

**Title 14—DEPARTMENT OF CORRECTIONS
Division 80—State Board of Probation and Parole
Chapter 1—Organization and Description**

PROPOSED AMENDMENT

14 CSR 80-1.010 General Organization. The board is amending section (3).

PURPOSE: This amendment updates the location of the Board of Probation and Parole.

(3) For information concerning the Board of Probation and Parole the public may write to [1511 Christy Drive] 3400 Knipp Drive, Jefferson City, MO [65101] 65109, or visit the web site www.doc.mo.gov/division/prob/prob/.

AUTHORITY: section 217.690, RSMo Supp. [2007] 2013, and sections 217.720, 217.755, and 217.810, RSMo 2000. This rule was previously filed as 13 CSR 80-1.010. Original rule filed May 13, 1976, effective Nov. 11, 1976. Amended: Filed Sept. 5, 2007, effective March 30, 2008. Amended: Filed June 20, 2016.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Corrections, State Board of Probation and Parole, Ellis McSwain Jr., Chairman, 3400 Knipp Drive, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2150—State Board of Registration for the
Healing Arts
Chapter 2—Licensing of Physicians and Surgeons**

PROPOSED RESCISSION

20 CSR 2150-2.001 Definitions. This rule defined terms used in this chapter and in Chapter 334, RSMo.

PURPOSE: This rule is being rescinded and readopted to include additional terms defined by the board.

AUTHORITY: sections 334.045, 334.046, 334.090 and 334.125, RSMo 2000 and 334.100, RSMo Supp. 2006. This rule originally filed as 4 CSR 150-2.001. Original rule filed Jan. 19, 1988, effective April 15, 1988. Amended: Filed April 15, 1996, effective Nov. 30, 1996. Amended: Filed July 25, 2000, effective Dec. 30, 2000. Moved to 20 CSR 2150-2.001, effective Aug. 28, 2006. Amended: Filed July 11, 2007, effective Jan. 30, 2008. Rescinded: Filed June 29, 2016.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Board of Registration for the Healing Arts, PO Box 4, 3605 Missouri Boulevard, Jefferson City, MO 65102, by facsimile at (573) 751-3166, or via email at healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2150—State Board of Registration for the
Healing Arts
Chapter 2—Licensing of Physicians and Surgeons**

PROPOSED RULE

20 CSR 2150-2.001 Definitions

PURPOSE: This rule defines terms used in Chapter 334, RSMo, and this chapter.

(1) American Specialty Board—any specialty board formally recognized by the American Board of Medical Specialties or the American Osteopathic Association.

(2) Applicant—a person applying for a license as a physician and surgeon or an assistant physician pursuant to Chapter 334, RSMo, and these rules.

(3) Approved medical school—a medical school accredited by the Liaison Commission on Medical Education of the American Medical Association, the American Osteopathic Association's Commission on Osteopathic College Accreditation, or that appears in the World Directory of Medical Schools or its successor.

(4) Board approved medical licensing examination—the United States Medical Licensing Examination (USMLE), or its successor, or the Comprehensive Osteopathic Medical Licensing Exam (COMLEX), or its successor.

(5) Collaborative practice arrangement—written agreements, jointly agreed upon protocols or standing orders, all of which shall be in writing, for the delivery of health care services.

(6) Emergency situation—a situation in which medical care is required to prevent loss of life or to mitigate injury and which does not arise in the course of a person's usual employment.

(7) Expired—a license that is not renewed by its expiration date.

(8) Extenuating circumstances—the circumstances under which an ordinary prudent person would not have timely renewed his or her license. Failure to receive a renewal notice is not an extenuating circumstance.

(9) Hospitals approved by the board—all hospitals who are part of a residency training program approved and accredited to teach graduate medical education by the Accreditation Counsel on Graduate Medical Education (ACGME) of the American Medical Association or the Education Committee of the American Osteopathic Association.

(10) Licensee—a person who holds a physician and surgeon or assistant physician license issued pursuant to Chapter 334, RSMo.

(11) Medically underserved area—
(A) An area in this state with a medically underserved population;

(B) An area in this state designated by the United States Secretary of Health and Human Services as an area with a shortage of personal health services;

(C) A population group designated by the United States Secretary of Health and Human Services as having a shortage of personal health services;

(D) An area designated under state or federal law as a medically underserved community; or

(E) An area that the Department of Health and Senior Services considers to be medically underserved based on relevant demographic, geographic, and environmental factors.

(12) Notarized—attested to in front of a notary public properly commissioned by the jurisdiction where the notary occurred.

(13) Official translation—a translation by a professor of a language department in a college or university in the United States, or by the United States Embassy or Consulate in a foreign country. The translator must include documentation certifying that the document is a true translation to the best of their knowledge, that they are fluent in the original language and qualified to translate the document into English. The translator must sign the translation and print their name and address on the translation.

(14) Population-based public health services—health services provided to well patients or to those with narrowly circumscribed conditions in public health clinics or community health settings that are limited to immunizations, well-child care, human immunodeficiency virus (HIV) and sexually transmitted disease care, family planning, tuberculosis control, cancer and other chronic diseases, wellness screenings, services related to epidemiologic investigations, and prenatal care.

(15) Primary care—physician services in family practice medicine, general practice, internal medicine, pediatrics, obstetrics, or gynecology. This shall not include surgery other than minor office based procedures.

(16) Telehealth—means the use of medical information exchanged from one site to another via electronic communications to improve the health status of a patient.

(17) Timely pay—any license renewal fee received by the board prior to the licensure expiration date. Renewal forms postmarked by the post office February 1 or after will be considered delinquent, however, should January 31 fall on a Saturday, Sunday or legal holiday, renewal forms postmarked by the post office on the next business day will not be considered delinquent.

(18) Void—a license that becomes void upon the occurrence of events specified by rule. A void license may not be renewed or reactivated. A void license does not give authority for the person holding the license to practice his or her profession.

AUTHORITY: sections 334.045 and 334.046, RSMo 2000, sections 334.090 and 334.100, RSMo Supp. 2013, and sections 334.036, 334.038, and 334.125, RSMo Supp. 2014. This rule originally filed as 4 CSR 150-2.001. Original rule filed Jan. 19, 1988, effective April 15, 1988. For intervening history, please consult the Code of State Regulations. Rescinded and readopted: Filed June 29, 2016.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Registration for the Healing Arts, PO Box 4, 3605 Missouri Boulevard, Jefferson City, MO 65102, by facsimile at (573) 751-3166, or via email at healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2150—State Board of Registration for the
Healing Arts**

Chapter 2—Licensing of Physicians and Surgeons

PROPOSED RULE

20 CSR 2150-2.045 Name and Address Changes

PURPOSE: This rule outlines the requirements and procedures for notifying the board of name and address changes.

(1) Licensees must submit written notification of any address change to the board within fifteen (15) days of such occurrence.

(2) Licensees whose names have changed since licensure was issued must submit a copy of the legal document verifying the name change to the board, within fifteen (15) days of such occurrence.

AUTHORITY: sections 334.036 and 334.125, RSMo Supp. 2014. Original rule filed June 29, 2016.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately twenty-three thousand one hundred eighty-five dollars (\$23,185) to twenty-seven thousand six hundred eighty-five dollars (\$27,685) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately one thousand two hundred seventy-five dollars (\$1,275) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Registration for the Healing Arts, PO Box 4, 3605 Missouri Boulevard, Jefferson City, MO 65102, by facsimile at (573) 751-3166, or via email at healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2150 - State Board of Registration for the Healing Arts
Chapter 2 - Licensing of Physicians and Surgeons
Proposed Rule - 20 CSR 2150-2.045 Name and Address Changes

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Costs
State Board of Registration for the Healing Arts	\$23,185.00
	to \$27,685.00
	Estimated Annual Cost of Compliance for the Life of the Rule with a Projected Annual Increase of 3%
	\$23,185.00 to \$27,685.00

III. WORKSHEET

Name and address changes are received and processed by Processing Technicians in the Licensure Section. Following the data entry into the licensing system, the documentation is prepared for permanent retention in the Board's electronic files.

Personal Service

STAFF	ANNUAL SALARY RANGE	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER REQUEST (IN MINUTES)	COST PER REQUEST	NUMBER OF ITEMS	TOTAL COST	
Processing Technician I	\$24,024	\$36,896	\$17.74	\$0.30	30	\$9.00	2,500	\$22,500.00	
Processing Technician II									
Processing Technician III	\$29,496	\$45,300	\$21.78	\$0.36					\$27,000.00
Personal Service Costs								\$22,500.00 to \$27,000.00	

Expense and Equipment

Item	Cost	Quantity	Total Cost Per Item
Correspondence Mailing	\$0.65	500	\$325.00
License Printing and Postage	\$0.72	500	\$360.00
Expense and Equipment Costs			\$685.00

IV. ASSUMPTIONS

1. Employees' salaries were calculated using the annual salary multiplied by 53.58% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing and address changes. The total cost was based on the cost name and address change multiplied by the estimated number of requests received.
2. The board expects that they will process 2500 change of name and address forms under this new rule and 500 will require the Board to print and mail a license with updated information. Therefore, the costs are shown here.

Note: The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual costs incurred by the office, which includes personal service, expense and equipment, and transfers.

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional
Division 2150 - State Board of Registration for the Healing Arts
Chapter 2 - Licensing of Physicians and Surgeons
Proposed Rule - 20 CSR 2150-2.045 Name and Address Changes

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the amendment by affected entities:
500	Name and Address Changes (Copy of name change document @ \$.10)	\$50.00
2500	Name and Address Changes (Postage to mail change form and supporting document(s) @ \$.49)	\$1,225.00
Estimated Annual Cost of Compliance for the Life of the Rule with a Projected Annual Increase of 3%		\$1,275.00

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The numbers reported are based on FY15 actuals. However, the estimated number may vary as the Board will also accept address changes via email or fax, which will reduce the cost of compliance for private entities.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2150—State Board of Registration for the
Healing Arts**

Chapter 2—Licensing of Physicians and Surgeons

PROPOSED RESCISSION

20 CSR 2150-2.080 Fees. This rule established the various fees which the State Board of Registration for the Healing Arts is authorized to collect in administering Chapter 334, RSMo.

PURPOSE: This rule is being rescinded and readopted in a format that is more understandable and user friendly.

AUTHORITY: sections 334.090.2 and 334.125, RSMo 2000. This rule originally filed as 4 CSR 150-2.080. Emergency rule filed July 1, 1981, effective July 11, 1981, expired Nov. 8, 1981. Original rule filed July 14, 1981, effective Oct. 11, 1981. For intervening history, please consult the **Code of State Regulations**. Rescinded: Filed June 29, 2016.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the State Board of Registration for the Healing Arts, PO Box 4, 3605 Missouri Boulevard, Jefferson City, MO 65102, by facsimile at (573) 751-3166, or via email at healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2150—State Board of Registration for the
Healing Arts**

Chapter 2—Licensing of Physicians and Surgeons

PROPOSED RULE

20 CSR 2150-2.080 Fees

PURPOSE: This rule establishes the various fees which the State Board of Registration for the Healing Arts is authorized to collect in administering Chapter 334, RSMo. Under the provisions of Chapter 334, RSMo, the board is directed to set, by rule, the amount of the fees which the chapter authorizes not to exceed the cost and expense of administering the chapter.

(1) The following fees are established by the State Board of Registration for the Healing Arts:

- (A) Assistant Physician
 - 1. Licensure Fee \$300
 - 2. Renewal Fee \$135
 - 3. Prescriptive Authority Fee \$ 50
- (B) Contiguous State License
 - 1. Licensure Fee \$ 30
 - 2. Renewal Fee \$ 30

- (C) General Fees
 - 1. Continuing Medical Education Extension Fee \$ 50
 - 2. Late Renewal Fee \$ 50
 - 3. Duplicate License Fee \$ 0
 - 4. Endorsement of State Test Scores \$ 50
 - 5. Returned Check Fee \$ 25
 - 6. Verification of Licensure Fee \$ 0
- (D) Limited License
 - 1. Licensure Fee \$ 25
 - 2. Renewal Fee \$ 50
- (E) Permanent Physician
 - 1. Licensure Fee \$300
 - 2. Reinstatement Fee \$300
 - 3. Renewal Fee \$135
- (F) Temporary Physician
 - 1. Temporary License Fee \$ 30
 - 2. Conditional Temporary Fee \$ 30
 - 3. Renewal Fee \$ 30
- (G) Visiting Professor
 - 1. Licensure Fee \$150
 - 2. Renewal Fee \$ 75

(2) All fees are nonrefundable.

(3) The provisions of this rule are declared severable. If any fee fixed by this rule is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions of this rule shall remain in full force and effect, unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

AUTHORITY: section 334.090.2, RSMo Supp. 2013, and sections 334.036 and 334.125, RSMo Supp. 2014. This rule originally filed as 4 CSR 150-2.080. This rule originally filed as 4 CSR 150-2.080. Emergency rule filed July 1, 1981, effective July 11, 1981, expired Nov. 8, 1981. Original rule filed July 14, 1981, effective Oct. 11, 1981. For intervening history, please consult the **Code of State Regulations**. Rescinded and readopted: Filed June 29, 2016.

PUBLIC COST: This proposed rule will increase revenue for state agencies or political subdivisions approximately three million, nine hundred fifty-four thousand nine hundred thirty dollars (\$3,954,930) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately three million, nine hundred fifty-four thousand nine hundred thirty dollars (\$3,954,930) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Registration for the Healing Arts, PO Box 4, 3605 Missouri Boulevard, Jefferson City, MO 65102, by facsimile at (573) 751-3166, or via email at healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2150 - State Board of Registration for the Healing Arts
Chapter 2 - Licensing of Physicians and Surgeons
Proposed Rule - 20 CSR 2150-2.080 Fees

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Revenue	
State Board of Registration for the Healing Arts	\$3,954,930	
	Estimated Annual Cost of Compliance for the Life of the Rule with an Projected Annual Increase of 3%	\$3,954,930

III. WORKSHEET

See Private Entity Fiscal Note

IV. ASSUMPTION

1. The estimated revenue is based on the costs reflected in the Private Entity Fiscal Note filed with this rescission and readoption.

Note: The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual cost incurred by the office, which includes personal service, expense and equipment, and transfers.

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 -Department of Insurance, Financial Institutions and Professional Registration
Division 2150 - State Board of Registration for the Healing Arts
Chapter 2 - Licensing of Physicians and Surgeons
Proposed Rule - 20 CSR 2150-2.080 Fees

II. SUMMARY OF FISCAL IMPACT

Annual Costs

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated annual cost of compliance with the amendment by affected entities:
121	Assistant Physician (License Fee @ \$300)	\$36,300
121	Assistant Physician (Prescriptive Authority Fee @ \$50)	\$6,050
121	Assistant Physician (Renewal Fee @ \$300)	\$36,300
137	Contiguous State License (Licensure Fee @ \$30)	\$4,110
163	Contiguous State License (Renewal Fee @ \$30)	\$4,890
5	Continuing Medical Education Extension Fee (Extension Fee @ \$50)	\$250
14	Late Renewal Fee (Late Fee - 1 Year Late @ \$50)	\$700
16	Late Renewal Fee (Late Fee - 2 Years Late @ \$50)	\$1,600
16	Endorsement of State Test Scores (Endorsement Fee @ \$50)	\$800
5	Returned Check Fee (Check Fee @ \$25)	\$125
26	Limited License (Licensure Fee @ \$25)	\$650
5	Limited License Renewal (Renewal Fee @ \$50)	\$250
1,339	Permanent Physician (License Fee @ \$300)	\$401,700
300	Permanent Physician (Reinstatement Fee @ \$300)	\$90,000

24,206	Permanent Physician (Renewal Fee @ \$135)	\$3,267,810
872	Temporary Physician (Temporary License Fee @ \$30)	\$26,160
55	Temporary Physician (Conditional Temporary Fee @ \$30)	\$1,650
2,467	Temporary Physician (Renewal Fee @ \$30)	\$74,010
7	Visiting Professor (Licensure Fee @ \$150)	\$1,050
7	Visiting Professor (Renewal Fee @ \$75)	\$525
	Estimated Annual Cost of Compliance for the Life of the Rule with an Projected Annual Increase of 3%	\$3,954,930

1. The estimated number of affected entities is based on the Board's FY15 actuals and FY16 budget projections.

Note: The board is statutorily obligated to enforce and administer the provisions of sections 334.001 to 334.950, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.001 to 334.950, RSMo at a level to produce revenue which will not substantially exceed the cost and expense of administering sections 334.001 to 334.950, RSMo.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2150—State Board of Registration for the
Healing Arts**

Chapter 2—Licensing of Physicians and Surgeons

PROPOSED RULE

20 CSR 2150-2.200 Assistant Physician—Application for Licensure

PURPOSE: The rule establishes the process to apply for an assistant physician license.

(1) An applicant for an assistant physician license shall submit a completed application form approved by the board. The application form shall include at least the following:

- (A) Name of the applicant and any former names used;
- (B) Date of birth of the applicant;
- (C) Gender of applicant;
- (D) The applicant's Social Security number. If applicant does not have a Social Security number then the applicant shall supply visa or passport identification number;
- (E) Answers to questions regarding the applicant's moral character, professional background, and fitness to practice;
- (F) A statement of activities from graduation of professional school to the present or from the last ten (10) years to the present, whichever is less; and

(G) A signed and notarized statement attesting that the application is true, that the applicant has a duty to supplement the information if it changes before a license is granted, that the applicant understands that he or she cannot practice unless and until a license is granted, and he or she has entered into a collaborative practice agreement.

(2) Applicants applying for licensure shall submit the following:

- (A) Completed application;
- (B) Appropriate licensure fee as defined in 20 CSR 2150-2.080;
- (C) Proof that the applicant is a resident and citizen of the United States or is a legal resident alien. This proof shall include:
 - 1. A birth certificate or United States passport; or
 - 2. A visa or other United States government document evidencing legal resident status;

(D) Proof that the applicant has passed step 2 or level 2 of a board approved medical licensing examination within the two (2) year period immediately preceding application for licensure as an assistant physician, but in no event more than three (3) years after graduation from medical college or osteopathic medical college. However, if the applicant was serving as a resident physician in a residency program accredited by the Accreditation Counsel on Graduate Medical Education (ACGME) of the American Medical Association or the Education Committee of the American Osteopathic Association in the United States within thirty (30) days of filing his or her application for an assistant physician license, the two- (2-) year time period shall not apply;

(E) Proof of competency as an assistant physician, which shall include, but not be limited to:

- 1. A self-query from the National Practitioner's Databank, or its successor agency;
- 2. Proof of graduation from an approved medical school in the form of either a copy of the diploma or an official transcript;
- 3. Examination and Board Action History Report (EBAHR) from the Federation of State Medical Boards. This may be obtained by contacting the Federation of State Medical Boards (FSMB) at fsmb.org. FSMB will make the report available to the board;
- 4. If not contained in the EBAHR, the applicant shall cause a certified copy of his or her exam scores demonstrating passage of steps 1 and 2 of a board-approved medical licensing exam to be submitted to the board;

5. If the applicant has participated in any post-graduate training program, a post-graduate reference letter signed by the current director of that program submitted directly to the board and on the form provided by the board, if applicable; and

6. Proof of hospital affiliation from each hospital where the applicant has held admitting privileges in the last ten (10) years on a form approved by the board or by causing the hospital to send a letter to the board containing the dates the applicant had admitting privileges at that hospital and whether there was ever any adverse action taken against those privileges, including, but not limited to, revocation, suspension, or limitation of privileges or if the applicant ever resigned privileges while under investigation;

(F) If the applicant's name is not the same as that which appears on the above mentioned records, evidence of the name change, which may include a copy of a marriage certificate, divorce decree, adoption order, other court order or naturalization certificate;

(G) In addition to the other requirements of this rule, graduates from any medical or osteopathic school outside the United States shall submit the following:

1. Proof of licensure in the country the applicant attended medical school, if applicable; and

2. A certificate from the Educational Commission on Foreign Medical Graduates (ECFMG); and

(H) Verification of any licensure, registration, or certification in this state, any other state, territory, or country in which the applicant has ever held a professional license. Verification must be received directly from the licensing agency and must include the type of license, registration or certification, the issue and expiration dates, and information concerning any disciplinary or investigative actions. If a licensing agency refuses or fails to provide verification, the board may consider other evidence of licensure.

(3) If any of the documents required by this rule are in a language other than English, the applicant shall provide an official translation, as defined in 20 CSR 2150-2.001, along with a copy of the original document.

(4) The applicant shall submit statement(s) and supporting documentation to supplement their application, including, but not limited to:

(A) If any professional license held by the applicant has ever been disciplined, the applicant shall submit documentation of the disciplinary action such as a settlement agreement, order, judgment or consent order, and a statement from him or her describing the circumstances of the discipline;

(B) If any civil suit for medical malpractice, medical negligence, wrongful death, or any similar action has ever been filed against the applicant, he or she shall submit a copy of the initiating document (petition or complaint) and documentation of the outcome of the case (judgment or dismissal) or if the case was settled, a letter stating that the case was settled and a statement from the applicant explaining the circumstances of the case;

(C) If the applicant has ever been arrested for a crime (including any municipal ordinance violations), he or she shall submit any documentation regarding that arrest, including a summons or police report and a statement from the applicant explaining the circumstances;

(D) If the applicant has ever been charged with or convicted of a crime, including any municipal ordinance violations, he or she shall submit a copy of the charging document (information, complaint, indictment, or petition) and a copy of the dismissal or judgment and sentence and a statement from the applicant explaining the circumstances;

(E) If the applicant has been diagnosed with or undergone treatment for substance abuse, dependence, or for any physical or mental disorder which impaired his or her ability to practice medicine, he or she shall submit a description of the circumstances leading to the diagnosis or treatment and a letter from a treatment provider stating that he or she is currently fit to practice medicine;

(F) If the applicant has ever had any adverse action taken against his or her privileges at any hospital, including, but not limited to, revocation, suspension, or limitation of privileges or if the applicant ever resigned privileges while under investigation, he or she shall submit a description of the circumstances and any available documentation, including, but not limited to, a letter from the hospital indicating the final action taken; and

(G) Any other documentation specifically requested by the board.

(5) All applicants shall take and pass a twenty (20) question jurisprudence test regarding the rules and statutes governing assistant physicians in Missouri. Seventy-five percent (75%) shall be considered a passing score. If an applicant fails the test, he or she may retake the test. The test may be administered through an on-line service or via a traditional paper exam. It is cause to discipline pursuant to section 334.100.2(6), RSMo, for the assistant physician to fail to complete the exam.

(6) Any application for an assistant physician license may be denied by the board for one (1) of the following causes singularly or in combination:

(A) Failure to meet any requirement of Chapter 334, RSMo, or 20 CSR 2150-2.200 through 20 CSR 2150-2.270;

(B) Failure to demonstrate good moral character; or

(C) Any cause listed in section 334.100, RSMo.

(7) If the board denies an assistant physician application for licensure, the applicant may appeal to the Administrative Hearing Commission as set forth in section 334.100, RSMo, and Chapters 536 and 621, RSMo.

(8) The applicant may withdraw the application prior to the board's final decision.

(9) All fees submitted to the board are non-refundable and will be retained by the board.

(10) The board may require the applicant for licensure to make a personal appearance before a final decision regarding licensure is rendered.

(11) Any person practicing as an assistant physician without a current license shall be subject to discipline under section 334.100, RSMo, or subject to the injunction procedures of section 334.230, RSMo.

AUTHORITY: sections 334.036 and 334.125, RSMo Supp. 2014. Original rule filed June 29, 2016.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately twenty thousand seven hundred twenty-one dollars and eighty-two cents (\$20,721.82) to twenty-six thousand two hundred eighty-nine dollars and eighty-three cents (\$26,289.83) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately thirty thousand one hundred forty-three dollars and fifty-two cents (\$30,143.52) to forty-two thousand six hundred six dollars and fifty-two cents (\$42,606.52) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Registration for the Healing Arts, PO Box 4, 3605 Missouri

*Boulevard, Jefferson City, MO 65102, by facsimile at (573) 751-3166, or via email at healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.*

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2150 - State Board of Registration for the Healing Arts
Chapter 2 - Licensing of Physicians and Surgeons
Proposed Rule - ~~20 CSR 2150-2.200~~ Assistant Physician - Application for Licensure

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Costs
State Board of Registration for the Healing Arts	\$20,721.82
	to \$26,289.83
	Estimated Annual Cost of Compliance for the Life of the Rule with a Projected Annual Increase of 3%
	\$20,721.82 to \$26,289.83

III. WORKSHEET

The Processing Technicians provide technical support, process applications for licensure, and respond to inquiries related to the licensure law and/or rules and regulations. The administrative support coordinator reviews each application for licensure and provides guidance to the Processing Technicians. The principle assistant reviews applications in question and serves as a resource for applicants and licensees. Legal counsel provides legal assistance to the board and staff; as well as, provides litigation services on behalf of the Board.

Personal Service

STAFF	ANNUAL SALARY RANGE	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION (IN MINUTES)	COST PER APPLICATION	NUMBER OF ITEMS	TOTAL COST
Principle Assistant	\$58,815	\$90,328	\$43.43	\$0.72	5 - 15	\$3.60	121	\$435.60
	to \$61,148	to \$93,911	to \$45.15	to \$0.75		to \$11.25		to \$1,361.25
Administrative Support Coordinator	\$37,548	\$57,666	\$27.72	\$0.46	5 - 15	\$2.30	121	\$278.30
	to \$39,624	to \$60,855	to \$29.26	to \$0.49		to \$7.35		to \$889.35
Processing Technician I	\$23,160	\$35,569	\$17.10	\$0.29	120	\$34.80	121	\$4,210.80
Processing Technician II	to	to	to	to		to		to
Processing Technician III	\$29,496	\$45,300	\$21.78	\$0.36		to \$43.20		to \$5,227.20
Legal Counsel (responding to questions)	\$54,075	\$83,048	\$39.93	\$0.67	5 - 15	\$3.35	121	\$405.35
	to \$58,299	to \$89,536	to \$43.05	to \$0.72		to \$10.76		to \$1,302.26
Legal Counsel (denial of licensure)	\$54,075	\$83,048	\$39.93	\$0.67	15 - 30	\$10.05	80	\$804.00
	to \$58,299	to \$89,536	to \$43.05	to \$0.72		to \$21.60		to \$1,728.00
Legal Counsel (litigating appeals)	\$54,075	\$83,048	\$39.93	\$0.67	330 - 390	\$221.10	20	\$4,422.00
	to \$58,299	to \$89,536	to \$43.05	to \$0.72		to \$280.80		to \$5,616.00
Personal Service Costs								\$10,556.05 to \$16,124.06

Expense and Equipment

Item	Cost	Quantity	Total Cost Per Item
Correspondence Mailing	\$0.65	121	\$78.65
License Printing and Postage	\$0.72	121	\$87.12
Expense and Equipment Costs			\$165.77

General Revenue Transfer Costs

Administrative Hearing Commission	\$500.00	20	\$10,000.00
General Revenue Transfer Costs			\$10,000.00

IV. ASSUMPTIONS

1. Employees' salaries were calculated using the annual salary multiplied by 53.58% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications.
2. The board anticipates a 3% increase in the number of applicants affected by this rule annually.
3. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

Note: The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual costs incurred by the office, which includes personal service, expense and equipment, and transfers.

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2150 - State Board of Registration for the Healing Arts
Chapter 2 - Licensing of Physicians and Surgeons
Proposed Rule - 20 CSR 2150-2.200 - Assistant Physician - Application for Licensure

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
121	Applicants for Licensure (Postage @ \$1.12)	\$135.52
121	Applicants for Licensure (Notary @ \$2)	\$242.00
121	Applicants for Licensure (Transcript @ \$10)	\$1,210.00
121	Applicants for Licensure (Verification @ \$10)	\$3,025.00
121	Applicants for Licensure (Copies of Supporting Documents for 10 to 40 pages @ \$.10)	\$121.00 to \$484.00
121	Applicants for Licensure (FSMB Score Transcript @ \$70)	\$8,470.00
121	Applicants for Licensure (National Practitioner's Databank Self Query @ \$5)	\$605.00
121	Applicants for Licensure (ECFMG Certification @ \$35)	\$4,235.00
121	Applicants for Licensure (Translation of Documents @ \$100 to \$200)	\$12,100.00 to \$24,200.00
	Estimated Annual Cost of Compliance for the Life of the Rule with a Projected Annual Increase of 3%	\$30,143.52 to \$42,606.52

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The projected number of assistant physician licenses is based on the estimates reported in the legislative fiscal note filed for Senate Bills 716 and 754 (2014). The board anticipates a 3% increase in the number of applicants annually.
2. Most states have eliminated the verification fee, however, the \$10 amount is an average verification fee charged by the remaining states.
3. It is anticipated that many of the applicant will be graduates of foreign medical programs. Transcripts fees were estimated at \$10 per applicant for the purposes of this fiscal note. however, the fees to obtain transcripts may vary.
4. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2150—State Board of Registration for the
Healing Arts**

Chapter 2—Licensing of Physicians and Surgeons

PROPOSED RULE

20 CSR 2150-2.210 Assistant Physician License Renewal

PURPOSE: This rule provides information to assistant physicians in Missouri regarding renewal of licensure.

(1) Renewal of an Unexpired License.

(A) The board shall mail an application for renewal to each person licensed in this state as an assistant physician at the last known address. The failure to mail the application or failure to receive it does not relieve any licensee of the duty to renew and to pay the fee required nor provide exemption from the penalties provided for failure to renew.

(B) An applicant for a license renewal shall submit a completed application form approved by the board. The application form shall include at least the following:

1. Name of the applicant;
2. Current address, telephone number, and email address;
3. If this is the applicant's first renewal, and if not provided at the time of original licensure, the applicant shall provide his or her Social Security number;
4. Answers to questions regarding the applicant's moral character, professional background, and fitness to practice;
5. The name of the assistant physician's collaborating physician;
6. Attestation that the licensee has obtained continuing education in accordance with 20 CSR 2150-2.230;
7. Attestation that the licensee has been engaged in practice under collaborative practice arrangement in accordance with section 334.036.6, RSMo, during the last year; and
8. A signed and notarized statement attesting that the application is true, that the applicant has a duty to supplement the information if it changes before a renewal is granted, and that the applicant understands that he or she cannot practice after the date of expiration unless and until the license is renewed.

(C) A license shall be renewed on or before the expiration of a license by submitting—

1. Completed renewal application;
2. The fee as established in 20 CSR 2150-2.080; and
3. Evidence of name and address change if applicable. If it is a name change, evidence may include a copy of marriage certificate, divorce decree, adoption order, other court order, or naturalization certificate. Address change includes home and all business addresses.

(D) Renewal application forms postmarked February 1 or after will be considered delinquent, however, should January 31 fall on a Saturday, Sunday, or legal holiday, renewal forms postmarked on the next business day will not be considered delinquent.

(2) Renewal of a License Expired for Less Than Six (6) Months.

(A) If the licensee fails to renew their license by January 31 of each year, the license shall be considered expired.

(B) A licensee may renew a license which has been expired for less than six (6) months by submitting a late renewal application form approved by the board. The late renewal application form shall include at least the following:

1. Name of the applicant;
2. Current address, telephone number, and email address;
3. If this is the applicant's first renewal, and if not provided at the time of original licensure, the applicant shall provide their Social Security number;
4. Answers to questions regarding the applicant's moral charac-

ter, professional background, and fitness to practice;

5. The name of the assistant physician's collaborating physician;

6. Attestation that the licensee has obtained continuing education in accordance with 20 CSR 2150-2.230; and

7. A signed and notarized statement attesting that the application is true, that the applicant has a duty to supplement the information if it changes before a renewal is granted, and that the applicant understands that he or she cannot practice unless and until a renewal is granted.

(C) A license which has been expired for less than six (6) months may be renewed by submitting—

1. Completed late renewal application;
2. The renewal fee and late renewal fee as established in 20 CSR 2150-2.080;
3. Satisfactory evidence of compliance with the continuing professional education requirements as required by the board pursuant to 20 CSR 2150-2.230;
4. A statement of activities from the license expiration date to the present; and
5. Evidence of name and address change if applicable. If it is a name change, evidence may include a copy of marriage certificate, divorce decree, adoption order, other court order, or naturalization certificate. Address change includes home and all business addresses.

(3) Renewal of an Expired License for More than Six (6) Months.

(A) A license that has been expired for more than six (6) months shall not be renewed. Individuals who have an expired license who wish to obtain a new license will be required to meet the licensure requirements as provided in section 334.036, RSMo, 20 CSR 2150-2.200, and any other applicable statute or rule.

(4) Any application for a renewal or late renewal of an assistant physician license may be denied by the board for one (1) of the following causes singularly or in combination:

- (A) Failure to meet any requirement of Chapter 334, RSMo, or 20 CSR 2150-2.200 through 20 CSR 2150-2.270;
- (B) Failure to demonstrate good moral character; or
- (C) Any cause listed in section 334.100, RSMo.

(5) If the board denies an assistant physician application for renewal or late renewal, the applicant may appeal to the Administrative Hearing Commission as set forth in section 334.100, RSMo, and Chapters 536 and 621, RSMo.

(6) The licensee may withdraw the renewal application prior to the board's determination.

(7) All fees submitted to the board are non-refundable and will be retained by the board.

(8) Any person practicing as an assistant physician without a current license shall be subject to discipline under section 334.100, RSMo, or subject to the injunction procedures of section 334.230, RSMo.

AUTHORITY: sections 334.036 and 334.125, RSMo Supp. 2014. Original rule filed June 29, 2016.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately four thousand one hundred seventy-one dollars and twenty-five cents (\$4,171.25) to five thousand four hundred twenty-one dollars and twenty-five cents (\$5,421.25) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately one hundred thirty-six dollars and twenty-five cents

(\$136.25) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Registration for the Healing Arts, PO Box 4, 3605 Missouri Boulevard, Jefferson City, MO 65102, by facsimile at (573) 751-3166, or via email at healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 -Department of Insurance, Financial Institutions and Professional Registration
Division 2150 - State Board of Registration for the Healing Arts
Chapter 2 - Licensing of Physicians and Surgeons
Proposed Rule - 20 CSR 2150-2.210 License Renewal

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Costs
State Board of Registration for the Healing Arts	\$4,171.25 to \$5,421.25
	Estimated Annual Cost of Compliance for the Life of the Rule with a Projected Annual Increase of 3% \$4,171.25 to \$5,421.25

III. WORKSHEET

The processing technicians provide technical support and respond to inquiries related to the licensure law and/or rules and regulations. The administrative support coordinator reviews assists licensees and provides guidance to the processing technicians. The principle assistant reviews applications in question and serves as a resource for applicants and licensees. Legal counsel provides legal assistance to the board and staff.

Personal Service

STAFF	ANNUAL SALARY RANGE	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION (IN MINUTES)	COST PER APPLICATION	NUMBER OF ITEMS	TOTAL COST
Processing Technician I	\$23,160	\$35,569	\$17.10	\$0.29	15	\$4.35	125	\$543.75
Processing Technician II	to	to	to	to		to		to
Processing Technician III	\$29,496	\$45,300	\$21.78	\$0.36		\$5.40		\$675.00
Administrative Support Coordinator	\$37,548	\$57,666	\$27.72	\$0.46	45	\$20.70	125	\$2,587.50
	to	to	to	to		to		to
	\$39,624	\$60,855	\$29.26	\$0.49		\$22.05		\$2,756.25
Principle Assistant	\$58,815	\$90,328	\$43.43	\$0.72	5	\$3.60	125	\$450.00
	to	to	to	to		to		to
	\$61,148	\$93,911	\$45.15	\$0.75		\$3.75		\$468.75
Legal Counsel (questions)	\$54,075	\$83,048	\$39.93	\$0.67	5 to 15	\$3.35	125	\$418.75
	to	to	to	to		to		to
	\$58,299	\$89,536	\$43.05	\$0.72		\$10.80		\$1,350.00
Personal Service Costs								\$4,000.00
								\$5,250.00

Expense and Equipment

Item	Cost	Quantity	Total Cost Per Item
Correspondence Mailing	\$0.65	125	\$81.25
License Printing and Postage	\$0.72	125	\$90.00
Expense and Equipment Costs			\$171.25

IV. ASSUMPTIONS

1. Employees' salaries were calculated using the annual salary multiplied by 53.58% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per renewal application multiplied by the estimated number of renewal applications.
2. It is anticipated that the total cost will recur annually for the life of the rule. The board estimates a 3% annual growth rate in the number of applicants. These costs may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

Note: The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual costs incurred by the office, which includes personal service, expense and equipment, and transfers.

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2150 - State Board of Registration for the Healing Arts
Chapter 2 - Licensing of Physicians and Surgeons
Proposed Rule - 20 CSR 2150-2.210 License Renewal

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
100	Application for Renewal (Postage @ \$0.49)	\$49.00
25	Application for Late Renewal (Postage @ \$0.49)	\$12.25
25	Application for Late Renewal (Notary @ \$2)	\$50.00
25	Application for Late Renewal (Supporting Documents 10 @ \$.10)	\$25.00
	Estimated Annual Cost of Compliance for the Life of the Rule with a Projected Annual Increase of 3%	\$136.25

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The board anticipates that approximately 125 assistant physicians will renew annually. The board anticipates a 3% increase in the number of renewal applicants annually.
2. Costs associated with mailing may be reduced if applicants renew their license via the online portal offered by the Division.
3. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2150—State Board of Registration for the
Healing Arts
Chapter 2—Licensing of Physicians and Surgeons**

PROPOSED RULE

20 CSR 2150-2.220 Assistant Physician Inactive Status

PURPOSE: This rule provides the requirements assistant physicians must follow to request inactive status.

(1) Any assistant physician may request that his or her license be put on inactive status by filling out an Inactive Status form provided by the board. The application form shall include at least the following:

- (A) Name of the applicant;
 - (B) Current address, telephone number, and email address;
 - (C) If not provided at the time of original licensure, the applicant shall provide his or her Social Security number;
 - (D) The name of the assistant physician's collaborating physician;
- and
- (E) A statement that the assistant physician acknowledges that he or she can no longer practice.

(2) To reactivate any license that has been placed on inactive status for less than six (6) months, the licensee must follow the provisions of 20 CSR 2150-2.210(2).

(3) If an assistant physician license is on inactive status for six (6) months or more, it shall be expired and may not be reinstated or renewed.

AUTHORITY: section 324.039, RSMo Supp. 2013, sections 334.036 and 334.125, RSMo. Supp. 2014, and section 334.045, RSMo 2000. Original rule filed June 29, 2016.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately sixty-eight dollars and fifty cents (\$68.50) to eighty dollars (\$80) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately five dollars and forty-seven cents (\$5.47) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Registration for the Healing Arts, PO Box 4, 3605 Missouri Boulevard, Jefferson City, MO 65102, by facsimile at (573) 751-3166, or via email at healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 -Department of Insurance, Financial Institutions and Professional Registration
Division 2150 - State Board of Registration for the Healing Arts
Chapter 2 - Licensing of Physicians and Surgeons
Proposed Rule - 20 CSR 2150-2.220 Inactive Status

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Costs
State Board of Registration for the Healing Arts	\$68.50
	to
	\$80.00
	Estimated Annual Cost of Compliance
	for the Life of the Rule with a
	Projected Annual Increase of
	\$68.50
	to
	\$80.00

III. WORKSHEET

The Processing Technicians provide technical support, process requests for inactive licenses and respond to inquiries related to the licensure law and/or rules and regulations. The Executive I provides support services to the board and principle assistant.

Personal Service

STAFF	ANNUAL SALARY RANGE	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION (IN MINUTES)	COST PER APPL	NUMBER OF ITEMS	TOTAL COST
Executive I	\$29,976 to \$31,512	\$46,037 to \$48,396	\$22.13 to \$23.27	\$0.37 to \$0.39	5	\$1.85 to \$1.95	10	\$18.50 to \$19.50
Processing Technician I	\$23,160 to \$29,496	\$35,569 to \$45,300	\$17.10 to \$21.78	\$0.29 to \$0.36	15	\$4.35 to \$5.40	10	\$43.50 to \$54.00
Personal Service Costs								\$62.00 to \$73.50

Expense and Equipment

Item	Cost	Quantity	Total Cost Per Item
Correspondence Mailing	\$0.65	10	\$6.50
Expense and Equipment Costs			\$6.50

IV. ASSUMPTIONS

1. Employees' salaries were calculated using the annual salary multiplied by 53.58% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of the applications for inactive status. The total cost was based on the cost per application multiplied by the estimated number of applications for inactive status.
2. It is anticipated that the total cost will recur annually for the life of the rule. The board estimates a 3% annual growth rate in the number of applicants. These costs may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

Note: The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual costs incurred by the office, which includes personal service, expense and equipment, and transfers.

PRIVATE FISCAL NOTE

I. RULE NUMBER

**Title 20 -Department of Insurance, Financial Institutions and Professional Registration
Division 2150 - State Board of Registration for the Healing Arts
Chapter 2 - Licensing of Physicians and Surgeons
Proposed Rule - 20 CSR 2150-2.220 Inactive Status**

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
2	Applicants for Inactive License (Postage @ \$0.49)	\$0.98
2	Applicants for Inactive License (Notary @ \$2.00)	\$4.00
1	Applicants for Reactivation of License (Postage @ \$0.49)	\$0.49
Estimated Annual Cost of Compliance During the Fifth Year of Implementation of the Rule		\$5.47

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The board anticipates that approximately two (2) assistant physicians will apply for inactive status beginning five (5) years after implementation of the rule. The board estimates that one (1) assistant physician will apply for reactivation annually thereafter.
2. Beginning five (5) years after implementation of the rule, it is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2150—State Board of Registration for the
Healing Arts
Chapter 2—Licensing of Physicians and Surgeons**

PROPOSED RULE

20 CSR 2150-2.230 Assistant Physician—Continuing Education

PURPOSE: This rule details the minimum requirements for continuing education.

(1) Each assistant physician shall complete and attest that he or she has completed at least one hundred (100) hours of continuing medical education every two (2) years. The reporting period shall end December 31 of the odd numbered year.

(2) In order to count toward the required one hundred (100) hours, the continuing education shall be accredited by the American Medical Association (AMA) as Category 1; or by the American Academy of Family Physicians (AAFP) or the American Osteopathic Association (AOA) as Category 1-A or 2-A; or offered by a residency program or hospital-approved by Accreditation Counsel on Graduate Medical Education (ACGME) of the American Medical Association or the Education Committee of the American Osteopathic Association (AOA).

(3) All courses completed may only count toward fulfilling the requirement for one (1) reporting period.

(4) Each licensee shall retain records documenting their attendance at and completion of the required continuing medical education for a minimum of three (3) years after the reporting period in which the continuing medical education was completed. The records shall document the—

- (A) Titles of the courses taken;
- (B) Dates;
- (C) Locations;
- (D) Course sponsors;
- (E) Category of hours earned; and
- (F) Number of hours earned.

(5) The board may conduct an audit of licensees to verify compliance with the continuing medical education requirement.

AUTHORITY: sections 334.036 and 334.125, RSMo Supp. 2014. Original rule filed June 29, 2016.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately four hundred seventy-four dollars and twenty-five cents (\$474.25) to five hundred eight dollars and seventy-five cents (\$508.75) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately three hundred two thousand five hundred thirty dollars and sixty cents (\$302,530.60) to three hundred two thousand five hundred fifty-five dollars and sixty-cents (\$302,555.60) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the State Board

of Registration for the Healing Arts, PO Box 4, 3605 Missouri Boulevard, Jefferson City, MO 65102, by facsimile at (573) 751-3166, or via email at healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2150 - State Board of Registration for the Healing Arts
Chapter 2 - Licensing of Physicians and Surgeons
Proposed Rule - 20 CSR 2150-2.280 Assistant Physicians - Continuing Education

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Costs	
State Board of Registration for the Healing Arts		\$474.25
		to \$508.75
	Total Biennial Cost of Compliance for the Life of the Rule with a Projected Biennial Increase of 3%	\$474.25 to \$508.75

III. WORKSHEET

The processing technicians provide technical support, process submission of CMEs, review request for extensions and respond to inquiries related to the licensure law and/or rules and regulations. The administrative coordinator prepare forms for the CME audit and reviews/approves all requests for extensions. The information support coordinator initiates the data pull for selection of licensee to be audits, prepares the data base and notifications sent to the licensee.

Personal Service

STAFF	ANNUAL SALARY RANGE	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION (IN MINUTES)	COST PER APPL.	NUMBER OF ITEMS	TOTAL COST
Administrative Coordinator	\$37,548	\$57,666	\$27.72	\$0.46	30	\$13.80	5	\$69.00
	to \$39,624	to \$60,855	to \$29.26	to \$0.49		to \$14.70		to \$73.50
Information Support Coordinator	\$28,104	\$43,162	\$20.75	\$0.35	180	\$63.00	5	\$315.00
	to \$29,496	to \$45,300	to \$21.78	to \$0.36		to \$64.80		to \$324.00
Processing Technician I	\$23,160	\$35,569	\$17.10	\$0.29	60	\$17.40	5	\$87.00
Processing Technician II	to \$23,160	to \$35,569	to \$17.10	to \$0.29		to \$17.40		to \$87.00
Processing Technician III	\$29,496	\$45,300	\$21.78	\$0.36		\$21.60		\$108.00
Personal Service Costs								\$471.00 to \$505.50

Expense and Equipment

Item	Cost	Quantity	Total Cost Per Item
Correspondence Mailing	\$0.65	5	\$3.25
Expense and Equipment Costs			\$3.25

IV. ASSUMPTIONS

1. Employees' salaries were calculated using the annual salary multiplied by 53.58% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on reviewing continuing education documents. The total cost was based on the cost per CME audit multiplied by the estimated number of licensees being audited.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

Note: The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual costs incurred by the office, which includes personal service, expense and equipment, and transfers.

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 -Department of Insurance, Financial Institutions and Professional Registration

Division 2150 - State Board of Registration for the Healing Arts

Chapter 2 - Licensing of Physicians and Surgeons

Proposed Rule - 20 CSR 2150-2.230 Assistant Physicians - Continuing Education

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
121	Assistant Physician (Continuing Education 100 hours/every 2 years @ an average of \$25 per hour)	\$302,500
5	CME Audit (Postage @ \$1.12)	\$5.60
5	CME Audit (Supporting Documents 50 to 100 pages @ \$.10)	\$25.00 to \$50.00
	Estimated Annual Cost of Compliance for the Life of the Rule with a Projected Annual Increase of 3%	\$302,530.60 to \$302,555.60

III. WORKSHEET

See table above.

IV. ASSUMPTION

- Licensed assistant physicians are required to meet the continuing education requirement as a requirement for state licensure. The board estimates each unit will cost licensees approximately \$25 per unit. However, licensees may have the opportunity to attend some seminars, conferences or workshops at no cost. This fiscal note does not include estimates for travel, meal reimbursement, or lodging due to the variance in expenses, the geographic location of licensees and the potential availability of online courses.
- The board anticipates that approximately 5 assistant physicians will be audited biennially to determine if they have met the requirements of continuing medical education.
- It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2150—State Board of Registration for the
Healing Arts**

Chapter 2—Licensing of Physicians and Surgeons

PROPOSED RULE

**20 CSR 2150-2.240 Assistant Physician Collaborative Practice
Agreements**

PURPOSE: In accordance with section 334.036, RSMo, this rule defines collaborative practice arrangement terms.

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) Geographic areas.

(A) The collaborating physician in a collaborative practice arrangement with an assistant physician shall not be so geographically distanced from the collaborating assistant physician as to create an impediment to effective collaboration in the delivery of health care services or the adequate review of those services.

(B) The following shall apply in the use of a collaborative practice arrangement by an assistant physician who provides health care services that include the diagnosis and initiation of treatment for acutely or chronically ill or injured persons:

1. If the collaborating physician and assistant physician are utilizing telehealth in providing services in a medically underserved area no mileage limitation shall apply; or

2. If the assistant physician is not utilizing telehealth in providing services the collaborating physician, or other physician designated in the collaborative practice arrangement, shall be no further than fifty (50) miles by road, using the most direct route available, from the collaborating assistant physician.

(C) An assistant physician who desires to enter into a collaborative practice arrangement at a location where the collaborating physician is not continuously present shall practice together at the same location with the collaborating physician continuously present for a period of at least one (1) month before the collaborating assistant physician practices at a location where the collaborating physician is not present. During this one (1) month period, the collaborating physician must review one hundred percent (100%) of the assistant physicians' patient's records. It is the responsibility of the collaborating physician to determine and document the completion of the same location practice and records review as described above.

(D) For purposes of this rule, the following shall apply:

1. The term "continuously present" shall mean the supervising physician is physically present and seeing each and every patient with the assistant physician when said assistant physician is seeing and/or treating a patient;

2. The term "one (1) month period" shall mean a minimum of one hundred twenty (120) hours of clinic time, where the supervising physician and assistant physician are seeing and treating patients.

(E) A collaborating physician shall not enter into a collaborative practice arrangement with more than three (3) full-time equivalent assistant physicians. This limitation shall not apply to collaborative arrangements of hospital employees providing inpatient care service in hospitals as defined in Chapter 197, RSMo, or population-based public health services.

(2) Methods of treatment.

(A) The methods of treatment and the authority to administer, dispense, or prescribe drugs delegated in a collaborative practice arrangement between a collaborating physician and collaborating assistant physician shall be within the scope of practice of each professional and shall be consistent with each professional's skill, training, education, competence, licensure, and/or certification and shall not be further delegated to any person except that the individuals identified in sections 338.095 and 338.198, RSMo, may communicate prescription drug orders to a pharmacist.

(B) The collaborating physician shall consider the level of skill, education, training, and competence of the collaborating assistant physician and ensure that the delegated responsibilities contained in the collaborative practice arrangement are consistent with that level of skill, education, training, and competence.

(C) Guidelines for consultation and referral to the collaborating physician or designated health care facility for services or emergency care that is beyond the education, training, competence, or scope of practice of the assistant physician shall be established in the collaborative practice arrangement.

(D) The methods of treatment, including any authority to administer, dispense, or prescribe drugs, delegated in a collaborative practice arrangement between a collaborating physician and a collaborating assistant physician, shall be delivered only pursuant to a written agreement, jointly agreed-upon protocols, or standing orders that are specific to the clinical conditions treated by the collaborating physician and assistant physician.

(E) Methods of treatment delegated and authority to administer, dispense, or prescribe drugs shall be subject to the following:

1. The physician retains the responsibility for ensuring the appropriate administering, dispensing, prescribing, and control of drugs utilized pursuant to a collaborative practice arrangement in accordance with all state and federal statutes, rules, or regulations;

2. All labeling requirements outlined in section 338.059, RSMo, shall be followed;

3. Consumer product safety laws and Class B container standards shall be followed when packaging drugs for distribution;

4. All drugs shall be stored according to the *United States Pharmacopeia* (USP), (2010), published by the United States Pharmacopeial Convention, 12601 Twinbrook Parkway, Rockville, Maryland 20852-1790, 800-227-8772; <http://www.usp.org/> recommended conditions, which is incorporated by reference. This does not include any later amendments or additions;

5. Outdated drugs shall be separated from the active inventory;

6. Retrieval dispensing logs shall be maintained for all prescription drugs dispensed and shall include all information required by state and federal statutes, rules, or regulations;

7. All prescriptions shall conform to all applicable state and federal statutes, rules, or regulations and shall include the name, address, and telephone number of the collaborating physician and collaborating assistant physician;

8. In addition to administering and dispensing controlled substances, an assistant physician, who meets the requirements of 20 CSR 2150-2.260, may be delegated the authority to prescribe controlled substances listed in Schedules II (hydrocodone), III, IV, and V of section 195.017, RSMo, in a written collaborative practice arrangement, except that, the collaborative practice arrangement shall not delegate the authority to administer any controlled substances listed in Schedules II (hydrocodone), III, IV, and V of section 195.017, RSMo, for the purpose of inducing sedation or general anesthesia for therapeutic, diagnostic, or surgical procedures. Schedule III narcotic controlled substance prescriptions shall be limited to a one hundred twenty- (120-) hour supply without refill;

9. An assistant physician may not prescribe controlled substances for his or her own self or family. Family is defined as spouse, parents, grandparents, great-grandparents, children, grandchildren, great-grandchildren, brothers and sisters, aunts and uncles, nephews and nieces, mother-in-law, father-in-law, brothers-in-law, sisters-in-law,

daughters-in-law, and sons-in-law. Adopted and step family members are also included in family;

10. An assistant physician in a collaborative practice arrangement may only dispense starter doses of medication to cover a period of time for seventy-two (72) hours or less with the exception of Title X family planning providers or publicly funded clinics in community health settings that dispense medications free of charge. The dispensing of drug samples, as defined in 21 U.S.C. section 353(c)(1), is permitted as appropriate to complete drug therapy;

11. The collaborative practice arrangement shall clearly identify the controlled substances the collaborating physician authorizes the assistant physician to prescribe and document that it is consistent with each professional's education, knowledge, skill, and competence; and

12. The medications to be administered, dispensed, or prescribed by a collaborating assistant physician in a collaborative practice arrangement shall be consistent with the education, training, competence, and scopes of practice of the collaborating physician and collaborating assistant physician.

(F) When a collaborative practice arrangement is utilized to provide health care services for conditions other than acute self-limited or well-defined problems, the collaborating physician, or other physician designated in the collaborative practice arrangement, shall examine and evaluate the patient and approve or formulate the plan of treatment for new or significantly changed conditions as soon as is practical, but in no case more than two (2) weeks after the patient has been seen by the collaborating assistant physician. If the assistant physician is utilizing telehealth in providing services, the collaborating physician, or other physician designated in the collaborative practice arrangement may conduct the examination and evaluation required by this section via live, interactive video or in person. Telehealth providers shall obtain the patient's or the patient's guardian's consent before telehealth services are initiated and shall document the patient's or the patient's guardian's consent in the patient's file or chart. All telehealth activities must comply with the requirements of the Health Insurance Portability and Accountability Act of 1996, as amended, and all other applicable state and federal laws and regulations.

(3) Review of Services.

(A) In order to assure true collaborative practice and to foster effective communication and review of services, the collaborating physician, or other physician designated in the collaborative practice arrangement, shall be immediately available for consultation to the assistant physician at all times, either personally or via telecommunications.

(B) The collaborative practice arrangement between a collaborating physician and an assistant physician shall be signed and dated by the collaborating physician and assistant physician before it is implemented, signifying that both are aware of its content and agree to follow the terms of the collaborative practice arrangement. The collaborative practice arrangement and any subsequent notice of termination of the collaborative practice arrangement shall be in writing and shall be maintained by the collaborating professionals for a minimum of eight (8) years after termination of the collaborative practice arrangement. The collaborative practice arrangement shall be reviewed at least annually and revised as needed by the collaborating physician and assistant physician. Documentation of the annual review shall be maintained as part of the collaborative practice arrangement.

(C) Within thirty (30) days of any change and with each physician's license renewal, the collaborating physician shall advise the Missouri State Board of Registration for the Healing Arts whether he or she is engaged in any collaborative practice agreement, including collaborative practice agreements delegating the authority to prescribe controlled substances and also report to the board the name of each licensed assistant physician with whom he or she has entered into such agreement. A change shall include, but not be limited to,

resignation or termination of the assistant physician; change in practice locations; and addition of new collaborating professionals.

(D) An assistant physician practicing pursuant to a collaborative practice arrangement shall maintain adequate and complete patient records in compliance with section 334.097, RSMo.

(E) The collaborating physician shall complete a review of a minimum of ten percent (10%) of the total health care services delivered by the assistant physician. If the assistant physician practice includes the prescribing of controlled substances, the physician shall review a minimum of twenty percent (20%) of the cases in which the assistant physician wrote a prescription for a controlled substance. If the controlled substance chart review meets the minimum total ten percent (10%) as described above, then the minimum review requirements have been met. The assistant physician's documentation shall be submitted for review to the collaborating physician at least every fourteen (14) days. This documentation submission may be accomplished in person or by other electronic means and reviewed by the collaborating physician. The collaborating physician must produce evidence of the chart review upon request of the Missouri State Board of Registration for the Healing Arts. This subsection shall not apply during the time the collaborating physician and assistant physician are practicing together as required in subsection (2)(C) above or 20 CSR 2150-2.240.

(F) If a collaborative practice arrangement is used in clinical situations where an assistant physician provides health care services that include the diagnosis and initiation of treatment for acutely or chronically ill or injured persons, then the collaborating physician shall be present for sufficient periods of time, at least once every two (2) weeks, except in extraordinary circumstances that shall be documented, to participate in such review and to provide necessary medical direction, medical services, consultations, and supervision of the health care staff. If the assistant physician is utilizing telehealth in providing services the collaborating physician may be present in person or the collaboration may occur via telehealth in order to meet the requirements of this section. Telehealth providers shall obtain patient's or the patient's guardian's consent before telehealth services are initiated and shall document the patient's or the patient's guardian's consent in the patient's file or chart. All telehealth activities must comply with the requirements of the Health Insurance Portability and Accountability Act of 1996, as amended and all other applicable state and federal laws and regulations.

(G) The collaborating physician and assistant physician shall determine an appropriate process of review and management of abnormal test results which shall be documented in the collaborative practice arrangement.

(4) Population-Based Public Health Services.

(A) In the case of the collaborating physician and assistant physician practicing in association with public health clinics that provide population-based health services, the geographic areas, methods of treatment, and review of services shall occur as set forth in the collaborative practice arrangement. If the services provided in such settings include diagnosis and initiation of treatment of disease or injury not related to population-based health services, then the provisions of sections (1), (2), and (3) above shall apply.

AUTHORITY: sections 334.036 and 334.125, RSMo Supp. 2014, and section 334.037, RSMo Supp. 2015. Original rule filed June 29, 2016.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately four thousand thirteen dollars and fifty-seven cents (\$4,013.57) to four thousand five hundred ninety-four dollars and thirty-seven cents (\$4,594.37) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Registration for the Healing Arts, PO Box 4, 3605 Missouri Boulevard, Jefferson City, MO 65102, by facsimile at (573) 751-3166, or via email at healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
 Division 2150 - State Board of Registration for the Healing Arts
 Chapter 2 - Licensing of Physicians and Surgeons
 Proposed Rule - 20 CSR 2150-2.240 Assistant Physicians - Collaborative Practice Agreements

II. SUMMARY OF FISCAL IMPACT

Annual Costs

Affected Agency or Political Subdivision	Estimated Costs
State Board of Registration for the Healing Arts	\$4,013.57 to \$4,594.37
	Estimated Annual Cost of Compliance for the Life of the Rule with a Projected Annual Increase of 3% \$4,013.57 to \$4,594.37

III. WORKSHEET

The processing technicians provide technical support, review the collaborative practice agreements for compliance, and respond to inquiries related to the licensure law and/or rules and regulations. The administrative coordinator will assist with the compliance review, provide guidance to the processing technicians, and submit recommendations to the principle assistant. Legal counsel will provide guidance and assistance to staff and the Board, as well as, litigation cases of non-compliance.

Personal Service

STAFF	ANNUAL SALARY RANGE	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION (IN MINUTES)	COST PER APPL	NUMBER OF ITEMS	TOTAL COST
Principle Assistant	\$58,815 to \$61,148	\$90,328 to \$93,911	\$43.43 to \$45.15	\$0.72 to \$0.75	20	\$14.40 to \$15.00	121	\$1,742.40 to \$1,815.00
Administrative Coordinator	\$37,548 to \$39,624	\$57,666 to \$60,855	\$27.72 to \$29.26	\$0.46 to \$0.49	20	\$9.20 to \$9.80	121	\$1,113.20 to \$1,185.80
Processing Technician I	\$23,160 to \$29,496	\$35,569 to \$45,300	\$17.10 to \$21.78	\$0.29 to \$0.36	60	\$17.40 to \$21.60	121	\$2,105.40 to \$2,613.60
Legal Counsel (questions)	\$54,075 to \$58,299	\$83,048 to \$89,536	\$39.93 to \$43.05	\$0.67 to \$0.72	5 to 390	\$3.35 to \$280.80	121	\$405.35 to \$33,976.80
Personal Service Costs								\$3,847.80 to \$4,428.60

Expense and Equipment

Item	Cost	Quantity	Total Cost Per Item
Correspondence Mailing	\$0.65	121	\$78.65
License Printing and Postage	\$0.72	121	\$87.12
Expense and Equipment Costs			\$165.77

IV. ASSUMPTIONS

1. Employees' salaries were calculated using the annual salary multiplied by 53.58% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the collaborative practice notification. The total cost was based on the cost per application multiplied by the estimated number of applications.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2150—State Board of Registration for the
Healing Arts
Chapter 2—Licensing of Physicians and Surgeons**

PROPOSED RULE

20 CSR 2150-2.250 Assistant Physician Supervision Change Requirements

PURPOSE: This rule provides the requirements and time frames licensees must follow in reporting a change in supervision.

(1) Licensed assistant physicians who enter a collaborative practice arrangement with a physician or who terminate a collaborative practice arrangement with a physician, for any reason, must submit written notification and the required form to the board within fifteen (15) days of such occurrence.

(2) If an assistant physician does not have a collaborative physician within six (6) months of his or her initial licensure, the license shall be void.

(3) If an assistant physician does not have a collaborative physician for any six (6) month period, the license shall be void.

AUTHORITY: sections 334.036 and 334.125, RSMo Supp. 2014. Original rule filed June 29, 2016.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately fifty dollars (\$50) to sixty dollars and fifty cents (\$60.50) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately four dollars and ninety cents (\$4.90) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Registration for the Healing Arts, PO Box 4, 3605 Missouri Boulevard, Jefferson City, MO 65102, by facsimile at (573) 751-3166, or via email at healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 -Department of Insurance, Financial Institutions and Professional Registration
Division 2150 - State Board of Registration for the Healing Arts
Chapter 2 - Licensing of Physicians and Surgeons
Proposed Rule - 20 CSR 2150-2.250 Supervision Change Requirements

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Costs
State Board of Registration for the Healing Arts	\$50.00 to \$60.50
	Estimated Annual Cost of Compliance for the Life of the Rule with a Projected Annual Increase of 3% \$50.00 to \$60.50

III. WORKSHEET

The Processing Technicians provide technical support, process request for supervision changes and respond to inquiries related to the licensure law and/or rules and regulations.

Personal Service

STAFF	ANNUAL SALARY RANGE	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION (IN MINUTES)	COST PER APPL	NUMBER OF ITEMS	TOTAL COST	
Processing Technician I	\$23,160	\$35,569	\$17.10	\$0.29	15	\$4.35	10	\$43.50	
Processing Technician II	to	to	to	to		to		to	to
Processing Technician III	\$29,496	\$45,300	\$21.78	\$0.36		\$5.40		\$54.00	
Personal Service Costs:								\$43.50 to \$54.00	

Expense and Equipment

Item	Cost	Quantity	Total Cost Per Item
Correspondence Mailing	\$0.65	10	\$6.50
Expense and Equipment Costs			\$6.50

IV. ASSUMPTIONS

1. Employees' salaries were calculated using the annual salary multiplied by 53.58% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of change of supervision notifications. The total cost was based on the cost per application multiplied by the estimated number of notifications.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

Note: The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual costs incurred by the office, which includes personal service, expense and equipment, and transfers.

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 -Department of Insurance, Financial Institutions and Professional Registration
Division 2150 - State Board of Registration for the Healing Arts
Chapter 2 - Licensing of Physicians and Surgeons
Proposed Rule - 20 CSR 2150-2.250 Supervision Change Requirements

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
10	Supervision Change Notice (Postage @ \$0.49)	\$4.90
	Estimated Annual Cost of Compliance for the Life of the Rule with a Projected Annual Increase of 3%	\$4.90

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The board anticipates that approximately 10 assistant physicians will submit notices of change of supervision annually.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2150—State Board of Registration for the
Healing Arts
Chapter 2—Licensing of Physicians and Surgeons**

PROPOSED RULE

20 CSR 2150-2.260 Assistant Physician Certificate of Prescriptive Authority

PURPOSE: This rule sets forth the process for assistant physicians to receive a certificate of controlled substance prescriptive authority.

(1) Licensees applying for a certificate of prescriptive authority shall submit—

(A) A completed application on a form provided by the board;

(B) Applicants shall submit the application fee as stated in 20 CSR 2150-2.080;

(C) A supervision verification form, signed by their collaborating physician, stating that the collaborating physician has delegated the authority to prescribe Schedule II (hydrocodone), III, IV, or V controlled substances to the assistant physician. The delegated authority to prescribe shall be consistent with each professional's education, knowledge, skill, and competence. Any limitations on the physician's or assistant physician's ability to prescribe shall be listed on the supervision verification form; and

(D) An affidavit completed by their collaborating physician documenting the completion of at least one hundred twenty (120) hours in a four- (4-) month period by the assistant physician during which the assistant physician practiced with the supervising physician continuously present.

AUTHORITY: sections 334.036 and 334.125, RSMo Supp. 2014, and section 334.037, RSMo Supp. 2015. Original rule filed June 29, 2016.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately six thousand forty-six dollars and thirty-seven cents (\$6,046.37) to seven thousand one hundred seventy-one dollars and sixty-seven cents (\$7,171.67) annually thereafter for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately three hundred one dollars and twenty-nine cents (\$301.29) annually thereafter for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Registration for the Healing Arts, PO Box 4, 3605 Missouri Boulevard, Jefferson City, MO 65102, by facsimile at (573) 751-3166, or via email at healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2150 - State Board of Registration for the Healing Arts
Chapter 2 - Licensing of Physicians and Surgeons
Proposed Rule - 20 CSR 2150-2.260 Assistant Physicians Certificate of Prescriptive Authority

II. SUMMARY OF FISCAL IMPACT

First Year of Implementation

Affected Agency or Political Subdivision	Estimated Costs
State Board of Registration for the Healing Arts	\$6,046.37 to
	\$7,171.67
	Estimated Annual Cost of Compliance for the Life of the Rule with a Projected Annual Increase of 3%
	\$6,046.37 to
	\$7,171.67

III. WORKSHEET

The processing technicians provides technical support, processes applications for prescriptive authority permits, and responds to inquiries related to the licensure law and/or rules and regulations. The administrative services coordinator reviews and approves each application and provides guidance to the processing technicians. The principle assistant reviews and approves complex applications and provides guidance to the staff. Legal counsel provides guidance to the staff and board.

Personal Service

STAFF	ANNUAL SALARY RANGE	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION (IN MINUTES)	COST PER APPL	NUMBER OF ITEMS	TOTAL COST
Principle Assistant	\$58,815 to	\$90,328 to	\$43.43 to	\$0.72 to	30	\$21.60 to	121	\$2,613.60 to
	\$61,148	\$93,911	\$45.15	\$0.75		\$22.50		\$2,722.50
Administrative Coordinator	\$37,548 to	\$57,666 to	\$27.72 to	\$0.46 to	30	\$13.80 to	121	\$1,669.80 to
	\$39,624	\$60,855	\$29.26	\$0.49		\$14.70		\$1,778.70
Processing Technician I	\$23,160 to	\$35,569 to	\$17.10 to	\$0.29 to	120	\$34.80 to	121	\$4,210.80 to
Processing Technician II	\$29,496	\$45,300	\$21.78	\$0.36		\$43.20		\$5,227.20
Processing Technician III	\$54,075 to	\$83,048 to	\$39.93 to	\$0.67 to		30		\$20.10 to
Legal Counsel	\$58,299	\$89,536	\$43.05	\$0.72	\$21.60		\$2,613.60	
								\$5,880.60 to
Personal Service Costs								\$7,005.90

Expense and Equipment

Item	Cost	Quantity	Total Cost Per Item
Correspondence Mailing	\$0.65	121	\$78.65
License Printing and Postage	\$0.72	121	\$87.12
Expense and Equipment Costs			\$165.77

IV. ASSUMPTIONS

- 1 Employees' salaries were calculated using the annual salary multiplied by 53.58% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of prescriptive authority certificates. The total cost was based on the cost per application multiplied by the estimated number of applications.
- 2 It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

Note: The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual costs incurred by the office, which includes personal service, expense and equipment, and transfers.

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 -Department of Insurance, Financial Institutions and Professional Registration
Division 2150 - State Board of Registration for the Healing Arts
Chapter 2 - Licensing of Physicians and Surgeons
Proposed Rule - 20 CSR 2150-2.260 Assistant Physician Certificate of Prescription Authority

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
121	Prescriptive Authority Application (Postage @ \$0.49)	\$59.29
121	Prescriptive Authority Application (Affidavit Notary @ \$2)	\$242.00
Estimated Annual Cost of Compliance for the Life of the Rule with a Projected Annual Increase of 3%		\$301.29

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The board anticipates that approximately 121 assistant physicians will apply for a certificate of prescriptive authority annually.
2. The board anticipates a 3% increase in the number of applicants annually.
3. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

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 of 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 which has been changed from that 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 which 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 1—Wildlife Code: Organization**

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 10-1.010 Organization and Methods of Operation
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2016 (41 MoReg 481). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Conservation Commission received three (3) comments on proposed changes to 3 CSR 10-1.010 Organization and Methods of Operation.

COMMENT: Gretchen Cervantex, TX, voiced general opposition to the regulation.

RESPONSE: The commission appreciates citizen input. No changes to the rule have been made as a result of these comments.

COMMENT: Michael Storm, Warsaw, and Robert Coovert, Warsaw, expressed opposition to the proposed amendment; however, specific

comments pertained to proposed regulation changes regarding feral hog eradication.

RESPONSE: The commission appreciates citizen input on a variety of topics and will address these comments along with others received for 3 CSR 10-11.110 General Provisions. No changes to the rule have been made as a result of these comments.

**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 10-7.410 Hunting Methods is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2016 (41 MoReg 488). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Conservation Commission received comments from six (6) individuals on proposed changes to 3 CSR 10-7.410 Hunting Methods.

COMMENT: Norman Murray, Ashland, voiced general support for the proposed changes.

RESPONSE: The commission appreciates Mr. Murray's support for the regulation change.

COMMENT: Dale DuPont, Ellington; Kyle Dorris, Clubb; Stanley Eden, Marionville; James Hammons, Niangua, and James Hikdebrand, Seymore, expressed opposition to the proposed amendment; however, specific comments pertained to proposed regulation changes regarding feral hog eradication.

RESPONSE: The commission appreciates citizen input on a variety of topics and will address these comments along with others received for 3 CSR 10-11.110 General Provisions. No changes to the rule have been made as a result of these comments.

**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 10-7.433 Deer: Firearms Hunting Season is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2016 (41 MoReg 488). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Conservation Commission received one (1) comment on proposed changes to 3 CSR 10-7.433 Deer: Firearms Hunting Season.

COMMENT: Norman Murray, Ashland, voiced general support for the proposed changes.

RESPONSE: The commission appreciates Mr. Murray's support for the regulation change.

**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 10-7.455 Turkeys: Seasons, Methods, Limits is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2016 (41 MoReg 488). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Conservation Commission received two (2) comments on proposed changes to 3 CSR 10-7.455 Turkeys: Seasons, Methods, Limits.

COMMENT: Kenneth Baker, Cameron, voiced general support for the proposed changes.

RESPONSE: The commission appreciates Mr. Baker's support for the regulation change.

COMMENT: Steve Gillaspay, Everton, indicated that he was undecided on these proposed changes and offered no specific comments.

RESPONSE: The commission appreciates citizen input. No changes to the rule have been made as a result of this information.

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

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-11.110 General Provisions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2016 (41 MoReg 489). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Conservation Commission received comments from three hundred ninety-eight (398) individuals on proposed changes to 3 CSR 10-11.110 General Provisions. A

spreadsheet detailing comments received is available upon written request to the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180.

COMMENTS: The commission received thirty-three (33) comments from individuals who expressed general support for the proposal to prohibit the taking of feral livestock on lands owned or leased by the Department of Conservation, citing the importance of removing these invasive animals from the landscape in order to protect Missouri's valuable resources.

RESPONSE: The commission thanks those individuals who voiced support for the regulation changes.

COMMENTS: Three hundred sixty-five (365) individuals indicated general opposition to the proposed changes.

RESPONSE: To the extent there were specific comments or suggestions provided, the commission has addressed them below.

COMMENTS: Stanley Eden, Marionville; Mel Yokel, Desloge; Brian Boesing, Middlebrook; Gary Durbin, Cuba; John Pratt, Poplar Bluff; Joey Laughlin, Waynesville; John Parsons, Mineral Point; Darrell Rife, location unknown; Lonnie Goehman, Des Arc; Brent Hopkins, Marionville; Cody Fox, Arkansas; Rowdy Reynolds, Potosi; Dale and Vicki Jarvis, Mineral Point, and two hundred ninety-nine (299) individuals listed on signature sheets submitted by Mr. & Mrs. Jarvis maintain that trapping alone will not effectively remove feral hogs from the landscape and other states have been unsuccessful in their efforts to eradicate feral hogs when they focus on trapping.

RESPONSE: Hunting is an effective tool for managing populations of wildlife; however, the commission doesn't want to manage the feral hog population, they want to eliminate it. Other states have shown that hog hunting actually increases feral hog numbers and distribution because of illegal releases of more animals into the wild to ensure future hunting opportunities. Tennessee, Kansas, and Illinois do not allow hunting for feral hogs and have instead focused their efforts on trapping, which they have shown to be more successful at eliminating hogs. The commission is unaware of any states that have focused efforts on trapping and determined the effort to be unsuccessful.

Additionally, feral hogs travel in large groups and have a high reproductive rate. The entire group must be removed or the remaining hogs quickly multiply and replace those that were removed. Hunters only take one (1) or two (2) hogs from the group and the rest scatter to new areas and become smarter and more difficult to remove. No changes to the rule have been made as a result of these comments.

COMMENTS: James Hikdebrand, Seymore; Lonnie Nageotte, Exeter; Bryan Boesing, Middlebrook; Terry Pease, Cadet; Brent Hopkins, Marionville; JR Lanham, Bunker; Missi Ferguson, Willard; Eliot Montgomery, location unknown; Michael Alberson, Greenville; John Parsons, Mineral Point; Robert Elder, Greenville; Cody Fox, Arkansas; Rowdy Reynolds, Potosi; Robert Coovert, Warsaw; Robert Maley, Otterville; Dale and Vicki Jarvis, Mineral Point, and two hundred ninety-nine (299) individuals listed on signature sheets submitted by Mr. & Mrs. Jarvis believe that hunters must be engaged and encouraged to take feral hogs to control the state's population.

RESPONSE: Hunting is an effective tool to manage populations of wildlife; however, the commission does not want to manage the feral hog population, they want to eliminate it. Other states have shown that hunting actually increases feral hog numbers and distribution because of illegal releases of animals into the wild to ensure future hunting opportunities. Also, feral hogs travel in large groups and because of their high reproductive rate, the entire group must be removed at once otherwise the remaining hogs quickly replace those that were removed. Hunters only take one (1) or two (2) hogs from the group and the rest scatter to new areas and become smarter and

more difficult to remove.

Since feral hogs became a problem in Missouri in the mid-1990s, unregulated take has been allowed in conjunction with trapping efforts and the problem has continued to get worse. No changes to the rule have been made as a result of these comments.

COMMENTS: Lonnie Goehman, Des Arc; Dale and Vicki Jarvis, Mineral Point, and two hundred ninety-nine (299) individuals listed on signature sheets submitted by Mr. & Mrs. Jarvis voiced concern for the safety of other area users and incidental take of wildlife when helicopters are used to remove hogs from public land.

RESPONSE: While the Department of Conservation's helicopter is used for aerial hog eradication operations, the U.S. Department of Agriculture-Animal and Plant Health Inspection Service (USDA-APHIS) also conducts operations in Missouri using aircraft that they own and operate. The USDA-APHIS routinely conducts aerial operations around the country to remove feral hogs and has found this to be a safe and effective method to eliminate feral hogs. Both agencies follow a strict protocol, which includes closure of the area during all flights to eliminate any risk to the public. Operations are conducted during times of the year when foliage is absent and sharpshooters are trained to positively identify their targets to minimize collateral loss of other wildlife. There has been no evidence of harm to other species after an aerial operation. No changes to the rule have been made as a result of these comments.

COMMENTS: Paul White, Belgrade, and Terry Pease, Cadet, suggested that the commission impose larger fines or loss of hunting privileges for individuals found to be transporting hogs.

RESPONSE: This suggestion has merit and was considered in the Missouri Legislature this past session. For clarification, the Missouri Department of Agriculture regulates transportation of feral hogs and local courts are responsible for setting fine amounts for these violations. No changes to the rule have been made as a result of these comments.

COMMENTS: Stanley Eden, Marionville, and Brent Hopkins, Marionville, suggested that public land remain open for hog hunting with clearly designated no-hunting zones around traps to avoid conflicts with hunters.

RESPONSE: The department clearly marks areas where trapping efforts are underway during hunting seasons; however, some individuals intentionally hunt in these areas because they are aware of hog activity.

Allowing any take of feral hogs provides incentive for the illegal release of more hogs onto the landscape. Since feral hogs became a problem in Missouri in the mid-1990s, unregulated take has been allowed in conjunction with trapping efforts and the problem has continued to get worse. The commission does not agree that simply closing parts of areas during trapping efforts would be an effective alternative. No changes to the rule have been made as a result of these comments.

COMMENT: Robert Elder, Greenville, indicated his belief that removal of feral hogs by hunters is more cost effective than trapping.

RESPONSE: Feral hogs travel in large groups which allows the entire group to be removed via trapping. Alternatively, hunters only take one (1) or two (2) hogs from the group and the rest scatter to new areas and become smarter and more difficult to remove. As a result, trapping is a much more effective and efficient strategy than hunting to eliminate feral hogs. No changes to the rule have been made as a result of this comment.

COMMENTS: Gary Lance Wells, location unknown; Todd Goodman, Troy, and Cody Fox, Arkansas, suggested that public land remain open for hog hunting with select areas closed through posting while trapping efforts are in progress.

RESPONSE: Allowing the take of feral hogs provides incentive for the illegal release of more hogs onto the landscape. Since feral hogs

became a problem in Missouri in the mid-1990s, unregulated take has been allowed in conjunction with trapping efforts and the problem has continued to get worse. The commission does not believe that simply closing areas during trapping efforts would be an effective alternative. No changes to the rule have been made as a result of these comments.

COMMENTS: Dave Tucker, Ellington, and Harry Grannemann, location unknown, suggested that the commission enforce current regulations that prohibit release of wildlife rather than establish new regulations.

RESPONSE: The commission enforces all regulations to the best of its ability; however, Missouri is a big state with a lot of remote areas and the department does not have enough agents to physically witness every feral hog released onto the landscape. Citizens are encouraged to contact their local conservation agent if they see someone releasing feral hogs. No changes to the rule have been made as a result of these comments.

COMMENTS: Bob Plummer, location unknown; JR Lanham, Bunker; Robert Maley, Otterville; Dale Crabtree, location unknown, and Keith (last name unknown), location unknown, allege that this change will punish all hunters for the actions of a few.

RESPONSE: Feral hogs are not considered wildlife in Missouri and the commission does not consider the take or killing of feral hogs to be hunting. The commission has a constitutional mandate to protect the fish, forest, and wildlife resources of the state. Feral hogs compete directly with native species for food and space and threaten the existence of those species; therefore, the commission is dedicated to the eradication of feral hogs to protect Missouri's native game and wildlife. No changes to the rule have been made as a result of these comments.

COMMENT: Stanley Eden, Marionville; James Hammons, Niangua; James Hikdebrand, Seymour; Lonnie Nageotte, Exeter; Paul White, Belgrade; Tim (last name unknown), Mt. Vernon; Michael (last name unknown), Kirkwood; Brent Hopkins, Marionville; Wanda Brown, Arkansas; David Dodson, Ava; Cody Fox, Arkansas; Ken Gross, Fulton, and Keith (last name unknown), location unknown, expressed their desire to hunt hogs on public land and voiced support for establishing a hog hunting permit for use during a statewide season.

RESPONSE: Feral hogs are not considered wildlife in Missouri and the commission does not consider the take or killing of feral hogs to be hunting. The commission has a constitutional mandate to protect the fish, forest, and wildlife resources of the state. Feral hogs compete directly with native species for food and space and threaten the existence of those species; therefore, the commission is dedicated to the eradication of feral hogs to protect Missouri's native game and wildlife. No changes to the rule have been made as a result of these comments.

COMMENT: JR Lanham, Bunker, expressed support for allowing hunters to continue to harvest feral hogs during open seasons with appropriate permits.

RESPONSE: Allowing the take of feral hogs at any time provides incentive for the illegal release of more hogs onto the landscape. Since feral hogs became a problem in Missouri in the mid-1990s, unregulated take has been allowed in conjunction with trapping efforts and the problem has continued to get worse. No changes to the rule have been made as a result of this comment.

COMMENT: Twenty-three (23) individuals assert that land held in public trust by the commission should be open for all hunting opportunities.

RESPONSE: The commission has a constitutional responsibility for the control, management, restoration, conservation, and regulation of the bird, fish, game, forestry, and all wildlife resources of the state including all property owned, acquired, or used for such purposes.

Feral hogs compete directly with native species for food and threaten the existence of those native species. Feral hogs are not considered wildlife in Missouri, and the commission does not consider the take or killing of feral hogs to be hunting. The commission is dedicated to the eradication of feral hogs to protect Missouri's native game and wildlife. No changes to the rule have been made as a result of these comments.

COMMENTS: David Dodson, Ava; Kyle Salley, Springfield; John Darnall, Camdenton; James Hikdebrand, Seymour; Gracie Barker, location unknown; Scott Yamnitz, St. James, and Laura (last name unknown), location unknown, voiced support for allowing hunters to use dogs to pursue hogs.

RESPONSE: Allowing the take of feral hogs by any method provides incentive for the illegal release of more hogs onto the landscape. Since feral hogs became a problem in Missouri in the mid-1990s, unregulated take has been allowed in conjunction with trapping efforts and the problem has continued to get worse. No changes to the rule have been made as a result of these comments.

COMMENTS: Terry Pease, Cadet; Norman Null, Holt; Yonna Hillis, Quin; Raymond Murrell, Kansas City; Travis Edwards, Joplin; Cody Fox, Arkansas, and Michael Storm, Warsaw, indicated that meat from feral hogs provide a valuable source of food for some families.

RESPONSE: There are many native species of fish and wildlife found in the state of Missouri that residents and non-residents can harvest during the appropriate season with a valid license. These species can provide year-round opportunities for outdoor activity and can be an excellent food source. No changes to the rule have been made as a result of these comments.

COMMENTS: James Hammon, Niangua; John Darnall, Camdenton; Terry Pease, Cadet; Stephanie Raney, Willard; JR Lanham, Bunker; Scott Yamnitz, St. James; Randy Larkin, Stella; Robert Coovert, Warsaw; Glenn Howard, Thornfield; Amy McKenney, Rock Port, and Treva Parks, Carthage, indicated that hunters should be allowed to use any method to take feral hogs.

RESPONSE: The commission has a constitutional responsibility for the control, management, restoration, conservation, and regulation of the bird, fish, game, forestry, and all wildlife resources of the state including all property owned, acquired, or used for such purposes. Feral hogs are not considered wildlife in Missouri, and the commission does not consider the take or killing of feral hogs to be hunting. The commission is dedicated to the eradication of feral hogs to protect Missouri's native game and wildlife. Feral hogs compete directly with native species for food and space and threaten the existence of those native species. Allowing the take of feral hogs by any method provides incentive for the illegal release of more hogs onto the landscape. Since feral hogs became a problem in Missouri in the mid-1990s, unregulated take has been allowed in conjunction with trapping efforts and the problem has continued to get worse. No changes to the rule have been made as a result of these comments.

COMMENTS: Terry Pease, Cadet, and Joey Laughlin, Waynesville, indicated support for establishing a bounty on feral hogs to encourage additional harvest.

RESPONSE: Bounties have been used across the United States for decades for a variety of species including rattlesnakes, groundhogs, foxes, beavers, bears, coyotes, and feral hogs; in every instance, they have not effectively reduced or eradicated these species. Bounties, like the allowance of hunting, increase the incentive for illegal releases of more animals. A bounty will not allow the commission to achieve their goal to eradicate feral hogs from Missouri. No changes to the rule have been made as a result of these comments.

COMMENTS: James Hikdebrand, Seymour; Lucas Yount, Pleasant Hill, and Raymond Murrell, Kansas City, indicated that feral hog

hunting is a valued tradition in their family.

RESPONSE: Feral hogs are not considered wildlife in Missouri and the commission does not consider the take or killing of feral hogs to be hunting. The commission is dedicated to the eradication of feral hogs to protect Missouri's native game and wildlife. Feral hogs compete directly with native species for food space and threaten the existence of those native species. No changes to the rule have been made as a result of these comments.

COMMENTS: Joe Laney, Purdy, and Lucas Yount, Pleasant Hill, indicated their belief that the commission does not have authority to regulate harvest of feral hogs since they are not native to the state of Missouri.

RESPONSE: The commission has a constitutional responsibility for the control, management, restoration, conservation, and regulation of the bird, fish, game, forestry, and all wildlife resources of the state including all property owned, acquired, or used for such purposes. To achieve this, the commission must attempt to control non-native, invasive species such as feral hogs, zebra mussels, Asian carp, emerald ash borer, spotted knapweed, bush honeysuckle, hydrilla, etc. that pose a threat to the native species of the state. No changes to the rule have been made as a result of these comments.

COMMENTS: Tim (last name unknown), Mt. Vernon; Gary Durbin, Cuba; Brent Hopkins, Marionville; David Dodson, Ava, and Darrell Rife, location unknown, indicated their belief that this regulation infringes upon citizens' rights and is an abuse of the commission's power.

RESPONSE: The commission has a constitutional responsibility for the control, management, restoration, conservation, and regulation of the bird, fish, game, forestry, and all wildlife resources of the state including all property owned, acquired, or used for such purposes. The commission is dedicated to the eradication of feral hogs to protect the native species of wildlife found in this state. Eradicating a destructive, invasive species that threatens our native fish and wildlife is not an infringement of citizens' rights. No changes to the rule have been made as a result of these comments.

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

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-11.180 Hunting, General Provisions and Seasons
is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2016 (41 MoReg 489). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Conservation Commission received one (1) comment on proposed changes to 3 CSR 10-11.180 Hunting, General Provisions and Seasons.

COMMENT: Dwight Jones, Moberly, voiced general support for the proposed changes.

RESPONSE: The commission appreciates Mr. Jones' support for the regulation change.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-12.101 Title; Authority is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2016 (41 MoReg 489). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Conservation Commission received one (1) comment on proposed changes to 3 CSR 10-12.101 Title; Authority.

COMMENT: Ken Gross, Fulton, voiced opposition to any expansion of the commission's authority.

RESPONSE: This Wildlife Code change clarifies that special regulations apply on certain private lands open to public access under a department-sponsored outdoor recreational access program and was introduced to address enforcement concerns raised by program participants. The change does not expand the commission's authority. No changes to the rule have been made as a result of this information.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-12.125 Hunting and Trapping is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2016 (41 MoReg 489-490). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Conservation Commission received comments from three hundred twenty-seven (327) individuals on proposed changes to 3 CSR 10-12.125 Hunting and Trapping. A spreadsheet detailing comments received is available upon written request to the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180.

COMMENTS: The commission received twelve (12) comments from individuals who expressed general support for the proposal to prohibit the taking of feral livestock on lands owned or leased by the Department of Conservation, citing the importance of removing these invasive animals from the landscape in order to protect Missouri's valuable resources.

RESPONSE: The commission thanks those individuals who voiced support for the regulation changes.

COMMENTS: Three hundred fifteen (315) individuals indicated general opposition to the proposed changes.

RESPONSE: To the extent there were specific comments or suggestions provided, the commission has addressed them below.

COMMENTS: Dale and Vicki Jarvis, Mineral Point, voiced opposition to the proposed changes and submitted signature sheets with names of two hundred ninety-nine (299) individuals. Mr. & Mrs. Jarvis maintain that other states have been unsuccessful in their efforts to eradicate feral hogs when they focus on trapping and don't engage hunters.

RESPONSE: Tennessee, Kansas, and Illinois do not allow hunting for feral hogs and have instead focused their efforts on trapping, which they have shown to be more successful at eliminating feral hogs. The commission is unaware of any states that have focused efforts on trapping and determined the effort to be unsuccessful. No changes to the rule have been made as a result of these comments.

COMMENTS: Lonnie Goehman, Des Arc; Dale and Vicki Jarvis, Mineral Point, and two hundred ninety-nine (299) individuals listed on signature sheets submitted by Mr. & Mrs. Jarvis voiced concern for the safety of other area users and incidental take of wildlife when helicopters are used to remove hogs from public land.

RESPONSE: While the Department of Conservation's helicopter is used for aerial hog eradication operations, the U.S. Department of Agriculture-Animal and Plant Health Inspection Service (USDA-APHIS) also conducts operations in Missouri using aircraft that they own and operate. The USDA-APHIS routinely conducts aerial operations around the country to remove feral hogs and has found this to be a safe and effective method to eliminate feral hogs. Both agencies follow a strict protocol, which includes closure of the area during all flights to eliminate any risk to the public. Operations are conducted during times of the year when foliage is absent and sharpshooters are trained to positively identify their targets to minimize collateral loss of other wildlife. There has been no evidence of harm to other species after an aerial operation. No changes to the rule have been made as a result of these comments.

COMMENTS: Paul White, Belgrade; Roger Schoenfeld, Carl Junction, and Joe Hauser, Jr., location unknown, suggested that the commission impose larger fines or loss of hunting privileges for individuals caught transporting hogs.

RESPONSE: This suggestion has merit and was considered in the Missouri Legislature this past session. For clarification, the Missouri Department of Agriculture regulates transportation of feral hogs and local courts are responsible for setting fine amounts for these violations. No changes to the rule have been made as a result of these comments.

COMMENT: Roger Scheonfeld, Carl Junction, suggested that the department establish clearly designated no-hunting zones around traps to avoid conflicts with hunters.

RESPONSE: The department clearly marks areas where trapping efforts are underway during hunting seasons; however, some individuals intentionally hunt in these areas because they are aware of hog activity.

Allowing any take of feral hogs provides incentive for the illegal release of more hogs onto the landscape. Since feral hogs became a problem in Missouri in the mid-1990s, unregulated take has been allowed in conjunction with trapping efforts and the problem has continued to get worse. No changes to the rule have been made as a result of these comments.

COMMENTS: Mel Yokel, Desloge, and Lonnie Goehman, Des Arc, stated their belief that trapping alone will not be effective in eradicating feral hogs from the landscape.

RESPONSE: Hunting is an effective tool for managing populations of wildlife; however, the commission doesn't want to manage the feral hog population, they want to eliminate it. Other states have shown that hog hunting actually increases feral hog numbers and distribution because of illegal releases of more animals into the wild for future hunting opportunities. Tennessee, Kansas, and Illinois do not allow hunting for feral hogs and have instead focused their efforts on trapping which they have shown to be more effective at eliminating feral hogs.

Additionally, feral hogs travel in large groups which allows the entire group to be removed via trapping. Alternatively, hunters only take one (1) or two (2) hogs from the group and the rest scatter to new areas and become smarter and more difficult to remove. As a result, trapping is a much more effective and efficient strategy than hunting to eliminate feral hogs. No changes to the rule have been made as a result of these comments.

COMMENTS: Harry Grannemann, location unknown, and Heath (last name unknown), location unknown, suggested that the commission enforce current regulations that prohibit release of wildlife rather than establish new regulations.

RESPONSE: The commission enforces all regulations to the best of its ability; however, Missouri is a big state with a lot of remote areas and the department does not have enough agents to physically witness every feral hog released onto the landscape. Citizens are encouraged to contact their local conservation agent if they see someone releasing feral hogs. No changes to the rule have been made as a result of these comments.

COMMENTS: Dale Crabtree, location unknown; Robert Maley, Otterville, and Keith (last name unknown), location unknown, allege that this change will punish all hunters for the actions of a few.

RESPONSE: Feral hogs are not considered wildlife in Missouri and the commission does not consider the take or killing of feral hogs to be hunting. The commission has a Constitutional mandate to protect the fish, forest, and wildlife resources of the state. Feral hogs compete directly with native species for food and space and threaten the existence of those species; therefore, the commission is dedicated to the eradication of feral hogs to protect Missouri's native game and wildlife. No changes to the rule have been made as a result of these comments.

COMMENTS: Paul White, Belgrade; Jeff Garland, Highlandville, and Keith (last name unknown), location unknown, expressed their desire to hunt hogs on public land and voiced support for establishing a hog hunting permit for use during a statewide season.

RESPONSE: Feral hogs are not considered wildlife in Missouri and the commission does not consider the take or killing of feral hogs to be hunting. The commission has a constitutional mandate to protect the fish, forest, and wildlife resources of the state. Feral hogs compete directly with native species for food and space and threaten the existence of those species; therefore, the commission is dedicated to the eradication of feral hogs to protect Missouri's native game and wildlife. No changes to the rule have been made as a result of these comments.

COMMENT: Robert Maley, Otterville, expressed support for allowing hunters to continue to harvest hogs during open seasons with appropriate permits.

RESPONSE: Allowing the take of feral hogs at any time provides incentive for the illegal release of more hogs onto the landscape. Since feral hogs became a problem in Missouri in the mid-1990s, unregulated take has been allowed in conjunction with trapping efforts and the problem has continued to get worse. No changes to the rule have been made as a result of this comment.

COMMENTS: Jeff Garland, Highlandville; Dale Crabtree, location unknown; Glenn Howard, Thornfield; Amy McKenney, Rock Port;

Treva Parks, Carthage; Richard McKinley, Collins, and Heath (last name unknown), location unknown, assert that land held in public trust by the commission should be open for all hunting opportunities. RESPONSE: The commission has a constitutional responsibility for the control, management, restoration, conservation, and regulation of the bird, fish, game, forestry, and all wildlife resources of the state including all property owned, acquired, or used for such purposes. Feral hogs compete directly with native species for food and threaten the existence of those native species. Feral hogs are not considered wildlife in Missouri, and the commission does not consider the take or killing of feral hogs to be hunting. The commission is dedicated to the eradication of feral hogs to protect Missouri's native game and wildlife. No changes to the rule have been made as a result of these comments.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 700—Insurance Licensing
Chapter 3—Education Requirements**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo Supp. 2013, and section 375.020, RSMo Supp. 2014, the director amends a rule as follows:

20 CSR 700-3.200 Continuing Education is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2016 (41 MoReg 444-446). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period on this proposed amendment ended May 1, 2016, and a public hearing was held May 2, 2016. At the public hearing, one (1) comment was made in support of the proposed amendment. In addition, one (1) written comment in support of the proposed amendment was received.

COMMENTS: Grady Martin, with the Administration Division of the Department of Insurance, Financial Institutions and Professional Registration, testified at the public hearing in support of the proposed amendment with no suggested changes. The Missouri Association of Insurance Agents, through Matt Barton, submitted a written comment in support of the proposed amendment with no suggested changes.

RESPONSE: No changes have been made to the rule as a result of these comments.

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 2—DEPARTMENT OF AGRICULTURE
Division 90—Weights and Measures
Chapter 10—Liquefied Petroleum Gases**

NON-SUBSTANTIVE CHANGE REQUEST

The Missouri Propane Safety Commission requests that the secretary of state make a non-substantive change to the following rules in accordance with the provisions of section 536.032, RSMo. The commission has officially changed its name from Missouri Propane Gas Commission (MPGC) to Missouri Propane Safety Commission (MPSC) effective January 1, 2016. The commission would like to request that name change to be reflected in the rules wherever it is referred to whether by name or acronym.

- 2 CSR 90-10.001 Definitions and General Provisions
- 2 CSR 90-10.011 Inspection Authority—Duties
- 2 CSR 90-10.012 Registration—Training
- 2 CSR 90-10.013 Installation Requirements
- 2 CSR 90-10.014 Storage
- 2 CSR 90-10.120 Reporting of Odorized LP Gas Release, Fire, or Explosion

This change will appear in the August 31, 2016 update to the *Code of State Regulations*.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and
Transportation Commission
Chapter 25—Motor Carrier Operations**

IN ADDITION

- 7 CSR 10-25.010 Skill Performance Evaluation Certificates for Commercial Drivers

PUBLIC NOTICE

Public Notice and Request for Comments on Applications for Issuance of Skill Performance Evaluation Certificates to Intrastate Commercial Drivers with Diabetes Mellitus or Impaired Vision

SUMMARY: This notice publishes MoDOT's receipt of applications for the issuance of Skill Performance Evaluation (SPE) Certificates from individuals who do not meet the physical qualification requirements in the Federal Motor Carrier Safety Regulations for drivers of commercial motor vehicles in Missouri intrastate commerce because of impaired vision or an established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control. If granted, the SPE Certificates will authorize these individuals to qualify as drivers of commercial motor vehicles (CMVs), in intrastate commerce only, without meeting the vision standard prescribed in 49 CFR 391.41(b)(10), if applicable, or the diabetes standard prescribed in 49 CFR 391.41(b)(3).

DATES: Comments must be received at the address stated below, on or before, September 1, 2016.

ADDRESSES: You may submit comments concerning an applicant,

identified by the Application Number stated below, by any of the following methods:

- *Email:* Pamela.lueckenotto@modot.mo.gov
- *Mail:* PO Box 270, Jefferson City, MO 65102
- *Hand Delivery:* 830 MoDOT Drive, Jefferson City, MO 65102
- *Instructions:* All comments submitted must include the agency name and Application Number for this public notice. For detailed instructions on submitting comments, see the Public Participation heading of the Supplementary Information section of this notice. All comments received will be open and available for public inspection and MoDOT may publish those comments by any available means.

**COMMENTS RECEIVED
BECOME MoDOT PUBLIC RECORD**

- By submitting any comments to MoDOT, the person authorizes MoDOT to publish those comments by any available means.
- *Docket:* For access to the department's file, to read background documents or comments received, 830 MoDOT Drive, Jefferson City, MO 65102, between 7:30 a.m. and 4:00 p.m., CT, Monday through Friday, except state holidays.

FOR FURTHER INFORMATION CONTACT: Pam Lueckenotto, Motor Carrier Investigations Specialist, 636-288-6082, MoDOT Motor Carrier Services Division, PO Box 270, Jefferson City, MO 65102. Office hours are from 7:30 a.m. to 4:00 p.m., CT, Monday through Friday, except state holidays.

SUPPLEMENTARY INFORMATION:

Public Participation

If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard.

Background

The individuals listed in this notice have recently filed applications requesting MoDOT to issue SPE Certificates to exempt them from the physical qualification requirements relating to vision in 49 CFR 391.41(b)(10), or to diabetes in 49 CFR 391.41(b)(3), which otherwise apply to drivers of CMVs in Missouri intrastate commerce.

Under section 622.555, RSMo, MoDOT may issue an SPE Certificate, for not more than a two- (2-) year period, if it finds that the applicant has the ability, while operating CMVs, to maintain a level of safety that is equivalent to or greater than the driver qualification standards of 49 CFR 391.41. Upon application, MoDOT may renew an exemption upon expiration.

Accordingly, the agency will evaluate the qualifications of each applicant to determine whether issuing an SPE Certificate will comply with the statutory requirements and will achieve the required level of safety. If granted, the SPE Certificate is only applicable to intrastate transportation wholly within Missouri.

Qualifications of Applicants

Application #357

New Applicant's Name & Age: William L. Budde, 61

Relevant Physical Condition: Vision impaired.
Mr. Budde's best corrected visual acuity in his right eye is 20/200 Snellen, and his best corrected visual acuity in his left eye is 20/30 Snellen. Mr. Budde has had this visual impairment since birth, September 1954.

Relevant Driving Experience: Mr. Budde has approximately fifteen

(15) years of commercial motor vehicle experience. Mr. Budde currently has a Class B license. In addition, he has experience driving personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in June 2016, a board-certified optometrist certified his condition would not adversely affect his ability to operate a commercial motor vehicle safely.

Traffic Accidents and Violations: Mr. Budde has had no tickets or accidents on record for the previous three (3) years.

Request for Comments

The Missouri Department of Transportation, Motor Carrier Services Division, pursuant to section 622.555, RSMo, and rule 7 CSR 10-25.010, requests public comment from all interested persons on the applications for issuance of Skill Performance Evaluation Certificates described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in this notice.

Issued on: June 16, 2016

Scott Marion, Motor Carrier Services Director, Missouri Department of Transportation.