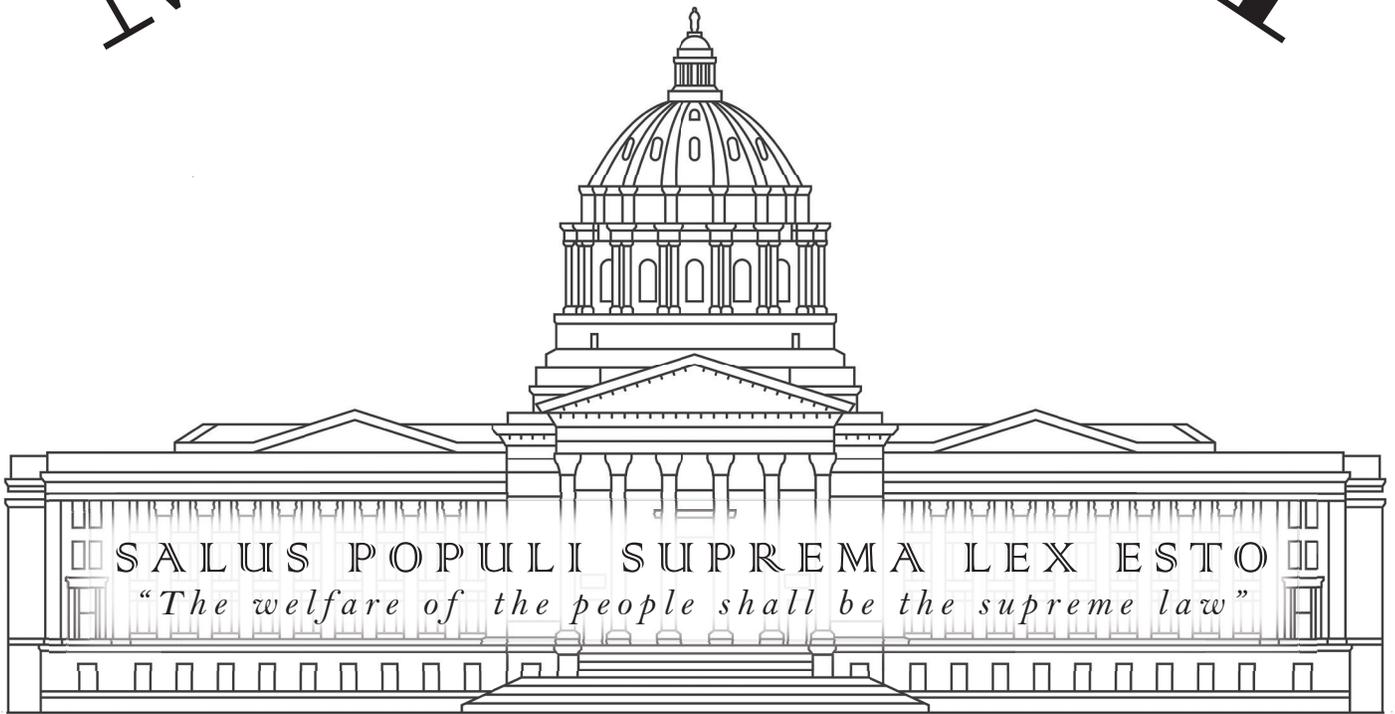


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REGISTER

John R. Ashcroft  Secretary of State

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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.

HOW TO CITE RULES AND RSMO

RULES

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

Title	CSR	Division	Chapter	Rule
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

The *Register* address is sos.mo.gov/adrules/moreg/moreg

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

Rules 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.

Rules 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.

All 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.

Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

TITLE 13 – DEPARTMENT OF SOCIAL SERVICES
Division 35 – Children’s Division
Chapter 71 – Rules for Residential Treatment
Agencies for Children and Youth

EMERGENCY AMENDMENT

13 CSR 35-71.015 Background Checks for Personnel of Residential Care Facilities and Child Placing Agencies. The division is amending subsections (4)(A)–(B) and (6)(H).

PURPOSE: This emergency amendment provides a process for Children’s Division to make preliminary and provisional eligibility determinations for applicants to commence employment at Licensed Residential Care Facilities (LRCFs), License-Exempt Residential Care Facilities (LERCFs), and Child Placing Agencies (CPAs) while the Division completes the background check required by section 210.493, RSMo.

EMERGENCY STATEMENT: This emergency amendment is necessary necessary to protect the health, safety, and welfare of Missouri children who are presently placed in LRCFs, LERCFs, and CPAs and who are at risk of harm due to insufficient staffing.

The emergency amendment will also protect the health, safety and welfare of Missouri children who are in need of residential treatment but who cannot be placed in Missouri residential care facilities due to insufficient staffing. The division has a compelling governmental interest ensuring the adequate staffing of residential care facilities and child placing agencies and protecting to protect the health, safety, and welfare of Missouri children whose emotional and behavioral needs require placement in such settings. A proposed amendment covering the same material is published in this issue of the Missouri Register. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The division believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed May 30, 2023, becomes effective June 13, 2023, and expires December 9, 2023.

(4) Application of this Regulation. This regulation applies to CPAs, LRCFs, and LERCFs which are subject to the notification requirements of sections 210.1250 to 210.1286, RSMo.

(A) Phase-in Period. Every LRCF, LERCF, and Child Placing Agency operating on the date that section 210.493, RSMo, and this regulation became effective shall have until March 31, 2022, for all applicants to complete background checks. The division may extend this deadline for any individual LRCF, LERCF, and Child Placing Agency, due to unusual, compelling, and extenuating circumstances beyond the control of the LRCF, LERCF, or Child Placing Agency. The request for an extension shall be in writing and shall explain the reasons for the request for an extension. Any applicant who does not complete the background check process as specified in this regulation *[by the deadline]* shall be ineligible for employment *[or service], service, or presence* with an LRCF, LERCF, or Child Placing Agency *[until the background check process has been successfully completed]*.

(B) *[Any applicant who begins employment or service after the effective date of the phase-in period shall complete the background check process before beginning employment, or service with an LRCF, LERCF, or Child Placing Agency.] Any applicant who commences employment, service, or presence with a LRCF, LERCF, or Child Placing Agency after the effective date of the phase-in period shall complete the background check process as specified in this regulation in order to be eligible for employment, service, or presence with an LRCF, LERCF, or Child Placing Agency.*

(6) Application Process.

[(H) Upon receipt of a complete application, and MOVECHS Waiver Agreement and Statement (SHP-981G), and consideration of the application, the division will notify the applicant of eligibility or ineligibility based on the background check by mailing or emailing a notice to the applicant’s address of record, and send a copy to the LRCF, LERCF, or Child Placing Agency as indicated on the application.

1. The notice will indicate whether the applicant is eligible or ineligible for employment or presence at the LRCF, LERCF, or Child Placing Agency.

2. The notice will advise the applicant of the applicant’s right to request administrative review and appeal the decision and the process for requesting administrative review or appeal.

3. The notice will advise the applicant of the applicant’s responsibility to notify the division, LRCF, LERCF, or Child Placing Agency of any event which would impact the applicant’s eligibility as provided in section 210.493, RSMo, and this regulation.

4. The notice will advise the applicant that the finding of eligibility or ineligibility was based on a background check of records through the date of the notice and for the particular LRCF, LERCF, or Child Placing Agency for which the background check was requested.]

(H) Eligibility.

1. Preliminary Eligibility.

A. Upon receipt and review of a complete application, and MOVECHS Waiver Agreement and Statement, the division may grant the applicant preliminary eligibility to commence employment, service, or presence at a LRCF, LERCF, or CPA for a period of thirty (30) days.

B. Within this thirty (30-) day period, the Division shall provide the applicant with a notice of withdrawal, provisional eligibility, final eligibility, or ineligibility.

C. Applicants granted preliminary eligibility shall be ineligible for employment, presence or service after the thirty (30-) day period unless they have received a notice of provisional or final eligibility.

D. Applicants granted preliminary eligibility shall not have access to children prior to receiving notice of provisional or final eligibility.

E. The division shall provide a notice of preliminary eligibility to the applicant and any LRCF, LERCF, or CPA designated by the applicant.

2. Provisional Eligibility.

A. Upon receipt and review of a complete application, and MOVECHS Waiver Agreement and Statement, the division may grant the applicant provisional eligibility to commence employment, service, or presence at a LRCF, LERCF, or CPA if the applicant has complied with all steps necessary for the division to obtain background check results, but:

(I) The division is still awaiting results from a state child abuse and neglect registry and database;

(II) The applicant is unable to timely register with the Family Care Safety Registry due to no fault of the applicant; or

(III) The division cannot timely complete the background check process for other reasons beyond the control of the applicant.

3. Final Eligibility.

A. Upon receipt and review of a complete application, and MOVECHS Waiver Agreement and Statement and the applicant's complete background check results, the division will notify the applicant of eligibility or ineligibility.

B. The final eligibility notice will indicate whether the applicant is eligible or ineligible for employment, service, or presence at the LRCF, LERCF, or CPA.

C. The final eligibility notice will advise the applicant of the applicant's right to request administrative review and appeal the decision and the process for requesting administrative review or appeal.

D. The final eligibility notice will advise the applicant of the applicant's responsibility to notify the division, LRCF, LERCF, or CPA of any event which would impact the applicant's eligibility as provided in this regulation.

AUTHORITY: sections 207.020 and 660.017, RSMo 2016, and sections 210.493 and 210.1286, RSMo Supp. 2022. Original rule filed Sept. 17, 2021, effective March 30, 2022. Emergency amendment filed May 30, 2023, effective June 13, 2023, expires Dec. 9, 2023. A proposed amendment covering this same material is published in this issue of the Missouri Register.

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

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

**TITLE 13 – DEPARTMENT OF SOCIAL SERVICES
Division 70 – MO HealthNet Division
Chapter 10 – Nursing Home Program**

EMERGENCY RULE

13 CSR 70-10.020 Prospective Reimbursement Plan for Nursing Facility and HIV Nursing Facility Services

PURPOSE: This rule establishes a reimbursement plan for nursing facility and HIV nursing facility services required by the Code of Federal Regulations. The plan describes principles to be followed by Title XIX nursing facility and HIV nursing facility providers in preparing and submitting cost reports and sets forth the principles and methodology for determining the reimbursement for nursing facility and HIV nursing facility providers. This rule provides for a rebasing of nursing facility and HIV nursing facility per diem rates using on a more current cost report year and incorporates acuity and value based purchasing adjustments in determining the per diem rate.

EMERGENCY STATEMENT: The Department of Social Services, MO HealthNet Division, by regulation, must define the reasonable costs, manner, extent, quantity, quality, charges, and fees of medical assistance provided to MO HealthNet participants. The General Assembly included additional funds in State Fiscal Year (SFY) 2023 for nursing facilities' and HIV nursing facilities' reimbursements to transform the current nursing reimbursement system, including updating the cost base for the rates (i.e., rebasing). The MO HealthNet Division is carrying out the General Assembly's intent by implementing a new reimbursement system effective for dates of service beginning July 1, 2022. The new reimbursement system is necessary to ensure that payments for nursing facility and HIV nursing facility per diem rates are in line with the funds appropriated for that purpose. There are a total of four hundred ninety-five (495) nursing facilities and HIV nursing facilities currently enrolled in MO HealthNet that will receive a per diem reimbursement rate under the new reimbursement plan effective for dates of service beginning July 1, 2022. This emergency rule will ensure payment for nursing facility and HIV nursing facility services to approximately twenty-one thousand five hundred (21,500) MO HealthNet participants in accordance with the appropriation authority. For the SFY 2023 payment to be made, the MO HealthNet Division was required to submit a Medicaid State Plan Amendment (SPA) to the Centers for Medicare and Medicaid Services (CMS). CMS approved the SPA on May 12, 2023, but the proposed state rule will not be effective for approximately eight (8) months. This emergency rule must be implemented on a timely basis to ensure that quality nursing facility services continue to be provided to Medicaid patients in nursing facilities in accordance with the state plan authority. The emergency rule will also allow the State to expend the SFY 2023 appropriation in SFY 2023. This emergency rule is necessary to protect the public health and welfare of MO HealthNet participants in nursing facilities and HIV nursing facilities. This emergency rule is necessary to protect a government interest to reimburse

nursing facilities and HIV nursing facilities as required by the General Assembly, and to provide MO HealthNet participants with quality nursing facility services. Further, the Missouri Medical Assistance program has a compelling governmental interest in providing continued cash flow for nursing facility services, and to adequately compensate these providers for the cost expended on the state Medicaid population. As a result, the MO HealthNet Division finds an immediate danger to public health, safety, or welfare, and a compelling governmental interest, which requires emergency action. A proposed rule, which covers this same material, will be published in the Missouri Register. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended by the Missouri and United States Constitutions. The MO HealthNet Division believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule filed May 16, 2023, effective May 31, 2023, expires November 26, 2023.

(1) Authority. This regulation is established pursuant to the authorization granted to the Department of Social Services (department), MO HealthNet Division (division), to promulgate rules and regulations.

(2) Purpose. This regulation establishes a methodology for determination of reimbursement rates for nursing facilities and HIV nursing facilities participating in the MO HealthNet Program, which is Missouri's Medicaid program. Hereinafter, the term nursing facility/ies shall refer to both nursing facilities and HIV nursing facilities unless specifically stated otherwise. Subject to limitations prescribed elsewhere in this regulation, a facility's reimbursement rate shall be determined by the division as described in this regulation. Any reimbursement rate determined by the division shall be a final decision and will be implemented as set forth in the division's decision letter. The decisions of the division may be subject to review upon properly filing a complaint with the Administrative Hearing Commission (AHC). A nursing facility seeking review by the AHC must obtain a stay from the AHC to stop the division from implementing its final decision if the AHC determines the facility meets the criteria for a stay and so orders. If the facility appeals the division's decision, it is the responsibility of the nursing facility to notify any interested parties, including but not limited to, hospice providers, that the rate being received is not a final rate and is subject to change. Federal financial participation is available on expenditures for services provided within the scope of the federal Medicaid Program and made under a court order in accordance with 42 CFR 431.250.

(3) General Principles.

(A) Provisions of this reimbursement regulation shall apply only to facilities certified for participation in the MO HealthNet (Medicaid) Program.

(B) The reimbursement rates determined by this regulation shall apply only to services provided on or after July 1, 2022.

(C) The effective date of this regulation shall be July 1, 2022.

(D) The Medicaid Program shall provide reimbursement for nursing facility services based solely on the individual Medicaid-eligible participant's covered days of care, within benefit limitations as determined in subsections (5)(D), multiplied by the facility's Medicaid reimbursement rate. No payments may be collected or retained in addition to the Medicaid reimbursement rate for covered services, unless otherwise provided for in this regulation. Where third-party

payment is involved, Medicaid will be the payer of last resort with the exception of state programs such as vocational rehabilitation and the Missouri Crippled Children's Services.

(E) The Medicaid reimbursement rate shall be the lower of –

1. The Medicare (Title XVIII) rate, if applicable; or

2. The reimbursement rate as determined in accordance with this regulation.

(F) Medicaid reimbursements shall not be paid for services provided to Medicaid-eligible participants during any time period in which the facility failed to have a Medicaid participation agreement in effect. A reimbursement rate may not be established for a facility if a Medicaid participation agreement is not in effect.

(G) When a nursing facility is found not in compliance with federal requirements for participation in the Medicaid Program, sections 1919(b), (c), and (d) of the Social Security Act (42 U.S.C. 1396r), it may be terminated from the Medicaid Program or it may have imposed upon it an alternative remedy, pursuant to section 1919(h) of the Social Security Act (42 U.S.C. 1396r). In accordance with section 1919(h)(3)(D) of the Social Security Act, the alternative remedy, denial of payment for new admission, is contingent upon agreement to repay payments received if the corrective action is not taken in accordance with the approved plan and timetable. It is also required that the nursing facility establish a directed plan of correction in conjunction with and acceptable to the Department of Health and Senior Services.

(H) Upon execution of a Medicaid participation agreement, a qualified facility not previously certified for participation in the Medicaid Program shall be assigned a provider number by the Missouri Medicaid Audit and Compliance division of the Department of Social Services.

(I) The division shall recover liabilities, sanctions, and penalties pertaining to the Medicaid Program associated with the provider number, regardless of when the services were rendered.

(J) Changes in ownership, management, control, operation, leasehold interest by any form for any facility previously certified for participation in the Medicaid Program at any time that results in increased costs for the successor owner, management, or leaseholder shall not be recognized for purposes of reimbursement.

(K) A facility with certified and noncertified beds shall allocate allowable costs related to the provision of nursing facility services on the cost report, in accordance with the cost report instructions. The methods for allocation must be supported by adequate accounting and/or statistical data necessary to evaluate the allocation method and its application.

(L) Any facility which is involuntarily terminated from participation in the Medicare Program shall also be terminated from participation in the MO HealthNet Program on the same date as the Medicare termination.

(M) No restrictions nor limitations shall, unless precluded by federal or state law, be placed on a participant's right to select providers of his/her own choice.

(N) A nursing facility's Medicaid reimbursement rate shall not be limited by its average private pay rate.

(O) The reimbursement rates authorized by this regulation may be reevaluated in light of the provider's cost experience to determine any adjustments needed.

(P) Covered supplies, such as food, laundry supplies, housekeeping supplies, linens, medical supplies, but not limited to, must be accounted for through inventory accounts. Purchases shall be recorded as inventory and shall be expensed

in the fiscal year the items are used. Inventory shall be counted at least annually to coincide with the end of the cost report period. Expensing of items shall be recorded by adding purchases to the beginning period inventory and subtracting the end of the period inventory. This inventory control shall begin the first fiscal year ending after the effective date of this plan.

(Q) Medicaid reimbursement will not be paid for a Medicaid-eligible resident while placed in a non-certified bed in a nursing facility.

(R) All illustrations and examples provided throughout this regulation are for illustration purposes only and are not meant to be actual calculations.

(S) Reimbursement of Medicare/Medicaid crossover claims (crossover claims) for Medicare Part A and Medicare Advantage/Part C inpatient skilled nursing facility benefits shall be as follows:

1. Crossover claims for Medicare Part A inpatient skilled nursing facility benefits in which Medicare was the primary payer and the MO HealthNet Division is the payer of last resort for the coinsurance must meet the following criteria to be eligible for MO HealthNet reimbursement:

A. The crossover claim must be related to Medicare Part A inpatient skilled nursing facility benefits that were provided to MO HealthNet participants also having Medicare coverage; and

B. The crossover claim must contain approved coinsurance days. The amount indicated by Medicare to be the coinsurance due on the Medicare allowed amount is the crossover amount eligible for MO HealthNet reimbursement. The coinsurance amount is based on the days for which Medicare is not the sole payer. These days are referred to as coinsurance days and are days twenty-one (21) through one hundred (100) of each Medicare benefit period; and

C. The Other Payer paid amount field on the claim must contain the actual amount paid by Medicare. The MO HealthNet provider is responsible for accurate and valid reporting of crossover claims submitted to MO HealthNet for payment. Providers submitting crossover claims for Medicare Part A inpatient skilled nursing facility benefits to the MO HealthNet program must be able to provide documentation that supports the information on the claim upon request. The documentation must match the information on the Medicare Part A plan's remittance advice. Any amounts paid by MO HealthNet that are determined to be based on inaccurate data will be subject to recoupment; and

D. The nursing facility's Medicaid reimbursement rate multiplied by the approved coinsurance days exceeds the amount paid by Medicare for the same approved coinsurance days;

2. Crossover claims for Medicare Advantage/Part C (Medicare Advantage) inpatient skilled nursing facility benefits in which a Medicare Advantage plan was the primary payer and the MO HealthNet Division is the payer of last resort for the copay (coinsurance) must meet the following criteria to be eligible for MO HealthNet reimbursement:

A. The crossover claim must be related to Medicare Advantage inpatient skilled nursing facility benefits that were provided to MO HealthNet participants who also are either a Qualified Medicare Beneficiary (QMB Only) or Qualified Medicare Beneficiary Plus (QMB Plus); and

B. The crossover claim must be submitted as a Medicare UB-04 Part C Institutional Crossover claim through the division's online Internet billing system; and

C. The crossover claim must contain approved

coinsurance days. The amount indicated by the Medicare Advantage plan to be the coinsurance due on the Medicare Advantage plan allowed amount is the crossover amount eligible for MO HealthNet reimbursement. The coinsurance amount is based on the days for which the Medicare Advantage plan is not the sole payer. These days are referred to as coinsurance days and are established by each Medicare Advantage plan; and

D. The Other Payer paid amount field on the claim must contain the actual amount paid by the Medicare Advantage plan. The MO HealthNet provider is responsible for accurate and valid reporting of crossover claims submitted to MO HealthNet for payment. Providers submitting crossover claims for Medicare Advantage inpatient skilled nursing facility benefits to the MO HealthNet program must be able to provide documentation that supports the information on the claim upon request. The documentation must match the information on the Medicare Advantage plan's remittance advice. Any amounts paid by MO HealthNet that are determined to be based on inaccurate data will be subject to recoupment; and

E. The nursing facility's Medicaid reimbursement rate multiplied by the approved coinsurance days exceeds the amount paid by the Medicare Advantage plan for the same approved coinsurance days;

3. MO HealthNet reimbursement will be the lower of –

A. The difference between the nursing facility's Medicaid reimbursement rate multiplied by the approved coinsurance days and the amount paid by either Medicare or the Medicare Advantage plan for those same coinsurance days; or

B. The coinsurance amount; and

4. Nursing facility providers may not submit a MO HealthNet fee-for-service nursing facility claim for the same dates of service on the crossover claim for Medicare Part A and Medicare Advantage inpatient skilled nursing facility benefits. If it is determined that a MO HealthNet fee-for-service nursing facility claim is submitted and payment is made, it will be subject to recoupment.

(4) Definitions.

(A) Administration. This cost component includes costs reported in the cost report on lines 111-150.

(B) Age of beds. The age is determined by subtracting the initial licensing year from the rate base year used to determine the prospective rate.

(C) Allowable cost. Those costs which are allowable for allocation to the Medicaid Program based upon the principles established in this regulation. The allowability of costs shall be determined by the MO HealthNet Division and shall be based upon criteria and principles included in this regulation, the *Medicare Provider Reimbursement Manual* (CMS Publications 15-1 and 15-2), and GAAP. Criteria and principles will be applied using this regulation as the first source, the *Medicare Provider Reimbursement Manual* as the second source, and GAAP as the third source.

(D) Ancillary. This cost component includes costs reported in the cost report on lines 71-101.

(E) Asset value. The asset value is the per bed cost of construction used in calculating a facility's capital cost component per diem utilizing the fair rental value (FRV) system as set forth in subsection (11)(D).

1. The 2019 asset value used in setting rates effective July 1, 2022 is sixty-four thousand seven hundred one dollars (\$64,701) and is calculated as follows:

A. The median cost per square foot for nursing facilities

of one hundred fifty-six dollars (\$156) is multiplied by the average square feet per bed of 435. This product is adjusted for Missouri cities. The sources of the data are as follows:

(I) Median cost per square foot – 2019 *Building Construction Costs with RSMMeans data* publication, 50 17 / Project Costs table, Unit Costs Median of Total Project Costs for Nursing Home and Assisted Living.

(II) Average square feet per bed - 2019 cost report data bank.

(III) Adjustment for Missouri cities - 2019 *Building Construction Costs with RSMMeans data* publication, City Cost Indexes table, Weighted Average index for Missouri cities.

2. The 2019 asset value is adjusted annually on July 1 using the Historical Cost Indexes table from the *Building Construction Costs with RSMMeans data* publication for each year.

3. The adjusted asset values will be used to update the capital rate annually as set forth in (11)(H)4. and to set the prospective rate for new facilities. The asset value for the year relative to the rate base year (i.e., the end of the rate setting period) shall be used to determine the prospective rate for new facilities.

(F) Audit. The examination or inspection of a provider's cost report, files, and any other supporting documentation by the MO HealthNet Division or its authorized contractor. The MO HealthNet Division or its authorized contractor may perform the following types of audits:

1. Level I Audit - Requires a limited review of provider cost reports, files, and any other additional information requested and submitted to the MO HealthNet Division or its authorized contractor. The limited review may include, but is not limited to, items such as a comparative analysis of a provider's cost report data to industry data, a review of a provider's prior year data to determine any outliers that may warrant further review, requesting additional details of the reported information, all of which could lead to potential adjustment(s) after such further review, as well as making any standard adjustments. Level I audits may be provided off-site;

2. Level II Audit - Requires a desk review of provider cost reports, files, and any other additional information requested and submitted to the MO HealthNet Division or its authorized contractor. The desk review may include, but is not limited to, review procedures in a Level I Audit, plus a more detailed analysis of a provider's cost report data to identify items that would require further review including requesting additional details of the reported information or documentation to support amounts reflected in the cost report, all of which could lead to potential adjustment(s) after such further review, as well as making any standard adjustments. Level II audits may be provided off-site; and

3. Level III Audit – Requires an in depth audit, including, but not limited to, an on-site review of provider cost reports, files, and any other additional information requested and submitted to the MO HealthNet Division or its authorized contractor. The Level III Audit will require an in depth analysis of a provider's cost report data and an on-site verification of cost report items deemed necessary through a risk assessment or other analyses, all of which could lead to potential adjustment(s) after such further review, as well as making any standard adjustments. Level III audits will require some portions of the provider's records review be provided on-site.

(G) Average private pay rate. The usual and customary charge for private pay patients determined by dividing total private patient days of care into private pay revenue, net of contractual allowances, for the same service that is included in the Medicaid reimbursement rate. Private pay revenue

excludes negotiated payment methodologies with state or federal agencies such as the Veteran's Administration or the Missouri Department of Mental Health. Bad debts, charity care, and other miscellaneous discounts are not subtracted from private pay revenue in the computation of the average private pay rate.

(H) Bad debt. The difference between the amount expected to be received (i.e., revenues less contractual allowance) and the amount actually received. This amount may be written off as uncollectible after all collection efforts are exhausted. Collection efforts must be documented and an aged accounts receivable schedule should be kept. Written procedures should be maintained detailing how, when, and by whom a receivable may be written off as a bad debt.

(I) Bed days. The total number of days that are available to care for patients based on a facility's total licensed beds, regardless of whether the bed is occupied or not. Bed days are calculated by multiplying the number of beds licensed during the cost report period times the days in the cost report period. If the facility is removing the noncertified area revenues and expenses by completing a worksheet 1 of the cost report, bed days are calculated by multiplying the number of beds certified during the cost report period times the days in the cost report period.

(J) Capital. This cost component will be calculated using a fair rental value system (FRV). The fair rental value is reimbursed in lieu of the costs reported in the cost report on lines 102-110.

(K) Capital asset. A facility's building, building equipment, major moveable equipment, minor equipment, land, land improvements, and leasehold improvements as defined in the Medicare Provider Reimbursement Manual. Motor vehicles are excluded from this definition.

(L) Capital asset debt. The debt related to the capital assets as determined from the cost report.

(M) Capital expenditures. Capital costs incurred for improving a facility.

(N) Case Mix Index (CMI). Weight or numeric score assigned to a resident classification system (e.g. Resource Utilization Group (RUG), Patient-Driven Payment Model (PDP), etc.) grouping to reflect the relative resources predicted to care for a resident. The average acuity level of patients in a facility can be determined and expressed by calculating an average of the individual CMI values for each resident. Resident classifications are determined from information derived from the Minimum Data Set (MDS) evaluations for a given period.

1. Individual CMIs are calculated as follows:

A. The RUG IV, 48 groups, Logic Version 1.03, CMI Set F01 (48-Grp) (i.e., RUG IV 48 group model classification system) is used to determine the CMIs used in this regulation and is incorporated by reference and made a part of this rule as published by CMS at its website <https://www.cms.gov/Medicare/Quality-Initiatives-Patient-Assessment-Instruments/NursingHomeQualityInits/NHQIMDS30TechnicalInformation>, June 29, 2022. Applicable files are RUG-IV DLL Package V1.04.1 Final.zip and RUG III Files & RUG IV Files.zip.

B. Providers should follow CMS guidelines for completing and submitting MDS assessments. No extra MDS assessments are required as a result of this rule;

C. The index maximizing methodology is used to calculate the individual CMI. The index maximizing classification system will select the RUG with the highest CMI for individuals that qualify for multiple RUGs;

2. Facility CMIs are calculated as follows:

A. Facility CMI calculations will be based on quarterly point-in-time data snapshots. These snapshot dates are

January 1, April 1, July 1 and October 1;

B. The midnight census will determine the residents that are included in the facility's CMI;

C. The Assessment Reference Date (ARD) will be used to determine the assessment included in each quarterly CMI calculation;

D. A look-back period of one hundred eighty (180) days will be used to determine the residents included in calculating the facility CMI. The look-back period cutoff date is the day prior to the snapshot date (i.e., for the January 1 CMI calculation, the ARD would need to be December 31 or earlier).

E. The most current MDS assessment generating a RUG classification for an individual in the look-back period of one hundred eighty (180) days will be used;

F. Only assessments that are included in the MDS data sent to the State through the CMS system will be available for case mix calculations;

G. An average acuity level will be determined for each facility for each snapshot date by using a simple average of the CMI values for all residents included in the data for the snapshot date.

(I) Medicaid CMI. The average acuity level for Medicaid patients in a facility.

(a) Medicaid pending residents will be included in the facility's Medicaid CMI calculation;

(b) Medicaid hospice residents will be included in the facility's Medicaid CMI calculation;

(c) Medicaid manage care residents will be included in the facility's Medicaid CMI calculation;

(II) Total CMI. The average acuity level for all patients in a facility.

(O) Ceiling. The ceiling is the maximum per diem rate for which a facility may be reimbursed for the patient care, ancillary, and administration cost components, and is determined by applying a percentage to the median per diem for the patient care, ancillary, and administration cost components. The percentage is one hundred twenty percent (120%) for patient care, one hundred twenty percent (120%) for ancillary, and one hundred ten percent (110%) for administration.

(P) Certified bed. Any licensed nursing facility or hospital based bed that is approved by the Department of Social Services to participate in the Medicaid Program.

(Q) Change of ownership. A change in ownership, control, operator, or leasehold interest, for any facility certified for participation in the Medicaid Program.

(R) Charity care. Offset to gross billed charges to reduce charges for free services provided to specific types of residents, (i.e., charity care provided by a religious organization for members, etc.).

(S) CMS Market Basket Index. An index that measures the price movements of goods, services, and labor purchased by nursing homes. The index is published quarterly in the *IHS Markit / Healthcare Cost Review*. The "Total - %MOVAVG" index from "Table 6.7 CMS Nursing Home without Capital Market Basket" shall be used for the trending calculations in this regulation. The same or comparable index and table shall continue to be used, regardless of any changes in the name or title of the publication, publisher, or table.

(T) Contractual allowance. A contra revenue account to reduce gross charges to the amount expected to be received. Contractual allowances represent the difference between the private pay rate and a contracted rate which the facility contracted with an outside party for full payment of services rendered (i.e., Medicaid, Medicare, managed

care organizations, etc.). No efforts are made to collect the difference.

(U) Cost components. The groupings of allowable costs used to calculate a facility's per diem rate. They are patient care, ancillary, capital, and administration.

(V) Cost report. The Financial and Statistical Report for Nursing Facilities, cost report instructions, all worksheets supplied by the division for this purpose, and required attachments as specified in paragraph (10)(A)7. of this regulation. The cost report shall detail the cost of rendering both covered and non-covered services for the fiscal reporting period in accordance with this regulation and the cost report instructions and shall be prepared on forms provided by and/or as approved by the division.

1. Cost Report version MSIR-1 (3-95) and cost report instructions (revised 3-95) shall be used for completing cost reports with fiscal years ending on or after January 1, 1995 and shall be denoted as CR (3-95).

2. Cost report version MSIR-1 (3-95) and cost report instructions (revised 3-95) 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, June 30, 2022. This rule does not incorporate any subsequent amendments or additions.

(W) Data bank. The data from the rate base year cost reports used to determine the medians, ceilings, and per diem rates for nursing facilities.

1. A separate data bank shall be created for nursing facilities and HIV nursing facilities, as follows:

A. The data bank for nursing facilities shall include all nursing facilities except hospital based facilities and HIV facilities.

B. The data bank for HIV nursing facilities shall only include HIV nursing facilities.

2. If a facility has more than one (1) cost report with periods ending in the rate base year, the cost report covering a full twelve- (12-) month period ending in the rate base year will be used. If none of the cost reports cover a full twelve- (12-) months, the cost report with the latest period ending in the rate base year will be used.

3. Nursing facilities that terminated from the MO HealthNet program during the rate base year shall not be included in the data bank.

4. Nursing facilities operating under an interim rate that have at least a second full year cost report after entering the Medicaid program that coincides with the rate base year may be included in the data bank. Interim rate facilities without such a cost report for the rate base year shall not be included in the data bank.

5. The initial rate base year used for rebasing shall be 2019 and the data bank shall include cost reports with an ending date in calendar year 2019. The 2019 rebase year data shall be used to set rates effective for dates of service beginning July 1, 2022 through such time rates are rebased again or calculated on some other cost report as set forth in regulation. The 2019 year data shall be adjusted for the following and shall be used to determine the medians, ceilings, and per diem rates for the nursing facilities:

A. The following allowable salaries shall be adjusted by two percent (2%):

(I) Aides and Orderlies (Line 53 of CR (3-95));

(II) Dietary Salaries (Line 60 of CR (3-95));

(III) Laundry Salaries (Line 85 of CR (3-95));

(IV) Housekeeping Salaries (Line 91 of CR (3-95)); and,

(V) Beauty & Barber Salaries (Line 94 of CR (3-95)).

B. The total allowable costs, including the salary adjustments detailed above in (4)(W)5.A., shall be trended through June 30, 2022 by the difference in the CMS Market Basket Index (i.e., the “Total – %MOVAVG” index for 2022:2 from the Fourth-quarter 2021 publication) and the midpoint of the facility’s rate setting cost report year.

C. The total patient care costs, including the salary adjustments and trends, shall be adjusted to match the statewide average total CMI by multiplying the total patient care costs by the quotient of the statewide average total CMI divided by the facility cost report total CMI.

(I) A cost report total CMI is determined for each facility based on a simple average of the four (4) quarterly total CMIs covering the facility’s cost report period.

(II) The statewide total CMI is a simple average of the cost report CMIs for all nursing facilities included in the databank.

(X) Department. The department, unless otherwise specified, refers to the Missouri Department of Social Services.

(Y) Department of Health and Senior Services. The department of the state of Missouri responsible for the survey, certification, and licensure of nursing facilities as prescribed in Chapter 198, RSMo.

(Z) Director. The director, unless otherwise specified, refers to the director, Missouri Department of Social Services.

(AA) Division. Unless otherwise specified, division refers to the MO HealthNet Division, the division of the Department of Social Services charged with administration of Missouri’s MO HealthNet Program.

(BB) Entity. Any natural person, corporation, business, partnership, or any other fiduciary unit.

(CC) Facility asset value. Total asset value less adjustment for age of beds.

(DD) Facility fiscal year. A facility’s twelve- (12-) month fiscal reporting period. If the facility is also participating in the Title XVIII Medicare (Medicare) program, the Medicaid cost report period shall be the same as the Medicare cost report period. If the provider does not participate in Medicare, the Medicaid cost report should have the same twelve- (12-) month fiscal year consistent with the facility’s accounting and reporting period.

(EE) Facility size. The number of licensed nursing facility beds as determined from the cost report.

(FF) Fair rental value (FRV) system. The methodology used to calculate the reimbursement of capital.

(GG) Generally accepted accounting principles (GAAP). Accounting conventions, practices, methods, rules, and procedures necessary to describe accepted accounting practice at a particular time as established by the authoritative body establishing such principles.

(HH) Hospital based. Any nursing facility bed licensed and certified which is physically connected to or located in a hospital.

(II) Interim rate. The interim rate is the sum of one hundred percent (100%) of the patient care cost component ceiling, ninety percent (90%) of the ancillary and administration cost component ceilings, and ninety-five percent (95%) of the median per diem for the capital cost component. The median per diem for capital will be determined from the capital component per diems of providers with prospective rates in effect on July 1, 2022 for the initial 2019 rate base year;—

(JJ) Licensed bed. Any skilled nursing facility or intermediate care facility bed meeting the licensing requirement of the Missouri Department of Health and Senior Services.

(KK) Minimum Data Set (MDS). A standardized, primary

and comprehensive tool used to assess a patient’s functional, medical, psychosocial, and cognitive status for residents of nursing facilities to participate in Medicare and Medicaid.

(LL) Minimum utilization days. Calculated number of patient days, based on the minimum utilization percentage, which will be used in the determination of the facility’s administration and capital cost component per diems if the facility’s occupancy is below the minimum utilization percent set forth in subsection (7)(N). Minimum utilization days are calculated by multiplying the facility’s bed days by the minimum utilization percent set forth in subsection (7)(N).

(MM) Miscellaneous discounts/other revenue deductions. A contra revenue account to reduce gross charges to the amount expected to be received. These deductions represent other miscellaneous discounts not specifically defined as a bad debt. Written policies must be maintained detailing the circumstances under which the discounts are available and must be uniformly applied.

(NN) Median. The middle value in a distribution, above and below which lie an equal number of values. The distribution for purposes of this regulation includes the per diems calculated for each facility based on or derived from the data in the data bank. The per diem for each facility is the allowable cost per day which is calculated by dividing the facility’s allowable costs by the patient days. For the administration cost component, each facility’s per diem included in the data bank and used to determine the median shall include the adjustment for minimum utilization set forth in subsection (7) (N) by dividing the facility’s allowable costs by the greater of the facility’s actual patient days or the calculated minimum utilization days.

(OO) Medicare Provider Reimbursement Manual (CMS Publications 15-1 and 15-2). Guidelines and policies to implement Medicare (Title VIII) regulations which set forth principles for determining the reasonable cost of provider services.

1. The Medicare Provider Reimbursement Manual (CMS Publications 15-1 and 15-2) is incorporated by reference and made a part of this rule as published by the Centers for Medicare & Medicaid Services (CMS) at its website <https://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/Paper-Based-Manuals-Items/CMS021929> and <https://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/Paper-Based-Manuals-Items/CMS021935>, June 29, 2022. This rule does not incorporate any subsequent amendments or additions.

2. The federal regulations 42 CFR 413 forming the basis of the Medicare Provider Reimbursement Manual (CMS Publications 15-1 and 15-2) is incorporated by reference and made a part of this rule as published by CMS at its website <https://www.ecfr.gov/current/title-42/chapter-IV/subchapter-B/part-413?toc=1>, June 29, 2022. This rule does not incorporate any subsequent amendments or additions.

3. The Medicare Provider Reimbursement Manual (CMS Publications 15-1 and 15-2) shall be referred to as the Medicare PRM throughout this regulation.

(PP) Nursing facility (NF). Effective October 1, 1990, skilled nursing facilities, skilled nursing facilities/intermediate care facilities, and intermediate care facilities as defined in Chapter 198, RSMo, participating in the Medicaid Program will all be subject to the minimum federal requirements found in section 1919 of the Social Security Act.

1. HIV nursing facility. A nursing facility that operates exclusively for persons with the human immunodeficiency virus (HIV) that causes acquired immunodeficiency syndrome (AIDS) and that was granted an exemption from Certificate of

Need under section 197.316, RSMo.

2. New MO HealthNet nursing facility. A qualified facility not previously certified for participation in the Medicaid Program within the last twenty-four (24) months. A new MO HealthNet nursing facility shall be given an interim reimbursement rate until a prospective rate is established on its rate setting cost report. A facility previously Medicaid certified within the last twenty-four (24) months (i.e., a facility that terminated participation in the MO HealthNet program and subsequently re-enrolled in the MO HealthNet program) is not considered to be a new MO HealthNet nursing facility regardless of any changes, including, but not limited to, a change of ownership, change of operator, tax identification change, merger, bankruptcy, name change, address change, payment address change, Medicare number change, National Provider Identifier (NPI) change, or facilities/offices that have been closed and reopened at the same or different locations. A replacement facility, whether it is at the same location or a different location, and whether the Medicare number is retained or if a new Medicare number is issued, is not considered to be a new MO HealthNet nursing facility. These facilities shall be given the prospective rate they had prior to terminating from the MO HealthNet program, plus any applicable adjustments set forth in the regulation between the termination date and the re-certification date.

(QQ) Occupancy rate. The occupancy rate is the percentage of a facility's capacity that is occupied by patients. This may also be referred to as occupancy, utilization, or utilization rate.

1. Total occupancy rate. A facility's total actual patient days divided by the total bed days for the same period as determined from the cost report. For a distinct part facility that only has part of its total licensed beds certified for participation in the MO HealthNet program and that completes a worksheet one (1) of the cost report, the occupancy rate is determined by dividing the total actual patient days from the certified portion of the facility by the total bed days from the certified portion for the same period from the cost report.

2. Medicaid occupancy rate. A facility's Medicaid patient days divided by the total patient days for the same period as determined from the cost report.

(RR) Patient care. This cost component includes costs reported in the cost report on lines 46-70.

(SS) Patient day. The period of service rendered to a patient between the census-taking hour on two (2) consecutive days. Census shall be taken in all facilities at midnight each day and a census log maintained in each facility for documentation purposes. "Patient day" includes the allowable temporary leave-of-absence days per subsection (5)(D). The day of discharge is not a patient day for reimbursement unless it is also the day of admission.

(TT) Per diem. The daily rate calculated using this regulation's cost components and used in the determination of a MO HealthNet facility's prospective and/or interim rate.

(UU) Provider or facility. A nursing facility or HIV nursing facility with a valid Medicaid participation agreement with the Department of Social Services for the purpose of providing nursing facility or HIV nursing facility services to Title XIX-eligible participants.

(VV) Prospective rate. The MO HealthNet reimbursement rate determined from the rate setting cost report.

(WW) Rate setting period or rate base year. The period in which a facility's MO HealthNet's prospective rate is determined. The cost report that contains the data covering this period will be used to determine the facility's prospective rate and is known as the rate setting cost report or rate base

year cost report.

(XX) Reimbursement rate. A prospective or interim rate.

(YY) Related parties. Parties are related when any one (1) of the following circumstances apply:

1. An entity where, through its activities, one (1) entity's transactions are for the benefit of the other and such benefits exceed those which are usual and customary in such dealings;

2. An entity has an ownership or controlling interest in another entity; and the entity, or one (1) or more relatives of the entity, has an ownership or controlling interest in the other entity. For the purposes of this paragraph, ownership, or controlling interest does not include a bank, savings bank, trust company, building and loan association, savings and loan association, credit union, industrial loan and thrift company, investment banking firm, or insurance company unless the entity directly, or through a subsidiary, operates a facility; and

3. As used in this regulation, the following terms mean:

A. Indirect ownership/interest means an ownership interest in an entity that has an ownership interest in another entity. This term includes an ownership interest in any entity that has an indirect ownership interest in an entity;

B. Ownership interest means the possession of equity in the capital, in the stock, or in the profits of an entity. Ownership or controlling interest is when an entity—

(I) Has an ownership interest totaling five percent (5%) or more in an entity;

(II) Has an indirect ownership interest equal to five percent (5%) or more in an entity. The amount of indirect ownership interest is determined by multiplying the percentages of ownership in each entity;

(III) Has a combination of direct and indirect ownership interest equal to five percent (5%) or more in an entity;

(IV) Owns an interest of five percent (5%) or more in any mortgage, deed of trust, note, or other obligation secured by an entity if that interest equals at least five percent (5%) of the value of the property or assets of the entity. The percentage of ownership resulting from these obligations is determined by multiplying the percentage of interest owned in the obligation by the percentage of the entity's assets used to secure the obligation;

(V) Is an officer or director of an entity; or

(VI) Is a partner in an entity that is organized as a partnership; and

C. Relative means person related by blood, adoption, or marriage to the fourth degree of consanguinity.

(ZZ) Restricted funds. Funds, cash, cash equivalent, or marketable securities, including grants, gifts, taxes, and income from endowments which must only be used for a specific purpose designated by the donor.

(AAA) Total facility size. Facility size plus increases minus decreases of licensed nursing facility beds plus calculated bed equivalents for renovations/major improvements.

(BBB) Unrestricted funds. Funds, cash, cash equivalents, or marketable securities, including grants, gifts, taxes, and income from endowments that are given to a provider without restriction by the donor as to their use.

(5) Covered Supplies, Items, and Services. All supplies, items, and services covered in the reimbursement rate must be provided to the resident as necessary. Supplies and services that would otherwise be covered in a reimbursement rate but which are also billable to the Title XVIII Medicare Program must be billed to that program for facilities participating in the Title XVIII Medicare Program. Covered supplies, items, and

services include, but are not limited to, the following:

(A) Supplies, items, and services required by federal or state law or regulation that must be provided by nursing facilities participating in the Title XIX program;

(B) Room and board. A private room must be provided, at no additional charge, if it is necessary to isolate a participant due to a medical or social condition, examples of which may be contagious infection or loud irrational speech;

(C) Temporary leave of absence days for Medicaid participants, not to exceed twelve (12) days for the first six (6) calendar months and not to exceed twelve (12) days for the second six (6) calendar months. Temporary leave of absence days must be specifically provided for in the participant's plan of care and prescribed by a physician. Periods of time during which a participant is away from the facility visiting a friend or relative are therapeutic home leave days and considered temporary leaves of absence. Hospital leave days, as defined in 13 CSR 70-10.070, are also considered temporary leaves of absence and each hospital leave day is counted as two (2) temporary leave of absence days in determining the twelve (12) allowable leave days for each six (6) month period described above;

(D) Provision of personal hygiene and routine care services furnished routinely and uniformly to all residents;

(E) All laundry services, including personal laundry;

(F) All dietary services, including special dietary supplements used for tube feeding or oral feeding. Dietary supplements prescribed by a physician are also covered items;

(G) All consultative services required by federal or state law or regulations;

(H) All therapy services required by federal or state law or regulations;

(I) All routine care items including, but not limited to, those items specified in Appendix A to this regulation;

(J) All nursing services and supplies including, but not limited to, those items specified in Appendix A to this regulation; and

(K) All non-legend antacids, non-legend laxatives, non-legend stool softeners, and non-legend vitamins. Providers may not elect which non-legend drugs in any of the four (4) categories to supply; any and all must be provided to residents as needed and are included in a facility's reimbursement rate.

(6) Non-covered Supplies, Items, and Services. Non-covered supplies, items, and services include, but are not limited to, the following:

(A) Supplies, items, and services which are not covered in a facility's reimbursement rate;

(B) Supplies, items, and services billable to another program in Medicaid for which payment is made directly to a provider(s) other than providers of the nursing facility services;

(C) Supplies, items, and services that are billable to Medicare or other third-party payer; and

(D) Supplies, items, and services provided non-routinely to residents for personal comfort or convenience.

(7) Allowable Cost Areas.

(A) Compensation of Owners.

1. Compensation of services of owners shall be an allowable cost area. Reasonableness of compensation shall be limited as prescribed in subsection (8)(P).

2. Compensation shall mean the total benefit, within the limitations set forth in this regulation, received by the owner for the services rendered to the facility. This includes direct payments for managerial, administrative, professional and

other services, amounts paid for the personal benefit of the owner, the cost of assets and services which the owner receives from the provider, and additional amounts determined to be the reasonable value of the services rendered by sole proprietors or partners and not paid by any method previously described in this regulation. Compensation must be paid (whether in cash, negotiable instrument, or in kind) within seventy-five (75) days after the close of the cost report period in accordance with the guidelines published in the Medicare PRM, Part 1, Section 906.4.

(B) Covered supplies, items, and services as defined in section (5) of this regulation.

(C) Capital Assets.

1. Capital assets shall include historical costs that would be capitalized under GAAP. For example, historical costs would include, but not be limited to, architectural fees, related legal fees, interest, and taxes during construction.

2. For purposes of this regulation, any asset or improvement costing greater than one thousand dollars (\$1,000) and having a useful life greater than one (1) year in accordance with American Hospital Association depreciable guidelines, shall be capitalized.

3. In addition to the American Hospital Association depreciable guidelines, mattresses shall be considered a capitalized asset and shall have a three- (3-) year useful life.

(D) Vehicle Costs. Costs related to allowable vehicles shall be accounted for as set forth below. Allowable vehicles are vehicles that are a necessary part of the operation of a nursing facility and are limited as follows: One (1) vehicle per sixty (60) licensed beds is allowable. For example, one (1) vehicle is allowed for a facility with zero to sixty (0-60) licensed beds, two (2) vehicles are allowed for a facility with sixty-one to one hundred twenty (61-120) licensed beds, and so forth. Vehicles subject to the limit include cars, trucks, vans, sport utility vehicles (SUVs), and shuttle buses. Golf carts, utility terrain vehicles (UTVs), all terrain vehicles (ATVs), and other vehicles not aforementioned in this subsection shall not be included in the total vehicle count for the limit. If the number of vehicles exceeds the limit, the oldest vehicle(s) based on the date the facility acquired the vehicle(s), and the associated costs, are allowable. Costs related to vehicles that are disallowed shall also be disallowed and adjustments made accordingly.

1. Depreciation.

A. An appropriate allowance for depreciation on allowable vehicles is reported on line 133 of CR (3-95).

B. The depreciation must be identifiable and recorded in the provider's accounting records, based on the basis of the vehicle and prorated over the estimated useful life of the vehicle in accordance with American Hospital Association depreciable guidelines using the straight line method of depreciation from the date initially put into service.

C. The basis of vehicle cost at the time placed in service shall be the lower of –

(I) The book value of the provider;

(II) Fair market value at the time of acquisition; or

(III) The recognized Internal Revenue Service (IRS) tax basis.

D. The basis of a donated vehicle will be allowed to the extent of recognition of income resulting from the donation of the vehicle. Should a dispute arise between a provider and the division as to the fair market value at the time of acquisition of a depreciable vehicle, an appraisal by a third party is required. The appraisal cost will be the sole responsibility of the nursing facility.

E. Historical cost will include the cost incurred to

prepare the vehicle for use by the nursing facility.

F. When a vehicle is acquired by trading in an existing vehicle, the cost basis of the new vehicle shall be the sum of undepreciated cost basis of the traded vehicle plus the cash paid.

2. Interest. Interest cost on vehicle debt related to allowable vehicles shall be reported on line 134 of CR (3-95).

3. Insurance. Insurance cost related to allowable vehicles shall be reported on line 135 of CR (3-95).

4. Rental and leases. Lease cost related to allowable vehicles shall be reported on line 135 of CR (3-95).

5. Personal property taxes. Personal property taxes related to allowable vehicles shall be reported on line 109 of CR (3-95).

6. Other miscellaneous maintenance and repairs. Other miscellaneous maintenance and repairs related to allowable vehicles shall be reported on line 135 of CR (3-95).

(E) Insurance.

1. Property insurance. Insurance cost on property of the nursing facility used to provide nursing facility services. Property insurance should be reported on line 107 of CR (3-95).

2. Other insurance. Liability, umbrella, and other general insurance for the nursing facility should be reported on line 136 of CR (3-95).

3. Workers' compensation insurance. Insurance cost for workers' compensation should be reported on the applicable workers' compensation lines on the cost report corresponding to the employee salary groupings.

(F) Rental and Leases.

1. Capitalized leases, as defined by GAAP, are to be reported on the books of the facility as if the facility owns the property (i.e., the building, equipment, and related expenses are recorded on the books of the facility) in accordance with subsections (7)(C), (E), and (G). Lease expenses shall be reported on line 103 of the CR (3-95). A facility operating its building under a capital lease shall have its capital cost component calculated using the fair rental value system. A facility may record the property insurance, real estate taxes and personal property taxes directly on the applicable capital lines of the cost report (i.e., lines 107, 108, and 109 of CR (3-95), respectively), and include the costs of such in calculating the pass-through expenses portion of the capital rate if it meets the following criteria:

A. If the cost of the property insurance, real estate taxes, and personal property taxes are a distinct component of a facility's operating lease for the building and the lease payment is directly affected or changed by the amount of these items; and

B. The cost of the property insurance, real estate taxes, and personal property taxes included in the lease must be documented and supported by the property insurance premium notice and tax assessment notices relating to the nursing facility.

(G) Real Estate and Personal Property Taxes. Taxes levied on or incurred by a facility used to provide nursing facility services.

(H) Value of Services of Employees.

1. Except as provided for in this regulation, the value of services performed by employees in the facility shall be included as an allowable cost area to the extent actually compensated, either to the employee or to the supplying organization.

2. Services rendered by volunteers such as those affiliated with the American Red Cross, hospital guilds, auxiliaries, private individuals, and similar organizations shall not be an allowable cost, as the services have traditionally been rendered

on a purely volunteer basis without expectation of any form of reimbursement by the organization through which the service is rendered or by the person rendering the service.

3. Services by priests, ministers, rabbis, and similar type professionals shall be an allowable cost, provided that the services are not of a religious nature and are compensated. Costs of wardrobe and similar items shall not be allowable.

(I) Employee Benefits.

1. Retirement plans.

A. Contributions to IRS qualified retirement plans shall be an allowable cost.

B. Amounts funded to pension and qualified retirement plans, together with associated income, shall be recaptured, if not actually paid when due, as an offset to expenses on the cost report.

2. Deferred compensation plans.

A. Contributions shall be allowable costs when, and to the extent that, these costs are actually paid by the provider. Provider payments for unfunded deferred compensation plans will be considered an allowable cost only when paid to the participating employee.

B. Amounts paid by organizations to purchase tax-sheltered annuities for employees shall be treated as deferred compensation actually paid by the provider.

C. Amounts funded to deferred compensation plans together with associated income shall be recaptured, if not actually paid when due, as an offset to expenses on the cost report.

3. Types of insurance which are considered an allowable cost:

A. Credit life insurance (term insurance), if required as part of a mortgage loan agreement. An example, would be insurance on loans granted under certain federal programs;

B. Where the relative(s) or estate of the employee, excluding stockholders, partners and proprietors, is the beneficiary. This type of insurance is considered to be an employee benefit and is an allowable cost. This cost should be reported on the applicable payroll lines on the cost report for the employees' salary groupings; and

C. Health, disability, dental, etc., insurances for employees/owners shall be allowable costs.

(J) Education and Training Expenses.

1. The cost of on-the-job training which directly benefits the quality of health care or administration at the facility shall be allowable, except for costs associated with nurse aide training and competency evaluation program which the facility may be reimbursed for under 13 CSR 70-10.120 Reimbursement for Nurse Assistant Training.

2. Costs of education and training shall include travel costs, but will not include leaves of absence or sabbaticals.

(K) Organizational Costs.

1. Organizational cost items include the following: legal fees incurred in establishing the corporation or other organizations; necessary accounting fees; expenses of temporary directors and organizational meetings of directors and stockholders; and fees paid to states for incorporation.

2. Organizational costs shall be amortized ratably over a period of sixty (60) months beginning with the date of organization. When the provider enters the program more than sixty (60) months after the date of organization, no organizational costs shall be recognized.

3. Where a provider is organized within a five- (5-) year period prior to its entry into the program and has properly capitalized organizational costs using a sixty- (60-) month amortization period, no change in the rate of amortization

is required. In this instance the unamortized portion of organizational costs is an allowable cost under the program and shall be amortized over the remaining part of the sixty-(60-) month period.

4. For change in ownership, allowable amortization will be limited to the prior owner's allowable unamortized portion of organizational cost.

(L) Advertising Costs. Advertising costs which are reasonable and appropriate are allowable. The costs must be a common and accepted occurrence for providing nursing facility services.

(M) Cost of Supplies and Services Involving Related Parties. Costs of goods and services furnished by related parties shall not exceed the lower of the cost to the supplier or the prices of comparable goods or services obtained elsewhere. In the cost report a provider shall identify related party suppliers and the type, the quantity, and costs to the related party for goods and services obtained from each such supplier.

(N) Minimum Utilization. In the event the occupancy rate of a facility is below eighty percent (80%), the administration and capital cost components will be adjusted as though the provider experienced eighty percent (80%) occupancy. The adjustment for minimum utilization is reflected in the calculation of the per diem for the administration and capital cost components. If the provider's occupancy is less than eighty percent (80%), the total allowable costs are divided by the minimum utilization days rather than the facility's actual patient days. In no case may costs disallowed under this provision be carried forward to succeeding periods.

(O) Home Office or Management Company Costs. The allowability of the individual cost items contained within home office (also known as central office) or management company costs will be determined in accordance with all other provisions of this regulation. The total of home office and/or management company costs, as reported on lines 121 and 122 of CR (3-95), are limited to seven percent (7%) of gross revenues less contractual allowances.

(P) Start-Up Costs. Expenses incurred prior to opening, as defined in HIM-15 as start-up costs, shall be amortized on a straight-line method over sixty (60) months. The amortization shall be reported on the same line on the cost report as the original start-up costs are reported. For example, RN salary prior to opening would be amortized over sixty (60) months and would be reported on line 51 of CR (3-95).

(Q) Reusable Items. Costs incurred for items, such as linen and bedding, but not limited to, shall be classified as inventory when purchased and expensed as the item is used.

(R) Nursing Facility Reimbursement Allowance (NFRA). The fee assessed to nursing facilities in the state of Missouri for the privilege of doing business in the state will be an allowable cost.

(8) Non-allowable Costs. Costs not reasonably related to nursing facility services shall not be included in a provider's costs. Non-allowable costs include, but are not limited to, the following:

(A) Amortization on intangible assets, such as goodwill, leasehold rights, covenants, and purchased certificates of need;

(B) Bad debts, contractual allowances, courtesy discounts, charity allowances, and similar adjustments or allowances are offsets to revenues and, therefore, not included in allowable costs;

(C) Capital cost increases due solely to changes in ownership;

(D) Charitable contributions;

(E) Compensation paid to a relative or an owner through a related party to the extent it exceeds the limitations established under subsection (7)(A) of this regulation;

(F) Costs such as legal fees, accounting and administrative costs, travel costs, and the costs of feasibility studies, which are attributable to the negotiation or settlement of the sale or purchase of any capital asset by acquisition or merger for which any payment has been previously made under the program;

(G) Directors' fees included on the cost report in excess of two hundred dollars (\$200) per month, per individual;

(H) Federal, state, or local income and excess profit taxes, including any interest and penalties paid thereon;

(I) Late charges and penalties;

(J) Finder's fees;

(K) Fund-raising expenses;

(L) Interest expense on loans for intangible assets;

(M) Legal fees related to litigation involving the department and attorney's fees which are not related to the provision of nursing facility services, such as litigation related to disputes between or among owners, operators, or administrators;

(N) Life insurance premiums for officers, owners, and related parties except the amount relating to a bona fide nondiscriminatory employee benefits plan;

(O) Non-covered supplies, items, and services as defined in section (6);

(P) Owner's compensation in excess of the applicable range of administrative salaries paid to individuals other than owners for proprietary and non-proprietary providers and based upon the total number of working hours.

1. Following is the division's 2019 Owner Compensation Guidelines. The division's 2019 Owner Compensation Guidelines shown below shall be updated annually using the CMS Market Basket Index for Wages (i.e., *IHS Markit/Healthcare Cost Review* publication, "Table 6.7 CMS Nursing Home without Capital Market Basket," and the "Wages - %MOVAVG" index)

Owner Compensation Guidelines				
Year	Bed Size	Low	High	Median
2019	0 - 74	55,917	100,415	71,552
	75 - 99	42,080	102,208	72,151
	100 - 149	60,132	121,451	78,162
	150 - 200	62,536	122,652	96,202
	200+	72,151	180,379	99,203

2. The applicable range will be determined as follows:

A. Number of licensed beds owned or managed; and

B. Owners acting as administrators will be adjusted on the basis of the high range. Owners included in home office costs or management company costs will be adjusted on the high range. All others will be calculated on the median range.

3. The salary identified above will be apportioned on the basis of hours worked in the facility(ies), home office, or management company as applicable to total hours in the facility(ies), home office, or management company;

(Q) Prescription drugs;

(R) Religious supplies, items, or services of a primarily religious nature performed by priests, rabbis, ministers, or other similar types of professionals;

- (S) Research costs;
- (T) Resident personal purchases provided non-routinely to residents for personal comfort or convenience;
- (U) Salaries, wages, or fees paid to nonworking officers, employees, or consultants;
- (V) Cost of stockholder meetings or stock proxy expenses;
- (W) Taxes or assessments for which exemptions are available;
- (X) Value of services (imputed or actual) rendered by nonpaid workers or volunteers;
- (Y) All costs associated with nurse aide training and competency evaluation program which the facility may be reimbursed for under 13 CSR 70-10.120 Reimbursement for Nurse Assistant Training; and
- (Z) Losses from disposal of assets.

(9) Revenue Offsets.

(A) Other revenues must be identified separately in the cost report. These revenues are offset against expenses. Such revenues include, but are not limited to, the following:

1. Income from telephone services;
2. Sale of employee and guest meals;
3. Sale of medical abstracts;
4. Sale of scrap and waste food or materials;
5. Cash, trade, quantity, time, and other discounts;
6. Purchase rebates and refunds;
7. Recovery on insured loss;
8. Parking lot revenues;
9. Vending machine commissions or profits;
10. Sales from supplies to individuals other than nursing facility participants;
11. Room reservation charges other than covered therapeutic home leave days and hospital leave days;
12. Barber and beauty shop revenue;
13. Private room differential;
14. Medicare Part B revenues.

A. Revenues received from Part B charges through Medicare will be offset.

B. For purposes of determining reimbursement, the total therapy revenues reported on Schedule A, lines 12, 13, and 16, that are offset shall not exceed the total therapy expenses reported on Schedule B, lines 72 -75 and lines 78-79.

15. Personal services;
16. Activity income; and
17. Revenue recorded for donated services and commodities.

(B) Restricted funds designated by the donor prior to the donation for payment of operating costs will be offset from the associated cost.

(C) Restricted funds designated by the donor for capital expenditures will not be offset from allowable expenses.

(D) Unrestricted funds not designated by the provider for future capital expenditures will be offset from allowable cost.

(E) As applicable, restricted, and unrestricted funds will be offset in each cost component, excluding capital, in an amount equal to the cost component's proportionate share of allowable expense.

(F) Any tax levies which are collected by nursing home districts or county homes that are supported in whole or in part by these levies, will not be offset.

(G) Gains on disposal of assets will not be offset from allowable expenses.

(10) Provider Reporting and Record Keeping Requirements.

(A) Annual Cost Report.

1. Each provider shall adopt the same twelve- (12-) month

fiscal period for completing its Medicaid cost report as is used for its Medicare cost report, if the facility also participates in the Medicare program. If the provider does not participate in Medicare, the Medicaid cost report should have the same twelve- (12-) month fiscal year consistent with the facility's accounting and reporting period.

2. Each provider is required to complete and submit to the division or its authorized contractor an annual cost report, including all worksheets, attachments, schedules, and requests for additional information from the division or its authorized contractor. The cost report shall be submitted on forms provided by the division or its authorized contractor for that purpose. Any substitute or computer generated cost report must have prior approval by the division or its authorized contractor.

3. All cost reports shall be completed in accordance with the requirements of this regulation and the cost report instructions. Financial reporting shall adhere to GAAP, except as otherwise specifically indicated in this regulation.

4. The cost report submitted must be based on the accrual basis of accounting. Governmental institutions operating on a cash or modified cash basis of accounting may continue to report on that basis, provided appropriate treatment for capital expenditures is made under GAAP.

5. Cost reports shall be submitted by the first day of the sixth month following the close of the fiscal period. A provider may request, in writing, a reasonable extension of the cost report filing date if there has been an extension granted for its Medicare cost report, if applicable, or for circumstances that are beyond the control of the provider and that are not a product or result of the negligence or malfeasance of the nursing facility. Such circumstances may include public health emergencies; unavoidable acts of nature such as flooding, tornado, earthquake, lightning, hurricane, natural wildfire, or other natural disaster; or, vandalism and/or civil disorder. The division may, at its discretion, grant the extension.

6. If a cost report is more than ten (10) days past due, payment may be withheld from the facility until the cost report is submitted. Upon receipt of a cost report prepared in accordance with this regulation, the payments that were withheld will be released to the provider. For cost reports which are more than ninety (90) days past due, the department may terminate the provider's MO HealthNet participation agreement and if terminated retain all payments which have been withheld pursuant to this provision.

7. Copies of signed agreements and other significant documents related to the provider's operation and provision of care to MO HealthNet participants must be attached (unless otherwise noted) to the cost report at the time of filing unless current and accurate copies have already been filed with the division or its authorized contractor. Material which must be submitted or available upon request includes, but is not limited to, the following:

A. Audit prepared by an independent accountant, including disclosure statements and management letter or SEC Form 10-K;

B. Contracts or agreements involving the purchase of facilities or equipment during the last seven (7) years if requested by the division, the department, or its authorized contractor;

C. Contracts or agreements with owners or related parties;

D. Contracts with consultants;

E. Documentation of expenditures, by line item, made under all restricted and unrestricted grants;

F. Federal and state income tax returns for the fiscal

year, if requested by the division, the department, or its authorized contractor;

G. Leases and/or rental agreements related to the activities of the provider, if requested by the division, the department, or its authorized contractor;

H. Management contracts;

I. Medicare cost report, if applicable;

J. Review and compilation statement;

K. Statement verifying the restrictions as specified by the donor, prior to donation, for all restricted grants;

L. Working trial balance actually used to prepare the cost report with line number tracing notations or similar identifications; and

M. Schedule of capital assets with corresponding debt.

8. Cost reports must be fully, clearly, and accurately completed. All required attachments must be submitted before a cost report is considered complete. If any additional information, documentation, or clarification requested by the division or its authorized contractor is not provided within fourteen (14) days of the date of receipt of the division's request, payments may be withheld from the facility until the information is submitted.

9. Under no circumstances will the division accept amended cost reports for rate determination or rate adjustment after the date of the division's notification of the final determination of the rate.

10. Exceptions. A cost report is not required for the following:

A. Hospital based providers which provide less than one thousand (1,000) patient days of nursing facility services for Missouri Title XIX participants, relative to their fiscal year.

B. Change in provider status. The cost report filing requirement for the cost report relating to the terminating provider from a change of control, ownership, or termination of participation in the MO HealthNet program is not required, unless the terminating cost report is a full twelve- (12-) month cost report. The division may waive the cost report filing requirement for the twelve- (12-) month terminating cost report or the last twelve- (12-) month fiscal year end cost report resulting from a change of control, ownership, or termination of participation in the MO HealthNet program if the old/terminating provider can show financial hardship in providing the cost report. The old/terminating provider must submit a request to the division, indicating and providing documentation for the financial hardship caused by filing the cost report.

C. New MO HealthNet facility or Re-certified MO HealthNet facility. The first (1st) cost report for a new facility enrolled in the MO HealthNet program or a facility that had terminated from participation in the MO HealthNet program and was re-certified in the MO HealthNet program may not be required if it is a short period cost report. A short period cost report covers three (3) months or less of nursing facility services for MO HealthNet participants, relative to the facility's fiscal year.

(I) If the provider participates in the Medicare program, the provider must complete the MO HealthNet cost report covering the same period as the Medicare cost report unless a short period cost report would still be required by Medicare but is not required by MO HealthNet because it covers three (3) months or less. For example:

(a) Example A: A facility enters the Medicaid/Medicare program on December 20 and has a December 31 fiscal year end. If Medicare requires that the December 20 – December 31 period be combined with the subsequent year cost report, then the MO HealthNet cost report should cover the same period.

(b) Example B: A facility enters the Medicaid/Medicare program on October 20 and has a December 31 fiscal year end. If Medicare requires that a cost report be submitted for October 20 through December 31, the facility may request that the division waive that cost report for MO HealthNet since it is within the three (3) month short period. The division must approve the request to waive the cost report.

(II) If the facility does not participate in Medicare, the facility must contact the division regarding the treatment of the short period cost report and the division must approve such treatment. The provider may:

(a) Submit the short period cost report; or

(b) Combine the short period with the cost report for the subsequent year; or

(c) Choose not to submit information relating to the short period either on a stand-alone cost report basis or combined with the subsequent year cost report.

11. Notification of change in provider status and withholding of funds for a change in provider status. A provider shall notify the Institutional Reimbursement Unit of the division via email at IRU.NursingFacility@dss.mo.gov prior to a change of control, ownership, or termination of participation in the MO HealthNet program. The division may withhold funds due to a change in provider status as follows:

A. If the division receives notification prior to the change of control, ownership, or termination of participation in the MO HealthNet program, the division may withhold funds from the old/terminating provider's remaining payments for any amounts owed to the division, including but not limited to, unpaid NFRA, overpayments, and system claim adjustment credits. If the division can determine the amount the provider owes, the division may withhold that amount from the old/terminating provider's remaining payments. If the division cannot determine the amount a provider owes, it may withhold a minimum of thirty thousand dollars (\$30,000) of the remaining payments from the old/terminating provider. After six (6) months, any payments withheld will be released to the old/terminating provider, less any amounts owed to the division, including but not limited to, unpaid NFRA, overpayments, and system claim adjustment credits; or

B. If the division does not receive notification prior to a change of control or ownership, the division may withhold funds from the provider identified in the current MO HealthNet participation agreement for any amounts owed to the division from the old/terminating provider, including but not limited to, unpaid NFRA, overpayments, and system claim adjustment credits. If the division can determine the amount the old/terminating provider owes, the division may withhold that amount from the current provider's payments. If the division cannot determine the amount the old/terminating provider owes, it may withhold a minimum of thirty thousand dollars (\$30,000) of the next available MO HealthNet payment from the provider identified in the current MO HealthNet participation agreement. If the MO HealthNet payment is less than thirty thousand dollars (\$30,000), the entire payment will be withheld. After six (6) months, any payments withheld will be released to the provider identified in the current MO HealthNet participation agreement, less any amounts owed to the division, including but not limited to unpaid NFRA, overpayments, and system claim adjustment credits.

(B) Certification of Cost Reports.

1. The accuracy and validity of the cost report must be certified by the provider. Certification must be made by a person authorized by one (1) of the following: for an incorporated entity, an officer of the corporation; for a partnership, a partner; for a sole proprietorship or sole owner, the owner or licensed operator; or for a public facility,

the chief administrative officer of the facility. Proof of such authorization shall be furnished upon request.

2. Cost reports must be notarized by a commissioned notary public.

3. The following statement must be signed on each cost report to certify its accuracy and validity: Certification Statement: Misrepresentation or falsification of any information contained in this cost report may be punishable by fine and/or imprisonment under state and federal law.

Certification of Officer or Administrator of Provider

I hereby certify that I have read the above statement and that I have examined the accompanying cost report and supporting schedules prepared by (provider name) for the cost report period beginning (date/year) and ending (date/year), and that to the best of my knowledge and belief, it is a true, correct, and complete statement prepared from the books and records of the provider in accordance with applicable instructions, except as noted.

<i>Notary Public</i>	<i>Authorized Signature</i>
	<i>(Title)</i>

My Commission Expires _____

(C) Adequate Records and Documentation.

1. A provider must keep records in accordance with GAAP and maintain sufficient internal control and documentation to satisfy audit requirements and other requirements of this regulation, including reasonable requests by the division or its authorized contractor for additional information.

2. Each of a provider's funded accounts must be separately maintained with all account activity clearly identified.

3. Adequate documentation for all line items on the cost report shall be maintained by a provider. Upon request, all original documentation and records must be made available for review by the division or its authorized contractor at the same site at which the services were provided or at the central office/home office if located in the state of Missouri. Copies of documentation and records shall be submitted to the division or its authorized contractor upon request.

4. Each facility shall retain all financial information, data, and records relating to the operation and reimbursement of the facility for a period of not less than seven (7) years.

(D) Audits.

1. Any cost report submitted may be subject to a Level III Audit (also known as a field audit) by the division or its authorized contractor.

2. A provider shall have available at the field audit location one (1) or more knowledgeable persons authorized by the provider and capable of explaining the provider's accounting and control system and cost report preparation, including all attachments and allocations.

3. If a provider maintains any records or documentation at a location which is not the same as the site where services were provided, other than central offices/home offices not located in the state of Missouri, the provider shall transfer the records to the same facility at which the Medicaid services were provided, or the provider must reimburse the division or its authorized contractor for reasonable travel costs necessary to perform any part of the field audit in any off-site location, if the location is acceptable to the division.

4. Those providers initially entering the MO HealthNet program shall be required to have an annual independent audit

of the financial records, used to prepare annual cost reports covering, at a minimum, the first two (2) full twelve- (12-) month fiscal years of their participation in the MO HealthNet Program, in accordance with GAAP and generally accepted auditing standards. The audit shall include, but may not be limited to, the Balance Sheet, Income Statement, Statement of Retained Earnings, and Statement of Cash Flow. For example, a provider begins participation in the Medicaid program in March and chooses a fiscal year of October 1 to September 30. The first cost report will cover March through September. That cost report may be audited at the option of the provider. The October 1 to September 30 cost report, the first full twelve- (12-) month fiscal year cost report, shall be audited. The next October 1 to September 30 cost report, the second full twelve- (12-) month cost report, shall be audited. The audits shall be done by an independent certified public accountant. The independent audits of the first two (2) full twelve- (12-) month fiscal years may be performed at the same time. The provider may submit two (2) independent audit reports (i.e., one for each year) or they may submit one (1) combined independent audit report covering both years. The independent audit report(s) for combined audits are due with the filing of the second full twelve- (12-) month cost report. If the independent audits are combined, the provider must notify the division of such by the due date of the first full twelve- (12-) month cost report.

(E) Joint Use of Resources.

1. If a provider has business enterprises in addition to the nursing facility, the revenues, expenses, statistical, and financial records of each separate enterprise shall be clearly identifiable.

2. When the facility is owned, controlled or managed by an entity(ies) that own, control, or manage one (1) or more other facilities, records of central office and other costs incurred outside the facility shall be maintained so as to separately identify revenues and expenses of, and allocations to, individual facilities. Direct allocation of cost, such as RN consultant, which can be directly identifiable in the central office/home office cost and directly allocated to a facility by actual amounts or actual time spent. These direct costs shall be reported on the appropriate lines of the cost report. Allocation of central office/home office or management company costs to individual facilities should be consistent from year-to-year. If a desk audit or field audit establishes that records are not maintained so as to clearly identify information required by this regulation, those commingled costs shall not be recognized as allowable costs in determining the facility's Medicaid reimbursement rate. Allowability of these costs shall be determined in accordance with the provisions of this regulation.

(11) Prospective Rate Determination. The division will use the rate setting cost report described in (11)(I) to determine the nursing facility's prospective rate, as detailed in (11)(A)-(I) below.

(A) Patient Care. Each nursing facility's patient care per diem shall be calculated as follows –

1. The base patient care per diem shall be the lower of the –

A. Allowable cost per patient day for patient care as determined by the division from the rate setting cost report, including applicable adjustments and trends; or

B. Per diem ceiling of one hundred twenty percent (120%) of the patient care median determined by the division from the data bank.

2. The base patient care per diem determined in (11)(A)1. shall be adjusted by the facility's average Medicaid CMI using the RUGS IV 48 group model classification system from the two (2) preceding quarterly calculations relative to the effective date of the rate (i.e., for 2019 rebase rates effective July 1, 2022, the January 1, 2022 and April 1, 2022 CMI calculations shall be used) and shall be the facility's patient care per diem to be included in the facility's total prospective per diem rate.

3. Following is an illustration of the calculation of the patient care per diem:

Description	Total Allowable Cost	Ceiling	Lower of Ceiling / Per Diem
Total Patient Care Costs	\$3,285,275		
Aides & Orderlies	\$918,303		
Dietary Salaries	\$248,776		
Total	\$1,167,079		
Salary Adjustment	2%	\$23,342	
Adjusted Patient Care	\$3,308,617		
Trend	7.69%		
Trended Cost	\$3,563,050		
Statewide Average Total CMI	.8744		
Cost Report Total CMI	.9664		
Total CMI Adjusted Costs (\$3,563,050*.8744/.9664)	\$3,223,852		
Total Patient Days	30,475		
Base Patient Care Per Diem	\$105.79	\$127.12	\$105.79
Medicaid CMI	.8206		
Medicaid CMI Adjusted Patient Care Per Diem (\$105.79*.8206/.8744)			\$99.28

(B) Ancillary. Each nursing facility's ancillary per diem will be the lower of the –

1. Allowable cost per patient day for ancillary as determined by the division from the rate setting cost report, including applicable adjustments and trends; or

2. Per diem ceiling of one hundred twenty percent (120%) of the ancillary median determined by the division from the data bank.

3. Following is an illustration of the calculation of the ancillary per diem:

Description	Total Allowable Cost	Ceiling	Lower of Ceiling / Per Diem
Total Ancillary Costs	\$454,281		
Laundry Salaries	\$58,002		
Housekeeping Salaries	\$137,329		
Beauty & Barber Salaries	\$0		
Total	\$195,331		
Salary Adjustment	2%	\$3,907	
Adjusted Ancillary	\$458,188		
Trend	7.69%		
Trended Cost	\$493,423		
Total Patient Days	30,475		
Ancillary Per Diem	\$16.19	\$21.48	\$16.19

(C) Administration. Each nursing facility's administration per diem shall be the lower of the –

1. Allowable cost per patient day for administration as determined by the division from the rate setting cost report, including applicable trends, and adjusted for minimum utilization, if applicable, as described in subsection (7)(N); or

2. Per diem ceiling of one hundred ten percent (110%) of the administration median determined by the division from the data bank. The administration median shall be based on the administration per diems that have been adjusted for minimum utilization, if applicable, as described in subsection (7)(N).

3. Following is an illustration of the calculation of the administration per diem:

Description	Total Allowable Cost	Ceiling	Lower of Ceiling / Per Diem
Total Administration Costs	\$1,772,163		
Trend	7.69%		
Trended Cost	\$1,908,442		
Total Patient Days	30,475		
Minimum Utilization Days	44,384		
Greater of Total Patient Days or Min. Utilization Days	44,384		
Administration Per Diem	\$43.00	\$35.73	\$35.73

(D) Capital. Each nursing facility’s capital per diem shall be determined using the fair rental value system (FRV), which consists of two (2) elements – rental value and pass-through expenses. The calculation for each element, as well as the overall capital per diem, is detailed below in paragraphs (11)(D)1.–3.

1. Rental value.

A. Determine the total asset value.

(I) Determine facility size from the rate setting cost report. The changes in the number of licensed beds (i.e., increase and decreases) from the date the facility was originally licensed through the end of the rate setting cost report period should be determined and should result in the same number of licensed beds at the end of the facility’s rate setting cost report.

(II) Determine the bed equivalency for capital expenditures from the date the facility was originally licensed through the end of the rate setting cost report period by taking the cost of the capital expenditures for each year divided by the asset value per bed for the year of the capital expenditures rounded down to the nearest whole bed. The cost of the capital expenditures must be at least the asset value per bed for the year of the capital expenditures for each bed equivalency. For example, a capital expenditures done in 2009 with a cost of two hundred seventy thousand dollars (\$270,000) is equal to five (5) beds. ($\$270,000/\$47,948$ equals 5.65 beds rounded down to 5 beds).

(III) The Total Facility Size is the sum of (I) and (II). -

(VI) The Total Asset Value is the total facility size times the asset value.

B. Determine the reduction for age. The age of the beds is determined by subtracting the year the beds were originally licensed from the year relative to the rate base year. The age of bed equivalencies for capital expenditures is calculated by subtracting the year the capital expenditures were made from the year relative to the rate base year. The age of the beds for multiple licensing dates (i.e., for increases and decreases in licensed beds) and multiple bed equivalencies is calculated on a weighted average method rounded to the nearest whole year. For licensed bed decreases and replacement beds, the oldest beds are delicensed first. The reduction for age is determined by multiplying the age of the beds by one percent (1%) up to a maximum of forty percent (40%).

C. Determine the facility asset value. The facility asset value is the total asset value set forth in subparagraph (11)(D)1.A. less the reduction for age set forth in subparagraph (11)(D)1.B.

D. Determine the rental value. Multiply the facility asset

value by six and three hundred seventy fifths percent (6.375%) to determine the rental value. The six and three hundred seventy fifths percent (6.375%) is comprised of two and one-half percent (2.5%), which is based on a forty- (40-) year life, plus three and eight hundred seventy fifths percent (3.875%) for a return. The three and eight hundred seventy fifths percent (3.875%) is based on the Treasury Bill thirty- (30-) year coupon rate in effect as of January 1, 2022 of one and eight hundred seventy fifths percent (1.875%) plus two percent (2%).

E. The following is an illustration of how subparagraphs (11)(D)1.A., B., C. and D. determine the rental value.

(I) The following is the determination of the total facility size and the age of the beds:

Historical Base Data *

	Total Facility Size	Age	Age x Beds
Licensed Beds	75		
Bed Equivalents	0		
Totals	<u>75</u>	30	2,250

* This is the cumulative, historical data previously used to determine existing nursing facilities' prospective rates under 13 CSR 70-10.015.

Licensure History *

	Licensure Year	No. of Bed Incr/(Decr)	Age From 2019	Age x Beds
Bed Increases / Decreases:	2003	15	16	240
	2004	5	15	75
	2006	10	13	130
	2008	(5)	30	(150)
Totals (Bed Incr/(Decr thru 2019))		<u>25</u>		<u>295</u>
Total Licensed Beds (Base Data + Bed Incr/(Decr))		100		

* This is the licensure history from 2002-2019 which reflects the licensure changes subsequent to the Historical Base Data shown above.

Capital Expenditure History *

Year	Allowable Capital Expenditures for Bed Equiv	Asset Value – Year of Capital Expenditures	Bed Equivalents	Age From 2019	Age x Beds
2002	\$1,677,164	\$35,325	47	17	799
2009	170,824	47,948	3	10	30
2014	310,351	52,042	5	5	25
2018	84,308	53,769	1	1	1
2019	145,692	64,701	2	0	0
Totals (Bed Equiv. thru 2019)			<u>58</u>		<u>855</u>
Total Bed Equiv. (Base Data + Bed Equiv thru 2019)			58		

* This is the capital expenditure and bed equivalency history from 2002-2019 which reflects the changes subsequent to the Historical Base Data shown above.

Total Facility Size and Weighted Average Age

Total Facility Size (Licensed Beds + Bed Equiv.)	158	3,400
Weighted Average Age (3,495 / 158)		22

(II) The total asset value is the product of the total facility size times the asset value;

Total facility size	158
x Asset value - 2019	<u>\$64,701</u>

Total asset value \$10,222,758
(III) Facility asset value is total asset value less the reduction for age of the beds; and

Total asset value	\$10,222,758
x Age of beds x 1%	<u>22%</u>
- Reduction for age (max 40%)	<u>(\$2,249,007)</u>
Facility asset value	\$7,973,751

(IV) Rental value is the facility asset value multiplied by 6.375%.-

Facility asset value	\$7,973,751
x Rental value percent	<u>x 6.375%</u>
Rental value	\$508,327

2. Pass-through expenses.

A. Add the following pass-through expenses, including applicable trends:

- (I) Property insurance – line 107 of CR (3-95);
- (II) Real estate taxes – line 108 of CR (3-95);
- (III) Personal property taxes – line 109 of CR (3-95);

3. Capital component per diem calculation. A per diem is calculated for each element detailed above in paragraphs (1) (D)1.-2. which are then added together to determine the total capital cost component per diem.

A. Rental value per diem. A per diem is calculated by dividing the rental value by the computed patient days, rounded to the nearest cent. Computed patient days are equal to the total facility size (i.e., number of licensed beds plus equivalencies) determined in part (11)(D)1.A.(III) multiplied by three hundred sixty-five (365) adjusted by the greater of the minimum utilization as determined in subsection (7)(N) or the facility’s occupancy from the rate setting cost report. The following is an illustration of how the rental value per diem is calculated:

	Allowable Cost	Computed Patient Days *	Per Diem
Rental Value	\$508,327	46,136	\$ 11.02
* Computed Patient Days:			
Total facility size		158	
x 365 days		<u>x 365</u>	
Subtotal		57,670	
Greater of:			
Minimum Utilization	80.00%		
Facility Occupancy **	56.63%	x 80.00%	
Computed Patient Days		<u>46,136</u>	

** Assumption: facility occupancy from the rate setting cost report = 56.63%

B. Pass-through expenses per diem. A per diem is calculated by dividing the pass-through expenses by the greater of the minimum utilization days as determined in subsection (7)(N) or the facility’s patient days from the rate setting cost report, rounded to the nearest cent. The following is an illustration of how the pass-through per diem is calculated:

	Allowable Cost	Patient Days *	Per Diem
Pass-Through Expenses:			
Property Insurance	\$23,969		
Real Estate Taxes	61,962		
Personal Property Taxes	3,408		
Total Pass-Through Expenses	89,339		
Trend	7.69%		
Total Trended Pass-Through Expenses	96,209	43,050	\$2.23
* Patient days - Greater of:			
a. Facility patient days		30,475	
b. Minimum utilization days			
Beddays		53,812	
x Minimum Utilization Percent		x 80%	
Minimum utilization days		43,050	

C. The capital cost component per diem is the sum of the per diems determined in subparagraphs (11)(D)3.A. and B.

Rental value	\$1.02
Pass-through expenses	\$2.23
Total capital cost component per diem	\$13.25

(E) The following is an illustration of how subsections (11)(A)-(D) determine the total per diem for the cost components:

Cost Component	Per Diem
Patient Care	\$99.28
Ancillary	\$16.19
Administration	\$35.73
Capital (FRV)	\$13.25
Total Cost Component Per Diem	\$164.45

(F) Special Per Diem Adjustments. Special per diem rate adjustments may be added to a qualifying facility's rate without regard to the cost component ceiling if specifically provided as described below.

1. Patient care incentive. Each facility with a prospective rate on or after July 1, 2022, shall receive a per diem adjustment equal to four and seventy-fifth percent (4.75%) of the facility's patient care per diem determined in subsection (11)(A)1. subject to a maximum of one hundred thirty percent (130%) of the patient care median when added to the patient care per diem as determined in subsection (11)(A)1. This adjustment will not be subject to the cost component ceiling of one hundred twenty percent (120%) for the patient care median.

2. Multiple component incentive. Each facility with a prospective rate on or after July 1, 2022, and which meets the following criteria shall receive a per diem adjustment:

A. If the sum of the facility's patient care per diem and ancillary per diem, as determined in subsections (11)(A) and (11)(B), is greater than or equal to seventy percent (70%), rounded to four (4) decimal places (.6985 would not receive the adjustment), of the facility's total per diem, the adjustment is as follows:

Patient Care & Ancillary Percent of Total Rate	Incentive
< 70%	\$0.00
> or = 70% but < 75%	\$0.10
> or = 75% but < or = 80%	\$0.15
> 80%	\$0.20

B. A facility shall receive an additional incentive if it receives the adjustment in subparagraph (11)(F)2.A. and if the facility's Medicaid utilization percent is greater than eighty-five percent (85%), rounded to four (4) decimal places (.8485 would not receive the adjustment). The adjustment is as follows:

Medicaid Utilization Percent	Incentive
< 85%	\$0.00
> or = 85% but < 90%	\$0.10
> or = 90% but < 95%	\$0.15
> or = 95%	\$0.20

3. Value Based Purchasing (VBP) Incentive. Each facility with a prospective rate on or after July 1, 2022, and which meets the following criteria shall receive a per diem adjustment:

A. The facility shall receive a per diem adjustment for each Quality Measure (QM) Performance threshold that it meets, up to a maximum per diem adjustment of seven dollars (\$7.00). The threshold for each QM is based on national cut-points used by CMS in its Five Star Rating System. Each threshold is the maximum QM value a facility can have in order to receive the per diem adjustment. These thresholds are listed in Table A3 of the Five-Star Quality Rating System: Technical Users' Guide dated January 2017. The thresholds listed in Table A3 have been rounded to the nearest tenth for purposes of determining the VBP Incentive. Table A3 of the Five-Star Quality Rating System: Technical Users' Guide dated January 2017 is incorporated by reference and made a part of this rule as published by CMS and available at <https://dss.mo.gov/mhd/>

providers/nursing-home-reimbursement-resources.htm.

(I) The facility's most current twelve- (12-) month rolling average QM value as of January 21, 2022 is used to determine the per diem adjustment(s) the facility qualified to receive for the rates effective July 1, 2022.

(II) The QM Performance Measure threshold, rounded to the nearest tenth, and per diem adjustments are as follows:

prospective rate on or after July 1, 2022, and which meets the following criteria shall receive a per diem adjustment:

A. If at least forty percent (40%) of a facility's Medicaid participants have the following mental illness diagnosis, the facility shall receive a per diem adjustment of five dollars (\$5.00):

QM Performance	Threshold	Per Diem Adjustment
Decline in Late-Loss ADLs	<= 10.0%	\$1.00
Decline in Mobility on Unit	<= 8.0%	\$1.00
High-Risk Residents w/ Pressure Ulcers	<= 2.7%	\$1.00
Anti-Psychotic Medications	<= 6.8%	\$1.00
Falls w/ Major Injury	<= 1.3%	\$1.00
In-Dwelling Catheter	<= 1.1%	\$1.00
Urinary Tract Infection	<= 1.9%	\$1.00

(III) Any revisions to the Per Diem Adjustments shown in the above table will be included in 13 CSR 70-10.016, as set forth in (12)(A).

B. A VBP percentage will also be applied to the per diem adjustment for each facility that qualifies for a VBP Incentive. The VBP percentage will be determined by the total QM score calculated from the Five-Star Rating System scores for each of the eight (8) long-stay QMs, as follows:

(I) The eight (8) long-stay QMs included in the total QM score to determine the VBP percentage include the following:

- (a) Decline in Late-Loss ADLs
- (b) Decline in Mobility on Unit
- (c) High-Risk Residents w/ Pressure Ulcers
- (d) Anti-Psychotic Medications
- (e) Falls w/ Major Injury
- (f) In-Dwelling Catheter
- (g) Urinary Tract Infection
- (h) Physical Restraints

(II) The facility's most current twelve- (12-) month rolling average QM value as of January 21, 2022 is used to determine the facility's QM Score and VBP Percentage;

(III) For each QM value, the corresponding number of QM points will be determined from Table A3 of the Five-Star Quality Rating System: Technical Users' Guide dated January 2017;

(IV) The QM points for all of the QMs will be summed to determine the facility's total QM Score.

(V) The VBP percentage for each scoring range is listed in the following table.

QM Scoring Tier	Minimum Score	VBP Percentage
1	600	100%
2	520	75%
3	440	50%
4	360	25%
5	0	0%

4. Mental Illness Diagnosis Add-On. Each facility with a

(I) Schizophrenia

(II) Bi-polar

(III) Any revision to the Mental Illness Diagnosis Add-On reflected above in (11)(F)4.A. will be included in 13 CSR 70-10.016, as set forth in (12)(A).

(G) Prospective Rate Calculation.

1. A preliminary per diem shall be calculated and is the sum of:

A. The cost component per diems as set forth in (11)(A)-(11)(E), plus

B. The patient care incentive and multiple component incentive set forth in (11)(F)1. and (11)(F)2., respectively.

2. A base rate shall be determined and is the greater of:

A. The preliminary per diem, and

B. The facility's prospective rate as of June 30, 2022, excluding NFRA.

3. The facility's rebased rate shall be the sum of:

A. The facility's base rate, plus

B. The NFRA in effect for the applicable date of service.

4. The facility's prospective rate shall be the sum of:

A. The facility's rebased rate, plus

B. The VBP Add-On set forth in (11)(F)3., if applicable, plus

C. The Mental Illness Diagnosis Add-On set forth in (11)(F)4., if applicable.

5. The following is an illustration of how subsections (11)(A)-(G) determine a facility's prospective rate:

Cost Component	Per Diem
Patient Care	\$99.28
Ancillary	\$16.19
Administration	\$35.73
Capital (FRV)	\$13.25
Total Cost Component Per Diem	\$164.45
Patient Care Incentive	\$5.03
Multiple Component Incentive	\$0.10
Total Patient Care & Multiple Component Incentives	\$5.13
Preliminary Per Diem	\$169.58
Current Prospective Rate (excluding NFRA) – June 30, 2022	\$163.98
Base Rate - Greater of Preliminary Per Diem or June 30, 2022 Prospective Rate	\$169.58
NFRA – July 1, 2022	\$12.93
Total Rebased Rate	\$182.51
VBP Incentive	\$2.00
VBP Payment Percent	75%
VBP Add-On Per Diem Rate	\$1.50
Mental Illness Diagnosis Add-On	\$0.00
Total Prospective Rate – July 1, 2022	\$184.01

(H) Semi-Annual and Annual Rate Updates. Each facility with a prospective rate on or after July 1, 2022 shall have its rate updated for the following items as described below:

1. Semi-Annual Acuity Adjustment for Patient Care Per Diem Rate. Each facility's patient care per diem rate will be adjusted semi-annually using a current Medicaid CMI. The patient care per diem rate will be adjusted effective for dates of service beginning January 1 and July 1 of each year. The Medicaid CMI will be updated based on the facility's average Medicaid CMI using the RUGS IV 48 group model classifications from the two (2) preceding quarterly calculations. The allowable patient care cost per day determined in (11)(A)1. shall be adjusted by the applicable Medicaid CMI and shall be the facility's patient care per diem to be included in the facility's total prospective per diem rate, effective each January 1 and July. The patient care and multiple component incentives will not be updated based on the adjusted patient care per diem. The facility's prospective rate shall continue to include the patient care and multiple component incentives initially determined for the prospective rate. The applicable Medicaid CMI are as follows:

A. Effective for dates of service beginning January 1 of each year, each facility's Medicaid CMI will be updated using the average of the preceding July 1 and October 1 quarterly Medicaid CMI calculations.

B. Effective for dates of service beginning July 1 of each year, each facility's Medicaid CMI will be updated using the average of the preceding January 1 and April 1 quarterly Medicaid CMI calculations.

2. Semi-Annual Adjustment for VBP Incentive. Each facility's QM Performance data shall be re-evaluated semi-annually and the per diem add-on rate shall be adjusted accordingly. The VBP will be recalculated effective for dates of service beginning January 1 and July 1 of each year. The QM Performance data will be updated based on the most current data available as of November 15 for the January 1 rate adjustment and as of May 15 for the July 1 rate adjustment. A facility must meet the criteria set forth in (11)(F)3. each period and will lose any per diem adjustments for which it does not continue to qualify.

3. Semi-Annual Adjustment for Mental Illness Diagnosis Add-On. Each facility's Mental Illness Diagnosis data shall be re-evaluated semi-annually and the per diem add-on rate shall be adjusted accordingly. The Mental Illness Diagnosis will be recalculated effective for dates of service beginning January 1 and July 1 of each year. The Mental Illness Diagnosis data will be updated based on the most current data available as of November 15 for the January 1 rate adjustment and as of May 15 for the July 1 rate adjustment. A facility must meet the criteria set forth in (11)(F)4. each period and will lose any per diem adjustments for which it does not continue to qualify.

4. Annual Capital Rate Update. Each facility's capital rate will be recalculated annually by updating the rental value portion of the capital rate. The capital rate will be recalculated at the beginning of each state fiscal year (SFY), effective for dates of service beginning July 1, as follows:

A. The total facility size will be updated each year for any increases or decreases in licensed beds and capital expenditures that qualify as bed equivalencies, as follows:

(I) For SFY 2024, effective for dates of service beginning July 1, 2023, the total facility size will be updated using information from the 2020 and 2021 cost reports.

(II) For SFY 2025 forward, the total facility size will be updated using the information from the third (3rd) prior year cost report relative to the SFY (i.e., for SFY 2025, the facility size

will be updated using 2022 cost report data.)

B. The weighted average age of the facility shall be updated each year. The age shall be calculated from the year coinciding with the latest cost report used to update the facility size above in A. (i.e., the age for SFY 2024 shall be calculated from 2021, the age for SFY 2025 shall be calculated from 2022, etc.)

C. The asset value shall be updated each SFY. The asset value shall be updated for the year coinciding with the latest cost report used to update the facility size above in A. (i.e., for SFY 2024 the 2021 asset value shall be used, for SFY 2025 the 2022 asset value shall be used, etc.)

5. A facility's prospective rate shall be increased or decreased based upon the semi-annual and annual rate adjustments but the rate shall not be decreased below the facility's June 30, 2022 prospective rate. A facility's June 30, 2022 prospective rate shall be adjusted for any global per diem adjustments granted to nursing facilities as set forth in (12)(A). Semi-annual and annual rate adjustments shall not decrease a facility's prospective rate below the June 30, 2022 prospective rate that has been adjusted for any global per diem adjustments for the applicable effective date.

(I) Rate Setting Cost Report.

1. A facility with a valid Medicaid participation agreement and a prospective rate in effect on June 30, 2022, shall have its prospective rate rebased on its 2019 cost report. If a facility does not have a 2019 cost report, the next available cost report year shall be used as the rate setting cost report.

2. A nursing facility never previously certified for participation in the MO HealthNet program that originally enters the MO HealthNet program after June 30, 2022, shall receive an interim rate, as defined in subsection (4)(JJ), effective on the initial date of MO HealthNet certification. A prospective rate shall be determined in accordance with this regulation from the audited facility fiscal year cost report which covers the second full twelve- (12-) month fiscal year following the facility's initial date of MO HealthNet certification. This prospective rate shall be retroactively effective to the first day of the facility's second full twelve- (12-) month fiscal year and shall replace the interim rate for dates of service beginning on the first day of the facility's second full twelve- (12-) month fiscal year. The following items shall be updated annually and shall be used in determining the prospective rate:

A. Ceilings. The patient care, ancillary, and administration cost component ceilings shall be updated for any global per diem adjustments as set forth in (12)(A). The effective date of the updated ceilings shall be the effective date of the global per diem adjustment. The ceiling used to determine the prospective rate shall be the ceiling in effect at the beginning of the rate setting period.

B. Asset Value. The asset value shall be updated annually as set forth in (4)(E). The asset value for the year coinciding with the rate setting cost report year (i.e., the end of the cost report period) shall be used.

C. Age of Beds and Bed Equivalencies. The age of beds shall be calculated by subtracting the year the beds were originally licensed from the year coinciding with the rate setting cost report year (i.e., the end of the cost report period). The age of bed equivalencies shall be calculated by subtracting the year the capital expenditures were made from the year coinciding with the rate setting cost report (i.e., the end of the rate setting cost report period).

3. A facility with a valid Medicaid participation agreement in effect after June 30, 2022, which either voluntarily or involuntarily terminates its participation in the

Medicaid Program and which reenters the Medicaid Program within two (2) years, shall have its prospective rate established as the rate in effect on the day prior to the date of termination from participation in the program plus rate adjustments which may have been granted with effective dates subsequent to the termination date but prior to reentry into the program as described in subsection (12)(A). This prospective rate shall be effective for service dates on and after the effective date of the reentry following a voluntary or involuntary termination.

(12) Adjustments to the Reimbursement. Subject to the limitations prescribed elsewhere in this regulation, a facility's reimbursement rate may be adjusted as described in this section, 13 CSR 70-10.016, and 13 CSR 70-10.017.

(A) Global Per Diem Rate Adjustments. A facility with either an interim rate or a prospective rate may qualify for the global per diem rate adjustments as set forth in 13 CSR 70-10.016 Global Per Diem Adjustments to Nursing Facility and HIV Nursing Facility Reimbursement Rates.

1. Global per diem rate adjustments, other than per diem adjustments for the VBP Incentive per diems or the Mental Illness Diagnosis Add-On per diem, shall be allocated, and added to, the patient care, ancillary, and administration cost component ceilings based on the ceiling in effect at the time the global per diem adjustment is granted, unless the adjustment is directly attributable to a specific cost component(s). If the adjustment is directly attributable to a specific cost component(s), it shall be added to the specified cost component ceiling.

2. The cost component ceilings will not be adjusted by global per diem adjustments made to the VBP Incentive per diems or the Mental Illness Diagnosis Add-On per diem.

(B) Extraordinary circumstances. A participating facility which has a prospective rate may request an adjustment to its reimbursement due to extraordinary circumstances. This request must be submitted in writing to the division within one (1) year of the occurrence of the extraordinary circumstance. The request must clearly and specifically identify the conditions for which the reimbursement adjustment is sought. The dollar amount of the requested reimbursement adjustment must be supported by complete, accurate, and documented records satisfactory to the division. If the division makes a written request for additional information and the facility does not comply within ninety (90) days of the request for additional information, the division shall consider the request withdrawn. Requests for reimbursement adjustments that have been withdrawn by the facility or are considered withdrawn because of failure to supply requested information may be resubmitted once for the requested reimbursement adjustment. In the case of a reimbursement adjustment request that has been withdrawn and then resubmitted, the effective date shall be the first day of the month in which the resubmitted request was made providing that it was made prior to the tenth day of the month. If the resubmitted request is not filed by the tenth of the month, reimbursement adjustments shall be effective the first day of the following month. Conditions for an extraordinary circumstance are as follows:

1. When the provider can show that it incurred higher costs due to circumstances beyond its control, the circumstances were not experienced by the nursing home industry in general, and the costs have a substantial cost effect;

2. Extraordinary circumstances, which are beyond the reasonable control of the nursing facility and are not a product or result of the negligence or malfeasance of the nursing

facility, include, but are not limited to:

A. Unavoidable acts of nature that occur in a federally declared disaster area. Unavoidable acts of nature may include hurricane, flooding, earthquake, tornado, lightening, natural wildfire, or other natural disaster for which no one can be held responsible; or

B. Vandalism and/or civil disorder; and

3. Adjustment to a facility's reimbursement for extraordinary circumstances shall only be for costs that are not covered by insurance. The reimbursement adjustment(s) shall be calculated as follows:

A. For one- (1-) time costs that will not be incurred in future fiscal years –

(I) Costs directly associated with the extraordinary circumstances that have not been covered by insurance will be multiplied by the Medicaid occupancy percent from the latest cost report available for the time period preceding when the extraordinary circumstances occurred; and

(II) This amount will be paid to the facility as a one- (1-) time, lump sum payment.

B. For ongoing costs that will be incurred in future fiscal years –

(I) Ongoing annual costs will be divided by the greater of:

(a) Annualized (calculated for a twelve- (12-) month period) total patient days from the latest cost report on file, or

(b) Minimum utilization days

(II) This calculation will be a per diem rate adjustment that will be added to the respective cost center, not to exceed the cost component ceiling. The rate adjustment, subject to ceiling limits, will be added to the prospective rate; and

C. For capitalized costs, the capital cost component per diem rate is updated at the beginning of each SFY so any capital expenditures resulting from the extraordinary circumstances will be captured during that annual rate update.

(C) Invasive Ventilator Care Adjustment. A per diem adjustment shall be granted for ventilator services provided by qualifying providers to qualifying MO HealthNet participants as set forth in 13 CSR 70-10.017.

(D) Conditions for prospective rate adjustments. The division may adjust a facility's prospective rate both retrospectively and prospectively under the following conditions:

1. Fraud, misrepresentation, errors. When information contained in a facility's cost report is found to be fraudulent, misrepresented, or inaccurate, the facility's prospective rate may be both retroactively and prospectively reduced if the fraudulent, misrepresented, or inaccurate information as originally reported resulted in establishment of a higher, prospective rate than the facility would have received in the absence of such information. No decision by the division to impose a rate adjustment in the case of fraudulent, misrepresented, or inaccurate information shall in any way affect the division's ability to impose any sanctions authorized by statute or regulation. The fact that fraudulent, misrepresented, or inaccurate information reported did not result in establishment of a higher prospective rate than the facility would have received in the absence of this information also does not affect the division's ability to impose any sanctions authorized by statute or regulation;

2. Decisions of the Administrative Hearing Commission, or settlement agreements approved by the Administrative Hearing Commission;

3. Court order; and

4. Disallowance of federal financial participation.

(13) Exceptions.

(A) Requirements for Placement of MO HealthNet Participants in Out-of-State Nursing Facilities and Reimbursement for Out-of-State Nursing Facilities.

1. In order to provide nursing facility services to MO HealthNet participants when there is no Missouri nursing facility with a suitable bed available that meets the medical needs of the participant, the division may authorize placement of a MO HealthNet participant in an out-of-state facility.

2. The division will only authorize placement of a MO HealthNet participant into an out-of-state facility if –

A. No Missouri nursing facility bed is available that meets the medical needs of the participant;

B. In-state alternatives for providing services have been exhausted; and

C. Prior approval for placement into an out-of-state nursing facility is requested from and approved by the division.

3. Once a Missouri nursing facility bed meeting the medical needs of the participant is available, the participant must return to Missouri. If the participant does not return to Missouri, the division shall withhold payments for nursing facility services, unless the participant's health would be endangered if required to travel to Missouri. Participant's physician would need to certify that the participant's health would be endangered from the travel to Missouri.

4. No fiscal year-end Missouri Medicaid cost report will be required from the out-of-state nursing facility nor will there be any requirement for Missouri-conducted periodic audits.

5. The Title XIX reimbursement rate for out-of-state providers shall be set as follows:

A. For out-of-state providers which provided services for Missouri Title XIX participants, the reimbursement rate shall be the lower of –

(I) The weighted average MO HealthNet rate for comparable services at the beginning of the state fiscal year in which the provider enters the MO HealthNet program; or

(II) The rate paid to the out-of-state nursing facility for comparable services by the state in which the provider is located. The out-of-state provider must notify the division of any reimbursement changes made by its state Medicaid agency. The provider must also include a copy of the rate letter issued by their state Medicaid agency detailing the rate and effective date. The effective date of the rate change is as follows:

(a) Rate increases – If the provider notifies the division within thirty (30) days of receipt of notification from their state of the per diem rate increase, the effective date of the rate increase for purposes of reimbursement from Missouri shall be the same date as indicated in the issuing state's rate letter. If the division does not receive written notification from the provider within thirty (30) days of the date the provider received notification from their state of the rate increase, the effective date of the rate increase for purposes of reimbursement from Missouri shall be the first day of the month following the date the division receives notification; or

(b) Rate decreases – The effective date of the rate decrease for purposes of reimbursement from Missouri shall be the same date as indicated in the issuing state's rate letter.

(B) Hospital based nursing facilities.

1. The Title XIX reimbursement rate for hospital based providers that provide services of less than one thousand (1,000) patient days for Missouri Title XIX participants, relative to their fiscal year, and that are exempt from filing a cost report as prescribed in section (10) shall be determined as follows:

A. For hospital based nursing facilities that have less

than one thousand (1,000) Medicaid patient days, the rate base cost report will not be required.

B. The prospective rate will be the sum of the ceilings for the patient care, ancillary, and administration cost components plus the median per diem for capital. In addition, the patient care incentive of four and seventy-five hundredths percent (4.75%) of the patient care median will be granted; and

2. For hospital based nursing facilities that provide one thousand (1,000) or more patient days for Missouri Title XIX participants, relative to their fiscal year, a prospective rate shall be set by one (1) of the following:

A. The hospital based nursing facility requests, in writing, that their prospective rate be determined from their rate setting cost report as set forth in this regulation; or

B. The sum of the ceilings for the patient care, ancillary, and administration cost components plus the median per diem for capital. In addition, the patient care incentive of four and seventy-five hundredths percent (4.75%) of the patient care median will be granted.

(14) Sanctions and Overpayments.

(A) In addition to the sanctions and penalties set forth in this regulation, the division may also impose sanctions against a provider in accordance with 13 CSR 70-3.030 Sanctions for False or Fraudulent Claims for Title XIX Services, or any other sanction authorized by state or federal law or regulations.

(B) Overpayments due the Medicaid program from a provider shall be recovered by the division in accordance with 13 CSR 70-3.030 Sanctions for False or Fraudulent Claims for Title XIX Services.

(15) Appeals. In accordance with sections 208.156, RSMo and 622.055, RSMo providers may seek hearing before the Administrative Hearing Commission of final decisions of the director or the division.

(16) Payment in Full. Participation in the program shall be limited to providers who accept as payment in full, for covered services rendered to Medicaid participants, the amount paid in accordance with these regulations and other applicable payments.

(17) Provider Participation. Payments made in accordance with the standards and methods described in this regulation are designed to enlist participation of a sufficient number of providers in the program so that eligible persons can receive the medical care and services included in the regulation at least to the extent these services are available to the general public.

(18) Transition. Cost reports used for rate determination shall be adjusted by the division in accordance with the applicable cost principles provided in this regulation.

**APPENDIX A
COVERED SUPPLIES AND SERVICES**

PERSONAL CARE

Baby powder
 Bedside tissues
 Bibs, all types
 Deodorants
 Disposable underpads of all types
 Gowns, hospital
 Hair care, basic including washing, cuts, sets, brushes, combs,

nonlegend shampoo
Lotion, soap, and oil
Oral hygiene including denture care, cups, cleaner,
mouthwashes, toothbrushes, and paste
Shaves, shaving cream, and blades
Nail clipping and cleaning routine

EQUIPMENT

Arm slings
Basins
Bathing equipment
Bed frame equipment including trapeze bars and bedrails
Bed pans, all types
Beds, manual, electric
Canes, all types
Crutches, all types
Foot cradles, all types
Glucometers
Heat cradles
Heating pads
Hot pack machines
Hypothermia blanket
Mattresses, all types
Patient lifts, all types
Respiratory equipment: compressors, vaporizers, humidifiers,
IPPB machines, nebulizers, suction equipment, and related
supplies, etc.
Restraints
Sand bags
Specimen container, cup or bottle
Urinals, male and female
Walkers, all types
Water pitchers
Wheelchairs, standard, geriatric, and rollabout

NURSING CARE/PATIENT CARE SUPPLIES

Catheter, indwelling and nonlegend supplies
Decubitus ulcer care: pads, dressings, air mattresses,
aquamatic K pads (water heated pads), alternating pressure
pads, flotation pads, and/or turning frames, heel protectors,
donuts and sheepskins
Diabetic blood and urine testing supplies
Douche bags
Drainage sets, bags, tubes, etc.
Dressing trays and dressings of all types
Enema supplies
Gloves, nonsterile and sterile
Ice bags
Incontinency care including pads, diapers, and pants
Irrigation trays and nonlegend supplies
Medicine droppers
Medicine cups
Needles including, but not limited to, hypodermic, scalp, vein
Nursing services: regardless of level, administration of oxygen,
restorative nursing care, nursing supplies, assistance with
eating and massages provided by facility personnel
Nursing supplies: lubricating jelly, betadine, benzoin,
peroxide, A and D Ointment, tapes, alcohol, alcohol sponges,
applicators, dressings and bandages of all types, cottonballs,
and aerosol merthiolate, tongue depressors
Ostomy supplies: adhesive, appliance, belts, face plates,
flanges, gaskets, irrigation sets, night drains, protective
dressings, skin barriers, tail closures, and bags
Suture care including trays and removal kits

Syringes, all sizes and types including ascepto
Tape for laboratory tests
Urinary drainage tube and bottle

THERAPEUTIC AGENTS AND SUPPLIES

Supplies related to internal feedings
I.V. therapy supplies: arm boards, needles, tubing, and other
related supplies
Oxygen (portable or stationary), oxygen delivery systems,
concentrators, and supplies
Special diets

AUTHORITY: sections 208.153, 208.159, 208.201, and 660.017, RSMo 2016. Emergency rule filed May 16, 2023, effective May 31, 2023, expires November 26, 2023. A proposed rule covering this same material is published in this issue of the Missouri Register.

PUBLIC COST: This emergency rule will cost state agencies or political subdivisions approximately two hundred fifteen million six hundred thousand dollars (\$215.6 million) in the time the emergency is effective.

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

**FISCAL NOTE
PUBLIC COST**

- I. Department Title:** Title 13 - Department of Social Services
Division Title: Division 70 - MO HealthNet Division
Chapter Title: Chapter 10 - Nursing Home Program

Rule Number and Name:	13 CSR 70-10.020 Prospective Reimbursement Plan for Nursing Facility and HIV Nursing Facility Services
Type of Rulemaking:	Emergency Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Social Services MO HealthNet Division	Estimated Annual Cost = \$215.6 million
Non-State Government Owned Nursing Facilities (42)	No estimated cost of compliance.

III. WORKSHEET

The emergency rule will cost public entities or political subdivisions an estimated \$215.6 million annually, broken down as follows:

- Nursing Facility & HIV Nursing Facility = \$200.0 million
 - Continuation of SFY 2022 Covid adjustment of \$10.18 = \$81.4 million
 - State funds = \$27.7 million
 - Federal funds = \$53.7 million
 - Rebasing & Rate Transformation = \$118.6 million
 - State funds = \$40.4 million
 - Federal funds = \$78.2 million
 - Average per diem rate increase = \$14.82
 - Funding includes Value Based Incentive Payments = \$17.2 million
 - State funds = \$5.9 million
 - Federal funds = \$11.3 million
- Hospice Nursing Home Room & Board = \$15.6 million
 - Continuation of SFY 2022 Covid adjustment of \$10.18 = \$6.8 million
 - State funds = \$2.3 million
 - Federal Funds = \$4.5 million
 - Average per diem rate increase = \$9.67 (\$10.18 x 95%)
 - Rebasing & Rate Transformation = \$8.8 million
 - State funds = \$3.0 million
 - Federal Funds = \$5.8 million
 - Average per diem rate increase = \$14.08 (\$14.82 x 95%)

- Home & Community Based Services (HCBS) –
 - For SFY 2023, there is no impact to HCBS because HCBS payments are based on nursing facility payments from the prior SFY.
 - For SFY 2024, the HCBS cost cap is estimated to increase by approximately 2.25%. This may increase the amount of services, and the payments, for MO HealthNet participants that are at the cap.

IV. ASSUMPTIONS

Impact to Department of Social Services, MO HealthNet Division: The above impact to DSS, MHD was calculated using the following assumptions:

Nursing Facilities and HIV Nursing Facilities:

This rule provides for the transformation of MO HealthNet nursing facility reimbursement rates by establishing a new reimbursement methodology effective July 1, 2022. The new reimbursement system includes updating the cost base for the rates (i.e., rebasing), applying an acuity adjustment or Case Mix Index (CMI) to patient care costs, and providing quality based incentives or Value Based Purchasing (VBP) add-ons to the rate when the facility meets specified quality measures.

Hospice:

Hospice providers will be impacted by this rule because reimbursement for hospice services provided in nursing facilities (i.e., Hospice Nursing Home Room and Board) is based on the nursing facility per diem rate. MHD conducted a fiscal analysis using 13 CSR 70-50.010 to estimate the impact to hospice. Please note this is an estimated analysis with the assumption of hospice appropriation authority.

Hospice Nursing Home Room and Board services are reimbursed 95% of the nursing facility per diem rate. The total per diem increase to nursing facility rates of \$25.00 computes to a per diem increase to hospice reimbursement rates of \$23.75 ($\$25.00 \times 95\%$).

Estimated Paid Days:

Nursing Facility –

The estimated nursing facility days for SFY 2023 are based on an analysis of the average Medicaid days paid for nursing facility services for the last three SFYs.

Hospice –

The estimated hospice days for SFY 2023 are based on the estimated percentage of hospice days provided in nursing facilities multiplied by the SFY 2023 estimated nursing facility days.

Home and Community Based Services (HCBS):

HCBS provided on a monthly basis are limited to a percentage of the average monthly nursing facility payment (referred to as the HCBS cost cap). The HCBS cost cap for a given SFY is based on the average monthly nursing facility payments for the 12 months ending in April of the previous SFY. Therefore, the per diem increase resulting from the rebasing and rate transformation effective for dates of service beginning July 1, 2022 through June 30, 2023 will not impact the HCBS cost cap for SFY 2023 but may impact the HCBS cost cap for SFY 2024. For SFY 2024, the HCBS cost cap is estimated to increase by approximately 2.25% as a result

of this rule. This may increase the amount of services, and the payments, for MO HealthNet participants that are at the cap.

Impact to Non-State Government Owned Nursing Facilities (42): The rule will have no cost of compliance for Medicaid enrolled non-state government owned nursing facilities because it will have a positive fiscal impact. This rule provides for the transformation of MO HealthNet nursing facility reimbursement rates by establishing a new reimbursement methodology which includes updating the cost base for the rates (i.e., rebasing), applying an acuity adjustment or Case Mix Index (CMI) to patient care costs, and providing quality based incentives or Value Based Pricing (VBP) add-ons to the rate when the facility meets specified quality measures.

TITLE 15 – ELECTED OFFICIALS
Division 60 – Attorney General
Chapter 17 – Gender Transition Interventions

ORDER TERMINATING EMERGENCY RULE

By the authority vested in the Office of the Attorney General under sections 407.020, RSMo Supp. 2022, 407.145, RSMo 2016, the Office of the Attorney General hereby terminates an emergency rule effective May 16, 2023, as follows:

15 CSR 60-17.010 Experimental Interventions to Treat Gender Dysphoria is **terminated**.

A notice of emergency rulemaking containing the text of the emergency rule was published in the **Missouri Register** on May 15, 2023 (48 MoReg 905-910).

TITLE 19 – DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 30 – Division of Regulation and Licensure
Chapter 20 – Hospitals

EMERGENCY AMENDMENT

19 CSR 30-20.125 Unlicensed Assistive Personnel Training Program. The department is amending subsection (2)(A), amending subsection (2)(D), amending subsection (3)(F), adding a new subsection (3)(H) and amending section (6).

PURPOSE: This proposed amendment amends subsection (2)(A) to reclassify UAP Program curriculum content, amends subsection (2)(D) to correct an obsolete rule reference, amends subsection (3)(F) to exempt hospitals from complying with certain UAP training requirements if the employees can prove completion of patient care technician training programs, adds a new subsection (3)(H) to exempt hospitals from complying with certain UAP training requirements if the employees have proof of certification as a patient care technician, and amends section (6) to extend the UAP training completion deadline from ninety (90) days to one hundred-eighty (180) days and requires quality and safety curriculum to be completed within ninety (90) days of employment.

EMERGENCY STATEMENT: This emergency amendment is necessary to address significant labor shortages in the hospital industry to ensure the continued provision of safe, effective care. The 2022 Missouri Hospital Association (MHA) report on workforce notes hospital turnover and vacancy rates among all surveyed professions remains significantly higher in 2022 compared to pre-pandemic levels. According to MHA, nursing assistants, which includes UAPs, are among the top ten hospital professions with the highest employee vacancy rate (ranked fifth) as well as turnover rate (ranked third). Registered nurses make up the largest single cohort of hospital employees in Missouri. The 2022 report finds staff nurse vacancy at 17.4% which is up from 11% in 2020. Due to these workforce shortages, hospitals are turning to secondary and post-secondary education to assist with meeting the training requirements of these unlicensed staff. Those same workforce shortages are straining the hospitals' ability to provide quality training within the ninety-day requirement set forth in Section 197.287, RSMo. This rule would support training programs that offer college credit for courses meeting the UAP training requirements to accelerate entry level workforce in hospitals and

*long-term care facilities. Higher education program(s) in the state have been approved to begin offering UAP training to individuals employed in hospitals beginning August 21, 2023, that would result in earned college credit and the opportunity to become a Certified Nursing Assistant at the end of the course. To support those individuals in their pursuit of the coursework as well as employment, the courses are designed to be delivered over a sixteen-week period. Courses resulting in college credit will not be able to complete all current training requirements outlined in the rule within ninety days. The ability to earn college credit while working in healthcare may increase the numbers of individuals pursuing a health-related degree or work in the healthcare field. The changes to this rule would ensure the requirements set forth in Section 197.287, RSMo are met while providing flexibility and new avenues for health care workforce entry with the revised timeframe for completion. From April 2020 to January 2022, the department waived the ninety-day completion requirement for all UAP training requirements. The department is not aware of any negative events resulting from the waiver of the ninety-day completion requirement. As a result, the Department of Health and Senior Services finds 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 protections extended in the **Missouri and United States Constitutions**. The Department of Health and Senior Services believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed May 22, 2023, became effective June 6, 2023, and expires December 2, 2023.*

(2) The hospital training policy for UAPs shall include the following minimum standards:

(A) The curriculum of the UAP Program shall consist of a standard plan of instruction to include:

1. A minimum of seventy-five (75) hours of classroom instruction;

2. Computer or paper-based learning modules that provide documentation of completion may be substituted for up to sixty (60) hours of classroom time;

3. Comparable certified medical assistant training from an accredited medical assistant program may be substituted for up to fifty (50) hours of classroom time of comparable subject matter;

4. A minimum of one hundred (100) hours of clinical practicum; and

5. Curriculum content of the program shall include procedures and instructions on basic patient care skills including, but not limited to, the areas of:

A. The Role of the UAP (ethics, law, team member communication, observation, reporting, documentation, medical terminology);

B. Patient/Client Rights (Health Insurance Portability and Accountability Act (HIPAA), privacy, confidentiality, advanced directives, abuse and neglect, age specific care, cultural diversity, pain management, restraint-free care, end-of-life care, death and dying, do not resuscitate (DNR) orders, post-mortem care);

C. Vital Signs;

D. **Quality** ([B]basic [H]human [N]needs: [(age specific cognitive/psychological/social needs, activities of daily living, ambulation, positioning, personal care, elimination and toileting, nutrition, hydration, feeding, bed making);

E. Infection Control (universal precautions, blood-borne

pathogens, safe needle devices, aseptic technique, hand washing, gloving, isolation);

F. Skin Care (wound care, pressure ulcers and prevention); and

G. Safety (cardiopulmonary resuscitation (CPR), allergies, fall prevention, environmental safety issues, fire/electrical, hazardous materials transportation safety information (HAZMAT), emergency procedures, body mechanics).

(D) Annual in-service training also shall occur as required by [19 CSR 30-20.110] 19 CSR 30-20.

(3) Hospitals shall not be required to meet the UAP training requirements if an employee demonstrates competency in the content areas required by this rule; in the duties specific to their job and the patient population assigned and –

(F) Has proof of completion of a **patient care technician training program which meets the curriculum requirements of this rule** or UAP training program in Missouri or another state which meets the requirements of this rule within the last three (3) years; or

(G) Has completed a professional or licensed practical nursing program outside the United States and is awaiting the licensure examination in this country[.]; or

(H) Has proof of certification as a patient care technician.

(6) The UAP training shall be completed within *[ninety (90)]* **one hundred-eighty (180)** days of employment for any individual who is hired as a UAP. **Quality and Safety curriculum shall be covered within ninety (90) days of employment.** A UAP shall not work in direct patient care, except as part of their supervised practicum, until the entire UAP training requirements have been met.

*AUTHORITY: section 197.287, RSMo Supp. [2013] 2022. Original rule filed Jan. 31, 2008, effective Sept. 30, 2008. Amended: Filed Dec. 31, 2013, effective Aug. 30, 2014. Emergency amendment filed May 22, 2023, effective June 6, 2023, and expires December 2, 2023. A proposed amendment covering this same material is published in this issue of the **Missouri Register**.*

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

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

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

**EXECUTIVE ORDER
23-05**

WHEREAS, the negative effects of drought are being experienced in numerous areas across the State of Missouri, including among farmers and agricultural producers; and

WHEREAS, I have been advised by the Director of the Department of Natural Resources that parts of the State of Missouri are experiencing rapidly escalating drought conditions; and

WHEREAS, the U.S. Drought Monitor indicates all or portions of 60 counties are in moderate, severe or extreme drought; and

WHEREAS, early response to pending drought can greatly reduce negative impacts upon Missouri citizens; and

WHEREAS, receiving local impact reports from citizens can greatly help ensure Missouri's drought map is accurate and that decision-makers know what assistance would be most useful to citizens; and

WHEREAS, state and federal agencies have interdependent roles in identifying and mitigating drought impacts; and

WHEREAS, the State Water Resources Plan established pursuant to section 640.415, RSMo, has recommended an update to the Missouri Drought Mitigation and Response Plan; and

WHEREAS, the Missouri Drought Mitigation and Response Plan calls for intergovernmental communication, cooperation, and coordination of efforts in drought mitigation activities.

NOW THEREFORE, I, MICHAEL L. PARSON, GOVERNOR OF THE STATE OF MISSOURI, by virtue and authority vested in me by the Constitution and laws of the State of Missouri, do hereby declare a Drought Alert for the counties of Adair, Audrain, Barton, Bates, Benton, Boone, Caldwell, Callaway, Camden, Carroll, Cass, Cedar, Chariton, Clark, Clay, Cole, Cooper, Crawford, Dade, Daviess, Franklin, Gasconade, Grundy, Harrison, Henry, Hickory, Howard, Jackson, Jasper, Johnson, Knox, Lafayette, Lewis, Lincoln, Linn, Livingston, Macon, Maries, Marion, Mercer, Miller, Moniteau, Monroe, Montgomery, Morgan, Osage, Pettis, Pike, Polk, Putnam, Ralls, Randolph, Ray, Saint Clair, Saline, Schuyler, Scotland, Shelby, Sullivan, Vernon.

I further direct that as additional counties enter moderate, severe, extreme, or exceptional drought according to the U.S. Drought Monitor, they shall be declared in Drought Alert in accordance with the Missouri Drought Mitigation and Response Plan.

I order and direct the Director of the Department of Natural Resources to activate and designate a chairperson for the Drought Assessment Committee and request that all Missouri and federal agencies participate as needed.

I further direct the Director of the Department of Natural Resources to promote the use of the Condition Monitoring Observer Reports (CMOR) to better identify statewide and localized drought impacts.

I further direct all state agencies to provide assistance in mitigating the effects of drought conditions in all affected communities.

This Executive Order shall be effective immediately and shall remain in effect until December 1, 2023, unless terminated or extended by subsequent order.



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 31st day of May, 2023.

MICHAEL L. PARSON
GOVERNOR

ATTEST:

JOHN R. ASHCROFT
SECRETARY OF STATE

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

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

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close-of-comments date will be used as the beginning day in the ninety- (90-) day count necessary for the filing of the order of rulemaking.

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

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

**TITLE 2 – DEPARTMENT OF AGRICULTURE
Division 30 – Animal Health
Chapter 9 – Animal Care Facilities**

PROPOSED RESCISSION

2 CSR 30-9.100 Eurasian, Russian, and Captured Feral Swine Facility Act Definitions. This rule defined terms used in licensing, operating, and inspecting feral swine facilities.

PURPOSE: This rescission removes the terms used in licensing, operating, and inspecting feral swine facilities. Sections 270.170, 270.180, 270.260, 270.270, and 270.400 of the Revised Statutes of Missouri have been amended since this rule was first put into place, rendering the rule inapplicable and obsolete.

AUTHORITY: section 270.260, RSMo Supp. 2011. Original rule filed June 23, 2011, effective Feb. 29, 2012. Rescinded: Filed May 23, 2023.

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission by website: <https://agriculture.mo.gov/proposed-rules/> or by mail: Missouri Department of Agriculture, attn: Dr. Steven Strubberg, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days of publication of this notice in the *Missouri Register*. No public hearing is scheduled.*

**TITLE 2 – DEPARTMENT OF AGRICULTURE
Division 30 – Animal Health
Chapter 9 – Animal Care Facilities**

PROPOSED RESCISSION

2 CSR 30-9.110 Feral Swine Confinement Permit and Standards. This rule set forth the standards and requirements for the permitting and operation of feral swine facilities.

PURPOSE: This rescission removes the rules set forth for standards and requirements involved in the permitting and operation of feral swine facilities. Sections 270.170, 270.180, 270.260, 270.270, and 270.400 of the Revised Statutes of Missouri have been amended since this rule was first put into place, rendering the rule inapplicable and obsolete.

AUTHORITY: section 270.260, RSMo Supp. 2011. Original rule filed June 23, 2011, effective Feb. 29, 2012. Rescinded: Filed May 23, 2023.

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission by website: <https://agriculture.mo.gov/proposed-rules/> or by mail: Missouri Department of Agriculture, attn: Dr. Steven Strubberg, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days of publication of this notice in the *Missouri Register*. No public hearing is scheduled.*

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

PROPOSED AMENDMENT

3 CSR 10-5.215 Permits and Privileges: How Obtained; Not Transferable. The commission proposes to amend section (4) of this rule.

PURPOSE: This amendment corrects a typographical error and increases the fee for a Missouri Conservation Permit Card to account for increased production costs.

(4) Any person born on or after January 1, 1967, shall obtain and display an approved hunter education certificate card prior to purchase of any firearms hunting permit, except as exempted in 3 CSR 10-5.205. Any person purchasing a firearms hunting permit for another person who is required to be hunter education certified must display a valid hunter education certificate card bearing the name of the person for whom the permit is being purchased. A hunter education card need not be displayed if certification can be verified through direct access to computer data files. Hunter education certification shall be verified by permit vendors on all firearms hunting permits, except as exempted in 3 CSR 10-5.205. Hunter education certification shall be limited to persons eleven (11) years of age or older. Black bear and elk hunting permits may be obtained only by residents of Missouri eleven (11) years of age or older that have obtained an approved hunter education certificate card or were born before January 1, 1967, except as exempted in 3 CSR 10-5.205 (1)(K). The Missouri Conservation Permit Card will be issued as a replacement for lost or damaged hunter education certificate cards. *[(fee: two dollars (\$2))]* **Fee: five dollars (\$5).**

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. Original rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the **Code of State Regulations**. Amended: Filed May 25, 2023.*

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

PRIVATE COST: This proposed amendment will cost private entities an estimated thirty thousand dollars (\$30,000) annually.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PRIVATE COST

**I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5 – Wildlife Code: Permits**

Rule Number and Name:	3 CSR 10-5.215 Permits and Privileges: How Obtained; Not Transferable
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 10,000 individuals	Individuals purchasing a Missouri Conservation Permit Card to replace a lost or damaged hunter education certificate card	\$30,000 annual aggregate

III. WORKSHEET

10,000 (individuals purchasing a Missouri Conservation Permit Card to replace a lost or damaged hunter education certificate card) X \$3.00 (permit price increase) = \$30,000

IV. ASSUMPTIONS

For the permit year 2023, we estimate 10,000 individuals will purchase a Missouri Conservation Permit Card to replace a lost or damaged hunter education certificate card.

This proposal will increase the customer fee to purchase a Missouri Conservation Permit Card, due to increasing costs of the materials used to manufacture these cards and the resulting increased cost to the Department. Missouri Conservation Permit Cards are primarily offered for optional purchase as a convenient method for individuals to carry their permits. However, this rule requires the purchase of a Missouri Conservation Permit Card to replace a lost or damaged hunter education certificate card. The permits system does not capture the reason a card was purchased (i.e. for convenience versus to replace a lost or damaged hunter education certificate card.) Based on anecdotal experience, it is estimated roughly 10,000 Missouri Conservation Permit Cards are purchased each year to replace lost or damaged hunter education certificate cards.

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

PROPOSED AMENDMENT

3 CSR 10-5.250 Daily Hunting or Fishing Tags. The commission proposes to amend subsections (1)(A) and deleting subsection (1)(B) of this rule.

PURPOSE: This amendment increases the fee for a daily trout fishing tag to reflect a more current cost adjustment based on changes in the Consumer Price Index.

(1) Required in addition to the prescribed permit to pursue, take, possess, and transport any wildlife on special management areas where daily permits or tags are required by regulation.
[Fee:]

[(A)] Daily trout fishing tag required from March 1 through October 31 for Bennett Spring, Montauk, and Roaring River state parks *[four dollars (\$4)]* and **Maramec Spring Park; five dollars (\$5)** for adults and three dollars (\$3) for persons fifteen (15) years of age or younger.

[(B)] Daily trout fishing tag required from March 1 through October 31 for **Maramec Spring Park; five dollars (\$5) for adults and three dollars (\$3) for persons fifteen (15) years of age or younger.]**

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This version of rule filed Aug. 14, 1958, effective Dec. 31, 1958. For intervening history, please consult the **Code of State Regulations**. Amended: Filed May 25, 2023.*

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

PRIVATE COST: This proposed amendment will cost private entities an estimated three hundred twenty thousand six hundred forty-three dollars (\$320,643) annually.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. **Department Title: Department of Conservation**
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits

Rule Number and Name:	3 CSR 10-5.250 Daily Hunting or Fishing Tags
Type of Rulemaking:	Proposed Amendment

II. **SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 320,643 individuals	Adults purchasing a Daily trout fishing tag	\$320,643 annual aggregate

III. **WORKSHEET**

320,643 (estimate of adult daily trout fishing tags sold) X \$1.00 (permit price increase) = \$320,643

IV. **ASSUMPTIONS**

For the permit year 2023, we estimate 320,643 adult daily trout fishing tags being sold at Bennett Spring, Montauk, and Roaring River state parks and Maramec Spring Park. This estimate is based on permit year 2021 sales minus 5%, as historically permit sales are in a slight downward trend.

The commission based its proposed permit-price increases on information from the Federal Bureau of Labor Statistics' Consumer Price Index (CPI) related to cost-of-living increases from 2008 to 2022. CPI is a commonly used measurement of the average changes over time in prices paid by consumers for consumer goods and services. The commission is recommending a gradual price increase over 10 years at a CPI of 75% for resident permits and 100% for non-resident and commercial permits.

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

PROPOSED AMENDMENT

3 CSR 10-5.300 Apprentice Hunter Authorization. The commission proposes to amend this rule.

PURPOSE: This amendment increases the fee for an Apprentice Hunter Authorization to reflect a more current cost adjustment based on changes in the Consumer Price Index.

To allow the purchase of firearms hunting permits (except black bear and elk as provided in 3 CSR 10-5.205) by persons born on or after January 1, 1967, and at least sixteen (16) years of age without display of a hunter education certificate card. This authorization may be purchased annually for no more than two (2) permit years (March 1 through the last day of February). Fee: ten dollars **and fifty cents** (\$10.50).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Sept. 27, 2007, effective Feb. 29, 2008. For intervening history, please consult the **Code of State Regulations**. Amended: Filed May 25, 2023.

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

PRIVATE COST: This proposed amendment will cost private entities an estimated six thousand two hundred thirty-eight dollars and fifty cents (\$6,238.50) annually.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits**

Rule Number and Name:	3 CSR 10-5.300 Apprentice Hunter Authorization
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 12,477 individuals	Individuals purchasing an Apprentice Hunter Authorization	\$6,238.50 annual aggregate

III. WORKSHEET

12,477 (Individuals purchasing an Apprentice Hunter Authorization) X \$.50 (permit price increase) =\$6,238.50

IV. ASSUMPTIONS

For the permit year 2023, we estimate 12,477 residents purchasing an Apprentice Hunter Authorization. This estimate is based on permit year 2021 sales minus 5%, as historically permit sales are in a slight downward trend.

The commission based its proposed permit-price increases on information from the Federal Bureau of Labor Statistics' Consumer Price Index (CPI) related to cost-of-living increases from 2008 to 2022. CPI is a commonly used measurement of the average changes over time in prices paid by consumers for consumer goods and services. The commission is recommending a gradual price increase over 10 years at a CPI of 75% for resident permits and 100% for non-resident and commercial permits.

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

PROPOSED AMENDMENT

3 CSR 10-5.310 Resident Lifetime Conservation Partner Permit. The commission proposes to amend section (1) of this rule.

PURPOSE: This amendment increases the fee for a Resident Lifetime Conservation Partner Permit to reflect a more current cost adjustment based on changes in the Consumer Price Index.

(1) To chase, pursue, take, possess, and transport fish (including trout), frogs, mussels, clams, turtles, crayfish, live bait, birds (blue, snow, and Ross's geese during the Conservation Order and migratory birds; except turkeys), and mammals (except black bears, deer, and elk), and to sell furbearers taken by hunting. Fee –

(A) For persons age fifteen (15) and under: [*five hundred fifty dollars (\$550)*] **five hundred ninety-one dollars (\$591)**;

(B) For persons age sixteen (16) through twenty-nine (29): [*eight hundred dollars (\$800)*] **eight hundred fifty-nine dollars (\$859)**;

(C) For persons age thirty (30) through thirty-nine (39): [*seven hundred dollars (\$700)*] **seven hundred fifty-two dollars (\$752)**;

(D) For persons age forty (40) through fifty-nine (59): [*six hundred dollars (\$600)*] **six hundred forty-four dollars (\$644)**; and

(E) For persons age sixty (60) and older: [*seventy dollars (\$70)*] **seventy-five dollars (\$75)**.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 20, 1995, effective Jan. 1, 1996. For intervening history, please consult the Code of State Regulations. Amended: Filed May 25, 2023.

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

PRIVATE COST: This proposed amendment will cost private entities an estimated thirteen thousand four hundred thirty-nine dollars (\$13,439) annually.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits**

Rule Number and Name:	3 CSR 10-5.310 Resident Lifetime Conservation Partner Permit
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 978 individuals	Individuals purchasing a Resident Lifetime Conservation Partner Permit	\$13,439 annual aggregate

III. WORKSHEET

[133 (Individuals purchasing a Resident Lifetime Conservation Partner Permit that are under 16 years of age) X \$41.00 (permit price increase)] + [18 (Individuals purchasing a Resident Lifetime Conservation Partner Permit that are 16-29 years of age) X \$59.00 (permit price increase)] + [22 (Individuals purchasing a Resident Lifetime Conservation Partner Permit that are 30-39 years of age) X \$52.00 (permit price increase)] + [45 (Individuals purchasing a Resident Lifetime Conservation Partner Permit that are 40-59 years of age) X \$44.00 (permit price increase)] + [760 (Individuals purchasing a Resident Lifetime Conservation Partner Permit that are 60 years of age or older) X \$5.00 (permit price increase)] =

$$[$5,453] + [$1,062] + [$1,144] + [$1,980] + [$3,800] = $13,439$$

IV. ASSUMPTIONS

For the permit year 2023, we estimate 133 individuals purchasing a Resident Lifetime Conservation Partner Permit that are under 16 years of age. For the permit year 2023, we estimate 18 individuals purchasing a Resident Lifetime Conservation Partner Permit that are 16-29 years of age. For the permit year 2023, we estimate 22 individuals purchasing a Resident Lifetime Conservation Partner Permit that are 30-39 years of age. For the permit year 2023, we estimate 45 individuals purchasing a Resident Lifetime Conservation Partner Permit that are 40-59 years of age. For the permit year 2023, we estimate 760 individuals purchasing a Resident Lifetime Conservation Partner Permit that are 60 years of age or older. This estimate is based on permit year 2021 sales minus 5%, as historically permit sales are in a slight downward trend.

The commission based its proposed permit-price increases on information from the Federal Bureau of Labor Statistics' Consumer Price Index (CPI) related to cost-of-living increases from 2008 to 2022. CPI is a commonly used measurement of the average changes over time in prices paid by consumers for consumer goods and services. The commission is recommending a gradual price increase over 10 years at a CPI of 75% for resident permits and 100% for non-resident and commercial permits.

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

PROPOSED AMENDMENT

3 CSR 10-5.315 Resident Lifetime Fishing Permit. The commission proposes to amend section (1) of this rule.

PURPOSE: This amendment increases the fee for a Resident Lifetime Fishing Permit to reflect a more current cost adjustment based on changes in the Consumer Price Index.

(1) To pursue, take, possess, and transport fish (including trout), frogs, mussels, clams, turtles, crayfish, and live bait. Fee[.]-

(A) For persons age fifteen (15) and under: *[Two hundred seventy-five dollars (\$275)]* **two hundred ninety-five dollars (\$295);**

(B) For persons age sixteen (16) through twenty-nine (29): *[Four hundred dollars (\$400)]* **four hundred thirty dollars (\$430);**

(C) For persons age thirty (30) through thirty-nine (39): *[Three hundred fifty dollars (\$350)]* **three hundred seventy-six dollars (\$376);**

(D) For persons age forty (40) through fifty-nine (59): *[Three hundred dollars (\$300)]* **three hundred twenty-two dollars (\$322); and**

(E) For persons age sixty (60) and older: *[Thirty-five dollars (\$35)]* **thirty-eight dollars (\$38).**

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 20, 1995, effective Jan. 1, 1996. For intervening history, please consult the **Code of State Regulations**. Amended: Filed May 25, 2023.

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

PRIVATE COST: This proposed amendment will cost private entities an estimated six thousand six hundred five dollars (\$6,605) annually.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits**

Rule Number and Name:	3 CSR 10-5.315 Resident Lifetime Fishing Permit
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 1,022 individuals	Individuals purchasing a Resident Lifetime Fishing Permit	\$6,605 annual aggregate

III. WORKSHEET

[91 (Individuals purchasing a Resident Lifetime Fishing Permit that are under 16 years of age) X \$20.00 (permit price increase)] + [28 (Individuals purchasing a Resident Lifetime Fishing Permit that are 16-29 years of age) X \$30.00 (permit price increase)] + [24 (Individuals purchasing a Resident Lifetime Fishing Permit that are 30-39 years of age) X \$26.00 (permit price increase)] + [36 (Individuals purchasing a Resident Lifetime Fishing Permit that are 40-59 years of age) X \$22.00 (permit price increase)] + [843 (Individuals purchasing a Resident Lifetime Fishing Permit that are 60 years of age or older) X \$3.00 (permit price increase)] =

$$[\$1,820] + [\$840] + [\$624] + [\$792] + [\$2,529] = \$6,605$$

IV. ASSUMPTIONS

For the permit year 2023, we estimate 91 individuals purchasing a Resident Lifetime Fishing Permit that are under 16 years of age. For the permit year 2023, we estimate 28 individuals purchasing a Resident Lifetime Fishing Permit that are 16-29 years of age. For the permit year 2023, we estimate 24 individuals purchasing a Resident Lifetime Fishing Permit that are 30-39 years of age. For the permit year 2023, we estimate 36 individuals purchasing a Resident Lifetime Fishing Permit that are 40-59 years of age. For the permit year 2023, we estimate 843 individuals purchasing a Resident Lifetime Fishing Permit that are 60 years of age or older. This estimate is based on permit year 2021 sales minus 5%, as historically permit sales are in a slight downward trend.

The commission based its proposed permit-price increases on information from the Federal Bureau of Labor Statistics' Consumer Price Index (CPI) related to cost-of-living increases from 2008 to 2022. CPI is a commonly used measurement of the average changes over time in prices paid by consumers for consumer goods and services. The commission is recommending a gradual price increase over 10 years at a CPI of 75% for resident permits and 100% for non-resident and commercial permits.

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

PROPOSED AMENDMENT

3 CSR 10-5.320 Resident Lifetime Small Game Hunting Permit. The commission proposes to amend section (1) of this rule.

PURPOSE: This amendment increases the fee for a Resident Lifetime Small Game Hunting Permit to reflect a more current cost adjustment based on changes in the Consumer Price Index.

(1) To chase, pursue, take, possess, and transport birds (blue, snow, and Ross's geese during the Conservation Order and migratory birds; except turkeys), mammals (except black bears, deer, and elk), and frogs, and to sell furbearers taken by hunting. Fee[.]-

(A) For persons age fifteen (15) and under: *[Two hundred seventy-five dollars (\$275)]* **two hundred ninety-five dollars (\$295);**

(B) For persons age sixteen (16) through twenty-nine (29): *[Four hundred dollars (\$400)]* **four hundred thirty dollars (\$430);**

(C) For persons age thirty (30) through thirty-nine (39): *[Three hundred fifty dollars (\$350)]* **three hundred seventy-six dollars (\$376);**

(D) For persons age forty (40) through fifty-nine (59): *[Three hundred dollars (\$300)]* **three hundred twenty-two dollars (\$322);** and

(E) For persons age sixty (60) and older: *[Thirty-five dollars (\$35)]* **thirty-eight dollars (\$38).**

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 20, 1995, effective Jan. 1, 1996. For intervening history, please consult the Code of State Regulations. Amended: Filed May 25, 2023.

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

PRIVATE COST: This proposed amendment will cost private entities an estimated five hundred eighty-seven dollars (\$587) annually.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. **Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits**

Rule Number and Name:	3 CSR 10-5.320 Resident Lifetime Small Game Hunting Permit
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 47 individuals	Individuals purchasing a Resident Lifetime Small Game Hunting Permit	\$587 annual aggregate

III. WORKSHEET

[10 (Individuals purchasing a Resident Lifetime Small Game Hunting Permit that are under 16 years of age) X \$20.00 (permit price increase)] + [5 (Individuals purchasing a Resident Lifetime Small Game Hunting Permit that are 16-29 years of age) X \$30.00 (permit price increase)] + [2 (Individuals purchasing a Resident Lifetime Small Game Hunting Permit that are 30-39 years of age) X \$26.00 (permit price increase)] + [5 (Individuals purchasing a Resident Lifetime Small Game Hunting Permit that are 40-59 years of age) X \$22.00 (permit price increase)] + [25 (Individuals purchasing a Resident Lifetime Small Game Hunting Permit that are 60 years of age or older) X \$3.00 (permit price increase)] =

$$[\$200] + [\$150] + [\$52] + [\$110] + [\$75] = \$587$$

IV. ASSUMPTIONS

For the permit year 2023, we estimate 10 individuals purchasing a Resident Lifetime Small Game Hunting Permit that are under 16 years of age. For the permit year 2023, we estimate 5 individuals purchasing a Resident Lifetime Small Game Hunting Permit that are 16-29 years of age. For the permit year 2023, we estimate 2 individuals purchasing a Resident Lifetime Small Game Hunting Permit that are 30-39 years of age. For the permit year 2023, we estimate 5 individuals purchasing a Resident Lifetime Small Game Hunting Permit that are 40-59 years of age. For the permit year 2023, we estimate 25 individuals purchasing a Resident Lifetime Small Game Hunting Permit that are 60 years of age or older. This estimate is based on permit year 2021 sales minus 5%, as historically permit sales are in a slight downward trend.

The commission based its proposed permit-price increases on information from the Federal Bureau of Labor Statistics' Consumer Price Index (CPI) related to cost-of-living increases from 2008 to 2022. CPI is a commonly used measurement of the average changes over time in prices paid by consumers for consumer goods and services. The commission is recommending a gradual price increase over 10 years at a CPI of 75% for resident permits and 100% for non-resident and commercial permits.

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

PROPOSED RULE

3 CSR 10-5.324 Resident Lifetime Trapping Permit. The commission proposes to add a new rule.

PURPOSE: This rule establishes a Lifetime Trapping Permit for the purposes of trapping furbearers during the prescribed seasons.

(1) To attempt to take or take by trap only and to possess and transport furbearers, rabbits, and groundhogs, and to sell all these except rabbits. Fee –

(A) For persons age fifteen (15) and under: two hundred ninety-five dollars (\$295);

(B) For persons age sixteen (16) through twenty-nine (29): four hundred thirty dollars (\$430);

(C) For persons age thirty (30) through thirty-nine (39): three hundred seventy-six dollars (\$376);

(D) For persons age forty (40) through fifty-nine (59): three hundred twenty-two dollars (\$322); and

(E) For persons age sixty (60) and older: thirty-eight dollars (\$38).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed May 25, 2023.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

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

PROPOSED AMENDMENT

3 CSR 10-5.330 Resident Small Game Hunting and Fishing Permit. The commission proposes to amend this rule.

PURPOSE: This amendment increases the fee for a Resident Small Game Hunting and Fishing Permit to reflect a more current cost adjustment based on changes in the Consumer Price Index.

To chase, pursue, take, possess and transport fish, frogs, mussels, clams, turtles, crayfish, live bait, birds (except turkeys) and mammals (except black bears, deer, and elk), and to sell furbearers taken by hunting. Fee: [nineteen dollars (\$19)] **twenty dollars and fifty cents (\$20.50).**

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-5.230. This version of rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the *Code of State Regulations*. Amended: Filed May 25, 2023.

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

PRIVATE COST: This proposed amendment will cost private entities an estimated one hundred fifty-three thousand eight hundred thirty-seven dollars (\$153,837) annually.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. **Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits**

Rule Number and Name:	3 CSR 10-5.330 Resident Small Game Hunting and Fishing Permit
Type of Rulemaking:	Proposed Amendment

- II. **SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 102,558 individuals	Residents purchasing a Resident Small Game Hunting and Fishing Permit	\$153,837 annual aggregate

- III. **WORKSHEET**

102,558 (residents purchasing a Resident Small Game Hunting and Fishing Permit) X \$1.50 (permit price increase) = \$153,837

- IV. **ASSUMPTIONS**

For the permit year 2023, we estimate 102,558 residents purchasing a Resident Small Game Hunting and Fishing Permit. This estimate is based on permit year 2021 sales minus 5%, as historically permit sales are in a slight downward trend.

The commission based its proposed permit-price increases on information from the Federal Bureau of Labor Statistics' Consumer Price Index (CPI) related to cost-of-living increases from 2008 to 2022. CPI is a commonly used measurement of the average changes over time in prices paid by consumers for consumer goods and services. The commission is recommending a gradual price increase over 10 years at a CPI of 75% for resident permits and 100% for non-resident and commercial permits.

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

PROPOSED AMENDMENT

3 CSR 10-5.331 Resident National Guard and Reserve Service Small Game Hunting and Fishing Permit. The commission proposes to amend this rule.

PURPOSE: This amendment increases the fee for the Resident National Guard and Reserve Service Small Game Hunting and Fishing Permit to reflect a more current cost adjustment based on changes in the Consumer Price Index.

For residents of Missouri who are currently, or have in the previous twelve (12) months, been mobilized and serving on full-time active military duty in either the National Guard (in Federal Status) or Reserve forces of the United States to chase, pursue, take, possess, and transport fish, frogs, mussels, clams, turtles, crayfish, live bait, birds (except turkeys), and mammals (except black bears, deer, and elk), and to sell furbearers taken by hunting. Fee: five dollars **and fifty cents** (\$5.50).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Jan. 30, 2006, effective June 30, 2006. For intervening history, please consult the **Code of State Regulations**. Amended: Filed May 25, 2023.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-5.235. This version of rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the **Code of State Regulations**. Amended: Filed May 25, 2023.

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

PRIVATE COST: This proposed amendment will cost private entities an estimated four hundred forty-five thousand eight hundred and eighteen dollars (\$445,818) annually.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

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

PROPOSED AMENDMENT

3 CSR 10-5.340 Resident Fishing Permit. The commission proposes to amend this rule.

PURPOSE: This amendment increases the fee for a Resident Fishing Permit to reflect a more current cost adjustment based on changes in the Consumer Price Index.

To pursue, take, possess, and transport fish, frogs, mussels, clams, turtles, crayfish, and live bait. Fee: ~~twelve dollars (\$12)~~ **thirteen dollars (\$13)**.

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits**

Rule Number and Name:	3 CSR 10-5.340 Resident Fishing Permit
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 445,818 individuals	Residents purchasing a Resident Fishing Permit	\$445,818 annual aggregate

III. WORKSHEET

445,818 (residents purchasing a Resident Fishing Permit) X \$1.00 (permit price increase) = \$445,818

IV. ASSUMPTIONS

For the permit year 2023, we estimate 445,818 residents purchasing a Resident Fishing Permit. This estimate is based on permit year 2021 sales minus 5%, as historically permit sales are in a slight downward trend.

The commission based its proposed permit-price increases on information from the Federal Bureau of Labor Statistics' Consumer Price Index (CPI) related to cost-of-living increases from 2008 to 2022. CPI is a commonly used measurement of the average changes over time in prices paid by consumers for consumer goods and services. The commission is recommending a gradual price increase over 10 years at a CPI of 75% for resident permits and 100% for non-resident and commercial permits.

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

PROPOSED AMENDMENT

3 CSR 10-5.345 Resident Small Game Hunting Permit. The commission proposes to amend this rule.

PURPOSE: This amendment increases the fee for a Resident Small Game Hunting Permit to reflect a more current cost adjustment based on changes in the Consumer Price Index.

To chase, pursue, take, possess, and transport birds (except turkeys), mammals (except black bears, deer, and elk), and frogs, and to sell furbearers taken by hunting. Fee: ten dollars **and fifty cents** (\$10.50).

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-5.255. This version of rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the **Code of State Regulations**. Amended: Filed May 25, 2023.*

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

PRIVATE COST: This proposed amendment will cost private entities an estimated twenty-one thousand nine hundred seven dollars and fifty cents (\$21,907.50) annually.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits**

Rule Number and Name:	3 CSR 10-5.345 Resident Small Game Hunting Permit
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 43,815 individuals	Residents purchasing a Resident Small Game Hunting Permit	\$21,907.50 annual aggregate

III. WORKSHEET

43,815 (Residents purchasing a Resident Small Game Hunting Permit) X \$.50 (permit price increase) = \$21,907.50

IV. ASSUMPTIONS

For the permit year 2023, we estimate 43,815 residents purchasing a Resident Small Game Hunting Permit. This estimate is based on permit year 2021 sales minus 5%, as historically permit sales are in a slight downward trend.

The commission based its proposed permit-price increases on information from the Federal Bureau of Labor Statistics' Consumer Price Index (CPI) related to cost-of-living increases from 2008 to 2022. CPI is a commonly used measurement of the average changes over time in prices paid by consumers for consumer goods and services. The commission is recommending a gradual price increase over 10 years at a CPI of 75% for resident permits and 100% for non-resident and commercial permits.

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

PROPOSED AMENDMENT

3 CSR 10-5.351 Resident Firearms Any-Deer Hunting Permit.
The commission proposes to amend this rule.

PURPOSE: This amendment increases the fee for a Resident Fire-arms Any-Deer Hunting Permit to reflect a more current cost adjustment based on changes in the Consumer Price Index.

To pursue, take, possess, and transport one (1) deer of either sex statewide during the firearms deer hunting season. Fee: ~~seventeen dollars (\$17.00)]~~ **eighteen dollars (\$18.00).**

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 11, 1997, effective March 1, 1998. For intervening history, please consult the **Code of State Regulations**. Amended: Filed May 25, 2023.*

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

PRIVATE COST: This proposed amendment will cost private entities an estimated two hundred seventy-eight thousand four hundred twelve dollars (\$278,412) annually.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits**

Rule Number and Name:	3 CSR 10-5.351 Resident Firearms Any-Deer Hunting Permit
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 278,412 individuals	Residents purchasing a Resident Firearms Any-Deer Hunting Permit	\$278,412 annual aggregate

III. WORKSHEET

278,412 (Residents purchasing a Resident Firearms Any-Deer Hunting Permit) X \$1.00 (permit price increase) = \$278,412

IV. ASSUMPTIONS

For the permit year 2023, we estimate 278,412 residents purchasing a Resident Firearms Any-Deer Hunting Permit. This estimate is based on permit year 2021 sales minus 5%, as historically permit sales are in a slight downward trend.

The commission based its proposed permit-price increases on information from the Federal Bureau of Labor Statistics' Consumer Price Index (CPI) related to cost-of-living increases from 2008 to 2022. CPI is a commonly used measurement of the average changes over time in prices paid by consumers for consumer goods and services. The commission is recommending a gradual price increase over 10 years at a CPI of 75% for resident permits and 100% for non-resident and commercial permits.

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

PROPOSED AMENDMENT

3 CSR 10-5.352 Resident Firearms Antlerless Deer Hunting Permit. The commission proposes to amend this rule.

PURPOSE: This amendment increases the fee for a Resident Firearms Antlerless Deer Hunting Permit to reflect a more current cost adjustment based on changes in the Consumer Price Index.

To pursue, take, possess, and transport one (1) antlerless deer during the firearms deer hunting season. Fee: seven dollars **and fifty cents** (\$7.50).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 11, 1997, effective March 1, 1998. For intervening history, please consult the **Code of State Regulations**. Amended: Filed May 25, 2023.

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

PRIVATE COST: This proposed amendment will cost private entities an estimated one hundred and two thousand six hundred eighty-seven dollars (\$102,687) annually.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits**

Rule Number and Name:	3 CSR 10-5.352 Resident Firearms Antlerless Deer Hunting Permit
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 205,374 individuals	Residents purchasing a Resident Firearms Antlerless Deer Hunting Permit	\$102,687 annual aggregate

III. WORKSHEET

205,374 (Residents purchasing a Resident Firearms Antlerless Deer Hunting Permit) X \$.50 (permit price increase) = \$102,687

IV. ASSUMPTIONS

For the permit year 2023, we estimate 205,374 residents purchasing a Resident Firearms Antlerless Deer Hunting Permit. This estimate is based on permit year 2021 sales minus 5%, as historically permit sales are in a slight downward trend.

The commission based its proposed permit-price increases on information from the Federal Bureau of Labor Statistics' Consumer Price Index (CPI) related to cost-of-living increases from 2008 to 2022. CPI is a commonly used measurement of the average changes over time in prices paid by consumers for consumer goods and services. The commission is recommending a gradual price increase over 10 years at a CPI of 75% for resident permits and 100% for non-resident and commercial permits.

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

PROPOSED AMENDMENT

3 CSR 10-5.359 Resident Managed Deer Hunting Permit. The commission proposes to amend this rule.

PURPOSE: This amendment increases the fee for a Resident Managed Deer Hunting Permit to reflect a more current cost adjustment based on changes in the Consumer Price Index.

To pursue, take, possess, and transport deer during a prescribed managed deer hunt. Fee: [*seventeen dollars (\$17.00)*] **eighteen dollars (\$18.00).**

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 8, 1998, effective March 1, 1999. For intervening history, please consult the **Code of State Regulations**. Amended: Filed May 25, 2023.*

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

PRIVATE COST: This proposed amendment will cost private entities an estimated four thousand ninety-seven dollars (\$4,097) annually.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits**

Rule Number and Name:	3 CSR 10-5.359 Resident Managed Deer Hunting Permit
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 4,097 individuals	Residents purchasing a Resident Managed Deer Hunting Permit	\$4,097 annual aggregate

III. WORKSHEET

4,097 (Residents purchasing a Resident Managed Deer Hunting Permit) X \$1.00 (permit price increase) = \$4,097

IV. ASSUMPTIONS

For the permit year 2023, we estimate 4,097 residents purchasing a Resident Managed Deer Hunting Permit. This estimate is based on permit year 2021 sales minus 5%, as historically permit sales are in a slight downward trend.

The commission based its proposed permit-price increases on information from the Federal Bureau of Labor Statistics' Consumer Price Index (CPI) related to cost-of-living increases from 2008 to 2022. CPI is a commonly used measurement of the average changes over time in prices paid by consumers for consumer goods and services. The commission is recommending a gradual price increase over 10 years at a CPI of 75% for resident permits and 100% for non-resident and commercial permits.

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

PROPOSED AMENDMENT

3 CSR 10-5.360 Resident Archer's Hunting Permit. The commission proposes to amend this rule.

PURPOSE: This amendment increases the fee for a Resident Archer's Hunting Permit to reflect a more current cost adjustment based on changes in the Consumer Price Index.

To pursue, take, possess, and transport deer and wild turkey during the fall deer and turkey archery season and small game during prescribed seasons, and to sell furbearers taken by hunting. Fee: [~~nineteen dollars (\$19.00)]~~ **twenty dollars and fifty cents (\$20.50).**

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-5.260. This version of rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the **Code of State Regulations**. Amended: Filed May 25, 2023.

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

PRIVATE COST: This proposed amendment will cost private entities an estimated one hundred eighty thousand four hundred thirty-eight dollars (\$180,438) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits**

Rule Number and Name:	3 CSR 10-5.360 Resident Archer's Hunting Permit
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 120,292 individuals	Residents purchasing a Resident Archer's Hunting Permit	\$180,438 annual aggregate

III. WORKSHEET

120,292 (Residents purchasing a Resident Archer's Hunting Permit t) X \$1.50 (permit price increase) = \$180,438

IV. ASSUMPTIONS

For the permit year 2023, we estimate 120,292 residents purchasing a Resident Archer's Hunting Permit. This estimate is based on permit year 2021 sales minus 5%, as historically permit sales are in a slight downward trend.

The commission based its proposed permit-price increases on information from the Federal Bureau of Labor Statistics' Consumer Price Index (CPI) related to cost-of-living increases from 2008 to 2022. CPI is a commonly used measurement of the average changes over time in prices paid by consumers for consumer goods and services. The commission is recommending a gradual price increase over 10 years at a CPI of 75% for resident permits and 100% for non-resident and commercial permits.

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

PROPOSED AMENDMENT

3 CSR 10-5.365 Resident Turkey Hunting Permits. The commission proposes to amend subsections (1)(A) and (B) of this rule.

PURPOSE: This amendment increases the fee for a Resident Turkey Hunting Permit to reflect a more current cost adjustment based on changes in the Consumer Price Index.

(1) To pursue, take, possess, and transport wild turkey during the prescribed open season.

(A) Spring Season Permit. Fee: [*seventeen dollars (\$17)*] **eighteen dollars (\$18)**.

(B) Fall Season Permit. Fee: [*thirteen dollars (\$13)*] **fourteen dollars (\$14)**.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-5.266. This version of rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed May 25, 2023.

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

PRIVATE COST: This proposed amendment will cost private entities an estimated eighty-four thousand four hundred ninety-two dollars (\$84,492) annually.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits**

Rule Number and Name:	3 CSR 10-5.365 Resident Turkey Hunting Permits
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 74,673 individuals in the Spring and 9,819 in the Fall	Residents purchasing a Resident Turkey Hunting Permit	\$84,492 annual aggregate

III. WORKSHEET

[74,673 (Residents purchasing a Resident Turkey Hunting Permit for Spring Season) X \$1.00 (permit price increase)] + [9,819 (Residents purchasing a Resident Turkey Hunting Permit for Fall Season) X \$1.00 (permit price increase)] = \$84,492

IV. ASSUMPTIONS

For the permit year 2023, we estimate 84,492 residents purchasing a Resident Turkey Hunting Permit. This estimate is based on permit year 2021 sales minus 5%, as historically permit sales are in a slight downward trend.

The commission based its proposed permit-price increases on information from the Federal Bureau of Labor Statistics' Consumer Price Index (CPI) related to cost-of-living increases from 2008 to 2022. CPI is a commonly used measurement of the average changes over time in prices paid by consumers for consumer goods and services. The commission is recommending a gradual price increase over 10 years at a CPI of 75% for resident permits and 100% for non-resident and commercial permits.

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

PROPOSED AMENDMENT

3 CSR 10-5.370 Resident Trapping Permit. The commission proposes to amend this rule.

PURPOSE: This amendment increases the fee for a Resident Trapping Permit to reflect a more current cost adjustment based on changes in the Consumer Price Index.

To attempt to take or take by trap only and to possess and transport furbearers, rabbits, and groundhogs, and to sell all these except rabbits. Fee: [~~ten dollars (\$10)~~] **eleven dollars (\$11)**.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-5.290. This version of rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the **Code of State Regulations**. Amended: Filed May 25, 2023.*

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

PRIVATE COST: This proposed amendment will cost private entities an estimated seven thousand six hundred sixteen dollars (\$7,616) annually.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits**

Rule Number and Name:	3 CSR 10-5.370 Resident Trapping Permit
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 7,616 individuals	Residents purchasing a Resident Trapping Permit	\$7,616 annual aggregate

III. WORKSHEET

7,616 (Residents purchasing a Resident Trapping Permit) X \$1.00 (permit price increase) = \$7,616

IV. ASSUMPTIONS

For the permit year 2023, we estimate 7,616 residents purchasing a Resident Trapping Permit. This estimate is based on permit year 2021 sales minus 5%, as historically permit sales are in a slight downward trend.

The commission based its proposed permit-price increases on information from the Federal Bureau of Labor Statistics' Consumer Price Index (CPI) related to cost-of-living increases from 2008 to 2022. CPI is a commonly used measurement of the average changes over time in prices paid by consumers for consumer goods and services. The commission is recommending a gradual price increase over 10 years at a CPI of 75% for resident permits and 100% for non-resident and commercial permits.

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

PROPOSED AMENDMENT

3 CSR 10-5.425 Resident Archery Antlerless Deer Hunting Permit. The commission proposes to amend this rule.

PURPOSE: This amendment increases the fee for a Resident Archery Antlerless Deer Hunting Permit to reflect a more current cost adjustment based on changes in the Consumer Price Index.

To pursue, take, possess, and transport an antlerless deer during the archery deer hunting season. Fee: seven dollars **and fifty cents** (\$7.50).

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 11, 1997, effective March 1, 1998. For intervening history, please consult the **Code of State Regulations**. Amended: Filed May 25, 2023.*

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

PRIVATE COST: This proposed amendment will cost private entities an estimated thirty-four thousand six hundred ninety dollars (\$34,690) annually.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits**

Rule Number and Name:	3 CSR 10-5.425 Resident Archery Antlerless Deer Hunting Permit.
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 69,379 individuals	Residents purchasing a Resident Archery Antlerless Deer Hunting Permit.	\$34,690 annual aggregate

III. WORKSHEET

69,379 (Residents purchasing a Resident Archery Antlerless Deer Hunting Permit.) X \$.50 (permit price increase) = \$34,690

IV. ASSUMPTIONS

For the permit year 2023, we estimate 69,379 residents purchasing a Resident Archery Antlerless Deer Hunting Permit. This estimate is based on permit year 2021 sales minus 5%, as historically permit sales are in a slight downward trend.

The commission based its proposed permit-price increases on information from the Federal Bureau of Labor Statistics' Consumer Price Index (CPI) related to cost-of-living increases from 2008 to 2022. CPI is a commonly used measurement of the average changes over time in prices paid by consumers for consumer goods and services. The commission is recommending a gradual price increase over 10 years at a CPI of 75% for resident permits and 100% for non-resident and commercial permits.

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

PROPOSED AMENDMENT

3 CSR 10-5.430 Trout Permit. The commission proposes to amend section (1) of this rule.

PURPOSE: This amendment increases the fee for a Trout Permit to reflect a more current cost adjustment based on changes in the Consumer Price Index.

(1) Required in addition to the prescribed fishing permit to possess and transport trout, except in areas where a daily trout fishing tag is required or as prescribed in 3 CSR 10-6.535(5). Fee: ten dollars **and fifty cents** (\$10.50).

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. This rule was previously filed as 3 CSR 10-5.237. This version of rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the **Code of State Regulations**. Amended: Filed May 25, 2023.*

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

PRIVATE COST: This proposed amendment will cost private entities an estimated forty-nine thousand one hundred eighty-nine dollars (\$49,189) annually.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits**

Rule Number and Name:	3 CSR 10-5.430 Trout Permit
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 98,378 individuals	Individuals purchasing a Trout Permit	\$49,189 annual aggregate

III. WORKSHEET

98,378 (Individuals purchasing a Trout Permit) X \$.50 (permit price increase) = \$49,189

IV. ASSUMPTIONS

For the permit year 2023, we estimate 98,378 individuals will be purchasing a Trout Permit. This estimate is based on permit year 2021 sales minus 5%, as historically permit sales are in a slight downward trend.

The commission based its proposed permit-price increases on information from the Federal Bureau of Labor Statistics' Consumer Price Index (CPI) related to cost-of-living increases from 2008 to 2022. CPI is a commonly used measurement of the average changes over time in prices paid by consumers for consumer goods and services. The commission is recommending a gradual price increase over 10 years at a CPI of 75% for resident permits and 100% for non-resident and commercial permits.

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

PROPOSED AMENDMENT

3 CSR 10-5.435 Migratory Bird Hunting Permit. The commission proposes to amend this rule.

PURPOSE: This amendment increases the fee for a Migratory Bird Hunting Permit to reflect a more current cost adjustment based on changes in the Consumer Price Index.

Required of any person sixteen (16) years of age or older in addition to the prescribed hunting permit to pursue, take, possess, and transport waterfowl, doves, snipe, woodcock, and rails, except for blue, snow, or Ross's geese during the Conservation Order in accordance with federal regulations as prescribed in 3 CSR 10-7.440. Fee: six dollars **and fifty cents** (\$6.50).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.[240]040, RSMo [2000] 2016. This rule was previously filed as 3 CSR 10-5.256. Original rule filed Sept. 10, 1991, effective Feb. 6, 1992. For intervening history, please consult the **Code of State Regulations**. Amended: Filed May 25, 2023.

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

PRIVATE COST: This proposed amendment will cost private entities an estimated thirty-one thousand six hundred eighty-three dollars and fifty cents (\$31,683.50) annually.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits**

Rule Number and Name:	3 CSR 10-5.435 Migratory Bird Hunting Permit
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 63,367 individuals	Individuals purchasing a Migratory Bird Hunting Permit	\$31,683.50 annual aggregate

III. WORKSHEET

63,367 (Individuals purchasing a Migratory Bird Hunting Permit) X \$.50 (permit price increase) = \$31,683.50

IV. ASSUMPTIONS

For the permit year 2023, we estimate 63,367 individuals purchasing a Migratory Bird Hunting Permit. This estimate is based on permit year 2021 sales minus 5%, as historically permit sales are in a slight downward trend.

The commission based its proposed permit-price increases on information from the Federal Bureau of Labor Statistics' Consumer Price Index (CPI) related to cost-of-living increases from 2008 to 2022. CPI is a commonly used measurement of the average changes over time in prices paid by consumers for consumer goods and services. The commission is recommending a gradual price increase over 10 years at a CPI of 75% for resident permits and 100% for non-resident and commercial permits.

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

PROPOSED AMENDMENT

3 CSR 10-5.436 Resident Conservation Order Permit. The commission proposes to amend this rule.

PURPOSE: This amendment increases the fee for a Resident Conservation Order Permit to reflect a more current cost adjustment based on changes in the Consumer Price Index.

To pursue, take, possess, and transport blue, snow, or Ross's geese during the Conservation Order in accordance with federal regulations and as prescribed in 3 CSR 10-7.440. Fee: Five dollars **and fifty cents** (\$5.50).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252. [240]040, RSMo [2000] 2016. Original rule filed Oct. 10, 2008, effective July 1, 2009. For intervening history, please consult the Code of State Regulations. Amended: Filed May 25, 2023.

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

PRIVATE COST: This proposed amendment will cost private entities an estimated two thousand five hundred ninety-one dollars and fifty cents (\$2,591.50) annually.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits**

Rule Number and Name:	3 CSR 10-5.436 Resident Conservation Order Permit
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 5,183 individuals	Residents purchasing a Resident Conservation Order Permit	\$2,591.50 annual aggregate

III. WORKSHEET

5,183 (Residents purchasing a Resident Conservation Order Permit) X \$.50 (permit price increase) = \$2,591.50

IV. ASSUMPTIONS

For the permit year 2023, we estimate 5,183 residents purchasing a Resident Conservation Order Permit. This estimate is based on permit year 2021 sales minus 5%, as historically permit sales are in a slight downward trend.

The commission based its proposed permit-price increases on information from the Federal Bureau of Labor Statistics' Consumer Price Index (CPI) related to cost-of-living increases from 2008 to 2022. CPI is a commonly used measurement of the average changes over time in prices paid by consumers for consumer goods and services. The commission is recommending a gradual price increase over 10 years at a CPI of 75% for resident permits and 100% for non-resident and commercial permits.

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

PROPOSED AMENDMENT

3 CSR 10-5.440 Daily Fishing Permit. The commission proposes to amend this rule.

PURPOSE: This amendment increases the fee for a Daily Fishing Permit to reflect a more current cost adjustment based on changes in the Consumer Price Index.

To pursue, take, possess, and transport fish, frogs, mussels, clams, turtles, crayfish, and live bait. Fee: eight dollars **and fifty cents (\$8.50)** per day. A permit may be purchased for multiple days.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 20, 1995, effective Jan. 1, 1996. For intervening history, please consult the **Code of State Regulations**. Amended: Filed May 25, 2023.*

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

PRIVATE COST: This proposed amendment will cost private entities an estimated one hundred nine thousand two hundred and seventy-two dollars (\$109,272) annually.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits**

Rule Number and Name:	3 CSR 10-5.440 Daily Fishing Permit
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 129,216 individuals	Individuals purchasing a Daily Fishing Permit	\$109,272 annual aggregate

III. WORKSHEET

[4,312 (residents purchasing a Daily Fishing Permit for one day) X \$0.50 (permit price increase)] + [80,241 (nonresidents purchasing a Daily Fishing Permit for one day) X \$0.50 (permit price increase)] + [44,663 (nonresidents purchasing a Daily Fishing Permit for three days) X \$1.50 (permit price increase for three days)] = \$109,272

IV. ASSUMPTIONS

For the permit year 2023, we estimate 4,312 residents purchasing a Daily Fishing Permit for one day, 80,241 nonresidents purchasing a Daily Fishing Permit for one day, and 44,663 nonresidents purchasing a Daily Fishing Permit for three days. These estimates are based on permit year 2021 sales minus 5%, as historically permit sales are in a slight downward trend.

The commission based its proposed permit-price increases on information from the Federal Bureau of Labor Statistics' Consumer Price Index (CPI) related to cost-of-living increases from 2008 to 2022. CPI is a commonly used measurement of the average changes over time in prices paid by consumers for consumer goods and services. The commission is recommending a gradual price increase over 10 years at a CPI of 75% for resident permits and 100% for non-resident and commercial permits.

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

PROPOSED AMENDMENT

3 CSR 10-5.445 Daily Small Game Hunting Permit. The commission proposes to amend this rule.

PURPOSE: This amendment increases the fee for a Daily Small Game Hunting Permit to reflect a more current cost adjustment based on changes in the Consumer Price Index.

To chase, pursue, take, possess, and transport birds (except turkeys), mammals (except black bears, deer, elk, and furbearers), and frogs, and to chase furbearers for training dogs during the closed season. Fee: fourteen dollars **and fifty cents (\$14.50)** per day. A permit may be purchased for multiple days.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 20, 1995, effective Jan. 1, 1996. For intervening history, please consult the **Code of State Regulations**. Amended: Filed May 25, 2023.*

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

PRIVATE COST: This proposed amendment will cost private entities an estimated twelve thousand nine hundred and forty-six dollars (\$12,946) annually.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits**

Rule Number and Name:	3 CSR 10-5.445 Daily Small Game Hunting Permit
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 14,436 individuals	Individuals purchasing a Daily Small Game Hunting Permit	\$12,946 annual aggregate

III. WORKSHEET

[8,708 (individuals purchasing a Daily Small Game Hunting Permit for one day) X \$0.50 (permit price increase)] + [5,728 (individuals purchasing a Daily Small Game Hunting Permit for three days) X \$1.50 (permit price increase for three days)] = \$12,946

IV. ASSUMPTIONS

For the permit year 2023, we estimate 8,708 individuals purchasing a Daily Small Game Hunting Permit for one day and 5,728 individuals purchasing a Daily Small Game Hunting Permit for three days. These estimates are based on permit year 2021 sales minus 5%, as historically permit sales are in a slight downward trend.

The commission based its proposed permit-price increases on information from the Federal Bureau of Labor Statistics' Consumer Price Index (CPI) related to cost-of-living increases from 2008 to 2022. CPI is a commonly used measurement of the average changes over time in prices paid by consumers for consumer goods and services. The commission is recommending a gradual price increase over 10 years at a CPI of 75% for resident permits and 100% for non-resident and commercial permits.

TITLE 3 – DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 5 – Wildlife Code: Permits
PROPOSED AMENDMENT

3 CSR 10-5.460 Licensed Hunting Preserve Hunting Permit. The commission proposes to amend this rule.

PURPOSE: This amendment increases the fee for a Licensed Hunting Preserve Hunting Permit to reflect a more current cost adjustment based on changes in the Consumer Price Index.

To pursue, take, possess and transport only legally obtained and captive-reared: pheasants, exotic partridges, quail, mallard ducks, and ungulates (hoofed animals) from a licensed hunting preserve. Fee: [ten dollars (\$10)] **eleven dollars (\$11.00)**.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-5.285. Original rule filed Aug. 16, 1972, effective Dec. 31, 1972. For intervening history, please consult the **Code of State Regulations**. Amended: Filed May 25, 2023.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

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

PROPOSED AMENDMENT

3 CSR 10-5.465 Three-Day Licensed Hunting Preserve Hunting Permit. The commission proposes to amend this rule.

PURPOSE: This amendment increases the fee for a Three-Day Licensed Hunting Preserve Hunting Permit to reflect a more current cost adjustment based on changes in the Consumer Price Index.

To pursue, take, possess, and transport only legally obtained and captive-reared: pheasants, exotic partridges, quail, mallard ducks, and ungulates (hoofed animals) from a licensed hunting preserve. Fee: five dollars **and fifty cents (\$5.50)** for three (3) consecutive days.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-5.287. Original rule filed June 25,

1979, effective Oct. 11, 1979. For intervening history, please consult the **Code of State Regulations**. Amended: Filed May 25, 2023.

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

PRIVATE COST: This proposed amendment will cost private entities an estimated one thousand sixty-seven dollars and fifty cents (\$1,067.50) annually.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits**

Rule Number and Name:	3 CSR 10-5.465 Three-Day Licensed Hunting Preserve Hunting Permit
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 2,135 individuals	Individuals purchasing a Three-Day Licensed Hunting Preserve Hunting Permit	\$1,067.50 annual aggregate

III. WORKSHEET

[777 (Individuals purchasing a Three-Day Licensed Hunting Preserve Hunting Permit for the purpose of hunting game birds) + 1,358 (Individuals purchasing a Three-Day Licensed Hunting Preserve Hunting Permit for the purpose of hunting big game)] X \$0.50 (permit price increase) = \$1,067.50

IV. ASSUMPTIONS

For the permit year 2023, we estimate 777 individuals purchasing a Three-Day Licensed Hunting Preserve Hunting Permit for the purpose of hunting game birds. For the permit year 2023, we estimate 1,358 individuals purchasing a Three-Day Licensed Hunting Preserve Hunting Permit for the purpose of hunting big game. This estimate is based on permit year 2021 sales minus 5%, as historically permit sales are in a slight downward trend.

The commission based its proposed permit-price increases on information from the Federal Bureau of Labor Statistics' Consumer Price Index (CPI) related to cost-of-living increases from 2008 to 2022. CPI is a commonly used measurement of the average changes over time in prices paid by consumers for consumer goods and services. The commission is recommending a gradual price increase over 10 years at a CPI of 75% for resident permits and 100% for non-resident and commercial permits.

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

PROPOSED AMENDMENT

3 CSR 10-5.540 Nonresident Fishing Permit. The commission proposes to amend this rule.

PURPOSE: This amendment increases the fee for a Nonresident Fishing Permit to reflect a more current cost adjustment based on changes in the Consumer Price Index.

To pursue, take, possess, and transport fish, frogs, mussels, clams, turtles, crayfish, and live bait. Fee: [*forty-nine dollars (\$49)*] **fifty-one dollars (\$51)**.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-5.245. This version of rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed May 25, 2023.

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

PRIVATE COST: This proposed amendment will cost private entities an estimated one hundred nineteen thousand two hundred and fifty-six dollars (\$119,256) annually.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. **Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits**

Rule Number and Name:	3 CSR 10-5.540 Nonresident Fishing Permit
Type of Rulemaking:	Proposed Amendment

- II. **SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 59,628 individuals	Nonresidents purchasing a Nonresident Fishing Permit	\$119,256 annual aggregate

- III. **WORKSHEET**

59,628 (nonresidents purchasing a Nonresident Fishing Permit) X \$2.00 (permit price increase) = \$119,256

- IV. **ASSUMPTIONS**

For the permit year 2023, we estimate 59,628 nonresidents purchasing a Nonresident Fishing Permit. This estimate is based on permit year 2021 sales minus 5%, as historically permit sales are in a slight downward trend.

The commission based its proposed permit-price increases on information from the Federal Bureau of Labor Statistics' Consumer Price Index (CPI) related to cost-of-living increases from 2008 to 2022. CPI is a commonly used measurement of the average changes over time in prices paid by consumers for consumer goods and services. The commission is recommending a gradual price increase over 10 years at a CPI of 75% for resident permits and 100% for non-resident and commercial permits.

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

PROPOSED AMENDMENT

3 CSR 10-5.545 Nonresident Small Game Hunting Permit.
The commission proposes to amend this rule.

PURPOSE: This amendment increases the fee for a Nonresident Small Game Hunting Permit to reflect a more current cost adjustment based on changes in the Consumer Price Index.

To chase, pursue, take, possess, and transport birds (except turkeys), mammals (except black bears, deer, elk, and furbearers), and frogs, and to chase furbearers for training dogs during the closed season. Fee: [*ninety-four dollars (\$94)*] **ninety-eight dollars (\$98)**.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-5.270. This version of rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed May 25, 2023.

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

PRIVATE COST: This proposed amendment will cost private entities an estimated twenty-eight thousand eighty-four dollars (\$28,084) annually.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits**

Rule Number and Name:	3 CSR 10-5.545 Nonresident Small Game Hunting Permit
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 7,021 individuals	Nonresidents purchasing a Nonresident Small Game Hunting Permit	\$28,084 annual aggregate

III. WORKSHEET

7,021 (Nonresidents purchasing a Nonresident Small Game Hunting Permit) X \$4.00 (permit price increase) = \$28,084

IV. ASSUMPTIONS

For the permit year 2023, we estimate 7,021 nonresidents purchasing a Nonresident Small Game Hunting Permit. This estimate is based on permit year 2021 sales minus 5%, as historically permit sales are in a slight downward trend.

The commission based its proposed permit-price increases on information from the Federal Bureau of Labor Statistics' Consumer Price Index (CPI) related to cost-of-living increases from 2008 to 2022. CPI is a commonly used measurement of the average changes over time in prices paid by consumers for consumer goods and services. The commission is recommending a gradual price increase over 10 years at a CPI of 75% for resident permits and 100% for non-resident and commercial permits.

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

PROPOSED AMENDMENT

3 CSR 10-5.551 Nonresident Firearms Any-Deer Hunting Permit. The commission proposes to amend this rule.

PURPOSE: This amendment increases the fee for a Nonresident Firearms Any-Deer Hunting Permit to reflect a more current cost adjustment based on changes in the Consumer Price Index.

To pursue, take, possess, and transport one (1) deer of either sex statewide during the firearms deer hunting season. Fee: ~~two hundred and sixty five dollars (\$265.00)~~ **two hundred seventy-six dollars and fifty cents (\$276.50).**

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 11, 1997, effective March 1, 1998. For intervening history, please consult the **Code of State Regulations**. Amended: Filed May 25, 2023.

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

PRIVATE COST: This proposed amendment will cost private entities an estimated two hundred forty-two thousand one hundred twenty-one dollars (\$242,121) annually.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits**

Rule Number and Name:	3 CSR 10-5.551 Nonresident Firearms Any-Deer Hunting Permit
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 21,054 individuals	Nonresidents purchasing a Nonresident Firearms Any-Deer Hunting Permit	\$242,121 annual aggregate

III. WORKSHEET

21,054 (Nonresidents purchasing a Nonresident Firearms Any-Deer Hunting Permit) X \$11.50 (permit price increase) = \$242,121

IV. ASSUMPTIONS

For the permit year 2023, we estimate 21,054 nonresidents purchasing a Nonresident Firearms Any-Deer Hunting Permit. This estimate is based on permit year 2021 sales minus 5%, as historically permit sales are in a slight downward trend.

The commission based its proposed permit-price increases on information from the Federal Bureau of Labor Statistics' Consumer Price Index (CPI) related to cost-of-living increases from 2008 to 2022. CPI is a commonly used measurement of the average changes over time in prices paid by consumers for consumer goods and services. The commission is recommending a gradual price increase over 10 years at a CPI of 75% for resident permits and 100% for non-resident and commercial permits.

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

PROPOSED AMENDMENT

3 CSR 10-5.552 Nonresident Firearms Antlerless Deer Hunting Permit. The commission proposes to amend this rule.

PURPOSE: This amendment increases the fee for a Nonresident Firearms Antlerless Deer Hunting Permit to reflect a more current cost adjustment based on changes in the Consumer Price Index.

To pursue, take, possess, and transport one (1) antlerless deer during the firearms deer hunting season. A Nonresident Firearms Any-Deer Hunting Permit, Nonresident Managed Deer Hunting Permit, or a Nonresident Landowner Firearms Any-Deer Hunting Permit is required as a prerequisite to this permit. Fee: ~~[twenty-five dollars (\$25.00)]~~ **twenty-six dollars (\$26.00).**

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 8, 1998, effective March 1, 1999. For intervening history, please consult the **Code of State Regulations**. Amended: Filed May 25, 2023.

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

PRIVATE COST: This proposed amendment will cost private entities an estimated eleven thousand thirty dollars (\$11,030) annually.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. **Department Title: Department of Conservation**
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits

Rule Number and Name:	3 CSR 10-5.552 Nonresident Firearms Antlerless Deer Hunting Permit
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 11,030 individuals	Nonresidents purchasing a Nonresident Firearms Antlerless Deer Hunting Permit	\$11,030 annual aggregate

III. WORKSHEET

11,030 (Nonresidents purchasing a Nonresident Firearms Antlerless Deer Hunting Permit) X \$1.00 (permit price increase) = \$11,030

IV. ASSUMPTIONS

For the permit year 2023, we estimate 11,030 residents purchasing a Nonresident Firearms Antlerless Deer Hunting Permit. This estimate is based on permit year 2021 sales minus 5%, as historically permit sales are in a slight downward trend.

The commission based its proposed permit-price increases on information from the Federal Bureau of Labor Statistics' Consumer Price Index (CPI) related to cost-of-living increases from 2008 to 2022. CPI is a commonly used measurement of the average changes over time in prices paid by consumers for consumer goods and services. The commission is recommending a gradual price increase over 10 years at a CPI of 75% for resident permits and 100% for non-resident and commercial permits.

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

PROPOSED AMENDMENT

3 CSR 10-5.554 Nonresident Archery Antlerless Deer Hunting Permit. The commission proposes to amend this rule.

PURPOSE: This amendment increases the fee for a Nonresident Archery Antlerless Deer Hunting Permit to reflect a more current cost adjustment based on changes in the Consumer Price Index.

To pursue, take, possess, and transport one (1) antlerless deer during the archery hunting season. A Nonresident Archer's Hunting Permit or a Nonresident Landowner Archer's Hunting Permit is required as a prerequisite to this permit. Fee: [~~twenty-five dollars (\$25.00)] **twenty-six dollars (\$26.00)**.~~

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed April 29, 2004, effective Sept. 30, 2004. For intervening history, please consult the **Code of State Regulations**. Amended: Filed May 25, 2023.*

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

PRIVATE COST: This proposed amendment will cost private entities an estimated four thousand three hundred eighty-eight dollars (\$4,388) annually.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits**

Rule Number and Name:	3 CSR 10-5.554 Nonresident Archery Antlerless Deer Hunting Permit
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 4,388 individuals	Nonresidents purchasing a Nonresident Archery Antlerless Deer Hunting Permit	\$4,388 annual aggregate

III. WORKSHEET

4,388 (Nonresidents purchasing a Nonresident Archery Antlerless Deer Hunting Permit) X \$1.00 (permit price increase) = \$4,388

IV. ASSUMPTIONS

For the permit year 2023, we estimate 4,388 nonresidents purchasing a Nonresident Archery Antlerless Deer Hunting Permit. This estimate is based on permit year 2021 sales minus 5%, as historically permit sales are in a slight downward trend.

The commission based its proposed permit-price increases on information from the Federal Bureau of Labor Statistics' Consumer Price Index (CPI) related to cost-of-living increases from 2008 to 2022. CPI is a commonly used measurement of the average changes over time in prices paid by consumers for consumer goods and services. The commission is recommending a gradual price increase over 10 years at a CPI of 75% for resident permits and 100% for non-resident and commercial permits.

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

PROPOSED AMENDMENT

3 CSR 10-5.559 Nonresident Managed Deer Hunting Permit. The commission proposes to amend this rule.

PURPOSE: This amendment increases the fee for a Nonresident Managed Deer Hunting Permit to reflect a more current cost adjustment based on changes in the Consumer Price Index.

To pursue, take, possess, and transport deer during a prescribed managed deer hunt. Fee: ~~[two hundred sixty-five dollars (\$265.00)]~~ **two hundred seventy-six dollars and fifty cents (\$276.50).**

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 8, 1998, effective March 1, 1999. For intervening history, please consult the **Code of State Regulations**. Amended: Filed May 25, 2023.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

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

PRIVATE COST: This proposed amendment will cost private entities an estimated one hundred sixty-nine thousand nine hundred fifty-nine dollars (\$169,959) annually.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

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

PROPOSED AMENDMENT

3 CSR 10-5.560 Nonresident Archer's Hunting Permit. The commission proposes to amend this rule.

PURPOSE: This amendment increases the fee for a Nonresident Archer's Hunting Permit to reflect a more current cost adjustment based on changes in the Consumer Price Index.

To pursue, take, possess, and transport deer and wild turkey during the fall deer and turkey archery season and small game (except furbearers) during prescribed seasons. Fee: ~~[two hundred sixty-five dollars (\$265.00)]~~ **two hundred seventy-six dollars and fifty cents (\$276.50).**

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-5.275. This version of rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the **Code of State Regulations**. Amended: Filed May 25, 2023.

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits**

Rule Number and Name:	3 CSR 10-5.560 Nonresident Archer's Hunting Permit
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 14,779 individuals	Nonresidents purchasing a Nonresident Archer's Hunting Permit	\$169,959 annual aggregate

III. WORKSHEET

14,779 (Nonresidents purchasing a Nonresident Archer's Hunting Permit) X \$11.50 (permit price increase) = \$169,959

IV. ASSUMPTIONS

For the permit year 2023, we estimate 14,779 nonresidents purchasing a Nonresident Archer's Hunting Permit. This estimate is based on permit year 2021 sales minus 5%, as historically permit sales are in a slight downward trend.

The commission based its proposed permit-price increases on information from the Federal Bureau of Labor Statistics' Consumer Price Index (CPI) related to cost-of-living increases from 2008 to 2022. CPI is a commonly used measurement of the average changes over time in prices paid by consumers for consumer goods and services. The commission is recommending a gradual price increase over 10 years at a CPI of 75% for resident permits and 100% for non-resident and commercial permits.

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

PROPOSED AMENDMENT

3 CSR 10-5.565 Nonresident Turkey Hunting Permits. The commission proposes to amend this rule.

PURPOSE: This amendment increases the fee for a Nonresident Turkey Hunting Permit to reflect a more current cost adjustment based on changes in the Consumer Price Index.

(1) To pursue, take, possess, and transport wild turkey during the prescribed season.

(A) Spring Season Permit. Fee: *[two hundred twenty-four dollars (\$224)]* **two hundred thirty-three dollars and fifty cents (\$233.50).**

(B) Fall Season Permit. Fee: *[one hundred thirty dollars (\$130)]* **one hundred thirty-five dollars and fifty cents (\$135.50).**

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-5.267. This version of rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed May 25, 2023.

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

PRIVATE ENTITY COST: This proposed amendment will cost private entities an estimated seventy-two thousand fifty-nine dollars (\$72,059) annually.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits**

Rule Number and Name:	3 CSR 10-5.565 Nonresident Turkey Hunting Permits
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 7507 individuals in the Spring and approximately 135 in the Fall	Nonresidents purchasing a Nonresident Turkey Hunting Permit	\$72,059 annual aggregate

III. WORKSHEET

7,507 (Nonresidents purchasing a Nonresident Turkey Hunting Permit for Spring Season) X \$9.50 (permit price increase) = \$71,316.50
 135 (Nonresidents purchasing a Nonresident Turkey Hunting Permit for Fall Season) X \$5.50 (permit price increase) = \$742.50
 \$71,316.50 (Spring) + \$742.50 (Fall) = \$72,059

IV. ASSUMPTIONS

For the permit year 2023, we estimate 7,642 nonresidents purchasing a Nonresident Turkey Hunting Permit. This estimate is based on permit year 2021 sales minus 5%, as historically permit sales are in a slight downward trend.

The commission based its proposed permit-price increases on information from the Federal Bureau of Labor Statistics' Consumer Price Index (CPI) related to cost-of-living increases from 2008 to 2022. CPI is a commonly used measurement of the average changes over time in prices paid by consumers for consumer goods and services. The commission is recommending a gradual price increase over 10 years at a CPI of 75% for resident permits and 100% for non-resident and commercial permits.

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

PROPOSED AMENDMENT

3 CSR 10-5.567 Nonresident Conservation Order Permit. The commission proposes to amend this rule.

PURPOSE: This amendment increases the fee for a Nonresident Conservation Order Permit to reflect a more current cost adjustment based on changes in the Consumer Price Index.

To pursue, take, possess, and transport blue, snow, or Ross's geese during the Conservation Order in accordance with federal regulations and as prescribed in 3 CSR 10-7.440. Fee: [~~Forty-seven dollars (\$47)~~] **forty-nine dollars (\$49)**.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. Original rule filed Oct. 10, 2008, effective July 1, 2009. For intervening history, please consult the **Code of State Regulations**. Amended: Filed May 25, 2023.*

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

PRIVATE COST: This proposed amendment will cost private entities an estimated nine thousand two hundred forty-four dollars (\$9,244) annually.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits**

Rule Number and Name:	3 CSR 10-5.567 Nonresident Conservation Order Permit
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 4,622 individuals	Nonresidents purchasing a Nonresident Conservation Order Permit	\$9,244 annual aggregate

III. WORKSHEET

4,622 (Nonresidents purchasing a Nonresident Conservation Order Permit) X \$2.00 (permit price increase) = \$9,244

IV. ASSUMPTIONS

For the permit year 2023, we estimate 4,622 nonresidents purchasing a Nonresident Conservation Order Permit. This estimate is based on permit year 2021 sales minus 5%, as historically permit sales are in a slight downward trend.

The commission based its proposed permit-price increases on information from the Federal Bureau of Labor Statistics' Consumer Price Index (CPI) related to cost-of-living increases from 2008 to 2022. CPI is a commonly used measurement of the average changes over time in prices paid by consumers for consumer goods and services. The commission is recommending a gradual price increase over 10 years at a CPI of 75% for resident permits and 100% for non-resident and commercial permits.

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

PROPOSED AMENDMENT

3 CSR 10-5.570 Nonresident Furbearer Hunting and Trapping Permit. The commission proposes to amend this rule.

PURPOSE: This amendment increases the fee for a Nonresident Furbearer Hunting and Trapping Permit to reflect a more current cost adjustment based on changes in the Consumer Price Index.

To chase, pursue, take, possess, transport, and sell furbearers.
Fee: [~~one hundred ninety-two dollars (\$192)~~] **two hundred dollars and fifty cents (\$200.50).**

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-5.292. Original rule filed June 29, 1981, effective Oct. 11, 1981. For intervening history, please consult the **Code of State Regulations**. Amended: Filed May 25, 2023.

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

PRIVATE COST: This proposed amendment will cost private entities an estimated three thousand one hundred seventy dollars and fifty cents (\$3,170.50) annually.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits**

Rule Number and Name:	3 CSR 10-5.570 Nonresident Furbearer Hunting and Trapping Permit
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 373 individuals	Nonresidents purchasing a Nonresident Furbearer Hunting and Trapping Permit	\$3,170.50 annual aggregate

III. WORKSHEET

373 (Nonresidents purchasing a Nonresident Furbearer Hunting and Trapping Permit) X \$3.50 (permit price increase) = \$3,170.50

IV. ASSUMPTIONS

For the permit year 2023, we estimate 373 residents purchasing a Nonresident Furbearer Hunting and Trapping Permit. This estimate is based on permit year 2021 sales minus 5%, as historically permit sales are in a slight downward trend.

The commission based its proposed permit-price increases on information from the Federal Bureau of Labor Statistics' Consumer Price Index (CPI) related to cost-of-living increases from 2008 to 2022. CPI is a commonly used measurement of the average changes over time in prices paid by consumers for consumer goods and services. The commission is recommending a gradual price increase over 10 years at a CPI of 75% for resident permits and 100% for non-resident and commercial permits.

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

PROPOSED AMENDMENT

3 CSR 10-5.576 Nonresident Landowner Firearms Any-Deer Hunting Permit. The commission proposes to amend this rule.

PURPOSE: This amendment increases the fee for a Nonresident Landowner Firearms Any-Deer Hunting Permit to reflect a more current cost adjustment based on changes in the Consumer Price Index.

To pursue, take, possess, and transport one (1) deer of either sex from qualifying land statewide during the firearms deer hunting season, by nonresident landowners as defined in this Code. Fee: *[one hundred ninety-five dollars (\$195.00)] two hundred three dollars and fifty cents (\$203.50).*

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 19, 2000, effective March 1, 2001. For intervening history, please consult the **Code of State Regulations**. Amended: Filed May 25, 2023.*

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

PRIVATE COST: This proposed amendment will cost private entities an estimated seven thousand three hundred ninety-five dollars (\$7,395) annually.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. **Department Title: Department of Conservation**
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits

Rule Number and Name:	3 CSR 10-5.576 Nonresident Landowner Firearms Any-Deer Hunting Permit
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 870 individuals	Nonresidents purchasing a Nonresident Landowner Firearms Any-Deer Hunting Permit	\$7,395 annual aggregate

III. WORKSHEET

870 (Nonresidents purchasing a Nonresident Landowner Firearms Any-Deer Hunting Permit) X \$8.50 (permit price increase) = \$7,395

IV. ASSUMPTIONS

For the permit year 2023, we estimate 870 residents purchasing a Nonresident Landowner Firearms Any-Deer Hunting Permit. This estimate is based on permit year 2021 sales minus 5%, as historically permit sales are in a slight downward trend.

The commission based its proposed permit-price increases on information from the Federal Bureau of Labor Statistics' Consumer Price Index (CPI) related to cost-of-living increases from 2008 to 2022. CPI is a commonly used measurement of the average changes over time in prices paid by consumers for consumer goods and services. The commission is recommending a gradual price increase over 10 years at a CPI of 75% for resident permits and 100% for non-resident and commercial permits.

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

PROPOSED AMENDMENT

3 CSR 10-5.579 Nonresident Landowner Firearms Turkey Hunting Permits. The commission proposes to amend sections (1)(A)–(B) of this rule.

PURPOSE: This amendment increases the fee for a Nonresident Landowner Firearms Turkey Hunting Permit to reflect a more current cost adjustment based on changes in the Consumer Price Index.

(1) To pursue, take, possess, and transport wild turkey from qualifying land during the prescribed season, by nonresident landowners as defined in this Code.

(A) Spring Season Permit. Fee: *[one hundred sixty-five dollars (\$165)]* **one hundred seventy-two dollars (\$172)**.

(B) Fall Season Permit. Fee: *[ninety-six dollars (\$96)]* **one hundred dollars (\$100)**.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 19, 2000, effective March 1, 2001. For intervening history, please consult the **Code of State Regulations**. Amended: Filed May 25, 2023.

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

PRIVATE COST: This proposed amendment will cost private entities an estimated two thousand one hundred eighty-seven dollars (\$2,187) annually.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits**

Rule Number and Name:	3 CSR 10-5.579 Nonresident Landowner Firearms Turkey Hunting Permits
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 301 individuals in the Spring and approximately 20 in the Fall	Nonresidents purchasing a Nonresident Landowner Firearms Turkey Hunting Permit	\$2,187 annual aggregate

III. WORKSHEET

301 (Nonresidents purchasing a Nonresident Landowner Firearms Turkey Hunting Permit for Spring Season) X \$7.00 (permit price increase) = \$2,107
 20 (Nonresidents purchasing a Nonresident Landowner Firearms Turkey Hunting Permit for Fall Season) X \$4.00 (permit price increase) = \$80
 \$2,107 (Spring) + \$80 (Fall) = \$2,187

IV. ASSUMPTIONS

For the permit year 2023, we estimate 321 nonresidents purchasing a Nonresident Landowner Firearms Turkey Hunting Permit. This estimate is based on permit year 2021 sales minus 5%, as historically permit sales are in a slight downward trend.

The commission based its proposed permit-price increases on information from the Federal Bureau of Labor Statistics' Consumer Price Index (CPI) related to cost-of-living increases from 2008 to 2022. CPI is a commonly used measurement of the average changes over time in prices paid by consumers for consumer goods and services. The commission is recommending a gradual price increase over 10 years at a CPI of 75% for resident permits and 100% for non-resident and commercial permits.

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

PROPOSED AMENDMENT

3 CSR 10-5.580 Nonresident Landowner Archer's Hunting Permit. The commission proposes to amend this rule.

PURPOSE: This amendment increases the fee for a Nonresident Landowner Archer's Hunting Permit to reflect a more current cost adjustment based on changes in the Consumer Price Index.

To pursue, take, possess, and transport deer and wild turkey from qualifying land during the fall deer and turkey archery season and small game (except furbearers) during prescribed seasons, by nonresident landowners as defined in this Code. Fee: [*one hundred ninety-five dollars (\$195.00)*] **two hundred three dollars and fifty cents (\$203.50).**

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 19, 2000, effective March 1, 2001. Rescinded: Filed Oct. 10, 2008, effective July 1, 2009. Readopted: Filed May 29, 2019, effective Feb. 29, 2020. Amended: Filed May 25, 2023.

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

PRIVATE COST: This proposed amendment will cost private entities an estimated three thousand seven hundred six dollars (\$3,706) annually.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits**

Rule Number and Name:	3 CSR 10-5.580 Nonresident Landowner Archer's Hunting Permit
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 436 individuals	Nonresidents purchasing a Nonresident Landowner Archer's Hunting Permit	\$3,706 annual aggregate

III. WORKSHEET

436 (Nonresidents purchasing a Nonresident Landowner Archer's Hunting Permit) X \$8.50 (permit price increase) = \$3,706

IV. ASSUMPTIONS

For the permit year 2023, we estimate 436 residents purchasing a Nonresident Landowner Archer's Hunting Permit. This estimate is based on permit year 2021 sales minus 5%, as historically permit sales are in a slight downward trend.

The commission based its proposed permit-price increases on information from the Federal Bureau of Labor Statistics' Consumer Price Index (CPI) related to cost-of-living increases from 2008 to 2022. CPI is a commonly used measurement of the average changes over time in prices paid by consumers for consumer goods and services. The commission is recommending a gradual price increase over 10 years at a CPI of 75% for resident permits and 100% for non-resident and commercial permits.

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

PROPOSED AMENDMENT

3 CSR 10-5.600 Resident Firearms Deer Management Assistance Program Permit. The commission proposes to amend this rule.

PURPOSE: This amendment increases the fee for a Resident Firearms Deer Management Assistance Program Permit to reflect a more current cost adjustment based on changes in the Consumer Price Index.

To pursue, take, possess, and transport one (1) antlerless deer from property enrolled in the department's deer management assistance program. Fee: seven dollars **and fifty cents** (\$7.50).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. Original rule filed Aug. 28, 2018, effective March 1, 2019. Amended: Filed May 25, 2023.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

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

PROPOSED AMENDMENT

3 CSR 10-5.605 Nonresident Firearms Deer Management Assistance Program Permit. The commission proposes to amend this rule.

PURPOSE: This amendment increases the fee for a Nonresident Firearms Deer Management Assistance Program Permit to reflect a more current cost adjustment based on changes in the Consumer Price Index.

To pursue, take, possess, and transport one (1) antlerless deer from property enrolled in the department's deer management assistance program. A Nonresident Firearms Any-Deer Hunting Permit, Nonresident Landowner Firearms Any-Deer Hunting Permit, or a Nonresident Managed Deer Hunting Permit is required as a prerequisite to this permit. Fee: [twenty-five dollars (\$25)] **twenty-six dollars (\$26)**.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. Original rule filed Aug. 28, 2018, effective March 1, 2019. Amended: Filed Sept. 4, 2020, effective Feb. 28, 2021. Amended: Filed May 25, 2023.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**TITLE 3 – DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 6 – Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-6.405 General Provisions. The commission proposes to delete paragraph (3)(F)1. of this rule.

PURPOSE: The proposed amendment provides for a statewide possession limit of eight (8) trout.

(3) Limits and Possession.

(F) A person may possess no more than two (2) statewide daily limits as prescribed in 3 CSR 10-6.505 through 3 CSR 10-6.620., **except:**

1. A person may possess no more than ten (10) trout.]

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the *Code of State Regulations*. Amended: Filed May 19, 2023.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

TITLE 3 – DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 6 – Wildlife Code: Sport Fishing: Seasons,
Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-6.535 Trout. The commission proposes to delete subsection (1)(E) of this rule.

PURPOSE: The proposed amendment decreases the daily limit of trout at Maramec Spring Park from five (5) to four (4) trout.

(1) Daily Limit: Four (4) trout in the aggregate, except:

(A) From November 1 through the last day of February, all trout must be released unharmed immediately after being caught from Hickory Creek in Newton County from the Highway 86 bridge to its confluence with Shoal Creek[.];

(B) On Lake Taneycomo and its tributaries, only one (1) brown trout may be included in the aggregate daily limit of trout[.];

(C) The daily limit is one (1) trout in: Barren Fork Creek in Shannon County from County Road A–D to its confluence with Sinking Creek; Blue Springs Creek in Crawford County from Blue Springs to its confluence with Meramec River; Crane Creek in Stone and Lawrence counties upstream from Quail Spur Crossing on Stone County Road 13–195; Current River and its tributaries from Montauk State Park to Cedar Grove; Eleven Point River in Oregon County from its confluence with Greer Spring Branch to Turner Mill; Little Piney Creek from the Phelps County line in Sections 9 and 16 of T35N, R8W, including Piney Spring Branch and Lane Spring Branch, to Milldam Hollow Access; Spring Creek in Phelps County from Relfe Spring to its confluence with Big Piney River; Mill Creek in Phelps County from Yelton Spring to its confluence with Little Piney Creek including Wilkins Spring and spring branch; and the North Fork of White River in Ozark County from the upper outlet of Rainbow Spring to Patrick Bridge[.]; **and**

(D) The daily limit is two (2) trout in: Meramec River and its tributaries, except Maramec Spring Branch, in Crawford and Phelps counties from Highway 8 bridge to Scotts Ford; and the unimpounded portion of the North Fork of White River and its tributaries in Ozark County from Patrick Bridge to Norfork Lake.

[(E) From March 1 through October 31, the daily limit is five (5) trout in the aggregate at Maramec Spring Park.]

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the **Code of State Regulations**. Amended: Filed May 19, 2023.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

TITLE 3 – DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 9 – Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards

PROPOSED AMENDMENT

3 CSR 10-9.350 Class I Wildlife Breeder Permit. The commission proposes to amend section (1) of this rule.

PURPOSE: This amendment increases the fee for a Class I Wildlife Breeder Permit to reflect a more current cost adjustment based on changes in the Consumer Price Index.

(1) To exercise the privileges of a Class I wildlife breeder. Fee: ~~[fifty dollars (\$50)]~~ **fifty-four dollars (\$54)**.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-10.750. Original rule filed Aug. 18, 1970, effective Dec. 31, 1970. For intervening history, please consult the **Code of State Regulations**. Amended: Filed May 25, 2023.*

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

PRIVATE COST: This proposed amendment will cost private entities an estimated eight hundred and ninety-two dollars (\$892) annually.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

FISCAL NOTE
PRIVATE ENTITY COST

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife: Privileges, Permits, Standards

Rule Number and Name:	3 CSR 10-9.350 Class I Wildlife Breeder Permit
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 223 individuals	Individuals purchasing a Class I Wildlife Breeder Permit	\$892 annual aggregate

III. WORKSHEET

223 (Individuals purchasing a Class I Wildlife Breeder Permit) X \$4.00 (permit price increase) = \$892

IV. ASSUMPTIONS

For the commercial permit year 2022, we estimate 223 individuals purchased a Class I Wildlife Breeder Permit.

The commission based its proposed permit-price increases on information from the Federal Bureau of Labor Statistics' Consumer Price Index (CPI) related to cost-of-living increases from 2008 to 2022. CPI is a commonly used measurement of the average changes over time in prices paid by consumers for consumer goods and services. The commission is recommending a gradual price increase over 10 years at a CPI of 75% for resident permits and 100% for non-resident and commercial permits.

TITLE 3 – DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 9 – Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards
PROPOSED AMENDMENT

3 CSR 10-9.351 Class II Wildlife Breeder Permit. The commission proposes to amend section (1) of this rule.

PURPOSE: This amendment increases the fee for a Class I Wildlife Breeder Permit to reflect a more current cost adjustment based on changes in the Consumer Price Index.

(1) To exercise the privileges of a Class II wildlife breeder, except these privileges may only be exercised for black bears and black bear-hybrids, mountain lions and mountain lion-hybrids, and wolves obtained under a valid Class II Wildlife Breeder Permit prior to August 30, 2021. Fee: *[two hundred fifty dollars (\$250)] two hundred sixty-nine dollars (\$269)*.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 9, 1993, effective Jan. 31, 1994 For intervening history, please consult the *Code of State Regulations*. Amended: Filed May 25, 2023.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

TITLE 3 – DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 9 – Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards

PROPOSED AMENDMENT

3 CSR 10-9.352 Class III Wildlife Breeder Permit. The commission proposes to amend section (1) of this rule.

PURPOSE: This amendment increases the fee for a Class III Wildlife Breeder Permit to reflect a more current cost adjustment based on changes in the Consumer Price Index.

(1) To exercise the privileges of a Class III wildlife breeder. Fee: *[fifty dollars (\$50)] fifty-four dollars (\$54)*.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Jan. 22, 2021, effective Aug. 30, 2021. Amended: Filed May 25, 2023.

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 state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

TITLE 3 – DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 9 – Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards
PROPOSED AMENDMENT

3 CSR 10-9.370 Wildlife Exhibitor Permit. The commission proposes to amend section (2) of this rule.

PURPOSE: This amendment increases the fee for a Wildlife Exhibitor Permit to reflect a more current cost adjustment based on changes in the Consumer Price Index.

(2) Any person applying for a Wildlife Exhibitor Permit shall complete an application involving on-site inspections of the exhibit facilities prior to and following construction activities by a conservation agent to determine that all provisions of this rule and 3 CSR 10-9.371 are met before a permit is issued. Fee: *[one thousand dollars (\$1,000)] one thousand twenty-seven dollars (\$1,027)*.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. Original rule filed Jan. 22, 2021, effective Aug. 30, 2021. Amended: Filed May 25, 2023.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

TITLE 3 – DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 9 – Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards

PROPOSED AMENDMENT

3 CSR 10-9.420 Wildlife Hobby Permit. The commission proposes to amend sections (1) and (2) of this rule.

PURPOSE: This amendment corrects a typographical error and increases the fee for a Wildlife Hobby Permit to reflect a more current cost adjustment based on changes in the Consumer Price Index.

(1) A wildlife hobby permit authorizes the holder to purchase, possess and propagate not more than fifty (50) ring-necked pheasants and bobwhite quail, in the aggregate, for personal use only and not for sale; and to hold in captivity not more than one (1) game mammal purchased from a Missouri wildlife breeder permit holder, except that Class II wildlife, hoofed mammals and skunks may not be held under this permit. Game mammals may be held in captivity but may not be propagated or sold. This permit shall be obtained prior to receipt of wildlife. The permittee must furnish proof that game mammals and birds were legally obtained. Wildlife must be confined in humane and sanitary facilities that meet standards specified in 3 CSR 10-9.220. Wildlife may be disposed of only in accordance with instructions of an agent of the department but may not be released, sold, or given away. The permittee is subject to all provisions of section 578.023, RSMo.

(2) Banded birds possessed under this permit may be temporarily released and recaptured when training dogs. Any device used to recapture birds in accordance with this provision must be labeled with the user's full name, address, and wildlife hobby permit number and be attended daily. Fee: *[ten dollars (\$10)] eleven dollars (\$11)*.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-9.620. Original rule filed Aug. 27, 1975, effective Dec. 31, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed May 25, 2023.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

TITLE 3 – DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 9 – Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards

PROPOSED AMENDMENT

3 CSR 10-9.425 Wildlife Collector's Permit. The commission proposes to amend subsections (1)(A)–(B) of this rule.

PURPOSE: This amendment increases the fee for a Wildlife Collector's Permit to reflect a more current cost adjustment based on changes in the Consumer Price Index.

(1) A permit to collect, possess, mount, or preserve wildlife for scientific related purposes.

(A) Wildlife *[C]*collector's *[P]*permit for *[S]*scientific *[P]* purposes. *[W]*wildlife collector's permits may be granted to an authorized representative of a university, college, school, incorporated city, state or federal agency, publicly-owned zoo, or wildlife or research organization or other qualified individual; provided, that the collection shall be used exclusively for scientific, educational or museum purposes. Fee: *[five dollars (\$5)] six dollars (\$6)*.

(B) Wildlife *[C]*collector's *[P]*permit for *[S]*special *[C]* collections of Wildlife. Wildlife collector's permits may be issued to professionally qualified individuals who charge a fee for biological studies for specific projects where the potential results are of sufficient public value and interest to justify special collection of wildlife. Fee: *[fifty dollars (\$50)] fifty-five dollars (\$55)*.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.[240]040, RSMo [2000] 2016. This rule previously filed as 3 CSR 10-9.605. Original rule filed Aug. 16, 1973, effective Dec. 31, 1973. For intervening history, please consult the Code of State Regulations. Amended: Filed May 25, 2023.

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

PRIVATE COST: This proposed amendment will cost private entities an estimated five hundred forty-five dollars (\$545) annually.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 9—Wildlife Code: Confined Wildlife: Privileges, Permits, Standards**

Rule Number and Name:	3 CSR 10-9.425 Wildlife Collector's Permit
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 289 individuals	Individuals purchasing a Wildlife Collector's Permit	\$545 annual aggregate

III. WORKSHEET

[225 (Individuals purchasing a Wildlife Collector's Permit for Scientific Purposes) X \$1.00 (permit price increase)] + [64 (Individuals purchasing a Wildlife Collector's Permit for Special Collections of Wildlife) X \$5.00 (permit price increase)] = \$545

IV. ASSUMPTIONS

For the commercial permit year 2022, we estimate 225 individuals purchased a Wildlife Collector's Permit for Scientific Purposes and 64 individuals purchased a Wildlife Collector's Permit for Special Collections of Wildlife.

The commission based its proposed permit-price increases on information from the Federal Bureau of Labor Statistics' Consumer Price Index (CPI) related to cost-of-living increases from 2008 to 2022. CPI is a commonly used measurement of the average changes over time in prices paid by consumers for consumer goods and services. The commission is recommending a gradual price increase over 10 years at a CPI of 75% for resident permits and 100% for non-resident and commercial permits.

**TITLE 3 – DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 9 – Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards**

PROPOSED AMENDMENT

3 CSR 10-9.440 Resident Falconry Permit. The commission proposes to amend this rule.

PURPOSE: This amendment increases the fee for a Resident Falconry Permit to reflect a more current cost adjustment based on changes in the Consumer Price Index.

To take, possess alive, care for, and train birds of prey (raptors) and to use birds of prey to take other wildlife in accordance with 3 CSR 10-9.442 and federal falconry regulations. Fee: [one hundred dollars (\$100)] **one hundred and eight dollars (\$108)**. This permit shall remain valid for three (3) years.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. This rule previously filed as 3 CSR 10-5.295. Original rule filed Aug. 15, 1973, effective Dec. 31, 1973. For intervening history, please consult the Code of State Regulations. Amended: Filed May 25, 2023.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**TITLE 3 – DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 9 – Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards**

PROPOSED AMENDMENT

3 CSR 10-9.560 Licensed Hunting Preserve Permit. The commission proposes to amend subsections (2)(A) and (2)(B) of this rule.

PURPOSE: This amendment increases the fee for a Licensed Hunting Preserve Permit to reflect a more current cost adjustment based on changes in the Consumer Price Index.

(2) Any person applying to establish a licensed hunting preserve shall complete an application involving on-site inspections of the area prior to and following construction activities by an agent of the department to determine that all provisions of this rule and 3 CSR 10-9.565 are met before a permit is issued. The Licensed Hunting Preserve Permit holder

may designate an authorized representative on the permit to act on the permit holder's behalf, but the Licensed Hunting Preserve Permit holder shall be responsible for compliance with the permit requirements. If the authorized representative changes, the licensed hunting preserve permit holder shall provide updated information to the department. Fees:]–

(A) Game Bird Hunting Preserve [~~\$100~~] **one hundred thirty-two dollars (\$132)** valid for one (1) year; and

(B) Big Game Hunting Preserve [~~\$250~~] **two hundred sixty dollars (\$260)** valid for one (1) year.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. This rule previously filed as 3 CSR 10-10.760. This version of rule filed Jan. 19, 1972, effective Feb. 1, 1972. For intervening history, please consult the Code of State Regulations. Amended: Filed May 25, 2023.

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

PRIVATE COST: This proposed amendment will cost private entities an estimated five thousand fifty-two dollars (\$5,052) annually.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

FISCAL NOTE

PRIVATE ENTITY COST

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 9— Wildlife Code: Confined Wildlife: Privileges, Permits, Standards**

Rule Number and Name:	3 CSR 10-9.560 Licensed Hunting Preserve Permit.
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 184 individuals	Individuals purchasing a Licensed Hunting Preserve Permit	\$5,052 annual aggregate

III. WORKSHEET

[146 (Individuals purchasing a Licensed Hunting Preserve Permit for the purpose of game birds) X \$32.00 (permit price increase)] + [38 (Individuals purchasing a Licensed Hunting Preserve Permit for the purpose of big game) X \$10.00 (permit price increase)] =

$[\$4,672] + [\$380] = \$5,052$

IV. ASSUMPTIONS

For the commercial permit year 2022, we estimate 146 individuals purchased a Licensed Hunting Preserve Permit for the purpose of game birds. For calendar year 2022, we estimate 38 individuals purchased a Licensed Hunting Preserve Permit for the purpose of big game.

The commission based its proposed permit-price increases on information from the Federal Bureau of Labor Statistics' Consumer Price Index (CPI) related to cost-of-living increases from 2008 to 2022. CPI is a commonly used measurement of the average changes over time in prices paid by consumers for consumer goods and services. The commission is recommending a gradual price increase over 10 years at a CPI of 75% for resident permits and 100% for non-resident and commercial permits.

TITLE 3 – DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 9 – Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards

PROPOSED AMENDMENT

3 CSR 10-9.565 Licensed Hunting Preserve: Privileges. The commission proposes to amend paragraphs (1)(A)6. and (1)(B)3. of this rule.

PURPOSE: This amendment clarifies the transportation sticker fee for individuals operating under a Licensed Hunting Preserve Permit. This amendment also increases the leg seals and transportation sticker fee for individuals operating under a Licensed Hunting Preserve Permit to reflect a more current cost adjustment based on changes in the Consumer Price Index.

(1) Licensed hunting preserves are subject to inspection by an agent of the department at any reasonable time. Animal health standards and movement activities shall comply with all state and federal regulations. Any person holding a licensed hunting preserve permit may release on his/her licensed hunting preserve only legally obtained and captive-reared: pheasants, exotic partridges, quail, mallard ducks, and ungulates (hoofed animals) specifically authorized by the Approved Confined Wildlife Species List in 3 CSR 10-9.105(7) for game bird hunting preserves and big game hunting preserves for hunting throughout the year, under the following conditions:

(A) Game Bird Hunting Preserve.

1. A game bird hunting preserve shall be a single body of land not less than one hundred sixty (160) acres and no more than six hundred forty (640) acres in size. Game bird hunting preserves may be dissected by public roads, and shall be posted with signs specified by the department.

2. Only legally obtained and captive-reared: pheasants, exotic partridges, quail, and mallard ducks may be used on game bird hunting preserves.

3. Permits for game bird hunting preserves will not be issued—

A. For areas within five (5) miles of any location where there is an ongoing department game bird release program or where the most recent release of department game birds has been made less than five (5) years prior to receipt of the application;

B. In any location where those activities are considered by the department as likely to further jeopardize any species currently designated by Missouri or federal regulations as threatened or endangered wildlife; and

C. For preserves using captive-reared mallard ducks, within five (5) miles of the following areas:

- (I) Brown (Bob) Conservation Area;
- (II) Clarence Cannon National Wildlife Refuge;
- (III) Columbia Bottom Conservation Area;
- (IV) Coon Island Conservation Area;
- (V) Duck Creek Conservation Area;
- (VI) Eagle Bluffs Conservation Area;
- (VII) Fountain Grove Conservation Area;
- (VIII) Four Rivers Conservation Area;
- (IX) Grand Pass Conservation Area;
- (X) Leach (B. K.) Memorial Conservation Area;
- (XI) Loess Bluffs National Wildlife Refuge;
- (XII) Marais Temps Clair Conservation Area;
- (XIII) Mingo National Wildlife Refuge;
- (XIV) Montrose Conservation Area;

- (XV) Nodaway Valley Conservation Area;
- (XVI) Otter Slough Conservation Area;
- (XVII) Schell-Osage Conservation Area;
- (XVIII) Settle's Ford Conservation Area;
- (XIX) Shanks (Ted) Conservation Area;
- (XX) Swan Lake National Wildlife Refuge; and
- (XXI) Ten Mile Pond Conservation Area;

4. Mallard ducks must be held in covered facilities that meet standards specified in 3 CSR 10-9.220, and may be possessed, released, and used on game bird hunting preserves only under the following conditions—

A. Mallard ducks may be taken, possessed, transported, and stored only as provided in this Code and federal regulations;

B. Mallard ducks must be physically marked prior to six (6) weeks of age by removal of the hind toe from the right foot, or by tattooing of a readily discernible number or letter or combination thereof on the web of one (1) foot;

C. Mallard ducks may be temporarily released for the sole purpose of flight training beginning one (1) hour after sunrise each day. Covered facilities must be designed to recapture such ducks, and a reasonable effort must be made to recapture them by one (1) hour after sunset each day;

D. Mallard ducks may be released and taken only from September 1 through February 15 by hunting methods from one (1) hour after sunrise to one (1) hour before sunset, and only non-toxic shot may be used. Covered facilities must be designed and managed to recapture any unharvested mallard ducks, and a reasonable effort must be made to recapture ducks by one (1) hour after sunset each day; and

E. Ducks which are not captive-reared may not be hunted on preserves using captive-reared mallard ducks, and all waterfowl except captive-reared mallard ducks must be flushed from the immediate hunting area prior to hunting activity.

5. Any person taking or hunting game birds on a licensed hunting preserve shall have in his/her possession a valid small game hunting permit or licensed hunting preserve hunting permit, except that persons fifteen (15) years of age or younger, when accompanied by a properly licensed adult hunter, and residents sixty-five (65) years of age and older, may hunt without permit. Licensed hunting preserve hunting permits may be issued to persons without requiring display of a hunter education certificate card for use on game bird hunting preserves; provided s/he is hunting in the immediate presence of a properly licensed adult hunter age eighteen (18) or older who has in his/her possession a valid hunter education certificate card or was born before January 1, 1967.

6. Game birds, other than captive-reared mallard ducks, may be taken in any number on a hunting preserve and may be possessed and transported from the preserve only when accompanied by a receipt listing the date, number, and species taken, and name of the hunting preserve; or when accompanied by an approved transportation sticker for each game bird taken. Transportation stickers must be purchased from the department by the hunting preserve permit holder, **for which the permittee shall pay thirteen dollars (\$13) per one hundred (100) stickers.**

7. Captive-reared mallard ducks may be taken in any number on a hunting preserve and may be possessed and transported from the preserve only when accompanied by a receipt listing the date, number and species taken, and the hunting preserve permit holder's name and address. In addition, the marked foot must remain attached to mallard ducks.

8. The hunting preserve permit holder may exercise

privileges provided in 3 CSR 10-9.353 for game birds held under this permit in propagation or holding facilities within or directly adjacent to the game bird hunting preserve. Propagation or holding facilities may be separated from the hunting preserve by a public road, but must be directly adjacent. Any such propagation or holding facilities shall meet standards specified in 3 CSR 10-9.220. Other propagation or holding facilities not contained within or directly adjacent to the hunting preserve are not covered under the privileges of this rule; *NOTE: (See rule 3 CSR 10-7.440, and for federal regulations on migratory waterfowl, see Title 50, Parts 20 and 21 of the Code of Federal Regulations.)*

(B) Big Game Hunting Preserve.

1. A big game hunting preserve for ungulates shall be a fenced single body of land, not dissected by public roads, and not less than three hundred twenty (320) acres and no more than three thousand two hundred (3,200) acres in size. The hunting preserve shall not be cross-fenced into portions of less than three hundred twenty (320) acres. The hunting preserve shall be fenced so as to enclose and contain all released game and exclude all hoofed wildlife of the state from becoming a part of the enterprise and posted with signs specified by the department. Fence requirements shall meet standards specified in 3 CSR 10-9.220. Fencing for hogs shall be constructed of twelve (12) gauge woven wire, at least five feet (5') high, and topped with one (1) strand of electrified wire. An additional two feet (2') of such fencing shall be buried and angled underground toward the enclosure interior. A fence of equivalent or greater strength and design to prevent the escape of hogs may be substituted with written application and approval by an agent of the department.

2. Breeding enclosure(s) contained within or directly adjacent to the big game hunting preserve must obtain a separate Class III Wildlife Breeder Permit for those species (including their hybrids) listed on the Approved Confined Wildlife Species List in 3 CSR 10-9.105 for Class III wildlife breeders. Any animal entering a big game hunting facility may not reenter a breeding facility. All cervids entering a big game hunting preserve must maintain one (1) of the identification requirements contained in 3 CSR 10-9.354(6)(A). Any natural additions must meet one (1) of these identification requirements upon harvest or death for record-keeping purposes. For the purposes of the identification requirement of this paragraph, an animal has entered a big game hunting preserve when it has physically entered the preserve or when the animal has been identified on the Movement Certificate required by this rule, and the big game hunting preserve permittee has used the department-provided database to transfer the animal into their inventory on the same day as movement to the preserve.

3. Any person taking or hunting ungulates on a big game hunting preserve shall have in his/her possession a valid licensed hunting preserve hunting permit. The permittee shall attach to the leg of each ungulate taken on the hunting preserve a locking leg seal furnished by the department, for which the permittee shall pay *[ten dollars (\$10)] eleven dollars (\$11)* per one hundred (100) seals. Any packaged or processed meat shall be labeled with the licensed hunting preserve permit number.

4. The holder of a Big Game Hunting Preserve Permit may only receive animals and conduct hunts if they maintain hunt-qualified status. Big Game Hunting Preserve Permit holders will attain and maintain hunt-qualified status if they maintain inventory records (including identification requirements) as required in this chapter, submit Chronic Wasting Disease samples as required in this chapter, and

maintain all fences as required in this chapter. A Big Game Hunting Preserve Permit holder will lose hunt-qualified status if, after issuance of a notice of discrepancy by the department indicating violations of any of the requirements of this paragraph, the permit holder fails to correct the deficiency within thirty (30) days, or longer if approved by a conservation agent pursuant to a corrective action plan. Hunt-qualified status will be reinstated when the permit holder receives notice from the department that the discrepancy has been corrected. Receiving animals or conducting hunts in violation of this paragraph or maintaining non-hunt-qualified status for ninety (90) consecutive days or more shall be sufficient cause for permit suspension or revocation.

5. The holder of a Big Game Hunting Preserve Permit must test mortalities of male cervids over twelve (12) months of age for Chronic Wasting Disease (CWD), a transmissible spongiform encephalopathy as provided in this rule. Samples must be collected by an accredited veterinarian or department-certified collector. Samples must be submitted to a diagnostic laboratory approved by the United States Department of Agriculture (USDA) for CWD testing within thirty (30) days of death. The department reserves the right to require additional sampling and testing during disease investigations or morbidity/ mortality events. Animal health standards and movement activities shall comply with all state and federal regulations.

6. For purposes of this section, eligible mortalities mean mortalities of all male cervids at least 12 months of age occurring between April 1 of the previous permit year and March 31 of the current permit year. Any new permit holder or permit holder as of July 1, 2021, that failed to test one hundred percent (100%) of all mortalities during the previous permit year shall have Tier 1 status, and shall test one hundred percent (100%) of eligible mortalities. Any permit holder as of July 1, 2021, who can demonstrate they tested one hundred percent (100%) of all mortalities during the previous permit year or any Tier 1 permit holder that submits the required valid samples of eligible mortalities during the previous year shall have Tier 2 status, and shall test fifty percent (50%) of eligible mortalities.

7. At least eighty percent (80%) of required tests as described in the previous paragraph must produce valid sample results by the diagnostic laboratory. To be considered a sample that produced a valid test result, the sample must have been suitable, testable, and not rejected by the diagnostic laboratory for any other reason. If less than eighty percent (80%) of samples are valid, then the permit holder must provide sufficient samples to achieve the eighty percent (80%) requirement. Replacement samples may consist of either post-mortem samples at a 1:1 ratio, or ante-mortem samples at a 3:1 ratio from other animal(s) of similar age and time in the facility. For purposes of this rule, an ante-mortem CWD test is not valid unless it is performed by an accredited veterinarian on retropharyngeal lymph node, rectal mucosa, or tonsillar tissue with at least six lymphoid follicles submitted within thirty (30) days of collection on an animal that is at least eighteen (18) months of age and has not been source of ante-mortem testing within the prior twenty-four (24) months.

8. Samples in which the infectious CWD prion is detected will be considered CWD-suspect pending confirmation at the USDA National Veterinary Services Laboratory. Any facility with a CWD-suspect or confirmed positive sample will immediately be quarantined by the state wildlife veterinarian, and no movement certificates allowing movement into the facility will be issued except as authorized by the state wildlife veterinarian in accordance with an approved herd disease response plan. Additionally, any facility that is or has been

in possession of a deer that was in a CWD-suspect or CWD-confirmed positive facility shall be quarantined, and no movement certificates allowing movement into the facility will be issued until it is determined that the facility is not epidemiologically linked to the CWD suspect or confirmed positive deer or is determined upon further testing that the suspect deer is not a confirmed positive.

9. Big game hunting preserve permittees shall report escaped animals and entry of any free-ranging cervids into the facility immediately to a conservation agent.

10. The holder of a Big Game Hunting Preserve Permit must ensure that all CWD test results required by this section are submitted to the state wildlife veterinarian by the USDA approved diagnostic laboratory within seven (7) days of completion of testing. In the event of confirmed positive results from a Chronic Wasting Disease test, the permit holder shall comply with a herd disease response plan approved by the department. The plan may include, but not be limited to, quarantine requirements, testing and depopulation, premises cleaning and disinfection, additional fencing requirements, and restocking guidelines. Failure to comply with an approved herd disease response plan may result in the suspension or revocation of permit privileges.

11. All Class III cervids listed on the Approved Confined Species List in 3 CSR 10-9.105 for Class III wildlife breeders acquired by a holder of a Big Game Hunting Preserve Permit must be individually identified on a Movement Certificate issued by the department. A Movement Certificate must be completed by the breeder and list the official identification, age, gender, species, complete address of both the origin and destination, and the complete name, address, and permit number of all parties to the transaction. The original form must accompany the shipment and a copy shall be maintained for at least five (5) years by the permit holders, unless otherwise documented in a department-provided database. All other cervids and ungulates acquired by a holder of a Big Game Hunting Preserve Permit must be individually identified on a Breeder's Movement Certificate issued by the Missouri Department of Agriculture. A Breeder's Movement Certificate must be completed by the breeder and contain complete and accurate information including the official identification, age, gender, species, complete address of birth, origin, and destination, and complete address and name of buyer and seller. The Breeder's Movement Certificate must accompany the shipment and a copy maintained for at least five (5) years by the permit holder. The source of all Class III cervids listed on the Approved Confined Wildlife Species List in 3 CSR 10-9.105 for Class III wildlife breeders must be a Class III breeder facility. The source of all other cervids must be a herd that is enrolled in a United States Department of Agriculture approved Chronic Wasting Disease herd certification program.

12. New permits for big game hunting preserves will not be issued for a period of five (5) years within twenty-five (25) miles of a location where Chronic Wasting Disease-positive animal(s) have been confirmed by the department except as follows:

A. New permits may be issued during this time period for the existing location of a big game hunting preserve with a valid permit; and

B. New permits may be issued during this time period for a big game hunting preserve located more than ten (10) miles and less than twenty-five (25) miles from a location where Chronic Wasting Disease-positive animal(s) have been confirmed by the department, provided –

(I) The perimeter of the preserve is enclosed by a double fence having a minimum distance of ten feet (10') between the

interior and exterior fences;

(II) The interior and exterior fences are constructed and maintained in accordance with 3 CSR 10-9.220;

(III) For preserves subject to double fencing requirements as a condition of their permit, all applicable measurements for determining compliance with the minimum acreage requirements of this rule will be based on the interior fence; and

(IV) No animal may be confined, pursued, or taken in the area between the interior and exterior fences on preserves subject to double fencing requirements as a condition of their permit.

13. Live cervids imported into the state shall not be held in a licensed big game hunting preserve. Only cervids born inside the state of Missouri may be propagated, held in captivity, and hunted on big game hunting preserves. Prior to accepting any cervid, the big game hunting preserve must obtain evidence that the cervid was born inside the state of Missouri, such as relevant portions of the breeder's herd certification inventory and movement certificates. The big game hunting preserve shall maintain such documentation for five (5) years and provide to the department upon request.

14. Within thirty (30) days from the revocation or expiration of a licensed Big Game Hunting Preserve Permit for any reason and prior to the removal of any fencing, the permit holder must remove all animals from the premises either by depopulation with approval by a conservation agent, or transfer to a licensed big game hunting preserve with approval by the state wildlife veterinarian. Facilities with a CWD positive within the past five (5) years must depopulate upon revocation or expiration of their permit.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const., and section 252.040, RSMo 2016. This rule previously filed as 3 CSR 10-10.765. Original rule filed Jan. 19, 1972, effective Feb. 1, 1972. For intervening history, please consult the Code of State Regulations. Amended: Filed May 25, 2023.

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

PRIVATE COST: This proposed amendment will cost private entities an estimated nine hundred and fifty-one dollars (\$951) annually.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**TITLE 3 – DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 9 – Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards**

PROPOSED AMENDMENT

3 CSR 10-9.570 Hound Running Area Operator and Dealer Permit. The commission proposes to amend this rule.

PURPOSE: This amendment increases the fee for a Hound Running Area Operator Permit to reflect a more current cost adjustment based on changes in the Consumer Price Index.

To maintain and operate a hound running area and to purchase, transport, propagate, hold in captivity, and sell to or release legally acquired foxes and coyotes into a permitted hound running area. Fee: ~~[fifty dollars (\$50.00)]~~ **fifty-four dollars (\$54.00)**.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Sept. 29, 1994, effective July 1, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed May 25, 2023.

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.*

TITLE 3 – DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 9 – Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards

PROPOSED AMENDMENT

3 CSR 10-9.575 Hound Running Area: Privileges, Requirements. The commission proposes to amend section (3) of this rule.

PURPOSE: This amendment increases the fee for ear tags for individuals operating under a Hound Running Area Operator and Dealer Permit to reflect a more current cost adjustment based on changes in the Consumer Price Index.

(3) The holder of a Hound Running Area Operator and Dealer Permit may obtain live foxes and coyotes from a holder of a valid Resident Commercial Live Coyote and Fox Trapping Permit as prescribed in 3 CSR 10-10.788 and 3 CSR 10-10.789. Ear tags attached to foxes and coyotes in accordance with 3 CSR 10-10.789 shall remain on each fox or coyote obtained from a Resident Commercial Live Coyote and Fox Trapping Permit holder. Permittees may also purchase foxes and coyotes from a holder of a Class I Wildlife Breeder Permit or a holder of a Hound Running Area Operator and Dealer Permit. Foxes and coyotes may be held in temporary confinement facilities on the hound running area or another location specified on the permit. These foxes and coyotes may only be released into a permitted hound running area and must be individually marked with ear tags provided by the department for which the permittee shall pay ~~[fifty cents (50¢)]~~ **sixty cents (60¢)** per tag. These animals may not be given away, released to the wild, or exported, except with written authorization of the

director.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Sept. 29, 1994, effective July 1, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed May 25, 2023.

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.*

TITLE 3 – DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 9 – Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards

PROPOSED AMENDMENT

3 CSR 10-9.625 Field Trial Permit. The commission proposes to amend section (1) of this rule.

PURPOSE: This amendment increases the fee for a Field Trial Permit to reflect a more current cost adjustment based on changes in the Consumer Price Index.

(1) To conduct a field trial on lands other than those owned or leased by the department, application for a permit must be made to the department by a resident, and postmarked not less than ten (10) days prior to the trial. The application shall specify location of trial headquarters in Missouri, area where the trial will be held, type of wildlife to be chased or pursued, approximate number of hunters, approximate number of dogs, and starting and closing dates. A single trial permit shall not cover a period of more than ten (10) consecutive days. Fee: ~~[twenty dollars (\$20)]~~ **twenty-two dollars (\$22)**.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. Original rule filed Aug. 27, 1975, effective Dec. 31, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed May 25, 2023.

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

PRIVATE COST: This proposed amendment will cost private entities an estimated five hundred and seventy-two dollars (\$572) annually.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via

*the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 9—Wildlife Code: Confined Wildlife: Privileges, Permits,
Standards**

Rule Number and Name:	3 CSR 10-9.625 Field Trial Permit
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 286 individuals	Individuals purchasing a Field Trial Permit	\$572 annual aggregate

III. WORKSHEET

286 (individuals purchasing a Field Trial Permit) X \$2.00 (permit price increase) = \$572

IV. ASSUMPTIONS

For the commercial permit year 2022, we estimate 286 individuals purchased a Field Trial Permit.

The commission based its proposed permit-price increases on information from the Federal Bureau of Labor Statistics' Consumer Price Index (CPI) related to cost-of-living increases from 2008 to 2022. CPI is a commonly used measurement of the average changes over time in prices paid by consumers for consumer goods and services. The commission is recommending a gradual price increase over 10 years at a CPI of 75% for resident permits and 100% for non-resident and commercial permits.

**TITLE 3 – DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 9 – Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards**

PROPOSED AMENDMENT

3 CSR 10-9.627 Dog Training Area Permit. The commission proposes to amend this rule.

PURPOSE: This amendment increases the fee for a Dog Training Area Permit to reflect a more current cost adjustment based on changes in the Consumer Price Index.

To operate a dog training area, and to purchase, hold, release, and shoot on the training area only legally obtained and captive-reared: pheasants, exotic partridges, quail, and mallard ducks. Fee: *[twenty dollars (\$20)]* **twenty-two dollars.**

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 31, 1965, effective Dec. 31, 1965. For intervening history, please consult the **Code of State Regulations**. Amended: Filed May 25, 2023.*

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

PRIVATE COST: This proposed amendment will cost private entities an estimated six hundred forty-four dollars (\$644) annually.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 9—Wildlife Code: Confined Wildlife: Privileges, Permits, Standards**

Rule Number and Name:	3 CSR 10-9.627 Dog Training Area Permit
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 322 individuals	Individuals purchasing a Dog Training Area Permit	\$644 annual aggregate

III. WORKSHEET

322 (individuals purchasing a Dog Training Area Permit) X \$2.00 (permit price increase) = \$644

IV. ASSUMPTIONS

For the commercial permit year 2022, we estimate 322 individuals purchased a Dog Training Area Permit.

The commission based its proposed permit-price increases on information from the Federal Bureau of Labor Statistics' Consumer Price Index (CPI) related to cost-of-living increases from 2008 to 2022. CPI is a commonly used measurement of the average changes over time in prices paid by consumers for consumer goods and services. The commission is recommending a gradual price increase over 10 years at a CPI of 75% for resident permits and 100% for non-resident and commercial permits.

TITLE 3 – DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 9 – Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards

PROPOSED AMENDMENT

3 CSR 10-9.640 Licensed Trout Fishing Area Permit. The commission proposes to amend this rule.

PURPOSE: This amendment increases the fee for a Licensed Trout Fishing Area Permit to reflect a more current cost adjustment based on changes in the Consumer Price Index.

To maintain and operate a licensed trout fishing area, and to stock legally acquired trout. Fee: *[one hundred dollars (\$100)]* **one hundred and eight dollars (\$108).**

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed April 24, 2000, effective July 1, 2001. Amended: Filed May 25, 2023.

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 state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

May 25, 2023.

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

PRIVATE COST: This proposed amendment will cost private entities an estimated nine hundred ninety-two dollars (\$992) annually.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

TITLE 3 – DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 10 – Wildlife Code: Commercial Permits:
Seasons, Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-10.707 Resident Fur Dealer's Permit. The commission proposes to amend this rule.

PURPOSE: This amendment increases the fee for a Resident Fur Dealer's Permit to reflect a more current cost adjustment based on changes in the Consumer Price Index.

To buy, sell, possess, process, transport, and ship the pelts and carcasses of furbearers and the pelts of bears legally harvested outside of Missouri from July 1 through June 30. Permits issued to a firm, organization or partnership for individual or itinerant use shall include the names of no more than four (4) resident users. Fee: *[one hundred dollars (\$100)]* **one hundred and thirty-two dollars (\$132).**

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 16, 1973, effective Dec. 31, 1973. For intervening history, please consult the *Code of State Regulations*. Amended: Filed

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits: Seasons, Methods, Limits**

Rule Number and Name:	3 CSR 10-10.707 Resident Fur Dealer's Permit
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 31 individuals	Individuals purchasing a Resident Fur Dealer's Permit	\$992 annual aggregate

III. WORKSHEET

31 (Individuals purchasing a Resident Fur Dealer's Permit) X \$32.00 (permit price increase)= \$992.

IV. ASSUMPTIONS

For the commercial permit year 2022, we estimate 31 individuals purchased a Resident Fur Dealer's Permit.

The commission based its proposed permit-price increases on information from the Federal Bureau of Labor Statistics' Consumer Price Index (CPI) related to cost-of-living increases from 2008 to 2022. CPI is a commonly used measurement of the average changes over time in prices paid by consumers for consumer goods and services. The commission is recommending a gradual price increase over 10 years at a CPI of 75% for resident permits and 100% for non-resident and commercial permits.

TITLE 3 – DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 10 – Wildlife Code: Commercial Permits:
Seasons, Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-10.708 Nonresident Fur Dealer’s Permit. The commission proposes to amend this rule.

PURPOSE: This amendment increases the fee for a Nonresident Fur Dealer’s Permit to reflect a more current cost adjustment based on changes in the Consumer Price Index.

To buy, sell, possess, process, transport, and ship the pelts and carcasses of furbearers and the pelts of bears legally harvested outside of Missouri from July 1 through June 30. Nonresident fur dealers shall conduct business only at the locations in Missouri specified on the permit, with resident fur dealers at their business location and at established fur auction sites. Fee: ~~[three hundred dollars (\$300)]~~ **three hundred and ninety-five dollars (\$395).**

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed March 6, 2006, effective Aug. 30, 2006. Amended: Filed Sept. 4, 2020, effective Feb. 28, 2021. Amended: Filed May 25, 2023.

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

PRIVATE COST: This proposed amendment will cost private entities an estimated seven hundred sixty dollars (\$760) annually.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department’s website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits: Seasons, Methods, Limits**

Rule Number and Name:	3 CSR 10-10.708 Nonresident Fur Dealer's Permit
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 8 individuals	Individuals purchasing a Nonresident Fur Dealer's Permit	\$760 annual aggregate

III. WORKSHEET

8 (Individuals purchasing a Nonresident Fur Dealer's Permit) X \$95.00 (permit price increase)= \$760

IV. ASSUMPTIONS

For the commercial permit year 2022, we estimate 8 individuals purchased a Nonresident Fur Dealer's Permit.

The commission based its proposed permit-price increases on information from the Federal Bureau of Labor Statistics' Consumer Price Index (CPI) related to cost-of-living increases from 2008 to 2022. CPI is a commonly used measurement of the average changes over time in prices paid by consumers for consumer goods and services. The commission is recommending a gradual price increase over 10 years at a CPI of 75% for resident permits and 100% for non-resident and commercial permits.

TITLE 3 – DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 10 – Wildlife Code: Commercial Permits:
Seasons, Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-10.720 Commercial Fishing Permit. The commission proposes to amend this rule.

PURPOSE: This amendment increases the fee for a Commercial Fishing Permit to reflect a more current cost adjustment based on changes in the Consumer Price Index.

(1) To take and possess commercial fish from commercial waters and to sell such fish in accordance with 3 CSR 10-10.725.
Resident fee: [~~\$25~~]**(\$31)**
Nonresident fee: [~~\$200~~]**(\$246)**

(2) In addition to this permit, each commercial fishing permittee shall tag each net, seine, or group of fifty (50) hooks for juglines, trotlines, bank lines, limb lines, or throwlines at the following fees:

- (A) Each trammel net one hundred (100) yards or less [~~thirty dollars~~]: \$[~~30~~]**37**
- (B) Each gill net one hundred (100) yards or less [~~thirty dollars~~]: \$[~~30~~]**37**
- (C) Each seine one hundred (100) yards or less [~~thirty dollars~~]: \$[~~30~~]**37**
- (D) Each hoop net [~~five dollars~~]: \$[~~5~~]**6**
- (E) Each fifty (50) hooks or fraction thereof [~~five dollars~~]: \$[~~5~~]**6**

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 16, 1973, effective Dec. 31, 1973. For intervening history, please consult the Code of State Regulations. Amended: Filed May 25, 2023.

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

PRIVATE COST: This proposed amendment will cost private entities an estimated three thousand five hundred and forty-eight dollars (\$3,548) annually.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 10—Wildlife Code: Commercial Permits: Seasons, Methods, Limits**

Rule Number and Name:	3 CSR 10-10.720 Commercial Fishing Permit
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 160 individuals/businesses are purchasing commercial fishing permits. These permit holders are also purchasing approximately 1,504 equipment tags for fishing methods allowed under the commercial fishing permit.	Approximately 160 individuals/businesses that are purchasing commercial fishing permits.	\$1,240 for an estimated 160 permits and \$2,308 for an estimated 1,504 equipment tags purchased equaling a total of \$3,548 annually in the aggregate.

III. WORKSHEET

Permits

153 estimate of resident commercial fishing permits X \$6.00 permit price increase = \$918
 7 estimate of non-resident commercial fishing permits X \$46.00 permit price increase = \$322
 Total permit increase=\$1,240 for an estimated 160 permits purchased.

Equipment Tags

65 estimate of trammel net tags X \$7=\$455
 66 estimate of gill net tags X \$7=\$462
 3 estimate of seine tags X \$7=\$21
 960 estimate of hoop net tags X \$1= \$960
 410 estimate of hook tags x \$1= \$410
 Total equipment tag increase=\$2,308 for an estimated 1,504 equipment tags purchased.

IV. ASSUMPTIONS

For the commercial permit year 2022, the below table estimates the number of commercial fishing permits sold and the number of equipment tags issued for these permits.

The commission based its proposed permit-price increases on information from the Federal Bureau of Labor Statistics' Consumer Price Index (CPI) related to cost-of-living increases from 2008 to 2022. CPI is a commonly used measurement of the average changes over time in prices paid by consumers for consumer goods and services. The commission is recommending

a gradual price increase over 10 years at a CPI of 75% for resident permits and 100% for non-resident and commercial permits.

Estimated CY2022 commercial fishing permits and equipment tags

Permit/Equipment tag	Estimated number of permits sold and equipment tags issued	2024 proposed price increase	Potential impact cost
Permit-Resident Commercial Fishing	153	\$6.00	\$918.00
Permit-Non-Resident Commercial Fishing	7	\$46.00	\$322.00
Equipment Tag-Trammel Net (Resident)	65	\$7.00	\$455.00
Equipment Tag-Gill Net (Resident)	53	\$7.00	\$371.00
Equipment Tag-Seine (Resident)	0	\$7.00	\$0.00
Equipment Tag-Hoop Net (Resident)	881	\$1.00	\$881.00
Equipment Tag-Hooks Tag (Resident)	369	\$1.00	\$369.00
Equipment Tag-Trammel Net (Non-Resident)	0	\$7.00	\$0.00
Equipment Tag-Gill Net (Non-Resident)	13	\$7.00	\$91.00
Equipment Tag-Seine (Non-Resident)	3	\$7.00	\$21.00
Equipment Tag-Hoop Net (Non-Resident)	79	\$1.00	\$79.00
Equipment Tag-Hooks Tag (Non-Resident)	41	\$1.00	\$41.00
Total			\$3,548.00

TITLE 3 – DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 10 – Wildlife Code: Commercial Permits:
Seasons, Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-10.722 Resident Roe Fish Commercial Harvest Permit. The commission proposes to amend this rule.

PURPOSE: This amendment increases the fee for a Resident Roe Fish Commercial Harvest Permit to reflect a more current cost adjustment based on changes in the Consumer Price Index.

Required in addition to the Commercial Fishing Permit to take, possess, and sell bowfin, paddlefish, and shovelnose sturgeon and their eggs from the Mississippi River in accordance with 3 CSR 10-10.725. Fee: *[Five hundred dollars (\$500)]* **five hundred forty-two dollars (\$542).**

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. Original rule filed Dec. 30, 2003, effective July 1, 2004. For intervening history, please consult the *Code of State Regulations*. Amended: Filed May 25, 2023.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

TITLE 3 – DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 10 – Wildlife Code: Commercial Permits:
Seasons, Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-10.724 Nonresident Mississippi River Roe Fish Commercial Harvest Permit. The commission proposes to amend this rule.

PURPOSE: This amendment increases the fee for a Nonresident Mississippi River Roe Fish Commercial Harvest Permit to reflect a more current cost adjustment based on changes in the Consumer Price Index.

Required for nonresidents of Missouri in addition to the Commercial Fishing Permit to take, possess, and sell bowfin, paddlefish, and shovelnose sturgeon and their eggs from the Mississippi River in accordance with 3 CSR 10-10.725; except that any person properly licensed to harvest shovelnose sturgeon by the state of Illinois may fish within, and harvest shovelnose sturgeon from, the Missouri portion of the Mississippi River

adjacent to Illinois as permitted by this Code. Fee: *[three thousand five hundred dollars (\$3,500)]* **three thousand seven hundred and seventy-three dollars (\$3,773).**

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.[240]040, RSMo [2000] 2016. Original rule filed Sept. 14, 2005, effective Feb. 28, 2006. For intervening history, please consult the *Code of State Regulations*. Amended: Filed May 25, 2023.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

TITLE 3 – DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 10 – Wildlife Code: Commercial Permits:
Seasons, Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-10.728 Roe Fish Dealer Permit. The commission proposes to amend this rule.

PURPOSE: This amendment increases the fee for a Roe Fish Dealer Permit to reflect a more current cost adjustment based on changes in the Consumer Price Index.

To buy or possess for the purpose of selling, processing, transporting, or shipping legally-acquired bowfin, paddlefish, and shovelnose sturgeon or any parts of these species. While on waters of the state and adjacent banks, the head and tail must remain attached to all fish; bowfin and shovelnose sturgeon must remain whole and intact; and the ovaries of paddlefish must remain intact and accompany the fish from which they were removed. Commercial establishments that buy directly from a holder of a roe fish dealer permit and that sell directly to the general public are excluded from this permit requirement. Resident fee: *[Five hundred dollars (\$500)]* **five hundred thirty-nine dollars (\$539).** Nonresident fee: *[One thousand five hundred dollars (\$1,500)]* **one thousand nine hundred and seventy-three dollars (\$1,973).**

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Oct. 10, 2008, effective July 1, 2009. Amended: Filed May 25, 2023.

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**TITLE 3 – DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 10 – Wildlife Code: Commercial Permits:
Seasons, Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-10.732 Tag and Release Fishing Promotion Permit. The commission proposes to amend section (1) of this rule.

PURPOSE: This amendment increases the fee for a Tag and Release Fishing Promotion Permit to reflect a more current cost adjustment based on changes in the Consumer Price Index.

(1) To engage in tagging and releasing fish in association with a fishing promotion, contest, or other event. Fee: *[Two hundred fifty dollars (\$250)] two hundred fifty-seven dollars (\$257).*

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed March 24, 2003, effective Aug. 30, 2003. For intervening history, please consult the **Code of State Regulations**. Amended: Filed May 25, 2023.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**TITLE 3 – DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 10 – Wildlife Code: Commercial Permits:
Seasons, Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-10.744 Commercial Game Processing: Permit, Privileges, Requirements. The commission proposes to amend section (1) of this rule.

PURPOSE: This amendment increases the fee for a Commercial Game Processing Permit to reflect a more current cost adjustment based on changes in the Consumer Price Index.

(1) To commercially process and store legally acquired cervids and black bears taken from the wild stock of the state at the specific location indicated on the permit. Fee: *[twenty-five dollars (\$25)] twenty-seven dollars (\$27).*

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. Original rule filed April 28, 1992, effective Dec. 3, 1992. For intervening history, please consult the **Code of State Regulations**. Amended: Filed May 25, 2023.*

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

PRIVATE COST: This proposed amendment will cost private entities an estimated five hundred sixteen (\$516) annually.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

FISCAL NOTE

PRIVATE ENTITY COST

- I. **Department Title: Department of Conservation**
Division Title: Division 10 – Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits: Seasons, Methods, Limits

Rule Number and Name:	3 CSR 10-10.744 Commercial Game Processing: Permit, Privileges, Requirements
Type of Rulemaking:	Proposed Amendment

II. **SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 258 individuals	Individuals purchasing a Commercial Game Processing Permit	\$516 annual aggregate

III. **WORKSHEET**

258 (Individuals purchasing a Commercial Game Processing Permit) X \$2.00 (permit price increase)= \$516

IV. **ASSUMPTIONS**

For the commercial permit year 2022, we estimate 258 individuals purchased a Commercial Game Processing Permit.

The commission based its proposed permit-price increases on information from the Federal Bureau of Labor Statistics' Consumer Price Index (CPI) related to cost-of-living increases from 2008 to 2022. CPI is a commonly used measurement of the average changes over time in prices paid by consumers for consumer goods and services. The commission is recommending a gradual price increase over 10 years at a CPI of 75% for resident permits and 100% for non-resident and commercial permits.

TITLE 3 – DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 10 – Wildlife Code: Commercial Permits:
Seasons, Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-10.767 Taxidermy; Tanning: Permit, Privileges, Requirements. The commission proposes to amend section (1) of this rule.

PURPOSE: This amendment increases the fee for a Taxidermy and Tanning Permit to reflect a more current cost adjustment based on changes in the Consumer Price Index.

(1) To engage in the business of wildlife taxidermy or tanning at the specific location indicated on the permit. Fee: *[thirty dollars (\$30)]* **thirty-two dollars (\$32)**.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. Original rule filed Aug. 27, 1975, effective Dec. 31, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed May 25, 2023.

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

PRIVATE COST: This proposed amendment will cost private entities an estimated one thousand four hundred forty-four (\$1,444) annually.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. **Department Title: Department of Conservation**
Division Title: Division 10 – Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits: Seasons, Methods, Limits

Rule Number and Name:	3 CSR 10-10.767 Taxidermy; Tanning; Permit, Privileges, Requirements
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 722 individuals	Individuals purchasing a Taxidermy/Tanning Permit	\$1,444 annual aggregate

III. WORKSHEET

722 (Individuals purchasing a Taxidermy Tanning Permit) X \$2.00 (permit price increase)=
\$1,444

IV. ASSUMPTIONS

For the commercial permit year 2022, we estimate 722 individuals purchased a Taxidermy/Tanning Permit.

The commission based its proposed permit-price increases on information from the Federal Bureau of Labor Statistics' Consumer Price Index (CPI) related to cost-of-living increases from 2008 to 2022. CPI is a commonly used measurement of the average changes over time in prices paid by consumers for consumer goods and services. The commission is recommending a gradual price increase over 10 years at a CPI of 75% for resident permits and 100% for non-resident and commercial permits.

TITLE 3 – DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 10 – Wildlife Code: Commercial Permits:
Seasons, Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-10.788 Resident Commercial Live Coyote and Fox Trapping Permit. The commission proposes to amend this rule.

PURPOSE: This amendment increases the fee for a Resident Commercial Live Coyote and Fox Trapping Permit to reflect a more current cost adjustment based on changes in the Consumer Price Index.

Required in addition to a valid Resident Trapping Permit to take, possess, transport, and hold coyote, red fox, and gray fox alive in accordance with the provisions of 3 CSR 10-10.789, and to sell or give these furbearers to the holder of a valid Hound Running Area Operator and Dealer Permit in accordance with 3 CSR 10-9.575 and 3 CSR 10-10.789. Fee: *[Fifty dollars (\$50)] fifty-one dollars (\$51).*

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. Original rule filed March 2, 2020, effective Aug. 30, 2020. Amended: Filed May 25, 2023.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

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

PROPOSED AMENDMENT

3 CSR 10-12.150 Fishing, Trout Parks. The commission proposes to amend subsection (1)(B) of this rule.

PURPOSE: The proposed amendment establishes a daily limit of four (4) trout for trout park streams under management agreement with the department.

(1) On Maramec Spring Park, Bennett Spring State Park, Montauk State Park, and Roaring River State Park –

(B) Trout fishing is permitted from March 1 through October 31. The daily limit *[at Bennett Spring State Park, Montauk State Park, and Roaring River State Park]* is four (4) trout, and no person shall continue to fish for any species after having four

(4) trout in possession. *[The daily limit at Maramec Spring Park is five (5) trout, and no person shall continue to fish for any species after having five (5) trout in possession.]* Fishing in the designated trout waters is permitted only by holders of a signed valid area daily trout fishing tag, except that fishing is permitted by holders of either a valid signed daily tag or a valid trout permit from the first bridge below the old dam in Zone 3 at Roaring River State Park to the downstream park boundary.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.[240]040, RSMo 2016. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the *Code of State Regulations*. Amended: Filed May 19, 2023.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

TITLE 5 – DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 25 – Office of Childhood
Chapter 100 – Early Childhood Development

PROPOSED AMENDMENT

5 CSR 25-100.120 Individuals with Disabilities Education Act, Part C. The State Board of Education is amending section (2) and the material incorporated by reference.

PURPOSE: This amendment updates the material incorporated by reference.

(2) The Missouri state plan for the regulations implementing Part C of the Individuals with Disabilities Education Act (IDEA) First Steps Program contains the administrative provisions for the delivery of the state's federally assisted early intervention system. The Missouri State Plan for the IDEA, Part C, is hereby incorporated by reference and made a part of this rule. A copy of the State Plan for the IDEA, Part C (revised *[January 2023] May 2023*), is published by and can be obtained from the Department of Elementary and Secondary Education, Office of Childhood, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: sections 160.900–160.925, 161.092, and 376.1218, RSMo 2016. This rule previously filed as 5 CSR 70-742.141. Executive Order 94-22 of the Governor, *Individuals with Disabilities Education Act*, 20 U.S.C. Section 1431, et seq. Original rule filed Dec. 29, 1997, effective March 30, 1998. For intervening history, please consult the *Code of State Regulations*. Amended:

Filed May 17, 2023.

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 Sara Ruediger, Department of Elementary and Secondary Education, Office of Childhood, PO Box 480, Jefferson City, MO 65102-0480, by faxing (573) 526-8000, or via email at EarlyIntervention@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**TITLE 12 – DEPARTMENT OF REVENUE
Division 10 – Director of Revenue
Chapter 9 – Corporation Franchise Tax**

PROPOSED RESCISSION

12 CSR 10-9.140 General. This rule set out general information regarding the rules in this chapter.

PURPOSE: This rule is being rescinded because it is outdated with the removal of the Corporation Franchise Tax.

AUTHORITY: section 147.120.9, RSMo Supp. 1995. This rule previously filed as 15 CSR 30-150.110. Original rule filed Sept. 28, 1995, effective March 30, 1996. Changed to 12 CSR 10-9.140, effective Jan. 1, 2000. Rescinded: Filed May 17, 2023.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, Legislative Office, 301 W. High Street, Room 218, Jefferson City, MO 65109-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**TITLE 12 – DEPARTMENT OF REVENUE
Division 10 – Director of Revenue
Chapter 9 – Corporation Franchise Tax**

PROPOSED RESCISSION

12 CSR 10-9.150 Definitions. This rule set out definitions for use with the rules in this chapter

PURPOSE: This rule is being rescinded because it is outdated with the removal of the Corporation Franchise Tax.

AUTHORITY: section 147.120.9, RSMo Supp. 1995. This rule

previously filed as 15 CSR 30-150.120. Original rule filed Sept. 28, 1995, effective March 30, 1996. Changed to 12 CSR 10-9.150, effective Jan. 1, 2000. Rescinded: Filed May 17, 2023.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, Legislative Office, 301 W. High Street, Room 218, Jefferson City, MO 65109-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**TITLE 12 – DEPARTMENT OF REVENUE
Division 10 – Director of Revenue
Chapter 9 – Corporation Franchise Tax**

PROPOSED RESCISSION

12 CSR 10-9.160 Exceptions. This rule set out the policy of the Office of the Secretary of State regarding corporations excepted from the franchise tax under Chapter 147, RSMo.

PURPOSE: This rule is being rescinded because it is outdated with the removal of the Corporation Franchise Tax.

AUTHORITY: section 147.120.9, RSMo Supp. 1995. This rule previously filed as 15 CSR 30-150.130. Original rule filed Sept. 28, 1995, effective March 30, 1996. Changed to 12 CSR 10-9.160, effective Jan. 1, 2000. Rescinded: Filed May 17, 2023.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, Legislative Office, 301 W. High Street, Room 218, Jefferson City, MO 65109-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**TITLE 12 – DEPARTMENT OF REVENUE
Division 10 – Director of Revenue
Chapter 9 – Corporation Franchise Tax**

PROPOSED RESCISSION

12 CSR 10-9.170 Tax Year. This rule set out the policy of the Office of the Secretary of State regarding the tax year for franchise tax purposes.

PURPOSE: This rule is being rescinded because it is outdated with

the removal of the Corporation Franchise Tax.

AUTHORITY: section 147.120.9, RSMo Supp. 1997. This rule previously filed as 15 CSR 30-150.140. Original rule filed Sept. 18, 1995, effective March 30, 1996. Amended: Filed Oct. 21, 1998, effective April 30, 1999. Changed to 12 CSR 10-9.170, effective Jan. 1, 2000. Rescinded: Filed May 17, 2023.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, Legislative Office, 301 W. High Street, Room 218, Jefferson City, MO 65109-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**TITLE 12 – DEPARTMENT OF REVENUE
Division 10 – Director of Revenue
Chapter 9 – Corporation Franchise Tax**

PROPOSED RESCISSION

12 CSR 10-9.180 Payment. This rule set out the policy of the Office of the Secretary of State regarding payment of franchise tax.

PURPOSE: This rule is being rescinded because it is outdated with the removal of the Corporation Franchise Tax.

AUTHORITY: section 147.120.9, RSMo Supp. 1995. This rule previously filed as 15 CSR 30-150.150. Original rule filed Sept. 28, 1995, effective March 30, 1996. Changed to 12 CSR 10-9.180, effective Jan. 1, 2000. Rescinded: Filed May 22, 2023.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, Legislative Office, 301 W. High Street, Room 218, Jefferson City, MO 65109-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**TITLE 12 – DEPARTMENT OF REVENUE
Division 10 – Director of Revenue
Chapter 9 – Corporation Franchise Tax**

PROPOSED RESCISSION

12 CSR 10-9.200 Report, Contents, Date Due. This rule set out the policy of the Office of the Secretary of State regarding the franchise tax report.

PURPOSE: This rule is being rescinded because it is outdated with the removal of the Corporation Franchise Tax.

AUTHORITY: section 147.120.9, RSMo Supp. 1997. This rule previously filed as 15 CSR 30-150.170. Original rule filed Sept. 28, 1995, effective March 30, 1996. Amended Filed Oct. 21, 1998, effective April 30, 1999. Changed to 12 CSR 10-9.200, effective Jan. 1, 2000. Rescinded: Filed May 22, 2023.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, Legislative Office, 301 W. High Street, Room 218, Jefferson City, MO 65109-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**TITLE 12 – DEPARTMENT OF REVENUE
Division 10 – Director of Revenue
Chapter 9 – Corporation Franchise Tax**

PROPOSED RESCISSION

12 CSR 10-9.280 Limitations on Collection of Tax, Refunds. This rule set out the policy of the Office of the Secretary of State regarding limitations on collection of tax and refunds.

PURPOSE: This rule is being rescinded because it is outdated with the removal of the Corporation Franchise Tax.

AUTHORITY: section 147.120.9, RSMo Supp. 1995. This rule previously filed as 15 CSR 30-150.250. Original rule filed Sept. 28, 1995, effective March 30, 1996. Changed to 12 CSR 10-9.280, effective Jan. 1, 2000. Rescinded: Filed May 22, 2023.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, Legislative Office, 301 W. High Street, Room 218, Jefferson City, MO 65109-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

TITLE 12 – DEPARTMENT OF REVENUE
Division 10 – Director of Revenue
Chapter 9 – Corporation Franchise Tax

PROPOSED RESCISSION

12 CSR 10-9.290 Compliance with the Americans with Disabilities Act. This rule set out the policy of the Office of the Secretary of State regarding compliance with the Americans with Disabilities Act on the part of the franchise tax unit.

PURPOSE: This rule is being rescinded because it is outdated with the removal of the Corporation Franchise Tax.

AUTHORITY: section 147.120.9, RSMo Supp. 1995. This rule previously filed as 15 CSR 30-150.300. Original rule filed Sept. 28, 1995, effective March 30, 1996. Changed to 12 CSR 10-9.290, effective Jan. 1, 2000. Rescinded: Filed May 22, 2023.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, Legislative Office, 301 W. High Street, Room 218, Jefferson City, MO 65109-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

TITLE 12 – DEPARTMENT OF REVENUE
Division 10 – Director of Revenue
Chapter 10 – Financial Institutions

PROPOSED RESCISSION

12 CSR 10-10.100 Multiple Assessments of Banking Institutions for a Single Year. This rule clarified that the director of revenue may issue multiple assessments against a taxpayer for a given period on separate issues.

PURPOSE: This rule is being rescinded because it is outdated and sections 148.020 and 148.062, RSMo, have more clearly defined the topics, making this rule unnecessary.

AUTHORITY: section 148.100, RSMo 1986. Original rule filed Oct. 1, 1985, effective Dec. 26, 1985. Rescinded: Filed May 17, 2023.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, Legislative Office, 301 W. High Street, Room 218, Jefferson City, MO 65109-0475. To be

considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

TITLE 12 – DEPARTMENT OF REVENUE
Division 10 – Director of Revenue
Chapter 10 – Financial Institutions

PROPOSED RESCISSION

12 CSR 10-10.125 Income Period. This rule established the income period and taxable year upon which the bank franchise tax is based as set out in section 148.020, RSMo.

PURPOSE: This rule is being rescinded because it is outdated and sections 148.020 and 148.062, RSMo, have more clearly defined the topics, making this rule unnecessary.

AUTHORITY: section 148.100, RSMo 1986. Original rule filed March 2, 1987, effective Aug. 13, 1987. Rescinded: Filed May 17, 2023.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, Legislative Office, 301 W. High Street, Room 218, Jefferson City, MO 65109-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

TITLE 12 – DEPARTMENT OF REVENUE
Division 10 – Director of Revenue
Chapter 23 – Motor Vehicle

PROPOSED AMENDMENT

12 CSR 10-23.185 Obscene License Plates. The department is removing a form and updating the authority.

PURPOSE: The content of this rule is not being changed. The only changes are the removal of the Form **APPLICATION FOR REPLACEMENT OF VEHICLE IDENTIFICATION NUMBER PLATE** that was inadvertently attached to this rule that should have been removed when another rule was rescinded and the RSMo date is being updated.

AUTHORITY: section 301.144, RSMo [Supp. 1991] 2016. Original rule filed Jan. 6, 1986, effective April 11, 1986. Emergency amendment filed Jan. 2, 1992, effective Jan. 12, 1992, expired May 10, 1992. Amended: Filed Jan. 2, 1992, effective May 14, 1992. Amended: Filed May 30, 2023.

PUBLIC COST: The 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 Revenue, Legislative Office, 301 W. High Street, Room 218, Jefferson City, MO 65109-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

TITLE 13 – DEPARTMENT OF SOCIAL SERVICES
Division 35 – Children’s Division
Chapter 71 – Rules for Residential Treatment
Agencies for Children and Youth

PROPOSED AMENDMENT

13 CSR 35-71.015 Background Checks for Personnel of Residential Care Facilities and Child Placing Agencies. The division is amending subsections (4)(A)–(B) and (6)(H).

PURPOSE: This proposed amendment provides a process for Children’s Division to make preliminary and provisional eligibility determinations for applicants to commence employment at Licensed Residential Care Facilities (LRCFs), License-Exempt Residential Care Facilities (LERCFs), and Child Placing Agencies (CPAs) while the division completes the background check required by section 210.493, RSMo.

(4) Application of this Regulation. This regulation applies to CPAs, LRCFs, and LERCFs which are subject to the notification requirements of sections 210.1250 to 210.1286, RSMo.

(A) Phase-in Period. Every LRCF, LERCF, and Child Placing Agency operating on the date that section 210.493, RSMo, and this regulation became effective shall have until March 31, 2022, for all applicants to complete background checks. The division may extend this deadline for any individual LRCF, LERCF, and Child Placing Agency, due to unusual, compelling, and extenuating circumstances beyond the control of the LRCF, LERCF, or Child Placing Agency. The request for an extension shall be in writing and shall explain the reasons for the request for an extension. Any applicant who does not complete the background check process as specified in this regulation [by the deadline] shall be ineligible for employment [for service], service, or presence with an LRCF, LERCF, or Child Placing Agency [until the background check process has been successfully completed].

(B) [Any applicant who begins employment or service after the effective date of the phase-in period shall complete the background check process before beginning employment, or service with an LRCF, LERCF, or Child Placing Agency.] Any applicant who commences employment, service, or presence with a LRCF, LERCF, or Child Placing Agency after the effective date of the phase-in period shall complete the background check process as specified in this regulation in order to be eligible for employment, service, or presence with an LRCF, LERCF, or Child Placing Agency.

(6) Application Process.

[(H) Upon receipt of a complete application, and MOVECHS Waiver Agreement and Statement (SHP-981G), and consideration of the application, the division will notify the applicant

of eligibility or ineligibility based on the background check by mailing or emailing a notice to the applicant’s address of record, and send a copy to the LRCF, LERCF, or Child Placing Agency as indicated on the application.

1. The notice will indicate whether the applicant is eligible or ineligible for employment or presence at the LRCF, LERCF, or Child Placing Agency.

2. The notice will advise the applicant of the applicant’s right to request administrative review and appeal the decision and the process for requesting administrative review or appeal.

3. The notice will advise the applicant of the applicant’s responsibility to notify the division, LRCF, LERCF, or Child Placing Agency of any event which would impact the applicant’s eligibility as provided in section 210.493, RSMo, and this regulation.

4. The notice will advise the applicant that the finding of eligibility or ineligibility was based on a background check of records through the date of the notice and for the particular LRCF, LERCF, or Child Placing Agency for which the background check was requested.]

(H) Eligibility.

1. Preliminary Eligibility.

A. Upon receipt and review of a complete application, and MOVECHS Waiver Agreement and Statement, the division may grant the applicant preliminary eligibility to commence employment, service, or presence at a LRCF, LERCF, or CPA for a period of thirty (30) days.

B. Within this thirty- (30-) day period, the division shall provide the applicant with a notice of withdrawal, provisional eligibility, final eligibility, or ineligibility.

C. Applicants granted preliminary eligibility shall be ineligible for employment, presence or service after the thirty- (30-) day period unless they have received a notice of provisional or final eligibility.

D. Applicants granted preliminary eligibility shall not have access to children prior to receiving notice of provisional or final eligibility.

E. The division shall provide a notice of preliminary eligibility to the applicant and any LRCF, LERCF, or CPA designated by the applicant.

2. Provisional Eligibility.

A. Upon receipt and review of a complete application, and MOVECHS Waiver Agreement and Statement, the division may grant the applicant provisional eligibility to commence employment, service, or presence at a LRCF, LERCF, or CPA if the applicant has complied with all steps necessary for the division to obtain background check results, but:

(I) The division is still awaiting results from a state child abuse and neglect registry and database;

(II) The applicant is unable to timely register with the Family Care Safety Registry due to no fault of the applicant; or

(III) The division cannot timely complete the background check process for other reasons beyond the control of the applicant.

3. Final Eligibility.

A. Upon receipt and review of a complete application, and MOVECHS Waiver Agreement and Statement and the applicant’s complete background check results, the division will notify the applicant of eligibility or ineligibility.

B. The final eligibility notice will indicate whether the applicant is eligible or ineligible for employment, service, or presence at the LRCF, LERCF, or CPA.

C. The final eligibility notice will advise the applicant of the applicant’s right to request administrative review and appeal the decision and the process for request-

ing administrative review or appeal.

D. The final eligibility notice will advise the applicant of the applicant's responsibility to notify the division, LRCF, LERCF, or CPA of any event which would impact the applicant's eligibility as provided in this regulation.

AUTHORITY: sections 207.020 and 660.017, RSMo 2016, and sections 210.493 and 210.1286, RSMo Supp. [2021] 2022. Emergency rule filed Sept. 17, 2021, effective Oct. 1, 2021, expired March 29, 2022. Original rule filed Sept. 17, 2021, effective March 30, 2022. Emergency amendment filed May 30, 2023, effective June 13, 2023, expires Dec. 9, 2023. Amended: Filed May 30, 2023.

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 10 – Nursing Home Program**

PROPOSED RULE

13 CSR 70-10.020 Prospective Reimbursement Plan for Nursing Facility and HIV Nursing Facility Services

PURPOSE: This rule establishes a reimbursement plan for nursing facility and HIV nursing facility services required by the Code of Federal Regulations. The plan describes principles to be followed by Title XIX nursing facility and HIV nursing facility providers in preparing and submitting cost reports and sets forth the principles and methodology for determining the reimbursement for nursing facility and HIV nursing facility providers. This rule provides for a rebasing of nursing facility and HIV nursing facility per diem rates using on a more current cost report year and incorporates acuity and value based purchasing adjustments in determining the per diem rate.

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

(1) Authority. This regulation is established pursuant to the authorization granted to the Department of Social Services (department), MO HealthNet Division (division), to promulgate rules and regulations.

(2) Purpose. This regulation establishes a methodology for determination of reimbursement rates for nursing facilities and human immunodeficiency virus (HIV) nursing facilities participating in the MO HealthNet Program, which is Missouri's Medicaid program. Hereinafter, the term nursing facility/ies shall refer to both nursing facilities and HIV nursing facilities unless specifically stated otherwise. Subject to limitations prescribed elsewhere in this regulation, a facility's reimbursement rate shall be determined by the division as described in this regulation. Any reimbursement rate determined by the division shall be a final decision and will be implemented as set forth in the division's decision letter. The decisions of the division may be subject to review upon properly filing a complaint with the Administrative Hearing Commission (AHC). A nursing facility seeking review by the AHC must obtain a stay from the AHC to stop the division from implementing its final decision if the AHC determines the facility meets the criteria for a stay and so orders. If the facility appeals the division's decision, it is the responsibility of the nursing facility to notify any interested parties, including but not limited to, hospice providers, that the rate being received is not a final rate and is subject to change. Federal financial participation is available on expenditures for services provided within the scope of the federal Medicaid Program and made under a court order in accordance with 42 CFR 431.250.

(3) General Principles.

(A) Provisions of this reimbursement regulation shall apply only to facilities certified for participation in the MO HealthNet (Medicaid) Program.

(B) The reimbursement rates determined by this regulation shall apply only to services provided on or after July 1, 2022.

(C) The effective date of this regulation shall be July 1, 2022.

(D) The Medicaid Program shall provide reimbursement for nursing facility services based solely on the individual Medicaid-eligible participant's covered days of care, within benefit limitations as determined in subsections (5)(D), multiplied by the facility's Medicaid reimbursement rate. No payments may be collected or retained in addition to the Medicaid reimbursement rate for covered services, unless otherwise provided for in this regulation. Where third-party payment is involved, Medicaid will be the payer of last resort with the exception of state programs such as vocational rehabilitation and the Missouri Crippled Children's Services.

(E) The Medicaid reimbursement rate shall be the lower of –

1. The Medicare (Title XVIII) rate, if applicable; or

2. The reimbursement rate as determined in accordance with this regulation.

(F) Medicaid reimbursements shall not be paid for services provided to Medicaid-eligible participants during any time period in which the facility failed to have a Medicaid participation agreement in effect. A reimbursement rate may not be established for a facility if a Medicaid participation agreement is not in effect.

(G) When a nursing facility is found not in compliance with federal requirements for participation in the Medicaid Program, sections 1919(b), (c), and (d) of the Social Security Act (42 U.S.C. 1396r), it may be terminated from the Medicaid Program or it may have imposed upon it an alternative remedy, pursuant to section 1919(h) of the Social Security Act (42 U.S.C. 1396r). In accordance with section 1919(h)(3)(D) of the Social Security Act, the alternative remedy, denial of payment for new admission, is contingent upon agreement to repay payments received if the corrective action is not taken in accordance with the approved plan and timetable. It is also required that the nursing facility establish a directed

plan of correction in conjunction with and acceptable to the Department of Health and Senior Services.

(H) Upon execution of a Medicaid participation agreement, a qualified facility not previously certified for participation in the Medicaid Program shall be assigned a provider number by the Missouri Medicaid Audit and Compliance division of the Department of Social Services.

(I) The division shall recover liabilities, sanctions, and penalties pertaining to the Medicaid Program associated with the provider number, regardless of when the services were rendered.

(J) Changes in ownership, management, control, operation, leasehold interest by any form for any facility previously certified for participation in the Medicaid Program at any time that results in increased costs for the successor owner, management, or leaseholder shall not be recognized for purposes of reimbursement.

(K) A facility with certified and noncertified beds shall allocate allowable costs related to the provision of nursing facility services on the cost report, in accordance with the cost report instructions. The methods for allocation must be supported by adequate accounting and/or statistical data necessary to evaluate the allocation method and its application.

(L) Any facility which is involuntarily terminated from participation in the Medicare Program shall also be terminated from participation in the MO HealthNet Program on the same date as the Medicare termination.

(M) No restrictions nor limitations shall, unless precluded by federal or state law, be placed on a participant's right to select providers of his/her own choice.

(N) A nursing facility's Medicaid reimbursement rate shall not be limited by its average private pay rate.

(O) The reimbursement rates authorized by this regulation may be reevaluated in light of the provider's cost experience to determine any adjustments needed.

(P) Covered supplies, such as food, laundry supplies, housekeeping supplies, linens, medical supplies, but not limited to, must be accounted for through inventory accounts. Purchases shall be recorded as inventory and shall be expensed in the fiscal year the items are used. Inventory shall be counted at least annually to coincide with the end of the cost report period. Expensing of items shall be recorded by adding purchases to the beginning period inventory and subtracting the end of the period inventory. This inventory control shall begin the first fiscal year ending after the effective date of this plan.

(Q) Medicaid reimbursement will not be paid for a Medicaid-eligible resident while placed in a non-certified bed in a nursing facility.

(R) All illustrations and examples provided throughout this regulation are for illustration purposes only and are not meant to be actual calculations.

(S) Reimbursement of Medicare/Medicaid crossover claims (crossover claims) for Medicare Part A and Medicare Advantage/Part C inpatient skilled nursing facility benefits shall be as follows:

1. Crossover claims for Medicare Part A inpatient skilled nursing facility benefits in which Medicare was the primary payer and the MO HealthNet Division is the payer of last resort for the coinsurance must meet the following criteria to be eligible for MO HealthNet reimbursement:

A. The crossover claim must be related to Medicare Part A inpatient skilled nursing facility benefits that were provided to MO HealthNet participants also having Medicare coverage; and

B. The crossover claim must contain approved coinsurance days. The amount indicated by Medicare to be the coinsurance due on the Medicare allowed amount is the crossover amount eligible for MO HealthNet reimbursement. The coinsurance amount is based on the days for which Medicare is not the sole payer. These days are referred to as coinsurance days and are days twenty-one (21) through one hundred (100) of each Medicare benefit period; and

C. The Other Payer paid amount field on the claim must contain the actual amount paid by Medicare. The MO HealthNet provider is responsible for accurate and valid reporting of crossover claims submitted to MO HealthNet for payment. Providers submitting crossover claims for Medicare Part A inpatient skilled nursing facility benefits to the MO HealthNet program must be able to provide documentation that supports the information on the claim upon request. The documentation must match the information on the Medicare Part A plan's remittance advice. Any amounts paid by MO HealthNet that are determined to be based on inaccurate data will be subject to recoupment; and

D. The nursing facility's Medicaid reimbursement rate multiplied by the approved coinsurance days exceeds the amount paid by Medicare for the same approved coinsurance days;

2. Crossover claims for Medicare Advantage/Part C (Medicare Advantage) inpatient skilled nursing facility benefits in which a Medicare Advantage plan was the primary payer and the MO HealthNet Division is the payer of last resort for the copay (coinsurance) must meet the following criteria to be eligible for MO HealthNet reimbursement:

A. The crossover claim must be related to Medicare Advantage inpatient skilled nursing facility benefits that were provided to MO HealthNet participants who also are either a Qualified Medicare Beneficiary (QMB Only) or Qualified Medicare Beneficiary Plus (QMB Plus); and

B. The crossover claim must be submitted as a Medicare UB-04 Part C Institutional Crossover claim through the division's online Internet billing system; and

C. The crossover claim must contain approved coinsurance days. The amount indicated by the Medicare Advantage plan to be the coinsurance due on the Medicare Advantage plan allowed amount is the crossover amount eligible for MO HealthNet reimbursement. The coinsurance amount is based on the days for which the Medicare Advantage plan is not the sole payer. These days are referred to as coinsurance days and are established by each Medicare Advantage plan; and

D. The Other Payer paid amount field on the claim must contain the actual amount paid by the Medicare Advantage plan. The MO HealthNet provider is responsible for accurate and valid reporting of crossover claims submitted to MO HealthNet for payment. Providers submitting crossover claims for Medicare Advantage inpatient skilled nursing facility benefits to the MO HealthNet program must be able to provide documentation that supports the information on the claim upon request. The documentation must match the information on the Medicare Advantage plan's remittance advice. Any amounts paid by MO HealthNet that are determined to be based on inaccurate data will be subject to recoupment; and

E. The nursing facility's Medicaid reimbursement rate multiplied by the approved coinsurance days exceeds the amount paid by the Medicare Advantage plan for the same approved coinsurance days;

3. MO HealthNet reimbursement will be the lower of –

A. The difference between the nursing facility's Medicaid reimbursement rate multiplied by the approved

coinsurance days and the amount paid by either Medicare or the Medicare Advantage plan for those same coinsurance days; or

B. The coinsurance amount; and

4. Nursing facility providers may not submit a MO HealthNet fee-for-service nursing facility claim for the same dates of service on the crossover claim for Medicare Part A and Medicare Advantage inpatient skilled nursing facility benefits. If it is determined that a MO HealthNet fee-for-service nursing facility claim is submitted and payment is made, it will be subject to recoupment.

(4) Definitions.

(A) Administration. This cost component includes costs reported in the cost report on lines 111-150.

(B) Age of beds. The age is determined by subtracting the initial licensing year from the rate base year used to determine the prospective rate.

(C) Allowable cost. Those costs which are allowable for allocation to the Medicaid Program based upon the principles established in this regulation. The allowability of costs shall be determined by the MO HealthNet Division and shall be based upon criteria and principles included in this regulation, the *Medicare Provider Reimbursement Manual* (CMS Publications 15-1 and 15-2), and Generally Accepted Accounting Principles (GAAP) Criteria and principles will be applied using this regulation as the first source, the *Medicare Provider Reimbursement Manual* as the second source, and GAAP as the third source.

(D) Ancillary. This cost component includes costs reported in the cost report on lines 71-101.

(E) Asset value. The asset value is the per bed cost of construction used in calculating a facility's capital cost component per diem utilizing the fair rental value (FRV) system as set forth in subsection (11)(D).

1. The 2019 asset value used in setting rates effective July 1, 2022 is sixty-four thousand seven hundred one dollars (\$64,701) and is calculated as follows:

A. The median cost per square foot for nursing facilities of one hundred fifty-six dollars (\$156) is multiplied by the average square feet per bed of 435. This product is adjusted for Missouri cities. The sources of the data are as follows:

(I) Median cost per square foot – *2019 Building Construction Costs with RSMeans data* publication, 50 17 | Project Costs table, Unit Costs Median of Total Project Costs for Nursing Home and Assisted Living.

(II) Average square feet per bed - 2019 cost report data bank.

(III) Adjustment for Missouri cities - *2019 Building Construction Costs with RSMeans data* publication, City Cost Indexes table, Weighted Average index for Missouri cities.

2. The 2019 asset value is adjusted annually on July 1 using the Historical Cost Indexes table from the *Building Construction Costs with RSMeans data* publication for each year.

3. The adjusted asset values will be used to update the capital rate annually as set forth in paragraph (11)(H)4. and to set the prospective rate for new facilities. The asset value for the year relative to the rate base year (i.e., the end of the rate setting period) shall be used to determine the prospective rate for new facilities.

(F) Audit. The examination or inspection of a provider's cost report, files, and any other supporting documentation by the MO HealthNet Division or its authorized contractor. The MO HealthNet Division or its authorized contractor may perform the following types of audits:

1. Level I Audit - Requires a limited review of provider cost reports, files, and any other additional information requested and submitted to the MO HealthNet Division or its authorized contractor. The limited review may include but is not limited to items such as a comparative analysis of a provider's cost report data to industry data, a review of a provider's prior year data to determine any outliers that may warrant further review, requesting additional details of the reported information, all of which could lead to potential adjustment(s) after such further review, as well as making any standard adjustments. Level I audits may be provided off-site;

2. Level II Audit - Requires a desk review of provider cost reports, files, and any other additional information requested and submitted to the MO HealthNet Division or its authorized contractor. The desk review may include but is not limited to review procedures in a Level I Audit, plus a more detailed analysis of a provider's cost report data to identify items that would require further review including requesting additional details of the reported information or documentation to support amounts reflected in the cost report, all of which could lead to potential adjustment(s) after such further review, as well as making any standard adjustments. Level II audits may be provided off-site; and

3. Level III Audit – Requires an in depth audit, including but not limited to an on-site review of provider cost reports, files, and any other additional information requested and submitted to the MO HealthNet Division or its authorized contractor. The Level III Audit will require an in depth analysis of a provider's cost report data and an on-site verification of cost report items deemed necessary through a risk assessment or other analyses, all of which could lead to potential adjustment(s) after such further review, as well as making any standard adjustments. Level III audits will require some portions of the provider's records review be provided on-site.

(G) Average private pay rate. The usual and customary charge for private pay patients determined by dividing total private patient days of care into private pay revenue, net of contractual allowances, for the same service that is included in the Medicaid reimbursement rate. Private pay revenue excludes negotiated payment methodologies with state or federal agencies such as the Veteran's Administration or the Missouri Department of Mental Health. Bad debts, charity care, and other miscellaneous discounts are not subtracted from private pay revenue in the computation of the average private pay rate.

(H) Bad debt. The difference between the amount expected to be received (i.e., revenues less contractual allowance) and the amount actually received. This amount may be written off as uncollectible after all collection efforts are exhausted. Collection efforts must be documented and an aged accounts receivable schedule should be kept. Written procedures should be maintained detailing how, when, and by whom a receivable may be written off as a bad debt.

(I) Bed days. The total number of days that are available to care for patients based on a facility's total licensed beds, regardless of whether the bed is occupied or not. Bed days are calculated by multiplying the number of beds licensed during the cost report period times the days in the cost report period. If the facility is removing the noncertified area revenues and expenses by completing a worksheet 1 of the cost report, bed days are calculated by multiplying the number of beds certified during the cost report period times the days in the cost report period.

(J) Capital. This cost component will be calculated using a fair rental value system (FRV). The fair rental value is

reimbursed in lieu of the costs reported in the cost report on lines 102-110.

(K) Capital asset. A facility's building, building equipment, major moveable equipment, minor equipment, land, land improvements, and leasehold improvements as defined in the Medicare Provider Reimbursement Manual. Motor vehicles are excluded from this definition.

(L) Capital asset debt. The debt related to the capital assets as determined from the cost report.

(M) Capital expenditures. Capital costs incurred for improving a facility.

(N) Case Mix Index (CMI). Weight or numeric score assigned to a resident classification system (e.g. Resource Utilization Group (RUG), Patient-Driven Payment Model (PDPM), etc.) grouping to reflect the relative resources predicted to care for a resident. The average acuity level of patients in a facility can be determined and expressed by calculating an average of the individual CMI values for each resident. Resident classifications are determined from information derived from the Minimum Data Set (MDS) evaluations for a given period.

1. Individual CMIs are calculated as follows:

A. The RUG IV, 48 groups, Logic Version 1.03, CMI Set F01 (48-Grp) (i.e., RUG IV 48 group model classification system) is used to determine the CMIs used in this regulation and is incorporated by reference and made a part of this rule as published by the Centers for Medicare & Medicaid services (CMS) at its website <https://www.cms.gov/Medicare/Quality-Initiatives-Patient-Assessment-Instruments/NursingHomeQualityInits/NHQIMDS30TechnicalInformation>, June 29, 2022. Applicable files are RUG-IV DLL Package V1.04.1 Final.zip and RUG III Files & RUG IV Files.zip. This rule does not incorporate any subsequent amendment or additions.

B. Providers should follow CMS guidelines for completing and submitting MDS assessments. No extra MDS assessments are required as a result of this rule;

C. The index maximizing methodology is used to calculate the individual CMI. The index maximizing classification system will select the RUG with the highest CMI for individuals that qualify for multiple RUGs;

2. Facility CMIs are calculated as follows:

A. Facility CMI calculations will be based on quarterly point-in-time data snapshots. These snapshot dates are January 1, April 1, July 1, and October 1;

B. The midnight census will determine the residents that are included in the facility's CMI;

C. The Assessment Reference Date (ARD) will be used to determine the assessment included in each quarterly CMI calculation;

D. A look-back period of one hundred eighty (180) days will be used to determine the residents included in calculating the facility CMI. The look-back period cutoff date is the day prior to the snapshot date (i.e., for the January 1 CMI calculation, the ARD would need to be December 31 or earlier).

E. The most current MDS assessment generating a RUG classification for an individual in the look-back period of one hundred eighty (180) days will be used;

F. Only assessments that are included in the MDS data sent to the State through the CMS system will be available for case mix calculations;

G. An average acuity level will be determined for each facility for each snapshot date by using a simple average of the CMI values for all residents included in the data for the snapshot date.

(I) Medicaid CMI. The average acuity level for Medicaid patients in a facility.

(a) Medicaid pending residents will be included in the facility's Medicaid CMI calculation.

(b) Medicaid hospice residents will be included in the facility's Medicaid CMI calculation.

(c) Medicaid manage care residents will be included in the facility's Medicaid CMI calculation.

(II) Total CMI. The average acuity level for all patients in a facility.

(O) Ceiling. The ceiling is the maximum per diem rate for which a facility may be reimbursed for the patient care, ancillary, and administration cost components, and is determined by applying a percentage to the median per diem for the patient care, ancillary, and administration cost components. The percentage is one hundred twenty percent (120%) for patient care, one hundred twenty percent (120%) for ancillary, and one hundred ten percent (110%) for administration.

(P) Certified bed. Any licensed nursing facility or hospital based bed that is approved by the Department of Social Services to participate in the Medicaid Program.

(Q) Change of ownership. A change in ownership, control, operator, or leasehold interest, for any facility certified for participation in the Medicaid Program.

(R) Charity care. Offset to gross billed charges to reduce charges for free services provided to specific types of residents, (i.e., charity care provided by a religious organization for members, etc.).

(S) CMS Market Basket Index. An index that measures the price movements of goods, services, and labor purchased by nursing homes. The index is published quarterly in the *IHS Markit / Healthcare Cost Review*. The "Total - %MOVAVG" index from "Table 6.7 CMS Nursing Home without Capital Market Basket" shall be used for the trending calculations in this regulation. The same or comparable index and table shall continue to be used, regardless of any changes in the name or title of the publication, publisher, or table.

(T) Contractual allowance. A contra revenue account to reduce gross charges to the amount expected to be received. Contractual allowances represent the difference between the private pay rate and a contracted rate which the facility contracted with an outside party for full payment of services rendered (i.e., Medicaid, Medicare, managed care organizations, etc.). No efforts are made to collect the difference.

(U) Cost components. The groupings of allowable costs used to calculate a facility's per diem rate. They are patient care, ancillary, capital, and administration.

(V) Cost report. The Financial and Statistical Report for Nursing Facilities, cost report instructions, all worksheets supplied by the division for this purpose, and required attachments as specified in paragraph (10)(A)7. of this regulation. The cost report shall detail the cost of rendering both covered and non-covered services for the fiscal reporting period in accordance with this regulation and the cost report instructions and shall be prepared on forms provided by and/or as approved by the division.

1. Cost Report version MSIR-1 (3-95) and cost report instructions (revised 3-95) shall be used for completing cost reports with fiscal years ending on or after January 1, 1995 and shall be denoted as CR (3-95).

2. Cost report version MSIR-1 (3-95) and cost report instructions (revised 3-95) 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, June 30, 2022. This rule does not incorporate any subsequent amendments or additions.

(W) Data bank. The data from the rate base year cost reports used to determine the medians, ceilings, and per diem rates for nursing facilities.

1. A separate data bank shall be created for nursing facilities and HIV nursing facilities, as follows:

A. The data bank for nursing facilities shall include all nursing facilities except hospital based facilities and HIV facilities.

B. The data bank for HIV nursing facilities shall only include HIV nursing facilities.

2. If a facility has more than one (1) cost report with periods ending in the rate base year, the cost report covering a full twelve- (12-) month period ending in the rate base year will be used. If none of the cost reports cover a full twelve- (12-) months, the cost report with the latest period ending in the rate base year will be used.

3. Nursing facilities that terminated from the MO HealthNet program during the rate base year shall not be included in the data bank.

4. Nursing facilities operating under an interim rate that have at least a second full year cost report after entering the Medicaid program that coincides with the rate base year may be included in the data bank. Interim rate facilities without such a cost report for the rate base year shall not be included in the data bank.

5. The initial rate base year used for rebasing shall be 2019 and the data bank shall include cost reports with an ending date in calendar year 2019. The 2019 rebase year data shall be used to set rates effective for dates of service beginning July 1, 2022 through such time rates are rebased again or calculated on some other cost report as set forth in regulation. The 2019 year data shall be adjusted for the following and shall be used to determine the medians, ceilings, and per diem rates for the nursing facilities:

A. The following allowable salaries shall be adjusted by two percent (2%):

- (I) Aides and Orderlies (Line 53 of CR (3-95));
- (II) Dietary Salaries (Line 60 of CR (3-95));
- (III) Laundry Salaries (Line 85 of CR (3-95));
- (IV) Housekeeping Salaries (Line 91 of CR (3-95)); and,
- (V) Beauty & Barber Salaries (Line 94 of CR (3-95)).

B. The total allowable costs, including the salary adjustments detailed above in (4)(W)5.A., shall be trended through June 30, 2022 by the difference in the CMS Market Basket Index (i.e., the "Total - %MOVAVG" index for 2022:2 from the Fourth-quarter 2021 publication) and the midpoint of the facility's rate setting cost report year.

C. The total patient care costs, including the salary adjustments and trends, shall be adjusted to match the state-wide average total CMI by multiplying the total patient care costs by the quotient of the state-wide average total CMI divided by the facility cost report total CMI.

(I) A cost report total CMI is determined for each facility based on a simple average of the four (4) quarterly total CMIs covering the facility's cost report period.

(II) The state-wide total CMI is a simple average of the cost report CMIs for all nursing facilities included in the databank.

(X) Department. The department, unless otherwise specified, refers to the Missouri Department of Social Services.

(Y) Department of Health and Senior Services. The department of the state of Missouri responsible for the survey, certification, and licensure of nursing facilities as prescribed in Chapter 198, RSMo.

(Z) Director. The director, unless otherwise specified, refers to the director, Missouri Department of Social Services.

(AA) Division. Unless otherwise specified, division refers to the MO HealthNet Division, the division of the Department of Social Services charged with administration of Missouri's MO HealthNet Program.

(BB) Entity. Any natural person, corporation, business, partnership, or any other fiduciary unit.

(CC) Facility asset value. Total asset value less adjustment for age of beds.

(DD) Facility fiscal year. A facility's twelve- (12-) month fiscal reporting period. If the facility is also participating in the Title XVIII Medicare (Medicare) program, the Medicaid cost report period shall be the same as the Medicare cost report period. If the provider does not participate in Medicare, the Medicaid cost report should have the same twelve- (12-) month fiscal year consistent with the facility's accounting and reporting period.

(EE) Facility size. The number of licensed nursing facility beds as determined from the cost report.

(FF) Fair rental value (FRV) system. The methodology used to calculate the reimbursement of capital.

(GG) Generally accepted accounting principles (GAAP). Accounting conventions, practices, methods, rules, and procedures necessary to describe accepted accounting practice at a particular time as established by the authoritative body establishing such principles.

(HH) Hospital based. Any nursing facility bed licensed and certified which is physically connected to or located in a hospital.

(II) Interim rate. The interim rate is the sum of one hundred percent (100%) of the patient care cost component ceiling, ninety percent (90%) of the ancillary and administration cost component ceilings, and ninety-five percent (95%) of the median per diem for the capital cost component. The median per diem for capital will be determined from the capital component per diems of providers with prospective rates in effect on July 1, 2022 for the initial 2019 rate base year.

(JJ) Licensed bed. Any skilled nursing facility or intermediate care facility bed meeting the licensing requirement of the Missouri Department of Health and Senior Services.

(KK) Minimum Data Set (MDS). A standardized, primary and comprehensive tool used to assess a patient's functional, medical, psychosocial, and cognitive status for residents of nursing facilities to participate in Medicare and Medicaid.

(LL) Minimum utilization days. Calculated number of patient days, based on the minimum utilization percentage, which will be used in the determination of the facility's administration and capital cost component per diems if the facility's occupancy is below the minimum utilization percent set forth in subsection (7)(N). Minimum utilization days are calculated by multiplying the facility's bed days by the minimum utilization percent set forth in subsection (7)(N).

(MM) Miscellaneous discounts/other revenue deductions. A contra revenue account to reduce gross charges to the amount expected to be received. These deductions represent other miscellaneous discounts not specifically defined as a bad debt. Written policies must be maintained detailing the circumstances under which the discounts are available and must be uniformly applied.

(NN) Median. The middle value in a distribution, above and below which lie an equal number of values. The distribution for purposes of this regulation includes the per diems calculated for each facility based on or derived from the data in the data bank. The per diem for each facility is the allowable cost per day which is calculated by dividing the facility's allowable costs by the patient days. For the administration cost component, each facility's per diem included in the data

bank and used to determine the median shall include the adjustment for minimum utilization set forth in subsection (7) (N) by dividing the facility's allowable costs by the greater of the facility's actual patient days or the calculated minimum utilization days.

(OO) Medicare Provider Reimbursement Manual (CMS Publications 15-1 and 15-2). Guidelines and policies to implement Medicare (Title VIII) regulations which set forth principles for determining the reasonable cost of provider services.

1. The Medicare Provider Reimbursement Manual (CMS Publications 15-1 and 15-2) is incorporated by reference and made a part of this rule as published by the Centers for Medicare & Medicaid Services (CMS) at its website <https://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/Paper-Based-Manuals-Items/CMS021929> and <https://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/Paper-Based-Manuals-Items/CMS021935>, June 29, 2022. This rule does not incorporate any subsequent amendments or additions.

2. The federal regulations 42 CFR 413 forming the basis of the Medicare Provider Reimbursement Manual (CMS Publications 15-1 and 15-2) is incorporated by reference and made a part of this rule as published by CMS at its website <https://www.ecfr.gov/current/title-42/chapter-IV/subchapter-B/part-413?toc=1>, June 29, 2022. This rule does not incorporate any subsequent amendments or additions.

3. The Medicare Provider Reimbursement Manual (CMS Publications 15-1 and 15-2) shall be referred to as the Medicare PRM throughout this regulation.

(PP) Nursing facility (NF). Effective October 1, 1990, skilled nursing facilities, skilled nursing facilities/intermediate care facilities, and intermediate care facilities as defined in Chapter 198, RSMo, participating in the Medicaid Program will all be subject to the minimum federal requirements found in section 1919 of the Social Security Act.

1. HIV nursing facility. A nursing facility that operates exclusively for persons with the human immunodeficiency virus (HIV) that causes acquired immunodeficiency syndrome (AIDS) and that was granted an exemption from Certificate of Need under section 197.316, RSMo.

2. New MO HealthNet nursing facility. A qualified facility not previously certified for participation in the Medicaid Program within the last twenty-four (24) months. A new MO HealthNet nursing facility shall be given an interim reimbursement rate until a prospective rate is established on its rate setting cost report. A facility previously Medicaid certified within the last twenty-four (24) months (i.e., a facility that terminated participation in the MO HealthNet program and subsequently re-enrolled in the MO HealthNet program) is not considered to be a new MO HealthNet nursing facility regardless of any changes, including, but not limited to, a change of ownership, change of operator, tax identification change, merger, bankruptcy, name change, address change, payment address change, Medicare number change, National Provider Identifier (NPI) change, or facilities/offices that have been closed and reopened at the same or different locations. A replacement facility, whether it is at the same location or a different location, and whether the Medicare number is retained or if a new Medicare number is issued, is not considered to be a new MO HealthNet nursing facility. These facilities shall be given the prospective rate they had prior to terminating from the MO HealthNet program, plus any applicable adjustments set forth in the regulation between the termination date and the re-certification date.

(QQ) Occupancy rate. The occupancy rate is the percentage of a facility's capacity that is occupied by patients. This may also be referred to as occupancy, utilization, or utilization rate.

1. Total occupancy rate. A facility's total actual patient days divided by the total bed days for the same period as determined from the cost report. For a distinct part facility that only has part of its total licensed beds certified for participation in the MO HealthNet program and that completes a worksheet one (1) of the cost report, the occupancy rate is determined by dividing the total actual patient days from the certified portion of the facility by the total bed days from the certified portion for the same period from the cost report.

2. Medicaid occupancy rate. A facility's Medicaid patient days divided by the total patient days for the same period as determined from the cost report.

(RR) Patient care. This cost component includes costs reported in the cost report on lines 46-70.

(SS) Patient day. The period of service rendered to a patient between the census-taking hour on two (2) consecutive days. Census shall be taken in all facilities at midnight each day and a census log maintained in each facility for documentation purposes. "Patient day" includes the allowable temporary leave-of-absence days per subsection (5)(D). The day of discharge is not a patient day for reimbursement unless it is also the day of admission.

(TT) Per diem. The daily rate calculated using this regulation's cost components and used in the determination of a MO HealthNet facility's prospective and/or interim rate.

(UU) Provider or facility. A nursing facility or HIV nursing facility with a valid Medicaid participation agreement with the Department of Social Services for the purpose of providing nursing facility or HIV nursing facility services to Title XIX-eligible participants.

(VV) Prospective rate. The MO HealthNet reimbursement rate determined from the rate setting cost report.

(WW) Rate setting period or rate base year. The period in which a facility's MO HealthNet's prospective rate is determined. The cost report that contains the data covering this period will be used to determine the facility's prospective rate and is known as the rate setting cost report or rate base year cost report.

(XX) Reimbursement rate. A prospective or interim rate.

(YY) Related parties. Parties are related when any one (1) of the following circumstances apply:

1. An entity where, through its activities, one (1) entity's transactions are for the benefit of the other and such benefits exceed those which are usual and customary in such dealings;

2. An entity has an ownership or controlling interest in another entity; and the entity, or one (1) or more relatives of the entity, has an ownership or controlling interest in the other entity. For the purposes of this paragraph, ownership, or controlling interest does not include a bank, savings bank, trust company, building and loan association, savings and loan association, credit union, industrial loan and thrift company, investment banking firm, or insurance company unless the entity directly, or through a subsidiary, operates a facility; and

3. As used in this regulation, the following terms mean:

A. Indirect ownership/interest means an ownership interest in an entity that has an ownership interest in another entity. This term includes an ownership interest in any entity that has an indirect ownership interest in an entity;

B. Ownership interest means the possession of equity in the capital, in the stock, or in the profits of an entity. Ownership or controlling interest is when an entity –

(I) Has an ownership interest totaling five percent (5%) or more in an entity;

(II) Has an indirect ownership interest equal to five percent (5%) or more in an entity. The amount of indirect ownership interest is determined by multiplying the percentages of ownership in each entity;

(III) Has a combination of direct and indirect ownership interest equal to five percent (5%) or more in an entity;

(IV) Owns an interest of five percent (5%) or more in any mortgage, deed of trust, note, or other obligation secured by an entity if that interest equals at least five percent (5%) of the value of the property or assets of the entity. The percentage of ownership resulting from these obligations is determined by multiplying the percentage of interest owned in the obligation by the percentage of the entity's assets used to secure the obligation;

(V) Is an officer or director of an entity; or

(VI) Is a partner in an entity that is organized as a partnership; and

C. Relative means person related by blood, adoption, or marriage to the fourth degree of consanguinity.

(ZZ) Restricted funds. Funds, cash, cash equivalent, or marketable securities, including grants, gifts, taxes, and income from endowments which must only be used for a specific purpose designated by the donor.

(AAA) Total facility size. Facility size plus increases minus decreases of licensed nursing facility beds plus calculated bed equivalents for renovations/major improvements.

(BBB) Unrestricted funds. Funds, cash, cash equivalents, or marketable securities, including grants, gifts, taxes, and income from endowments that are given to a provider without restriction by the donor as to their use.

(5) Covered Supplies, Items, and Services. All supplies, items, and services covered in the reimbursement rate must be provided to the resident as necessary. Supplies and services that would otherwise be covered in a reimbursement rate but which are also billable to the Title XVIII Medicare Program must be billed to that program for facilities participating in the Title XVIII Medicare Program. Covered supplies, items, and services include but are not limited to the following:

(A) Supplies, items, and services required by federal or state law or regulation that must be provided by nursing facilities participating in the Title XIX program;

(B) Room and board. A private room must be provided, at no additional charge, if it is necessary to isolate a participant due to a medical or social condition, examples of which may be contagious infection or loud irrational speech;

(C) Temporary leave of absence days for Medicaid participants, not to exceed twelve (12) days for the first six (6) calendar months and not to exceed twelve (12) days for the second six (6) calendar months. Temporary leave of absence days must be specifically provided for in the participant's plan of care and prescribed by a physician. Periods of time during which a participant is away from the facility visiting a friend or relative are therapeutic home leave days and considered temporary leaves of absence. Hospital leave days, as defined in 13 CSR 70-10.070, are also considered temporary leaves of absence and each hospital leave day is counted as two (2) temporary leave of absence days in determining the twelve (12) allowable leave days for each six (6) month period described above;

(D) Provision of personal hygiene and routine care services furnished routinely and uniformly to all residents;

(E) All laundry services, including personal laundry;

(F) All dietary services, including special dietary supplements used for tube feeding or oral feeding. Dietary supplements prescribed by a physician are also covered items;

(G) All consultative services required by federal or state law or regulations;

(H) All therapy services required by federal or state law or regulations;

(I) All routine care items including but not limited to those items specified in Appendix A to this regulation;

(J) All nursing services and supplies including but not limited to those items specified in Appendix A to this regulation; and

(K) All non-legend antacids, non-legend laxatives, non-legend stool softeners, and non-legend vitamins. Providers may not elect which non-legend drugs in any of the four (4) categories to supply; any and all must be provided to residents as needed and are included in a facility's reimbursement rate.

(6) Non-covered Supplies, Items, and Services. Non-covered supplies, items, and services include but are not limited to the following:

(A) Supplies, items, and services which are not covered in a facility's reimbursement rate;

(B) Supplies, items, and services billable to another program in Medicaid for which payment is made directly to a provider(s) other than providers of the nursing facility services;

(C) Supplies, items, and services that are billable to Medicare or other third-party payer; and

(D) Supplies, items, and services provided non-routinely to residents for personal comfort or convenience.

(7) Allowable Cost Areas.

(A) Compensation of Owners.

1. Compensation of services of owners shall be an allowable cost area. Reasonableness of compensation shall be limited as prescribed in subsection (8)(P).

2. Compensation shall mean the total benefit, within the limitations set forth in this regulation, received by the owner for the services rendered to the facility. This includes direct payments for managerial, administrative, professional and other services, amounts paid for the personal benefit of the owner, the cost of assets and services which the owner receives from the provider, and additional amounts determined to be the reasonable value of the services rendered by sole proprietors or partners and not paid by any method previously described in this regulation. Compensation must be paid (whether in cash, negotiable instrument, or in kind) within seventy-five (75) days after the close of the cost report period in accordance with the guidelines published in the Medicare PRM, Part 1, Section 906.4.

(B) Covered supplies, items, and services as defined in section (5) of this regulation.

(C) Capital Assets.

1. Capital assets shall include historical costs that would be capitalized under GAAP. For example, historical costs would include, but not be limited to, architectural fees, related legal fees, interest, and taxes during construction.

2. For purposes of this regulation, any asset or improvement costing greater than one thousand dollars (\$1,000) and having a useful life greater than one (1) year in accordance with American Hospital Association depreciable guidelines, shall be capitalized.

3. In addition to the American Hospital Association depreciable guidelines, mattresses shall be considered a capitalized asset and shall have a three- (3-) year useful life.

(D) Vehicle Costs. Costs related to allowable vehicles shall be accounted for as set forth below. Allowable vehicles are

vehicles that are a necessary part of the operation of a nursing facility and are limited as follows: One (1) vehicle per sixty (60) licensed beds is allowable. For example, one (1) vehicle is allowed for a facility with zero to sixty (0–60) licensed beds, two (2) vehicles are allowed for a facility with sixty-one to one hundred twenty (61–120) licensed beds, and so forth. Vehicles subject to the limit include cars, trucks, vans, sport utility vehicles (SUVs), and shuttle buses. Golf carts, utility terrain vehicles (UTVs), all terrain vehicles (ATVs), and other vehicles not aforementioned in this subsection shall not be included in the total vehicle count for the limit. If the number of vehicles exceeds the limit, the oldest vehicle(s) based on the date the facility acquired the vehicle(s), and the associated costs, are allowable. Costs related to vehicles that are disallowed shall also be disallowed and adjustments made accordingly.

1. Depreciation.

A. An appropriate allowance for depreciation on allowable vehicles is reported on line 133 of CR (3-95).

B. The depreciation must be identifiable and recorded in the provider's accounting records, based on the basis of the vehicle and prorated over the estimated useful life of the vehicle in accordance with American Hospital Association depreciable guidelines using the straight line method of depreciation from the date initially put into service.

C. The basis of vehicle cost at the time placed in service shall be the lower of –

- (I) The book value of the provider;
- (II) Fair market value at the time of acquisition; or
- (III) The recognized Internal Revenue Service (IRS)

tax basis.

D. The basis of a donated vehicle will be allowed to the extent of recognition of income resulting from the donation of the vehicle. Should a dispute arise between a provider and the division as to the fair market value at the time of acquisition of a depreciable vehicle, an appraisal by a third party is required. The appraisal cost will be the sole responsibility of the nursing facility.

E. Historical cost will include the cost incurred to prepare the vehicle for use by the nursing facility.

F. When a vehicle is acquired by trading in an existing vehicle, the cost basis of the new vehicle shall be the sum of undepreciated cost basis of the traded vehicle plus the cash paid.

2. Interest. Interest cost on vehicle debt related to allowable vehicles shall be reported on line 134 of CR (3-95).

3. Insurance. Insurance cost related to allowable vehicles shall be reported on line 135 of CR (3-95).

4. Rental and leases. Lease cost related to allowable vehicles shall be reported on line 135 of CR (3-95).

5. Personal property taxes. Personal property taxes related to allowable vehicles shall be reported on line 109 of CR (3-95).

6. Other miscellaneous maintenance and repairs. Other miscellaneous maintenance and repairs related to allowable vehicles shall be reported on line 135 of CR (3-95).

(E) Insurance.

1. Property insurance. Insurance cost on property of the nursing facility used to provide nursing facility services. Property insurance should be reported on line 107 of CR (3-95).

2. Other insurance. Liability, umbrella, and other general insurance for the nursing facility should be reported on line 136 of CR (3-95).

3. Workers' compensation insurance. Insurance cost for workers' compensation should be reported on the applicable workers' compensation lines on the cost report corresponding to the employee salary groupings.

(F) Rental and Leases.

1. Capitalized leases, as defined by GAAP, are to be reported on the books of the facility as if the facility owns the property (i.e., the building, equipment, and related expenses are recorded on the books of the facility) in accordance with subsections (7)(C), (E), and (G). Lease expenses shall be reported on line 103 of the CR (3-95). A facility operating its building under a capital lease shall have its capital cost component calculated using the fair rental value system. A facility may record the property insurance, real estate taxes, and personal property taxes directly on the applicable capital lines of the cost report (i.e., lines 107, 108, and 109 of CR (3-95), respectively), and include the costs of such in calculating the pass-through expenses portion of the capital rate if it meets the following criteria:

A. If the cost of the property insurance, real estate taxes, and personal property taxes are a distinct component of a facility's operating lease for the building and the lease payment is directly affected or changed by the amount of these items; and

B. The cost of the property insurance, real estate taxes, and personal property taxes included in the lease must be documented and supported by the property insurance premium notice and tax assessment notices relating to the nursing facility.

(G) Real Estate and Personal Property Taxes. Taxes levied on or incurred by a facility used to provide nursing facility services.

(H) Value of Services of Employees.

1. Except as provided for in this regulation, the value of services performed by employees in the facility shall be included as an allowable cost area to the extent actually compensated, either to the employee or to the supplying organization.

2. Services rendered by volunteers such as those affiliated with the American Red Cross, hospital guilds, auxiliaries, private individuals, and similar organizations shall not be an allowable cost, as the services have traditionally been rendered on a purely volunteer basis without expectation of any form of reimbursement by the organization through which the service is rendered or by the person rendering the service.

3. Services by priests, ministers, rabbis, and similar type professionals shall be an allowable cost, provided that the services are not of a religious nature and are compensated. Costs of wardrobe and similar items shall not be allowable.

(I) Employee Benefits.

1. Retirement plans.

A. Contributions to IRS qualified retirement plans shall be an allowable cost.

B. Amounts funded to pension and qualified retirement plans, together with associated income, shall be recaptured, if not actually paid when due, as an offset to expenses on the cost report.

2. Deferred compensation plans.

A. Contributions shall be allowable costs when, and to the extent that, these costs are actually paid by the provider. Provider payments for unfunded deferred compensation plans will be considered an allowable cost only when paid to the participating employee.

B. Amounts paid by organizations to purchase tax-sheltered annuities for employees shall be treated as deferred compensation actually paid by the provider.

C. Amounts funded to deferred compensation plans together with associated income shall be recaptured, if not actually paid when due, as an offset to expenses on the cost report.

3. Types of insurance which are considered an allowable cost:

A. Credit life insurance (term insurance), if required as part of a mortgage loan agreement. An example, would be insurance on loans granted under certain federal programs;

B. Where the relative(s) or estate of the employee, excluding stockholders, partners, and proprietors, is the beneficiary. This type of insurance is considered to be an employee benefit and is an allowable cost. This cost should be reported on the applicable payroll lines on the cost report for the employees' salary groupings; and

C. Health, disability, dental, etc., insurances for employees/owners shall be allowable costs.

(J) Education and Training Expenses.

1. The cost of on-the-job training which directly benefits the quality of health care or administration at the facility shall be allowable, except for costs associated with nurse aide training and competency evaluation program which the facility may be reimbursed for under 13 CSR 70-10.120 Reimbursement for Nurse Assistant Training.

2. Costs of education and training shall include travel costs, but will not include leaves of absence or sabbaticals.

(K) Organizational Costs.

1. Organizational cost items include legal fees incurred in establishing the corporation or other organizations; necessary accounting fees; expenses of temporary directors and organizational meetings of directors and stockholders; and fees paid to states for incorporation.

2. Organizational costs shall be amortized ratably over a period of sixty (60) months beginning with the date of organization. When the provider enters the program more than sixty (60) months after the date of organization, no organizational costs shall be recognized.

3. Where a provider is organized within a five- (5-) year period prior to its entry into the program and has properly capitalized organizational costs using a sixty- (60-) month amortization period, no change in the rate of amortization is required. In this instance the unamortized portion of organizational costs is an allowable cost under the program and shall be amortized over the remaining part of the sixty- (60-) month period.

4. For change in ownership allowable amortization will be limited to the prior owner's allowable unamortized portion of organizational cost.

(L) Advertising Costs. Advertising costs which are reasonable and appropriate are allowable. The costs must be a common and accepted occurrence for providing nursing facility services.

(M) Cost of Supplies and Services Involving Related Parties. Costs of goods and services furnished by related parties shall not exceed the lower of the cost to the supplier or the prices of comparable goods or services obtained elsewhere. In the cost report a provider shall identify related party suppliers and the type, the quantity, and costs to the related party for goods and services obtained from each such supplier.

(N) Minimum Utilization. In the event the occupancy rate of a facility is below eighty percent (80%), the administration and capital cost components will be adjusted as though the provider experienced eighty percent (80%) occupancy. The adjustment for minimum utilization is reflected in the calculation of the per diem for the administration and capital cost components. If the provider's occupancy is less than eighty percent (80%), the total allowable costs are divided by the minimum utilization days rather than the facility's actual patient days. In no case may costs disallowed under this provision be carried forward to succeeding periods.

(O) Home Office or Management Company Costs. The allowability of the individual cost items contained within home office (also known as central office) or management company costs will be determined in accordance with all other provisions of this regulation. The total of home office and/or management company costs, as reported on lines 121 and 122 of CR (3-95), are limited to seven percent (7%) of gross revenues less contractual allowances.

(P) Start-Up Costs. Expenses incurred prior to opening, as defined in HIM-15 as start-up costs, shall be amortized on a straight-line method over sixty (60) months. The amortization shall be reported on the same line on the cost report as the original start-up costs are reported. For example, RN salary prior to opening would be amortized over sixty (60) months and would be reported on line 51 of CR (3-95).

(Q) Reusable Items. Costs incurred for items such as linen and bedding shall be classified as inventory when purchased and expensed as the item is used.

(R) Nursing Facility Reimbursement Allowance (NFRA). The fee assessed to nursing facilities in the state of Missouri for the privilege of doing business in the state will be an allowable cost.

(8) Non-allowable Costs. Costs not reasonably related to nursing facility services shall not be included in a provider's costs. Non-allowable costs include but are not limited to the following:

(A) Amortization on intangible assets, such as goodwill, leasehold rights, covenants, and purchased certificates of need;

(B) Bad debts, contractual allowances, courtesy discounts, charity allowances, and similar adjustments or allowances are offsets to revenues and, therefore, not included in allowable costs;

(C) Capital cost increases due solely to changes in ownership;

(D) Charitable contributions;

(E) Compensation paid to a relative or an owner through a related party to the extent it exceeds the limitations established under subsection (7)(A) of this regulation;

(F) Costs such as legal fees, accounting and administrative costs, travel costs, and the costs of feasibility studies, which are attributable to the negotiation or settlement of the sale or purchase of any capital asset by acquisition or merger for which any payment has been previously made under the program;

(G) Directors' fees included on the cost report in excess of two hundred dollars (\$200) per month, per individual;

(H) Federal, state, or local income and excess profit taxes, including any interest and penalties paid thereon;

(I) Late charges and penalties;

(J) Finder's fees;

(K) Fund-raising expenses;

(L) Interest expense on loans for intangible assets;

(M) Legal fees related to litigation involving the department and attorney's fees which are not related to the provision of nursing facility services, such as litigation related to disputes between or among owners, operators, or administrators;

(N) Life insurance premiums for officers, owners, and related parties except the amount relating to a *bona fide* nondiscriminatory employee benefits plan;

(O) Non-covered supplies, items, and services as defined in section (6);

(P) Owner's compensation in excess of the applicable range of administrative salaries paid to individuals other than owners for proprietary and non-proprietary providers and based upon the total number of working hours.

1. Following is the division's 2019 Owner Compensation Guidelines. The division's 2019 Owner Compensation Guidelines shown below shall be updated annually using the CMS Market Basket Index for Wages (i.e., *IHS Markit / Healthcare Cost Review* publication, "Table 6.7 CMS Nursing Home without Capital Market Basket," and the "Wages -%MOVAVG" index).

Owner Compensation Guidelines				
Year	Bed Size	Low	High	Median
2019	0 - 74	\$55,917	\$100,415	\$71,552
	75 - 99	\$42,080	\$102,208	\$72,151
	100 - 149	\$60,132	\$121,451	\$78,162
	150 - 200	\$62,536	\$122,652	\$96,202
	200+	\$72,151	\$180,379	\$99,203

2. The applicable range will be determined as follows:

A. Number of licensed beds owned or managed; and

B. Owners acting as administrators will be adjusted on the basis of the high range. Owners included in home office costs or management company costs will be adjusted on the high range. All others will be calculated on the median range.

3. The salary identified above will be apportioned on the basis of hours worked in the facility(ies), home office, or management company as applicable to total hours in the facility(ies), home office, or management company;

(Q) Prescription drugs;

(R) Religious supplies, items, or services of a primarily religious nature performed by priests, rabbis, ministers, or other similar types of professionals;

(S) Research costs;

(T) Resident personal purchases provided non-routinely to residents for personal comfort or convenience;

(U) Salaries, wages, or fees paid to nonworking officers, employees, or consultants;

(V) Cost of stockholder meetings or stock proxy expenses;

(W) Taxes or assessments for which exemptions are available;

(X) Value of services (imputed or actual) rendered by nonpaid workers or volunteers;

(Y) All costs associated with nurse aide training and competency evaluation program which the facility may be reimbursed for under 13 CSR 70-10.120 Reimbursement for Nurse Assistant Training; and

(Z) Losses from disposal of assets.

(9) Revenue Offsets.

(A) Other revenues must be identified separately in the cost report. These revenues are offset against expenses. Such revenues include but are not limited to the following:

1. Income from telephone services;
2. Sale of employee and guest meals;
3. Sale of medical abstracts;
4. Sale of scrap and waste food or materials;
5. Cash, trade, quantity, time, and other discounts;
6. Purchase rebates and refunds;
7. Recovery on insured loss;
8. Parking lot revenues;
9. Vending machine commissions or profits;
10. Sales from supplies to individuals other than nursing facility participants;
11. Room reservation charges other than covered therapeutic home leave days and hospital leave days;
12. Barber and beauty shop revenue;

13. Private room differential;

14. Medicare Part B revenues.

A. Revenues received from Part B charges through Medicare will be offset.

B. For purposes of determining reimbursement, the total therapy revenues reported on Schedule A, lines 12, 13, and 16, that are offset shall not exceed the total therapy expenses reported on Schedule B, lines 72-75 and lines 78-79.

15. Personal services;

16. Activity income; and

17. Revenue recorded for donated services and commodities.

(B) Restricted funds designated by the donor prior to the donation for payment of operating costs will be offset from the associated cost.

(C) Restricted funds designated by the donor for capital expenditures will not be offset from allowable expenses.

(D) Unrestricted funds not designated by the provider for future capital expenditures will be offset from allowable cost.

(E) As applicable, restricted, and unrestricted funds will be offset in each cost component, excluding capital, in an amount equal to the cost component's proportionate share of allowable expense.

(F) Any tax levies which are collected by nursing home districts or county homes that are supported in whole or in part by these levies, will not be offset.

(G) Gains on disposal of assets will not be offset from allowable expenses.

(10) Provider Reporting and Record Keeping Requirements.

(A) Annual Cost Report.

1. Each provider shall adopt the same twelve- (12-) month fiscal period for completing its Medicaid cost report as is used for its Medicare cost report, if the facility also participates in the Medicare program. If the provider does not participate in Medicare, the Medicaid cost report should have the same twelve- (12-) month fiscal year consistent with the facility's accounting and reporting period.

2. Each provider is required to complete and submit to the division or its authorized contractor an annual cost report, including all worksheets, attachments, schedules, and requests for additional information from the division or its authorized contractor. The cost report shall be submitted on forms provided by the division or its authorized contractor for that purpose. Any substitute or computer generated cost report must have prior approval by the division or its authorized contractor.

3. All cost reports shall be completed in accordance with the requirements of this regulation and the cost report instructions. Financial reporting shall adhere to GAAP, except as otherwise specifically indicated in this regulation.

4. The cost report submitted must be based on the accrual basis of accounting. Governmental institutions operating on a cash or modified cash basis of accounting may continue to report on that basis, provided appropriate treatment for capital expenditures is made under GAAP.

5. Cost reports shall be submitted by the first day of the sixth month following the close of the fiscal period. A provider may request, in writing, a reasonable extension of the cost report filing date if there has been an extension granted for its Medicare cost report, if applicable, or for circumstances that are beyond the control of the provider and that are not a product or result of the negligence or malfeasance of the nursing facility. Such circumstances may include public health emergencies; unavoidable acts of nature such as flooding, tornado, earthquake, lightning, hurricane, natural wildfire, or

other natural disaster; or, vandalism and/or civil disorder. The division may, at its discretion, grant the extension.

6. If a cost report is more than ten (10) days past due, payment may be withheld from the facility until the cost report is submitted. Upon receipt of a cost report prepared in accordance with this regulation, the payments that were withheld will be released to the provider. For cost reports which are more than ninety (90) days past due, the department may terminate the provider's MO HealthNet participation agreement and if terminated retain all payments which have been withheld pursuant to this provision.

7. Copies of signed agreements and other significant documents related to the provider's operation and provision of care to MO HealthNet participants must be attached (unless otherwise noted) to the cost report at the time of filing unless current and accurate copies have already been filed with the division or its authorized contractor. Material which must be submitted or available upon request includes but is not limited to the following:

A. Audit prepared by an independent accountant, including disclosure statements and management letter or SEC Form 10-K;

B. Contracts or agreements involving the purchase of facilities or equipment during the last seven (7) years if requested by the division, the department, or its authorized contractor;

C. Contracts or agreements with owners or related parties;

D. Contracts with consultants;

E. Documentation of expenditures, by line item, made under all restricted and unrestricted grants;

F. Federal and state income tax returns for the fiscal year, if requested by the division, the department, or its authorized contractor;

G. Leases and/or rental agreements related to the activities of the provider, if requested by the division, the department, or its authorized contractor;

H. Management contracts;

I. Medicare cost report, if applicable;

J. Review and compilation statement;

K. Statement verifying the restrictions as specified by the donor, prior to donation, for all restricted grants;

L. Working trial balance actually used to prepare the cost report with line number tracing notations or similar identifications; and

M. Schedule of capital assets with corresponding debt.

8. Cost reports must be fully, clearly, and accurately completed. All required attachments must be submitted before a cost report is considered complete. If any additional information, documentation, or clarification requested by the division or its authorized contractor is not provided within fourteen (14) days of the date of receipt of the division's request, payments may be withheld from the facility until the information is submitted.

9. Under no circumstances will the division accept amended cost reports for rate determination or rate adjustment after the date of the division's notification of the final determination of the rate.

10. Exceptions. A cost report is not required for the following:

A. Hospital based providers which provide less than one thousand (1,000) patient days of nursing facility services for Missouri Title XIX participants, relative to their fiscal year;

B. Change in provider status. The cost report filing requirement for the cost report relating to the terminating provider from a change of control, ownership, or termination

of participation in the MO HealthNet program is not required, unless the terminating cost report is a full twelve- (12-) month cost report. The division may waive the cost report filing requirement for the twelve- (12-) month terminating cost report or the last twelve- (12-) month fiscal year end cost report resulting from a change of control, ownership, or termination of participation in the MO HealthNet program if the old/terminating provider can show financial hardship in providing the cost report. The old/terminating provider must submit a request to the division, indicating and providing documentation for the financial hardship caused by filing the cost report; and

C. New MO HealthNet facility or Re-certified MO HealthNet facility. The first (1st) cost report for a new facility enrolled in the MO HealthNet program or a facility that had terminated from participation in the MO HealthNet program and was re-certified in the MO HealthNet program may not be required if it is a short period cost report. A short period cost report covers three (3) months or less of nursing facility services for MO HealthNet participants, relative to the facility's fiscal year.

(I) If the provider participates in the Medicare program, the provider must complete the MO HealthNet cost report covering the same period as the Medicare cost report unless a short period cost report would still be required by Medicare but is not required by MO HealthNet because it covers three (3) months or less. For example:

(a) Example A: A facility enters the Medicaid/Medicare program on December 20 and has a December 31 fiscal year end. If Medicare requires that the December 20 – December 31 period be combined with the subsequent year cost report, then the MO HealthNet cost report should cover the same period.

(b) Example B: A facility enters the Medicaid/Medicare program on October 20 and has a December 31 fiscal year end. If Medicare requires that a cost report be submitted for October 20 through December 31, the facility may request that the division waive that cost report for MO HealthNet since it is within the three (3) month short period. The division must approve the request to waive the cost report.

(II) If the facility does not participate in Medicare, the facility must contact the division regarding the treatment of the short period cost report and the division must approve such treatment. The provider may –

(a) Submit the short period cost report; or

(b) Combine the short period with the cost report for the subsequent year; or

(c) Choose not to submit information relating to the short period either on a stand-alone cost report basis or combined with the subsequent year cost report.

11. Notification of change in provider status and withholding of funds for a change in provider status. A provider shall notify the Institutional Reimbursement Unit of the division via email at IRU.NursingFacility@dss.mo.gov prior to a change of control, ownership, or termination of participation in the MO HealthNet program. The division may withhold funds due to a change in provider status as follows:

A. If the division receives notification prior to the change of control, ownership, or termination of participation in the MO HealthNet program, the division may withhold funds from the old/terminating provider's remaining payments for any amounts owed to the division including but not limited to unpaid NFRA, overpayments, and system claim adjustment credits. If the division can determine the amount the provider owes, the division may withhold that amount from the old/terminating provider's remaining payments. If the division

cannot determine the amount a provider owes, it may withhold a minimum of thirty thousand dollars (\$30,000) of the remaining payments from the old/terminating provider. After six (6) months, any payments withheld will be released to the old/terminating provider, less any amounts owed to the division, including but not limited to unpaid NFRA, overpayments, and system claim adjustment credits; or

B. If the division does not receive notification prior to a change of control or ownership, the division may withhold funds from the provider identified in the current MO HealthNet participation agreement for any amounts owed to the division from the old/terminating provider, including but not limited to unpaid NFRA, overpayments, and system claim adjustment credits. If the division can determine the amount the old/terminating provider owes, the division may withhold that amount from the current provider's payments. If the division cannot determine the amount the old/terminating provider owes, it may withhold a minimum of thirty thousand dollars (\$30,000) of the next available MO HealthNet payment from the provider identified in the current MO HealthNet participation agreement. If the MO HealthNet payment is less than thirty thousand dollars (\$30,000), the entire payment will be withheld. After six (6) months, any payments withheld will be released to the provider identified in the current MO HealthNet participation agreement, less any amounts owed to the division, including but not limited to unpaid NFRA, overpayments, and system claim adjustment credits.

(B) Certification of Cost Reports.

1. The accuracy and validity of the cost report must be certified by the provider. Certification must be made by a person authorized by one (1) of the following: for an incorporated entity, an officer of the corporation; for a partnership, a partner; for a sole proprietorship or sole owner, the owner or licensed operator; or for a public facility, the chief administrative officer of the facility. Proof of such authorization shall be furnished upon request.

2. Cost reports must be notarized by a commissioned notary public.

3. The following statement must be signed on each cost report to certify its accuracy and validity: Certification Statement: Misrepresentation or falsification of any information contained in this cost report may be punishable by fine and/or imprisonment under state and federal law.

(C) Adequate Records and Documentation.

1. A provider must keep records in accordance with GAAP and maintain sufficient internal control and documentation to satisfy audit requirements and other requirements of this regulation, including reasonable requests by the division or its authorized contractor for additional information.

2. Each of a provider's funded accounts must be separately maintained with all account activity clearly identified.

3. Adequate documentation for all line items on the cost report shall be maintained by a provider. Upon request, all original documentation and records must be made available for review by the division or its authorized contractor at the same site at which the services were provided or at the central office/home office if located in the state of Missouri. Copies of documentation and records shall be submitted to the division or its authorized contractor upon request.

4. Each facility shall retain all financial information, data, and records relating to the operation and reimbursement of the facility for a period of not less than seven (7) years.

(D) Audits.

1. Any cost report submitted may be subject to a Level III Audit (also known as a field audit) by the division or its authorized contractor.

2. A provider shall have available at the field audit location one (1) or more knowledgeable persons authorized by the provider and capable of explaining the provider's accounting and control system and cost report preparation, including all attachments and allocations.

3. If a provider maintains any records or documentation at a location which is not the same as the site where services were provided, other than central offices/home offices not located in the state of Missouri, the provider shall transfer the records to the same facility at which the Medicaid services were provided, or the provider must reimburse the division or its authorized contractor for reasonable travel costs necessary to perform any part of the field audit in any off-site location, if the location is acceptable to the division.

4. Those providers initially entering the MO HealthNet program shall be required to have an annual independent audit of the financial records, used to prepare annual cost reports covering, at a minimum, the first two (2) full twelve-(12-) month fiscal years of their participation in the MO HealthNet Program, in accordance with GAAP and generally accepted auditing standards. The audit shall include but may not be limited to the Balance Sheet, Income Statement,

Certification of Officer or Administrator of Provider

I hereby certify that I have read the above statement and that I have examined the accompanying cost report and supporting schedules prepared by (provider name) for the cost report period beginning (date/year) and ending (date/year), and that to the best of my knowledge and belief, it is a true, correct, and complete statement prepared from the books and records of the provider in accordance with applicable instructions, except as noted.

Notary Public

Authorized Signature

(Title)

My Commission Expires _____

Statement of Retained Earnings, and Statement of Cash Flow. For example, a provider begins participation in the Medicaid program in March and chooses a fiscal year of October 1 to September 30. The first cost report will cover March through September. That cost report may be audited at the option of the provider. The October 1 to September 30 cost report, the first full twelve- (12-) month fiscal year cost report, shall be audited. The next October 1 to September 30 cost report, the second full twelve- (12-) month cost report, shall be audited. The audits shall be done by an independent certified public accountant. The independent audits of the first two (2) full twelve- (12-) month fiscal years may be performed at the same time. The provider may submit two (2) independent audit reports (i.e., one for each year) or they may submit one (1) combined independent audit report covering both years. The independent audit report(s) for combined audits are due with the filing of the second full twelve- (12-) month cost report. If the independent audits are combined, the provider must notify the division of such by the due date of the first full twelve- (12-) month cost report.

(E) Joint Use of Resources.

1. If a provider has business enterprises in addition to the nursing facility, the revenues, expenses, statistical, and financial records of each separate enterprise shall be clearly identifiable.

2. When the facility is owned, controlled or managed by an entity(ies) that own, control, or manage one (1) or more other facilities, records of central office and other costs incurred outside the facility shall be maintained so as to separately identify revenues and expenses of, and allocations to, individual facilities. Direct allocation of cost, such as RN consultant, which can be directly identifiable in the central office/home office cost and directly allocated to a facility by actual amounts or actual time spent. These direct costs shall be reported on the appropriate lines of the cost report. Allocation of central office/home office or management company costs to individual facilities should be consistent from year-to-year. If a desk audit or field audit establishes that records are not maintained so as to clearly identify information required by this regulation, those commingled costs shall not be recognized as allowable costs in determining the facility's Medicaid reimbursement rate. Allowability of these costs shall be determined in accordance with the provisions of this regulation.

(11) Prospective Rate Determination. The division will use the rate setting cost report described in (11)(I) to determine the nursing facility's prospective rate, as detailed in (11)(A)-(I) below.

(A) Patient Care. Each nursing facility's patient care per diem shall be calculated as follows –

1. The base patient care per diem shall be the lower of the –

A. Allowable cost per patient day for patient care as determined by the division from the rate setting cost report, including applicable adjustments and trends; or

B. Per diem ceiling of one hundred twenty percent (120%) of the patient care median determined by the division from the data bank.

2. The base patient care per diem determined in (11)(A)1. shall be adjusted by the facility's average Medicaid CMI using the RUGS IV 48 group model classification system from the two (2) preceding quarterly calculations relative to the effective date of the rate (i.e., for 2019 rebase rates effective July 1, 2022, the January 1, 2022 and April 1, 2022 CMI calculations shall be

used) and shall be the facility's patient care per diem to be included in the facility's total prospective per diem rate.

3. Following is an illustration of the calculation of the patient care per diem:

Description		Total Allowable Cost	Ceiling	Lower of Ceiling /Per Diem
Total Patient Care Costs		\$3,285,275		
Aides & Orderlies	\$918,303			
Dietary Salaries	\$248,776			
Total	\$1,167,079			
Salary Adjustment	2%	\$23,342		
Adjusted Patient Care		\$3,308,617		
Trend		7.69%		
Trended Cost		\$3,563,050		
Statewide Average Total CMI	.8744			
Cost Report Total CMI	.9664			
Total CMI Adjusted Costs (\$3,563,050* .8744/.9664)		\$3,223,852		
Total Patient Days		30,475		
Base Patient Care Per Diem		\$105.79	\$127.12	\$105.79
Medicaid CMI	.8206			
Medicaid CMI Adjusted Patient Care Per Diem (\$105.79* .8206/.8744)				\$99.28

(B) Ancillary. Each nursing facility's ancillary per diem will be the lower of the –

1. Allowable cost per patient day for ancillary as determined by the division from the rate setting cost report, including applicable adjustments and trends; or

2. Per diem ceiling of one hundred twenty percent (120%) of the ancillary median determined by the division from the data bank.

3. Following is an illustration of the calculation of the ancillary per diem:

Description		Total Allowable Cost	Ceiling	Lower of Ceiling / Per Diem
Total Ancillary Costs		\$454,281		
Laundry Salaries	\$58,002			
Housekeeping Salaries	\$137,329			
Beauty & Barber Salaries	\$0			
Total	\$195,331			
Salary Adjustment	2%	\$3,907		
Adjusted Ancillary		\$458,188		
Trend		7.69%		
Trended Cost		\$493,423		
Total Patient Days		30,475		
Ancillary Per Diem		\$16.19	\$21.48	\$16.19

(C) Administration. Each nursing facility's administration per diem shall be the lower of the –

1. Allowable cost per patient day for administration as determined by the division from the rate setting cost report, including applicable trends, and adjusted for minimum utilization, if applicable, as described in subsection (7)(N); or

2. Per diem ceiling of one hundred ten percent (110%) of the administration median determined by the division from the data bank. The administration median shall be based on the administration per diems that have been adjusted for minimum utilization, if applicable, as described in subsection (7)(N).

3. Following is an illustration of the calculation of the administration per diem:

Description		Total Allowable Cost	Ceiling	Lower of Ceiling / Per Diem
Total Administration Costs		\$1,772,163		
Trend		7.69%		
Trended Cost		\$1,908,442		
Total Patient Days	30,475			
Minimum Utilization Days	44,384			
Greater of Total Patient Days or Min. Utilization Days		44,384		
Administration Per Diem		\$43.00	\$35.73	\$35.73

(D) Capital. Each nursing facility's capital per diem shall be determined using the fair rental value system (FRV), which consists of two (2) elements – rental value and pass-through expenses. The calculation for each element, as well as the overall capital per diem, is detailed below in paragraphs (11)(D)1.–3.

1. Rental value.

A. Determine the total asset value.

(I) Determine facility size from the rate setting cost report. The changes in the number of licensed beds (i.e., increase and decreases) from the date the facility was originally licensed through the end of the rate setting cost report period should be determined and should result in the same number of licensed beds at the end of the facility's rate setting cost report.

(II) Determine the bed equivalency for capital expenditures from the date the facility was originally licensed through the end of the rate setting cost report period by taking the cost of the capital expenditures for each year divided by the asset value per bed for the year of the capital expenditures rounded down to the nearest whole bed. The cost of the capital expenditures must be at least the asset value per bed for the year of the capital expenditures for each bed equivalency. For example, a capital expenditures done in 2009 with a cost of two hundred seventy thousand dollars (\$270,000) is equal to five (5) beds. (\$270,000/\$47,948 equals 5.65 beds rounded down to 5 beds).

(III) The Total Facility Size is the sum of (I) and (II).

(VI) The Total Asset Value is the total facility size times the asset value.

B. Determine the reduction for age. The age of the beds is determined by subtracting the year the beds were originally licensed from the year relative to the rate base year. The age of bed equivalencies for capital expenditures is calculated by subtracting the year the capital expenditures were made from the year relative to the rate base year. The age of the beds for multiple licensing dates (i.e., for increases and decreases in licensed beds) and multiple bed equivalencies is calculated on a weighted average method rounded to the nearest whole year. For licensed bed decreases and replacement beds, the oldest beds are delicensed first. The reduction for age is determined by multiplying the age of the beds by one percent (1%) up to a maximum of forty percent (40%).

C. Determine the facility asset value. The facility asset value is the total asset value set forth in subparagraph (11)(D)1.A. less the reduction for age set forth in subparagraph (11)(D)1.B.

D. Determine the rental value. Multiply the facility asset value by six and three hundred seventy fifths percent (6.375%) to determine the rental value. The six and three hundred seventy fifths percent (6.375%) is comprised of two and one-half percent (2.5%), which is based on a forty- (40-) year life, plus three and eight hundred seventy fifths percent (3.875%) for a return. The three and eight hundred seventy fifths percent (3.875%) is based on the Treasury Bill thirty- (30-) year coupon rate in effect as of January 1, 2022 of one and eight hundred seventy fifths percent (1.875%) plus two percent (2%).

E. The following is an illustration of how subparagraphs (11)(D)1.A., B., C. and D. determine the rental value.

The following is the determination of the total facility size and the age of the beds:

Historical Base Data *			
	Total Facility Size	Age	Age x Beds
Licensed Beds	75		
Bed Equivalents	0		
Totals	75	30	2,250

* The is the cumulative, historical data previously used to determine existing nursing facilities' prospective rates under 13 CSR 70-10.015.

Licensure History *				
Licensure Year		No. of Bed Incr/(Decr)	Age From 2019	Age x Beds
Bed Increases / Decreases:	2003	15	16	240
	2004	5	15	75
	2006	10	13	130
	2008	(5)	30	(150)
Totals (Bed Incr/(Decr thru 2019)		25		295
Total Licensed Beds (Base Data + Bed Incr/(Decr))		100		

* This is the licensure history from 2002-2019 which reflects the licensure changes subsequent to the Historical Base Data shown above.

Capital Expenditure History *					
Year	Allowable Capital Expen- ditures for Bed Equiv	Asset Val- ue – Year of Capital Expendi- tures	Bed Equiva- lents	Age From 2019	Age x Beds
2002	\$1,677,164	\$35,325	47	17	799
2009	\$170,824	\$47,948	3	10	30
2014	\$310,351	\$52,042	5	5	25
2018	\$84,308	\$53,769	1	1	1
2019	\$145,692	\$64,701	2	0	0
Totals (Bed Equiv. thru 2019)			58		855
Total Bed Equiv. (Base Data + Bed Equiv thru 2019)			58		

* This is the capital expenditure and bed equivalency history from 2002-2019 which reflects the changes subsequent to the Historical Base Data shown above.

Total Facility Size and Weighted Average Age		
Total Facility Size (Licensed Beds + Bed Equiv.)	158	3,400
Weighted Average Age (3,495 / 158)		22

(II) The total asset value is the product of the total facility size times the asset value;

Total facility size	158
x Asset value - 2019	\$64,701
Total asset value	\$10,222,758

(III) Facility asset value is total asset value less the reduction for age of the beds; and

Total asset value	\$10,222,758
x Age of beds x 1%	22%
- Reduction for age (max 40%)	(\$2,249,007)
Facility asset value	\$7,973,751

(IV) Rental value is the facility asset value multiplied by 6.375%.-

Facility asset value	\$7,973,751
x Rental value percent	x 6.375%
Rental value	\$508,327

2. Pass-through expenses.

A. Add the following pass-through expenses, including applicable trends:

(I) Property insurance – line 107 of CR (3-95);

(II) Real estate taxes – line 108 of CR (3-95);

(III) Personal property taxes – line 109 of CR (3-95);

3. Capital component per diem calculation. A per diem is calculated for each element detailed above in paragraphs (11) (D) 1.-2. which are then added together to determine the total capital cost component per diem.

A. Rental value per diem. A per diem is calculated by dividing the rental value by the computed patient days, rounded to the nearest cent. Computed patient days are equal to the total facility size (i.e., number of licensed beds plus equivalencies) determined in part (11)(D)1.A.(III) multiplied by three hundred sixty-five (365) adjusted by the greater of the minimum utilization as determined in subsection (7)(N) or the facility’s occupancy from the rate setting cost report. The following is an illustration of how the rental value per diem is calculated:

	Allowable Cost	Computed Patient Days *	Per Diem
Rental Value	\$508,327	46,136	\$ 11.02
* Computed Patient Days:			
Total facility size		158	
x 365 days		x 365	
Subtotal		57,670	
Greater of:			
Minimum Utilization	80.00%		
Facility Occupancy **	56.63%	x 80.00%	
Computed Patient Days		46,136	

** Assumption: facility occupancy from the rate setting cost report = 56.63%

B. Pass-through expenses per diem. A per diem is calculated by dividing the pass-through expenses by the greater of the minimum utilization days as determined in subsection (7)(N) or the facility’s patient days from the rate setting cost report, rounded to the nearest cent. The following is an illustration of how the pass-through per diem is calculated:

	Allowable Cost	Patient Days *	Per Diem
Pass-Through Expenses:			
Property Insurance	\$23,969		
Real Estate Taxes	\$61,962		
Personal Property Taxes	\$3,408		
Total Pass-Through Expenses	\$89,339		
Trend	7.69%		
Total Trended Pass-Through Expenses	\$96,209	43,050	\$2.23
* Patient days - Greater of:			
a. Facility patient days		30,475	
b. Minimum utilization days			
Beddays		53,812	
x Minimum Utilization Percent		x 80%	
Minimum utilization days		43,050	

C. The capital cost component per diem is the sum of the per diems determined in subparagraphs (11)(D)3.A. and B.

Rental value	\$11.02
Pass-through expenses	\$2.23
Total capital cost component per diem	\$13.25

(E) The following is an illustration of how subsections (11)(A)-(D) determine the total per diem for the cost components:

Cost Component	Per Diem
Patient Care	\$99.28
Ancillary	\$16.19
Administration	\$35.73
Capital (FRV)	\$13.25
Total Cost Component Per Diem	\$164.45

(F) Special Per Diem Adjustments. Special per diem rate adjustments may be added to a qualifying facility's rate without regard to the cost component ceiling if specifically provided as described below.

1. Patient care incentive. Each facility with a prospective rate on or after July 1, 2022, shall receive a per diem adjustment equal to four and seventy-fifth percent (4.75%) of the facility's patient care per diem determined in paragraph (11)(A)1. subject to a maximum of one hundred thirty percent (130%) of the patient care median when added to the patient care per diem as determined in paragraph (11)(A)1. This adjustment will not be subject to the cost component ceiling of one hundred twenty percent (120%) for the patient care median.

2. Multiple component incentive. Each facility with a prospective rate on or after July 1, 2022, and which meets the following criteria shall receive a per diem adjustment:

A. If the sum of the facility's patient care per diem and ancillary per diem, as determined in subsections (11)(A) and (11)(B), is greater than or equal to seventy percent (70%), rounded to four (4) decimal places (.6985 would not receive the adjustment), of the facility's total per diem, the adjustment is as follows:

Patient Care & Ancillary Percent of Total Rate	Incentive
< 70%	\$0.00
> or = 70% but < 75%	\$0.10
> or = 75% but < or = 80%	\$0.15
> 80%	\$0.20

B. A facility shall receive an additional incentive if it receives the adjustment in subparagraph (11)(F)2.A. and if the facility's Medicaid utilization percent is greater than eighty-five percent (85%), rounded to four (4) decimal places (.8485 would not receive the adjustment). The adjustment is as follows:

Medicaid Utilization Percent	Incentive
< 85%	\$0.00
> or = 85% but < 90%	\$0.10
> or = 90% but < 95%	\$0.15
> or = 95%	\$0.20

3. Value Based Purchasing (VBP) Incentive. Each facility with a prospective rate on or after July 1, 2022, and which meets the following criteria shall receive a per diem adjustment:

A. The facility shall receive a per diem adjustment for each Quality Measure (QM) Performance threshold that it meets, up to a maximum per diem adjustment of seven dollars (\$7.00). The threshold for each QM is based on national cut-points used by CMS in its Five Star Rating System. Each threshold is the maximum QM value a facility can have in order to receive the per diem adjustment. These thresholds are listed in Table A3 of the Five-Star Quality Rating System: Technical Users' Guide dated January 2017. The thresholds listed in Table A3 have been rounded to the nearest tenth for purposes of determining the VBP Incentive. Table A3 of the Five-Star Quality Rating System: Technical Users' Guide dated January 2017 is incorporated by reference and made a part of this rule as published by CMS and available at <https://dss.mo.gov/mhd/providers/nursing-home-reimbursement-resources.htm>. This rule does not incorporate any subsequent amendments or additions.

(I) The facility's most current twelve- (12-) month rolling average QM value as of January 21, 2022 is used to determine the per diem adjustment(s) the facility qualified to receive for the rates effective July 1, 2022.

(II) The QM Performance Measure threshold, rounded to the nearest tenth, and per diem adjustments are as follows:

QM Performance	Threshold	Per Diem Adjustment
Decline in Late-Loss ADLs	<= 10.0%	\$1.00
Decline in Mobility on Unit	<= 8.0%	\$1.00
High-Risk Residents w/ Pressure Ulcers	<= 2.7%	\$1.00
Anti-Psychotic Medications	<= 6.8%	\$1.00
Falls w/ Major Injury	<= 1.3%	\$1.00
In-Dwelling Catheter	<= 1.1%	\$1.00
Urinary Tract Infection	<= 1.9%	\$1.00

(III) Any revisions to the Per Diem Adjustments shown in the above table will be included in 13 CSR 70-10.016, as set forth in (12)(A).

B. A VBP percentage will also be applied to the per diem adjustment for each facility that qualifies for a VBP Incentive. The VBP percentage will be determined by the total QM score calculated from the Five-Star Rating System scores for each of the eight (8) long-stay QMs, as follows:

(I) The eight (8) long-stay QMs included in the total QM score to determine the VBP percentage include the following:

- (a) Decline in Late-Loss ADLs
- (b) Decline in Mobility on Unit
- (c) High-Risk Residents w/ Pressure Ulcers
- (d) Anti-Psychotic Medications
- (e) Falls w/ Major Injury
- (f) In-Dwelling Catheter
- (g) Urinary Tract Infection
- (h) Physical Restraints

(II) The facility's most current twelve- (12-) month rolling average QM value as of January 21, 2022 is used to determine the facility's QM Score and VPB Percentage;

(III) For each QM value, the corresponding number of QM points will be determined from Table A3 of the Five-Star Quality Rating System: Technical Users' Guide dated January 2017;

(IV) The QM points for all of the QMs will be summed to determine the facility's total QM Score.

(V) The VBP percentage for each scoring range is listed in the following table.

QM Scoring Tier	Minimum Score	VBP Percentage
1	600	100%
2	520	75%
3	440	50%
4	360	25%
5	0	0%

4. Mental Illness Diagnosis Add-On. Each facility with a prospective rate on or after July 1, 2022, and which meets the following criteria shall receive a per diem adjustment:

A. If at least forty percent (40%) of a facility's Medicaid participants have the following mental illness diagnosis, the facility shall receive a per diem adjustment of five dollars (\$5.00):

- (I) Schizophrenia
- (II) Bi-polar

(III) Any revision to the Mental Illness Diagnosis Add-On reflected above in subparagraph (11)(F)4.A. will be included in 13 CSR 70-10.016, as set forth in subsection (12)(A).

(G) Prospective Rate Calculation.

1. A preliminary per diem shall be calculated and is the sum of –

A. The cost component per diems as set forth in subsections (11)(A)-(11)(E); and

B. The patient care incentive and multiple component incentive set forth in paragraphs (11)(F)1. and (11)(F)2., respectively.

2. A base rate shall be determined and is the greater of:

A. The preliminary per diem, and

B. The facility's prospective rate as of June 30, 2022, excluding NFRA.

3. The facility's rebased rate shall be the sum of –

A. The facility's base rate; and

B. The NFRA in effect for the applicable date of service.

4. The facility's prospective rate shall be the sum of –

A. The facility's rebased rate; and

B. The VBP Add-On set forth in paragraph (11)(F)3., if applicable; and

C. The Mental Illness Diagnosis Add-On set forth in paragraph (11)(F)4., if applicable.

5. The following is an illustration of how subsections (11)(A)–(G) determine a facility's prospective rate:

Cost Component	Per Diem
Patient Care	\$99.28
Ancillary	\$16.19
Administration	\$35.73
Capital (FRV)	\$13.25
Total Cost Component Per Diem	\$164.45
Patient Care Incentive	\$5.03
Multiple Component Incentive	\$0.10
Total Patient Care & Multiple Component Incentives	\$5.13
Preliminary Per Diem	\$169.58
Current Prospective Rate (excluding NFRA) – June 30, 2022	\$163.98
Base Rate - Greater of Preliminary Per Diem or June 30, 2022 Prospective Rate	\$169.58
NFRA – July 1, 2022	\$12.93
Total Rebased Rate	\$182.51
VBP Incentive	\$2.00
VBP Payment Percent	75%
VBP Add-On Per Diem Rate	\$1.50
Mental Illness Diagnosis Add-On	\$0.00
Total Prospective Rate – July 1, 2022	\$184.01

(H) Semi-Annual and Annual Rate Updates. Each facility with a prospective rate on or after July 1, 2022 shall have its rate updated for the following items as described below:

1. Semi-Annual Acuity Adjustment for Patient Care Per Diem Rate. Each facility's patient care per diem rate will be adjusted semi-annually using a current Medicaid CMI. The patient care per diem rate will be adjusted effective for dates of service beginning January 1 and July 1 of each year. The Medicaid CMI will be updated based on the facility's average Medicaid CMI using the RUGS IV 48 group model classifications from the two (2) preceding quarterly calculations. The allowable patient care cost per day determined in (11)(A)1. shall be adjusted by the applicable Medicaid CMI and shall be the facility's patient care per diem to be included in the facility's total prospective per diem rate, effective each January 1 and July 1. The patient care and multiple component incentives will not be updated based on the adjusted patient care per diem. The facility's prospective rate shall continue to include the patient care and multiple component incentives initially determined for the prospective rate. The applicable Medicaid CMI are as follows:

A. Effective for dates of service beginning January 1 of each year, each facility's Medicaid CMI will be updated using the average of the preceding July 1 and October 1 quarterly Medicaid CMI calculations.

B. Effective for dates of service beginning July 1 of each year, each facility's Medicaid CMI will be updated using the average of the preceding January 1 and April 1 quarterly Medicaid CMI calculations.

2. Semi-Annual Adjustment for VBP Incentive. Each facility's QM Performance data shall be re-evaluated semi-annually and the per diem add-on rate shall be adjusted accordingly. The VBP will be recalculated effective for dates of service beginning January 1 and July 1 of each year. The QM Performance data will be updated based on the most current data available as of November 15 for the January 1 rate adjustment and as of May 15 for the July 1 rate adjustment. A facility must meet the criteria set forth in paragraph (11)(F)3. each period and will lose any per diem adjustments for which it does not continue to qualify.

3. Semi-Annual Adjustment for Mental Illness Diagnosis Add-On. Each facility's Mental Illness Diagnosis data shall be re-evaluated semi-annually and the per diem add-on rate shall be adjusted accordingly. The Mental Illness Diagnosis will be recalculated effective for dates of service beginning January 1 and July 1 of each year. The Mental Illness Diagnosis data will be updated based on the most current data available as of November 15 for the January 1 rate adjustment and as of May 15 for the July 1 rate adjustment. A facility must meet the criteria set forth in paragraph (11)(F)4. each period and will lose any per diem adjustments for which it does not continue to qualify.

4. Annual Capital Rate Update. Each facility's capital rate will be recalculated annually by updating the rental value portion of the capital rate. The capital rate will be recalculated at the beginning of each state fiscal year (SFY), effective for dates of service beginning July 1, as follows:

A. The total facility size will be updated each year for any increases or decreases in licensed beds and capital expenditures that qualify as bed equivalencies, as follows:

(I) For SFY 2024, effective for dates of service beginning July 1, 2023, the total facility size will be updated using information from the 2020 and 2021 cost reports; and

(II) For SFY 2025 forward, the total facility size will be updated using the information from the third (3rd) prior year cost report relative to the SFY (i.e., for SFY 2025, the facility size will be updated using 2022 cost report data.);

B. The weighted average age of the facility shall be updated each year. The age shall be calculated from the year coinciding with the latest cost report used to update the facility size above in subparagraph (11)(A)1.A. (i.e., the age for SFY 2024 shall be calculated from 2021, the age for SFY 2025 shall be calculated from 2022, etc.); and

C. The asset value shall be updated each SFY. The asset value shall be updated for the year coinciding with the latest cost report used to update the facility size above in subparagraph (11)(A)1.A. (i.e., for SFY 2024 the 2021 asset value shall be used, for SFY 2025 the 2022 asset value shall be used, etc.).

5. A facility's prospective rate shall be increased or decreased based upon the semi-annual and annual rate adjustments but the rate shall not be decreased below the facility's June 30, 2022 prospective rate. A facility's June 30, 2022 prospective rate shall be adjusted for any global per diem adjustments granted to nursing facilities as set forth in subsection (12)(A). Semi-annual and annual rate adjustments shall not decrease a facility's prospective rate below the June

30, 2022 prospective rate that has been adjusted for any global per diem adjustments for the applicable effective date.

(I) Rate Setting Cost Report.

1. A facility with a valid Medicaid participation agreement and a prospective rate in effect on June 30, 2022, shall have its prospective rate rebased on its 2019 cost report. If a facility does not have a 2019 cost report, the next available cost report year shall be used as the rate setting cost report.

2. A nursing facility never previously certified for participation in the MO HealthNet program that originally enters the MO HealthNet program after June 30, 2022, shall receive an interim rate, as defined in subsection (4)(JJ), effective on the initial date of MO HealthNet certification. A prospective rate shall be determined in accordance with this regulation from the audited facility fiscal year cost report which covers the second full twelve- (12-) month fiscal year following the facility's initial date of MO HealthNet certification. This prospective rate shall be retroactively effective to the first day of the facility's second full twelve- (12-) month fiscal year and shall replace the interim rate for dates of service beginning on the first day of the facility's second full twelve- (12-) month fiscal year. The following items shall be updated annually and shall be used in determining the prospective rate:

A. Ceilings. The patient care, ancillary, and administration cost component ceilings shall be updated for any global per diem adjustments as set forth in subsection (12)(A). The effective date of the updated ceilings shall be the effective date of the global per diem adjustment. The ceiling used to determine the prospective rate shall be the ceiling in effect at the beginning of the rate setting period;

B. Asset Value. The asset value shall be updated annually as set forth in subsection (4)(E). The asset value for the year coinciding with the rate setting cost report year (i.e., the end of the cost report period) shall be used;

C. Age of Beds and Bed Equivalencies. The age of beds shall be calculated by subtracting the year the beds were originally licensed from the year coinciding with the rate setting cost report year (i.e., the end of the cost report period). The age of bed equivalencies shall be calculated by subtracting the year the capital expenditures were made from the year coinciding with the rate setting cost report (i.e., the end of the rate setting cost report period).

3. A facility with a valid Medicaid participation agreement in effect after June 30, 2022, which either voluntarily or involuntarily terminates its participation in the Medicaid Program and which reenters the Medicaid Program within two (2) years, shall have its prospective rate established as the rate in effect on the day prior to the date of termination from participation in the program plus rate adjustments which may have been granted with effective dates subsequent to the termination date but prior to reentry into the program as described in subsection (12)(A). This prospective rate shall be effective for service dates on and after the effective date of the reentry following a voluntary or involuntary termination.

(12) Adjustments to the Reimbursement. Subject to the limitations prescribed elsewhere in this regulation, a facility's reimbursement rate may be adjusted as described in this section, 13 CSR 70-10.016, and 13 CSR 70-10.017.

(A) Global Per Diem Rate Adjustments. A facility with either an interim rate or a prospective rate may qualify for the global per diem rate adjustments as set forth in 13 CSR 70-10.016 Global Per Diem Adjustments to Nursing Facility and HIV Nursing Facility Reimbursement Rates.

1. Global per diem rate adjustments, other than per diem adjustments for the VBP Incentive per diems or the Mental

Illness Diagnosis Add-On per diem, shall be allocated, and added to, the patient care, ancillary, and administration cost component ceilings based on the ceiling in effect at the time the global per diem adjustment is granted, unless the adjustment is directly attributable to a specific cost component(s). If the adjustment is directly attributable to a specific cost component(s), it shall be added to the specified cost component ceiling.

2. The cost component ceilings will not be adjusted by global per diem adjustments made to the VBP Incentive per diems or the Mental Illness Diagnosis Add-On per diem.

(B) Extraordinary circumstances. A participating facility which has a prospective rate may request an adjustment to its reimbursement due to extraordinary circumstances. This request must be submitted in writing to the division within one (1) year of the occurrence of the extraordinary circumstance. The request must clearly and specifically identify the conditions for which the reimbursement adjustment is sought. The dollar amount of the requested reimbursement adjustment must be supported by complete, accurate, and documented records satisfactory to the division. If the division makes a written request for additional information and the facility does not comply within ninety (90) days of the request for additional information, the division shall consider the request withdrawn. Requests for reimbursement adjustments that have been withdrawn by the facility or are considered withdrawn because of failure to supply requested information may be resubmitted once for the requested reimbursement adjustment. In the case of a reimbursement adjustment request that has been withdrawn and then resubmitted, the effective date shall be the first day of the month in which the resubmitted request was made providing that it was made prior to the tenth day of the month. If the resubmitted request is not filed by the tenth of the month, reimbursement adjustments shall be effective the first day of the following month. Conditions for an extraordinary circumstance are as follows:

1. When the provider can show that it incurred higher costs due to circumstances beyond its control, the circumstances were not experienced by the nursing home industry in general, and the costs have a substantial cost effect;

2. Extraordinary circumstances, which are beyond the reasonable control of the nursing facility and are not a product or result of the negligence or malfeasance of the nursing facility, include, but are not limited to:

A. Unavoidable acts of nature that occur in a federally declared disaster area. Unavoidable acts of nature may include hurricane, flooding, earthquake, tornado, lightning, natural wildfire, or other natural disaster for which no one can be held responsible; or

B. Vandalism and/or civil disorder; and

3. Adjustment to a facility's reimbursement for extraordinary circumstances shall only be for costs that are not covered by insurance. The reimbursement adjustment(s) shall be calculated as follows:

A. For one- (1-) time costs that will not be incurred in future fiscal years –

(I) Costs directly associated with the extraordinary circumstances that have not been covered by insurance will be multiplied by the Medicaid occupancy percent from the latest cost report available for the time period preceding when the extraordinary circumstances occurred; and

(II) This amount will be paid to the facility as a one- (1-) time, lump sum payment;

B. For ongoing costs that will be incurred in future fiscal years –

(I) Ongoing annual costs will be divided by the greater of:

(a) Annualized (calculated for a twelve- (12-) month period) total patient days from the latest cost report on file, or

(b) Minimum utilization days; and

(II) This calculation will be a per diem rate adjustment that will be added to the respective cost center, not to exceed the cost component ceiling. The rate adjustment, subject to ceiling limits, will be added to the prospective rate; and

C. For capitalized costs, the capital cost component per diem rate is updated at the beginning of each SFY so any capital expenditures resulting from the extraordinary circumstances will be captured during that annual rate update.

(C) Invasive Ventilator Care Adjustment. A per diem adjustment shall be granted for ventilator services provided by qualifying providers to qualifying MO HealthNet participants as set forth in 13 CSR 70-10.017.

(D) Conditions for prospective rate adjustments. The division may adjust a facility's prospective rate both retrospectively and prospectively under the following conditions:

1. Fraud, misrepresentation, errors. When information contained in a facility's cost report is found to be fraudulent, misrepresented, or inaccurate, the facility's prospective rate may be both retroactively and prospectively reduced if the fraudulent, misrepresented, or inaccurate information as originally reported resulted in establishment of a higher, prospective rate than the facility would have received in the absence of such information. No decision by the division to impose a rate adjustment in the case of fraudulent, misrepresented, or inaccurate information shall in any way affect the division's ability to impose any sanctions authorized by statute or regulation. The fact that fraudulent, misrepresented, or inaccurate information reported did not result in establishment of a higher prospective rate than the facility would have received in the absence of this information also does not affect the division's ability to impose any sanctions authorized by statute or regulation;

2. Decisions of the Administrative Hearing Commission, or settlement agreements approved by the Administrative Hearing Commission;

3. Court order; and

4. Disallowance of federal financial participation.

(13) Exceptions.

(A) Requirements for Placement of MO HealthNet Participants in Out-of-State Nursing Facilities and Reimbursement for Out-of-State Nursing Facilities.

1. In order to provide nursing facility services to MO HealthNet participants when there is no Missouri nursing facility with a suitable bed available that meets the medical needs of the participant, the division may authorize placement of a MO HealthNet participant in an out-of-state facility.

2. The division will only authorize placement of a MO HealthNet participant into an out-of-state facility if –

A. No Missouri nursing facility bed is available that meets the medical needs of the participant;

B. In-state alternatives for providing services have been exhausted; and

C. Prior approval for placement into an out-of-state nursing facility is requested from and approved by the division.

3. Once a Missouri nursing facility bed meeting the medical needs of the participant is available, the participant must return to Missouri. If the participant does not return to Missouri, the division shall withhold payments for nursing

facility services, unless the participant's health would be endangered if required to travel to Missouri. Participant's physician would need to certify that the participant's health would be endangered from the travel to Missouri.

4. No fiscal year-end Missouri Medicaid cost report will be required from the out-of-state nursing facility nor will there be any requirement for Missouri-conducted periodic audits.

5. The Title XIX reimbursement rate for out-of-state providers shall be set as follows:

A. For out-of-state providers which provided services for Missouri Title XIX participants, the reimbursement rate shall be the lower of –

(I) The weighted average MO HealthNet rate for comparable services at the beginning of the state fiscal year in which the provider enters the MO HealthNet program; or

(II) The rate paid to the out-of-state nursing facility for comparable services by the state in which the provider is located. The out-of-state provider must notify the division of any reimbursement changes made by its state Medicaid agency. The provider must also include a copy of the rate letter issued by their state Medicaid agency detailing the rate and effective date. The effective date of the rate change is as follows:

(a) Rate increases – If the provider notifies the division within thirty (30) days of receipt of notification from their state of the per diem rate increase, the effective date of the rate increase for purposes of reimbursement from Missouri shall be the same date as indicated in the issuing state's rate letter. If the division does not receive written notification from the provider within thirty (30) days of the date the provider received notification from their state of the rate increase, the effective date of the rate increase for purposes of reimbursement from Missouri shall be the first day of the month following the date the division receives notification; or

(b) Rate decreases – The effective date of the rate decrease for purposes of reimbursement from Missouri shall be the same date as indicated in the issuing state's rate letter.

(B) Hospital based nursing facilities.

1. The Title XIX reimbursement rate for hospital based providers that provide services of less than one thousand (1,000) patient days for Missouri Title XIX participants, relative to their fiscal year, and that are exempt from filing a cost report as prescribed in section (10) shall be determined as follows:

A. For hospital based nursing facilities that have less than one thousand (1,000) Medicaid patient days, the rate base cost report will not be required; and

B. The prospective rate will be the sum of the ceilings for the patient care, ancillary, and administration cost components plus the median per diem for capital. In addition, the patient care incentive of four and seventy-five hundredths percent (4.75%) of the patient care median will be granted.

2. For hospital based nursing facilities that provide one thousand (1,000) or more patient days for Missouri Title XIX participants, relative to their fiscal year, a prospective rate shall be set by one (1) of the following:

A. The hospital based nursing facility requests, in writing, that their prospective rate be determined from their rate setting cost report as set forth in this regulation; or

B. The sum of the ceilings for the patient care, ancillary, and administration cost components plus the median per diem for capital. In addition, the patient care incentive of four and seventy-five hundredths percent (4.75%) of the patient care median will be granted.

(14) Sanctions and Overpayments.

(A) In addition to the sanctions and penalties set forth in this regulation, the division may also impose sanctions against a provider in accordance with 13 CSR 70-3.030 Sanctions for False or Fraudulent Claims for Title XIX Services, or any other sanction authorized by state or federal law or regulations.

(B) Overpayments due the Medicaid program from a provider shall be recovered by the division in accordance with 13 CSR 70-3.030 Sanctions for False or Fraudulent Claims for Title XIX Services.

(15) Appeals. In accordance with sections 208.156, RSMo and 622.055, RSMo providers may seek hearing before the Administrative Hearing Commission of final decisions of the director or the division.

(16) Payment in Full. Participation in the program shall be limited to providers who accept as payment in full, for covered services rendered to Medicaid participants, the amount paid in accordance with these regulations and other applicable payments.

(17) Provider Participation. Payments made in accordance with the standards and methods described in this regulation are designed to enlist participation of a sufficient number of providers in the program so that eligible persons can receive the medical care and services included in the regulation at least to the extent these services are available to the general public.

(18) Transition. Cost reports used for rate determination shall be adjusted by the division in accordance with the applicable cost principles provided in this regulation.

**APPENDIX A
COVERED SUPPLIES AND SERVICES
PERSONAL CARE**

Baby powder
Bedside tissues
Bibs, all types
Deodorants
Disposable underpads of all types
Gowns, hospital
Hair care, basic including washing, cuts, sets, brushes, combs, nonlegend shampoo
Lotion, soap, and oil
Oral hygiene including denture care, cups, cleaner, mouthwashes, toothbrushes, and paste
Shaves, shaving cream, and blades
Nail clipping and cleaning routine

EQUIPMENT

Arm slings
Basins
Bathing equipment
Bed frame equipment including trapeze bars and bedrails
Bed pans, all types
Beds, manual, electric
Canes, all types
Crutches, all types
Foot cradles, all types
Glucometers
Heat cradles
Heating pads
Hot pack machines
Hypothermia blanket

Mattresses, all types
Patient lifts, all types
Respiratory equipment: compressors, vaporizers, humidifiers, IPPB machines, nebulizers, suction equipment, and related supplies, etc.
Restraints
Sand bags
Specimen container, cup or bottle
Urinals, male and female
Walkers, all types
Water pitchers
Wheelchairs, standard, geriatric, and rollabout

NURSING CARE/PATIENT CARE SUPPLIES

Catheter, indwelling and nonlegend supplies
Decubitus ulcer care: pads, dressings, air mattresses, aquamatic K pads (water heated pads), alternating pressure pads, flotation pads, and/or turning frames, heel protectors, donuts and sheepskins
Diabetic blood and urine testing supplies
Douche bags
Drainage sets, bags, tubes, etc.
Dressing trays and dressings of all types
Enema supplies
Gloves, nonsterile and sterile
Ice bags
Incontinency care including pads, diapers, and pants
Irrigation trays and nonlegend supplies
Medicine droppers
Medicine cups
Needles including, but not limited to, hypodermic, scalp, vein
Nursing services: regardless of level, administration of oxygen, restorative nursing care, nursing supplies, assistance with eating and massages provided by facility personnel
Nursing supplies: lubricating jelly, betadine, benzoin, peroxide, A and D Ointment, tapes, alcohol, alcohol sponges, applicators, dressings and bandages of all types, cottonballs, and aerosol merthiolate, tongue depressors
Ostomy supplies: adhesive, appliance, belts, face plates, flanges, gaskets, irrigation sets, night drains, protective dressings, skin barriers, tail closures, and bags
Suture care including trays and removal kits
Syringes, all sizes and types including ascepto
Tape for laboratory tests
Urinary drainage tube and bottle

THERAPEUTIC AGENTS AND SUPPLIES

Supplies related to internal feedings
I.V. therapy supplies: arm boards, needles, tubing, and other related supplies
Oxygen (portable or stationary), oxygen delivery systems, concentrators, and supplies
Special diets

AUTHORITY: sections 208.153, 208.159, 208.201, and 660.017, RSMo 2016. Emergency rule filed May 16, 2023, effective May 31, 2023, expires Nov. 26, 2023. Original rule filed May 16, 2023.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately \$215,600,000 annually.

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

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

**FISCAL NOTE
PUBLIC COST**

- I. Department Title:** Title 13 - Department of Social Services
Division Title: Division 70 - MO HealthNet Division
Chapter Title: Chapter 10 - Nursing Home Program

Rule Number and Name:	13 CSR 70-10.020 Prospective Reimbursement Plan for Nursing Facility and HIV Nursing Facility Services
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Social Services MO HealthNet Division	Estimated Annual Cost = \$215.6 million
Non-State Government Owned Nursing Facilities (42)	No estimated cost of compliance.

III. WORKSHEET

The proposed rule will cost public entities or political subdivisions an estimated \$215.6 million annually, broken down as follows:

- Nursing Facility & HIV Nursing Facility = \$200.0 million
 - Continuation of SFY 2022 Covid adjustment of \$10.18 = \$81.4 million
 - State funds = \$27.7 million
 - Federal funds = \$53.7 million
 - Rebasing & Rate Transformation = \$118.6 million
 - State funds = \$40.4 million
 - Federal funds = \$78.2 million
 - Average per diem rate increase = \$14.82
 - Funding includes Value Based Incentive Payments = \$17.2 million
 - State funds = \$5.9 million
 - Federal funds = \$11.3 million

- Hospice Nursing Home Room & Board = \$15.6 million
 - Continuation of SFY 2022 Covid adjustment of \$10.18 = \$6.8 million
 - State funds = \$2.3 million
 - Federal Funds = \$4.5 million
 - Average per diem rate increase = \$9.67 (\$10.18 x 95%)
 - Rebasing & Rate Transformation = \$8.8 million
 - State funds = \$3.0 million
 - Federal Funds = \$5.8 million
 - Average per diem rate increase = \$14.08 (\$14.82 x 95%)

- Home & Community Based Services (HCBS) –
 - For SFY 2023, there is no impact to HCBS because HCBS payments are based on nursing facility payments from the prior SFY.
 - For SFY 2024, the HCBS cost cap is estimated to increase by approximately 2.25%. This may increase the amount of services, and the payments, for MO HealthNet participants that are at the cap.

IV. ASSUMPTIONS

Impact to Department of Social Services, MO HealthNet Division: The above impact to DSS, MHD was calculated using the following assumptions:

Nursing Facilities and HIV Nursing Facilities:

This rule provides for the transformation of MO HealthNet nursing facility reimbursement rates by establishing a new reimbursement methodology effective July 1, 2022. The new reimbursement system includes updating the cost base for the rates (i.e., rebasing), applying an acuity adjustment or Case Mix Index (CMI) to patient care costs, and providing quality based incentives or Value Based Purchasing (VBP) add-ons to the rate when the facility meets specified quality measures.

Hospice:

Hospice providers will be impacted by this rule because reimbursement for hospice services provided in nursing facilities (i.e., Hospice Nursing Home Room and Board) is based on the nursing facility per diem rate. MHD conducted a fiscal analysis using 13 CSR 70-50.010 to estimate the impact to hospice. Please note this is an estimated analysis with the assumption of hospice appropriation authority.

Hospice Nursing Home Room and Board services are reimbursed 95% of the nursing facility per diem rate. The total per diem increase to nursing facility rates of \$25.00 computes to a per diem increase to hospice reimbursement rates of \$23.75 (\$25.00 x 95%).

Estimated Paid Days:

Nursing Facility –

The estimated nursing facility days for SFY 2023 are based on an analysis of the average Medicaid days paid for nursing facility services for the last three SFYs.

Hospice –

The estimated hospice days for SFY 2023 are based on the estimated percentage of hospice days provided in nursing facilities multiplied by the SFY 2023 estimated nursing facility days.

Home and Community Based Services (HCBS):

HCBS provided on a monthly basis are limited to a percentage of the average monthly nursing facility payment (referred to as the HCBS cost cap). The HCBS cost cap for a given SFY is based on the average monthly nursing facility payments for the 12 months ending in April of the previous SFY. Therefore, the per diem increase resulting from the rebasing and rate transformation effective for dates of service beginning July 1, 2022 through June 30, 2023 will not impact the HCBS cost cap for SFY 2023 but may impact the HCBS cost cap for SFY 2024. For SFY 2024, the HCBS cost cap is estimated to increase by approximately 2.25% as a result

of this rule. This may increase the amount of services, and the payments, for MO HealthNet participants that are at the cap.

Impact to Non-State Government Owned Nursing Facilities (42): The rule will have no cost of compliance for Medicaid enrolled non-state government owned nursing facilities because it will have a positive fiscal impact. This rule provides for the transformation of MO HealthNet nursing facility reimbursement rates by establishing a new reimbursement methodology which includes updating the cost base for the rates (i.e., rebasing), applying an acuity adjustment or Case Mix Index (CMI) to patient care costs, and providing quality based incentives or Value Based Pricing (VBP) add-ons to the rate when the facility meets specified quality measures.

TITLE 13 – DEPARTMENT OF SOCIAL SERVICES
Division 70 – MO HealthNet Division
Chapter 15 – Hospital Program

PROPOSED AMENDMENT

13 CSR 70-15.070 Inpatient Psychiatric Services for Individuals Under Age Twenty-One. The MO HealthNet Division is amending section (2).

PURPOSE: This amendment provides reimbursement to psychiatric residential treatment providers for days when the participant is temporarily away from the facility.

(2) Reimbursement for inpatient psychiatric services, as provided for in this rule, shall be made as follows: hospital care reimbursement at 13 CSR 70-15.010;

(B) For state operated PRTF services for individuals under the age of twenty-one (21), reimbursement will be calculated as follows:

1. The MO HealthNet Division shall reimburse state operated PRTFs for services based on the individual participant's days of care multiplied by the facility's Title XIX per diem rate less any payments made by participants;

2. The per diem for a state-operated PRTF is calculated as follows:

A. Determine the total costs from the second prior year hospital cost report (i.e. FY 2021 per diem rate is based off the hospital's 2019 cost report) for PRTF services;

B. Trend the total cost of the state operated PRTF by the Hospital Market Basket index as published in Healthcare Cost Review by Institute of Health Systems (IHS), or equivalent publication, regardless of any changes in the name of the publication or publisher;

C. Determine the total PRTF patient days from the DMH Customer Information Management, Outcomes and Reporting (CIMOR) system for the second prior year to correspond with the hospital cost report; and

D. Divide the trended cost as determined in subparagraphs (2)(B)2.A. and (2)(B)2.B. of this rule by the total patient days as determined in subparagraph (2)(B)2.C. of this rule to arrive at the State-Operated PRTF per diem; and

3. The per diem is updated each state fiscal year using the second prior year cost report; *[and]*

(C) For private PRTF services for individuals under the age of twenty-one (21), reimbursement will be calculated as follows:

1. Effective for dates of service on or after September 29, 2021, the division will reimburse private PRTFs on a prospective per diem rate. The prospective Missouri Private PRTF per diem rate was created using a wage rate model which utilized data derived from cost surveys prepared and submitted by potential PRTF providers. These cost surveys were collected February, 2021 or prior. The model specifically examines potential facility, occupancy, staff to patient ratios, necessary nursing hours per patient day, direct care and behavioral health professional wage and overhead expense, and risk factors. For a detailed breakdown of these calculations, see: <https://dss.mo.gov/mhd/cs/psych/pdf/mo-prtf-wage-rate-build-model.pdf>. The Missouri Prospective PRTF Rate Methodology document 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, on its website at <https://dss.mo.gov/mhd/cs/psych/pdf/mo-prtf-wage-rate-buildmodel.pdf>, October 1, 2021. This rule does not incorporate any subsequent amendments or additions. The per diem rate is included in the MO HealthNet Division (MHD) fee

schedule, 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, on its website at <https://dss.mo.gov/mhd/providers/pages/cptagree.htm>, August 13, 2021. This rule does not incorporate any subsequent amendments or additions[.]; and

(D) For state-operated and private PRTFs, medical leave days and therapeutic leave days will be paid to the PRTF at fifty percent (50%) of the per diem rate. Medical leave days include inpatient hospital medical/surgical stays and inpatient hospital psychiatric stays. Five (5) days of leave are allowed for medical/surgical stays per treatment episode, and five (5) days of leave are allowed for inpatient psychiatric stays per treatment episode. Therapeutic leave is for purposes of transition from the PRTF to the designated placement and must be included in the participant's plan of care. Ten (10) days of leave are allowed for therapeutic leave per treatment episode.

AUTHORITY: sections 208.201 and 660.017, RSMo 2016. This rule was previously filed as 13 CSR 40-81.053. Emergency rule filed Sept. 24, 1981, effective Oct. 4, 1981, expired Jan. 13, 1982. Original rule filed Sept. 24, 1981, effective Jan. 14, 1982. For intervening history, please consult the Code of State Regulations. Amended: Filed May 17, 2023.

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 15 – ELECTED OFFICIALS

Division 40 – State Auditor

Chapter 3 – Rules Applying to Political Subdivisions

PROPOSED AMENDMENT

15 CSR 40-3.030 Annual Financial Reports of Political Subdivisions. The State Auditor is amending section (4).

PURPOSE: This amendment corrects the email address to which a political subdivision sends its annual financial report as required by section 105.145, RSMo 2022.

(4) The annual financial report shall be mailed to the State Auditor's Office at PO Box 869, Jefferson City, MO 65102, or emailed to [\[PolySubFS@auditor.mo.gov\]](mailto:PolySubFS@auditor.mo.gov) LocalGovernment@auditor.mo.gov.

AUTHORITY: section 105.145, RSMo Supp. [2013] 2022. Original rule filed Oct. 13, 1983, effective Jan. 13, 1984. For intervening history, please consult the Code of State Regulations. Amended: Filed May 25, 2023.

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 mail to the Missouri State Auditor, PO Box 869, Jefferson City, MO 65102, or via email to Moaudit@auditor.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

TITLE 19 – DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 30 – Division of Regulation and Licensure Chapter 20 – Hospitals

PROPOSED AMENDMENT

19 CSR 30-20.125 Unlicensed Assistive Personnel Training Program. The department is amending subsections (2)(A) and (D), (3)(F), and section (6), and adding a new subsection (3)(H).

PURPOSE: This proposed amendment amends subsection (2)(A) to reclassify UAP Program curriculum content, amends subsection (2)(D) to correct an obsolete rule reference, amends subsection (3)(F) to exempt hospitals from complying with certain UAP training requirements if the employees can prove completion of patient care technician training programs, adds a new subsection (3)(H) to exempt hospitals from complying with certain UAP training requirements if the employees have proof of certification as a patient care technician, and amends section (6) to extend the UAP training completion deadline from ninety (90) days to one hundred-eighty (180) days and requires quality and safety curriculum to be completed within ninety (90) days of employment.

(2) The hospital training policy for UAPs shall include the following minimum standards:

(A) The curriculum of the UAP Program shall consist of a standard plan of instruction to include:

1. A minimum of seventy-five (75) hours of classroom instruction;

2. Computer or paper-based learning modules that provide documentation of completion may be substituted for up to sixty (60) hours of classroom time;

3. Comparable certified medical assistant training from an accredited medical assistant program may be substituted for up to fifty (50) hours of classroom time of comparable subject matter;

4. A minimum of one hundred (100) hours of clinical practicum; and

5. Curriculum content of the program shall include procedures and instructions on basic patient care skills including[,] but not limited to[,] the areas of:—

A. The Role of the UAP (ethics, law, team member communication, observation, reporting, documentation, medical terminology);

B. Patient/Client Rights (Health Insurance Portability and Accountability Act (HIPAA), privacy, confidentiality, advanced directives, abuse and neglect, age specific care, cultural diversity, pain management, restraint-free care, end-

of-life care, death and dying, do not resuscitate (DNR) orders, post-mortem care);

C. Vital Signs;

D. **Quality** (B/basic [H]human [N]needs: [(age specific cognitive/psychological/social needs, activities of daily living, ambulation, positioning, personal care, elimination and toileting, nutrition, hydration, feeding, bed making);

E. Infection Control (universal precautions, blood-borne pathogens, safe needle devices, aseptic technique, hand washing, gloving, isolation);

F. Skin Care (wound care, pressure ulcers, and prevention); and

G. Safety (cardiopulmonary resuscitation (CPR), allergies, fall prevention, environmental safety issues, fire/electrical, hazardous materials transportation safety information (HAZMAT), emergency procedures, body mechanics);

(B) The clinical practicum of one hundred (100) hours shall start after the student has enrolled and started the course curriculum;

(C) Skill validation and knowledge verification is to be used to determine student competence; and

(D) Annual in-service training also shall occur as required by [19 CSR 30-20.110] **19 CSR 30-20.**

(3) Hospitals shall not be required to meet the UAP training requirements if an employee demonstrates competency in the content areas required by this rule; in the duties specific to their job and the patient population assigned and –

(F) Has proof of completion of a **patient care technician training program which meets the curriculum requirements of this rule or** UAP training program in Missouri or another state which meets the requirements of this rule within the last three (3) years; [or]

(G) Has completed a professional or licensed practical nursing program outside the United States and is awaiting the licensure examination in this country; or

(H) Has proof of certification as a patient care technician.

(6) The UAP training shall be completed within [ninety (90)] **one hundred-eighty (180)** days of employment for any individual who is hired as a UAP. **Quality and Safety curriculum shall be covered within ninety (90) days of employment.**

A UAP shall not work in direct patient care, except as part of their supervised practicum, until the entire UAP training requirements have been met.

AUTHORITY: section 197.287, RSMo Supp. [2013] 2022. Original rule filed Jan. 31, 2008, effective Sept. 30, 2008. Amended: Filed Dec. 31, 2013, effective Aug. 30, 2014. Emergency amendment filed May 22, 2023, effective June 6, 2023, expires Dec. 2, 2023. Amended: Filed May 22, 2023.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Steve Bollin at Steve.Bollin@health.mo.gov or Missouri Department of Health and Senior Services, PO Box 570, Jefferson City, Missouri 65101-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

**Division 2010 – Missouri State Board of Accountancy
Chapter 2 – General Rules**

PROPOSED RESCISSION

20 CSR 2010-2.140 Granting of Credit for the Examination.
This rule clarified the requirements for granting credit for the examination.

PURPOSE: The rule is being rescinded and readopted to current standards.

AUTHORITY: sections 326.262, 326.268, and 326.280, RSMo Supp. 2005. This rule originally filed as 4 CSR 10-2.140. Original rule filed Sept. 13, 1978, effective Jan. 13, 1979. For intervening history, please consult the Code of State Regulations. Rescinded: Filed May 30, 2023.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Board of Accountancy, PO Box 613, Jefferson City, MO 65102, by facsimile at (573) 751-0012 or via email at mosba@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 2010 – Missouri State Board of Accountancy
Chapter 2 – General Rules**

PROPOSED RULE

20 CSR 2010-2.140 Granting of Credit for the Examination

PURPOSE: This rule clarifies the requirements for granting credit for the Uniform Certified Public Accountant (CPA) Examination.

(1) Credit requirements.

(A) As of January 1, 2024, candidates are required to pass three (3) core sections of the Uniform CPA Examination including: Auditing and Attestation (AUD), Financial Accounting and Reporting (FAR), and Taxation and Regulation (REG). In addition to passing all three (3) core sections, the candidate shall pass one (1) of three (3) disciplines including: Business Analysis and Reporting (BAR), Information Systems and Controls (ISC), or Tax Compliance and Planning (TCP). The core sections are mandatory for all candidates; however, each candidate may select the discipline of choice. The candidate will be deemed to have passed the Uniform CPA Examination when credit has been timely granted for all three (3) core sections and one (1) discipline.

(2) Score.

(A) A score of at least seventy-five (75) is required to pass any

section.

(3) Time.

(A) To receive credit for the examination, the candidate must pass all three (3) core sections and one (1) discipline within a thirty- (30-) month period.

1. The thirty- (30-) month period begins from the date the first passing score is issued. A passing score issued after the thirty- (30-) month period will be granted credit if the candidate sat for and passed the examination section/discipline within the thirty- (30-) month period.

2. In the event all three (3) core sections and one (1) discipline are not passed within a thirty- (30-) month period, any examination credit that exceeds thirty (30) months will expire after thirty (30) months from the date the score is issued. A candidate will not receive credit for any expired score. The candidate must retake any core section that expires. If the discipline previously passed expires, the candidate may retake the same discipline or select one (1) of the other two (2) remaining disciplines.

(4) Transition.

(A) Prior to January 1, 2024, candidates were required to pass all four (4) sections of the Uniform CPA Examination within an eighteen- (18-) month period. Those sections were: Auditing and Attestation (AUD), Financial Accounting and Reporting (FAR), Regulation (REG), and Business Environment and Concepts (BEC). If the candidate timely received credit for all four (4) sections, the candidate is deemed to have passed the Uniform CPA Examination.

1. Candidates who were granted credit for passing any section of the Uniform CPA Examination prior to January 1, 2024, and continue to hold an unexpired credit(s) for any part of the exam as of January 1, 2024, shall retain that credit(s) until June 30, 2025 as a condition of the transition period to the new examination. If the candidate does not pass all remaining sections of the examination by June 30, 2025, credits granted during the transition will expire and the candidate will lose credit for the section(s) earned prior to January 1, 2024.

2. If a candidate carries the credit for Business and Environment and Concepts (BEC) into the transition period, they will not be required to take one (1) of the three (3) discipline options if they pass the remaining core sections. If the candidate carries Business and Environment Concepts (BEC) into the transition period and this credit expires, the candidate must then select one (1) of the three (3) disciplines to replace this lost credit.

(5) Transfer of credit.

(A) Sections passed in another state will be allowed provided the candidate met the requirements of that state for granting credit at the time the examination section or discipline was passed.

(6) No information pertaining to grades or passing or failing of candidates shall be given to anyone by telephone.

(7) The provisions of this rule are declared severable. If any provision of this rule is held invalid by a court of competent jurisdiction, the remaining provisions of this rule shall remain in full force and effect, unless otherwise determined by a court of competent jurisdiction to be invalid.

AUTHORITY: sections 326.262 and 326.268, RSMo 2016, and section 326.280, RSMo Supp. [2005] 2022. This rule originally filed as 4 CSR 10-2.140. Original rule filed Sept. 13, 1978, effective Jan. 13, 1979. For intervening history, please consult the Code of

State Regulations. *Rescinded and Readopted: Filed May 30, 2023.*

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

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

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Accountancy, PO Box 613, Jefferson City, MO 65102, by facsimile at (573) 751-0012 or via email at mosba@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.*

(4) The following miscellaneous fees are established as follows:

- (A) Continuing education (CE) course review [fee] \$100
- (B) Individual course review [fee] \$ 10
- (C) Exam [fee] \$ 80
- (D) Verification [fee] \$ 15
- (E) [Insufficient Funds] Bad Check \$ 25

AUTHORITY: *sections 324.1102 and 324.1132, RSMo 2016. Original rule filed June 26, 2009, effective Jan. 30, 2010. For intervening history, please consult the Code of State Regulations. Amended: Filed May 30, 2023.*

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

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

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

**TITLE 20 – DEPARTMENT OF
COMMERCE AND INSURANCE
Division 2234 – Board of Private Investigator and
Private Fire Investigator Examiners
Chapter 1 – General Rules**

PROPOSED AMENDMENT

20 CSR 2234-1.050 Fees. The board is amending sections (3) and (4).

PURPOSE: *The amendment cleans up language.*

(3) The following licensure fees are established as follows:

- (A) Investigator –
 - 1. Application [fee] \$500
 - 2. Renewal license [fee] \$400
 - 3. Renewal penalty [fee] \$100
 - 4. Inactive [fee] \$100
 - 5. Reactivation [fee] \$300
 - 6. Fingerprinting [fee]

Amount to be
determined by the
Missouri State
Highway Patrol

- (B) Agency –
 - 1. Application [fee] \$400
 - 2. Renewal license [fee] \$300
 - 3. Renewal penalty [fee] \$100
 - 4. Additional agency license –
initial [(one-half (½) of
primary office)] \$200
 - 5. Additional agency license –
renewal [(one-half (½) of
primary office)] \$100
 - 6. Additional agency license –
renewal penalty [fee] \$100

- (C) Licensed Agency Employee –
 - 1. Application [fee] \$100
 - 2. Renewal license [fee] \$ 50
 - 3. Renewal penalty [fee] \$ 25
 - 4. Fingerprinting [fee]

Amount to be
determined by the
Missouri State
Highway Patrol

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

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

TITLE 1 – OFFICE OF ADMINISTRATION
Division 60 – Joint Oversight Task Force for
Prescription Drug Monitoring
Chapter 1 – Registration

ORDER OF RULEMAKING

By the authority vested in the Joint Oversight Task Force for Prescription Drug Monitoring under section 195.600, RSMo Supp. 2022, the Joint Oversight Task Force for Prescription Drug Monitoring adopts a rule as follows:

1 CSR 60-1.010 Registration for Prescription Drug Monitoring Program **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 15, 2023 (48 MoReg 559). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

TITLE 3 – DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 4 – Wildlife Code: General Provisions

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-4.111 Endangered Species **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2023 (48 MoReg 566). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

TITLE 3 – DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 7 – Wildlife Code: Hunting: Seasons,
Methods, Limits

ORDER OF RULEMAKING

By authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.433 is amended.

This rule establishes the firearms deer hunting seasons, limits, and provisions for hunting and is exempted by section 536.021, RSMo 2016, from the requirements for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-7.433 by establishing the firearms deer hunting seasons, limits, and provisions for hunting.

3 CSR 10-7.433 Deer: Firearms Hunting Season

(1) The firearms deer hunting season is comprised of seven (7) portions.

(A) Antlerless portions: October 6 through 8, 2023, and December 2 through 10, 2023; use any legal deer hunting method to take antlerless deer in Adair, Audrain, Barry, Barton, Bates, Benton, Bollinger, Boone, Buchanan, Caldwell, Callaway, Camden, Cape Girardeau, Carroll, Cass, Cedar, Chariton, Christian, Clark, Clay, Clinton, Cole, Cooper, Crawford, Dade, Dallas, Daviess, DeKalb, Dent, Douglas, Franklin, Gasconade, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Howard, Howell, Jackson, Jasper, Jefferson, Johnson, Knox, Laclede, Lafayette, Lawrence, Lewis, Lincoln, Linn, Livingston, Macon, Madison, Maries, Marion, McDonald, Mercer, Miller, Moniteau, Monroe, Montgomery, Morgan, Newton, Oregon, Osage, Ozark, Perry, Pettis, Phelps, Pike, Platte, Polk, Pulaski, Putnam, Ralls, Randolph, Ray, Reynolds, Ripley, Saline, Schuyler, Scotland, Shannon, Shelby, St. Charles, St. Clair, St. Francois, St. Louis, Ste. Genevieve, Stone, Sullivan, Taney, Texas, Vernon, Warren, Washington, Webster, Worth, and Wright counties.

(B) Youth portions: October 28 through 29, 2023, and November 24 through 26, 2023; for persons at least six (6) but not older than fifteen (15) years of age; use any legal deer hunting method to take one (1) deer statewide during the October 28 through 29, 2023, portion; use any legal deer hunting method to take deer statewide during the November

24 through 26, 2023, portion.

(C) November portion: November 11 through 21, 2023; use any legal deer hunting method to take deer statewide.

(D) CWD portion: November 22 through 26, 2023; use any legal deer hunting method to take deer in Adair, Barry, Barton, Bollinger, Caldwell, Camden, Carroll, Cedar, Chariton, Christian, Clark, Clay, Clinton, Crawford, Dallas, Franklin, Gasconade, Greene, Grundy, Hickory, Howell, Jasper, Jefferson, Knox, Laclede, Linn, Livingston, Macon, Madison, McDonald, Mercer, Montgomery, Oregon, Ozark, Pemiscot, Perry, Polk, Pulaski, Putnam, Ray, Ripley, Schuyler, St. Charles, St. Clair, St. Francois, Ste. Genevieve, Stone, Sullivan, Taney, Vernon, Warren, and Washington counties.

(E) Alternative methods portion: December 23, 2023, through January 2, 2024; use muzzleloader and archery methods, crossbows, atlatl, handguns, and air-powered guns as defined in 3 CSR 10-7.431 to take deer statewide.

SUMMARY OF PUBLIC COMMENTS: Seasons and limits are exempted from the requirement of filing as a proposed amendment under section 536.021, RSMo.

This amendment filed May 19, 2023, effective **July 1, 2023**.

TITLE 3 – DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 7 – Wildlife Code: Hunting: Seasons,
Methods, Limits

ORDER OF RULEMAKING

By authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.434 is amended.

This rule establishes season limits and provisions for landowners and is exempted by section 536.021, RSMo 2016, from the requirements for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-7.434 by establishing season limits and provisions for landowners.

3 CSR 10-7.434 Deer: Landowner Privileges

(1) Resident and nonresident landowners as defined in 3 CSR 10-20.805 may obtain landowner deer hunting permits from any permit vendor, but only after application to and approval by the department in accordance with 3 CSR 10-7.412.

(A) Approved resident landowners may obtain the following permits at no-cost: one (1) Resident Landowner Firearms Any-Deer Hunting Permit, one (1) Resident Landowner Archer's Hunting Permit, and, if property is in a county in which Archery Antlerless Deer Hunting Permits can be used, two (2) Resident Landowner Archery Antlerless Deer Hunting Permits.

(B) In addition to the permits listed in subsection (1)(A), approved resident landowners with seventy-five (75) or more acres located in a single county or at least seventy-five (75) continuous acres bisected by a county boundary may obtain a maximum of two (2) no-cost Resident Landowner Firearms Antlerless Deer Hunting Permits. Resident landowners with at least seventy-five (75) acres in more than one (1) county must comply with landowner antlerless deer limits for each county.

1. Approved resident landowners of at least seventy-five (75) acres may obtain one (1) no-cost Landowner Antlerless

Deer Hunting Permit in the counties of: Andrew, Atchison, Butler, Carter, Dunklin, Holt, Iron, Mississippi, New Madrid, Nodaway, Pemiscot, Scott, Stoddard, and Wayne.

2. Approved resident landowners of at least seventy-five (75) acres may obtain two (2) no-cost Landowner Antlerless Deer Hunting Permits in the counties of: Adair, Audrain, Barry, Barton, Bates, Benton, Bollinger, Boone, Buchanan, Caldwell, Callaway, Camden, Cape Girardeau, Carroll, Cass, Cedar, Chariton, Christian, Clark, Clay, Clinton, Cole, Cooper, Crawford, Dade, Dallas, Daviess, DeKalb, Dent, Douglas, Franklin, Gasconade, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Howard, Howell, Jackson, Jasper, Jefferson, Johnson, Knox, Laclede, Lafayette, Lawrence, Lewis, Lincoln, Linn, Livingston, Macon, Madison, Maries, Marion, McDonald, Mercer, Miller, Moniteau, Monroe, Montgomery, Morgan, Newton, Oregon, Osage, Ozark, Perry, Pettis, Phelps, Pike, Platte, Polk, Pulaski, Putnam, Ralls, Randolph, Ray, Reynolds, Ripley, Saline, Schuyler, Scotland, Shannon, Shelby, St. Charles, St. Clair, St. Francois, St. Louis, Ste. Genevieve, Stone, Sullivan, Taney, Texas, Vernon, Warren, Washington, Webster, Worth, and Wright.

(C) Approved nonresident landowners may purchase the following reduced-cost Nonresident Landowner Deer Hunting Permits: one (1) Nonresident Landowner Firearms Any-Deer Hunting Permit and one (1) Nonresident Landowner Archer's Hunting Permit.

SUMMARY OF PUBLIC COMMENTS: Seasons and limits are exempted from the requirement of filing as a proposed amendment under section 536.021, RSMo.

This amendment filed May 19, 2023, effective **July 1, 2023**.

TITLE 3 – DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 7 – Wildlife Code: Hunting: Seasons,
Methods, Limits

ORDER OF RULEMAKING

By authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.435 is amended.

This rule establishes the special deer harvest restrictions for certain counties and is exempted by section 536.021, RSMo 2016, from the requirements for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-7.435 by establishing deer harvest restrictions

3 CSR 10-7.435 Deer: Special Harvest Provisions

(1) Only antlerless deer and antlered deer with at least one (1) antler having at least four (4) antler points may be taken in the counties of Andrew, Atchison, Audrain, Bates, Benton, the portion of Boone County not included within the city limits of Columbia, Buchanan, Callaway, the portion of Cass County not included in the Kansas City urban zone, Cole, Cooper, Daviess, DeKalb, Gentry, Harrison, Henry, Holt, Howard, Johnson, Lafayette, Lewis, Lincoln, Maries, Marion, Miller, Moniteau, Monroe, Morgan, Nodaway, Osage, Pettis, Phelps, Pike, the portion of Platte County not included in the Kansas City urban

zone, Ralls, Randolph, Saline, Scotland, Shelby, and Worth. No other antlered deer may be taken.

(A) An antler point is at least one inch (1") long from base to tip.

(B) The end of the main beam is a point.

(2) These special provisions apply to all deer hunting seasons and permittees, except the provisions of this rule shall not apply to persons that are fifteen (15) years of age or younger on September fifteenth of the current year.

SUMMARY OF PUBLIC COMMENTS: Seasons and limits are exempted from the requirement of filing as a proposed amendment under section 536.021, RSMo.

This amendment filed May 19, 2023, effective **July 1, 2023**.

**TITLE 3 – DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 7 – Wildlife Code: Hunting: Seasons,
Methods, Limits**

ORDER OF RULEMAKING

By authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.437 is amended.

This rule establishes deer harvest limits by county and is exempted by section 536.021, RSMo 2016, from the requirements for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-7.437 by establishing deer harvest limits by county.

3 CSR 10-7.437 Deer: Antlerless Deer Hunting Permit Availability

(1) Archery Deer Hunting Season.

(A) Resident and Nonresident Archery Antlerless Deer Hunting Permits are not valid in the counties of: Dunklin, Mississippi, New Madrid, and Pemiscot.

(2) Firearms Deer Hunting Season.

(A) Resident and Nonresident Firearms Antlerless Deer Hunting Permits are not valid in the counties of: Atchison, Dunklin, Mississippi, New Madrid, and Pemiscot.

(B) Only one (1) Resident or Nonresident Firearms Antlerless Deer Hunting Permit per person may be filled in the counties of: Andrew, Butler, Carter, Holt, Iron, Nodaway, Reynolds, **Scott**, Stoddard, and Wayne.

(C) Only two (2) Resident or Nonresident Firearms Antlerless Deer Hunting Permits per person may be filled in the counties of: Bollinger, Buchanan, Clinton, Dade, DeKalb, Dent, Douglas, Lawrence, Madison, Maries, Newton, Phelps, Shannon, and Texas.

(D) Only four (4) Resident or Nonresident Firearms Antlerless Deer Hunting Permits per person may be filled in the counties of: Adair, Audrain, Barry, Barton, Bates, Benton, Boone, Caldwell, Callaway, Camden, Cape Girardeau, Carroll, Cass, Cedar, Chariton, Christian, Clark, Clay, Cole, Cooper, Crawford, Dallas, Daviess, Franklin, Gasconade, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Howard, Howell, Jackson, Jasper, Jefferson, Johnson, Knox, Laclede, Lafayette, Lewis, Lincoln, Linn, Livingston, Macon, Marion, McDonald, Mercer, Miller,

Moniteau, Monroe, Montgomery, Morgan, Oregon, Osage, Ozark, Perry, Pettis, Pike, Platte, Polk, Pulaski, Putnam, Ralls, Randolph, Ray, Ripley, Saline, Schuyler, Scotland, Shelby, St. Charles, St. Clair, St. Francois, St. Louis, Ste. Genevieve, Stone, Sullivan, Taney, Vernon, Warren, Washington, Webster, Worth, and Wright.

SUMMARY OF PUBLIC COMMENTS: Seasons and limits are exempted from the requirement of filing as a proposed amendment under section 536.021, RSMo.

This amendment filed May 19, 2023, effective **July 1, 2023**.

**TITLE 3 – DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 9 – Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-9.240 Class II Wildlife is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2023 (48 MoReg 566). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-11.180 Hunting, General Provisions and Seasons is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2023 (48 MoReg 566-569). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**TITLE 3 – DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 12 – Wildlife Code: Special Regulations for**

Areas Owned by Other Entities

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-12.110 Use of Boats and Motors is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2023 (48 MoReg 570). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-12.115 Bullfrogs and Green Frogs is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2023 (48 MoReg 570-571). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-12.135 Fishing, Methods is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2023 (48 MoReg 571). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-12.140 Fishing, Daily and Possession Limits
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2023 (48 MoReg 571-573). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**TITLE 5 – DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 20 – Division of Learning Services
Chapter 500 – Office of Adult Learning and
Rehabilitation Services**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education (board) under section 161.092, RSMo 2016, the board amends a rule as follows:

**5 CSR 20-500.300 Pertinent Regulations Relating to the
Disability Determinations Program is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2023 (48 MoReg 435). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**TITLE 5 – DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 20 – Division of Learning Services
Chapter 500 – Office of Adult Learning and
Rehabilitation Services**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education (board) under sections 161.092 and 161.172, RSMo 2016, the board amends a rule as follows:

**5 CSR 20-500.350 Standards for the Approval and Continued
Approval of On-the-Job Training for the Training of Veterans
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2023 (48 MoReg 435-436). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**TITLE 5 – DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 20 – Division of Learning Services
Chapter 500 – Office of Adult Learning and
Rehabilitation Services**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education (board) under sections 161.092 and 161.172, RSMo 2016, the board amends a rule as follows:

5 CSR 20-500.360 Standards for the Approval of Apprentices Courses for the Training of Veterans Under the Provisions of PL 90-77 **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2023 (48 MoReg 436-437). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**TITLE 5 – DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 30 – Division of Financial and
Administrative Services
Chapter 261 – Pupil Transportation**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education (board) under section 161.092, RSMo 2016, and section 304.060, RSMo Supp. 2022, the board amends a rule as follows:

5 CSR 30-261.045 Pupil Transportation in Vehicles Other Than School Buses **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2023 (48 MoReg 201). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**TITLE 6 – DEPARTMENT OF HIGHER EDUCATION AND
WORKFORCE DEVELOPMENT
Division 10 – Commissioner of Higher Education
Chapter 2 – Student Financial Assistance Programs**

ORDER OF RULEMAKING

By the authority vested in the Department of Higher Education and Workforce Development under section 160.545, RSMo Supp. 2022, the department rescinds a rule as follows:

6 CSR 10-2.195 Dual Credit/Dual Enrollment Scholarship Program **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on March 15, 2023 (48 MoReg 595). No changes have been made to the proposed rescission, so they are not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**TITLE 6 – DEPARTMENT OF HIGHER EDUCATION AND
WORKFORCE DEVELOPMENT
Division 10 – Commissioner of Higher Education
Chapter 2 – Student Financial Assistance Programs**

ORDER OF RULEMAKING

By the authority vested in the Department of Higher Education and Workforce Development under section 160.545, RSMo Supp. 2022, the department adopts a rule as follows:

6 CSR 10-2.195 Dual Credit/ Dual Enrollment Scholarship Program **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 15, 2023 (48 MoReg 595-596). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received

**TITLE 6 – DEPARTMENT OF HIGHER EDUCATION AND
WORKFORCE DEVELOPMENT
Division 10 – Commissioner of Higher Education
Chapter 2 – Student Financial Assistance Programs**

ORDER OF RULEMAKING

By the authority vested in the Department of Higher Education and Workforce Development under section 173.2553, RSMo Supp. 2022, the department rescinds a rule as follows:

6 CSR 10-2.210 Fast Track Workforce Incentive Grant **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on March 15, 2023 (48 MoReg 596). No changes have been made to the

proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**TITLE 6 – DEPARTMENT OF HIGHER EDUCATION AND
WORKFORCE DEVELOPMENT**

**Division 10 – Commissioner of Higher Education
Chapter 2 – Student Financial Assistance Programs**

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Higher Education and Workforce Development under section 173.2553, RSMo, the department adopts a rule as follows:

6 CSR 10-2.210 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 15, 2023 (48 MoReg 597-600). Those sections with changes have been reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Higher Education and Workforce Development received one comment on the proposed rule.

COMMENT #1: Sarah Schappe, with the Joint Committee on Administrative Rules, requested that the department incorporate by reference the federal regulations cited in the definitions section of the proposed rule.

RESPONSE: The department agrees and filed an amended order of rulemaking to incorporate the suggested change by adding a new section (7) to the proposed rule.

6 CSR 10-2.210 Fast Track Workforce Incentive Grant

(7) The definitions of credit hour, clock hour, and instructional hour as stated in 34 CFR 600.2 are hereby incorporated by reference as if fully set forth herein as published by the U.S. Government Publishing Office, 732 North Capital Street NW, Washington DC 20401-0001, and available at <https://www.ecfr.gov/current/title-34/subtitle-B/chapter-VI/part-600/subpart-A/section-600.2>, on February 9, 2023. This rule does not incorporate any subsequent amendments or additions.

**TITLE 12 – DEPARTMENT OF REVENUE
Division 10 – Director of Revenue
Chapter 2 – Income Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 143.1170, RSMo Supp. 2022, the director adopts a rule as follows:

12 CSR 10-2.725 Foster Parent Tax Deduction is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 1, 2023 (48 MoReg 438-439). No changes have been made

to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Revenue received no comments during the thirty (30) day review.

**TITLE 12 – DEPARTMENT OF REVENUE
Division 10 – Director of Revenue
Chapter 24 – Driver License Bureau Rules**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 302.530, RSMo 2016, the director amends a rule as follows:

12 CSR 10-24.030 Hearings is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2023 (48 MoReg 439-440). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Revenue received no comments during the thirty (30) day review.

**TITLE 12 – DEPARTMENT OF REVENUE
Division 10 – Director of Revenue
Chapter 26 – Dealer Licensure**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under sections 301.553 and 301.558, RSMo Supp. 2022, the director amends a rule as follows:

12 CSR 10-26.230 Dealer Administrative Fees and System Modernization is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2023 (48 MoReg 440-441). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Revenue received no comments during the thirty (30) day review.

**TITLE 12 – DEPARTMENT OF REVENUE
Division 10 – Director of Revenue
Chapter 26 – Dealer Licensure**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under sections 301.553 and 301.558, RSMo Supp. 2022, the director amends a rule as follows:

12 CSR 10-26.231 Maximum Dealer Administrative Fees
is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2023 (48 MoReg 441). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Revenue received no comments during the thirty (30) day review.

TITLE 12 – DEPARTMENT OF REVENUE
Division 10 – Director of Revenue
Chapter 43 – Investment of Nonstate Funds

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 136.120, RSMo 2016, the director amends a rule as follows:

12 CSR 10-43.020 Investment Instruments for Nonstate Funds
is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2023 (48 MoReg 441-442). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Revenue received no comments during the thirty (30) day review.

TITLE 12 – DEPARTMENT OF REVENUE
Division 10 – Director of Revenue
Chapter 43 – Investment of Nonstate Funds

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 136.120, RSMo 2016, the director amends a rule as follows:

12 CSR 10-43.030 Collateral Requirements for Nonstate Funds
is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2023 (48 MoReg 442). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Revenue received no comments during the thirty (30) day review.

TITLE 13 – DEPARTMENT OF SOCIAL SERVICES
Division 35 – Children’s Division
Chapter 71 – Rules for Residential Treatment
Agencies for Children and Youth

ORDER OF RULEMAKING

By the authority vested in the Department of Social Services, Children’s Division, under section 210.506, RSMo 2016, the division adopts a rule as follows:

13 CSR 35-71.095 Exceptions for Transitional Living Services
Programs **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 15, 2023 (48 MoReg 315-316). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

By the authority vested in the Department of Social Services, MO HealthNet Division, under sections 190.836, 208.201, and 660.017, RSMo 2016, the division amends a rule as follows:

13 CSR 70-3.200 Ambulance Service Reimbursement
Allowance **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2023 (48 MoReg 600-601). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

TITLE 19 – DEPARTMENT OF HEALTH AND SENIOR
SERVICES
Division 50 – Division of Injury Prevention, Head
Injury Rehabilitation and Local Health Services
Chapter 3 – Legal Expense Fund Coverage

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under section 105.711, RSMo 2016, the department rescinds a rule as follows:

19 CSR 50-3.020 Volunteer Health Care Workers in a Health
Department **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on March 1, 2023 (48 MoReg 446). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

TITLE 19 – DEPARTMENT OF HEALTH AND SENIOR SERVICES

**Division 50 – Division of Injury Prevention, Head Injury Rehabilitation and Local Health Services
Chapter 3 – Legal Expense Fund Coverage**

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under section 105.711, RSMo 2016, the department adopts a rule as follows:

19 CSR 50-3.030 Legal Expense Fund Coverage is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 1, 2023 (48 MoReg 447-448). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

TITLE 19 – DEPARTMENT OF HEALTH AND SENIOR SERVICES

**Division 50 – Division of Injury Prevention, Head Injury Rehabilitation and Local Health Services
Chapter 3 – Legal Expense Fund Coverage**

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under section 191.1106, RSMo 2016, the department adopts a rule as follows:

19 CSR 50-3.040 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 1, 2023 (48 MoReg 448-449). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Health and Senior Services received two (2) staff comments and one (1) outside comment on the proposed rule.

COMMENT #1: Department staff commented that the Registration Form for Sponsoring Organizations should be updated to include information about how fees may be paid online via credit card.

RESPONSE AND EXPLANATION OF CHANGE: The Registration Form for Sponsoring Organizations has been updated to reflect this information. The incorporation language in paragraph (2)(A)1. has been updated to reflect a version of the form revised in 2023.

COMMENT #2: Department staff commented that the rule should include language that any fee associated with electronic payment is separate from the annual registration fee.

RESPONSE AND EXPLANATION OF CHANGE: Paragraph (2)(A)3.

has been updated to include the following: "This amount does not include any additional fees which may be charged for use of electronic payment services."

COMMENT #3: Sarah Schappe, Director of the Joint Committee on Administrative Rules, inquired about the aggregate cost of the rule with the \$50 annual fee.

RESPONSE AND EXPLANATION OF CHANGE: The Department did a closer examination of the aggregate cost of the rule and, based on past trends of participation, determined the aggregate cost of the rule to be \$650 - \$850 per state fiscal year. A private fiscal note is filed with this amended order of rulemaking and an amended cost statement appears below.

19 CSR 50-3.040 Voluntary Health Services

(2) Duties of Sponsoring Organizations.

(A) Annual Registration. Before providing volunteer health services in Missouri, a sponsoring organization shall register with the department and pay the annual registration fee.

1. The sponsoring organization shall submit annually the *Registration Form for Sponsoring Organizations*, Revised 2023, which is incorporated by reference in this rule as published by the Department of Health and Senior Services, PO Box 570, Jefferson City, MO 65102-0570 and available by the department at <https://health.mo.gov/atoz/volunteerhealthservices/pdf/AnnualRegistrationForm.pdf>. This rule does not incorporate any subsequent amendment or additions.

2. Upon any change in the information required by the *Registration Form for Sponsoring Organizations*, the sponsoring organization shall notify the department in writing of such change within thirty (30) days of occurrence.

3. The sponsoring organizations shall submit the registration fee annually with the *Registration Form for Sponsoring Organizations*. The registration fee shall be fifty dollars (\$50). This amount does not include any additional fees which may be charged for use of electronic payment services.

4. The sponsoring organization's registration begins upon the date the department acknowledges receipt of the completed *Registration Form for Sponsoring Organizations* and registration fee. The registration is valid for one (1) year.

5. A sponsoring organization that wishes to voluntarily terminate its registration may do so by notifying the department in writing. Unless otherwise stated in the request, the sponsoring organization's registration will be terminated effective the date the written request is received by the department. The sponsoring organization's annual fee will not be prorated or refunded in any manner as a result of voluntary termination.

REVISED PRIVATE COST: The cost to private entities may range from six hundred fifty to eight hundred fifty dollars (\$650 to \$850) per state fiscal year versus the less than five hundred dollars (\$500), which was submitted in the original estimate.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title: Department of Health and Senior Services**
Division Title: Division of Injury Prevention, Head Injury Rehabilitation and Local Health Services
Chapter Title: Legal Expense Fund Coverage

Rule Number and Title:	19 CSR 50-3.040 Voluntary Health Services
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
13-17 Sponsoring Organizations registering per state fiscal year (SFY)	Sponsoring Organizations – organizations that organize or arrange for the voluntary provision of health care services and registers with the department as a sponsoring organization in accordance with this rule and section 191.1106, RSMo	\$650 - \$850 per state fiscal year (SFY)

III. WORKSHEET

13 Sponsoring Organizations registering during SFY x \$50 annual registration fee = \$650 total registration fees paid during SFY

17 Sponsoring Organizations registering during SFY x \$50 annual registration fee = \$850 total registration fees paid during SFY

IV. ASSUMPTIONS

Over the past 4 fiscal years, the number of Sponsoring Organizations registering with the Department have been:

- 17 in SFY 2020
- 8 in SFY 2021
- 11 in SFY 2022
- 14 in SFY 2023

This is an average of 13 Sponsoring Organizations registering with the Department each year. However, there was likely a decrease in Sponsoring Organizations due to the COVID-19 pandemic. Therefore, it is likely that the number of Sponsoring Organizations that register with the Department in SFY 2024 will increase back to the pre-COVID level of 17.

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

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

IN ADDITION

Notification: Applications accepted between July 3, 2023, and June 30, 2024, for Energy Efficiency and Renewable Energy Loan Cycle.

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

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

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

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

Each applicant may apply for a loan not to exceed one (1) million dollars. Loan applications will not be considered for less than ten thousand dollars (\$10,000) or with a payback score of less than six (6) months.

If funds remain after review and priority ranking of applications received by March 1, 2024, the department will consider awarding loans in excess of one (1) million dollars.

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

The Application Authorization Form must be signed and dated by an authorized official. An authorized official is an individual with authority to obligate an eligible applicant to

the terms of loan agreement and promissory note to repay loan proceeds.

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

Applications received after June 30, 2024, will not be considered for a loan award for this FY2024 cycle but may be held for consideration during subsequent application cycles. The department may request additional information as needed to determine the feasibility of a project, the project’s estimated annual energy savings, and financial risks of a loan transaction. Also, an energy conservation measure has the potential of affecting other areas within the facility or system. Applicants must have no outstanding actions for violations of applicable federal, state, or local laws, ordinances, and rules.

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

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

For More Information Contact:

Missouri Department of Natural Resources
Division of Energy
Attn: Energy Loan Program Clerk
PO Box 176
1101 Riverside Drive
Jefferson City, MO 65102
Phone: (855) 522-2796
Email: energy@dnr.mo.gov
Website: <https://energyloan.mo.gov/>

TITLE 19 – DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 60 – Missouri Health Facilities Review Committee

Chapter 50 – Certificate of Need Program

**NOTIFICATION OF REVIEW:
APPLICATION REVIEW SCHEDULE**

The Missouri Health Facilities Review Committee has initiated review of the CON applications listed below. A decision is tentatively scheduled for July 24, 2023. These applications are available for public inspection at the address shown below.

Date Filed

Project Number: Project Name
City (County)
Cost, Description

6/9/2023

#5996 HT: SoutheastHealth

Cape Girardeau (Cape Girardeau County)
\$2,165,236, Replace MRI

6/12/2023

#6027 HT: Centerpoint Medical Center
Independence (Jackson County)
\$2,256,130, Replace catheterization lab

#6021 HT: St. Luke's Hospital of Kansas City
Kansas City (Jackson County)
\$1,244,000, Replace CT

Any person wishing to request a public hearing for the purpose of commenting on these applications must submit a written request to this effect, which must be received by July 14, 2023. All written requests and comments should be sent to:

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
3418 Knipp Drive, Suite F
PO Box 570
Jefferson City, MO 65102

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

Notice of Periodic Rule Review

The General Assembly has instituted an ongoing five- (5-) year rolling review of existing rules that will begin July 1, 2023, as set forth in section 536.175, RSMo. The following entities will begin this process for rules promulgated within their designated Title of the *Code of State Regulations* with a sixty- (60-) day public comment period. The *Code of State Regulations* may be viewed at <http://www.sos.mo.gov/adrules/csr/csr>.

Titles Reviewed Beginning July 1, 2023:

- Title 15 – Elected Officials
- Title 16 – Retirement Systems
- Title 17 – Board of Police Commissioners
- Title 18 – Public Defender Commission
- Title 19 – Department of Health and Senior Services

The Public Comment Process: Entities with rules in Titles 15-19 of the *Code of State Regulations* may receive comments from the public for any rule within these titles.

- Comments must be received within sixty (60) days of July 1, 2023. (August 31, 2023)
- Comments must identify the commenter.
- Comments must identify the specific rule commented upon.
- Comments must be directly associated with a specified rule.
- Comments must be submitted to the following agency designee:

Title 15 – Elected Officials

- Secretary of State
Frank Jung and Trish Vincent
PO Box 1767
Jefferson City, MO 65102-1767
comments@sos.mo.gov
- State Auditor
Leslie Korte
PO Box 869
Jefferson City, MO 65102
leslie.korte@auditor.mo.gov
- Treasurer
C. Douglas Shull
Harry S. Truman State Office Building
Room 780
Jefferson City, MO 65102
doug.shull@treasurer.mo.gov
- Attorney General
Todd Scott
PO Box 899
Jefferson City, MO 65102
rules@ago.mo.gov

Title 16 – Retirement Systems

- Public School Retirement System of Missouri
Mike Moorefield
3210 W. Truman Blvd.
Jefferson City, MO 65109
MMoorefield@psrsmo.org
- Missouri Local Government Employees' Retirement System (LAGERS)
Sheila Reinsch
PO Box 1665
Jefferson City, MO 65102-1665
sreinsch@molagers.org
- The County Employees Retirement Fund
Michael Ruff
2121 Schotthill Woods Road
Jefferson City, MO 65101
mruff@mocerf.org

Title 17 – Board of Police Commissioners

- Kansas City Board of Police Commissioners
Bethany Ruoff
1125 Locust Street
Kansas City, MO 64106
ogc@kcpd.or

Title 18 – Public Defender Commission

- Greg Mermelstein
1000 W. Nifong, Bldg. 7, Ste. 100
Columbia, MO 65203
Greg.Mermelstein@mspd.mo.gov

Title 19 – Department of Health and Senior Services

• Stephen Witte
PO Box 570
Jefferson City, MO 65102
Stephen.Witte@health.mo.gov

The Report: The agency will prepare a report containing the results of the review which will include: whether the rule continues to be necessary; whether the rule is obsolete; whether the rule overlaps, duplicates, or conflicts with other rules; whether a less restrictive or more narrowly tailored rule is appropriate; whether the rule needs amendment or rescission; whether incorporated by reference materials are proper; and whether rules affecting small business are still relevant. The report will also contain an appendix with the nature of the comments the department has received on the rules and the agency responses to the comments.

Report Deadline: The report must be filed with the Joint Committee on Administrative Rules by June 30, 2024. Any rule not included in the report may become null and void. However, there is an extensive process, including multiple opportunities to correct the deficiency, in place before nullification of the rule. Such opportunities include the ability of the agency to request an extension from the Joint Committee on Administrative Rules, as well as notification to the agency and opportunity to correct the delinquency.

Questions: If you have further questions about the process, please contact Sarah Schappe, Joint Committee on Administrative Rules, (573) 751-2443 or JTCAR@senate.mo.gov.

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

NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND CLAIMANTS AGAINST PUTTING PROPERTIES, LLC, A MISSOURI LIMITED LIABILITY COMPANY ("COMPANY")

On May 16, 2023, PUTTING PROPERTIES, LLC, Charter Number LC1013452, filed its notice of winding up with the Missouri Secretary of State. Said limited liability company requests that all persons and organizations who have claims against it present them immediately by letter c/o Gayle Evans, Attorney at Law, Chinnery Evans & Nail, P.C., 800 NE Vanderbilt Lane, Lee's Summit, Missouri 64064. All claims must include the following information:

1. Name and current address of the claimant.
2. The amount claimed.
3. The clear and concise statement of the facts supporting the claim.
4. The date the claim was incurred.

NOTICE: Because of the winding up of PUTTING PROPERTIES, LLC, any claims against it will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of the three notices authorized by statute, whichever is published last.

NOTE: CLAIMS AGAINST PUTTING PROPERTIES, LLC, WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED WITHIN THREE YEARS AFTER THE PUBLICATION OF THIS NOTICE.

NOTICE OF WINDING UP FOR BUZZY'S OF TROY, LLC

On May 11, 2023, BUZZY'S OF TROY, LLC, a Missouri limited liability company (the "Company"), filed its Notice of Winding Up with the Missouri Secretary of State. All persons and organizations with claims against the Company must submit a written summary of any claims against the Company to BUZZY'S OF TROY, LLC c/o THE LAW OFFICE OF JESSE A. GRANNEMAN, LLC, 20 Manor Drive, P.O. Box 250, Troy, Missouri 63379, which summary shall include the name, address, and telephone number of the claimant, the amount of the claim, date(s) the claim accrued, a brief description of the nature and basis for the claim, and any documentation of the claim. Claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND CLAIMANTS AGAINST 41 PENN, LLC

On May 11, 2023, 41 Penn, LLC, a Missouri Limited Liability Company, filed its Notice of Winding Up with the Missouri Secretary of State. The effective date of said Notice was May 11, 2023. 41 Penn, LLC, hereby requests that all persons and organizations with claims against it present such claims immediately by letter to: 41 Penn, LLC, c/o Michael Heitmann, 3715 Shawnee Mission Pkwy, Fairway, KS 66205. All claims must include: (1) the name, address, email (if available), and telephone number of the claimant; (2) the amount claimed; (3) the basis for the claim; (4) the date(s) on which the events on which the claim is based occurred; and (5) documentation in support of the claim.

All claims against 41 Penn, LLC will be barred unless a proceeding to enforce the claim is commenced within 3 years after the publication of this Notice.

NOTICE OF WINDING UP FOR BG FARMS, LLC

On May 31, 2023, BG Farms, LLC, a Missouri limited liability company (the "Company"), filed its Notice of Winding Up with the Missouri Secretary of State. All persons and organizations with claims against the Company must submit a written summary of any claims against the Company to BG Farms, LLC, c/o THE LAW OFFICE OF JESSE A. GRANNEMAN, LLC, 20 Manor Drive, P.O. Box 250, Troy, Missouri 63379, which summary shall include the name, address, and telephone number of the claimant, the amount of the claim, date(s) the claim accrued, a brief description of the nature and basis for the claim, and any documentation of the claim. Claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

NOTICE OF DISSOLUTION OF 3 MMM FARM, LLC

On May 17, 2023, 3 MMM Farm, LLC filed its Notice of Winding Up with the Missouri Secretary of State. You are hereby notified that if you believe you have a claim against 3 MMM Farm, LLC, you must submit a summary in writing of the circumstances surrounding your claim to 3 MMM Farm, LLC at the following mailing address: c/o Mark Baumann, 412 Opossum Creek Road, Marble Hill, MO 63764. The summary of your claim must include the following information:

1. The name, address and telephone number of the claimant;
2. The amount of the claim;
3. The date on which the claim arose;
4. A brief description of the nature of the debt or the basis for the claim; and
5. Any documentation for the claim.

All claims against 3 MMM Farm, LLC will be barred unless the claim is received by 3 MMM Farm, LLC three years from the date of this notice.

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST LEBANON SOCIAL SERVICES, LLC**

On May 17, 2023, Lebanon Social Services LLC, a Missouri limited liability company ("Company"), filed its Notice of Winding Up with the Missouri Secretary of State, effective on the filing date.

All persons and organizations must submit to Company, c/o Joseph D. Sheppard, III, Carnahan Evans PC, 2805 S. Ingram Mill Road, Springfield, Missouri 65804, a written summary of any claims against Company, including: 1) claimant's name, address and telephone number; 2) amount of claim; 3) date(s) claim accrued (or will accrue); 4) brief description of the nature of the debt or the basis for the claim; and 5) if the claim is secured, and if so, the collateral used as security.

Because of the dissolution, any claims against Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the last of filing or publication of this Notice.

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST LINCOLN SQUARE DE LA LLC**

On May 17, 2023, Lincoln Square De La LLC, a Missouri limited liability company ("Company"), filed its Notice of Winding Up with the Missouri Secretary of State, effective on the filing date.

All persons and organizations must submit to Company, c/o Joseph D. Sheppard, III, Carnahan Evans PC, 2805 S. Ingram Mill Road, Springfield, Missouri 65804, a written summary of any claims against Company, including: 1) claimant's name, address and telephone number; 2) amount of claim; 3) date(s) claim accrued (or will accrue); 4) brief description of the nature of the debt or the basis for the claim; and 5) if the claim is secured, and if so, the collateral used as security.

Because of the dissolution, any claims against Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the last of filing or publication of this Notice.

**NOTICE OF CORPORATE DISSOLUTION TO ALL CREDITORS OF AND
CLAIMANTS AGAINST MOYNIHAN AND ASSOCIATES, INC**

On April 25, 2023, MOYNIHAN AND ASSOCIATES, INC., a Missouri corporation, filed its Articles of Dissolution with the Missouri Secretary of State, effective on April 25, 2023. Said corporation requests that all persons and organizations who have claims against it present them immediately by letter to the corporation c/o Brett Sayers, Blitz, Bardgett & Deutsch, L.C., 120 S. Central, Suite 1500, St. Louis, Missouri 63105. All claims must include the name, address and telephone number of the claimant; the amount claimed; the basis of the claim; the date(s) on which the events occurred which provided the basis of the claim; and documentation of the claim.

NOTICE: BECAUSE OF THE DISSOLUTION OF MOYNIHAN AND ASSOCIATES, INC., ANY CLAIMS AGAINST IT WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED WITHIN TWO (2) YEARS AFTER THE PUBLICATION DATE OF WHICHEVER OF THE NOTICES REQUIRED BY STATUTE IS PUBLISHED LAST.

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST AUSTIN FEED, LLC**

On February 6, 2023, Austin Feed, L.L.C., a Missouri limited liability company ("Company"), filed its Notice of Winding Up with the Missouri Secretary of State, effective on the filing date.

All persons and organizations must submit to Company, c/o Julie T. Brown, Carnahan Evans PC, 2805 S. Ingram Mill Road, Springfield, Missouri 65804, a written summary of any claims against Company, including: 1) claimant's name, address and telephone number; 2) amount of claim; 3) date(s) claim accrued (or will accrue); 4) brief description of the nature of the debt or the basis for the claim; and 5) if the claim is secured, and if so, the collateral used as security.

Because of the dissolution, any claims against Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the last of filing or publication of this Notice.

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST KIDS HOUSE, LLC**

On February 14, 2023, Kids House, LLC, a Missouri limited liability company ("Company"), filed its Notice of Winding Up with the Missouri Secretary of State, effective on the filing date.

All persons and organizations must submit to Company, c/o Thomas D. Peebles, Jr., Carnahan Evans PC, 2805 S. Ingram Mill Road, Springfield, Missouri 65804, a written summary of any claims against Company, including: 1) claimant's name, address and telephone number; 2) amount of claim; 3) date(s) claim accrued (or will accrue); 4) brief description of the nature of the debt or the basis for the claim; and 5) if the claim is secured, and if so, the collateral used as security.

Because of the dissolution, any claims against Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the last of filing or publication of this Notice.

**NOTICE OF WINDING UP FOR LIMITED LIABILITY COMPANY TO ALL CREDITORS AND CLAIMANTS
AGAINST LJ EAST, LLC, A MISSOURI LIABILITY COMPANY (THE "COMPANY")**

You are hereby notified that dissolution of the Company was authorized by the members on May 17, 2023. All persons having claims against the Company must present their claims in writing and mail their claims to:

Penny Childress
4175 S. Farm Road 193
Rogersville, MO 65742

A claim against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this Notice. In order to file a claim with the Company, you must furnish the following: (a) the name, address and telephone number of the claimant; (b) the amount claimed; (c) a description of the nature of the debt or the basis of the claim; (d) the date or dates the claim accrued; and (e) if the claim is founded on a writing, a copy of the writing.

**NOTICE OF WINDING UP FOR LIMITED LIABILITY COMPANY TO ALL CREDITORS AND CLAIMANTS
AGAINST LJ LOTS, LLC, A MISSOURI LIABILITY COMPANY (THE "COMPANY")**

You are hereby notified that dissolution of the Company was authorized by the members on May 17, 2023. All persons having claims against the Company must present their claims in writing and mail their claims to:

Penny Childress
4175 S. Farm Road 193
Rogersville, MO 65742

A claim against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this Notice. In order to file a claim with the Company, you must furnish the following: (a) the name, address and telephone number of the claimant; (b) the amount claimed; (c) a description of the nature of the debt or the basis of the claim; (d) the date or dates the claim accrued; and (e) if the claim is founded on a writing, a copy of the writing.

NOTICE OF WINDING UP FOR LIMITED LIABILITY COMPANY TO ALL CREDITORS AND CLAIMANTS AGAINST LJCA, LLC, A MISSOURI LIABILITY COMPANY (THE "COMPANY")

You are hereby notified that dissolution of the Company was authorized by the members on May 17, 2023. All persons having claims against the Company must present their claims in writing and mail their claims to:

Penny Childress
4175 S. Farm Road 193
Rogersville, MO 65742

A claim against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this Notice. In order to file a claim with the Company, you must furnish the following: (a) the name, address and telephone number of the claimant; (b) the amount claimed; (c) a description of the nature of the debt or the basis of the claim; (d) the date or dates the claim accrued; and (e) if the claim is founded on a writing, a copy of the writing.

NOTICE OF WINDING UP TO ALL CREDITORS OF AND CLAIMANTS AGAINST MOARK, LLC

On April 19, 2023, Moark, LLC filed its Notice of Winding Up with the Missouri Secretary of State. Moark, LLC requests that all persons and organizations who have claims against it present them immediately by letter to Land O'Lakes, Inc.; Attn: Law Department; 4001 Lexington Avenue North, MS 2500 Arden Hills, Minnesota 55126.

All claims must include the following information: (a) name and address of the claimant, (b) the amount claimed, (c) date on which the claim arose, (d) basis for the claim and documentation thereof, and (e) whether or not the claim was secured and, if so, the collateral used as security.

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

NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND CLAIMANTS AGAINST TN PECAN FARM, LLC

On May 12, 2023, TN Pecan Farm, LLC, a Missouri limited liability company ("Company"), filed its Notice of Winding Up with the Missouri Secretary of State, effective on the filing date.

All persons and organizations must submit to Company, c/o Thomas D. Peebles, Jr., Carnahan Evans PC, 2805 S. Ingram Mill Road, Springfield, Missouri 65804, a written summary of any claims against Company, including: 1) claimant's name, address and telephone number; 2) amount of claim; 3) date(s) claim accrued (or will accrue); 4) brief description of the nature of the debt or the basis for the claim; and 5) if the claim is secured, and if so, the collateral used as security.

Because of the dissolution, any claims against Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the last of filing or publication of this Notice.

NOTICE OF WINDING UP TO ALL CREDITORS OF AND CLAIMANTS AGAINST EPIC AUTO SALES, LLC

On May 23, 2023, Epic Auto Sales LLC, a Missouri limited liability company ("the Company") filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State. All persons who have claims against the Company are directed to present them in writing to SAIGHMAN LAW, 4505 Madison Ave., Ste. 290, Kansas City, MO 64111.

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this Notice. All claims must include: (1) the name and address of the claimant; (2) the amount claimed; (3) the basis for the claim; (4) the date(s) on which the event(s) on which the claim is based occurred; and (5) all documentation giving rise to the claim.

**NOTICE OF DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS
AGAINST A & G LANDES HOLDINGS, LLC, A MISSOURI LIMITED LIABILITY COMPANY.**

On January 3, 2023, A & G Landes Holdings, LLC, a Missouri limited liability company, filed a notice of winding up with the Missouri Secretary of State. Dissolution was effective on December 30, 2022. Said company requests that all persons and organizations who have claims against it present them immediately by letter to the company c/o Jeff Davison, 700 S Riverside Road, Suite 200, St. Joseph, MO, 64507.

All claims must include:

- 1) The name and address of the claimant;
- 2) The amount claimed;
- 3) The basis for the claim; and
- 4) The date(s) on which the event(s) on which the claim is based occurred.

NOTICE: Because of the dissolution of A & G Landes Holdings, LLC, any claims against it will be barred unless a proceeding to enforce the claim is commenced within three years after the publication date of the notices authorized by statute, whichever is published last.

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*. Citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year – 47 (2022) and 48 (2023). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RAN indicates a rule action notice, RUC indicates a rule under consideration, and F indicates future effective date.

RULE NUMBER	AGENCY	EMERGENCY	PROPOSED	ORDER	IN ADDITION
OFFICE OF ADMINISTRATION					
1 CSR 10	State Officials' Salary Compensation Schedule				47 MoReg 1457
1 CSR 10-1.010	Commissioner of Administration		48 MoReg 304	48 MoReg 959	
1 CSR 10-8.010	Commissioner of Administration		48 MoReg 557		
1 CSR 10-11.010	Commissioner of Administration	48 MoReg 789	48 MoReg 796		
1 CSR 20-3.070	Personnel Advisory Board and Division of Personnel		48 MoReg 558		
1 CSR 20-4.020	Personnel Advisory Board and Division of Personnel		48 MoReg 558		
1 CSR 20-6.010	Personnel Advisory Board and Division of Personnel		48 MoReg 306	48 MoReg 959	
1 CSR 35-2.060	Division of Facilities Management		48 MoReg 691		
1 CSR 60-1.010	Registration for Prescription Drug Monitoring Program		48 MoReg 559	This Issue	
DEPARTMENT OF AGRICULTURE					
2 CSR 30-1.010	Animal Health		48 MoReg 559		
2 CSR 30-1.020	Animal Health		48 MoReg 560		
2 CSR 30-2.004	Animal Health		48 MoReg 987		
2 CSR 30-2.010	Animal Health		48 MoReg 989		
2 CSR 30-2.020	Animal Health		48 MoReg 995		
2 CSR 30-2.040	Animal Health		48 MoReg 1000		
2 CSR 30-9.100	Animal Health		This Issue R		
2 CSR 30-9.110	Animal Health		This Issue R		
2 CSR 30-10.010	Animal Health	48 MoReg 303	48 MoReg 306	48 MoReg 1027	
2 CSR 80-5.010	State Milk Board		48 MoReg 307	48 MoReg 1027	
2 CSR 90-20.040	Weights, Measures and Consumer Protection		48 MoReg 1009		
2 CSR 90-21.010	Weights, Measures and Consumer Protection		48 MoReg 41	48 MoReg 959	
2 CSR 90-22.140	Weights, Measures and Consumer Protection		48 MoReg 1009		
2 CSR 90.23.010	Weights, Measures and Consumer Protection		48 MoReg 1009		
2 CSR 90-25.010	Weights, Measures and Consumer Protection		48 MoReg 1010		
2 CSR 100-12.010	Missouri Agricultural and Small Business Development Authority		48 MoReg 912		
2 CSR 100-13.010	Missouri Agricultural and Small Business Development Authority		48 MoReg 915		
DEPARTMENT OF CONSERVATION					
3 CSR 10-4.111	Conservation Commission		48 MoReg 566	This Issue	
3 CSR 10-5.215	Conservation Commission		This Issue		
3 CSR 10-5.250	Conservation Commission		This Issue		
3 CSR 10-5.300	Conservation Commission		This Issue		
3 CSR 10-5.310	Conservation Commission		This Issue		
3 CSR 10-5.315	Conservation Commission		This Issue		
3 CSR 10-5.320	Conservation Commission		This Issue		
3 CSR 10-5.324	Conservation Commission		This Issue		
3 CSR 10-5.330	Conservation Commission		This Issue		
3 CSR 10-5.331	Conservation Commission		This Issue		
3 CSR 10-5.340	Conservation Commission		This Issue		
3 CSR 10-5.345	Conservation Commission		This Issue		
3 CSR 10-5.351	Conservation Commission		This Issue		
3 CSR 10-5.352	Conservation Commission		This Issue		
3 CSR 10-5.359	Conservation Commission		This Issue		
3 CSR 10-5.360	Conservation Commission		This Issue		
3 CSR 10-5.365	Conservation Commission		This Issue		
3 CSR 10-5.370	Conservation Commission		This Issue		
3 CSR 10-5.425	Conservation Commission		This Issue		
3 CSR 10-5.430	Conservation Commission		This Issue		
3 CSR 10-5.435	Conservation Commission		This Issue		
3 CSR 10-5.436	Conservation Commission		This Issue		
3 CSR 10-5.440	Conservation Commission		This Issue		
3 CSR 10-5.445	Conservation Commission		This Issue		
3 CSR 10-5.460	Conservation Commission		This Issue		
3 CSR 10-5.465	Conservation Commission		This Issue		
3 CSR 10-5.540	Conservation Commission		This Issue		
3 CSR 10-5.545	Conservation Commission		This Issue		
3 CSR 10-5.551	Conservation Commission		This Issue		
3 CSR 10-5.552	Conservation Commission		This Issue		
3 CSR 10-5.554	Conservation Commission		This Issue		
3 CSR 10-5.559	Conservation Commission		This Issue		
3 CSR 10-5.560	Conservation Commission		This Issue		
3 CSR 10-5.565	Conservation Commission		This Issue		
3 CSR 10-5.567	Conservation Commission		This Issue		
3 CSR 10-5.570	Conservation Commission		This Issue		
3 CSR 10-5.576	Conservation Commission		This Issue		
3 CSR 10-5.579	Conservation Commission		This Issue		
3 CSR 10-5.580	Conservation Commission		This Issue		
3 CSR 10-5.600	Conservation Commission		This Issue		
3 CSR 10-5.605	Conservation Commission		This Issue		
3 CSR 10-6.405	Conservation Commission		This Issue		

RULE NUMBER	AGENCY	EMERGENCY	PROPOSED	ORDER	IN ADDITION
3 CSR 10-6.535	Conservation Commission		This Issue		
3 CSR 10-7.433	Conservation Commission			This Issue	
3 CSR 10-7.434	Conservation Commission			This Issue	
3 CSR 10-7.435	Conservation Commission			This Issue	
3 CSR 10-7.437	Conservation Commission			This Issue	
3 CSR 10-7.700	Conservation Commission		48 MoReg 919		
3 CSR 10-9.240	Conservation Commission		48 MoReg 566	This Issue	
3 CSR 10-9.350	Conservation Commission		This Issue		
3 CSR 10-9.351	Conservation Commission		This Issue		
3 CSR 10-9.352	Conservation Commission		This Issue		
3 CSR 10-9.370	Conservation Commission		This Issue		
3 CSR 10-9.420	Conservation Commission		This Issue		
3 CSR 10-9.425	Conservation Commission		This Issue		
3 CSR 10-9.440	Conservation Commission		This Issue		
3 CSR 10-9.560	Conservation Commission		This Issue		
3 CSR 10-9.565	Conservation Commission		This Issue		
3 CSR 10-9.570	Conservation Commission		This Issue		
3 CSR 10-9.575	Conservation Commission		This Issue		
3 CSR 10-9.625	Conservation Commission		This Issue		
3 CSR 10-9.627	Conservation Commission		This Issue		
3 CSR 10-9.640	Conservation Commission		This Issue		
3 CSR 10-10.707	Conservation Commission		This Issue		
3 CSR 10-10.708	Conservation Commission		This Issue		
3 CSR 10-10.720	Conservation Commission		This Issue		
3 CSR 10-10.722	Conservation Commission		This Issue		
3 CSR 10-10.724	Conservation Commission		This Issue		
3 CSR 10-10.728	Conservation Commission		This Issue		
3 CSR 10-10.732	Conservation Commission		This Issue		
3 CSR 10-10.744	Conservation Commission		This Issue		
3 CSR 10-10.767	Conservation Commission		This Issue		
3 CSR 10-10.788	Conservation Commission		This Issue		
3 CSR 10-11.180	Conservation Commission		48 MoReg 566	This Issue	
3 CSR 10-12.110	Conservation Commission		48 MoReg 570	This Issue	
3 CSR 10-12.115	Conservation Commission		48 MoReg 570	This Issue	
3 CSR 10-12.135	Conservation Commission		48 MoReg 571	This Issue	
3 CSR 10-12.140	Conservation Commission		48 MoReg 571	This Issue	
3 CSR 10-12.150	Conservation Commission		This Issue		

DEPARTMENT OF ECONOMIC DEVELOPMENT**DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

5 CSR 20-100.130	Division of Learning Services		48 MoReg 574		
5 CSR 20-100.230	Division of Learning Services		48 MoReg 307		
5 CSR 20-100.340	Division of Learning Services <i>formerly 5 CSR 20-400.400</i>		48 MoReg 200	48 MoReg 1027	
5 CSR 20-200.275	Division of Learning Services		48 MoReg 955		
5 CSR 20-300.110	Division of Learning Services		48 MoReg 200	48 MoReg 1028	
5 CSR 20-400.400	Division of Learning Services <i>moved to 5 CSR 20-100.340</i>		48 MoReg 200	48 MoReg 1027	
5 CSR 20-400.440	Division of Learning Services		48 MoReg 574		
5 CSR 20-400.510	Division of Learning Services		48 MoReg 574		
5 CSR 20-400.520	Division of Learning Services		48 MoReg 578		
5 CSR 20-400.530	Division of Learning Services		48 MoReg 581		
5 CSR 20-400.540	Division of Learning Services		48 MoReg 584		
5 CSR 20-400.560	Division of Learning Services		48 MoReg 587		
5 CSR 20-500.230	Division of Learning Services		48 MoReg 590		
5 CSR 20-500.300	Division of Learning Services		48 MoReg 435	This Issue	
5 CSR 20-500.350	Division of Learning Services		48 MoReg 435	This Issue	
5 CSR 20-500.360	Division of Learning Services		48 MoReg 436	This Issue	
5 CSR 25-100.120	Office of Childhood		This Issue		
5 CSR 30-261.045	Division of Financial and Administrative Services		48 MoReg 201	This Issue	

DEPARTMENT OF HIGHER EDUCATION AND WORKFORCE DEVELOPMENT

6 CSR 10-2.080	Commissioner of Higher Education		48 MoReg 1010		
6 CSR 10-2.195	Commissioner of Higher Education		48 MoReg 595R	This Issue R	
			48 MoReg 595	This Issue	
6 CSR 10-2.210	Commissioner of Higher Education		48 MoReg 596R	This IssueR	
			48 MoReg 597	This Issue	
6 CSR 10-4.030	Commissioner of Higher Education		48 MoReg 122R	48 MoReg 927R	
6 CSR 10-9.020	Commissioner of Higher Education		48 MoReg 955		
6 CSR 25-1.010	Central Missouri State University		48 MoReg 122R	48 MoReg 927R	
6 CSR 250-1.010	University of Missouri		48 MoReg 122R	48 MoReg 927R	
6 CSR 250-1.020	University of Missouri		48 MoReg 123R	48 MoReg 927R	
6 CSR 250-2.010	University of Missouri		48 MoReg 123R	48 MoReg 928R	
6 CSR 250-2.020	University of Missouri		48 MoReg 123R	48 MoReg 928R	
6 CSR 250-2.030	University of Missouri		48 MoReg 437R	48 MoReg 1028R	
6 CSR 250-2.040	University of Missouri		48 MoReg 437R	48 MoReg 1028R	
6 CSR 250-2.050	University of Missouri		48 MoReg 438R	48 MoReg 1028R	
6 CSR 250-3.010	University of Missouri		48 MoReg 729R		
6 CSR 250-3.020	University of Missouri		48 MoReg 729R		
6 CSR 250-4.010	University of Missouri		48 MoReg 729R		
6 CSR 250-4.020	University of Missouri		48 MoReg 730R		
6 CSR 250-4.030	University of Missouri		48 MoReg 730R		
6 CSR 250-5.010	University of Missouri		48 MoReg 730R		
6 CSR 250-5.020	University of Missouri		48 MoReg 730R		

RULE NUMBER	AGENCY	EMERGENCY	PROPOSED	ORDER	IN ADDITION
6 CSR 250-6.010	University of Missouri		48 MoReg 731R		
6 CSR 250-6.020	University of Missouri		48 MoReg 731R		
6 CSR 250-6.030	University of Missouri		48 MoReg 731R		
6 CSR 250-6.040	University of Missouri		48 MoReg 731R		
6 CSR 250-7.010	University of Missouri		48 MoReg 1013R		
6 CSR 250-7.020	University of Missouri		48 MoReg 1013R		
6 CSR 250-7.030	University of Missouri		48 MoReg 1013R		
6 CSR 250-7.040	University of Missouri		48 MoReg 1014R		
MISSOURI DEPARTMENT OF TRANSPORTATION					
7 CSR 10-7.010	Missouri Highways and Transportation Commission		48 MoReg 123	48 MoReg 1028	
7 CSR 10-7.030	Missouri Highways and Transportation Commission		48 MoReg 124	48 MoReg 1029	
7 CSR 265-9.010	Motor Carrier and Railroad Safety		48 MoReg 125	48 MoReg 1029	
7 CSR 265-9.020	Motor Carrier and Railroad Safety		48 MoReg 125	48 MoReg 1029	
7 CSR 265-9.050	Motor Carrier and Railroad Safety		48 MoReg 126	48 MoReg 1029	
7 CSR 265-9.100	Motor Carrier and Railroad Safety		48 MoReg 126	48 MoReg 1029	
7 CSR 265-9.110	Motor Carrier and Railroad Safety		48 MoReg 127	48 MoReg 1030	
DEPARTMENT OF MENTAL HEALTH					
8 CSR 10-4.200	Division of Employment Security		48 MoReg 311R	48 MoReg 1030R	
8 CSR 40-2.010	State Board of Mediation		48 MoReg 311	48 MoReg 1030	
8 CSR 40-2.100	State Board of Mediation		48 MoReg 312	48 MoReg 1030	
8 CSR 40-2.140	State Board of Mediation		48 MoReg 312	48 MoReg 1030	
8 CSR 40-2.150	State Board of Mediation		48 MoReg 312	48 MoReg 1030	
DEPARTMENT OF MENTAL HEALTH					
9 CSR 10-5.230	Director, Department of Mental Health		48 MoReg 313	48 MoReg 959	
9 CSR 10-7.130	Director, Department of Mental Health		48 MoReg 919		
9 CSR 30-7.010	Certification Standards		47 MoReg 1768	48 MoReg 928	
9 CSR 30-7.020	Certification Standards		48 MoReg 798		
DEPARTMENT OF NATURAL RESOURCES					
10 CSR 20-7.015	Clean Water Commission		48 MoReg 692		
10 CSR 140-2	Division of Energy				This Issue
DEPARTMENT OF PUBLIC SAFETY					
11 CSR 30-1.010	Office of the Director		48 MoReg 201		
11 CSR 30-8.010	Office of the Director		48 MoReg 202R		
11 CSR 30-8.020	Office of the Director		48 MoReg 202R		
11 CSR 30-8.030	Office of the Director		48 MoReg 202R		
11 CSR 30-8.040	Office of the Director		48 MoReg 202R		
11 CSR 30-9.010	Office of the Director		48 MoReg 203R		
11 CSR 30-9.020	Office of the Director		48 MoReg 203R		
11 CSR 30-9.030	Office of the Director		48 MoReg 203R		
11 CSR 30-9.040	Office of the Director		48 MoReg 203R		
11 CSR 30-9.050	Office of the Director		48 MoReg 204R		
11 CSR 40-2.022	Division of Fire Safety		48 MoReg 127	48 MoReg 930	
11 CSR 45-7.010	Missouri Gaming Commission		47 MoReg 1711	48 MoReg 815	
11 CSR 45-7.120	Missouri Gaming Commission		47 MoReg 1711	48 MoReg 815	
11 CSR 45-7.145	Missouri Gaming Commission		47 MoReg 1712	48 MoReg 815	
11 CSR 45-9.112	Missouri Gaming Commission		47 MoReg 1592	48 MoReg 815	
11 CSR 45-9.123	Missouri Gaming Commission		48 MoReg 136	48 MoReg 960	
11 CSR 45-10.150	Missouri Gaming Commission		48 MoReg 956R		
11 CSR 85-1.030	Veterans Affairs		48 MoReg 732		
DEPARTMENT OF REVENUE					
12 CSR 10-1.010	Director of Revenue		48 MoReg 802		
12 CSR 10-1.020	Director of Revenue				48 MoReg 965
12 CSR 10-2.019	Director of Revenue		48 MoReg 920R		
12 CSR 10-2.105	Director of Revenue		48 MoReg 1014		
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The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo.

ORDER	SUBJECT MATTER	FILED DATE	PUBLICATION
2023			
23-05	Declares drought alerts for 60 Missouri counties in accordance with the Missouri Drought Mitigation and Response Plan	May 31, 2023	This Issue
23-04	Designates members of the governor's staff as having supervisory authority over each department, division, or agency of state government	April 14, 2023	48 MoReg 911
23-03	Declares a State of Emergency and directs the Missouri State Emergency Operations Plan be activated due to severe storm systems	March 31, 2023	48 MoReg 795
23-02	Extends Executive Order 22-08, the State of Emergency, and waivers until February 28, 2023	January 24, 2023	48 MoReg 433
23-01	Orders the commencement of the Missourians Aging with Dignity Initiative, with directives to support all citizens as they age	January 19, 2023	48 MoReg 431
2022			
22-11	Extends Executive Order 22-08, the State of Emergency, and waivers until January 31, 2023	December 29, 2022	48 MoReg 193
22-10	Declares that the current State of Emergency shall permit certain vehicles be temporarily exempt from some hours of service requirements	December 21, 2022	48 MoReg 191
22-09	Declares a call and order into active service of the organized militia and directs the Missouri State Emergency Operations Plan be activated due to forecasted severe winter storm systems	December 20, 2022	48 MoReg 189
22-08	Declares a State of Emergency and waives certain regulations to allow other registered entities to fill liquefied petroleum gas containers owned by Gygr-Gas	December 15, 2022	48 MoReg 117
22-07	Extends Executive Order 22-04 to address drought-response efforts until March 1, 2023	November 28, 2022	48 MoReg 39
22-06	Closes executive branch state offices for Friday, November 25, 2022	November 7, 2022	47 MoReg 1708
Proclamation	Convenes the One Hundred First General Assembly in the First Extraordinary Session of the Second Regular Session regarding extension of agricultural tax credits and to enact legislation amending Missouri income tax	August 22, 2022	47 MoReg 1420
22-05	Declares a State of Emergency and directs the Missouri State Emergency Operations Plan be activated due to severe storm systems	July 26, 2022	47 MoReg 1279
22-04	Declares a drought alert for 53 Missouri counties and orders the director of the Department of Natural Resources to activate and designate a chairperson for the Drought Assessment Committee	July 21, 2022	47 MoReg 1277
Proclamation	In accordance with <i>Dobbs</i> , Section 188.017, RSMo, is hereby effective as of the date of this order	June 24, 2022	47 MoReg 1075
22-03	Terminates the State of Emergency declared in Executive Order 22-02	February 7, 2022	47 MoReg 411
22-02	Declares a State of Emergency and directs the Missouri State Emergency Operations Plan be activated due to forecasted severe winter storm systems	February 1, 2022	47 MoReg 304
22-01	Establishes and Designates the Missouri Early Childhood State Advisory Council	January 7, 2022	47 MoReg 222

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SECRETARY OF STATE

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