</b>	<b>Classification by types of the business entities which would likely be affected:</b>	<b>Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:</b>
Any taxpayer with delinquent tax.	Any taxpayer with delinquent tax.	<i>This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate. The 2023 interest rate imposed on delinquent taxes will be 6%. The actual number of affected taxpayers is unknown.</i>

**III. WORKSHEET**

The proposed amendment establishes the rate of interest for 2023 at six percent (6%).

This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate. The 2023 interest rate imposed on delinquent taxes is six percent (6%) and will assessed on each \$100 of delinquent taxes to private entities. The actual number of affected taxpayers is unknown.

**Interest on Delinquent Taxes Paid to Department of Revenue**

	<b>Current Rule 3.00%</b>	<b>Proposed Amendment 6.00%</b>
<b>Example:</b>		
Past due tax amount	\$100.00	\$100.00
Interest Amount (%)	\$3.00	\$6.00
<b>Total Amount Due</b>	<b>\$103.00</b>	<b>\$106.00</b>

**IV. ASSUMPTIONS**

Pursuant to Section 32.065, RSMo, the Director of Revenue is mandated to establish an annual adjusted rate of interest based upon the adjusted prime rate charged by banks during September of that year, as set by the Board of Governors of the Federal Reserve, rounded to the nearest full percentage. The actual bank prime loan rate noted by the Federal Reserve in 2023 is five point seven three percent (5.73%). The statute requires the interest rate be "rounded to the nearest full percent"; therefor the delinquent rate will be six percent (6%).

**Title 19 – DEPARTMENT OF HEALTH AND SENIOR SERVICES**

**Division 25 – Missouri State Public Health Laboratory**

**Chapter 30 – Determination of Blood Alcohol by Blood, Breath, Saliva, and Urine Analysis; and Determination for the Presence of Drugs in Blood, Saliva, and Urine**

**EMERGENCY AMENDMENT**

**19 CSR 25-30.021 Type I Permit.** The department is amending section (3).

*PURPOSE:* This emergency amendment adds back to the rule an accreditation that is currently held by one of the laboratories in Missouri that upon further review by the department has been deemed an acceptable accreditation.

*EMERGENCY STATEMENT:* Only laboratories with accreditations that have been approved by the Department of Health and Senior Services and are listed in these rules may be used for the analysis of blood, saliva, and urine samples for drug-related driving offenses. In March 2020, the Department removed an accreditation through the College of American Pathologists (CAP) from the rule. It was recently discovered that one laboratory was using this accreditation as the basis for performing testing, and has been forced to shut down testing. The consequences of this laboratory ceasing testing is that the time required to complete testing of blood and urine samples for drugs has approximately doubled at the remaining Type I laboratories. The delay in testing creates further delays for the processes dependent on the test results, including criminal prosecutions. The emergency amendment will allow laboratories that hold a forensic drug testing accreditation through the College of American Pathologists (CAP) to perform analyses of blood, saliva, or urine for the presence of drugs. As a result, the Department finds that an immediate danger to the public health, safety, or welfare and a compelling governmental interest exists which require this emergency action. A proposed amendment, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The department believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed November 1, 2022, becomes effective November 16, 2022, and expires May 14, 2023.

(3) Laboratories wherein analyses are performed by Type I permit holders shall maintain complete records of testing, quality assurance data, logbooks, and other documentation related to the performance of tests as established under general standards of laboratory practice and chain-of-custody procedures.

(B) Laboratories that perform analyses of blood, saliva, or urine for the presence of drugs shall hold a **forensic drug testing accreditation through the College of American Pathologists (CAP)**, an accreditation through the American Board of Forensic Toxicologists (ABFT), or **an accreditation** through an accreditation body that is a signatory of the International Laboratory Accreditation Cooperation Mutual Recognition Arrangement (ILAC MRA). This accreditation shall include an annual forensic proficiency test on each biological matrix (blood, saliva, or urine) tested. A copy of the certification for each laboratory shall be supplied to the Missouri State Public Health Laboratory upon request.

*AUTHORITY:* sections 192.006, 577.020, and 577.037, RSMo 2016. This rule previously filed as 19 CSR 20-30.021. Original rule filed July 15, 1988, effective Sept. 29, 1988. Changed to 19 CSR 25-30.021 Jan. 1, 1995. Amended: Filed May 31, 2012, effective Dec. 30, 2012. Amended: Filed Oct. 1, 2019, effective March 30, 2020. Emergency amendment filed Nov. 1, 2022, effective Nov. 16, 2022, expires May 14, 2023. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

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

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

**Title 22 – MISSOURI CONSOLIDATED HEALTH CARE PLAN**

**Division 10 – Health Care Plan  
Chapter 2 – State Membership**

**EMERGENCY AMENDMENT**

**22 CSR 10-2.089 Pharmacy Employer Group Waiver Plan for Medicare Primary Members.** The Missouri Consolidated Health Care Plan is amending section (1).

*PURPOSE:* This amendment revises Medicare Part D coverage stage and copayment amounts.

*EMERGENCY STATEMENT:* This emergency amendment must be in place by January 1, 2023, in accordance with the new plan year. Therefore, this emergency amendment is necessary to serve a compelling governmental interest of protecting members (employees, retirees, officers, and their families) enrolled in the Missouri Consolidated Health Care Plan (MCHCP) from the unintended consequences of confusion regarding eligibility or availability of benefits and will allow members to take advantage of opportunities for reduced premiums for more affordable options without which they may forego coverage. Further, it clarifies member eligibility and responsibility for various types of eligible charges, beginning with the first day of coverage for the new plan year. It may also help ensure that inappropriate claims are not made against the state and help protect the MCHCP and its members from being subjected to unexpected and significant financial liability and/or litigation. It is imperative that this amendment be filed as an emergency amendment to maintain the integrity of the current health care plan. This emergency amendment fulfills the compelling governmental interest of offering access to more convenient and affordable medical services to members as one (1) method of protecting the MCHCP trust fund from more costly expenses. This emergency amendment reflects changes made to the plan by the Missouri Consolidated Health Care Plan Board of Trustees. A proposed amendment, which covers the same material, is published in this issue of the *Missouri Register*. This emergency amendment complies with the protections extended by the *Missouri* and *United States Constitutions* and limits its scope to the circumstances creating the emergency. The MCHCP follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances. This emergency amendment was filed October 28, 2022, becomes effective January 1, 2023, and expires June 29, 2023.

(1) The pharmacy benefit for Medicare primary non-active members is provided through a Pharmacy Employer Group Waiver Plan (EGWP) as regulated by the Centers for Medicare



and Medicaid Services hereinafter referred to as the Medicare Prescription Drug Plan.

(A) Non-active subscribers that have Medicare primary coverage and their dependents that have Medicare primary coverage enrolled in the Medicare Advantage Plan shall receive their pharmacy benefit through the Medicare Prescription Drug Plan.

(B) The non-Medicare dependents of Medicare primary non-active subscribers will not be in the Medicare Prescription Drug Plan but will have pharmacy benefit coverage as defined by 22 CSR 10-2.090.

(C) Foster parent members that have Medicare primary coverage and their dependents that have Medicare primary coverage will not be in the Medicare Prescription Drug Plan but will have pharmacy benefit coverage as defined by 22 CSR 10-2.090.

(D) A retiree Medicare primary member who chooses not to be in the Medicare Prescription Drug Plan will lose MCHCP eligibility and will not be allowed to enroll in a medical or Medicare Prescription Drug Plan at a later date.

(E) MCHCP will pay the Medicare financial penalty incurred by a Medicare primary member who has had a continuous gap in prescription drug coverage of sixty-three (63) days or more after the Medicare Initial Election Period (IEP) and was not covered by any creditable prescription drug coverage and failed to enroll into Part D.

(F) The Medicare Prescription Drug Plan is comprised of a Medicare Part D prescription drug plan contracted by MCHCP and some non-Part D medications that are not normally covered by a Medicare Part D prescription drug plan. The requirements for the Medicare Part D prescription drug plan are as follows:

1. The Centers for Medicare and Medicaid Services regulates the Medicare Part D prescription drug program. The Medicare Prescription Drug Plan abides by those regulations;

2. Initial coverage stage. Until a member's total yearly Part D prescription drug costs reach **[four thousand four hundred thirty dollars (\$4,430)] four thousand six hundred sixty dollars (\$4,660)**, the member will pay the following copayments:

A. Preferred formulary generic drugs: thirty-one- (31-) day supply has a ten dollar (\$10) copayment; sixty- (60-) day supply has a twenty dollar (\$20) copayment; ninety- (90-) day supply at retail has a thirty dollar (\$30) copayment; and a ninety-(90-) day supply through home delivery has a twenty-five dollar (\$25) copayment;

B. Preferred formulary brand drugs: thirty-one- (31-) day supply has a forty dollar (\$40) copayment; sixty- (60-) day supply has an eighty dollar (\$80) copayment; ninety- (90-) day supply at retail has a one hundred twenty dollar (\$120) copayment; and a ninety- (90-) day supply through home delivery has a one hundred dollar (\$100) copayment; and

C. Non-preferred formulary drugs and approved excluded drugs: thirty-one- (31-) day supply has a one hundred dollar (\$100) copayment; sixty- (60-) day supply has a two hundred dollar (\$200) copayment; ninety- (90-) day supply at retail has a three hundred dollar (\$300) copayment; and a ninety- (90-) day supply through home delivery has a two hundred fifty dollar (\$250) copayment;

3. Coverage gap stage. After a member's total yearly Part D prescription drug costs exceed **[four thousand four hundred thirty dollars (\$4,430)] four thousand six hundred sixty dollars (\$4,660)** and remain below **[seven thousand fifty dollars (\$7,050)] seven thousand four hundred dollars (\$7,400)**, the member will continue to pay the same cost-sharing amount as in the initial coverage stage until the yearly out-of-pocket Part D prescription drug costs reach **[seven thousand fifty dollars (\$7,050)] seven thousand four hundred dollars (\$7,400)**;

4. Catastrophic coverage stage. After a member's total yearly out-of-pocket Part D prescription drug costs reach **[seven**

**thousand fifty dollars (\$7,050)] seven thousand four hundred dollars (\$7,400)**, the member will pay the greater of –

A. Five percent (5%) coinsurance or a **[three dollar and ninety-five cent (\$3.95)] four dollar and fifteen cent (\$4.15)** copayment for covered generic drugs (including brand drugs treated as generics), with a maximum not to exceed the standard copayment during the initial coverage stage; or

B. Five percent (5%) coinsurance or a **[nine dollar and eighty-five cent (\$9.85)] ten dollar and thirty-five cent (\$10.35)** copayment for all other covered drugs, with a maximum not to exceed the standard copayment during the initial coverage stage; and

5. Amounts paid by the member or the plan for non-Part D prescription drugs will not count toward total Part D prescription drug costs or total Part D prescription drug out-of-pocket costs.

(G) Medications covered under 22 CSR 10-2.090 will be covered under the Medicare Prescription Drug Plan as non-Part D medications when they are not a Part D covered drug.

(H) Medicare Part B Prescription Drugs are excluded from the Medicare Prescription Drug Plan.

(I) Prescription drugs and prescribed over-the-counter drugs as recommended by the U.S. Preventive Services Task Force (categories A and B) are covered at one hundred percent (100%) when filled at a network pharmacy. The following are also covered at one hundred percent (100%) when filled at a network pharmacy:

1. Vaccines and administration as recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention; and

2. Preferred formulary brand contraception and non-preferred contraception when the provider determines a generic is not medically appropriate or a generic version is not available.

*AUTHORITY: section 103.059, RSMo 2016. Emergency rule filed Oct. 30, 2013, effective Jan. 1, 2014, expired June 29, 2014. Original rule filed Oct. 30, 2013, effective June 30, 2014. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Oct. 28, 2022, effective Jan. 1, 2023, expires June 29, 2023. A proposed amendment covering this same material is published in this issue of the Missouri Register.*

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

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

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

**EXECUTIVE ORDER  
22-06**

TO ALL DEPARTMENTS AND AGENCIES:


This is to advise that state offices of the executive branch under the purview of the Governor will be closed on Friday, November 25, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 7th day of November, 2022.



  
\_\_\_\_\_  
MICHAEL L. PARSON  
GOVERNOR

ATTEST:

  
\_\_\_\_\_  
JOHN R. ASHCROFT  
SECRETARY OF STATE

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 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 80 – Economic Development Programs  
Chapter 6 – Capital Access Program**

**PROPOSED RESCISSION**

**4 CSR 80-6.010 Businesses and Activities Ineligible for Capital Access Program Assistance.** This rule defined which types of businesses and which business activities were ineligible to receive loans from Missouri financial institutions under the provisions of the Capital Access Program as contained in sections 620.1045 – 620.1066, RSMo.

*PURPOSE: This rule is being rescinded to remove an obsolete rule for the Capital Access Program (CAP). By statute, the Division of Finance administers CAP; however, the rulemaking authority was not updated nor was the rule moved when the Division of Finance transferred to what is now the Department of Commerce and Insurance. The Division of Finance reportedly has not seen any*

*CAP loans historically and will not be affected by this rescission in that it would rely on the statutory authority for CAP if presented with a CAP loan.*

*AUTHORITY: section 620.1066, RSMo (Supp. 1995). Original rule filed Aug. 29, 1996, effective March 30, 1997. Rescinded: Filed Oct. 20, 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 Economic Development, Attention: General Counsel, PO Box 1157, Jefferson City, MO 65102-1157. 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 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 85 – Division of Business and Community  
Services**

**Chapter 1 – Organizational Structure**

**PROPOSED RESCISSION**

**4 CSR 85-1.010 General Organization.** The purpose of this regulation was to comply with section 536.023(3), RSMo (1986), which required each agency to adopt as a regulation a description of its operation and the methods and procedures where the public may obtain information or make submissions or requests.

*PURPOSE: This rule, which is limited in scope to a single division, is being rescinded, and a new department-wide rule will be promulgated to comply with section 536.023, RSMo.*

*AUTHORITY: section 536.023, RSMo 1986. Original rule filed Jan. 10, 1978, effective April 13, 1978. Rescinded: Filed Oct. 20, 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 Economic Development, Attention: General Counsel, PO Box 1157, Jefferson City, MO 65102-1157. 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 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 85 – Division of Business and Community  
Services**

**Chapter 3 – Enterprise Zone Program**

**PROPOSED RESCISSION**

**4 CSR 85-3.010 Enterprise Zone Program.** This rule established

guidelines for applicants to the Enterprise Zone Program.

*PURPOSE: This rule is being rescinded as the last active Enterprise Zone expired in December 2019, and no additional applications for designations, exemptions, or tax credits have been or will be received.*

*AUTHORITY: section 135.250, RSMo 1986. Emergency rule filed March 2, 1984, effective March 12, 1984, expired June 12, 1984. Original rule filed March 2, 1984, effective June 11, 1984. Rescinded: Filed Oct. 20, 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 Economic Development, Attention: General Counsel, PO Box 1157, Jefferson City, MO 65102-1157. 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 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 85 – Division of Business and Community  
Services  
Chapter 3 – Enterprise Zone Program**

**PROPOSED RESCISSION**

**4 CSR 85-3.020 The Application Process.** This rule established the procedures for submitting petitions and the criteria and priorities for the approval or disapproval of such petitions.

*PURPOSE: This rule is being rescinded as the last active Enterprise Zone expired in December 2019, and no additional applications for designations, exemptions, or tax credits have been or will be received.*

*AUTHORITY: section 135.250, RSMo 1986. Emergency rule filed Feb. 9, 1983, effective Feb. 19, 1983, expired June 19, 1983. Original rule filed Feb. 9, 1983, effective May 12, 1983. Emergency amendment filed March 2, 1984, effective March 12, 1984, expired June 12, 1984. Amended: Filed March 2, 1984, effective June 11, 1984. Rescinded: Filed Oct. 20, 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 Economic Development, Attention: General Counsel, PO Box 1157, Jefferson City, MO 65102-1157. 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 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 85 – Division of Business and Community  
Services  
Chapter 3 – Enterprise Zone Program**

**PROPOSED RESCISSION**

**4 CSR 85-3.030 Designation.** This rule established time tables for the announcement and issuing of designation status, requirements for continued eligibility, and monitoring procedure.

*PURPOSE: This rule is being rescinded as the last active Enterprise Zone expired in December 2019, and no additional applications for designations, exemptions, or tax credits have been or will be received.*

*AUTHORITY: section 135.250, RSMo 1986. Emergency rule filed Feb. 9, 1983, effective Feb. 19, 1983, expired June 19, 1983. Original rule filed Feb. 9, 1983, effective May 12, 1983. Rescinded: Filed Oct. 20, 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 Economic Development, Attention: General Counsel, PO Box 1157, Jefferson City, MO 65102-1157. 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 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 85 – Division of Business and Community  
Services  
Chapter 3 – Enterprise Zone Program**

**PROPOSED RESCISSION**

**4 CSR 85-3.040 Complaints.** This rule established the procedure for reporting complaints.

*PURPOSE: This rule is being rescinded as the last active Enterprise Zone expired in December 2019, and no further applications for designations, exemptions, or tax credits have been or will be received.*

*AUTHORITY: section 135.250, RSMo 1986. Emergency rule filed March 2, 1984, effective March 12, 1984, expired June 12, 1984. Original rule filed March 2, 1984, effective June 11, 1984. Rescinded: Filed Oct. 20, 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 Economic Development, Attention: General*

*Counsel, PO Box 1157, Jefferson City, MO 65102-1157. 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 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 85 – Division of Business and Community  
Services  
Chapter 3 – Enterprise Zone Program**

**PROPOSED RESCISSION**

**4 CSR 85-3.050 Withdrawal of Approval.** This rule established the conditions under which revocation of designation might have occurred.

*PURPOSE: This rule is being rescinded as the last active Enterprise Zone expired in December 2019, and no further applications for designations, exemptions, or tax credits have been or will be received.*

*AUTHORITY: section 135.250, RSMo 1986. Emergency rule filed March 2, 1984, effective March 12, 1984, expired June 12, 1984. Original rule filed March 2, 1984, effective June 11, 1984. Rescinded: Filed Oct. 20, 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 Economic Development, Attention: General Counsel, PO Box 1157, Jefferson City, MO 65102-1157. 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 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 260 – Division of Savings and Loan Supervision  
Chapter 1 – Introduction**

**PROPOSED RESCISSION**

**4 CSR 260-1.010 Description of Organization.** The purpose of this regulation was to comply with section 536.023(3), RSMo (1986), which requires each agency to adopt as a regulation a description of its operation and the methods and procedures where the public may obtain information or make submissions or requests.

*PURPOSE: This rule is being rescinded as the Division of Finance is now a part of the Department of Commerce and Insurance. All the other rules in this division were moved to 4 CSR 140, then 20 CSR 1140. The Division of Finance rule at 20 CSR 1140-1.010 (titled "General Organization") is very similar to this rule and cites section 536.023, RSMo, as authority, effectively replacing this rule.*

*AUTHORITY: section 369.299, RSMo 1986. Original rule filed Dec. 22, 1975, effective Dec. 31, 1975. Amended: Filed June 7, 1979, effective Oct. 12, 1979. Amended: Filed Nov. 4, 1986, effective Jan. 30, 1987. Rescinded: Filed Oct. 20, 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 Economic Development, Attention: General Counsel, PO Box 1157, Jefferson City, MO 65102-1157. 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 7 – Security and Surveillance**

**PROPOSED AMENDMENT**

**11 CSR 45-7.010 Definition of Licensee.** The commission is amending section (1) and the purpose statement.

*PURPOSE: This amendment updates the class designation and modifies the purpose statement.*

*PURPOSE: This rule [establishes definitions for] defines licensee as used in this chapter.*

(1) For purposes of this chapter, licensee shall mean the holder of a Class **[A] B** license.

*AUTHORITY: sections 313.004[, 313.800, 313.805, RSMo 1994] and 313.807, RSMo [Supp. 1997] 2016, and sections 313.800 and 313.805, RSMo Supp. 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. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Amended: Filed Oct. 27, 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](mailto: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 January 4, 2023, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, MO.*

**Title 11 – DEPARTMENT OF PUBLIC SAFETY  
Division 45 – Missouri Gaming Commission  
Chapter 7 – Security and Surveillance**

**PROPOSED AMENDMENT**

**11 CSR 45-7.120 Surveillance System Plans.** The commission is amending the purpose statement and section (1).

*PURPOSE: This amendment updates the purpose statement and the class designation.*

*PURPOSE: This rule establishes **the requirements for surveillance system plans.***

(1) Every applicant for a Class **[A] B** license shall submit a surveillance system plan to the commission no later than sixty (60) days prior to the start of gaming operations.

*AUTHORITY: sections 313.004[, 313.805] and 313.824, RSMo [2000] 2016, and sections 313.800 and 313.805, RSMo Supp. [2006] 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. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Amended: Filed July 28, 2006, effective March 30, 2007. Amended: Filed Oct. 27, 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 January 4, 2023, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, MO.*

**Title 11 – DEPARTMENT OF PUBLIC SAFETY  
Division 45 – Missouri Gaming Commission  
Chapter 7 – Security and Surveillance**

**PROPOSED AMENDMENT**

**11 CSR 45-7.145 Reimbursement for Cost of Contracted Commission Agents.** The commission is amending section (1), the title, and the purpose statement.

*PURPOSE: This amendment updates the class designation, purpose statement, and the title.*

*PURPOSE: This rule [establishes the procedure for reimbursing] **requires the reimbursement of the commission for the cost of contracted commission agents.***

(1) Each holder of a Class **[A] B** license shall reimburse the commission *[on a monthly basis]* for the full cost of services provided pursuant to any agreement the commission has entered into with the Federal Bureau of Investigation, the Federal Internal Revenue Service, the Missouri State Highway Patrol, the state attorney general, or any state, federal or local agency the commission deems necessary to carry out the duties of the commission when such agreements result in services provided for the supervision or regulation of the licensee.

*AUTHORITY: sections 313.004 and [313.805,] 313.824, RSMo [1994] 2016, and section 313.805, RSMo Supp. 2022. Emergency rule filed June 14, 1994, effective June 24, 1994, expired Oct. 21, 1994. Emergency rule filed Oct. 25, 1994, effective Nov. 4, 1994,*

*expired March 3, 1995. Original rule filed June 14, 1994, effective Jan. 29, 1995. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Amended: Filed Oct. 27, 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 January 4, 2023, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, MO.*

**Title 12 – DEPARTMENT OF REVENUE  
Division 10 – Director of Revenue  
Chapter 41 – General Tax Provisions**

**PROPOSED AMENDMENT**

**12 CSR 10-41.010 Annual Adjusted Rate of Interest.** The Director of Revenue proposes to amend section (1) to reflect the interest to be charged on unpaid, delinquent taxes.

*PURPOSE: This proposed amendment establishes the annual adjusted rate of interest to be implemented and applied on taxes remaining unpaid during calendar year 2023.*

(1) Pursuant to section 32.065, RSMo, the Director of Revenue upon official notice of the average predominant prime rate quoted by commercial banks to large businesses, as determined and reported by the Board of Governor's of the Federal Reserve System in the Federal Reserve Statistical Release H.15(519) for the month of September of each year has set by administrative order the annual adjusted rate of interest to be paid on unpaid amounts of taxes during the succeeding calendar year as follows:

<b>Calendar Year</b>	<b>Rate of Interest on Unpaid Amounts of Taxes</b>
1995	12%
1996	9%
1997	8%
1998	9%
1999	8%
2000	8%
2001	10%
2002	6%
2003	5%
2004	4%
2005	5%
2006	7%
2007	8%
2008	8%
2009	5%
2010	3%
2011	3%
2012	3%
2013	3%
2014	3%

2015	3%
2016	3%
2017	4%
2018	4%
2019	5%
2020	5%
2021	3%
2022	3%
<b>2023</b>	<b>6%</b>

*AUTHORITY: section 32.065, RSMo 2016. Emergency rule filed Oct. 13, 1982, effective Oct. 23, 1982, expired Feb. 19, 1983. Original rule filed Nov. 5, 1982, effective Feb. 11, 1983. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed Oct. 21, 2022, effective Jan. 1, 2023, expires June 29, 2023. Amended: Filed Oct. 21, 2022.*

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

*PRIVATE COST: This proposed amendment will cost private entities more than five hundred dollars in the aggregate. This proposed amendment will result in an increase in the interest rate charged on delinquent taxes. The actual number of affected taxpayers is unknown. See detailed fiscal note for further explanation.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Revenue, Legislative Office, 301 W High Street, Room 218, Jefferson City, MO 65105-0475. 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. RULE NUMBER**

<b>Rule Number and Name:</b>	12 CSR 10-41.010 Annual Adjusted Rate of Interest
<b>Type of Rulemaking:</b>	Emergency Amendment

**II. SUMMARY OF FISCAL IMPACT**

<b>Estimate of the number of entities by class which would likely be affected by adoption of the proposed rule:</b>	<b>Classification by types of the business entities which would likely be affected:</b>	<b>Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:</b>
Any taxpayer with delinquent tax.	Any taxpayer with delinquent tax.	<i>This proposed amendment will not cost public entities more than five hundred dollars (\$500) in the aggregate. The 2023 interest rate imposed on delinquent taxes is 6%.</i>

**III. WORKSHEET**

The proposed amendment establishes the rate of interest for 2023 at six percent (6%), which is three percent (3%) higher than the rate in 2022.

This proposed amendment will not cost public entities more than five hundred dollars (\$500) in the aggregate. The 2023 interest rate imposed on delinquent taxes will be 6% on each \$100 of delinquent taxes to public entities.

**Interest on Delinquent Taxes Paid to Department of Revenue**

	<b>Current Rule 3.00%</b>	<b>Proposed Amendment 6.00%</b>
<b>Example:</b>		
Past due tax amount	\$100.00	\$100.00
Interest Amount (%)	\$3.00	\$6.00
<b>Total Amount Due</b>	<b>\$103.00</b>	<b>\$106.00</b>

**IV. ASSUMPTIONS**

Pursuant to Section 32.065, RSMo, the Director of Revenue is mandated to establish an annual adjusted rate of interest based upon the adjusted prime rate charged by banks during September of that year, as set by the Board of Governors of the Federal Reserve, rounded to the nearest full percentage. The actual bank prime loan rate noted by the Federal Reserve in 2023 is five point seven three percent (5.73%). The statute requires the interest rate be "rounded to the nearest full percent"; therefore the delinquent rate will be six percent (6%).



**FISCAL NOTE  
PRIVATE COST**

**I. RULE NUMBER**

<b>Rule Number and Name:</b>	12 CSR 10-41.010 Annual Adjusted Rate of Interest
<b>Type of Rulemaking:</b>	Emergency Amendment

**II. SUMMARY OF FISCAL IMPACT**

<b>Estimate of the number of entities by class which would likely be affected by adoption of the proposed rule:</b>	<b>Classification by types of the business entities which would likely be affected:</b>	<b>Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:</b>
Any taxpayer with delinquent tax.	Any taxpayer with delinquent tax.	<i>This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate. The 2023 interest rate imposed on delinquent taxes will be 6%. The actual number of affected taxpayers is unknown.</i>

**III. WORKSHEET**

The proposed amendment establishes the rate of interest for 2023 at six percent (6%).

This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate. The 2023 interest rate imposed on delinquent taxes is six percent (6%) and will assessed on each \$100 of delinquent taxes to private entities. The actual number of affected taxpayers is unknown.

**Interest on Delinquent Taxes Paid to Department of Revenue**

	<b>Current Rule 3.00%</b>	<b>Proposed Amendment 6.00%</b>
<b>Example:</b>		
Past due tax amount	\$100.00	\$100.00
Interest Amount (%)	\$3.00	\$6.00
<b>Total Amount Due</b>	<b>\$103.00</b>	<b>\$106.00</b>

**IV. ASSUMPTIONS**

Pursuant to Section 32.065, RSMo, the Director of Revenue is mandated to establish an annual adjusted rate of interest based upon the adjusted prime rate charged by banks during September of that year, as set by the Board of Governors of the Federal Reserve, rounded to the nearest full percentage. The actual bank prime loan rate noted by the Federal Reserve in 2023 is five point seven three percent (5.73%). The statute requires the interest rate be "rounded to the nearest full percent"; therefor the delinquent rate will be six percent (6%).

**Title 13 – DEPARTMENT OF SOCIAL SERVICES  
Division 70 – MO HealthNet Division  
Chapter 90 – Home Health Program**

**PROPOSED AMENDMENT**

**13 CSR 70-90.010 Home Health-Care Services.** The MO HealthNet Division is amending subsections (1)(A)–(C) and (3) (B), section (7), and paragraphs (8)(A)3. and (8)(B)3.

*PURPOSE: This amendment changes the practitioners that may order home health services due to a change in federal regulations found at 42 CFR 440.70, updates incorporated by reference dates, and corrects a reference error.*

(1) An otherwise eligible MO HealthNet participant is eligible for MO HealthNet reimbursement on his/her behalf for home health services if all the conditions of subsections (1)(A)–(C) are met[.]–

(A) The services are prescribed by the participant’s physician, **a nurse practitioner, a clinical nurse specialist, or a physician assistant within the scope of practice authorized under state law**, who documents a face-to-face patient encounter occurred in accordance with 42 CFR 440.70(f). If a Medicare face-to-face encounter document has already been provided for the same participant episode of care, it will suffice as the MO HealthNet face-to-face documentation requirement;

(B) The services are provided in accordance with a **written** plan of care which clearly documents the need for services and is reviewed by the **[physician] ordering practitioner** at least every sixty (60) days; and

(C) The services are provided in the participant’s place of residence as specified in 42 CFR 440.70(c) by a qualified person in the employ of or under contract to a Medicare-certified home health agency which is also licensed by Missouri and enrolled with the MO HealthNet program. 42 CFR 440.70 [is] as published by the *Federal Register*, at <https://www.ecfr.gov/>. **A copy of 42 CFR 440.70 on November 12, 2019, September 19, 2022**, is incorporated by reference and made a part of this rule[. as published by]. **A copy of 42 CFR 440.70 is available at the Department of Social Services, MO HealthNet Division, 615 Howerton Ct., Jefferson City, MO 65109, and at its website at <https://dssruletracker.mo.gov/dss-proposed-rules/welcome.action>. This rule does not incorporate any subsequent amendments or additions.**

(3) To qualify as skilled nursing care or as physical, occupational, or speech therapy under subsection (2)(A) or subsection (2)(B) and to be reimbursable under the MO HealthNet Home Health Program, a service must meet the following criteria:

(B) The service must generally consist of no more than one (1) visit per discipline per day, as further defined in section [(5)] (6); and

(7) To be reimbursed by MO HealthNet, all home health services and supplies must be provided in accordance with a **written** plan of care authorized by the **[participant’s physician] ordering practitioner**. The criteria for the development of the written plan of care and changes to the written plan of care through interim order(s) are described in the *MO HealthNet Division Home Health Provider Manual*. The *MO HealthNet Division Home Health Provider Manual* 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/manuals/>, September [24, 2021] 21, 2022. This rule does not incorporate any subsequent amendments or additions. Plans of care and interim order(s) are to be maintained in the client record.

(8) Skilled therapy services as described in subsection (2)(B) will be considered reasonable and necessary for treatment if the conditions of paragraphs (8)(A)1.–4. are met.

(A) The services –

1. Must be consistent with the nature and severity of the illness or injury and the participant’s particular medical needs;

2. Must be considered, under accepted standards of medical practice, to be specific and effective treatment for the patient’s condition;

3. Must be provided with the expectation of good potential for rehabilitation, based on assessment made by the **[participant’s physician] ordering practitioner**; and

4. Are necessary for the establishment of a safe and effective maintenance program, or for teaching and training a caregiver.

(B) Therapy services may be delivered for one (1) certification period (up to sixty (60) days), if services are initiated within sixty (60) days of onset of the condition or within sixty (60) days from date of discharge from the hospital, if the participant was hospitalized for the condition. Prior authorization to continue therapy services beyond the initial certification period may be requested by the home health provider. Prior authorization requests will be reviewed by the MO HealthNet Division, and approval or denial of the continuation of services will be based on the following criteria:

1. The service must be consistent with the nature and severity of the illness or injury and the participant’s particular medical needs;

2. The services are considered, under accepted standards of medical practice, to be specific and effective treatment for the patient’s condition; and

3. The services must be provided with the expectation, based on the assessment made by the **[attending physician] ordering practitioner**, that the participant’s condition will improve materially in a reasonable and generally predictable period of time, or are necessary to the establishment of a safe and effective maintenance program.

*AUTHORITY: sections 208.153, 208.201, and 660.017, RSMo 2016, and section 208.152, RSMo Supp. [2021] 2022. This rule was previously filed as 13 CSR 40-81.056. Original rule filed April 14, 1982, effective July 11, 1982. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 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 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](mailto: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 97 – Health Insurance Premium Payment  
(HIPP) Program**

**PROPOSED AMENDMENT**

**13 CSR 70-97.010 Health Insurance Premium Payment (HIPP) Program.** The Department of Social Services is amending the purpose statement, sections (1), (3), (5), (6), and (9), and adding

new sections (14) and (15).

*PURPOSE: This amendment defines “participant” and lists additional exceptions to participation in the HIPP Program.*

*PURPOSE: This rule establishes [guidelines for the health insurance premium payment program in accordance with section 1906 of the Social Security Act, P.L. 101-508 of November 5, 1990, as amended] that [T]he Department of Social Services, MO HealthNet Division shall pay for the cost of enrolling an eligible MO HealthNet participant in a group or individual health insurance plan when the MO HealthNet Division determines it is cost-effective to do so.*

(1) Definitions.

(A) “Group health insurance” shall mean any plan of, or contributed to by, an employer (including a self-insured plan) to provide health care (directly or otherwise) to the employer’s employees, former employees, or the families of the employees or former employees. A group health plan must meet section 5000(b)(1) of the *Internal Revenue Code of 1986*, as amended, and include continuation coverage pursuant to Title XXII of the Public Health Service Act, section 4980B of the *Internal Revenue Code of 1986*, or Title VI of the Employee Retirement Income Security Act of 1974, as amended. Participation in a health insurance plan that is not group health insurance as defined in this section is not a condition of MO HealthNet eligibility.

(B) “Participant” shall mean MO HealthNet enrollee eligible for comprehensive or full coverage under Medicaid.

(3) Cost-effectiveness. Enrollment in a health insurance plan is considered cost-effective when the cost of paying the premiums, coinsurance, deductibles and other cost-sharing obligations, and additional administrative costs is likely to be less than the amount paid for an equivalent set of MO HealthNet services. When determining the cost-effectiveness of the health insurance plan, the following data shall be considered:

(A) The cost of the insurance premium, coinsurance and deductible[.];

(B) The scope of services covered under the insurance plan[*, including exclusions for pre-existing conditions, exclusions to enrollment and lifetime maximum benefits imposed*];

(5) Exceptions to Payment. Premiums shall not be paid for health insurance plans under any of the following circumstances:

(D) The insurance plan is an indemnity policy which supplements the policyholder’s income or pays only a predetermined amount for services covered under the policy (for example, fifty dollars (\$50) per day for hospital services instead of eighty percent (80%) of the charge); *[or]*

(E) The participant is Children’s Health Insurance Program (CHIP) eligible;

(F) The participant is Medicare eligible;

(G) The health insurance is court ordered;

*[(E)](H)* The persons covered under the plan are not MO HealthNet[-] eligible on the date the decision regarding eligibility for the HIPP program is made[.]; *or*

(I) The participant is enrolled in a MO HealthNet Division (MHD) managed care plan or has the option to enroll in a MHD managed care plan.

(6) Duplicate Policies. When more than one (1) health insurance plan or policy is available, the Department of Social Services, MO HealthNet Division shall pay only for the most cost-effective plan. *[However, in situations where the department is buying-in to the cost of Medicare Part A or Part B for eligible Medicare beneficiaries, the cost of premiums for a Medicare supplemental*

*insurance policy may also be paid if the department determines it is likely to be cost-effective to do so.]*

(9) Method of Premium Payment. Payments of health insurance premiums will be made directly to the insurance carrier except as follows:

(B) When the employer will not agree to accept premium payments from the department in lieu of a payroll deduction to the employee’s wages, the department shall *[reimburse]* prospectively pay the policyholder directly for payroll deductions or for payments made directly to the employer for the payment of health insurance premiums[.];

(C) When premium payments occur through an automatic withdrawal from a bank account by the insurance carrier, the department may *[reimburse]* prospectively pay the policyholder for said withdrawals; *[and]*

(D) When the department is otherwise unable to make direct premium payments because the health insurance is offered through a contract that covers a group of persons identified as individuals by reference to their relationship to the entity, the department shall *[reimburse]* prospectively pay the policyholder for premium payments made to the entity[.]; *and*

(E) Participants shall provide documentation to the department of the monthly premium paid by payroll deduction or bank account auto-withdrawal. This documentation must be received by the department on a monthly basis. Failure to provide this documentation on a timely basis may result in non-payment of the HIPP premium by the department or exclusion from the HIPP program.

(13) Administration. HIPP Program information and forms are currently located and can be accessed on the MO HealthNet Division’s website at [www.dss.mo.gov/mhd](http://www.dss.mo.gov/mhd). *[HIPP Program information and forms shall be determined by the division and shall be included in the MO HealthNet provider manuals, which are incorporated by reference and made a part of this rule as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109, at its website [www.dss.mo.gov/mhd](http://www.dss.mo.gov/mhd), March 3, 2008. The rule does not incorporate any subsequent amendments or additions.]*

(14) Dental and Vision Benefits. Dental and vision insurance policies will not be eligible for premium assistance unless the benefits are part of the medical policy and cannot be separated from the medical policy premium. Dental and vision benefits will be provided to participants through wrap-around coverage.

(15) Cost Sharing. The department must be notified three (3) weeks prior to a Medicaid-covered service to receive prospective payment for any cost sharing obligation. Payment for cost sharing related to services obtained without notice to the department will be reimbursed. Documentation supporting the services occurred, and cost sharing payment was made, must be submitted to the department by the end of the month following the date of service.

*AUTHORITY: sections 208.153 [and], 208.201, and 660.017, RSMo [Supp. 2010] 2016. Original rule filed June 30, 1994, effective Jan. 29, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 31, 2022.*

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

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

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

**Title 19 – DEPARTMENT OF HEALTH AND SENIOR SERVICES**

**Division 25 – Missouri State Public Health Laboratory**

**Chapter 30 – Determination of Blood Alcohol by Blood, Breath, Saliva, and Urine Analysis; and Determination for the Presence of Drugs in Blood, Saliva, and Urine**

**PROPOSED AMENDMENT**

**19 CSR 25-30.021 Type I Permit.** The department is amending section (3).

*PURPOSE: This amendment adds back to the rule an accreditation that is currently held by one (1) of the laboratories in Missouri that upon further review has been deemed an acceptable accreditation.*

(3) Laboratories wherein analyses are performed by Type I permit holders shall maintain complete records of testing, quality assurance data, logbooks, and other documentation related to the performance of tests as established under general standards of laboratory practice and chain-of-custody procedures.

(B) Laboratories that perform analyses of blood, saliva, or urine for the presence of drugs shall hold a **forensic drug testing accreditation through the College of American Pathologists (CAP)**, an accreditation through the American Board of Forensic Toxicologists (ABFT), or an accreditation through an accreditation body that is a signatory of the International Laboratory Accreditation Cooperation Mutual Recognition Arrangement (ILAC MRA). This accreditation shall include an annual forensic proficiency test on each biological matrix (blood, saliva, or urine) tested. A copy of the certification for each laboratory shall be supplied to the Missouri State Public Health Laboratory upon request.

*AUTHORITY: sections 192.006, 577.020, and 577.037, RSMo 2016. This rule previously filed as 19 CSR 20-30.021. Original rule filed July 15, 1988, effective Sept. 29, 1988. Changed to 19 CSR 25-30.021, Jan. 1, 1995. Amended: Filed May 31, 2012, effective Dec. 30, 2012. Amended: Filed Oct. 1, 2019, effective March 30, 2020. Emergency amendment filed Nov. 1, 2022, effective Nov. 16, 2022, expires May 14, 2023. Amended: Filed Nov. 1, 2022.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Mike Massman, Director, Missouri Department of Health and Senior Services, Missouri State Public Health Laboratory, PO Box 570, Jefferson City, MO 65102, or by email at Mike.Massman@health.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20 – DEPARTMENT OF COMMERCE AND INSURANCE**  
**Division 2030 – Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects**  
**Chapter 5 – Examinations**

**PROPOSED AMENDMENT**

**20 CSR 2030-5.110 Standards for Admission to Examination – Professional Land Surveyors.** The board is amending sections (1), adding new section (2), renumbering as necessary, and amending newly numbered sections (3) and (5).

*PURPOSE: This rule is being amended to come into compliance with a statutory amendment via HB 2149, effective August 28, 2022.*

(1) **Prior to January 1, 2024, [N]no person shall apply for examination and licensure as a professional land surveyor in the state of Missouri unless said person is currently enrolled as a land [surveyor-in-training] surveyor-intern and unless said person shall have acquired at least four (4) years of satisfactory professional field and office experience in land surveying under the immediate personal supervision of a professional land surveyor upon their date of enrollment.**

(2) **On or after January 1, 2024, no person shall apply for examination and licensure as a professional land surveyor in the state of Missouri unless said person is currently enrolled as a land surveyor-intern and meets the requirements of subsection (A).**

(A) **Any person may apply for examination and licensure as a professional land surveyor who is currently enrolled as a land surveyor-intern and who:**

1. **Is a high school graduate or holds a GED and who has graduated and received a baccalaureate degree in an approved curriculum, as defined by the board, which shall include at least fifteen (15) semester hours of approved surveying course work, as defined by the board, of which at least six (6) semester hours shall be in the legal aspects of boundary surveying, and shall have acquired at least four (4) years of satisfactory field and office experience in land surveying under the immediate personal supervision of a professional land surveyor;**

2. **Is a high school graduate or holds a GED and who has passed at least sixty (60) hours of college credit which shall include at least fifteen (15) semester hours of approved surveying course work, as defined by the board, of which at least six (6) semester hours shall be in legal aspects of boundary surveying, and shall have acquired at least five (5) years of satisfactory field and office experience in land surveying under the immediate personal supervision of a professional land surveyor; or**

3. **Is a high school graduate or holds a GED and who has passed at least fifteen (15) semester hours of approved surveying coursework, as defined by the board, of which at least six (6) semester hours shall be in legal aspects of land surveying, and shall have acquired at least six (6) years of satisfactory field and office experience in land surveying under the immediate personal supervision of a professional land surveyor.**

(B) **Up to one (1) year of post-secondary education, approved by the board, may count as equivalent work experience.**

(C) **Any person enrolled as a land surveyor-in-training or land surveyor-intern prior to January 1, 2024, shall only be required to meet the requirements in pursuant to their enrollment.**

(3) *[However, a]* Applicants may accrue up to one (1) year (twelve (12) months) credit for satisfactory land surveying experience earned while in the military even if that experience was not completed under the immediate personal supervision of a licensed professional land surveyor.

*[(2)](4)* For professional field and office experience in land surveying to be deemed satisfactory, the applicant shall have obtained at least twenty-four (24) months of the required experience as field experience and at least sixteen (16) months of the required experience as office experience. In evaluating satisfactory professional field and office experience in land surveying, credit shall be given as follows:

- (A) Party chief – year for year **credit**;
- (B) Office work (combination of record research, survey calculations, and preparation of property descriptions as relating to property boundary surveys and/or the reestablishment of the U.S. public land survey corners) – *[(year-for-year credit)]*;
- (C) Individual evaluation may result in less than full credit; and
- (D) Design or construction surveying work experience in the field or office will receive no more than eight (8) months credit.

*[(3)](5)* Sections (1) *[and]*, (2), and (4) shall not apply to any applicant for licensure by comity who received waiver of educational and examination requirements under 20 CSR 2030-4.080(4).

*AUTHORITY: section[s] 327.041 [and 327.314], RSMo 2016, and sections 327.312 and 327.314, RSMo Supp. [2020] 2022. This rule originally filed as 4 CSR 30-5.110. Original rule filed March 16, 1970, effective April 16, 1970. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 26, 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 Board of Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects, PO Box 184, Jefferson City, MO 65102, via facsimile at (573) 751-8046, or via email at moapeplspla@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

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

**Division 2030 – Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects  
Chapter 5 – Examinations**

**PROPOSED AMENDMENT**

**20 CSR 2030-5.120 Scope of Examination – Land [Surveyor-in-Training] Surveyor-Intern and Professional Land Surveyors.** The board is amending the title, purpose, and section (1).

*PURPOSE: This rule is being amended to come into compliance with a statutory amendment via HB 2149, effective August 28, 2022.*

*PURPOSE: This rule establishes the examinations that are required of a person applying for enrollment as a land [surveyor-in-train-*

*ing] surveyor-intern under section 327.312, RSMo, and for a person applying for licensure as a professional land surveyor other than nonresident or resident military spouses exempt under section 324.009(2), RSMo.*

(1) The examination for enrollment as a land *[surveyor-in-training] surveyor-intern* shall be the National Council of Examiners for Engineering and Surveying (NCEES) Fundamentals of Land Surveying Examination.

*AUTHORITY: section[s] 327.041 [and 327.314], RSMo 2016, and sections 327.312 and 327.314, RSMo Supp. [2020] 2022. This rule originally filed as 4 CSR 30-5.120. Original rule filed Dec. 8, 1981, effective March 11, 1982. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 26, 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 Board of Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects, PO Box 184, Jefferson City, MO 65102, via facsimile at (573) 751-8046, or via email at moapeplspla@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

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

**Division 2030 – Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects  
Chapter 5 – Examinations**

**PROPOSED AMENDMENT**

**20 CSR 2030-5.130 Reexamination – Land [Surveyor-in-Training] Surveyor-Intern and Professional Land Surveyor.** The board is amending the title, purpose, and section (1).

*PURPOSE: This rule is being amended to come into compliance with a statutory amendment via HB 2149, effective August 28, 2022.*

*PURPOSE: This rule outlines the policy for reexamination of land [surveyor-in-training] surveyor-intern and professional land surveyor applicants who fail the examination(s).*

(1) An applicant for enrollment as a land *[surveyor-in-training] surveyor-intern* failing to make a passing grade on the National Council of Examiners for Engineering and Surveying (NCEES) Fundamentals of Surveying Examination may have unlimited opportunities to retake the examination so long as the applicant remains qualified to be examined on the date of the reexamination and providing the applicant applies for reexamination in accordance with NCEES policy.

*AUTHORITY: sections 327.041[, 327.314, 327.331,] and 327.341, RSMo 2016, and sections 327.312, 327.313, 327.314, and 327.321, RSMo Supp. [2018] 2022. This rule originally filed as 4 CSR 30-5.130. Original rule filed Dec. 8, 1981, effective March 11, 1982. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 26, 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 Board of Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects, PO Box 184, Jefferson City, MO 65102, via facsimile at (573) 751-8046, or via email at moapeplspla@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 20 – DEPARTMENT OF COMMERCE AND INSURANCE**  
**Division 2030 – Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects**  
**Chapter 6 – Fees**

**PROPOSED AMENDMENT**

**20 CSR 2030-6.015 Application, Renewal, Relicensure, and Miscellaneous Fees.** The board is amending subsection (1)(L).

*PURPOSE:* This rule is being amended to come into compliance with a statutory amendment via HB 2149, effective August 28, 2022.

(1) The following fees are established by the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects:

- (L) Land [Surveyor-in-Training] Surveyor-Intern Application Filling Fee \$10

*AUTHORITY:* section 327.041, RSMo 2016. This rule originally filed as 4 CSR 30-6.015. Emergency rule filed Aug. 12, 1981, effective Aug. 22, 1981, expired Dec. 10, 1981. Original rule filed Aug. 12, 1981, effective Nov. 12, 1981. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Oct. 26, 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 Board of Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects, PO Box 184, Jefferson City, MO 65102, via facsimile at (573) 751-8046, or via email at moapeplspla@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 20 – DEPARTMENT OF COMMERCE AND INSURANCE**  
**Division 2030 – Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects**  
**Chapter 14 – Definitions**

**PROPOSED AMENDMENT**

**20 CSR 2030-14.020 Definition of Baccalaureate Degree**

**From Approved Curriculum as Used in Section 327.312.1(1), RSMo.** The board is amending section (1).

*PURPOSE:* This rule is being amended to come into compliance with a statutory amendment via HB 2149, effective August 28, 2022.

(1) The approved curriculum for a baccalaureate degree as it applies to admission to the land [surveyor-in-training] surveyor-intern program will be deemed acceptable if the candidate holding the degree has achieved all of the credits in college level courses in accordance with the following table:

General Title	Representative Course Titles	Semester Hours
Mathematics	Trigonometry, Algebra, Analytic Geometry, Calculus, Statistics	12
Communications	Technical Writing, Speech	3
Legal Aspects of Boundary Survey	Legal Principles of Surveying, Missouri Surveying Law, Legal Principles and Boundary Control, Legal Aspects of Surveying, United States Public Land Surveying System (UPLSS)	3
Science	Physics, Geophysics, Astronomy, Computer Science, Remote Sensing	12
Surveying (A)	Surveying I, Surveying II, Land Surveying, Fundamentals of Surveying, Advanced Surveying, Surveying Calculations	6
Surveying (B)	Subdivision Design, Route and Construction Surveying, Geomatics, Introduction to GIS, Geodesy and Geodeic Positioning, Geospatial Technologies, Photogrammetry, UAS Mapping	3

*AUTHORITY:* section[s] 327.041 [and 327.312], RSMo 2016, and section 327.312, RSMo Supp. 2022. This rule originally filed as 4 CSR 30-14.020. Original rule filed Jan. 12, 1984, effective April 12, 1984. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Oct. 26, 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 Board of Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects, PO Box 184, Jefferson City, MO 65102, via facsimile at (573) 751-8046, or via email at moapeplspla@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

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

**Division 2030 – Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects  
Chapter 14 – Definitions**

**PROPOSED AMENDMENT**

**20 CSR 2030-14.030 Definition of Twenty Semester Hours of Approved Surveying Course Work as Used in Section 327.312.1(2), RSMo.** The board is amending section (1).

*PURPOSE:* This rule is being amended to come into compliance with a statutory amendment via HB 2149, effective August 28, 2022.

(1) The approved curriculum for a person applying for admission to the land [surveyor-in-training] surveyor-intern program and who has at least sixty (60) semester hours of college level courses will be in accordance with the following table:

General Title	Representative Course Titles	Semester Hours
Mathematics	Trigonometry, Algebra, Analytic Geometry, Calculus, Statistics	8
Communications	Technical Writing, Speech	3
Legal Aspects of Boundary Survey	Legal Principles of Surveying, Missouri Surveying Law, Legal Principles and Boundary Control, Legal Aspects of Surveying, United-States Public Land Surveying System (UPLSS)	3
Science	Physics, Geophysics, Astronomy, Computer Science, Remote Sensing	9
Surveying (A)	Surveying I, Surveying II, Land Surveying, Fundamentals of Surveying, Advanced Surveying, Surveying Calculations	12
Surveying (B)	Subdivision Design, Route and Construction Surveying, Geomatics, Introduction to GIS, Geodesy and Geodetic Positioning, Geospatial Technologies, Photogrammetry, UAS Mapping	5

*AUTHORITY:* section 327.041, RSMo 2016. This rule originally filed as 4 CSR 30-14.030. Original rule filed Jan. 12, 1984, effective April 12, 1984. Moved to 20 CSR 2030-14.030, effective Aug. 28, 2006. Non-substantive change filed Oct. 21, 2015, published Dec. 31, 2015. Amended: Filed March 20, 2018, effective Sept. 30, 2018. Amended: Filed Oct. 26, 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 Board of Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects, PO Box

184, Jefferson City, MO 65102, via facsimile at (573) 751-8046, or via email at moapeplspla@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

**Division 2030 – Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects  
Chapter 14 – Definitions**

**PROPOSED AMENDMENT**

**20 CSR 2030-14.040 Definition of Twelve Semester Hours of Approved Surveying Course Work as Used in Section 327.312.1(3), RSMo.** The board is amending section (1).

*PURPOSE:* This rule is being amended to come into compliance with a statutory amendment via HB 2149, effective August 28, 2022.

(1) The approved surveying course work as it applies to admission to the land [surveyor-in-training] surveyor-intern program without either a baccalaureate or associate degree-type program will be deemed acceptable if the candidate has achieved all the credits in college level courses in accordance with the following table:

General Title	Representative Course Titles	Semester Hours
Surveying (A)	Surveying I, Surveying II, Land Surveying, Fundamentals of Surveying, Advanced Surveying, Surveying Calculations	9
Legal Aspects of Boundary Survey	Legal Principles of Surveying, Missouri Surveying Law, Legal Principles and Boundary Control, Legal Aspects of Surveying, United States Public Land Surveying System (UPLSS)	3

*AUTHORITY:* section 327.041, RSMo 2016. This rule originally filed as 4 CSR 30-14.040. Original rule filed Jan. 12, 1984, effective April 12, 1984. Moved to 20 CSR 2030-14.040, effective Aug. 28, 2006. Non-substantive change filed Oct. 21, 2015, published Dec. 31, 2015. Amended: Filed March 20, 2018, effective Sept. 30, 2018. Amended: Filed Oct. 26, 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 Board of Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects, PO Box 184, Jefferson City, MO 65102, via facsimile at (573) 751-8046, or via email at moapeplspla@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 22 – MISSOURI CONSOLIDATED HEALTH CARE PLAN**

**Division 10 – Health Care Plan  
Chapter 2 – State Membership**

**PROPOSED AMENDMENT**

**22 CSR 10-2.089 Pharmacy Employer Group Waiver Plan for Medicare Primary Members.** The Missouri Consolidated Health Care Plan is amending section (1).

*PURPOSE:* This amendment revises Medicare Part D coverage stage and copayment amounts.

(1) The pharmacy benefit for Medicare primary non-active members is provided through a Pharmacy Employer Group Waiver Plan (EGWP) as regulated by the Centers for Medicare and Medicaid Services hereinafter referred to as the Medicare Prescription Drug Plan.

(F) The Medicare Prescription Drug Plan is comprised of a Medicare Part D prescription drug plan contracted by MCH-CP and some non-Part D medications that are not normally covered by a Medicare Part D prescription drug plan. The requirements for the Medicare Part D prescription drug plan are as follows:

1. The Centers for Medicare and Medicaid Services regulates the Medicare Part D prescription drug program. The Medicare Prescription Drug Plan abides by those regulations;

2. Initial coverage stage. Until a member's total yearly Part D prescription drug costs reach *[four thousand four hundred thirty dollars (\$4,430)]* **four thousand six hundred sixty dollars (\$4,660)**, the member will pay the following copayments:

A. Preferred formulary generic drugs: thirty-one- (31-) day supply has a ten dollar (\$10) copayment; sixty- (60-) day supply has a twenty dollar (\$20) copayment; ninety- (90-) day supply at retail has a thirty dollar (\$30) copayment; and a ninety- (90-) day supply through home delivery has a twenty-five dollar (\$25) copayment;

B. Preferred formulary brand drugs: thirty-one- (31-) day supply has a forty dollar (\$40) copayment; sixty- (60-) day supply has an eighty dollar (\$80) copayment; ninety- (90-) day supply at retail has a one hundred twenty dollar (\$120) copayment; and a ninety- (90-) day supply through home delivery has a one hundred dollar (\$100) copayment; and

C. Non-preferred formulary drugs and approved excluded drugs: thirty-one- (31-) day supply has a one hundred dollar (\$100) copayment; sixty- (60-) day supply has a two hundred dollar (\$200) copayment; ninety- (90-) day supply at retail has a three hundred dollar (\$300) copayment; and a ninety- (90-) day supply through home delivery has a two hundred fifty dollar (\$250) copayment;

3. Coverage gap stage. After a member's total yearly Part D prescription drug costs exceed *[four thousand four hundred thirty dollars (\$4,430)]* **four thousand six hundred sixty dollars (\$4,660)** and remain below *[seven thousand fifty dollars (\$7,050)]* **seven thousand four hundred dollars (\$7,400)**, the member will continue to pay the same cost-sharing amount as in the initial coverage stage until the yearly out-of-pocket Part D prescription drug costs reach *[seven thousand fifty dollars (\$7,050)]* **seven thousand four hundred dollars (\$7,400)**;

4. Catastrophic coverage stage. After a member's total yearly out-of-pocket Part D prescription drug costs reach *[seven thousand fifty dollars (\$7,050)]* **seven thousand four hundred dollars (\$7,400)**, the member will pay the greater of –

A. Five percent (5%) coinsurance or a *[three dollar and ninety-five cent (\$3.95)]* **four dollar and fifteen cent (\$4.15)** copayment for covered generic drugs (including brand drugs

treated as generics), with a maximum not to exceed the standard copayment during the initial coverage stage; or

B. Five percent (5%) coinsurance or a *[nine dollar and eighty-five cent (\$9.85)]* **ten dollar and thirty-five cent (\$10.35)** copayment for all other covered drugs, with a maximum not to exceed the standard copayment during the initial coverage stage; and

5. Amounts paid by the member or the plan for non-Part D prescription drugs will not count toward total Part D prescription drug costs or total Part D prescription drug out-of-pocket costs.

*AUTHORITY:* section 103.059, RSMo 2016. Emergency rule filed Oct. 30, 2013, effective Jan. 1, 2014, expired June 29, 2014. Original rule filed Oct. 30, 2013, effective June 30, 2014. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed Oct. 28, 2022, effective Jan. 1, 2023, expires June 29, 2023. Amended: Filed Oct. 28, 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 Consolidated Health Care Plan, Judith Muck, PO Box 104355, Jefferson City, MO 65110. 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.