

Volume 47, Number 4  
Pages 217–298  
February 15, 2022

SALUS POPULI SUPREMA LEX ESTO

*“The welfare of the people shall be the supreme law.”*



JOHN R. ASHCROFT  
SECRETARY OF STATE

MISSOURI  
REGISTER

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 Agriculture**  
 Animal Health . . . . . 221

### EXECUTIVE ORDERS . . . . . 222

### PROPOSED RULES

**Office of Administration**  
 Personnel Advisory Board and Division of Personnel . . . . . 225

**Department of Agriculture**  
 Animal Health . . . . . 231  
 Weights, Measures and Consumer Protection . . . . . 231

**Department of Natural Resources**  
 Air Conservation Commission . . . . . 235

**Department of Public Safety**  
 Missouri 911 Service Board . . . . . 236

**Department of Social Services**  
 MO HealthNet Division . . . . . 237

**Department of Commerce and Insurance**  
 Missouri Board for Architects, Professional Engineers,  
 Professional Land Surveyors, and Professional  
 Landscape Architects . . . . . 242

### ORDERS OF RULEMAKING

**Department of Elementary and Secondary Education**  
 Division of Learning Services . . . . . 247  
 Office of Childhood . . . . . 247  
 Division of Financial and Administrative Services . . . . . 247

**Department of Higher Education and Workforce  
 Development**  
 Commissioner of Higher Education . . . . . 249

**Department of Revenue**  
 Director of Revenue . . . . . 252

**Department of Social Services**  
 Division of Finance and Administrative Services . . . . . 252  
 Children’s Division . . . . . 254  
 Missouri Medicaid Audit and Compliance . . . . . 276  
 MO HealthNet Division . . . . . 276

**Elected Officials**  
 Treasurer . . . . . 279

**Department of Health and Senior Services**  
 Division of Regulation and Licensure . . . . . 279

**DISSOLUTIONS . . . . . 280**

**SOURCE GUIDES**  
**RULE CHANGES SINCE UPDATE . . . . . 286**  
**EMERGENCY RULES IN EFFECT . . . . . 290**  
**EXECUTIVE ORDERS . . . . . 292**  
**REGISTER INDEX . . . . . 293**

Register Filing Deadlines	Register Publication Date	Code Publication Date	Code Effective Date
October 1, 2021 October 15, 2021	<b>November 1, 2021</b> <b>November 15, 2021</b>	November 30, 2021 November 30, 2021	December 30, 2021 December 30, 2021
November 1, 2021 November 15, 2021	<b>December 1, 2021</b> <b>December 15, 2021</b>	December 31, 2021 December 31, 2021	January 30, 2022 January 30, 2022
December 1, 2021 December 15, 2021	<b>January 3, 2022</b> <b>January 18, 2022</b>	January 29, 2022 January 29, 2022	February 28, 2022 February 28, 2022
January 3, 2022 January 18, 2022	<b>February 1, 2022</b> <b>February 15, 2022</b>	February 28, 2022 February 28, 2022	March 30, 2022 March 30, 2022
February 1, 2022 February 15, 2022	<b>March 1, 2022</b> <b>March 15, 2022</b>	March 31, 2022 March 31, 2022	April 30, 2022 April 30, 2022
March 1, 2022 March 15, 2022	<b>April 1, 2022</b> <b>April 15, 2022</b>	April 30, 2022 April 30, 2022	May 30, 2022 May 30, 2022
April 1, 2022 April 15, 2022	<b>May 2, 2022</b> <b>May 16, 2022</b>	May 31, 2022 May 31, 2022	June 30, 2022 June 30, 2022
May 2, 2022 May 16, 2022	<b>June 1, 2022</b> <b>June 15, 2022</b>	June 30, 2022 June 30, 2022	July 30, 2022 July 30, 2022

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](http://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 2—DEPARTMENT OF AGRICULTURE  
Division 30—Animal Health  
Chapter 10—Food Safety and Meat Inspection**

**EMERGENCY AMENDMENT**

**2 CSR 30-10.010 Inspection of Meat and Poultry.** The director is amending section (2).

*PURPOSE:* This amendment ensures that the current rule language clearly includes the most recent publication of Part 300 to end of Title 9, the *Code of Federal Regulations* for the Missouri Meat and Poultry Inspection Program to be in compliance with federal regulations and maintain “equal to” status as determined by the United States Department of Agriculture/Food Safety and Inspection Service.

*EMERGENCY STATEMENT:* This emergency amendment is necessary to serve the compelling governmental interest to inform state agencies and the public of the most current adoption of Title 9 *Code of Federal Regulations* Parts 300 to end is incorporated into state regulation. The State Meat and Poultry Inspection (MPI) programs are required to operate in a manner and with authorities that are “at least equal to” the antemortem and postmortem inspection, re-inspection, sanitation, recordkeeping, and enforcement provisions as provided for in the Federal Meat Inspection Act and the Poultry Products Inspection Act. State MPI programs must stay current with and be able to explain how their programs are equal to FSIS regulations to ensure their rules are “at least equal to” USDA/FSIS and in

compliance with federal regulations. Therefore, an amendment to clarify the most current federal meat and poultry inspection regulations are being incorporated by reference and provide enforcement authority in Missouri. This regulation applies to approximately fifty-seven (57) state inspected meat and poultry establishments and three hundred thirty-seven (337) custom exempt plants in Missouri, which as a whole, produces millions of dollars in Missouri’s economy. This emergency amendment protects the public health, safety, and/or welfare under a compelling governmental interest, which requires 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 protection extended in the *Missouri* and *United States Constitutions*. The Department of Agriculture believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed January 11, 2022, becomes effective January 26, 2022, and expires July 24, 2022.

(2) The standards used to inspect Missouri meat and poultry slaughter and processing shall be those shown in Part 300 to end of Title 9, the *Code of Federal Regulations* (January 20/21/22), herein incorporated by reference and made a part of this rule as published by the United States Superintendent of Documents, 732 N Capitol Street NW, Washington, DC 20402-0001, phone: toll-free (866) 512-1800, DC area (202) 512-1800, website: <http://bookstore.gpo.gov>. This rule does not incorporate any subsequent amendments or additions.

*AUTHORITY:* section 265.020, RSMo 2016. Original rule filed Sept. 14, 2000, effective March 30, 2001. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed Jan. 11, 2022, effective Jan. 26, 2022, expires July 24, 2022. 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.

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

## EXECUTIVE ORDER

22-01

WHEREAS, integrating, aligning, and coordinating Missouri's public and private childhood education, home visiting, and child care programs will lead to better outcomes, improve the overall effectiveness of the state's early childhood support and services, and improve access for Missouri families; and

WHEREAS, Executive Order 21-02 created the Office of Childhood within the Missouri Department of Elementary and Secondary Education in furtherance of this goal; and

WHEREAS, the Department of Elementary and Secondary Education established the State Interagency Coordinating Council in 2005 pursuant to section 160.905, RSMo, for the purpose of maintaining compliance with 34 C.F.R. Part 303 Subpart G; and

WHEREAS, the federal Improving Head Start for School Readiness Act of 2007, 42 U.S.C. § 9837b(b)(1)(A), requires the governor of each state to designate or establish a state advisory council on early childhood education and care as part of a parallel federal effort to ensure coordination and collaboration within the states; and

WHEREAS, the Missouri Coordinating Board for Early Childhood ("Coordinating Board") was created in 2004 in section 210.102, RSMo, prior to the creation of the Office of Childhood, to serve as a coordinating body for interagency early childhood programs and services under 42 U.S.C. § 9837b(b)(1)(A); and

WHEREAS, the Office of Childhood integrated nearly all state early childhood programs and services into one agency, thereby necessitating a repurposing of the Coordinating Board; and

WHEREAS, the Governor is further required by 42 U.S.C. § 9837b(b)(1)(A)(ii) to designate an individual charged with coordinating the activities of the state advisory council; and

WHEREAS, the Governor may designate an existing entity in the state to serve as the state advisory council under 42 U.S.C. § 9837b(b)(1)(B); and

WHEREAS, for the efficient functioning of government, the state advisory and coordinating responsibilities should be integrated into one body to avoid duplication of efforts and streamline support staff activities.

NOW, THEREFORE I, MICHAEL PARSON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, hereby establish the Missouri Early Childhood State Advisory Council ("Advisory Council") and designate the members of the State Interagency Coordinating Council to serve as the Advisory Council.

The Advisory Council shall consist of the following members, as required by Part C of the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1431–1444, and 42 U.S.C. § 9837b(b)(1)(C), and as appointed by the Governor:

1. One representative from the Missouri Department of Elementary and Secondary Education.
2. One representative from the Missouri Department of Social Services.
3. One representative from the Missouri Department of Mental Health.
4. One representative from the Missouri Department of Commerce and Insurance.
5. One member from the Missouri General Assembly.
6. One individual involved in personnel preparation.
7. One representative of a local educational agency in Missouri.
8. One representative of an institution of higher education in Missouri.
9. The State Director of Missouri Head Start.

10. One early care and education provider.
11. One representative designated by the Office of the Coordination of Education of Homeless Children and Youth.
12. Four First Steps providers.
13. Four parents of children with disabilities age twelve or younger, with knowledge of, or experience with, programs for infants and toddlers with disabilities. One of those parents must be a parent of a child with a disability age six or younger.

The membership of the State Interagency Coordinating Council shall now be modified to be identical to the Advisory Council. However, the Advisory Council shall act as a distinct entity for the purpose of fulfilling the responsibilities outlined here. Each member of the State Interagency Coordinating Council shall be considered a voting member of the Advisory Council. The State Interagency Coordinating Council minutes shall explicitly distinguish actions and votes of the Advisory Council, and the Advisory Council must officially adjourn prior to acting as the State Interagency Coordinating Council. Each Advisory Council member's term shall be concurrent with his or her service to the State Interagency Coordinating Council.

The Assistant Commissioner of the Office of Childhood is designated to coordinate the activities of the Advisory Council.

The Advisory Council shall have the following duties and responsibilities:

1. The Advisory Council shall meet the criteria and carry out the duties and function prescribed by relevant federal law, in addition to any responsibilities assigned to the Advisory Council by the Governor, including:
  - a. Conduct a periodic statewide needs assessment concerning the quality and availability of early childhood education and development programs and services for children from birth to school entry, including an assessment of the availability of high-quality pre-kindergarten services for low-income children;
  - b. Identify opportunities for, and barriers to, collaboration and coordination among federally-funded and state-funded child development, child care, and early childhood education programs and services, including collaboration and coordination among state agencies responsible for administering such programs;
  - c. Develop recommendations for increasing the overall participation of children in existing federal, state, and local childcare and early childhood education programs, including outreach to underrepresented and special populations;
  - d. Develop recommendations regarding the establishment of a unified data collection system for public early childhood education and development programs and services;
  - e. Develop recommendations regarding statewide professional development and career advancement plans for early childhood educators;
  - f. Assess the capacity and effectiveness of 2- and 4-year public and private institutions of higher education toward supporting the development of early childhood educators, including the extent to which such institutions have in place articulation agreement, professional development, and career advancement plans, and practice or internships for students to spend time in a Head Start or pre-kindergarten program;
  - g. Make recommendations for improvements in state early learning standards and undertake efforts to develop high-quality comprehensive early learning standards, as appropriate; and
  - h. Perform all other functions, as permitted under federal and state law, to improve coordination and delivery of early childhood education and development to children.
2. The Advisory Council shall hold public hearings and provide an opportunity for public comment on the activities as described in paragraph 1 and shall periodically submit a statewide strategic report addressing the activities described in paragraph 1 to the state Director of Head Start Collaboration and the Governor, under 42 U.S.C. § 9837b(b)(1)(D)(ii).

Members of the Advisory Council shall serve voluntarily. Members of the Advisory Council shall not receive compensation for performance of their duties, but may be reimbursed for necessary expenses associated with

performance of their duties, subject to the availability of funds. Officers or employees of state agencies who are appointed to the Advisory Council as part of their duties shall be authorized to participate on the Advisory Council and may claim subsistence, allowance, mileage, or associated expenses from their respective agency budgets as permitted by law.

The Advisory Council shall be subject to Chapter 610, RSMo.

In order to facilitate the work of the Advisory Council, Missouri's public agencies shall, to the extent permissible under state and federal law, assist in providing all data necessary to fulfill the Advisory Council's duties.

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 7<sup>th</sup> day of January, 2022.



*Michael L. Parson*

MICHAEL L. PARSON  
GOVERNOR

ATTEST:

*John R. Ashcroft*

JOHN R. ASHCROFT  
SECRETARY OF STATE



**U**nder this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

**E**ntirely new rules are printed without any special symbology under the heading of proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

**A**n 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.

**I**f 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*.

**A**n 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.

**I**f an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

**Boldface text indicates new matter.**

*[Bracketed text indicates matter being deleted.]*

**Title 1—OFFICE OF ADMINISTRATION**  
**Division 20—Personnel Advisory Board and Division of Personnel**  
**Chapter 5—Working Hours, Holidays, and Leaves of Absence**

**PROPOSED AMENDMENT**

**1 CSR 20-5.020 Leaves of Absence.** The Personnel Advisory Board is amending sections (1) and (8).

*PURPOSE:* This amendment expands bereavement leave to include allowing such leave as a result of the death of the employee's step-sibling or spouse's sibling or step-sibling, and removes obsolete language.

(1) Annual leave or vacation with pay shall be governed by the following provisions:

(B) Annual leave or vacation with pay shall not be allowed to employees who are employed on a noncontinuing basis in positions of limited duration requiring less than the equivalent of six (6) months of full-time employment in any twelve- (12-)/- month period, whether this be on *a/n emergency,] temporary, [limited temporary,] hourly, or per diem basis*. Employees who are ineligible to earn annual leave under this rule shall be identified as ineligible at the time of appointment or assignment and shall be notified of their ineligibility. If the term of limited duration employment is extended to the equivalent of six (6) months or more of full-time work in any twelve- (12-)/- month period, the employee shall be credited with earned annual leave for that period of employment in excess of six (6) months. If a limited duration appointment is followed without break in service by appointment to a position of a continuing or permanent nature, the employee shall be credited with earned leave for the initial period of limited duration employment;

(8) Time off with compensation shall be governed by the following provisions:

(B) With the approval of the appointing authority, an employee may be granted time off from duty, with compensation, for any of the following reasons:

1. Attendance at professional conferences, institutes, or meetings when attendance, in the opinion of the appointing authority, may be expected to contribute to the betterment of the service. Proof of actual attendance at these meetings may be required by the appointing authority;

2. Attendance at in-service training and other courses designed to improve the employee's performance or to prepare the employee for advancement;

3. Absence, not to exceed five (5) consecutive workdays, due to the bereavement of an employee as a result of the death of the employee's spouse, child, sibling, **step-sibling**, parent, step-parent, grandparent or grandchild, and spouse's child, **sibling, step-sibling**, parent, step-parent, grandparent or grandchild, or a member of the employee's household. The final decision concerning the applicability and length of such leave under this section shall rest with the appointing authority. Other absences due to the death of loved ones, when approved by the appointing authority, shall be charged to an employee's accumulated annual or compensatory leave;

4. Leaves of absence for five (5) workdays to serve as a bone marrow donor and leaves of absence for thirty (30) workdays to serve as a human organ donor as defined in section 105.266, RSMo. Leave is authorized under these circumstances only when the employee is serving as the donor and written verification is provided to the appointing authority; and

5. Because of extraordinary reasons sufficient in the opinion of the appointing authority to warrant such time off with compensation.

*AUTHORITY:* section 36.070, RSMo Supp. [2018] 2021, and section 36.350, RSMo 2016. Original rule filed Aug. 20, 1947, effective Aug. 30, 1947. For intervening history, please consult the Code of State Regulations. Amended: Filed Jan. 12, 2022.

*PUBLIC COST:* This proposed amendment will cost state agencies or political subdivisions thirty-five thousand nine hundred thirty-three dollars and eleven cents (\$35,933.11) annually 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 with the Personnel Advisory Board, Attn: Casey Osterkamp, Secretary, 301 W. High St., Room 430, Jefferson City, MO 65101. To be considered, comments must be received no

*later than the date of the public hearing, April 12, 2022, which is fifty-six (56) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for 9:00 A.M., April 12, 2022, at the Harry S. Truman State Office Building, 301 W. High St., Room 430, Jefferson City, MO 65101.*

**FISCAL NOTE  
PUBLIC COST**

- I. Department Title: Office of Administration  
Division Title: Personnel Advisory Board and Division of Personnel  
Chapter Title: Working Hours, Holidays and Leaves of Absence**

<b>Rule Number and Name:</b>	1 CSR 20-5.020 Leaves of Absence
<b>Type of Rulemaking:</b>	Proposed Amendment

**II. SUMMARY OF FISCAL IMPACT**

<b>Affected Agency or Political Subdivision</b>	<b>Estimated Cost of Compliance in the Aggregate</b>
Office of Administration	\$1,832.22 annually
Dept. of Agriculture	\$353.56 annually
Dept. of Commerce and Insurance	\$854.98 annually
Dept. of Conservation	\$1,277.70 annually
Dept. of Corrections	\$6,250.84 annually
Dept. of Economic Development	\$238.00 annually
Dept. of Elementary and Secondary Education	\$1,435.28 annually
Dept. of Health and Senior Services	\$1,527.85 annually
Dept. of Higher Education and Workforce Development	\$286.38 annually
Dept. of Labor and Industrial Relations	\$587.17 annually
Dept. of Mental Health	\$4,971.17 annually
Dept. of Natural Resources	\$1,484.44 annually
Dept. of Public Safety	\$4,848.36 annually
Dept. of Revenue	\$852.27 annually
Dept. of Social Services	\$4,514.29 annually
Dept. of Transportation	\$4,618.61 annually
<b>Total</b>	<b>\$35,933.11 annually</b>

**III. WORKSHEET**

227,267      Average number of bereavement leave hours used statewide in fiscal years  
2019-2021 (217,972, 224,157, 239,672)  
\*  
0.03          See Assumption 1  
=  
6,818.01      Expected additional bereavement leave hours per year

---

6,818.01      Expected additional bereavement leave hours per year  
\*  
0.5            See Assumption 5  
\*  
0.5            See Assumption 6  
=  
1,704.5       Reduced annual leave usage per year as a result of bereavement leave  
expansion

---

1,704.5       Reduced annual leave usage per year  
\*  
0.98          See Assumption 7  
=  
1,670.41      Total cost in annual leave hours

*Explanation: Annual leave hours that would have been taken absent this policy change, and that would not have lapsed at some later time, represent hours that must be liquidated and paid out to employees upon separation from state employment. In the absence of bereavement leave expansion, these annual leave hours would have been used by the employee and would not have been paid out upon separation, so they represent the projected public cost per year of bereavement leave expansion.*

---

State Agency	Employees	Avg. Salary	Estimated Cost of Compliance
Office of Administration	1,684	\$24.34	\$1,832.22
Dept. of Agriculture	361	\$21.91	\$353.56
Dept. of Commerce and Insurance	693	\$27.60	\$854.98
Dept. of Conservation	1,459	n/a	\$1,277.70*
Dept. of Corrections	8,250	\$16.95	\$6,250.84
Dept. of Economic Development	232	\$22.95	\$238.00
Dept. of Elementary and Secondary Education	1,511	\$21.25	\$1,435.28
Dept. of Health and Senior Services	1,578	\$21.66	\$1,527.85
Dept. of Higher Education and Workforce Development	317	\$20.21	\$286.38

Dept. of Labor and Industrial Relations	607	\$21.64	\$587.17
Dept. of Mental Health	6,199	\$17.94	\$4,971.17
Dept. of Natural Resources	1,472	\$22.56	\$1,484.44
Dept. of Public Safety	4,827	\$22.47	\$4,848.36
Dept. of Revenue	1,104	\$17.27	\$852.27
Dept. of Social Services	5,623	\$17.96	\$4,514.29
Dept. of Transportation	5,115	\$20.20	\$4,618.61
<b>Total</b>	41,032	n/a	\$35,933.11

*Explanation: Estimated cost is calculated by multiplying the agency's average salary amongst employees who took bereavement leave in fiscal year 2021 by the 2% COLA effective January 1, 2022, by the agency's percentage share of total state employment, by the total annual leave hours figure calculated above, and then by 1.0765 to account for the additional employer share of Medicare and Social Security taxes. Annual leave payouts made upon separation from state employment do not include employer contributions to any other fringe benefits.*

*\* Department of Conservation bereavement leave usage data is not available to the Office of Administration in the SAM II system. The estimate for this state agency has been calculated using the average per capita estimated cost at the other 15 state agencies.*

**IV. ASSUMPTIONS**

**A. Demographic Assumptions**

- 1) The 13 existing categories of deaths causing an employee to be eligible to take bereavement leave (employee's spouse, child, sibling, parent, step-parent, grandparent, or grandchild; spouse's child, parent, step-parent, grandparent, or grandchild; or a member of the employee's household), on average, have larger populations and higher mortality rates than the three new categories of eligibility (employee's step-sibling and spouse's sibling and step-sibling). This expanded eligibility will result in no more than three percent more eligible deaths per year.
- 2) The frequency of the occurrence of an eligible death and the average length of bereavement leave taken per eligible death will be the same going forward across all state agencies.
- 3) Average salary was calculated by averaging the salary of the employees who took bereavement leave at each state agency in fiscal year 2021. This average is a better estimate than using the agency-wide average salary or the statewide average salary.

**B. Leave Usage Assumptions**

- 4) Employees will be equally likely to take bereavement leave for the death of a step-sibling or spouse's sibling or step-sibling as they are to take bereavement leave for the 13 existing categories of deaths eligible for bereavement leave and will take, on average, an equal number of leave hours.
- 5) Prior to this expansion of bereavement leave, employees would have had to take annual leave in instances of death of a step-sibling or spouse's sibling or step-sibling

- because bereavement leave was unavailable. With bereavement leave now available, employees will be twice as likely to decide to take leave time.
- 6) Prior to this expansion of bereavement leave, employees would have had to take annual leave in instances of death of a step-sibling or spouse's sibling or step-sibling because bereavement leave was unavailable. With bereavement leave now available, those employees who would have decided to take annual leave previously would have used 50% fewer hours of leave per eligible death than they will going forward with bereavement leave now available.
  - 7) 2% of annual leave that is retained because of this bereavement leave expansion will ultimately lapse pursuant to the leave sweep provision of 1 CSR 20-5.020(1)(D).
  - 8) State agencies will not hire part-time employees and will not incur additional overtime costs in absorbing the duties of employees taking bereavement leave that would not have been taken prior to this expansion.
  - 9) The possession of more annual leave that previously would have been used to take time off for an ineligible death will not impact future annual leave usage by an employee.

### C. General Assumptions

- 10) The average employee salaries used for these calculations is adjusted for the 2% cost-of-living adjustment effective January 1, 2022 but is not adjusted for any other salary adjustments or in anticipation of uncertain future salary adjustments.
- 11) Employee headcount data in total and at each state agency is taken from the SAM II Talent Management Dashboard as of November 30, 2021. Future employee headcount is not adjusted in anticipation of uncertain future increases or decreases in staffing.
- 12) The provisions of 1 CSR 20-5.020 relating to bereavement leave apply to all 16 executive agencies pursuant to section 36.350, RSMo. Any elected officials or other branches of government that choose to follow this regulation do so voluntarily, and the fiscal impact of those choices is not part of the fiscal impact of this proposed amendment.

**Title 2—DEPARTMENT OF AGRICULTURE  
Division 30—Animal Health  
Chapter 10—Food Safety and Meat Inspection**

**PROPOSED AMENDMENT**

**2 CSR 30-10.010 Inspection of Meat and Poultry.** The director is amending section (2).

*PURPOSE:* This amendment ensures that the current rule language clearly includes the most recent publication of Part 300 to end of Title 9, the *Code of Federal Regulations* for the Missouri Meat and Poultry Inspection Program to be in compliance with federal regulations and maintain “equal to” status as determined by the United States Department of Agriculture/Food Safety and Inspection Service.

(2) The standards used to inspect Missouri meat and poultry slaughter and processing shall be those shown in Part 300 to end of Title 9, the *Code of Federal Regulations* (January 20/21/22), herein incorporated by reference and made a part of this rule as published by the United States Superintendent of Documents, 732 N Capitol Street NW, Washington, D.C./J. 20402-0001, phone: toll-free (866) 512-1800, DC area (202) 512-1800, website: <http://bookstore.gpo.gov>. This rule does not incorporate any subsequent amendments or additions.

*AUTHORITY:* section 265.020, RSMo 2016. Original rule filed Sept. 14, 2000, effective March 30, 2001. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed Jan. 11, 2022, effective Jan. 26, 2022, expires July 24, 2022. Amended: Filed Jan. 11, 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 by website: <https://agriculture.mo.gov/proposed-rules/> or by mail: Missouri Department of Agriculture, attn: Meat Inspection Program, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 2—DEPARTMENT OF AGRICULTURE  
Division 90—Weights, Measures and Consumer  
Protection  
Chapter 60—Missouri Standards for Property  
Boundary Surveys**

**PROPOSED AMENDMENT**

**2 CSR 90-60.020 Definitions.** The Missouri Department of Agriculture is amending section (5).

*PURPOSE:* This rule is being amended to more clearly define an original survey.

(5) Original Survey—A survey which creates a new parcel[, or parcels, out of a larger parent tract]. **Boundary adjustment plats, consolidation plats, riparian plats, lot splits, and minor subdivisions are examples of original surveys.**

*AUTHORITY:* sections 60.510(7), 60.550, and 448.2-109, RSMo

2016. Material in this rule was originally covered in 10 CSR 30-2.020. Original rule filed Dec. 1, 2016, effective June 30, 2017. Amended: Filed Jan. 13, 2022.

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

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

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Agriculture, Division of Weights, Measures and Consumer Protection, Land Survey Program, PO Box 937, Rolla, MO 65402, via facsimile at (573) 368-2379, or via email at [landsurv@mda.mo.gov](mailto:landsurv@mda.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 2—DEPARTMENT OF AGRICULTURE  
Division 90—Weights, Measures and Consumer  
Protection  
Chapter 60—Missouri Standards for Property  
Boundary Surveys**

**PROPOSED AMENDMENT**

**2 CSR 90-60.030 General Land Surveying Requirements.** The Missouri Department of Agriculture is amending sections (2) and (3).

*PURPOSE:* This rule is being amended to correct a typo in subsection (2)(A) and paragraph (3)(C)3. and to add clarification regarding the establishment of permanent monuments in paragraph (3)(C)1.

(2) Field Investigation. The professional land surveyor or a person under his/her direct personal supervision shall—

(A) Search thoroughly for monuments and accessories at the necessary controlling corners and any other physical evidence that may be required to define the location of the exterior corners of the parcel surveyed (such as: location of streets, roads, lines of occupation, and [parole] parol information);

(3) Monumentation[.]—

(C) Additional Monumentation for Subdivision Surveys.

1. In addition to meeting the requirements set forth above, the professional land surveyor shall, prior to the recording of the subdivision plat, establish at least two (2) permanent monuments for every four (4) acres of land developed by the subdivision. **In cases where the lots of the subdivision are two (2) acres or larger, permanent monuments will be established so each tract has at least one (1) permanent monument.** This requirement is waived if the survey does not create more than four (4) lots or parcels.

2. The permanent monuments required in paragraph (3)(C)1. shall be set prior to the recording of the plat or if likely to be destroyed by construction, may be installed upon completion of the construction and must be set no later than twelve (12) months after the recording of the plat. The professional land surveyor shall also monument all lot corners in the subdivision with semi-permanent or witness monuments within the same twelve- (12-) month period.

3. When the subdivision is a cemetery, the requirements of [sub]paragraph (3)(C)1. for installation of permanent monuments shall be increased to include four (4) permanent monuments per block and the monumentation of all lot corners required in paragraph (3)(C)2. shall not be required; and

*AUTHORITY:* sections 60.510(7), 60.550, and 448.2-109, RSMo 2016. Material in this rule was originally covered in 10 CSR 30-2.030. Original rule filed Dec. 1, 2016, effective June 30, 2017. Amended: Filed Jan. 13, 2022.

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

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

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Agriculture, Division of Weights, Measures and Consumer Protection, Land Survey Program, PO Box 937, Rolla, MO 65402, via facsimile at (573) 368-2379, or via email at [landsurv@mda.mo.gov](mailto:landsurv@mda.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 2—DEPARTMENT OF AGRICULTURE  
Division 90—Weights, Measures and Consumer  
Protection  
Chapter 61—United States Public Land Survey  
Corners**

**PROPOSED AMENDMENT**

**2 CSR 90-61.010 Definitions.** The Missouri Department of Agriculture is amending the rule purpose.

*PURPOSE:* The reference to Chapter 3 in the “PURPOSE” paragraph of this rule should have been changed to Chapter 61 when the previous revisions were made to this rule in 2017. Due to this oversight, this rule is being amended for housekeeping purposes.

*PURPOSE:* This rule defines the various technical and legal terms used in Chapter [3] 61.

*AUTHORITY:* sections 60.321 and 60.550, RSMo 2016. Rule originally filed as 10 CSR 30-3.010. Original rule filed Dec. 8, 1975, effective Dec. 18, 1975. Rescinded and readopted: Filed Feb. 10, 1982, effective May 13, 1982. Rescinded and readopted: Filed May 3, 1994, effective Dec. 30, 1994. Moved to 2 CSR 90-61.010 and amended: Filed Dec. 1, 2016, effective June 30, 2017. Amended: Filed Jan. 13, 2022.

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

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

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Agriculture, Division of Weights, Measures and Consumer Protection, Land Survey Program, PO Box 937, Rolla, MO 65402, via facsimile at (573) 368-2379, or via email at [landsurv@mda.mo.gov](mailto:landsurv@mda.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 2—DEPARTMENT OF AGRICULTURE  
Division 90—Weights, Measures and Consumer  
Protection  
Chapter 63—Standards for Surveyor’s Real  
Property Report**

**PROPOSED AMENDMENT**

**2 CSR 90-63.010 Surveyor’s Real Property Report.** The Missouri Department of Agriculture is amending sections (1), (2), and (3), and subsections (4)(E) and (5)(A)-(D).

*PURPOSE:* Reference to the Minimum Standards in section (3) should have been changed to the Missouri Standards when that revision was made to all other rules in Chapter 60 in 2017. The words “Electronic Distance Measuring” have been placed in front of the acronym EDM for clarification in section (3). Also, in an effort to make the rules located in Chapter 60 through Chapter 65 more uniform, the words “professional or professional land” have been added to the words “surveyor” or “land surveyor.” This rule is being amended for housekeeping purposes.

(1) A [registered] licensed professional land surveyor in Missouri shall not provide to any party a Surveyor’s Real Property Report unless they are in the possession of a work order specified elsewhere in this chapter and signed by the borrower/purchaser indicating that they have been advised of the different types of surveying services available and the scope of each of these services. The required work order is to be initiated and signed during the loan application process. The Surveyor’s Real Property Report is to be used only for residential[,/] single-family detached dwellings[;], duplexes[;], triplexes, and fourplexes with not more than one (1) dwelling structure per previously surveyed and recorded parcel or tract. The Surveyor’s Real Property Report is not to be used for commercial, institutional, industrial buildings, or multifamily dwellings which share a common entranceway or stairwell.

(2) Research and Records—The professional land surveyor shall perform adequate research, maintain sufficient recorded documentation, and provide the field crew with information necessary to locate the property in the field.

(3) Field Procedures—Detailed notes shall be taken on each Surveyor’s Real Property Report and kept as a part of the professional land surveyor’s permanent records. A diligent search for existing control shall be made by the field crew and the highest order of monumentation available shall be used. Monumentation is defined as permanent and semi-permanent monuments described in the [Minimum] Missouri Standards for Property Boundary Surveys and other survey control, such as stones, axles, rebars, crosses, and pipes. Occupation lines, such as fence lines, hedge rows, and mowing lines, are not considered monumentation unless supported by survey control. The professional land surveyor must obtain sufficient evidence relating to the property boundary to demonstrate general knowledge of the given area. Appropriate field instrumentation and measuring equipment needed to achieve the stated level of certainty shall be utilized. The norm would include Electronic Distance Measuring (EDM), theodolite, transits, and measuring tapes.

(4) Form of Report—The report is a drawing of the parcel and it shall be furnished to the borrower/purchaser and shall show the following:

(E) Easements shown on the subdivision plat shall be shown. If documentation of other easements is provided the professional land surveyor, they shall be shown together with their source;

(5) Certification—A Surveyor’s Real Property Report shall not contain the word survey in any part of the report except as required in this standard, and must contain the following:



(A) The name, address, and telephone number of the **professional land** surveyor responsible for the report and the name of the party who ordered the work;

(B) A statement that the report was either conducted by the **professional** land surveyor or under his/her immediate personal supervision, the date the report was made, and the real property description or the public record reference of the property shown in the report;

(C) A statement that the accompanying drawing is a representation of the conditions that were found at the time of the inspection and that the report does not constitute a property boundary survey and is subject to any inaccuracies that a subsequent property boundary survey may disclose. It shall state the fact that no property corners were set, and that the information shown on the drawing should not be used to construct any fence, structure, or other improvements. If the property dimensions are based upon unverified recorded or deed information, this shall be so stated. Include notification that the **professional** land surveyor is not extending a warranty to the present or future owners or occupants; and

(D) The **professional** land surveyor shall sign, seal, and date the report.

*AUTHORITY: section 60.510(7), RSMo 2016. This rule originally filed as 10 CSR 30-5.011. Original rule filed May 3, 1994, effective Dec. 30, 1994. Moved to 2 CSR 90-63.010, effective Aug. 28, 2013. Amended: Filed Jan. 13, 2022.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Agriculture, Division of Weights, Measures and Consumer Protection, Land Survey Program, PO Box 937, Rolla, MO 65402, via facsimile at (573) 368-2379, or via email at [landsurv@mda.mo.gov](mailto:landsurv@mda.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 2—DEPARTMENT OF AGRICULTURE  
Division 90—Weights, Measures and Consumer  
Protection  
Chapter 63—Standards for Surveyor’s Real  
Property Report**

**PROPOSED AMENDMENT**

**2 CSR 90-63.020 Required Work Order Form.** The Missouri Department of Agriculture is amending the rule purpose and the Work Order form.

*PURPOSE: Reference to the Minimum Standards should have been changed to Missouri Standards when that revision was made to all other rules in Chapter 60 in 2017. The National Society of Professional Surveyors (NSPS) is the legal successor organization to the American Congress on Surveying and Mapping (ACSM). Therefore, the reference to ALTA/ACSM Land Title Survey has been revised to read ALTA/NSPS Land Title Survey. Also, in an effort to make the rules located in Chapter 60 through Chapter 65 more uniform, the words “professional land” have been added to the word “surveyor” in the purpose paragraph. This rule is being amended for housekeeping purposes.*

*PURPOSE: This rule states the information given below must be contained in the [w]Work [o]Order form. The **professional land** surveyor may want to include other data in the form.*

**WORK ORDER**

Please read carefully and indicate the type of service you wish to order.

. . . Surveyor's Real Property Report: It is a location of improvements and cursory check for encroachments onto or from the subject property based on existing but not confirmed evidence. This does not constitute a boundary survey and is subject to any inaccuracies that a subsequent boundary survey may disclose. No property corners will be set and it should not be used or relied upon for the establishment of any fence, structure or other improvement. No warranty of any kind is extended therein to the present or future owner or occupant.

. . . Property Boundary Survey with Location of Improvement: A boundary survey of the subject property will be made and the property corners will be located and verified or reset. The improvements on the property will be located and encroachments onto or from the subject property will be determined. This survey can be used by the property owner for the construction of a fence or other improvements. The survey will meet "Missouri Standards for Property Boundary Surveys."

. . . ALTA/NSPS (American Land Title Association/National Society of Professional Surveyors) Land Title Survey: This is the most comprehensive type of survey and improvement location. It covers all the aspects of the boundary survey and improvement location and identification for any additional evidence of possession or use which could be adverse to the interests of the purchaser. This type of survey is normally only performed on commercial property because of the expense involved.

I (We), the undersigned, have read, understand and have indicated the type of service desired and have authorized the work to be performed and agree to be responsible for the bill for this survey.

Borrower/Purchaser \_\_\_\_\_ Date \_\_\_\_\_

Lender \_\_\_\_\_

Ordered by \_\_\_\_\_

Common address \_\_\_\_\_

Legal description \_\_\_\_\_

Signature \_\_\_\_\_

*AUTHORITY: section 60.510(7), RSMo 2016. This rule originally filed as 10 CSR 30-5.020. Original rule filed May 3, 1994, effective Dec. 30, 1994. Moved to 2 CSR 90-63.020, effective Aug. 28, 2013. Amended: Filed Jan. 13, 2022.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Agriculture, Division of Weights, Measures and Consumer Protection, Land Survey Program, PO Box 937, Rolla, MO 65402, via facsimile at (573) 368-2379, or via email at landsurv@mda.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 2—DEPARTMENT OF AGRICULTURE  
Division 90—Weights, Measures and Consumer  
Protection  
Chapter 64—Mapping Survey Standards**

**PROPOSED AMENDMENT**

**2 CSR 90-64.010 Definitions.** The Missouri Department of Agriculture is amending section (3).

*PURPOSE: This rule is being amended for the sole purpose of correcting a typo in section (3).*

(3) Vertical map accuracy is defined as the rms error in elevation in terms of the project's elevation datum *[or]* for well-defined points only.

*AUTHORITY: section 60.510(7), RSMo 2016. This rule originally filed as 10 CSR 30-6.010. Original rule filed May 3, 1994, effective Dec. 30, 1994. Moved to 2 CSR 90-64.010, effective Aug. 28, 2013. Amended: Filed Jan. 13, 2022.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Agriculture, Division of Weights, Measures and Consumer Protection, Land Survey Program, PO Box 937, Rolla, MO 65402, via facsimile at (573) 368-2379, or via email at landsurv@mda.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 10—Air Conservation Commission  
Chapter 6—Air Quality Standards, Definitions, Sampling  
and Reference Methods and Air Pollution Control  
Regulations for the Entire State of Missouri**

**PROPOSED AMENDMENT**

**10 CSR 10-6.210 Confidential Information.** The commission pro-

poses to amend section (2) and subsection (3)(A). If the commission adopts this rule action, the department will submit the changes to the U.S. Environmental Protection Agency (EPA) to update the Missouri State Implementation Plan (SIP). The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Proposed Rules website <https://apps5.mo.gov/proposed-rules/welcome.action#OPEN>.

*PURPOSE: This rule provides procedures and conditions for handling confidential information. The purpose of this proposed amendment is to remove the listing of specific emission data elements that could be considered confidential business information (CBI) from subparagraph (3)(A)8.E. In addition, the air program is moving the definitions of Confidential Business Information and Emission Data from 10 CSR 10-6.020, Definitions and Common Reference Tables, into the rule consistent with the air programs definitions policy. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is a letter to the Environmental Protection Agency on April 28, 2020, that withdraws the 2016 request to amend the Missouri State Implementation Plan with this regulation.*

(2) Definitions. *[Definitions of certain terms specified in this rule may be found in 10 CSR 10-6.020.]*

(A) Confidential business information—Secret processes, secret methods of manufacture or production, trade secrets, and other information possessed by a business that, under existing legal concepts, the business has a right to preserve as confidential, and to limit its use by not disclosing it to others in order that the business may obtain or retain business advantages it derives from its rights in the information.

(B) Emission data—

1. The identity, amount, frequency, concentration, or other characteristics (related to air quality) of any air contaminant which—

- A. Has been emitted from an emission unit;
- B. Results from any emission by the emissions unit;
- C. Under an applicable standard or limitation, the emissions unit was authorized to emit; or

D. Is a combination of any of the subparagraphs (2)(B)1.A., B., or C. of this rule;

2. The name, address (or description of the location), and the nature of the emissions unit necessary to identify the emission units including a description of the device, equipment, or operation constituting the emissions unit; and

3. The results of any emission testing or monitoring required to be reported under this rule or other rules of the commission.

(C) Definitions of certain terms specified in this rule, other than those defined in this rule section, may be found in 10 CSR 10-6.020.

(3) General Provisions. Any information or records submitted or obtained pursuant to Chapter 643, RSMo, is subject to public disclosure unless a request for confidentiality is made by the person submitting the information or records and the request has been approved pursuant to the following procedures:

(A) Procedures.

1. An owner or operator who wishes to claim confidentiality for any information submitted pursuant to this rule or other rules of the commission should submit a claim of confidentiality when the information is initially submitted. Failure to submit a claim of confidentiality when the information is initially submitted may result in public disclosure.

2. The claim of confidentiality shall be accompanied by a justification that the information is entitled to confidential treatment.

3. When information claimed to be confidential is being submitted with a permit application, emissions report, or any other documentation containing information subject to public disclosure, a separate version that may be viewed by the public shall be provided by the owner or operator.

4. Upon receipt of a claim of confidentiality, the director shall evaluate the claim and inform the owner or operator that the claim has been approved, or that a preliminary decision has been made to deny the claim in whole or in part. Until that time in which the claim is reviewed it shall be held in confidence.

5. If a claim of confidentiality is denied in the preliminary review, the owner or operator will have fifteen (15) days from the date of the denial letter to submit further justification or comments to the director for consideration in the final decision on confidentiality. The director shall inform the owner or operator of his/her final decision on whether the claim will be denied in whole or in part within ten (10) working days of receiving the owner or operator's further justification or comments.

6. The owner or operator may appeal the director's final decision to deny a claim of confidentiality, in whole or part, to the administrative hearing commission pursuant to **section** 621.250, RSMo, and 10 CSR 10-1.030. Upon the timely filing of a notice of appeal, the confidentiality of the information shall be preserved until the entry of a final order by the commission.

7. If the commission's final decision is to deny the claim of confidentiality, in whole or in part, the director shall treat the information as subject to public disclosure unless the owner or operator files a timely action for judicial review pursuant to **section** 536.110, RSMo. If a timely action for judicial review is filed, the confidentiality of the information shall be preserved until adjudication of the matter upon judicial review.

8. A claim of confidentiality under this rule shall be approved if—

A. The owner or operator has asserted a business confidentiality claim that has not expired by its terms or been withdrawn;

B. The owner or operator has satisfactorily shown that it has taken reasonable measures to protect the confidentiality of the information and that it intends to continue to take those measures;

C. The information is not, and has not been, reasonably obtained without the owner's or operator's consent by other persons (other than governmental bodies) by use of legitimate means (other than discovery based on a showing of special needs in a judicial or quasi-judicial proceeding);

D. No statute specifically requires public disclosure of the information;

E. The information is not emission data *that is required to be reported to the U. S. Environmental Protection Agency under 40 CFR 51.15 with the exception of the following data elements which can be claimed to be confidential with justification the department approves:*

(I) *Activity/throughput (for each period reported);*

(II) *Emission factor;*

(III) *Winter throughput (percent);*

(IV) *Spring throughput (percent);*

(V) *Summer throughput (percent);*

(VI) *Fall throughput (percent);*

(VII) *Design capacity (including boiler capacity, if applicable) (MHDR);*

(VIII) *Primary capture and control efficiencies (percent); and*

(IX) *Total capture and control efficiency (percent)];*

and

F. The owner or operator has satisfactorily shown that—

(I) Public disclosure of the information is likely to cause substantial harm to the business' competitive position; or

(II) The information was voluntarily submitted and if disclosed, the submitter would be reluctant to provide additional information to the director in the future. Information is voluntarily sub-

mitted if the facility has no statutory, regulatory, or contractual obligation to provide the information; or the director has no statutory, regulatory, or contractual authority to obtain the information under federal or state law; and

*AUTHORITY: section 643.050, RSMo [Supp. 2013] 2016. Original rule filed Sept. 2, 1993, effective May 9, 1994. Amended: Filed May 2, 2016, effective Dec. 30, 2016. Amended: Filed Jan. 14, 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: The Missouri Air Conservation Commission will hold a public hearing on March 31, 2022, beginning at 9 a.m. at the Elm Street Conference Center, 1730 East Elm Street, Lower Level, Bennett Springs Conference Room, Jefferson City, Missouri, and online with live video conferencing. Meeting participants can join the video meeting by signing into Webex at [www.webex.com](http://www.webex.com) and joining the meeting using the meeting number (access code): 2450 334 4139, and password: MACC. For assistance joining the meeting, call the Missouri Department of Natural Resources' Air Pollution Control Program at (573) 751-4817 or (800) 361-4827. A recording of the public hearing meeting will be available at <https://dnr.mo.gov/env/apcp/macc.htm>. Opportunity to be sworn in by the court reporter in person or over video conference to give testimony at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a statement of their views until 5:00 p.m., April 7, 2022. Send online comments via the proposed rules web page <https://apps5.mo.gov/proposed-rules/welcome.action#OPEN>, email comments to [apcprulespn@dnr.mo.gov](mailto:apcprulespn@dnr.mo.gov), or mail written comments to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176.*

## Title 11—DEPARTMENT OF PUBLIC SAFETY Division 90—Missouri 911 Service Board Chapter 2—911 Financial Assistance Program

### PROPOSED AMENDMENT

**11 CSR 90-2.010 Definitions.** The board is amending subsection (1)(G).

*PURPOSE: This amendment changes the definition of eligible applicants to include elected emergency services boards consistent with a change to section 650.335, RSMo, that became effective on August 28, 2021.*

(1) As used in this chapter, the following terms shall mean:

(G) "Eligible applicants" or "Applicants," counties *[and]*, cities, and elected emergency service boards that sections 650.330 and 655.335, RSMo, authorize to submit applications to the board for grants and loans to finance all or a portion of the costs incurred by their 911 services authorities in implementing a 911 communications service project;

*AUTHORITY: sections 650.330 and 650.335, RSMo Supp. [2020] 2021. Emergency rule filed May 6, 2020, effective May 21, 2020, expired Feb. 25, 2021. Original rule filed May 7, 2020, effective Dec. 30, 2020. Emergency amendment filed Aug. 31, 2021, effective Sept. 15, 2021, expires March 13, 2022. Amended: Filed Jan. 7, 2022.*

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions and other public entities 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 Missouri 911 Service Board, PO Box 2126, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

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

**PROPOSED AMENDMENT**

**13 CSR 70-3.120 Limitations on Payment of Out-of-State Non-emergency Medical Services.** The department is amending sections (5) and (6).

*PURPOSE:* This amendment adds services provided via Telemedicine and Developmental Disabilities waiver Assistive Technology to the list of services that are exempt from the requirement for prior authorization of nonemergency MO HealthNet-covered services for out of state providers. This amendment also changes the expiration of out-of-state nonemergency prior authorizations for transplant services from one hundred eighty (180) days to three hundred sixty-five (365) days from the date the out-of-state transplant services are approved.

(5) The patient's attending physician is responsible for obtaining prior authorization of the services s/he believes to be medically necessary.

(B) All prior authorization requests must be submitted in accordance with policies and procedures established by the MO HealthNet Division as stated in the respective *MO HealthNet Provider Manual [and provider bulletins]* which [are] 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, and at its website at [[www.dss.mo.gov/mhd](http://www.dss.mo.gov/mhd), June 15, 2009] <http://manuals.momed.com/manuals/>, November 4, 2021. This rule does not incorporate any subsequent amendments or additions.

(D) Prior authorization expires one hundred eighty (180) days from the date a specific service was approved by the state, **except transplant services. Prior authorization for transplant services will expire three hundred sixty-five (365) days from the date the services were approved by the state.**

(6) The following are exempt from the requirement for prior authorization of nonemergency MO HealthNet-covered services for out-of-state providers:

(C) All foster care children living outside Missouri. Nonemergency services which routinely require prior authorization will continue to require prior authorization by out-of-state providers even though the service was provided to a foster care child. Foster care children are identified on the MO HealthNet ID card with a Type of Assistance (TOA) indicator of "D" or "Z"; [and]

(D) All independent laboratory, **Developmental Disabilities waiver Assistive Technology**, and emergency ambulance services[.]; and

(E) All services provided via telemedicine, which must be performed with the same standard of care as an in-person, face-to-face service.

*AUTHORITY:* sections 208.153, 208.201, and 660.017, RSMo 2016. This rule was previously filed as 13 CSR 40-81.190. Emergency rule filed Sept. 18, 1981, effective Sept. 28, 1981, expired Jan. 13, 1982. Original rule filed Sept. 18, 1981, effective Jan. 14, 1982. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Jan. 7, 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 3—Conditions of Provider Participation,  
Reimbursement, and Procedure of General Applicability**

**PROPOSED AMENDMENT**

**13 CSR 70-3.180 Medical Pre-Certification Process.** The division is amending the purpose and sections (1), (2), (4), and (7).

*PURPOSE:* This amendment adds clarifying language, updates an incorporation by reference, and updates outdated terms.

*PURPOSE:* This rule establishes the medical pre-certification process of the MO HealthNet Program for certain covered diagnostic and ancillary procedures and services prior to provision of the procedure or service as a condition of reimbursement. [This rule shall only apply to those diagnostic and ancillary procedures or services that are listed in the provider manuals, provider bulletins, or clinical edits criteria which are incorporated by reference and made a part of this rule.] The medical pre-certification process serves as a utilization management tool, allowing payment for services that are medically necessary, appropriate, and cost-effective without compromising the quality of care provided to MO HealthNet participants.

(1) Providers are required to [seek] obtain pre-certification for certain specified services [listed] as outlined in the provider manuals, provider bulletins, or clinical edits criteria documents before delivery of [the] services. This rule shall apply to diagnostic and ancillary procedures and services [listed] outlined in the provider manuals, provider bulletins, or clinical edits criteria documents when ordered by a healthcare provider, unless provided in an inpatient hospital or emergency room setting. This pre-certification process shall not include primary services performed directly by the provider. In addition to services and procedures that are available through the traditional [medical assistance] MO HealthNet program, expanded services are available to children twenty (20) years of age and under through the Healthy Children and Youth (HCY) Program. Some expanded services also require pre-certification. Certain services require pre-certification only when provided in a specific place or when they exceed certain limits. These limitations are explained in detail in subsections 13/[3] and 14/[4] of the [applicable provider manuals, provider bulletins,] respective MO HealthNet Provider Manual or clinical edits criteria documents, 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, and at its website at [[www.dss.mo.gov/mhd](http://www.dss.mo.gov/mhd), April 1, 2009] <http://manuals.momed.com/manuals/>, August 10, 2021. The rule does not incorporate any subsequent amendments or additions. This rule shall only apply to those diagnostic and ancillary procedures or services that are listed in the provider manuals, provider bulletins, or clinical edits criteria documents, which are incorporated by reference and made a part of this rule.

(2) All requests for pre-certification must be initiated by an enrolled medical assistance provider and approved by the MO HealthNet Division. A covered service for which pre-certification is [requested] required must meet medical criteria established by the MO HealthNet Division's medical consultants or medical advisory groups in order to be approved.

(4) Approved services/procedures must be initiated or dispensed within six (6) months of the date the pre-certification approval is issued. Services/procedures initiated or dispensed after the six- (6-)/- month approval period will be void and payment denied.

(7) If a pre-certification request is denied, the [medical assistance] MO HealthNet participant will receive a letter which outlines the reason for the denial and the procedure for appeal. The MO HealthNet participant must contact the MO HealthNet Division's Participant Services Unit within ninety (90) days of the date of the denial letter [if they wish] to request a hearing. After ninety (90) days a request to appeal the pre-certification decision is denied.

*AUTHORITY: sections 208.153, [and] 208.201, and 660.017, RSMo [Supp. 2008] 2016. Original rule filed July 3, 2006, effective Feb. 28, 2007. Amended: Filed March 2, 2009, effective Aug. 30, 2009. Amended: Filed Jan. 7, 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 4—Conditions of Participant Participation,  
Rights, and Responsibilities**

**PROPOSED AMENDMENT**

**13 CSR 70-4.100 Preventing Medicaid Payment of Expenses Used to Meet Spenddown.** The division is amending the chapter title and sections (1), (3), (4), and (5).

*PURPOSE: This amendment updates a legal reference in section (1) and outdated terminology throughout the rule. The amendment will change the term "Division of Medical Services" to the "MO HealthNet Division" and "recipients" to "participants."*

(1) Aged persons (over sixty-five (65) years), blind persons, or peo-

ple with disabilities with income above limits established under section 208.151.1(25)(24), RSMo, for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits, as amended, are allowed to deduct from income incurred medical expenses (that is, spenddown) to become eligible.

(3) The [Missouri Medical Assistance] MO HealthNet program (Medicaid) will only reimburse enrolled Medicaid providers for covered medical expenses that exceed a recipient's spenddown amount. Medicaid does not pay the portion of a claim used to meet the applicant's spenddown obligation. For example, for the first day of coverage, the [Division of Medical Services] MO HealthNet Division denies or splits (partially pays) a claim or claims until the applicant's spenddown liability is reduced to zero (0).

(4) After the [Division of Medical Services] MO HealthNet Division has reduced the [recipient's] participant's liability to zero (0) for the first day of coverage, other claims submitted for that day of spenddown coverage and claims for the time remaining in the month are paid up to the Medicaid rate.

(5) [Recipients] Participants shall have the option to pay their monthly spenddown requirement to the [Division of Medical Services] MO HealthNet Division, much like a premium payment, in order to have continuous Medicaid coverage. [Recipients] Participants may also arrange to make the monthly spenddown payment through electronic funds transfer (EFT) from a bank account.

*AUTHORITY: sections [208.151, RSMo Supp. 2004 and 208.153 and 208.201, RSMo 2000] 208.151, 208.153, 208.201, and 660.017, RSMo 2016. Emergency rule filed April 25, 2005, effective May 5, 2005, expired Oct. 31, 2005. Original rule filed April 29, 2005, effective Oct. 30, 2005. Amended: Filed Jan. 7, 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 4—Conditions of Participant Participation,  
Rights, and Responsibilities**

**PROPOSED AMENDMENT**

**13 CSR 70-4.110 Placement of Liens on Property of Certain Institutionalized MO HealthNet [Eligible Persons] Participants.** The division is amending the chapter and rule title, the purpose, and sections (1)-(6), and removing section (8).

*PURPOSE: This amendment clarifies the definition of "proof of residency" and replaces outdated language throughout the regulation.*

*PURPOSE: This rule implements the guidelines for placement of liens on the property of certain institutionalized MO HealthNet [eligible*

persons] **participants**, in accordance with the authority given to states in the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA), as amended.

(1) When an applicant for MO HealthNet or a MO HealthNet participant is a patient, or will become a patient, in a nursing facility, intermediate care facility for the *[mentally retarded]* **developmentally disabled**, or other medical institution, the Department of Social Services will determine if the placement of a lien against the property of the applicant or participant is applicable. A lien is imposed on the property of an individual, in accordance with the authority given states in the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA), when—

(A) The MO HealthNet participant is or has made application to become a patient in a nursing facility, intermediate care facility for the *[mentally retarded]* **developmentally disabled**, or other medical institution, if such individual is required, as a condition of receiving services in such institution, to spend for costs of medical care all but a minimal amount of his/her income required for personal needs;

(B) The institutionalized MO HealthNet participant owns property. Property includes the homestead and all other real property in which the person has a sole legal interest or a legal interest based upon co-ownership of the property *[which is the result of a transfer of property for less than fair market value within thirty-six (36) months prior to the person entering the nursing facility];*

(C) The department has determined after notice and opportunity for hearing that there is no reasonable expectation that the person can be discharged from the facility within one hundred twenty (120) days and return home. The hearing, if requested, will proceed under the provision of Chapter 536, RSMo, before a hearing officer designated by the director of the Department of Social Services. The fact that there is no reasonable expectation that the person can be discharged from the facility within one hundred twenty (120) days and return home may be substantiated by one (1) of the following:

1. Applicant/participant states in writing that he/she does not intend to return home within one hundred twenty (120) days;

2. Applicant/participant has been in the institution for longer than one hundred twenty (120) days; *[and]* **or**

3. A physician states in writing that the applicant/participant cannot be expected to be discharged within one hundred twenty (120) days of admission; and

(D) A lien is imposed on the property unless one (1) of the following persons lawfully resides in the property:

1. The institutionalized person's spouse;

2. The institutionalized person's child who is under twenty-one (21) years of age or is blind or permanently and totally disabled; or

3. The institutionalized person's sibling who has an equity interest in the property and who was residing in such individual's home for a period of at least one (1) year immediately before the date of the individual's admission to the institution*[/];* **or**

**4. The division may require proof of residency pursuant to this subsection. Proof of residency includes, but is not limited to, a utility bill, property tax bill, copy of permanent Missouri driver's license, copy of Missouri voter's registration verification, or copy of the most recently filed Federal 1040 income tax form in the name of the institutionalized person's spouse, child, or sibling.**

(2) After determining the applicability of the lien, the MO HealthNet participant is given an Explanation of TEFRA Lien. A person who objects to the imposition of a lien **without good cause** is ineligible for medical assistance. Ineligibility is based on the person's objection without good cause to the imposition of the lien, which impedes the department's ability to implement its lien requirements.

(3) A lien may be imposed upon the property but the department will not seek adjustment or recovery of the costs of medical assistance

correctly paid on behalf of the participant when the participant's child over the age of twenty-one (21) resides in the home and facts are established, to the satisfaction of the department, by sworn affidavit of the participant's child or authorized representative with personal knowledge of the facts, conclusively showing that—

(A) The participant's child has lived with and cared for the participant in the participant's home continuously for the two (2) years immediately prior to the participant entering a nursing facility, intermediate care facility for the *[mentally retarded]* **developmentally disabled**, or other medical institution;

(B) By providing that care the participant's child has allowed the participant to live at home rather than in a nursing facility, intermediate care facility for the *[mentally retarded]* **developmentally disabled**, or other medical institution;

(C) The participant's child continues to reside in the home since the participant entered into a nursing facility, intermediate care facility for the *[mentally retarded]* **developmentally disabled**, or other medical institution;

(4) The director of the department or the director's designee will file for record, with the recorder of deeds of the county in which any real property is situated, a written Certificate of TEFRA Lien. The lien will contain the name of the MO HealthNet participant and a description of the property. The recorder will note the time of receiving such notice and will record and index the certificate of lien in the same manner as deeds of real estate are required to be recorded and indexed. The county recorder shall be reimbursed *[by presenting a statement showing the number of certificates and releases filed each calendar quarter to the Department of Social Services]* **per certificate or release filed by the division.**

(5) The TEFRA lien *[will]* **shall** be for *[the]* a debt due to the state for medical assistance paid or to be paid on behalf of the MO HealthNet participant. The amount of the lien will be for the full amount due the state at the time the lien is enforced. Fees paid to county recorder of deeds for filing of the lien will be included in the amount of the lien.

(6) The TEFRA lien does not affect ownership interest in a property until it is sold, transferred, or leased, or upon the death of the individual, at which time the lien must be satisfied, subject to the following:

(B) Subject to the provisions of subsection (6)(A), in any case of a pending probate matter in a court of the state of Missouri in the administration of the assets and interests of the participant, including the property subject to the lien, then the following probate costs and expenses may be paid from the sale of the real estate at closing ahead of the lien:

1. Filing fees, publication fees, appraisal fees, personal representative fees, executor fees, attorney's fees;

2. Costs to maintain and repair the property for sale*[/];* such as*[/]* insurance premiums, **professional** lawn care **services**, necessary repairs to prepare for sale, customary real estate sales commissions, **or** publication of sale notice*[/];* and the participant or authorized representative shall produce documentation to support costs and incurred expenses; *[and]* **or**

3. Burial costs of the participant; and

*[[8] The department shall apply a cost effectiveness review for each TEFRA lien when a reduction of recovery on the lien is requested. It shall be cost effective to accept a reduced recovery on a lien when the reduction is less than five hundred dollars (\$500) and it appears that rejection of the reduced recovery would result in an even greater reduction in recovery, no recovery at all, or result in additional costs that net a recovery which is less than the requested reduction in recovery.]*

*AUTHORITY: sections 208.201 [and], 208.215, and 660.017, RSMo [Supp. 2011] 2016. Emergency rule filed Aug. 15, 2005, effective Sept. 1, 2005, expires Feb. 27, 2006. Original rule filed May 16, 2005, effective Nov. 30, 2005. Amended: Filed Dec. 15, 2011, effective June 30, 2012. Amended: Filed Jan. 10, 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 13—DEPARTMENT OF SOCIAL SERVICES  
Division 70—MO HealthNet Division  
Chapter 4—Conditions of Participant Participation,  
Rights, and Responsibilities**

**PROPOSED AMENDMENT**

**13 CSR 70-4.120 Department is the Payer of Last Resort, Department's [Lien] Claim for Recovery, Participant's Duty of Cooperation.** The Department of Social Services is amending the chapter title, title of the rule, and sections (4), (5), (7), (9), (10), (12), and (13).

*PURPOSE: This proposed amendment updates the email address for cost recovery, requires proof of verifiable authority to receive records, requires an itemized listing with detailed description of expenses, and replaces outdated language throughout the regulation.*

(4) MO HealthNet Division has a [lien] claim against recovery for past medical treatment.

(E) A notice of claim to a liable third party shall set forth the current amount of the claim. That claim amount shall be valid for thirty (30) days from the date of the notice. The claim amount may increase or decrease over time depending upon the submission and payment of provider claims and credits. It shall be the responsibility of the participant, **the participant's attorney, or the participant's appointed representative** to obtain a valid claim amount from the division when the current claim amount is older than thirty (30) days when seeking to recover medical expenses from a liable third party.

(G) Any potentially liable third party who is aware, or reasonably should be aware, of the claim [or lien] of the department for recovery of medical expenses due to a participant shall keep the department advised of its current contact information[,/] including, but not limited to, mailing address and telephone number.

(5) MO HealthNet Division only has a [lien] claim against recovery for past medical treatment. Participants, their attorney(s), agents, and other representatives, liable or potentially liable third parties, and insurers shall allocate in settlement agreements that portion of the settlement which is recovery for past medical treatment.

(7) Duty of participant, agents, and third parties to cooperate with the division. Participants, their attorney(s), agents, and other representatives, and liable or potentially liable third parties shall fully cooperate with and assist the division, as required by section 208.215.4, RSMo, by providing information identifying liable third

parties, providing information to assist the division in pursuit of any resources available from liable third parties and insurers, and in obtaining any resources to which the participant has a claim so the division can recover reimbursement for medical expenses. The duty continues and includes the duty to timely supplement as new information is discovered or known by the participant and the participant's attorneys, agents, and other representatives.

(A) No participants, attorneys, agents, or other legal representatives shall have the authority to bind the division to any settlement or compromise of any [lien or] claim of the division without prior written authorization from the division.

(D) Notification to the division. All notifications to the division under this section shall be delivered as follows:

1. By mail through the United States Postal Service or other postal or package service, to MO HealthNet Division, [Cost Recovery] **Third Party Liability** Unit, PO Box 6500, 615 Howerton Court, Jefferson City, MO 65102; or

2. By facsimile transmission (573-526-1162) to MO HealthNet Division, [Cost Recovery] **Third Party Liability** Unit; or

3. By email to MO HealthNet Division, [Cost Recovery] **Third Party Liability** Unit sent to the email address MHD.costrecovery@dss.mo.gov; or

4. By telephonic communication (573-751-2005) to MO HealthNet Division, [Cost Recovery] **Third Party Liability** Unit.

(9) Form of notification to the division and for request for claim amount. Notification to the department and requests for claim amount shall be made in writing and directed to the MO HealthNet Division in one of the manners specified above in subsection (7)(D) of this rule.

(C) Requests from agents of the participant must be accompanied by a letter of representation on the agent's official letterhead and must include a valid, currently dated, HIPAA release signed by the participant or a person with verifiable authority to sign for release of the participant's protected information. **Proof of verifiable authority must be sent in with the HIPAA release.**

(10) *Pro rata [lien] claim* reduction for attorney fees. A participant, his agents, or attorneys may request from the division a *pro rata* reduction of the [lien] claim amount based upon the total attorney fees and reasonable expenses approved by the division and actually incurred by the participant in pursuit of the claims against the liable third party(s).

(A) Any request for a *pro rata* reduction in the [lien] claim shall be made to the division in writing and include all necessary information and supporting documentation regarding the settlement or recovery, including, but not limited to:

1. The total amount of settlement or recovery;
2. The total amount of the settlement or recovery which is compensation for past medical treatment related to the incident;
3. The total amount of contractual attorney fees incurred;
4. The **itemized list with detailed description and** total amount of reasonable division-approved expenses;
5. A detailed listing of the claimed expenses with individual items and amounts claimed; and
6. A copy of any written documentation of the settlement or recovery terms.

A. All settlement documentation and information shall be kept strictly confidential by the division and its staff.

(12) Insurance payments where the division asserts a claim. Any payment by any insurer which is from medical payment coverage is subject to the claim [and lien] of the division for recovery of medical expenses up to the total amount of the department's [lien] claim.

(13) Informal process to dispute the amount of the division's [lien] claim. If a participant disputes the amount [of the lien] claimed by the division, the participant or the participant's attorney shall first



make a written request to the division within fifteen (15) days of notification of the division's *[lien]* claim amount to review the *[lien]* claim amount for specific alleged errors for correction before seeking other avenues for resolution of the dispute.

(A) Those items which may be reviewed informally for correction may include, but are not limited to:

1. Miscalculation of *pro rata* reduction;
2. Inclusion of charges for services not related to the participant's claim against the liable third party giving rise to the *[lien]* claim;
3. Omission of charges for services related to the participant's claim against the liable third party giving rise to the *[lien]* claim;
4. Incorrect amounts billed or paid for medical assistance;
5. Miscalculation within the billing statement;
6. Claims that the treatments billed were not actually provided to the participant; and
7. Claims that the person identified in the billing statement is not the same person identified in the division's *[lien]* claim.

(B) Written requests for informal review of a disputed *[lien]* claim shall be delivered to the MO HealthNet Division, *[Cost Recovery] Third Party Liability* Unit, PO Box 6500, 615 Howerton Court, Jefferson City, MO 65102 or may be sent by facsimile transmission or e-mail address [MHD.costrecovery@dss.mo.gov](mailto:MHD.costrecovery@dss.mo.gov).

(C) Participants not represented by an attorney or other legal representative may request informal review by oral communication in person or by telephone by calling the *[Cost Recovery] Third Party Liability* Unit if written communication is not a reasonable form of communication due to disability or other extenuating circumstance.

(D) Upon receipt of a complete and detailed request for informal review due to a participant's dispute of the *[lien]* claim, the division shall provide a written response to the requesting participant, or his or her representative.

(E) If the informal dispute procedure does not resolve the dispute of the *[lien]* claim to the satisfaction of the participant, the participant may seek resolution of the disputed *[lien]* claim through the procedures set out in section 208.080, RSMo, after receipt of the division's written response following the division's review of the dispute.

*AUTHORITY: sections 208.201 [and], 208.215, and 660.017, RSMo [Supp. 2013] 2016. Original rule filed Sept. 26, 2013, effective March 30, 2014. Amended: Filed Jan. 10, 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 15—Hospital Program**

**PROPOSED AMENDMENT**

**13 CSR 70-15.020 Procedures for Admission Certification, Continued Stay Review, and Validation Review of Hospital Admissions.** The division is amending the title and section (1).

*PURPOSE: This amendment adds the definition of "written request" which allows the ability to email or fax the record request letters to providers.*

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

(W) Utilization review assistant. Utilization review assistant means a person who is employed by or is under contract with the medical review agent who is the preliminary reviewer to assess the need for nurse review when the Milliman Care Guidelines is not immediately met; *[and]*

(X) Validation review. Validation review means a review conducted after admission certification has been approved. The review is focused on validating the admitting information and confirming the determination of medical necessity of the admission.; *and*

(Y) **Written Request.** A notice to the address of the provider as listed in the MO HealthNet Division's system, in writing, transmitted via the U.S. mail or other private or common carrier, facsimile, e-mail, or any other method/mode of transmittal that is deemed by MO HealthNet to be an efficient, cost-effective, verifiable, and a reliable method or mode of communication with the provider, applying provider, or provider's representative.

*AUTHORITY: sections 208.201 and 660.017, RSMo [Supp. 2013] 2016. Emergency rule filed Oct. 20, 1989, effective Nov. 1, 1989, expired Feb. 28, 1990. Original rule filed Nov. 2, 1989, effective Feb. 25, 1990. For intervening history, please consult the Code of State Regulations. Amended: Filed Jan. 7, 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 15—Hospital Program**

**PROPOSED AMENDMENT**

**13 CSR 70-15.030 Payment and Payment Limitations for Inpatient Hospital Care.** The MO HealthNet Division is amending section (1).

*PURPOSE: This amendment updates the incorporation by reference language and the link for the MO HealthNet exempt diagnosis table.*

(1) For inpatient hospital admissions that do not require certification as specified in 13 CSR 70-15.020, the number of days which MO HealthNet will cover for each admission *[can be located at the following website:]* is included in the MO HealthNet exempt diagnosis table, which is incorporated by reference and made a part of this rule as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109, at its website at [https://dss.mo.gov/mhd/providers/pdf/\[e\]/Exempt-\[d\]/Diagnosis-\[t\]/Table.pdf](https://dss.mo.gov/mhd/providers/pdf/[e]/Exempt-[d]/Diagnosis-[t]/Table.pdf), November 9, 2021. All other admissions require certification per 13 CSR 70-15.020. **This rule does not incorporate**

**any subsequent amendments or additions.**

(A) The MO HealthNet program shall be administered by the Department of Social Services, MO HealthNet Division. The services covered and not covered, the limitations under which services are covered, and the maximum allowable fees for all covered services shall be determined by the division and shall be included in the MO HealthNet provider manuals, which are incorporated by reference and made a part of this rule as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109, and at its website [[dss.mo.gov/mhd](https://dss.mo.gov/mhd), June 15, 2016] at <https://dss.mo.gov/mhd/>, November 9, 2021. This rule does not incorporate any subsequent amendments or additions.

*AUTHORITY: section 208.152, RSMo Supp. [2014] 2021, and sections 208.153 and 208.201, RSMo [Supp. 2013] 2016. This rule was previously filed as 13 CSR 40-81.051. Emergency rule filed April 7, 1981, effective April 20, 1981, expired July 10, 1981. Original rule filed April 7, 1981, effective July 11, 1981. For intervening history, please consult the Code of State Regulations. Amended: Filed Jan. 10, 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 65—Rehabilitation Center Program**

**PROPOSED AMENDMENT**

**13 CSR 70-65.010 Rehabilitation Center Program.** The MO HealthNet Division is amending sections (1) and (7).

*PURPOSE: This amendment changes the record retention time from five (5) years to six (6) years.*

(1) Administration. The MO HealthNet rehabilitation center program shall be administered by the Department of Social Services, MO HealthNet Division. The rehabilitation center services covered and not covered, the limitations under which services are covered, and the maximum allowable fees for all covered services shall be determined by the MO HealthNet Division and shall be included in the rehabilitation center provider manual [and bulletins], which [are] 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, and at its website at [[dss.mo.gov/mhd](https://dss.mo.gov/mhd), September 15, 2014] [http://manuals.momed.com/collections/collection\\_reh/print.pdf](http://manuals.momed.com/collections/collection_reh/print.pdf), November 24, 2020. This rule does not incorporate any subsequent amendments or additions. Rehabilitation center services shall include only those that are clearly shown to be medically necessary as determined by the treating physician. The division reserves the right to [affect] effect changes in services, limitations, and fees with notification to rehabilitation center providers by amending this rule.

(7) Records Retention. These records must be retained for [five (5)] six (6) years from the date of service. Fiscal and medical records coincide with, and fully document, services billed to the MO HealthNet Division. Providers must furnish or make the records available for inspection or audit by the Department of Social Services or its representative upon request. Failure to furnish, reveal, or retain adequate documentation for services billed to the MO HealthNet program, as specified above, is a violation of this regulation.

*AUTHORITY: sections 208.153, 208.201, and 660.017, RSMo [Supp. 2014] 2016. Original rule filed Nov. 1, 2002, effective April 30, 2003. Amended: Filed June 1, 2006, effective Dec. 30, 2006. Amended: Filed Aug. 15, 2014, effective Feb. 28, 2015. Amended: Filed Jan. 10, 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 20—DEPARTMENT OF COMMERCE AND INSURANCE**

**Division 2030—Missouri Board for Architects,  
Professional Engineers, Professional Land Surveyors,  
and Professional Landscape Architects  
Chapter 16—Missouri Standards for Property Boundary  
Surveys**

**PROPOSED AMENDMENT**

**20 CSR 2030-16.020 Definitions.** The board is amending section (5).

*PURPOSE: This rule is being amended to more clearly define an original survey.*

(5) Original Survey—A survey which creates a new parcel[, or parcels, out of a larger parent tract]. **Boundary adjustment plats, consolidation plats, riparian plats, lot splits, and minor subdivisions are examples of original surveys.**

*AUTHORITY: sections 327.041 and 327.272, RSMo 2016. This rule originally filed as 4 CSR 30-16.020. Original rule filed May 3, 1994, effective Dec. 30, 1994. For intervening history, please consult the Code of State Regulations. Amended: Filed Jan. 18, 2022.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri 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 16—Missouri Standards for Property Boundary Surveys**

**PROPOSED AMENDMENT**

**20 CSR 2030-16.030 General Land Surveying Requirements.** The board is amending sections (2) and (3).

*PURPOSE:* This rule is being amended to correct a typo in paragraph (2)(A) and to add clarification regarding the establishment of permanent monuments in paragraph (3)(C).

(2) Field Investigation. The professional land surveyor or a person under his/her direct personal supervision shall—

(A) Search thoroughly for monuments and accessories at the necessary controlling corners and any other physical evidence that may be required to define the location of the exterior corners of the parcel surveyed (such as location of streets, roads, lines of occupation, and [parole] parol information);

(3) Monumentation.

(C) Additional Monumentation for Subdivision Surveys.

1. In addition to meeting the requirements set forth above, the professional land surveyor shall, prior to the recording of the subdivision plat, establish at least two (2) permanent monuments for every four (4) acres of land developed by the subdivision. **In cases where the lots of the subdivision are two (2) acres or larger, permanent monuments will be established so each tract has at least one (1) permanent monument.** This requirement is waived if the survey does not create more than four (4) lots or parcels.

2. The permanent monuments required in paragraph (3)(C)1. shall be set prior to the recording of the plat or, if likely to be destroyed by construction, may be installed upon completion of the construction and must be set no later than twelve (12) months after the recording of the plat. The professional land surveyor shall also monument all lot corners in the subdivision with semi-permanent or witness monuments within the same twelve- (12-) month period.

3. When the subdivision is a cemetery, the requirements of paragraph (3)(C)1. for installation of permanent monuments shall be increased to include four (4) permanent monuments per block, and the monumentation of all lot corners required in paragraph (3)(C)2. shall not be required.

*AUTHORITY:* sections 327.041 and 327.272, RSMo 2016. This rule originally filed as 4 CSR 30-16.030. Original rule filed May 3, 1994, effective Dec. 30, 1994. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Jan. 18, 2022.

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

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

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri 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 19—Standards for Surveyor's Real Property Report**

**PROPOSED AMENDMENT**

**20 CSR 2030-19.010 Surveyor's Real Property Report.** The board is amending section (3).

*PURPOSE:* Reference to the Minimum Standards in section (3) should have been changed to the Missouri Standards when that revision was made to all other rules in Chapter 16 in 2017. Due to this oversight, this rule is being amended for housekeeping purposes.

(3) Field Procedures—Detailed notes shall be taken on each Surveyor's Real Property Report and kept as a part of the professional land surveyor's permanent records. A diligent search for existing control shall be made by the field crew and the highest order of monumentation available shall be used. Monumentation is defined as permanent and semi-permanent monuments described in the [Minimum] Missouri Standards for Property Boundary Surveys and other survey control, such as stones, axles, rebars, crosses, and pipes. Occupation lines, such as fence lines, hedge rows, and mowing lines, are not considered monumentation unless supported by survey control. The professional land surveyor must obtain sufficient evidence relating to the property boundary to demonstrate general knowledge of the given area. Appropriate field instrumentation and measuring equipment needed to achieve the stated level of certainty shall be utilized. The norm would include Electronic Distance Measuring (EDM), theodolite, transits, and measuring tapes.

*AUTHORITY:* sections 327.041 and 327.272, RSMo 2016. This rule originally filed as 4 CSR 30-19.010. Original rule filed May 3, 1994, effective Dec. 30, 1994. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Jan. 18, 2022.

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

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

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri 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 19—Standards for Surveyor’s Real Property  
Report**

**PROPOSED AMENDMENT**

**20 CSR 2030-19.020 Required Work Order Form.** The board is amending the text of the Work Order.

*PURPOSE: The National Society of Professional Surveyors (NSPS) is the legal successor organization to the American Congress on Surveying and Mapping (ACSM). Therefore, the reference to ALTA/ACSM Land Title Survey has been revised to read ALTA/NSPS Land Title Survey. This rule is being amended for housekeeping purposes.*

**WORK ORDER**

Please read carefully and indicate the type of service you wish to order.

. . . Surveyor's Real Property Report: It is a location of improvements and cursory check for encroachments onto or from the subject property based on existing but not confirmed evidence. This does not constitute a boundary survey and is subject to any inaccuracies that a subsequent boundary survey may disclose. No property corners will be set and it should not be used or relied upon for the establishment of any fence, structure, or other improvement. No warranty of any kind is extended therein to the present or future owner or occupant.

. . . Property Boundary Survey with Location of Improvement: A boundary survey of the subject property will be made and the property corners will be located and verified or reset. The improvements on the property will be located and encroachments onto or from the subject property will be determined. This survey can be used by the property owner for the construction of a fence or other improvements. The survey will meet "Missouri Standards for Property Boundary Surveys."

. . . ALTA/NSPS (American Land Title Association/National Society of Professional Surveyors) Land Title Survey: This is the most comprehensive type of survey and improvement location. It covers all the aspects of the boundary survey and improvement location and identification for any additional evidence of possession or use which could be adverse to the interests of the purchaser. This type of survey is normally only performed on commercial property because of the expense involved.

I (We), the undersigned, have read, understand and have indicated the type of service desired and have authorized the work to be performed and agree to be responsible for the bill for this survey.

Borrower/Purchaser \_\_\_\_\_ Date \_\_\_\_\_

Lender \_\_\_\_\_

Ordered by \_\_\_\_\_

Common address \_\_\_\_\_

Legal description \_\_\_\_\_

\_\_\_\_\_

Signature \_\_\_\_\_

*AUTHORITY: sections 327.041 and 327.272, RSMo 2016. This rule originally filed as 4 CSR 30-19.020. Original rule filed May 3, 1994, effective Dec. 30, 1994. Moved to 20 CSR 2030-19.020, effective Aug. 28, 2006. Non-substantive change filed Oct. 21, 2015, published Dec. 31, 2015. Amended: Filed Nov. 18, 2016, effective June 30, 2017. Amended: Filed Jan. 18, 2022.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri 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 20—Mapping Survey Standards**

**PROPOSED AMENDMENT**

**20 CSR 2030-20.010 Definitions.** The board is amending section (3).

*PURPOSE: This rule is being amended for the sole purpose of correcting a typo in section (3).*

(3) Vertical map accuracy is defined as the rms error in elevation in terms of the project's elevation datum *[or]* **for** well-defined points only.

*AUTHORITY: section 327.041, RSMo [Supp. 2005] 2016. This rule originally filed as 4 CSR 30-20.010. Original rule filed May 3, 1994, effective Dec. 30, 1994. Amended: Filed Dec. 1, 2005, effective June 30, 2006. Moved to 20 CSR 2030-20.010, effective Aug. 28, 2006. Non-substantive change filed Oct. 21, 2015, published Dec. 31, 2015. Amended: Filed Jan. 18, 2022.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri 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.*