

Volume 48, Number 16
Pages 1531—1590

August 15, 2023

MISSOURI



REGISTER

John R. Ashcroft  Secretary of State

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The *Missouri Register* is published semi-monthly by

SECRETARY OF STATE

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ISSN 0149-2942

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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 11 – DEPARTMENT OF PUBLIC SAFETY
DIVISION 90 – Missouri 911 Service Board
Chapter 2 – 911 Financial Assistance Program**

EMERGENCY AMENDMENT

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

PURPOSE: This emergency amendment changes the definition of eligible applicants to include certain regional planning commissions consistent with a change to section 650.335, RSMo that becomes effective August 28, 2023.

EMERGENCY AMENDMENT: This emergency amendment informs the public that due to a change in section 650.335, RSMo, that becomes effective on August 28, 2023, certain regional planning commissions will become eligible to submit applications to the board for financial assistance for all or a portion of costs incurred in implementing a 911 communications service project. This emergency amendment is necessary to make the rule consistent with section 650.335, RSMo, in time for certain regional planning commissions to submit applications for funding for 911 communications service projects during the application

window of the board's financial assistance program. Absent the emergency amendment, these regional planning commissions, contrary to statute, will be unable to submit applications for funding for 911 communications service projects during the next application window of the board's financial assistance program. As a result, the board 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 board believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed July 14, 2023, becomes effective August 28, 2023, and expires February 22, 2024.

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

(G) "Eligible applicants" or "Applicants," counties, cities *[and]*, elected emergency service boards, **and regional planning commissions as defined in section 70.515, RSMo, that provide emergency telephone services to multiple counties**, that sections 650.330 and 655.335, RSMo, authorize to submit applications to the board for grants and loans to finance all or a portion of the costs incurred by their 911 services authorities in implementing a 911 communications service project;

AUTHORITY: sections 650.330 and 650.335, RSMo Supp. [2021] 2022. Emergency rule filed May 6, 2020, effective May 21, 2020, expired Feb. 25, 2021. Original rule filed May 7, 2020, effective Dec. 30, 2020. Emergency amendment filed Aug. 31, 2021, effective Sept. 15, 2021, and expired March 13, 2022. Amended: Filed Jan. 7, 2022, effective July 30, 2022. Emergency amendment filed July 14, 2023, effective Aug. 28, 2023, expires Feb. 22, 2024. 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 and other public entities 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 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 11 – DEPARTMENT OF PUBLIC SAFETY
DIVISION 90 – Missouri 911 Service Board
Chapter 2 – 911 Financial Assistance Program**

PROPOSED AMENDMENT

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

PURPOSE: This amendment changes the definition of eligible applicants to include certain regional planning commissions consistent with a change to section 650.335, RSMo, that becomes effective August 28, 2023.

(1) As used in this chapter, the following terms shall mean[;]–
(G) "Eligible applicants" or "Applicants," counties, cities [and], elected emergency service boards, **and regional planning commissions as defined in section 70.515, RSMo, that provide emergency telephone services to multiple counties,**

that sections 650.330 and 655.335, RSMo, authorize to submit applications to the board for grants and loans to finance all or a portion of the costs incurred by their 911 services authorities in implementing a 911 communications service project;

AUTHORITY: sections 650.330 and 650.335, RSMo Supp. [2021] 2023. Emergency rule filed May 6, 2020, effective May 21, 2020, expired Feb. 25, 2021. Original rule filed May 7, 2020, effective Dec. 30, 2020. Emergency amendment filed Aug. 31, 2021, effective Sept. 15, 2021, and expired March 13, 2022. Amended: Filed Jan. 7, 2022, effective July 30, 2022. Emergency amendment filed July 14, 2023, effective Aug. 28, 2023, expires Feb. 22, 2024. Amended: Filed July 14, 2023.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or opposition to this proposed amendment with Missouri 911 Service Board, PO Box 2126, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**TITLE 12 – DEPARTMENT OF REVENUE
Division 10 – Director of Revenue
Chapter 2 – Income Tax**

PROPOSED AMENDMENT

12 CSR 10-2.010 Capital Loss Allocation Between Spouses, Allocation of Taxable Social Security Benefits Between Spouses, and Computation of an Individual's Missouri Adjusted Gross Income on a Combined Income Tax Return. The department is amending the purpose and section (2) and adding sections (3)–(6).

PURPOSE: This amendment explains the proper method of determining and reporting the taxable portion of Social Security benefits in cases where both spouses have income and how the combined Missouri adjusted gross income is computed on a combined return for purposes of computing each spouse's separate income tax liability.

PURPOSE: This rule sets forth the method to be used by married persons filing joint federal income tax returns in allocating capital losses between the spouses for Missouri income tax purposes[.] **and explains the proper method of determining and reporting the taxable portion of Social Security benefits in cases where both spouses have income and how the combined Missouri adjusted gross income is computed on a combined return for purposes of computing each spouse's separate income tax liability.**

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.

(2) Losses: General Rule. If the losses from the sale or exchange of capital assets exceed the net gains from the sales, so a loss is reported on **federal Form 1040 U.S. Individual Income Tax Return**, then, subject to the limitation provided for in *Internal Revenue Code* (IRC) Section 1211, allocate the excess to the spouse responsible for the excess. (For examples 1-3 below, the Section 1211 limitation is \$3,000.) If both spouses are responsible for the excess, then allocate the excess, subject to IRC Section 1211 limitation, between the spouses on a *pro rata* basis.

(3) Social Security benefits that are included in federal adjusted gross income (AGI) must be allocated between spouses on the Individual Income Tax Return – Long Form, Form MO-1040, for the appropriate tax year. They must be allocated between spouses based on the proportionate share of gross Social Security benefits received by each spouse, multiplied by the portion of the benefits included in federal taxable income.

(A) Example: A husband receives eight thousand dollars (\$8,000) in Social Security benefits and the wife receives two thousand dollars (\$2,000), for total gross benefit of ten thousand dollars (\$10,000). The husband's proportionate share is eighty percent (80%) and the wife's is twenty percent (20%). If four thousand dollars (\$4,000) in benefits were included in federal taxable income, then the husband's allocated portion on the Missouri return would be three thousand two hundred dollars (\$3,200) and the wife's portion would be eight hundred dollars (\$800). This is arrived at by multiplying four thousand dollars by eighty percent ($\$4,000 \times 80\%$) for the husband and four thousand dollars by twenty percent ($\$4,000 \times 20\%$) for the wife. These amounts must be used in calculating the Missouri AGI of the husband and wife.

(4) In general, if a married couple files a combined Missouri income tax return, the combined Missouri adjusted gross income equals the sum of each spouse's separate Missouri adjusted gross income. The spouse's separate Missouri adjusted gross income equals the federal adjusted gross income reportable by the spouse had the spouse filed a separate federal return, as adjusted by the modifications under sections 143.121 and 135.647, RSMo.

(A) Examples.

1. A married couple reported federal adjusted gross income of thirty-two thousand dollars (\$32,000) on their joint federal income tax return. On their combined Missouri income tax return, one (1) spouse reported separate federal adjusted gross income of thirty-eight thousand dollars (\$38,000), and the other spouse reported separate federal adjusted gross income of negative six thousand dollars (-\$6,000). The combined Missouri adjusted gross income equals thirty-two thousand dollars (\$32,000) (thirty-eight thousand dollars (\$38,000) plus negative six thousand dollars (-\$6,000)).

2. A married couple reported federal adjusted gross income of thirty-nine thousand dollars (\$39,000) on their joint federal income tax return. On their combined Missouri income tax return, one (1) spouse reported separate federal adjusted gross income of thirty-eight thousand dollars (\$38,000), and the other spouse reported separate federal adjusted gross income of one thousand dollars (\$1,000) and a five thousand dollar (\$5,000) subtraction for interest from exempt U.S. government obligations. The combined Missouri adjusted gross income equals thirty-four thousand dollars (\$34,000) (thirty-eight thousand dollars

(\$38,000) plus negative four thousand dollars (-\$4,000)).

3. A married couple reported federal adjusted gross income of thirty-nine thousand dollars (\$39,000) on their joint federal income tax return. On their combined Missouri income tax return, one (1) spouse reported separate federal adjusted gross income of thirty-eight thousand dollars (\$38,000), and the other spouse reported separate federal adjusted gross income of one thousand dollars (\$1,000) and a five thousand dollar (\$5,000) subtraction for a contribution to a Missouri Savings for Tuition (MOST) account. The combined Missouri adjusted gross income equals thirty-eight thousand dollars (\$38,000) (thirty-eight thousand dollars (\$38,000) plus zero) because the MOST subtraction is limited to the spouse's Missouri adjusted gross income.

(5) The form Individual Income Tax Return – Long Form, MO-1040 is incorporated by reference and made a part of this rule as published by Missouri Department of Revenue, and available at www.dor.mo.gov or Harry S Truman State Office Building, 301 W. High Street, Jefferson City, MO 65101, dated May 3, 2023. This rule does not incorporate any subsequent amendments or additions.

(6) The federal form 1040 U.S. Individual Income Tax Return is incorporated by reference and made a part of this rule as published by United States Internal Revenue Service, and available at www.irs.gov or Harry S Truman State Office Building, 301 W. High Street, Jefferson City, MO 65101, dated May 3, 2023. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: sections 143.031, 143.111, 143.181, and 143.961, RSMo 2016, and section 135.647 RSMo, Supp. 2023. This rule was previously filed as Income Tax Release 73-11, Jan. 29, 1974, effective Feb. 8, 1974. Amended: Filed Oct. 2, 2018, effective April 30, 2019. Amended: Filed July 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 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 2 – Income Tax

PROPOSED AMENDMENT

12 CSR 10-2.017 Transient Employer Financial Assurance Instrument for Employer's Withholding Tax. The director is amending sections (1)–(7), adding new section (8), and renumbering as necessary.

PURPOSE: This amendment removes the outdated publisher's note, corrects forms, makes minor technical corrections, adds incorporated by reference information, and removes three (3) outdated forms currently attached, Form 2982, Form 2981, and Form 2980.

(1) Out-of-State Transient Employer Defined. **“Transient employer” has the same meaning as used in section 285.230, RSMo.**

[(A) Transient employer means an employer as defined in sections 143.191, 287.030 and 288.032, RSMo making payment of wages taxable under the Missouri income tax law, the Workers' Compensation Law and the Missouri employment security law who is not domiciled in Missouri and who temporarily transacts any business within Missouri. The transaction of business is considered temporary at any time it cannot be reasonably expected to continue for a period of at least twenty-four (24) consecutive months.

(B) Transient employers shall not include any employer who is not subject to Missouri income tax because of the provisions of 15 U.S.C. 381.]

[(C)](2) Every transient employer shall file with the director of revenue a financial assurance instrument including[,] but not limited to[,] a cash bond, surety bond or an irrevocable letter of credit, [as defined in the Uniform Commercial Code Section] which has the same meaning as used in section 400.5-103, RSMo.

*[(2)](3) Types of Financial Assurance Instruments. Financial assurance instruments which may be posted to secure payments of taxes by out-of-state transient employers shall be in the form of a surety bond, cash bond, [or] an irrevocable letter of credit issued by any state or federal financial institution, **an assignment of certificate of deposit**, or any other financial assurance instrument which is deemed acceptable by the director of revenue. Other financial assurance instruments will be reviewed for approval on a case-by-case basis.*

*(A) A surety bond shall be issued by an insurance company licensed for bonding in Missouri on behalf of the applicant on the [form provided by the Department of Revenue. An example of this form is printed with this rule] **Surety Bond Form 331**. The form shall bear the seal of the insurance company, the effective date, and **it shall** be accompanied by a power of attorney letter **or form** if signed by the attorney-in-fact. [It also] **surety bond form** shall **also** contain the signature of the applicant.*

*(B) A cash bond shall be paid to the director of revenue in the form of a cashier's check, money order, or certified check and be accompanied by a [notarized form provided by the Department of Revenue. An example of this form is printed with this rule] **Cash Bond Form 332**.*

*(C) An irrevocable letter of credit issued by any state or federal financial institution may be submitted to the Department of Revenue on a [form provided by the department. An example of this form is printed with this rule]. **Irrevocable Letter of Credit Form 2879**.*

1. The letter of credit shall be irrevocable and the beneficiary shall be the Department of Revenue. Payment shall be made immediately upon presentment of a demand for payment signed by the director of revenue or a designated representative.

2. All letters of credit shall conform to the Department of Revenue's required format *[A standard letter of credit form embodying this format shall be provided by the Department of Revenue. All]* **in the Irrevocable Letter of Credit Form 2879. The letter[s] of credit [shall be accompanied by] must include**

an authorization for release of confidential information allowing the director of revenue or a designee to release confidential tax information to the issuing bank.

3. A demand for payment upon a letter of credit shall be presented for payment only for **the reason[s]** that bond proceeds are needed to satisfy any delinquencies or claims as provided for in section 285.230, RSMo.

4. Letters of credit shall have a term of one (1) year and shall be automatically renewable on an annual basis for an additional one (1) year. A letter of credit may be canceled by the issuer sixty (60) days after written notice is delivered to the Department of Revenue. Upon the notice of cancellation, the transient employer shall be required to file a new financial assurance instrument on or before the expiration of the sixty- (60)-[]-day period. If the required financial assurance instrument is not received within that time period, the employer commits the crime of failure to file a financial assurance instrument if the employer knowingly fails to comply.

5. If a transient employer ceases business or desires to substitute a financial assurance instrument for *[his/her]* **their** letter of credit, the director of revenue shall retain the letter of credit for a period of ninety (90) days or until the director of revenue is satisfied that no claims exist against the letter of credit.

6. A transient employer shall be required to increase the amount of the letter of credit **or provide an additional financial assurance instrument** in any situation where the employer would be required to increase *[its]* **or provide an additional** financial assurance instrument as provided for in section 285.230, RSMo. *[This additional instrument may be satisfied by increasing the letter of credit or submitting an additional financial assurance instrument]* **An increase to the amount of the letter of credit shall be deemed the submission of an additional financial assurance instrument for the amount of the increase.**

(D) An assignment of certificate of deposit may be submitted to the Department of Revenue using Form 4172. The certificate of deposit must be issued by a state or federally chartered financial institution.

[(3)](4) Amount of Financial Assurance Instrument. The amount of the financial assurance instrument shall be determined by the director of revenue. This financial assurance instrument shall not be less than the average estimated quarterly withholding tax liability of the taxpayer, but in no case less than five thousand dollars (\$5,000) nor more than twenty-five thousand dollars (\$25,000).

*(A) Example 1: Mr. Kansas Contractor has been awarded a contract to renovate a building in Kansas City, Missouri. Mr. Kansas Contractor has employed ten (10) Missouri residents to assist in the renovation. The employees are being paid four hundred dollars (\$400) in wages per week. [Each employee is married, claiming one (1) personal exemption and no dependent exemptions] **The average estimated quarterly withholding tax liability of Mr. Kansas Contractor is less than five thousand dollars (\$5000)**. Mr. Kansas Contractor is required to post the minimum five thousand dollar (\$5,000) financial assurance instrument.*

*(B) Example 2: Mrs. Illinois Drywall accepts a contract to drywall several new apartment complexes in St. Louis, Missouri. Mrs. Illinois Drywall hires numerous Missouri resident drywallers to assist in the work. Mrs. Illinois Drywall's Missouri monthly withholding is [twenty-three] **two thousand three** hundred dollars (\$2,300). Mrs. Illinois Drywall is required to post a financial assurance instrument*

in the amount of six thousand nine hundred dollars (\$6,900). The six thousand nine hundred dollars (\$6,900) is the approximate amount of withholding for these employees for one (1) calendar quarter.

~~[(4)](5)~~ General Financial Assurance Instrument Examples. The following are general examples illustrating the out-of-state transient employer financial assurance instrument requirement:

(A) Example 1: Mr. Jones, an out-of-state contractor, has been awarded a contract to perform work in Missouri. He must obtain and file an application for a Missouri Employer's Withholding Tax **Identification** Number. Furthermore, he does not meet the criteria to be exempt from the financial assurance instrument requirement. Mr. Jones, therefore, must submit a financial assurance instrument with the application before he can obtain his Missouri Withholding Tax Identification Number;

(B) Example 2: Mrs. Davis is an out-of-state contractor whose principal place of business is in a county of another state which borders Missouri. Mrs. Davis is a transient employer and must file an application for a Missouri Employer's Withholding Tax **Identification** Number. Mrs. Davis has not been under contract to perform work in Missouri for at least sixty (60) days each year for the past two (2) calendar years and, therefore, must submit a financial assurance instrument with the Missouri Tax Registration Application; and

(C) Example 3: Mr. Smith, an out-of-state contractor, has been awarded a contract to perform work in Missouri. Mr. Smith is a transient employer and must file an application for a Missouri Employer's Withholding Tax **Identification** Number. Mr. Smith does meet all the criteria for exemption from the financial assurance instrument requirement. Therefore, he is not required to file a financial assurance instrument with the application but must notify the Department of Revenue of his exemption status.

~~[(5)](6)~~ Replacing or Applying for Return of Financial Assurance Instrument.

(A) If a cash bond is replaced by a different type of financial assurance instrument, the cash bond will be refunded to the taxpayer~~[/];~~, provided~~[/];~~ all taxes due are paid and the taxpayer files a request for refund on the forms provided by the Department of Revenue.

(B) If a surety bond is replaced by a different type of financial assurance instrument, the surety bond will be canceled~~[/];~~, provided~~[/];~~ the issuing insurance company provides the Department of Revenue with a written notice sixty (60) days prior to the cancellation date. This cancellation shall not affect any liability incurred or accrued prior to the termination of the sixty- (60-)~~[/]-~~day period.

(C) If an irrevocable letter of credit is replaced by a different type of financial assurance instrument, the irrevocable letter of credit will be returned to the issuing financial institution~~[/];~~, provided~~[/];~~ the financial institution provides the Department of Revenue with a written notice sixty (60) days prior to the cancellation date. Cancellation shall not affect any liability incurred or accrued prior to the termination of the sixty- (60-)~~[/]-~~day period.

(D) If an assignment of certificate of deposit is replaced by a different type of financial assurance instrument, the taxpayer may file a request with the Department of Revenue asking to assign and transfer the certificate of deposit back to the taxpayer. If the taxpayer has filed such a request and all of the taxpayer's taxes due are paid, the Department of Revenue will assign and transfer the certificate of deposit

back to the taxpayer. The taxpayer must pay, and will solely be responsible for, any fees, penalties, charges, or liability arising from any assignment and transfer of the certificate of deposit to or from the taxpayer.

~~[(6)](7)~~ Exemptions ~~[F]~~from the Out-of-State Transient Employer Financial Assurance Instrument Requirement. Employers meeting all the ~~[following]~~ criteria in **section 285.230.2, RSMo**, are not required to file a transient employer withholding tax financial assurance instrument~~[/];~~.

~~[(A)]~~ *The principal place of business of the employer must be in a county of another state which borders Missouri; and*

~~[(B)]~~ *The employer must have been under contract to perform work in Missouri for at least sixty (60) days each year for the past two (2) calendar years immediately preceding the employer's initial application for exemption from the transient employer bonding requirements; and*

~~[(C)]~~ *The employer must have in his/her possession a tax clearance issued by the Department of Revenue stating that the transient employer has complied with the tax laws of this state and with the provisions of the Workers' Compensation and employment security laws during the period set out in subsection (6)(B) of this rule. On or before January 31 of each year, except January 31 following the year during which the employer meets these criteria, the employer shall submit a request to the Department of Revenue for a renewed tax clearance.]*

~~[(7)](8)~~ Certification of Workers' Compensation Insurance. Every transient employer shall certify to the director of revenue that the employer has sufficient Workers' Compensation insurance either through a ~~[self-insured plan or through a private company (carrier)]~~ **self-insurance program or policy of workers' compensation insurance issued by an approved workers' compensation carrier**. A transient employer shall provide the Department of Revenue with a copy of its Workers' Compensation insurance policy~~[/].~~ *The insurance policy shall be forwarded to the Division of Workers' Compensation of the Missouri Department of Labor and Industrial Relations for verification of the insurance policy] to be verified consistent with section 285.234.1(2), RSMo.*

(9) The forms Surety Bond Form 331, Cash Bond Form 332, Irrevocable Letter of Credit Form 2879, and the Assignment of Certificate of Deposit Form 4172 are incorporated by reference and made a part of this rule as published by Missouri Department of Revenue, and available at www.dor.mo.gov or Harry S Truman State Office Building, 301 W. High Street, Jefferson City, MO 65101, dated June 1, 2023. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: section[s 143.961, RSMo 1986] 136.120, RSMo, 2016 [and Senate Bill 4477 of the 87th General Assembly to be codified as section 285.230, RSMo in 1994]. Original rule filed Aug. 8, 1989, effective Nov. 26, 1989. For intervening history, please consult the Code of State Regulations. Amended: Filed July 13, 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 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 2 – Income Tax

PROPOSED RESCISSION

12 CSR 10-2.052 Optional Single Sales Factor. This rule set out the availability of the new apportionment method provided in section 143.451.2(3), RSMo, as amended in HB 128, enacted by the 97th General Assembly (2013).

PURPOSE: This rule is being rescinded due to its limited potential applicability—it could only be applied by corporations that never filed an income tax return for income tax periods ending on or before December 31, 2019—but those situations can be addressed on a case-by-case basis. The potential confusion that would be eliminated by rescinding the regulation outweighs any possible advantage in keeping it.

AUTHORITY: section 143.961, RSMo 2000, and section 143.451.2(3), RSMo Supp. 2013. Original rule filed Sept. 18, 2013, effective March 30, 2014. Rescinded: Filed July 11, 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 2 – Income Tax

PROPOSED AMENDMENT

12 CSR 10-2.080 Domestic International Sales Corporations. The department is amending section (1).

PURPOSE: This amendment removes the Publisher's Note, updates the IRC year in section (1), and updates the authority RSMo year.

(1) Any corporation which satisfies the requirements of Section 992 of the *Internal Revenue Code of [1954] 1986* for a taxable year and is excepted from the imposition of federal income taxes as a domestic international sales corporation (DISC) shall not be subject to the Missouri income tax on corporations for that same taxable year.

AUTHORITY: section 143.961, RSMo [1986] 2016. Original rule filed July 13, 1976, effective Oct. 11, 1976. Amended: Filed July 13, 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 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 2 – Income Tax

PROPOSED RESCISSION

12 CSR 10-2.200 Trucking Companies. This rule set forth the uniform provisions concerning multistate allocation and apportionment of income from trucking companies which were enacted by the Multistate Tax Commission.

PURPOSE: This rule is being rescinded because of the belief this rule might lead to a lack of clarity for taxpayers who are part of the industries covered under this rule, but who can no longer use the corporate income tax apportionment provisions found in those rules because of the new apportionment method created by section 143.455, RSMo.

AUTHORITY: sections 32.200 (Article VII) and 143.961, RSMo 1994. Original rule filed Jan. 18, 1989, effective May 11, 1989. Rescinded: Filed July 11, 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 2 – Income Tax

PROPOSED RESCISSION

12 CSR 10-2.205 Railroads. *This rule set forth the uniform provisions concerning multistate allocation and apportionment of income from railroads which were enacted by the Multistate Tax Commission.*

PURPOSE: This rule is being rescinded because of the belief this rule might lead to a lack of clarity for taxpayers who are part of the industries covered under this rule, but who can no longer use the corporate income tax apportionment provisions found in those rules because of the new apportionment method created by section 143.455, RSMo.

AUTHORITY: sections 32.200 (Article VII) and 143.961, RSMo 1994. Original rule filed Jan. 18, 1989, effective May 11, 1989. Rescinded: Filed July 11, 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 2 – Income Tax**

PROPOSED RESCISSION

12 CSR 10-2.210 Airlines. *This rule set forth the uniform provisions concerning multistate allocation and apportionment of income from airlines which were enacted by the Multistate Tax Commission.*

PURPOSE: This rule is being rescinded because of the belief this rule might lead to a lack of clarity for taxpayers who are part of the industries covered under this rule, but who can no longer use the corporate income tax apportionment provisions found in those rules because of the new apportionment method created by section 143.455, RSMo.

AUTHORITY: sections 32.200 (Article VII) and 143.961, RSMo 1994. Original rule filed Jan. 18, 1989, effective May 11, 1989. Rescinded: Filed July 11, 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 2 – Income Tax**

PROPOSED RESCISSION

12 CSR 10-2.720 Reporting Requirements for Individual Medical Accounts. *This rule provided the reporting requirements for individual medical accounts.*

PURPOSE: This rule is being rescinded because it is outdated and no longer needed.

AUTHORITY: section 143.961, RSMo 1994. Original rule filed Jan. 3, 1996, effective July 30, 1996. Rescinded: Filed July 11, 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 6 – Motor Vehicle Fuel Tax**

PROPOSED AMENDMENT

12 CSR 10-6.020 Bonding Requirements. *the department is amending section (1), removing section (2), renumbering as necessary and amending the following sections, and adding new section (5).*

PURPOSE: This amendment updates form names, establishes incorporated by reference information, and updates authority information.

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) When applying for a motor fuel [/special fuel] license, a [c]Cash Bond Form 332 or [s]Surety [b]Bond Form 331 must be submitted with the application. [Surety bonds must be executed on a form provided by the department. The director shall maintain a list of approved surety companies licensed to

do business in this state.]

[(2) Those surety companies not complying with chapter 142, RSMo, or which unreasonably fail to pay or otherwise provide for payment, within sixty (60) days after receipt of written notification of the licensees becoming delinquent in payment of tax, fees, penalty or interest, are subject to removal from the list of authorized surety companies and no future bonds will be accepted until such time as the director reinstates the surety company.]

[(3)](2) Prior to the suspension of the authority of a surety company, written notification shall be sent via certified mail to the surety company of the impending suspension. If a written response is not received within ten (10) days stating a good cause why the suspension should not be implemented, the suspension shall be implemented and the surety will remain suspended until such time the restitution is made or the surety company is reinstated at the discretion of the director.

[(4)](3) The department shall require all licensees bonded with a surety company whose license to do business in Missouri has been suspended by the Division of Insurance[,] to obtain a new surety bond with a company whose license is in good standing with the Missouri Division of Insurance.

[(5)](4) All motor fuel/[special fuel] accounts (licensed under [c]Chapter 142, RSMo) with surety bonds issued by a suspended surety company are required to replace each bond within sixty (60) days for motor fuel licensees [and thirty (30) days for special fuel licensees] from the date of notification by the director.

(5) The forms Cash Bond Form 332 and Surety Bond Form 331 are incorporated by reference and made a part of this rule as published by Missouri Department of Revenue, and are available at www.dor.mo.gov or Harry S Truman State Office Building, 301 W. High Street, Jefferson City, MO 65101, dated May 2, 2023. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: sections [142.300 and 142.621] 142.881, 142.884, 142.887, 142.890 and 142.896, RSMo [1986] 2016. Regulation 10-100 was filed Nov. 6, 1975, effective Nov. 16, 1975. Amended: Filed June 17, 1986, effective Sept. 26, 1986. Amended: Filed July 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 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 6 – Motor Vehicle Fuel Tax**

PROPOSED AMENDMENT

12 CSR 10-6.100 Motor Fuel Tax Exemption for Operators of Public Mass Transportation Service. The department is amending section (2) and adding new section (4).

PURPOSE: This amendment corrects form names throughout, adds incorporated by reference material, and updates authority information.

(2) Basic Application.

(A) Operators of public mass transportation services who purchase fuel [on or after August 28, 2007,] and paid the Missouri motor fuel tax may obtain a refund of the tax. The operator of the public mass transportation service must certify to the department, on a [form prescribed by the director] **Form 5141 Public Mass Transportation Operator Exemption Certificate**, that the motor fuel will be used exclusively in the operation of the mass transportation service.

1. The operator must submit the claim on a [form prescribed by the department] **Form 4923 Non-Highway Use Motor Fuel Refund Claim** within one (1) year of the date of purchase or April 15 of the year following the purchase, whichever is later.

2. The refund will equal the motor fuel tax, less all applicable state and local sales taxes unless the entity is otherwise exempt from Missouri sales tax.

(B) Ultimate vendors may make bulk sales of motor fuel to the exempt public mass transportation service [on or after August 28, 2007,] without collecting the state motor fuel tax. The ultimate vendor that purchased the motor fuel and paid the Missouri motor fuel tax may obtain a refund if the ultimate vendor sold the motor fuel without charging the Missouri motor fuel tax.

1. Operators must furnish the ultimate vendor a **Form 5141 Public Mass Transportation Operator Exemption Certificate** in order to purchase the motor fuel without being charged the Missouri motor fuel tax. [This form is available at the department's central office, or may be downloaded at <http://www.dor.mo.gov/tax/business/fuel/forms/index.htm>.]

2. Any ultimate vendor who is a retailer, and not licensed as a supplier or distributor, must submit the claim on a [form prescribed by the director] **Form 4923 Non-Highway Use Motor Fuel Refund Claim** within two (2) years of the date of purchase.

3. If the ultimate vendor is licensed as a Missouri supplier or distributor, the claim for refund must be submitted on a [form prescribed by the director] **Form 4923 Non-Highway Use Motor Fuel Refund Claim** and must be filed within three (3) years of the date of purchase.

4. The ultimate vendor must collect and remit to the department any applicable state and local sales taxes at the rate in effect at the vendor's place of business.

(4) The forms **5141 Public Mass Transportation Operator Exemption Certificate** and **4923 Non-Highway Use Motor Fuel Refund Claim** are incorporated by reference and made a part of this rule as published by Missouri Department of Revenue, and are available at www.dor.mo.gov or Harry S Truman State Office Building, 301 W. High Street, Jefferson City, MO 65101, dated April 25, 2023. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: sections [142.818 and 142.824, RSMo 2000 and sections] 136.035 and 142.817 RSMo 2016, and sections 142.824 and 144.030, RSMo Supp. [2007] 2023. Emergency rule filed Aug. 14, 2007, effective Aug. 28, 2007, expired Feb. 23, 2008. Original rule filed Aug. 14, 2007, effective Feb. 29, 2008. Amended: Filed

July 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 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 16 – Cigarette Tax**

PROPOSED AMENDMENT

12 CSR 10-16.120 Missouri Cigarette Wholesaler's License. The director is removing section (1), amending new sections (2)-(4), and renumbering as necessary.

PURPOSE: This amendment removes outdated material and updates authority references.

[(1) Letters of recommendation from four (4) of the six (6) leading manufacturers, for example, American Tobacco Company, Brown & Williamson Tobacco Corporation, Liggett & Myers Incorporated, Lorillard, Philip Morris Tobacco Company and R.J. Reynolds Tobacco Company, must be on file with the director before a Missouri cigarette wholesaler's license will be issued. This requirement may be waived at the discretion of the director.]

[(2)](1) A Missouri cigarette wholesaler's license will only be granted to nonresident wholesalers duly registered as a cigarette wholesaler in the wholesaler's state of residence.

[(3)](2) A nonresident wholesaler who is granted a Missouri cigarette wholesaler's license under section 149.035, RSMo, and is authorized to affix Missouri tax stamps *[or meter impressions]* shall agree to be bound by all cigarette tax rules issued by the director of revenue.

[(4)](3) The cigarette wholesaler's license must be prominently displayed in the wholesaler's principal place of business. Any cigarette wholesaler having more than one (1) place of business is required to display a copy of the license in each place of business owned or operated by *[him/her]* **them** doing business in Missouri.

[(5)](4) If a wholesaler violates any of the provisions of Chapters 66, *[and]* 210, *[RSMo or Chapter]* and 149, RSMo, or rules issued pursuant to the provisions, contingent upon the hearing provided for by section 149.035, RSMo, the director may revoke or suspend the cigarette wholesaler's license issued under the provisions of section 149.035, RSMo.

AUTHORITY: sections 66.380, *[149.015, and 210.320, RSMo Supp. 1993 and]* 136.030, 136.120, *[and]* 149.015, 149.021, *and*

210.320, RSMo [1986] 2016. Cigarette Tax Regulation 11 was last file Dec. 31, 1975, effective Jan. 10, 1976. Amended: Filed Feb. 18, 1983, effective June 11, 1983. Amended: Filed July 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 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 10-23.260 Inspection of Non-USA Standard Vehicles Prior to Titling. The director is amending sections (1) and (2) and adding new section (3).

PURPOSE: The purpose of this amendment is to update forms and adds material incorporated by reference.

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) Some vehicles are not manufactured for importation into the United States. In order for a certificate of title to be issued, the department requires any motor vehicle imported by a registered Missouri motor vehicle dealer, or an individual, which vehicle is not manufactured for importation into the United States, to be inspected by a member of the Missouri State Highway Patrol. At the time of the inspection, the Missouri State Highway Patrol will complete a Vehicle Examination Certificate, *[DOR]* Form 551. This form indicates that the vehicle identification number has been verified and is correct.

(2) Some motor vehicles which are purchased by Missouri residents in another country and imported into the United States are manufactured for importation into the United States and conform to all legal standards. The ownership document for these vehicles is usually a Manufacturer's Statement of Origin similar to the type issued for a motor vehicle constructed by an American manufacturer.

(A) Any application for title to a motor vehicle imported into the United States which is accompanied by a Manufacturer's Statement of Origin need not be accompanied by a *[DOR]* **Vehicle Examination Certificate**, Form 551. If problems are

encountered at the time the application is entered into the Department of Revenue's computer, the central office will inform the applicant to contact the Missouri State Highway Patrol to request that they inspect the vehicle and complete a Vehicle Examination Certificate.

(3) The Vehicle Examination Certificate, Form 551 is incorporated by reference and made a part of this rule as published by Missouri Department of Revenue, and available at www.dor.mo.gov or Harry S Truman State Office Building, 301 W. High Street, Jefferson City, MO 65101, dated May 17, 2023. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: section 301.190, RSMo [2016] Supp. 2023. Original rule filed March 21, 1986, effective July 11, 1986. Amended: Filed Oct. 25, 2018, effective May 30, 2019. Amended: Filed July 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 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 10-23.295 Witnessing Proof of Federal Heavy Vehicle Use Tax Payment or Exemption. The director is amending section (3).

PURPOSE: This amendment updates material incorporated by reference.

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.

(3) [The Heavy Highway Vehicle Use Tax Return (FORM 2290) and the Schedule 1 to FORM 2290, may be obtained at www.irs.gov, or by phone at 1 (800) 829-3676, or at many Internal Revenue Service offices, post offices, and libraries.] The Heavy Highway Vehicle Use Tax Return, Form 2290, and the Schedule 1 to Form 2290 are incorporated by reference and made a part of this rule as published by United States

Internal Revenue Service, and available at www.irs.gov or by request at Harry S Truman State Office Building, 301 W. High Street, Jefferson City, MO 65101, dated April 19, 2023. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: section 301.025, RSMo [Supp. 2006] 2016. Original rule filed May 27, 1986, effective Aug. 25, 1986. Amended: Filed June 1, 2007, effective Nov. 30, 2007. Amended: Filed July 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 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 10-23.310 Issuance of Special Fuel Decals. The director is updating the authority.

PURPOSE: This amendment updates the authority reference.

AUTHORITY: section [142.611, RSMo 1986] 142.869, RSMo Supp. 2023. Original rule filed June 9, 1986, effective Sept. 26, 1986. Amended: Filed Sept. 16, 1991, effective Jan. 13, 1992. Amended: Filed July 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 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 24 – Driver License Bureau Rules

PROPOSED AMENDMENT

12 CSR 10-24.330 Delegation of Authority to Third-Party

Testers to Conduct Skills Tests of Applicants for Commercial Drivers Licenses. The department is adding a new section (8).

PURPOSE: This amendment adds material incorporated by reference and updates the RSMo authority date.

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.

(8) 49 CFR 383.75 is incorporated by reference and made a part of this rule as published by the Code of Federal Regulations, and is available at www.ecfr.gov or by request at Harry S Truman State Office Building, 301 W. High Street, Jefferson City, MO 65101, dated May 17, 2023. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: section 302.700, RSMo Supp. [2013] 2023, and section 302.765, RSMo [2000] 2016. Emergency rule filed June 20, 1990, effective June 30, 1990, expired Oct. 27, 1990. Emergency rule filed Oct. 26, 1990, effective Nov. 5, 1990, expired March 4, 1991. Original rule filed June 20, 1990, effective Dec. 31, 1990. Amended: Filed Feb. 17, 2015, effective Aug. 30, 2015. Amended: Filed July 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 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 108 – Sales/Use Tax – Taxable Services**

PROPOSED AMENDMENT

12 CSR 10-108.600 Transportation Fares. The director is amending sections (1)–(3).

PURPOSE: This amendment corrects outdated references and updates the authority references.

(1) In general, sales of tickets by every person operating a railroad, boat, and such buses and trucks as are [licensed] authorized by the [Division of Motor Carrier and Railroad Safety of the Department of Economic Development] Missouri Highways and Transportation Commission and engaged in the intrastate transportation of persons for hire are subject to tax.

(2) Definition of Terms.

(B) [Division—Division of Motor Carrier and Railroad Safety of the Department of Economic Development] Commission – The Missouri Highways and Transportation Commission.

(3) Basic Application of Tax.

(B) Transportation charges by taxicabs, limousine services, and buses that are not required to be licensed by the [division] commission are not subject to tax.

AUTHORITY: sections 144.020, RSMo Supp. 2023, and 144.270, RSMo [1994] 2016. Original rule filed June 13, 2000, effective Dec. 30, 2000. Amended: Filed July 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 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 112 – Sales/Use Tax – Contractors**

PROPOSED AMENDMENT

12 CSR 10-112.300 Sales to the United States Government and Government Contractors. The director is amending the purpose statement.

PURPOSE: This amendment updates statute reference.

PURPOSE: This rule explains the tax consequences of transactions involving the United States government and government contractors including the exemptions and exclusions provided by sections 144.030.1f, 144.010.1(9)] and 144.030.2(6), RSMo.

AUTHORITY: sections 144.270 and 144.705, RSMo [1994] 2016. Original rule filed Nov. 10, 1999, effective May 30, 2000. Amended: Filed July 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 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 70 – MO HealthNet Division
Chapter 15 – Hospital Program

PROPOSED AMENDMENT

13 CSR 70-15.160 Outpatient Hospital Services Reimbursement Methodology. The division is removing sections (1)-(4), renumbering as necessary, and amending new section (1).

PURPOSE: This proposed amendment updates all documents incorporated by reference and used to create the outpatient simplified fee schedule.

[(1) Prospective Outpatient Hospital Services Reimbursement Percentage for Hospitals Located Within Missouri.

(A) Outpatient hospital services shall be reimbursed on a prospective outpatient payment percentage effective July 1, 2002, except for services identified in subsection (1)(C). The prospective outpatient payment percentage will be calculated using the Medicaid overall outpatient cost-to-charge ratio from the fourth, fifth, and sixth prior base year cost reports regressed to the current State Fiscal Year (SFY). (If the current SFY is 2003, the fourth, fifth, and sixth prior year cost reports would be the cost report filed in calendar year 1997, 1998, and 1999.) As part of the regression analysis, a facility's outpatient payment percentage is limited to a downward adjustment of fifteen percent (15%) from the previous year with no limit on the upward swing, unless the facility chose the lower upward and downward swing option. For SFYs 2007–2010, the lower upward and downward swing option was three percent (3%) and beginning with SFY 2011 the lower upward and downward swing option is six percent (6%). Once a facility has chosen an option, it shall be fixed and applied beginning with the year it is selected. If a facility has not chosen an option, the default is the downward adjustment of fifteen percent (15%) from the previous year with no limit on the upward swing. The prospective outpatient payment percentage shall not exceed one hundred percent (100%) and shall not be less than twenty percent (20%).

(B) Outpatient cost-to-charge ratios will be as determined in the desk review of the base year cost reports. If adjustments are not made during the desk review, adjustments will be made to remove the cost and charges for services reimbursed on a fee schedule when calculating the cost-to-charge ratios used to determine the outpatient percentage rate.

1. Costs and charges for laboratory and radiology services reimbursed on a fee schedule shall be excluded when calculating the outpatient cost-to-charge ratios used to determine outpatient percentage rates.

2. Costs and charges for outpatient surgical procedures reimbursed on a fee schedule shall be excluded when calculating the outpatient cost-to-charge ratios used to determine outpatient percentage rates. Adjustments shall be made by the division starting with the calculation of the outpatient percentage rate for the SFY after the surgical procedures are moved to a fee schedule.

A. Exception. A hospital may request a revised calculation of the outpatient percentage rate prior to the adjustment made by the division in paragraph (1)(B)2. of this regulation. The hospital must provide the charges and cost-to-charge ratios by cost center for both Medicaid and Total (i.e., all payor types). The hospital must provide a breakdown of the amounts reimbursed on a fee schedule using a template developed by the division and available upon request. The template must be submitted to the division by April 1 of the current SFY for which

the revised calculation of the outpatient percentage rate is requested. The hospital may be notified in writing of the revised outpatient percentage rate within sixty (60) days of receipt of the hospital's written request or within sixty (60) days of receipt of any additional documentation or clarification which may be required. If an adjustment is not otherwise limited or prohibited, the effective date of the change in the hospital's outpatient percentage rate shall be the first day of the month following the date of the division's final determination.

3. Costs and charges for the telehealth originating site fee reimbursed on a fee schedule shall be excluded when calculating the outpatient cost-to-charge ratios used to determine outpatient percentage rates starting with the calculation of the outpatient percentage rate for the SFY after the telehealth originating site fee is moved to a fee schedule.

4. Costs and charges for outpatient drugs reimbursed in accordance with the methodology described in 13 CSR 70-20.070 shall be excluded when calculating the outpatient cost-to-charge ratios used to determine outpatient percentage rates beginning February 1, 2019.

(C) Outpatient Hospital Services Reimbursement Limited by Rule.

1. Certain clinical diagnostic laboratory procedures will be reimbursed from a Medicaid fee schedule which shall not exceed a national fee limitation.

2. The technical component of outpatient radiology procedures will be reimbursed from a Medicaid fee schedule.

A. Effective for dates of service beginning October 1, 2011, through December 31, 2018, the technical component of outpatient radiology procedures, will be reimbursed according to the outpatient Medicaid fee schedule. These rates are based on one hundred twenty-five percent (125%) of the Medicare Physician fee schedule rate using Missouri Locality 01. The Medicaid outpatient radiology fee schedule for the calendar years of 2016, 2017, and 2018 is published on the MO HealthNet website. This fee schedule is incorporated by reference and made a part of this rule as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109, at its website at <https://dss.mo.gov/mhd/providers/files/outpatient-hospital-radiology-fee-schedule18.pdf>, December 4, 2018. This rule does not incorporate any subsequent amendments or additions.

B. Effective for dates of service beginning January 1, 2019, the technical component of outpatient radiology procedures will be reimbursed according to the outpatient Medicaid fee schedule. These rates are based on ninety percent (90%) of the Medicare Physician fee schedule rate, effective January 1, 2018, using Missouri Locality 01. The Medicaid outpatient radiology fee schedule for the calendar years of 2017, 2018, and 2019 is published on the MO HealthNet website. This fee schedule is incorporated by reference and made a part of this rule as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109, at its website at <https://dss.mo.gov/mhd/providers/files/outpatient-hospital-radiology-fee-schedule.pdf>, December 4, 2018. This rule does not incorporate any subsequent amendments or additions.

3. Effective for dates of service beginning January 1, 2019, outpatient surgical procedures are reimbursed according to the outpatient Medicaid fee schedule. These rates are based on the 2018 Medicare Hospital Prospective Payment System Addendum B. The list of outpatient surgical procedure codes are reimbursed according to the Medicaid fee schedule. This fee schedule is incorporated by reference and made a part of this rule as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City,

MO 65109, at its website at <https://dss.mo.gov/mhd/providers/files/outpatient-hospital-surgical-procedure-fee-schedule.pdf>, November 30, 2018. This rule does not incorporate any subsequent amendments or additions.

4. Effective for dates of service beginning January 1, 2019, telehealth originating site fee is paid at the lesser of the billed amount or the outpatient fee schedule amount.

5. Effective for service dates beginning April 1, 2019, outpatient drugs are reimbursed in accordance with the methodology described in 13 CSR 70-20.070.

6. Services of hospital-based physicians and certified registered nurse anesthetists are reimbursed from a Medicaid fee schedule or the billed charge, if less.

7. Outpatient hospital services provided for those recipients having available Medicare benefits shall be reimbursed by Medicaid to the extent of the deductible and coinsurance as imposed by Medicare.

8. Reimbursement of Medicare/Medicaid crossover claims (crossover claims) for Medicare Part B and Medicare Advantage/Part C outpatient hospital services, except for public hospitals operated by the Department of Mental Health (DMH), shall be determined as follows:

A. Crossover claims for Medicare Part B outpatient hospital services in which Medicare was the primary payer and the MO HealthNet Division (MHD) is the payer of last resort for cost-sharing (i.e., coinsurance, copay, and/or deductibles) must meet the following criteria to be eligible for MHD reimbursement:

(I) The crossover claim must be related to Medicare Part B outpatient hospital services that were provided to MO HealthNet participants also having Medicare Part B coverage;

(II) The crossover claim must contain approved outpatient hospital services which MHD is billed for cost-sharing; and

(III) 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 MHD for payment regardless of how the claim is submitted. Providers submitting crossover claims for Medicare Part B outpatient hospital services to MHD 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 B plan's remittance advice. Any amounts paid by MHD that are determined to be based on inaccurate data will be subject to recoupment;

B. Crossover claims for Medicare Advantage/Part C (Medicare Advantage) outpatient hospital services in which a Medicare Advantage plan was the primary payer and MHD is the payer of last resort for cost-sharing (i.e., coinsurance, copay, and/or deductibles) must meet the following criteria to be eligible for MHD reimbursement:

(I) The crossover claim must be related to Medicare Advantage outpatient hospital services that were provided to MO HealthNet participants who also are either a Qualified Medicare Beneficiary (QMB Only) or Qualified Medicare Beneficiary Plus (QMB Plus);

(II) The crossover claim must be submitted as a Medicare UB-04 Part C Professional Crossover claim through the MHD online billing system;

(III) The crossover claim must contain approved outpatient hospital services which MHD is billed for cost-sharing; and

(IV) 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 MHD for payment. Providers submitting crossover claims for

Medicare Advantage outpatient hospital services to MHD 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 MHD that are determined to be based on inaccurate data will be subject to recoupment;

C. MHD reimbursement for approved outpatient hospital services. MHD will reimburse seventy-five percent (75%) of the allowable cost-sharing amount; and

D. MHD will continue to reimburse one hundred percent (100%) of the allowable cost-sharing amounts for outpatient services provided by public hospitals operated by DMH as set forth above in paragraph (1)(C)4.

(2) Exempt Hospitals. Exempt hospital out-patient payment percent will be set as follows and will include:

(A) New Medicaid providers which do not have a fourth, fifth, and sixth prior year cost report.

1. Interim payment percentage. An interim outpatient payment percentage for new Medicaid hospital providers will be set at seventy-five percent (75%) for the first three (3) state fiscal years in which the hospital operates. The cost reports for these three (3) years will have a cost settlement calculated in accordance with 13 CSR 70-15.040.

2. Outpatient percentage. The outpatient payment percentage for the fourth and fifth year in which the hospital operates will be based on the overall Medicaid cost-to-charge ratio from its fourth prior year cost report.

(B) Hospitals who qualify as nominal charge providers under 42 CFR 413.13(f) or meet the definition of nominal charge provider in subsection (4)(D) shall be reimbursed on an interim basis by Medicaid at the lesser of seventy-five percent (75%) of usual and customary charges as billed by the provider for covered services or one hundred percent (100%) of the facility's Medicaid-allowable outpatient cost-to-charge ratio as determined from the most recent desk-reviewed cost report. Reimbursement at the applicable percentage shall be effective July 1 of each SFY for all providers.

(C) A hospital which had a change-in-ownership or merged its operation with another hospital between January 1, 1997, and June 30, 2002, and does not have a 1997 cost report filed by new owner, shall have the option to delay its entry into prospective outpatient payment methodology or enter the prospective outpatient payment methodology identified in subsection (1) (A) of this regulation. The hospital must notify the division of its decision by March 3, 2003. A hospital which chooses to delay its entry into the prospective outpatient payment methodology will receive an outpatient payment percentage starting July 1, 2002, and may have final settlements calculated in accordance with paragraphs (2)(C)1. and 2. The transfer to the prospective outpatient payment percentage will occur as follows:

1. A hospital which does not have a fourth prior year cost report (for SFY 2003 cost report would be 1999) filed by new owner will have its retrospective outpatient payment percentage based on the overall outpatient cost-to-charge ratio from the most current desk-reviewed cost report, either prior or current owner. All cost reports for prior and current owner ending in the SFY prior to the year the new owner receives a prospective outpatient payment percentage in accordance with paragraph (2)(C)2., will have a final settlement calculated in accordance with 13 CSR 70-15.040; and

2. A hospital which has a fourth prior year cost report filed by current owner will have its prospective outpatient payment percentage based on the overall outpatient cost-to-charge ratio from its fourth prior year cost report for the fourth and fifth SFY after the change-in-ownership or merger which occurred

prior to July 1, 2002. For the sixth SFY the hospital's rate will be established in accordance with subsection (1)(A) of this regulation.

Chart for prospective rates for change in ownership or merger:

1st cost report filed calendar year	Settlement calculated	SFY	SFY prospective rate granted	Cost reports used for prospective rates
1998	Yes	1998	No	
1999	Yes	1999	No	
2000	Yes	2000	No	
2001	No	2001	No	
2002	No	2002	No	
2003	No	2003	Yes	1999
N/A	No	2004	Yes	1998, 1999, & 2000
N/A	NO	2005	Yes	1999, 2000, & 2001

(D) Hospital Mergers. Hospitals that merge their operations under one (1) Medicare and MO HealthNet provider number shall have their outpatient percentage rate calculated under the surviving hospital's (the hospital whose Medicare and MO HealthNet provider number remains active) MO HealthNet provider number. The outpatient percentage rate of the surviving entity for the remainder of the state fiscal year in which the merger occurred is determined from combining the cost report data for the applicable cost report periods for the merged facilities. The effective date of the merged rate is the date of the merger. The surviving entity's outpatient percentage rate will be calculated for subsequent state fiscal years using the combined cost report data from the appropriate cost report periods for the merged facilities.

(E) A hospital that has failed to file one (1) of the cost reports used to determine their prospective outpatient payment percentage for the year, whether it be the fourth, fifth, or sixth prior year cost report, will have their prospective outpatient payment percentage based on the two (2) cost reports that are on file with the division plus the average of those two (2) cost reports to be used in place of the missing cost report. For example, if the division does not have on file a fourth prior year cost report, but has the fifth and sixth prior year cost reports, an average of the fifth and sixth prior year cost reports would be used in place of the fourth prior year cost report. This average along with the fifth and sixth prior year cost reports would then be used to calculate the prospective outpatient payment percentage.

(3) Closed Facilities. Hospitals which closed after January 1, 1999, but before July 1, 2002, will have final settlements for cost reports ending during this time period calculated in accordance with 13 CSR 70-15.040.

(4) Definitions.

(A) Base cost report. Desk-reviewed Medicare/Medicaid cost report. When a facility has more than one (1) cost report with periods ending in the fourth prior calendar year, the cost report covering a full twelve- (12-) month period will be used. If none of the cost reports covers a full twelve (12) months, the cost report with the latest period will be used. If a hospital's base cost report is less than or greater than a twelve- (12-) month period,

the data shall be adjusted, based on the number of months reflected in the base cost report to a twelve- (12-) month period.

(B) Cost report. A cost report details, for purposes of both Medicare and Medicaid reimbursement, the cost of rendering covered services for the fiscal reporting period. The Medicare/Medicaid Uniform Cost Report contains the forms utilized in filing the cost report. The Medicare/Medicaid Cost Report version 2552-96 (CMS 2552-96) shall be used for fiscal years ending on or after September 30, 1996. The Medicare/Medicaid Cost Report version 2552-10 (CMS 2552-10) shall be used for fiscal years beginning on and after May 1, 2010.

(C) Effective date.

1. The plan effective date shall be July 1, 2002.

2. New prospective outpatient payment percentages will be effective July 1 of each SFY.

(D) Nominal charge provider. A nominal charge provider is determined from the fourth prior year desk-reviewed cost report. The hospital must meet the following criteria:

1. An acute care hospital with an unsponsored care ratio of at least sixty-five percent (65%) and is licensed for fifty (50) inpatient beds or more and has an occupancy rate of more than forty percent (40%). The unsponsored care ratio is determined as the sum of bad debts and charity care divided by total net revenue. The hospital must meet one (1) of the federally mandated Disproportionate Share qualifications; or

2. The hospital is a public hospital operated by the Department of Mental Health primarily for the care and treatment of mental disorders.]

[(5)](1) Outpatient Simplified Fee Schedule (OSFS) Payment Methodology.

(A) Definitions. The following definitions will be used in administering section [(5)](1) of this rule:

1. Ambulatory Payment Classification (APC). Medicare's ambulatory payment classification assignment groups of Current Procedural Terminology (CPT) or Healthcare Common Procedures Coding System (HCPCS) codes. APCs classify and group clinically similar outpatient hospital services that can be expected to consume similar amounts of hospital resources. All services within an APC group have the same relative weight used to calculate the payment rates;

2. APC conversion factor. The unadjusted national conversion factor calculated by Medicare effective January 1 of each year, as published with the Medicare Outpatient Prospective Payment System (OPPS) Final Rule, and used to convert the APC relative weights into a dollar payment. The Medicare OPPS Final Rule is incorporated by reference and made a part of this rule as published by the Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, MD 21244, and available at [<https://www.govinfo.gov/content/pkg/FR-2021-11-16/pdf/2021-24011.pdf>, November 19, 2021] <https://www.govinfo.gov/content/pkg/FR-2022-11-23/pdf/2022-23918.pdf>, November 23, 2022. This rule does not incorporate any subsequent amendments or additions;

3. APC relative weight. The national relative weights calculated by Medicare for the Outpatient Prospective Payment System;

4. Current Procedural Terminology (CPT). A medical code set that is used to report medical, surgical, and diagnostic procedures and services to entities such as physicians, health insurance companies, and accreditation organizations;

5. Dental procedure codes. The procedure codes found in the Code on Dental Procedures and Nomenclature (CDT), a national uniform coding method for dental procedures maintained by the American Dental Association;

6. Federally[-]Deemed Critical Access Hospital. Hospitals

that meet the federal definition found in section 1820(c)(2)(B) of the Social Security Act;

7. HCPCS. The national uniform coding method maintained by the Centers for Medicare & Medicaid Services (CMS) that incorporates the American Medical Association (AMA) Physicians CPT and the three (3) HCPCS unique coding levels, I, II, and III;

8. Medicare Inpatient Prospective Payment System (IPPS) wage index. The wage area index values are calculated annually by Medicare, published as part of the Medicare IPPS Final Rule;

9. Missouri conversion factor. The single, statewide conversion factor used by the MO HealthNet Division (MHD) to determine the APC-based fees, uses a formula based on Medicare OPSS. The formula consists of sixty percent (60%) of the APC conversion factor, as defined in paragraph [(5)](1)(A)2. multiplied by the St. Louis, MO, Medicare IPPS wage index value, plus the remaining forty percent (40%) of the APC conversion factor, with no wage index adjustment;

10. Nominal charge provider. A nominal charge provider is determined from the third prior year audited Medicaid cost report. The hospital must meet the following criteria:

A. A public non-state governmental acute care hospital with a low-income utilization rate (LIUR) of at least forty percent (40%) and a Medicaid inpatient utilization rate (MIUR) greater than one (1) standard deviation from the mean, and is licensed for fifty (50) inpatient beds or more and has an occupancy rate of at least forty percent (40%). The hospital must meet one (1) of the federally mandated Disproportionate Share qualifications; or

B. The hospital is a public hospital operated by the Department of Mental Health primarily for the care and treatment of mental disorders; and

C. A hospital physically located in the [S]state of Missouri;

11. Outpatient Prospective Payment System (OPPS). Medicare's hospital outpatient prospective payment system mandated by the Balanced Budget Refinement Act of 1999 (BBRA) and the Medicare, Medicaid, and State Children's Health Insurance Program (SCHIP) Benefits Improvement and Protection Act [(BIPA)] of 2000 (BIPA); and

12. Payment level adjustment. The percentage applied to the Medicare fee to derive the OSFS fee.

(B) Effective for dates of service beginning July 20, 2021, outpatient hospital services shall be reimbursed on a predetermined fee-for-service basis using an OSFS based on the APC groups and fees under the Medicare Hospital OPPS. When service coverage and payment policy differences exist between Medicare OPPS and Medicaid, MHD policies and fee schedules are used. The fee schedule will be updated as follows:

1. MHD will review and adjust the OSFS annually on July 1 based on the payment method described in subsection [(5)](1)(D); and

2. The OSFS is incorporated by reference and made a part of this rule as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109, at its website at [https://dss.mo.gov/mhd/providers/fee-for-service-providers.htm, August 10, 2022] https://dss.mo.gov/mhd/providers/pages/cptagree.htm, July 13, 2023. This rule does not incorporate any subsequent amendments or additions.

(C) Payment will be the lower of the provider's charge or the payment as calculated in subsection [(5)](1)(D).

(D) Fee schedule methodology. Fees for outpatient hospital services covered by the MO HealthNet program are deter-

mined by the HCPCS procedure code at the line level and the following hierarchy:

1. The APC relative weight or payment rate assigned to the procedure in the Medicare OPSS Addendum B is used to calculate the fee for the service, with the exception of the hospital observation per hour fee which is calculated based on the method described in subparagraph [(5)](1)(D)1.B. Fees derived from APC weights and payment rates are established using the Medicare OPSS Addendum B effective as of January 1 of each year as published by the CMS for Medicare OPSS. The Medicare OPSS Addendum B is incorporated by reference and made a part of this rule as published by the Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, MD 21244, and available at [https://www.cms.gov/medicare/medicare-fee-service-payment/hospitaloutpatientppsaddendum-and-addendum-b-updates/january-2022-0, January 18, 2022.] https://www.cms.gov/medicare/medicare-fee-service-payment/hospitaloutpatientpps/addendum-and-addendum-b-updates/january-2023, January 20, 2023. This rule does not incorporate any subsequent amendments or additions.

A. The fee is calculated using the APC relative weight times the Missouri conversion factor. The resulting amount is then multiplied by the payment level adjustment of ninety percent (90%) to derive the OSFS fee.

B. The hourly fee for observation is calculated based on the relative weight for the Medicare APC (using the Medicare OPSS Addendum A effective as of January 1 of each year as published by the CMS for Medicare OPSS), which corresponds with comprehensive observation services multiplied by the Missouri conversion factor divided by forty (40), the maximum payable hours by Medicare. The resulting amount is then multiplied by the payment level adjustment of ninety percent (90%) to derive the OSFS fee. The Medicare OPSS Addendum A is incorporated by reference and made a part of this rule as published by the Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, MD 21244, and available at [https://www.cms.gov/medicare/medicare-fee-service-payment/hospitaloutpatientppsaddendum-and-addendum-b-updates/january-2022, January 18, 2022] https://www.cms.gov/medicare/medicare-fee-service-payment/hospitaloutpatientpps/addendum-and-addendum-b-updates/january-2023-0, January 20, 2023. This rule does not incorporate any subsequent amendments or additions.

C. For those APCs with no assigned relative weight, ninety percent (90%) of the Medicare APC payment rate is used as the fee;

2. If there is no APC relative weight or APC payment rate established for a particular service in the Medicare OPSS Addendum B, then the MHD approved fee will be ninety percent (90%) of the rate listed on other Medicare fee schedules, effective as of January 1 of each year: Clinical Laboratory Fee Schedule; Physician Fee Schedule; and Durable Medical Equipment Prosthetics/Orthotics and Supplies Fee Schedule, applicable to the outpatient hospital service.

A. The Medicare *Clinical Laboratory Fee Schedule* is incorporated by reference and made a part of this rule as published by the Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, MD 21244, and available at [https://www.cms.gov/medicare/medicare-fee-service-payment/clinicallabfeesched/clinical-laboratory-fee-schedule-files/22clabq1, December 29, 2021] https://www.cms.gov/medicare/medicare-fee-service-payment/clinicallabfeesched/clinical-laboratory-fee-schedule-files/23clabq1, January 12, 2023. This rule does not incorporate any subsequent amendments or additions.

B. The Medicare *Physician Fee Schedule* is incorporated by reference and made a part of this rule as published by the Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, MD 21244, and available at [<https://www.cms.gov/medicare/medicare-fee-service-payment/physicianfeeschedpfs-carrier-specific-files/all-states-1>, December 18, 2021] <https://www.cms.gov/medicare/medicare-fee-service-payment/physicianfeeschedpfs-carrier-specific-files/all-states-2>, January 5, 2023. This rule does not incorporate any subsequent amendments or additions.

C. The Medicare *Durable Medical Equipment Prosthetics/Orthotics and Supplies Fee Schedule* is incorporated by reference and made a part of this rule as published by the Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, MD 21244, and available at [<https://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/DMEPOSFeeSched/DMEPOS-Fee-Schedule>, December 15, 2021] <https://www.cms.gov/medicare/medicare-fee-service-payment/dmeposfeescheddmeupos-fee-schedule/dme23>, December 19, 2022. This rule does not incorporate any subsequent amendments or additions;

3. Fees for dental procedure codes in the outpatient hospital setting are calculated based on thirty-eight and one half percent (38.5%) of the fiftieth percentile fee for Missouri reflected in the 2022 *National Dental Advisory Service* (NDAS). The 2022 NDAS is incorporated by reference and made a part of this rule as published by Wasserman Medical & Dental at its website at [<https://wasserman-medical.com/product-category/dental/ndas/>, and available at the MO HealthNet Division, 615 Howerton Court, Jefferson, City MO 65109, January 31, 2022] <https://wasserman-medical.com/product-category/dental/ndas/>, January 10, 2023. This rule does not incorporate any subsequent amendments or additions;

4. If there is no APC relative weight, APC payment rate, other Medicare fee schedule rate, or NDAS rate established for a covered outpatient hospital service, then a MO HealthNet fee will be determined using the MHD *Dental, Medical, Other Medical or Independent Lab–Technical Component* fee schedules.

A. The MHD *Dental Fee Schedule* is incorporated by reference and made a part of this rule as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109, and available at <https://dss.mo.gov/mhd/providers/pages/cptagree.htm>, [June 7, 2022] **March 8, 2023**. This rule does not incorporate any subsequent amendments or additions.

B. The MHD *Medical Fee Schedule* is incorporated by reference and made a part of this rule as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109, and available at <https://dss.mo.gov/mhd/providers/pages/cptagree.htm>, [August 8, 2022] **March 8, 2023**. This rule does not incorporate any subsequent amendments or additions.

C. The MHD *Other Medical Fee Schedule* is incorporated by reference and made a part of this rule as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109, and available at <https://dss.mo.gov/mhd/providers/pages/cptagree.htm>, [June 7, 2022] **March 8, 2023**. This rule does not incorporate any subsequent amendments or additions.

D. The MHD *Independent Lab–Technical Component Fee Schedule* is incorporated by reference and made a part of this rule as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109, and available at <https://dss.mo.gov/mhd/providers/>

[pages/cptagree.htm](#), [June 7, 2022] **March 8, 2023**. This rule does not incorporate any subsequent amendments or additions;

5. In-state federally[-]deemed critical access hospitals will receive an additional forty percent (40%) of the rate as determined in paragraph [(5)](1)(B)2. for each billed procedure code; and

6. Nominal charge providers will receive an additional twenty-five percent (25%) of the rate as determined in paragraph [(5)](1)(B)2. for each billed procedure code.

(E) Packaged services. MHD adopts Medicare guidelines for procedure codes identified as “Items and Services Packaged into APC Rates” under Medicare OPPS *Addendum D1*. These procedures are designated as always packaged. Claim lines with packaged procedure codes will be considered paid but with a payment of zero (0). The Medicare OPPS *Addendum D1* is incorporated by reference and made a part of this rule as published by the Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, MD 21244, and available at [<https://www.cms.gov/license/ama?file=/files/zip/2022-nfrm-ops-addenda.zip>, November 3, 2021] <https://www.cms.gov/license/ama?file=/files/zip/2023-nfrm-ops-addenda.zip>, November 22, 2022. This rule does not incorporate any subsequent amendments or additions.

(F) Inpatient only services. MHD adopts Medicare guidelines for procedure codes identified as “Inpatient Procedures” under Medicare OPPS *Addendum D1*. These procedures are designated as inpatient only (referred to as the inpatient only (IPO) list). Claim lines with inpatient only procedures will not be paid under the OSFS.

(G) Drugs. Effective for dates of service beginning April 1, 2019, outpatient drugs are reimbursed in accordance with the methodology described in 13 CSR 70-20.070.

(H) Payment for outpatient hospital services under this rule will be final, with no cost settlement.

AUTHORITY: sections 208.153, 208.201, and 660.017, RSMo 2016, and section 208.152, RSMo Supp. [2022] 2023. Emergency rule filed June 20, 2002, effective July 1, 2002, expired Feb. 27, 2003. Original rule filed June 14, 2002, effective Jan. 30, 2003. For intervening history, please consult the Code of State Regulations. Emergency amendment filed June 15, 2023, effective June 30, 2023, expired Dec. 26, 2023. Amended: Filed July 13, 2023.

PUBLIC COST: This proposed amendment is estimated to cost the Department of Social Services \$17.2 million in SFY 2024. This proposed amendment will not cost other 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*. A public hearing will not be scheduled.*

**FISCAL NOTE
PUBLIC COST**

- I. Department Title:** Title 13 - Department of Social Services
- Division Title:** Division 70 - MO HealthNet Division
- Chapter Title:** Chapter 15 – Hospital Program

Rule Number and Title:	13 CSR 70-15.160 Outpatient Hospital Services Reimbursement Methodology
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
<p>Other Government (Public) & State Hospitals enrolled in MO HealthNet - 32</p> <p>Department of Social Services, MO HealthNet Division</p>	<p>No Fiscal Impact</p> <p>SFY 2024 Impact: Total Cost is estimated at \$17.2 million; State Share is estimated at \$5.8 million</p>

III. WORKSHEET

Department of Social Services, MO HealthNet Division Savings:	
Estimated Cost for 6 Months of SFY 2024:	
Estimated Cost	\$17,167,056
Times SFY 2024 Blended State Share Percentage	33.955%
Estimated State Share Cost	\$5,835,941

The state estimates that there is no cost to other government (public) and state hospitals. The state anticipates an increase in payments in aggregate of \$4.6 million.

IV. ASSUMPTIONS

The estimated cost to the state is due to Medicare increasing their rates for the following high volume services: emergency department visits, clinic visits, and some laboratory services.

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 10 – Commissioner of Administration
Chapter 8 – Direct Deposit of Payroll Requirements**

ORDER OF RULEMAKING

By the authority vested in the Commissioner of Administration under section 36.070, RSMo 2016, the commissioner amends a rule as follows:

**1 CSR 10-8.010 Direct Deposit of Payroll Requirements
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 557-558). 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 1 – OFFICE OF ADMINISTRATION
Division 10 – Commissioner of Administration
Chapter 11 – Travel Regulations**

ORDER OF RULEMAKING

By the authority vested in the Commissioner of Administration under section 33.090, RSMo 2016, the commissioner amends a

rule as follows:

**1 CSR 10-11.010 State of Missouri Travel Regulations
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the Missouri Register on May 1, 2023 (48 MoReg 796-797). 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 1 – OFFICE OF ADMINISTRATION
Division 20 – Personnel Advisory Board and Division
of Personnel
Chapter 3 – Personnel Selection, Appointment,
Evaluation and Separation**

ORDER OF RULEMAKING

By the authority vested in the Personnel Advisory Board under section 36.070, RSMo Supp. 2023, the board amends a rule as follows:

**1 CSR 20-3.070 Separation, Suspension, and Demotion
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 558). 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: One (1) comment on the proposed amendment was received.

COMMENT #1: Chris Grant, on behalf of American Federation of State, County, and Municipal Employees Council 61 (AFSCME), commented that the rule amendments do not accurately reflect the Missouri Supreme Court's decision in AFSCME, AFL-CIO, Council 61 v. State, 653 S.W.3d 111 (Mo. banc 2022).

RESPONSE: No changes to the rule amendments are being made based on the comment received because the amendments accurately reflect the court's decision. A portion of the comment is regarding 1 CSR 20-3.070(3)(E), which is not part of these amendments and will be taken under advisement.

**TITLE 1 – OFFICE OF ADMINISTRATION
Division 20 – Personnel Advisory Board and Division
of Personnel
Chapter 4 – Appeals, Investigations, Hearings and
Grievances**

ORDER OF RULEMAKING

By the authority vested in the Personnel Advisory Board under

section 36.070, RSMo Supp. 2023, the board amends a rule as follows:

1 CSR 20-4.020 Grievance Procedures **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 558-559). 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: One (1) comment on the proposed amendment was received.

COMMENT #1: Chris Grant, on behalf of American Federation of State, County, and Municipal Employees Council 61 (AFSCME), commented that the rule amendments do not accurately reflect the Missouri Supreme Court's decision in *AFSCME, AFL-CIO, Council 61 v. State*, 653 S.W.3d 111 (Mo. banc 2022).

RESPONSE: No changes to the rule amendments are being made based on the comment received because the amendments accurately reflect the court's decision.

TITLE 2 – DEPARTMENT OF AGRICULTURE
Division 100 – Missouri Agricultural and Small
Business Development Authority

Chapter 12 – Meat Processing Facility Investment Tax
Credit Program

ORDER OF RULEMAKING

By the authority vested in the Missouri Agricultural and Small Business Development Authority under section 348.075, RSMo, 2016 the authority amends a rule as follows:

2 CSR 100-12.010 Description of Operation, Definitions,
Method of Distribution and Repayment of Tax Credits **is**
amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2023 (48 MoReg 912-914). 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 2 – DEPARTMENT OF AGRICULTURE
Division 100 – Missouri Agricultural and Small
Business Development Authority
Chapter 13 – Specialty Agricultural Crops Act

ORDER OF RULEMAKING

By the authority vested in the Missouri Agricultural and Small Business Development Authority under section 261.295, RSMo Supp. 2023, the authority adopts a rule as follows:

2 CSR 100-13.010 Description of Operation, Definitions, Method
of Distribution, and Reporting Requirements **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 15, 2023 (48 MoReg 915-918). 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 7 – Wildlife Code: Hunting: Seasons,
Methods, Limits

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 10-7.700 Elk Hunting Seasons: General Provisions
is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2023 (48 MoReg 919). 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 Conservation Commission received comments from seven (7) individuals on the proposed amendment.

COMMENT #1: The commission received comments from one (1) individual who voiced general support for proposed changes to this rule.

RESPONSE: The commission thanks the individual for their comments. No changes were made to the rule as a result of this comment.

COMMENT #2: The commission received comments from one (1) individual who selected general opposition to proposed changes to this rule, however specific comments indicated they are in support of the proposed changes.

RESPONSE: The commission thanks the individual for their comments. No changes were made to the rule as a result of this comment.

COMMENT #3: The commission received comments from two (2) individuals who voiced general support for proposed changes to this rule, however specific comments did not pertain to the proposed amendment.

RESPONSE: The commission thanks the individuals for their comments. No changes were made to the rule as a result of this comment.

COMMENT #4: The commission received comments from three (3) individuals who voiced general opposition to proposed changes to this rule, however specific comments did not pertain to the proposed amendment.

RESPONSE: The commission thanks the individuals for their comments. No changes were made to the rule as a result of this comment.

TITLE 3 – DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 7 – Wildlife Code: Hunting: Seasons,
Methods, Limits

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 10-7.900 Black Bear Hunting Season: General Provisions **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2023 (48 MoReg 919). 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 Conservation Commission received comments from one (1) individual on the proposed amendment.

COMMENT #1: The commission received comments from one (1) individual who voiced general support for proposed changes to this rule.

RESPONSE: The commission thanks the individual for their comments. No changes were made to the rule as a result of this comment.

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, 178.600, 178.610, and 178.620, RSMo 2016, the board amends a rule as follows:

5 CSR 20-500.230 Maintenance and Transportation **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 590-594). 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 9 – DEPARTMENT OF MENTAL HEALTH
Division 30 – Certification Standards
Chapter 7 – Crisis Services

ORDER OF RULEMAKING

By the authority vested in the director of the Department of

Mental Health under sections 630.192 and 630.193 to 630.198, RSMo 2016, the department adopts a rule as follows:

9 CSR 30-7.020 Sobering Centers **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 1, 2023 (48 MoReg 798-801). 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 30 – Division of Regulation and Licensure
Chapter 105 – Supplemental Health Care Services
Agency

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Health and Senior Services under section 198.648, RSMo Supp. 2022, the department adopts a rule as follows:

19 CSR 30-105.010 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 618-619). 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 Missouri Department of Health and Senior Services received fourteen (14) comments on the proposed rule.

COMMENT #1: Brian Grace of Nexus Group states that the definition of Temporary Personnel fails to provide 100% certainty that the only health care personnel included in SB 710 are those provided for temporary employment. He suggests changing the definition of “health care personnel” to include only those who are provided for temporary employment.

RESPONSE: The department does not believe it has the authority to change the definition of “health care personnel” since it is already defined in section 198.640(4), RSMo. No changes have been made to the rule as a result of this comment.

COMMENT #2: Marianne McCarthy of Shiftkey recommends removing section (2) Articles definition.

RESPONSE: The department believes a definition is required to carry out the provisions of section 198.642.2(2), RSMo. No changes have been made to the rule as a result of this comment.

COMMENT #3: Marianne McCarthy of Shiftkey recommends in section (5) removing “*The term controlling person shall also mean an individual who, directly or indirectly, holds an ownership interest of five percent (5%) or more in a corporation, partnership, or other business association that is itself a controlling person*”;

RESPONSE AND EXPLANATION OF CHANGE: The department has not omitted the definition from rule but instead revised the definition to match section 198.640(1), RSMo.

COMMENT #4: Marianne McCarthy of Shiftkey recommends altering the definition in section (7) of “Digital website.”

RESPONSE AND EXPLANATION OF CHANGE: The department concurs and has revised section (7) based on the recommendation.

COMMENT #5: Marianne McCarthy of Shiftkey recommends in section (8) restructuring the definition of “Digital smart phone application.”

RESPONSE AND EXPLANATION OF CHANGE: The department concurs and has revised section (8) based on the recommendations.

COMMENT #6: Marianne McCarthy of Shiftkey recommends amending section (12) by changing the definition of “Immediately available” because she believes one (1) business day is not enough time to gather and provide requested documentation to the department.

RESPONSE AND EXPLANATION OF CHANGE: The department concurs that one (1) business day may not be enough time for agencies to gather and provide requested documents, so it has revised the time frame in section (12) to two (2) business days.

COMMENT #7: Marianne McCarthy of Shiftkey recommends amending section (13) by adding “or provisioned for engagement” to the definition of “Independent contractor.”

RESPONSE AND EXPLANATION OF CHANGE: The department concurs and has revised section (13) based on the recommendation.

COMMENT #8: Marianne McCarthy of Shiftkey recommends amending section (19) by adding “or independent contractor” to the definition of “Specified health service.”

RESPONSE AND EXPLANATION OF CHANGE: The department concurs and has revised section (19) based on the recommendation.

COMMENT #9: Marianne McCarthy of Shiftkey recommends amending section (20) by changing “health personnel” to “health care personnel” and adding independent contractor to the definition.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees “health personnel” needs to be amended to “health care personnel” to match the definition in section 198.640(6), RSMo, and has adopted the recommended change. However, the department has not added independent contractors to the definition since it would vary from the statutory definition.

COMMENT #10: Toby Malara of American Staffing Association recommends amending section (11) to include “those who are provided for temporary employment.”

RESPONSE: The department does not believe it has the authority to change the definition of “health care personnel” since it is already defined in section 198.640(4), RSMo. No changes have been made to the rule as a result of this comment.

COMMENT #11: Claudia Joy with AMN Healthcare, Inc., recommends providing an exception for international nurse staffing agencies with longer contracts of twenty-four (24) months or more.

RESPONSE: The department does not believe it has the authority to create exceptions for international nurse staffing since it is not provided for in statute. The department has made no changes to the rule as a result of this comment.

COMMENT #12: Claudia Joy with AMN Healthcare, Inc., recommends clarifying online and mobile platforms stated in the supplemental health care services agency definition and excluding platforms that are vendor management systems.

RESPONSE: The department believes online and mobile platforms are sufficiently defined by sections (7) and (8) of this rule. The department has made no changes to the rule as a result of this comment.

COMMENT #13: Alison Dorge with the Missouri Department of Health and Senior Services recommends revising section (5), definition of controlling person to match the statutory definition.

RESPONSE AND EXPLANATION OF CHANGE: The department concurs and has revised the definition to match section 198.640(1), RSMo.

COMMENT #14: Alison Dorge with the Missouri Department of Health and Senior Services recommends removing “that is designed to run on a mobile device such as a phone, tablet, or watch” from the definition.

RESPONSE AND EXPLANATION OF CHANGE: The department concurs and has removed the verbiage from section (8).

19 CSR 30-105.010 Definitions

(5) Controlling person shall mean a business entity, officer, program administrator, or director whose responsibilities include the direction of the management or policies of a supplemental health care services agency. The term controlling person shall also mean an individual who, directly or indirectly, beneficially owns an interest in a corporation, partnership, or other business association that is a controlling person.

(7) Digital website shall mean an online webpage or technology platform operated by an agency that maintains data of health care personnel or independent contractors submitted to the agency online, for referral or provisioning engagement of the healthcare personnel to a health care facility.

(8) Digital smart phone application shall mean a computer program or software application operated by an agency that maintains data of health care personnel or independent contractors or provisioning engagement of the healthcare personnel to a health care facility.

(12) Immediately available shall mean made available to the department or its agent within two (2) business days following written requests made by means of email, fax, or in-person delivery, or within (1) hour of requests made during inspection visits.

(13) Independent contractor shall mean a self-employed worker licensed, accredited, or certified by the state of Missouri to perform specified health services consistent with state law, who is contracted, referred, or provisioned for engagement by a supplemental health care services agency to fulfill specified health services in a health care facility.

(19) Specified health service shall mean services provided by any individual health care personnel or independent contractor in a health care facility.

(20) Supplemental health care services agency or agency shall mean a person, firm, corporation, partnership, or association engaged for hire in the business of providing or procuring temporary employment in health care facilities for health care personnel, including a temporary nursing staffing agency as defined in section 383.130, RSMo, or that operates a digital website or digital smartphone application that facilitates the provision of the engagement of health care personnel and accepts requests for health care personnel through its digital website or digital smartphone application. The term shall not

include an individual who engages only on his or her own behalf, or to provide the individual's services on a temporary basis to health care facilities or a home health agency licensed under section 197.415, RSMo, and shall not include a person, firm, corporation, partnership, or association engaged in the provision of contracted specialty services by a practitioner as defined under subdivision (4) of section 376.1575, RSMo, to a hospital as defined under section 197.020, RSMo, or to other individuals or entities providing health care that are not health care facilities.

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

**Division 30 – Division of Regulation and Licensure
Chapter 105 – Supplemental Health Care Services
Agency**

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Health and Senior Services under section 198.648, RSMo Supp. 2022, the department adopts a rule as follows:

19 CSR 30-105.020 Registration Fees 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 619-622). 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 30 – Division of Regulation and Licensure
Chapter 105 – Supplemental Health Care Services
Agency**

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Health and Senior Services under section 198.648, RSMo Supp. 2022, the department adopts a rule as follows:

19 CSR 30-105.030 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 623-635). 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 Missouri Department of Health and Senior Services received twenty-nine (29) comments on the proposed rule.

COMMENT #1: Dan Latham of Pulse Medical Staffing states that subsection (4)(D) is broad scoped and most agencies are a cash flow business. Mr. Latham suggests the department request copies of company taxes for the previous two years instead. RESPONSE: The intent of this rule is for agencies to show they have enough cash on hand to pay their employees

immediately. Company tax filings do not show present cash on hand. The department has made no changes to the rule as a result of this comment.

COMMENT #2: Dan Latham of Pulse Medical Staffing states that section (4) should include an agency's registration or listing with the secretary of state.

RESPONSE AND EXPLANATION OF CHANGE: The department concurs and has amended subsections (4)(B) and (4)(C) to require that the agency owner and operator are registered to do business with Missouri Secretary of State.

COMMENT #3: Lauren Mitchell of Fassnight Medical Solutions doesn't believe the department should require that the agency does not restrict in any manner the employment opportunities of its health care personnel in paragraph (4)(F)3.

RESPONSE: The change requested would be at odds with the requirements of section 198.644.1(3), RSMo. The department has made no changes to the rule as a result of this comment.

COMMENT #4: Lauren Mitchell of Fassnight Medical Solutions doesn't believe the department should adopt the provision in paragraph (4)(F)4. requiring that the agency refrains in any contract with any health care personnel or health care facility from requiring the payment of liquidated damages, employment fees, or other compensation should the health care personnel be hired as a permanent employee of a health care facility.

RESPONSE: The requested change would be at odds with the requirements of section 198.644.1(6), RSMo. The department has made no changes to the rule as a result of this comment.

COMMENT #5: Karie Wilson of Fassnight Medical Solutions and Rose "Molly" Sherman of a local medical staffing agency express concerns for paragraph (4)(F)3., stating the new law prohibits medical staffing agencies from charging a buyout fee which impacts the medical staffing industry, the market, and the quality of services provided.

RESPONSE: The department believes paragraph (4)(F)3. is required to enforce the provisions of section 198.644.1(3), RSMo. The department has made no changes to the rule as a result of this comment.

COMMENT #6: Karie Wilson of Fassnight Medical Solutions and Rose "Molly" Sherman of a local medical staffing agency, express concerns for paragraph (4)(F)4., stating the new law prohibits medical staffing agencies from charging a buyout fee which impacts the medical staffing industry, the market, and the quality of services provided.

RESPONSE: The department believes paragraph (4)(F)4. is required to enforce the provisions of section 198.644(6), RSMo. The department has made no changes to the rule as a result of this comment.

COMMENT #7: Marissa Wray expresses concerns for paragraph (4)(F)4., stating that eliminating the buyout fee would significantly impact her workplace's ability to operate and provide quality services. Without the ability to charge a buyout fee, Marissa's workplace would lose revenue needed to cover training and recruiting costs. This impacts many other staffing agencies in the industry too.

RESPONSE: The department believes paragraph (4)(F)4. is required to enforce the provisions of section 198.644(6), RSMo. The department has made no changes to the rule as a result of this comment.

COMMENT #8: Marianne McCarthy with Shiftkey recommends adding independent contractors to certain sections to make it clear to agencies what is required of them to comply with

sections of the rule.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and to provide clarity has amended section (2) and paragraphs (4)(E)1., (4)(F)3., (4)(F)4., and (4)(F)5. to include independent contractors.

COMMENT #9: Marianne McCarthy with Shiftkey recommends removing paragraph (4)(B)3. regarding controlling persons.

RESPONSE: The department believes this information is necessary to carry out provisions in section 198.640(1), RSMo. The department has made no changes to the rule as a result of this comment.

COMMENT #10: Marianne McCarthy with Shiftkey recommends removing paragraph (4)(B)4. regarding articles of bylaw documentation.

RESPONSE: The department believes this information is necessary to carry out the provisions of section 198.642.1(2), RSMo. The department has made no changes to the rule as a result of this comment.

COMMENT #11: Marianne McCarthy with Shiftkey recommends in paragraph (4)(D)2. removing “*If the agency is not responsible for employee income tax withholding, the agency shall provide the name and address of each personnel for whom income taxes will not be withheld.*”

RESPONSE: The department believes the change is unnecessary since the language in subsection (4)(D) makes clear that the requirement only applies to an agency’s employees. The department has made no changes to the rule as a result of the comment.

COMMENT #12: Marianne McCarthy with Shiftkey recommends in subsection (4)(D) adding “*This Section (D), Financial information shall not apply to agencies that solely operate a digital website or digital smartphone application that facilitates the provision of the engagement of independent contractors.*”

RESPONSE: The department believes the change is unnecessary since the language in subsection (4)(D) makes clear that the requirements in this section only apply to an agency’s employees. The department has made no changes to the rule as a result of this comment.

COMMENT #13: Marianne McCarthy with Shiftkey recommends splitting paragraph (4)(F)5. into two (2) sections and adding verbiage to exclude an agency from maintaining all training and continuing education standards for the positions an independent contractors would be working.

RESPONSE: The department believes enacting the recommended change would place the rule in contrast with section 198.644(1), RSMo. The department has made no changes to the rule as a result of this comment.

COMMENT #14: Marianne McCarthy with Shiftkey recommends removing the term *entity* from section (7).

RESPONSE: The department believes the term *entity* should be listed on the registration. The department has made no changes to the rule as a result of this comment.

COMMENT #15: Marianne McCarthy with Shiftkey recommends removing section (8) regarding sending copy of registration to anyone upon request.

RESPONSE: The department believes this section is necessary to carry out the provisions of section 198.644, RSMo. The department has made no changes to the rule as a result of this comment.

COMMENT #16: Claudia Joy with AMN Healthcare, Inc., expresses concerns for paragraph (4)(F)4., stating that the

inability to charge conversion fees, buy-out fees, and/or placement fees does not align with the international staffing or direct hire models.

RESPONSE: The department believes paragraph (4)(F)4. is required to enforce the provisions of section 198.644(6), RSMo. The department has made no changes to the rule as a result of this comment.

COMMENT #17: Claudia Joy with AMN Healthcare, Inc., recommends excluding independent contractors from the registration scope and that they would be impacted unnecessarily by the rule.

RESPONSE: Independent contractors are specifically included by the statutory provisions, so the recommended change would place the rule in conflict with statute. The department has made no changes to the rule as a result of this comment.

COMMENT #18: Toby Malara of American Staffing Association suggests the department provide guidance on when agencies will be required to submit license/registration applications.

RESPONSE: The department will communicate guidance via department webpage, email listserv, and other necessary communication channels regarding the submissions of registration applications. The department has made no changes to the rule as a result of this comment.

COMMENT #19: Alison Dorge of the Missouri Department of Health and Senior Services recommends adding verbiage about the optional submission of the registration application online in section (2).

RESPONSE AND EXPLANATION OF CHANGE: The department concurs and has added verbiage to section (2) about the option of submitting the registration application via mail or online application.

COMMENT #20: Alison Dorge of the Missouri Department of Health and Senior Services recommends adding independent contractor to paragraph (4)(F)6. to be consistent with the other sections of the rule.

RESPONSE AND EXPLANATION OF CHANGE: The department concurs and has added verbiage to paragraph (4)(F)6. to include independent contractors.

COMMENT #21: Marianne McCarthy with Shiftkey recommends on the Application for Registration to Operate a Supplemental Health Care Service Agency adding verbiage “*Not applicable to agencies that only operate digital websites or digital smartphone applications*” to page 1 days and hours of operation section.

RESPONSE AND EXPLANATION OF CHANGE: The department concurs with adding verbiage to the days and hours of operation section on the Application to exclude agencies that are in operation 24/7 and marking a box if this applies.

COMMENT #22: Marianne McCarthy with Shiftkey recommends on the Application for Registration to Operate a Supplemental Health Care Service Agency, to page 2 section B. Board Members and Officers of Owner, adding, “*Not applicable to agencies that only operate digital websites or digital smartphone applications.*”

RESPONSE: The department believes the change would be inconsistent with section 198.642.2(1), RSMo. The department has made no changes to the rule as a result of this comment.

COMMENT #23: Marianne McCarthy with Shiftkey recommends on the Application for Registration to Operate a Supplemental Health Care Service Agency, to page 3 section B. Board Members and Officers of Operator adding “*Not applicable to agencies that only operate digital websites or digital smartphone applications.*”

RESPONSE: The department believes the change would be inconsistent with section 198.642.2(1), RSMo. The department has made no changes to the rule as a result of this comment.

COMMENT #24: Marianne McCarthy with Shiftkey recommends on the Application for Registration to Operate a Supplemental Health Care Service Agency adding verbiage “*Not applicable to agencies that only operate digital websites or digital smartphone applications for independent contractors*” to the Financial Information section.

RESPONSE: The department believes the change would be in conflict with statutory requirements. The department has made no changes to the rule as a result of this comment.

COMMENT #25: Alison Dorge of the Missouri Department of Health and Senior Services recommends changing the fees listed on page one of the Application for Registration to Operate a Supplemental Health Care Service Agency to \$830 for new registrations and \$700 for renewal registrations to match the regulation.

RESPONSE AND EXPLANATION OF CHANGE: The department concurs and has corrected the fee amounts listed on page one of the registration application.

COMMENT #26: Alison Dorge of the Missouri Department of Health and Senior Services recommends adding clarity to the fee section on page one of the Application for Registration to Operate a Supplemental Health Care Service Agency to mark if the agency is mailing the registration fee and include the check number or submitting the registration fee online.

RESPONSE AND EXPLANATION OF CHANGE: The department concurs and has added mailing and online fee submission verbiage to page one on the registration application.

COMMENT #27: Alison Dorge of the Missouri Department of Health and Senior Services recommends adding a requirement on page four of the Application for Registration to Operate a Supplemental Health Care Service Agency financial feasibility section for the agency to state the number of all temporary health care personnel or independent contractors employed by the agency to help the department confirm the documented four (4) weeks of back wages per employee.

RESPONSE AND EXPLANATION OF CHANGE: The department concurs and has added a requirement for the agency to state the number of all temporary health care personnel or independent contractors employed by the agency.

COMMENT #28: Alison Dorge of the Missouri Department of Health and Senior Services recommends on page five of the Application for Registration to Operate a Supplemental Health Care Service Agency to remove the notary requirement. The application will be available for submission through an online database and notary is not feasible.

RESPONSE AND EXPLANATION OF CHANGE: The department concurs and has removed the notary requirement from the application.

COMMENT #29: Alison Dorge of the Missouri Department of Health and Senior Services recommends adding the department form number and effective date of the form to the Application for Registration to Operate a Supplemental Health Care Service Agency.

RESPONSE AND EXPLANATION OF CHANGE: The department concurs and has added the department form number and effective date to the application form.

(2) Each supplemental health care services agency providing, procuring, or engaging health care personnel or independent contractors for temporary employment in Missouri health care facilities must submit a registration application and fee. The *Application for Registration to Operate a Supplemental Health Care Service Agency* (“Application”), included herein, shall be completed and submitted to the department via mail or electronically online with the fee required by 19 CSR 30-105.020. Information provided in the application shall be attested by signature to be true and correct to the best of the applicant’s knowledge and belief.

(4) The application shall include –

(B) Owner information, including –

1. Owner name(s), federal employer identification number(s) or social security number(s), state tax identification number, mailing address, and contact information. The owner shall be registered to do business with Missouri Secretary of State;

2. Type of owner’s legal entity;

3. All controlling persons in the ownership of the agency, including each individual or entity name, title or position, personal or primary address, telephone number, federal employer identification number or Social Security number, and percentage of ownership;

4. If the owner is a legal entity, include copies of the articles and current bylaws, together with the names and addresses of officers, managers, members, or directors;

(C) Operator information, including –

1. Operator name, mailing address, and contact information. The operator shall be registered to do business with Missouri Secretary of State;

2. Type of operator’s legal entity;

3. All controlling persons in the operation of the agency, including each individual or entity name, title or position, personal or primary address, telephone number, federal employer identification number or Social Security number, and percentage of ownership;

4. List any other supplemental health care services agencies in which the operator owns or operates and provide the agency’s name, address, type of registration, and registration number;

(E) Other information, including –

1. Proof that the agency or health care personnel, including independent contractors, has medical malpractice insurance (professional liability insurance is acceptable), as required by section 198.644.1(4), RSMo;

2. Proof of current worker’s compensation coverage as required by Missouri law and Chapter 287, RSMo or, if the personnel are independent contractors, proof of occupational accident insurance; and

(F) Affidavit, including the following attestations –

1. That the individual or operating entity has adequate financial resources to properly operate the agency referred to in the application;

2. That the agency is familiar with the requirements of a supplemental health care services agency as set out in Chapter 198, RSMo, and the regulations of the Department of Health and Senior Services promulgated thereunder;

3. That the agency does not restrict in any manner the employment opportunities of health care personnel and independent contractors;

4. That the agency refrains in any contract with any health care personnel, including independent contractors, or health care facility from requiring the payment of liquidated damages, employment fees, or other compensation should the health care personnel be hired as a permanent employee of a health care facility;

5. That all health care personnel, including independent contractors, meet all licensing or certification requirements and all training and continuing education standards for the position in which the personnel would be working; and

6. That each health care personnel and independent contractor complies with requirements related to background checks in sections 192.2490 and 192.2495, RSMo.



MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
DIVISION OF REGULATION AND LICENSURE
SUPPLEMENTAL HEALTH CARE SERVICES AGENCY

**APPLICATION FOR REGISTRATION TO OPERATE A
SUPPLEMENTAL HEALTH CARE SERVICES AGENCY**
(One application per registered agency location)

DO NOT WRITE IN THIS SPACE		
AGENCY REGISTRATION NUMBER		
<input type="checkbox"/> RENEWAL <input type="checkbox"/> NEW AGENCY		
EXPIRATION DATE		
DATE FEE REC'D	CHECK NO/ JET PAY NO	AMOUNT
		\$

Applications must be received at least 60 days prior to the expiration of the current registration. Applications will not be considered for review until payment has been received.

Agency Information

1. AGENCY INFORMATION – The name of the Agency must be indicated exactly as you want it to appear on the registration. Include the mailing address of the Agency, if different from the street address.

Name of Agency/Doing business as (D.B.A)

Agency Physical Address

City	County	State	Zip
------	--------	-------	-----

Agency Telephone Number	Fax Number
-------------------------	------------

Mailing Address or Same as above

City	County	State	Zip
------	--------	-------	-----

Agency E-mail Address

Agency Website (optional)

Responsible Person	Responsible Person Email and Phone Number (if different from Agency)
--------------------	--

Indicate if this application is a result of a new registered agency or renewal:

- New Agency (\$830 fee)** **Renewal (\$700 fee)**
 Each application for registration must be accompanied by a registration fee outlined above. *Attach a cashier's check, personal or certified check, company check, or money order payable to the Department of Health and Senior Services. If fee is submitted online, attach fee receipt. This fee is nonrefundable and not proratable.*
 Check box if submitting payment online
 Check box if mailing payment; add check number here:

List the days and hours of regular operation. (NOTE: Inspections by the department will occur during the business hours submitted.) *Section not applicable to agencies that operate 24 hours a day and 7 days a week.*
 Check box if agency operates 24 hours a day and 7 days a week

DAY OF THE WEEK	OPENING TIME (indicate A.M. or P.M.)	CLOSING TIME (indicate A.M. or P.M.)
<input type="checkbox"/> Sunday		
<input type="checkbox"/> Monday		
<input type="checkbox"/> Tuesday		
<input type="checkbox"/> Wednesday		
<input type="checkbox"/> Thursday		
<input type="checkbox"/> Friday		
<input type="checkbox"/> Saturday		

2. OWNER INFORMATION – Please complete the following for each of the agency’s owner(s). Attach multiple copies of this page if necessary.

Owner Name(s) *The name of the owner must be the exact legal name. If the owner is any entity other than a sole proprietor, the owner name must match the Missouri Secretary of State filing. The owner name should not be the name of any individual stockholder, partner, or member.*

Federal Employer Identification Number (EIN)	State Tax ID #	
Mailing Address or <input type="checkbox"/> Same as Agency Mailing Address		
City	State	Zip
Contact Name		
Contact Telephone Number	Contact E-mail Address	

Description of Owner (check one):

- Corporation
- Limited Liability Company
- Limited Partnership
- Individual
- Sole Proprietor
- Other-explain

A. Individual and/or Entity Ownership of Owner as listed in section 2 above – Provide the information for each controlling person. Attach additional sheets if necessary.

FULL NAME of INDIVIDUAL or ENTITY	TITLE OR POSITION	PERSONAL/PRIMARY ADDRESS	TELEPHONE NUMBER	EIN (or SSN if sole proprietor)	% OWNERSHIP

B. Board Members and Officers of Owner – If the owner is a legal entity, provide the information for each individual or entity that serves as an officer or is on the board of directors of the owner, if applicable. Do not include voluntary board members.

TITLE	FULL NAME	PERSONAL/PRIMARY ADDRESS	TELEPHONE NUMBER
Board Member/Officer			
Board Member/Officer			
Board Member/Officer			
Board Member/Officer			
Board Member/Officer			
Board Member/Officer			

C. Articles – If the owner is a legal entity, attach copies of the owner’s articles and current bylaws to this application.

Attached

3. OPERATOR INFORMATION – Please complete the following for the entity(s) operating the agency.

Check mark this box if the operating entity(s) is the same as the owner. If checked, skip ahead to #1 below.

Operator Name(s) *The name of the operator must be the exact legal name. If the operator is any entity other than a sole proprietor, the operator name must match the Missouri Secretary of State filing. The operator name should not be the name of any individual stockholder, partner, or member.*

Mailing Address or Same as above

City	State	Zip
Contact Name		
Contact Telephone Number	Contact E-mail Address	

Description of Operator (check one):

- Corporation
- Limited Liability Company
- Limited Partnership
- Individual
- Sole Proprietor
- Other-explain

A. Individual and/or Entity Ownership of Operator as listed in section 3 above – Provide the information for each controlling person. Attach additional sheets if necessary.

FULL NAME of INDIVIDUAL or ENTITY	TITLE OR POSITION	PERSONAL/PRIMARY ADDRESS	TELEPHONE NUMBER	EIN (or SSN if sole proprietor)	% OWNERSHIP

B. Board Members and Officers of Operator – Provide the information for each individual or entity (corporation, partnership, association) that serves as an officer or is on the board of directors.

TITLE	FULL NAME	PERSONAL/PRIMARY ADDRESS	TELEPHONE NUMBER
Board Member/Officer			
Board Member/Officer			
Board Member/Officer			
Board Member/Officer			
Board Member/Officer			
Board Member/Officer			

1. Does the operator currently operate or own any other Supplemental Health Care Services Agencies?

Yes No

If the operator currently operates or owns any other supplemental health care services agencies, then list below or attach a list of such agency or agencies, including their names, address(es), type of registrations and registration number.

Attached Previously submitted; no amendment or change

Financial Information

Each registrant must submit financial information demonstrating that the operator has the financial capacity to operate an agency.

Each agency must provide proof of financial responsibility through one of the following methods documenting at least four weeks of back wages per employee:

Enter number of all temporary health care personnel or independent contractor employees:

- Establishing and maintaining an escrow account consisting of cash or assets eligible for deposit;
- Obtaining and maintaining an unexpired irrevocable letter of credit established. Such letters of credit shall be nontransferable and nonassignable and shall be issued by any bank or savings association organized and existing under the laws of this state or the United States.

AND

Provide the name and address of the bank, savings bank, or savings association in which the agency will deposit the agency's employee's income tax withholdings. If the agency is not responsible for employee income tax withholding, the agency shall provide the name and address of each personnel for whom income taxes will not be withheld.

Attached Previously submitted; no amendment or change

Other Information

1. Provide proof that the agency or that the health care personnel has medical malpractice insurance (professional liability insurance is acceptable);

Attached

2. Provide proof of current worker's compensation coverage as required by Missouri Statutes, Chapter 287 RSMo, or if any personnel are independent contractors, provide proof of occupational accident insurance.

Attached

Acceptable forms of worker's compensation coverage include: a certificate of insurance supplied by an authorized Worker's Compensation insurance carrier pursuant to Chapter 287, RSMo. The certificate shall include the name of the registrant, the name of the corporation legally responsible for the registrant, or the name the registrant is doing business as. The certificate must be effective prior to the issuance of an initial registration or have an effective date on or after the effective date of a renewal registration. OR provide approval from the MO Department of Labor to be self-insured.

You cannot be issued a registration and may not operate as a supplemental health care services agency unless acceptable evidence of compliance with workers' compensation coverage provisions is provided.

Affidavit

I attest that I as an individual, or that the operating entity for which I sign, have/has adequate financial resources to properly operate the Agency referred to in this application.

I further attest I am familiar with the requirements of a supplemental health care services agency as set out in Chapter 198 of the Missouri Revised Statutes and the regulations of the Department of Health and Senior Services promulgated thereunder.

I further attest to refrain in any contract with any health care personnel or health care facility from requiring the payment of liquidated damages, employment fees, or other compensation should the health care personnel be hired as a permanent employee of a health care facility;

I further attest that the agency does not restrict in any manner the employment opportunities of its health care personnel;

I further attest that each health care personnel meets all licensing or certification requirements and all training and continuing education standards for the position in which the personnel would be working;

I further attest that each health care personnel complies with requirements related to background checks in sections 192.2490 and 192.2495.

I further attest that all documents and information required by the Department of Health and Senior Services to be provided pursuant to this application are true and correct to the best of my knowledge and belief, that the statements contained in this application and any attached information are true and correct to the best of my knowledge and belief, and that all required documents are either included with the application or are currently on file with the Department of Health and Senior Services. I understand that if it is determined by the Department of Health and Senior Services that the statements contained herein are not true and correct, the application may be denied and any registration issued based on the application may be revoked.

I further attest that I have the express authority to sign this application on behalf of the owner and operator.

My signature attests to the truth and accuracy of the foregoing attestations.

Authorized Signature of Agency	Telephone Number
Printed or Typed Name and title of Signatory	Telephone Number

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

**Division 30 – Division of Regulation and Licensure
Chapter 105 – Supplemental Health Care Services
Agency**

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Health and Senior Services under section 198.648, RSMo Supp. 2022, the department adopts a rule as follows:

19 CSR 30-105.040 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 636-640). 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 Missouri Department of Health and Senior Services (DHSS) received two (2) comments on the proposed rule.

COMMENT #1: Marianne McCarthy with Shiftkey recommends adding “*or parent company*” to paragraph (1)(A)3.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and has amended the language.

COMMENT #2: Alison Dorge of the Missouri Department Health and Senior Services recommends adding the department form number and effective date of the form to the Changes to a Registered Agency Form.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and has added the department form number and effective date to the change form.

19 CSR 30-105.040 Requirements for Changes to a Registered Agency

(1) A registered agency shall notify the department of any change in ownership or operator within thirty (30) days of the change. This includes the addition or removal of any owners, operators, or controlling persons. The registration shall be void and the new owner and/or operator shall apply for a new registration and pay the required fee. The date issued on the new registration shall be the effective date when the change of ownership or operator occurred.

(A) A registered agency which is a partnership, limited partnership, limited liability company, or corporation that undergoes any of the following changes, or a new corporation, partnership, limited partnership, limited liability company, or other entity assumes operation of an agency whether by one (1) or by more than one (1) action shall apply for a new registration:

1. With respect to a partnership, a change in the majority interest of general partners;
2. With respect to a limited partnership, a change in the general partner or in the majority interest of limited partners;
3. With respect to a limited liability company, a change in any manager or in the majority interest of members or parent company; and
4. With respect to a corporation, a change in the persons who own, hold, or have the power to vote the majority of any class of securities issued by the corporation.



MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
DIVISION OF REGULATION AND LICENSURE
SUPPLEMENTAL HEALTH CARE SERVICES AGENCY

CHANGES TO A REGISTERED AGENCY FORM

Only fill out sections related to the necessary agency changes.

AGENCY REGISTRATION NUMBER			
CURRENT REGISTERED AGENCY NAME			
NEW REGISTERED AGENCY NAME <i>(if changing name)</i>			
CURRENT REGISTERED BUSINESS PHYSICAL ADDRESS	CITY	STATE	ZIP CODE
NEW BUSINESS PHYSICAL ADDRESS <i>(if changing address)</i> <i>*Additional documentation and information may be required</i>	CITY	STATE	ZIP CODE
CURRENT REGISTERED BUSINESS MAILING ADDRESS <input type="checkbox"/> Same as physical address	CITY	STATE	ZIP CODE
NEW BUSINESS MAILING ADDRESS <i>(if changing address)</i> <input type="checkbox"/> Same as physical address	CITY	STATE	ZIP CODE
NEW AGENCY TELEPHONE NUMBER <i>(if changing number)</i>	NEW AGENCY FAX NUMBER <i>(if changing fax number)</i>		
NEW OR ADDITIONAL AGENCY EMAIL ADDRESS <i>(if changing or adding an email address. Also, indicate if a current email address should be removed)</i>			
NEW RESPONSIBLE CONTACT PERSON <i>(if changing contact person)</i>	NEW RESPONSIBLE CONTACT PERSON EMAIL AND PHONE NUMBER <i>(if different from registered Agency)</i>		
REASON FOR CHANGES LISTED ABOVE:			
RESPONSIBLE CONTACT PERSON NAME			
SIGNATURE		DATE	

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

**Division 30 – Division of Regulation and Licensure
Chapter 105 – Supplemental Health Care Services
Agency**

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Health and Senior Services under section 198.648, RSMo Supp. 2022, the department adopts a rule as follows:

19 CSR 30-105.050 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 641-644). 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 Missouri Department of Health and Senior Services (DHSS) received seventeen (17) comments on the proposed rule.

COMMENT #1: Dan Latham of Pulse Medical Staffing questions why an employee dishonesty bond is required in 19 CSR 30-105.050(2)(K) as part of business records made available during an inspection. Mr. Latham states this requirement would be costly to companies.

RESPONSE AND EXPLANATION OF CHANGE: The department concurs and has removed dishonesty bonds as a requirement for supplemental health care service agencies to obtain and restructured the rule.

COMMENT #2: Dan Latham of Pulse Medical Staffing requests the record retention of ten (10) years in section 19 CSR 30-105.050(3) be revisited and suggests that DHSS follow the MO Department of Labor's requirement of record retention of at least three (3) years stated in section 290.520, RSMo.

RESPONSE: Section 198.644.1(8), RSMo, states a registered supplemental health care services agency shall be required to retain all records for ten (10) calendar years. Thus, a change to the rule would be in conflict with statute. No changes were made to the rule as a result of this comment.

COMMENT #3: Marianne McCarthy of ShiftKey recommends amending section (1) to state that for agencies that only operate digital websites or smartphone apps, the department may only conduct virtual registration or complaint inspections.

RESPONSE: The department does not believe it is necessary to carve out an exception for agencies that only operate digital websites or smartphone apps. The department has made no changes to the rule as a result of this comment.

COMMENT #4: Marianne McCarthy of ShiftKey recommends removing subsection (2)(A) requiring copies of articles and bylaws.

RESPONSE: The department believes subsection (2)(A) is necessary to carry out the provisions of section 198.642.2(2), RSMo. The department has made no changes to the rule as a result of this comment.

COMMENT #5: Marianne McCarthy of ShiftKey recommends in subsection (2)(B) adding "or account information."

RESPONSE AND EXPLANATION OF CHANGE: The department concurs and has added the recommended verbiage to subsection (2)(B).

COMMENT #6: Marianne McCarthy of ShiftKey recommends excluding agencies from maintaining specific documentation for independent contractors required in paragraphs (2)(B)2., (2)(B)4., (2)(B)5., and subsection (2)(G).

RESPONSE: The department believes the requested change would be in conflict with section 198.644, RSMo. The department has made no changes to the rule as a result of this comment.

COMMENT #7: Marianne McCarthy of ShiftKey recommends amending subparagraph (2)(B)2.B. to clarify when drug screening of personnel must be performed.

RESPONSE AND EXPLANATION OF CHANGE: The department concurs and has amended the subparagraph to state drug screening must be performed before referral by an agency to a health care facility.

COMMENT #8: Marianne McCarthy of ShiftKey recommends amending subsection (2)(D) to incorporate independent contractors.

RESPONSE AND EXPLANATION OF CHANGE: The department concurs and has made the recommended changes in subsection (2)(D).

COMMENT #9: Marianne McCarthy of ShiftKey recommends amending subsection (2)(E) to incorporate independent contractors.

RESPONSE AND EXPLANATION OF CHANGE: The department concurs and has made the recommended changes to subsection (2)(E).

COMMENT #10: Marianne McCarthy of ShiftKey recommends amending subsection (2)(E) to state that the contract or agreement shall specify and clearly advise if the personnel is an employee of the agency or an independent contractor that uses the agency to locate opportunities with health care facilities.

RESPONSE: The department believes a change would be inconsistent with subparagraph (2)(B)2.B. of the rule. The department has made no changes to the rule as a result of this comment.

COMMENT #11: Marianne McCarthy of ShiftKey recommends amending subsection (2)(E) to permit digital acceptance in lieu of signatures on documents provided to health care personnel prior to their placement in a facility.

RESPONSE AND EXPLANATION OF CHANGE: The department concurs and has made the recommended changes to subsection (2)(E).

COMMENT #12: Marianne McCarthy of ShiftKey recommends amending subsection (2)(H), adding "Copies of contracts, if any, between an agency and a health care facility setting forth terms and conditions under which the agency will provide specific health services staff to the facility or how the agency operates a digital website or digital smartphone application that facilitates the provision of the engagement between the health care personnel, including independent contractors and the health care facility."

RESPONSE: The department believes the requested change is unnecessary to incorporate in the rule. The department has made no changes to the rule as a result of this comment.

COMMENT #13: Marianne McCarthy of ShiftKey recommends removing subsection (2)(I), requiring most recently released financial reports.

RESPONSE: The department believes subsection (2)(I) is necessary to carry out the provisions of section 198.644, RSMo. The department has made no changes to the rule as a result of

this comment.

COMMENT #14: Marianne McCarthy of ShiftKey recommends excluding agencies from maintaining a dishonesty bond for independent contractors required in subsection (2)(K).

RESPONSE AND EXPLANATION OF CHANGE: The department concurs and is removing dishonesty bond requirements from this rule.

COMMENT #15: Marianne McCarthy of ShiftKey recommends adding verbiage regarding appeals to section (6) and subsection (6)(A).

RESPONSE: The right to appeal is outlined in sections 198.642.2(6), RSMo, and 198.644.4(1), RSMo, so the department doesn't believe it would add any value to repeat that information in the rule. The department has made no changes to the rule as a result of this comment.

COMMENT #16: Marianne McCarthy of ShiftKey recommends in subsection (6)(B) giving reasonable notice to agencies for an unannounced follow-up inspection or off-site review to verify correction of deficiencies.

RESPONSE: The requested change would be in conflict with section 198.642(4), RSMo, which instructs the department to conduct unannounced surveys. The department has made no changes to the rule as a result of this comment.

COMMENT #17: Alison Dorge of the Missouri Department of Health and Senior Services recommends adding independent contractor to (2)(B), (2)(B)2, (2)(B)2.A. and (2)(B)2.B., (2)(B)3., (2)(B)5., (2)(C), (2)(G), and (5) to be consistent with the remainder of the rule.

RESPONSE AND EXPLANATION OF CHANGE: The department concurs and has added verbiage to sections (2)(B), (2)(B)2., (2)(B)2.A., (2)(B)2.B., (2)(B)3., (2)(B)5., (2)(C), (2)(G), and (5) to include independent contractors.

19 CSR 30-105.050 Inspections

(2) An agency shall be available during the agency's regular operating hours and shall maintain and make immediately available the following business records for inspection by the department –

(B) An individual file or account information for each health care personnel, including independent contractors, including –

1. Personnel's name and address, Social Security number, and date of birth;

2. Documentation of each personnel's or independent contractor's employment history, health, and medical records.

A. Personnel and independent contractors must have received the necessary testing and immunizations required or requested by each health care facility.

B. Drug screening of personnel and including independent contractors must be performed before referral by the agency to a health care facility, if the health care facility requires drug screening of facility employees;

3. Evidence of the personnel's or independent contractor's skills, qualifications, education, and training to demonstrate compliance with the provisions of section 198.644.1, RSMo;

4. Current copies of licenses, transcripts, certificates, or statements evidencing competency for the position held;

5. Two (2) or more references and documentation of two (2) or more reference checks of each personnel or independent contractor, completed before referral by the agency;

6. Documentation of submission for background screening and background screening results pursuant to sections 192.2490 and 192.2495, RSMo; and

7. Copy of any good cause waiver, granted by the department, if applicable;

(C) Documentation of any complaints known to the agency involving any of its health care personnel or independent contractors, and any follow-up action taken with respect to such complaints;

(D) Records documenting the work performed by each health care personnel or including independent contractor, including date of personnel referral by the agency or request by an independent contractor and the dates and locations of each personnel and independent contractor placement. Copies of time records or invoices identifying the services provided are acceptable documentation for this requirement;

(E) Copies of any written employment contracts or other agreements entered into between the agency and each health care personnel or independent contractor. Such contract or agreement shall specifically and clearly advise if the personnel is an employee of the agency or is an independent contractor referred by the agency. If the personnel is retained as an independent contractor, the contract or agreement shall specifically state that the independent contractor is responsible for paying federal income taxes. Prior to placement in a health care facility, the agency shall provide a document to each health care personnel or independent contractor, for his or her signature or digital acceptance, which states that the personnel understands his or her relationship with the agency, either as an employee or independent contractor. The signed or accepted document shall be filed in each personnel's file or account;

(G) Documentation to verify each personnel's or independent contractor's employment eligibility in compliance with the immigration laws of the United States;

(K) Evidence of current worker's compensation coverage as required by Chapter 287, RSMo, or if the personnel provided are independent contractors, maintain evidence of occupational accident insurance.

(5) Personnel and independent contractors of an agency who report potential violations by an agency to the department may not be subjected to retaliation of any kind, including termination, demotion, or other adverse employment action as a result of their report.

TITLE 19 – DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 30 – Division of Regulation and Licensure Chapter 105 – Supplemental Health Care Services Agency

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Health and Senior Services under section 198.648, RSMo Supp. 2022, the department adopts a rule as follows:

19 CSR 30-105.060 Denial, Suspension, or Revocation of Registration 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 645). 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 Missouri Department of Health and Senior Services received three (3) comments on the proposed rule.

COMMENT #1: Marianne McCarthy with Shiftkey recommends in section (2) changing the non-eligibility for an owner or operator to reapply for or receive registration after denial or revocation of a registration due to noncompliance with sections 198.640-198.648, from five (5) years to one (1) year.

RESPONSE: This change would be in conflict with section 198.644.5(1), RSMo, which states five (5) years. No changes were made to the rule as a result of this comment.

COMMENT #2: Marianne McCarthy with Shiftkey recommends in section (3) changing the word “shall” to “may”.

RESPONSE: Section 198.644.2, RSMo, uses the term “shall.” No changes were made to the rule as a result of this comment.

COMMENT #3: Marianne McCarthy with Shiftkey recommends in section (4) adding “except in cases where the department provides a reasonable extension” for providing items required in 19 CSR 30-105.030(4).

RESPONSE: The department will review an agency’s failure to provide required items and has the authority to provide a reasonable extension, if necessary, and does not need to outline this in rule. No changes were made to the rule as a result of this comment.

TITLE 19 – DEPARTMENT OF HEALTH AND SENIOR SERVICES

**Division 30 – Division of Regulation and Licensure
Chapter 105 – Supplemental Health Care Services
Agency**

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Health and Senior Services under section 198.648, RSMo Supp. 2022, the department adopts a rule as follows:

19 CSR 30-105.070 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 645-648). 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 Missouri Department of Health and Senior Services (DHSS) received four (4) comments on the proposed amendment.

COMMENT #1: Claudia Joly with AMN Healthcare recommends a MO state online verification website allowing the public to verify a SHCSA registration status.

RESPONSE: The department will make available on the department website a listing of SHCSA’s registration status. No changes were made to the rule as a result of this comment.

COMMENT #2: Marianne McCarthy with Shiftkey recommends changing the required submission dates in subsections (2)(A)-(D) to no later than the 30th or 31st day versus the 15th.

RESPONSE AND EXPLANATION OF CHANGE: The department concurs and has changed the required submission dates to no later than the 30th or 31st day.

COMMENT #3: Marianne McCarthy with Shiftkey recommends in section (4) changing the word “shall” to “may”.

RESPONSE: Section 198.644.2, RSMo, uses the term “shall.” No changes were made to the rule as a result of this comment.

COMMENT #4: Toby Malara of American Staffing Association suggests the department provide guidance on when agencies will be required to submit quarterly reports and specifically suggests no earlier than October 15, 2023.

RESPONSE: The department will communicate guidance via department webpage, email listserv, and other necessary communication channels regarding the submissions of quarterly reports. Quarterly reports will not be required before October 15, 2023. No changes were made to the rule as a result of this comment.

19 CSR 30-105.070 Quarterly Rate and Charge Reporting Requirements

(2) The required submission dates shall be as follows:

(A) The quarterly report containing data from January 1 through March 31 shall be submitted no later than April 30;

(B) The quarterly report containing data from April 1 through June 30 shall be submitted no later than July 31;

(C) The quarterly report containing data from July 1 through September 30 shall be submitted no later than October 31; and

(D) The quarterly report containing data from October 1 through December 31 shall be submitted no later than January 31.

TITLE 20 – DEPARTMENT OF COMMERCE AND INSURANCE

**Division 2200 – State Board of Nursing
Chapter 2 – Minimum Standards for Approved
Programs of Professional Nursing**

ORDER OF RULEMAKING

By the authority vested in the State Board of Nursing under section 335.036, RSMo Supp. 2022, the board amends a rule as follows:

20 CSR 2200-2.010 Approval is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2023 (48 MoReg 810). 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.

By the authority vested in the State Board of Nursing under section 335.036, RSMo Supp. 2022, the board amends a rule as follows:

TITLE 20 – DEPARTMENT OF COMMERCE AND INSURANCE

**Division 2200 – State Board of Nursing
Chapter 3 – Minimum Standards for Approved
Programs of Practical Nursing**

ORDER OF RULEMAKING

By the authority vested in the State Board of Nursing under section 335.036, RSMo Supp. 2022, the board amends a rule as follows:

20 CSR 2200-3.010 Approval is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2023 (48 MoReg 810). 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 20 – DEPARTMENT OF COMMERCE AND
INSURANCE
Division 2200 – State Board of Nursing
Chapter 6 – Intravenous Infusion Treatment
Administration**

ORDER OF RULEMAKING

By the authority vested in the State Board of Nursing under section 335.036, RSMo Supp. 2022, the board amends a rule as follows:

20 CSR 2200-6.030 Intravenous Infusion Treatment Administration by Qualified Practical Nurses; Supervision by a Registered Professional Nurse is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2023 (48 MoReg 811). 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 20 – DEPARTMENT OF COMMERCE AND
INSURANCE
Division 2200 – State Board of Nursing
Chapter 6 – Intravenous Infusion Treatment
Administration**

ORDER OF RULEMAKING

By the authority vested in the State Board of Nursing under section 335.036, RSMo Supp. 2022, the board amends a rule as follows:

20 CSR 2200-6.040 Venous Access and Intravenous Infusion Treatment Modalities Course Requirements is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2023 (48 MoReg 811-812). 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 20 – DEPARTMENT OF COMMERCE AND
INSURANCE
Division 2200 – State Board of Nursing
Chapter 6 – Intravenous Infusion Treatment
Administration**

ORDER OF RULEMAKING

By the authority vested in the State Board of Nursing under section 335.036, RSMo Supp. 2022, the board amends a rule as follows:

20 CSR 2200-6.060 Requirements for Intravenous Therapy Administration Certification is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2023 (48 MoReg 812-813). 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 20 – DEPARTMENT OF COMMERCE AND
INSURANCE
Division 2200 – State Board of Nursing
Chapter 8 – Minimum Standards for Approved
Veteran’s Bridge Programs of Practical Nursing**

ORDER OF RULEMAKING

By the authority vested in the State Board of Nursing under section 335.036, RSMo Supp. 2022, the board amends a rule as follows:

20 CSR 2200-8.010 Approval is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2023 (48 MoReg 813-814). 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 20 – DEPARTMENT OF COMMERCE AND
INSURANCE
Division 2220 – State Board of Pharmacy
Chapter 2 – General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Pharmacy under section 338.140, RSMo Supp. 2022, the board amends a rule as follows:

20 CSR 2220-2.400 Compounding Standards of Practice is amended.

A notice of proposed rulemaking containing the text of the

proposed amendment was published in the *Missouri Register* on April 17, 2023 (48 MoReg 740-742). 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 20 – DEPARTMENT OF COMMERCE AND
INSURANCE**

**Division 2220 – State Board of Pharmacy
Chapter 2 – General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Pharmacy under section 338.140, RSMo Supp. 2022, and section 338.280, RSMo 2016, the board adopts a rule as follows:

20 CSR 2220-2.410 Class B Hospital Pharmacy Compounding for Drug Shortages **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 17, 2023 (48 MoReg 742). 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.

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

STATEMENT OF ACTUAL COST

**3 CSR 10-11.130 Vehicles, Bicycles, Horses, and Horseback
Riding.**

The original public cost estimate for this rulemaking was published in the *Missouri Register* on October 1, 2021 (46 MoReg 1742-1744). The actual one- (1-) time cost to the Department of Conservation was twenty-seven thousand four hundred ninety-four dollars (\$27,494), which was significantly higher than the original public cost estimate of thirteen thousand eight hundred twenty-five dollars (\$13,825).

The actual cost from IT vendors to upgrade the department's public website and MO Outdoors app involved more time and changes than estimated, resulting in higher cost. Staff and the public are now able to search for and identify roads and trails where bicycle riding is allowed.

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 FOR LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND CLAIMANTS AGAINST BEVEL BAKERY PARTNERSHIP, LLC

Bevel Bakery Partnership, LLC, a Missouri limited liability company, filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State on June 30, 2023. Any and all claims against Bevel Bakery Partnership, LLC may be sent to Affinity Law Group, LLC, 1610 Des Peres Road, Suite 100, St. Louis, MO 63131. Each claim must include: (i) the name, address, and telephone number of the claimant; (ii) amount of the claim; (iii) basis for the claim; and (iv) documentation of the claim. A claim against Bevel Bakery Partnership, LLC 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 TO ALL CREDITORS OF AND CLAIMANTS AGAINST BROOKSBERRY, LLC

On June 26, 2023, Brooksberry, LLC, filed its Notice of Winding Up with the Missouri Secretary of State. Brooksberry, LLC, requests that all persons and organizations who have claims against it present them immediately by letter to Bryan Cavanaugh, 75 W. Lockwood Ave., Suite 222, St. Louis, MO 63119. All claims must include the following information: (a) claimant's name and address, (b) the amount claimed, (c) date on which the claim arose, (d) basis for the claim and supporting documentation, and (e) whether the claim was secured and, if so, the collateral used as security.

All claims against Brooksberry, LLC, will be barred unless a proceeding to enforce the claim is commenced within three years after the date of publication of this notice.

NOTICE OF WINDING UP FOR LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND CLAIMANTS AGAINST EUREKA TECHNICAL SERVICES, LLC

On July 12, 2023, Eureka Technical Services, LLC (DBA TimothyTek) a Missouri limited liability company (the "Company"), filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State, effective on July 31, 2023.

Any claims against the Company may be sent to Joshua Hall, PO Box 721, Eureka, MO 63025. Each claim must include the following information: 1) claimant's name address and telephone number; 2) amount of the claim; 3) date(s) claim accrued (or will accrue); 4) brief description of the nature of the debt or the basis for the claim; 5) documentation in support of the claim; and 6) if the claim is secured, and if so, the collateral used as security.

All claims against the LLC will be barred unless a proceeding to enforce the claim is commenced within three years after the date the Notice of Winding Up is filed or published, whichever is later.

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	This Issue	
1 CSR 10-11.010	Commissioner of Administration	48 MoReg 789	48 MoReg 796	This Issue	
1 CSR 20-3.070	Personnel Advisory Board and Division of Personnel		48 MoReg 558	This Issue	
1 CSR 20-4.020	Personnel Advisory Board and Division of Personnel		48 MoReg 558	This Issue	
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	48 MoReg 1451	
1 CSR 60-1.010	Registration for Prescription Drug Monitoring Program		48 MoReg 559	48 MoReg 1310	
DEPARTMENT OF AGRICULTURE					
2 CSR 30-1.010	Animal Health		48 MoReg 559		
2 CSR 30-1.020	Animal Health		48 MoReg 560	48 MoReg 1451	
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		48 MoReg 1180R		
2 CSR 30-9.110	Animal Health		48 MoReg 1180R		
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	Propane Safety Commission Annual Budget				48 MoReg 1461
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	This Issue	
2 CSR 100-13.010	Missouri Agricultural and Small Business Development Authority		48 MoReg 915	This Issue	
DEPARTMENT OF CONSERVATION					
3 CSR 10-4.111	Conservation Commission		48 MoReg 566	48 MoReg 1310	
3 CSR 10-5.215	Conservation Commission		48 MoReg 1180		
3 CSR 10-5.250	Conservation Commission		48 MoReg 1183		
3 CSR 10-5.300	Conservation Commission		48 MoReg 1185		
3 CSR 10-5.310	Conservation Commission		48 MoReg 1187		
3 CSR 10-5.315	Conservation Commission		48 MoReg 1189		
3 CSR 10-5.320	Conservation Commission		48 MoReg 1191		
3 CSR 10-5.324	Conservation Commission		48 MoReg 1193		
3 CSR 10-5.330	Conservation Commission		48 MoReg 1193		
3 CSR 10-5.331	Conservation Commission		48 MoReg 1195		
3 CSR 10-5.340	Conservation Commission		48 MoReg 1195		
3 CSR 10-5.345	Conservation Commission		48 MoReg 1197		
3 CSR 10-5.351	Conservation Commission		48 MoReg 1199		
3 CSR 10-5.352	Conservation Commission		48 MoReg 1201		
3 CSR 10-5.359	Conservation Commission		48 MoReg 1203		
3 CSR 10-5.360	Conservation Commission		48 MoReg 1205		
3 CSR 10-5.365	Conservation Commission		48 MoReg 1207		
3 CSR 10-5.370	Conservation Commission		48 MoReg 1209		
3 CSR 10-5.425	Conservation Commission		48 MoReg 1211		
3 CSR 10-5.430	Conservation Commission		48 MoReg 1213		
3 CSR 10-5.435	Conservation Commission		48 MoReg 1215		
3 CSR 10-5.436	Conservation Commission		48 MoReg 1217		
3 CSR 10-5.440	Conservation Commission		48 MoReg 1219		
3 CSR 10-5.445	Conservation Commission		48 MoReg 1221		
3 CSR 10-5.460	Conservation Commission		48 MoReg 1223		
3 CSR 10-5.465	Conservation Commission		48 MoReg 1223		
3 CSR 10-5.540	Conservation Commission		48 MoReg 1225		
3 CSR 10-5.545	Conservation Commission		48 MoReg 1227		
3 CSR 10-5.551	Conservation Commission		48 MoReg 1229		
3 CSR 10-5.552	Conservation Commission		48 MoReg 1231		
3 CSR 10-5.554	Conservation Commission		48 MoReg 1233		
3 CSR 10-5.559	Conservation Commission		48 MoReg 1235		
3 CSR 10-5.560	Conservation Commission		48 MoReg 1235		
3 CSR 10-5.565	Conservation Commission		48 MoReg 1237		
3 CSR 10-5.567	Conservation Commission		48 MoReg 1239		
3 CSR 10-5.570	Conservation Commission		48 MoReg 1241		
3 CSR 10-5.576	Conservation Commission		48 MoReg 1243		
3 CSR 10-5.579	Conservation Commission		48 MoReg 1245		
3 CSR 10-5.580	Conservation Commission		48 MoReg 1247		
3 CSR 10-5.600	Conservation Commission		48 MoReg 1249		
3 CSR 10-5.605	Conservation Commission		48 MoReg 1249		
3 CSR 10-6.405	Conservation Commission		48 MoReg 1249		

RULE NUMBER	AGENCY	EMERGENCY	PROPOSED	ORDER	IN ADDITION
3 CSR 10-6.535	Conservation Commission		48 MoReg 1250		
3 CSR 10-7.433	Conservation Commission			48 MoReg 1310	
3 CSR 10-7.434	Conservation Commission			48 MoReg 1311	
3 CSR 10-7.435	Conservation Commission			48 MoReg 1311	
3 CSR 10-7.437	Conservation Commission			48 MoReg 1312	
3 CSR 10-7.700	Conservation Commission		48 MoReg 919	This Issue	
3 CSR 10-7.900	Conservation Commission		48 MoReg 919	This Issue	
3 CSR 10-9.240	Conservation Commission		48 MoReg 566	48 MoReg 1312	
3 CSR 10-9.350	Conservation Commission		48 MoReg 1250		
3 CSR 10-9.351	Conservation Commission		48 MoReg 1252		
3 CSR 10-9.352	Conservation Commission		48 MoReg 1252		
3 CSR 10-9.370	Conservation Commission		48 MoReg 1252		
3 CSR 10-9.420	Conservation Commission		48 MoReg 1253		
3 CSR 10-9.425	Conservation Commission		48 MoReg 1253		
3 CSR 10-9.440	Conservation Commission		48 MoReg 1255		
3 CSR 10-9.560	Conservation Commission		48 MoReg 1255		
3 CSR 10-9.565	Conservation Commission		48 MoReg 1257		
3 CSR 10-9.570	Conservation Commission		48 MoReg 1259		
3 CSR 10-9.575	Conservation Commission		48 MoReg 1260		
3 CSR 10-9.625	Conservation Commission		48 MoReg 1260		
3 CSR 10-9.627	Conservation Commission		48 MoReg 1263		
3 CSR 10-9.640	Conservation Commission		48 MoReg 1265		
3 CSR 10-10.707	Conservation Commission		48 MoReg 1265		
3 CSR 10-10.708	Conservation Commission		48 MoReg 1267		
3 CSR 10-10.720	Conservation Commission		48 MoReg 1269		
3 CSR 10-10.722	Conservation Commission		48 MoReg 1272		
3 CSR 10-10.724	Conservation Commission		48 MoReg 1272		
3 CSR 10-10.728	Conservation Commission		48 MoReg 1272		
3 CSR 10-10.732	Conservation Commission		48 MoReg 1273		
3 CSR 10-10.744	Conservation Commission		48 MoReg 1273		
3 CSR 10-10.767	Conservation Commission		48 MoReg 1275		
3 CSR 10-10.788	Conservation Commission		48 MoReg 1277		
3 CSR 10-11.130	Conservation Commission				This Issue
3 CSR 10-11.180	Conservation Commission		48 MoReg 566	48 MoReg 1312	
3 CSR 10-12.110	Conservation Commission		48 MoReg 570	48 MoReg 1312	
3 CSR 10-12.115	Conservation Commission		48 MoReg 570	48 MoReg 1313	
3 CSR 10-12.135	Conservation Commission		48 MoReg 571	48 MoReg 1313	
3 CSR 10-12.140	Conservation Commission		48 MoReg 571	48 MoReg 1313	
3 CSR 10-12.150	Conservation Commission		48 MoReg 1277		

DEPARTMENT OF ECONOMIC DEVELOPMENT

DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

5 CSR 20-100.105	Division of Learning Service		48 MoReg 1364R		
5 CSR 20-100.130	Division of Learning Services		48 MoReg 574	48 MoReg 1451	
5 CSR 20-100.185	Division of Learning Service		48 MoReg 1364		
5 CSR 20-100.230	Division of Learning Services		48 MoReg 307	This Issue	
5 CSR 20-100.255	Division of Learning Services		48 MoReg 1367R		
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	48 MoReg 1451	
5 CSR 20-400.510	Division of Learning Services		48 MoReg 574	48 MoReg 1455	
5 CSR 20-400.520	Division of Learning Services		48 MoReg 578	48 MoReg 1455	
5 CSR 20-400.530	Division of Learning Services		48 MoReg 581	48 MoReg 1455	
5 CSR 20-400.540	Division of Learning Services		48 MoReg 584	48 MoReg 1456	
5 CSR 20-400.560	Division of Learning Services		48 MoReg 587	48 MoReg 1456	
5 CSR 20-500.210	Division of Learning Services		48 MoReg 1367		
5 CSR 20-500.220	Division of Learning Services		48 MoReg 1372		
5 CSR 20-500.230	Division of Learning Services		48 MoReg 590	This Issue	
5 CSR 20-500.240	Division of Learning Services		48 MoReg 1372		
5 CSR 20-500.300	Division of Learning Services		48 MoReg 435	48 MoReg 1313	
5 CSR 20-500.350	Division of Learning Services		48 MoReg 435	48 MoReg 1313	
5 CSR 20-500.360	Division of Learning Services		48 MoReg 436	48 MoReg 1314	
5 CSR 25-100.120	Office of Childhood		48 MoReg 1277		
5 CSR 25-500.010	Office of Childhood		48 MoReg 1373		
5 CSR 25-500.102	Office of Childhood		48 MoReg 1374		
5 CSR 25-500.112	Office of Childhood		48 MoReg 1375		
5 CSR 25-500.182	Office of Childhood		48 MoReg 1379		
5 CSR 30-261.045	Division of Financial and Administrative Services		48 MoReg 201	48 MoReg 1314	

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	48 MoReg 1314R	
			48 MoReg 595	48 MoReg 1314	
6 CSR 10-2.210	Commissioner of Higher Education		48 MoReg 596R	48 MoReg 1314R	
			48 MoReg 597	48 MoReg 1315	
6 CSR 10-9.020	Commissioner of Higher Education		48 MoReg 955		
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	48 MoReg 1456R	

RULE NUMBER	AGENCY	EMERGENCY	PROPOSED	ORDER	IN ADDITION
6 CSR 250-3.020	University of Missouri		48 MoReg 729R	48 MoReg 1456R	
6 CSR 250-4.010	University of Missouri		48 MoReg 729R	48 MoReg 1457R	
6 CSR 250-4.020	University of Missouri		48 MoReg 730R	48 MoReg 1457R	
6 CSR 250-4.030	University of Missouri		48 MoReg 730R	48 MoReg 1457R	
6 CSR 250-5.010	University of Missouri		48 MoReg 730R	48 MoReg 1457R	
6 CSR 250-5.020	University of Missouri		48 MoReg 730R	48 MoReg 1457R	
6 CSR 250-6.010	University of Missouri		48 MoReg 731R	48 MoReg 1457R	
6 CSR 250-6.020	University of Missouri		48 MoReg 731R	48 MoReg 1458R	
6 CSR 250-6.030	University of Missouri		48 MoReg 731R	48 MoReg 1458R	
6 CSR 250-6.040	University of Missouri		48 MoReg 731R	48 MoReg 1458R	
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 10-7.035	Director, Department of Mental Health		48 MoReg 1380		
9 CSR 10-7.130	Director, Department of Mental Health		48 MoReg 919		
9 CSR 30-3.134	Certification Standards		48 MoReg 1424		
9 CSR 30-3.201	Certification Standards		48 MoReg 1424		
9 CSR 30-3.206	Certification Standards		48 MoReg 1425		
9 CSR 30-6.010	Certification Standards		48 MoReg 1382		
9 CSR 30-7.020	Certification Standards		48 MoReg 798	This Issue	
9 CSR 45-5.060	Division of Developmental Disabilities		48 MoReg 1426R 48 MoReg 1426		
DEPARTMENT OF NATURAL RESOURCES					
10 CSR 10-6.161	Director's Office		48 MoReg 1430		
10 CSR 10-6.200	Director's Office		48 MoReg 1431		
10 CSR 20-7.015	Clean Water Commission		48 MoReg 692		
10 CSR 140-2	Division of Energy				48 MoReg 1320
DEPARTMENT OF PUBLIC SAFETY					
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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		
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11 CSR 30-9.050	Office of the Director		48 MoReg 204R		
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12 CSR 10-3.554	Director of Revenue <i>moved to 12 CSR 10-102.554</i>				48 MoReg 1461
12 CSR 10-3.846	Director of Revenue <i>moved to 12 CSR 110-10.846</i>				48 MoReg 1461
12 CSR 10-4.160	Director of Revenue <i>moved to 12 CSR 10-102.160</i>				48 MoReg 1461
12 CSR 10-4.180	Director of Revenue <i>moved to 12 CSR 10-103.180</i>				48 MoReg 1461
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19 CSR 100-1.120	Division of Cannabis Regulation	48 MoReg 415	48 MoReg 505	48 MoReg 1103	
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20 CSR 2234-1.050	Board of Private Investigator and Private Fire Investigator Examiners		48 MoReg 1309		
20 CSR 2235-1.020	State Committee Psychologists		48 MoReg 922		
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1 CSR 10-11.010 State of Missouri Travel Regulations48 MoReg 789April 3, 2023. Jan. 10, 2024

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11 CSR 90-2.010 Definitions.....This Issue Aug. 28, 2023.Feb. 22, 2024

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13 CSR 35-71.015 Background Checks for Personnel of Residential Care
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13 CSR 70-3.200 Ambulance Service Reimbursement Allowance.....48 MoReg 555 Feb. 22, 2023. Aug. 20, 2023

13 CSR 70-10.020 Prospective Reimbursement Plan for Nursing Facility
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13 CSR 70-10.030 Prospective Reimbursement Plan for Nonstate-
Operated Facilities for ICF/IID Services48 MoReg 791.... March 30, 2023. Sept. 25, 2023

13 CSR 70-15.110 Federal Reimbursement Allowance (FRA)48 MoReg 1349 June 30, 2023. Dec. 26, 2023

13 CSR 70-15.160 Outpatient Hospital Services Reimbursement
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19 CSR 30-20.125 Unlicensed Assistive Personnel Training Program48 MoReg 1177..... June 6, 2023.Dec. 2, 2023

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20 CSR 2220-2.410 Class B Hospital Pharmacy Compounding for
Drug Shortages.....48 MoReg 1421.....July 6, 2023. Jan. 1, 2024

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			
23-07	Designates members of his staff to have supervisory authority over departments, divisions and agencies of state government	July 28, 2023	Next Issue
23-06	Rescinds Executive Order 17-20	June 29, 2023	48 MoReg 1423
23-05	Declares drought alerts for 60 Missouri counties in accordance with the Missouri Drought Mitigation and Response Plan	May 31, 2023	48 MoReg 1179
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

ORDER	SUBJECT MATTER	FILED DATE	PUBLICATION
22-01	Establishes and Designates the Missouri Early Childhood State Advisory Council	January 7, 2022	47 MoReg 222

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organization, methods of operation, and requests for information; 1 CSR 10-1.010; 2/15/23, 6/1/23
registration for prescription drug monitoring program; 1 CSR 60-1.010; 3/15/23, 7/3/23
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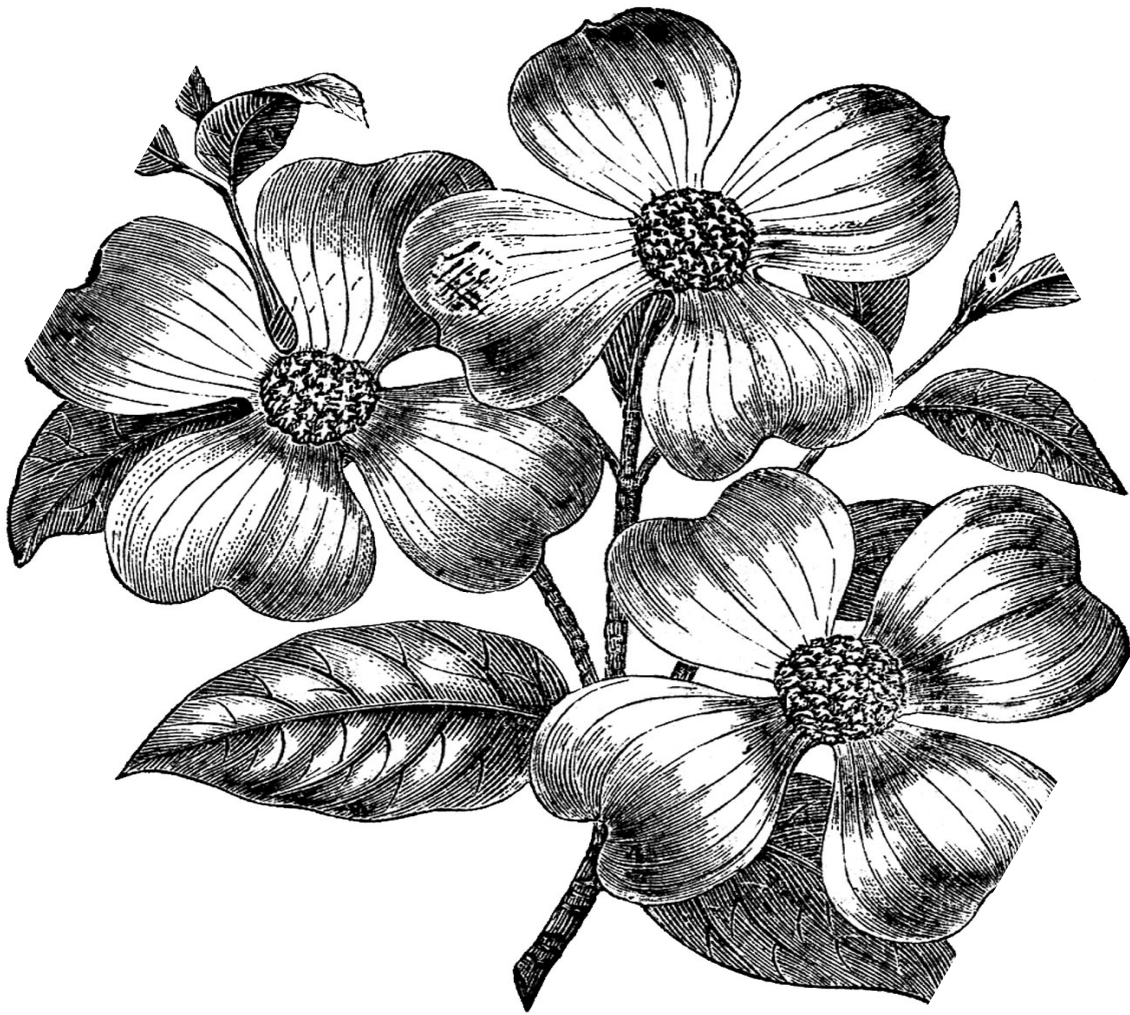
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"The welfare of the people shall be the supreme law."



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