

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

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 If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission.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

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

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

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

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

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits for Hunting,
Fishing, Trapping**

PROPOSED AMENDMENT

3 CSR 10-5.205 Permits Required; Exceptions. The department proposes to amend subsection (1)(F).

PURPOSE: This amendment allows youth who have purchased a Youth Deer and Turkey Hunting Permit to purchase other firearms deer and turkey hunting permits after their eleventh birthday during the same permit year, provided, they are hunter education certified and surrender the unused portions of their Youth Deer and Turkey Hunting Permit.

(1) Any person who chases, pursues, takes, transports, ships, buys, sells, possesses or uses wildlife in any manner must first obtain the prescribed hunting, fishing, trapping or other permit, or be exempted under 3 CSR 10-9.110, with the following exceptions:

(F) Any person under twelve (12) years of age may purchase a Youth Deer and Turkey Hunting Permit without display of a hunter education certificate card, and may take one (1) antlered deer statewide, or one (1) antlerless deer in a deer management unit where any-deer permits are issued, during **any portion of the firearms deer hunting season/s/ except that only an antlerless deer may be taken in units open during the January portion of the firearms deer hunting season;** one (1) male turkey or turkey with visible beard during the spring turkey hunting season; and one (1) turkey of either sex during the fall firearms turkey hunting season; provided, s/he is hunting in the immediate presence of a properly licensed adult hunter who has in his/her possession a valid hunter education certificate card. *[No other firearms deer or turkey hunting permit may be purchased during the prescribed permit year.] Youth Deer and Turkey Hunting Permit holders attaining the age of eleven (11) during the prescribed permit year, and who have a valid hunter education certificate card, may surrender unused portion(s) of the Youth Deer and Turkey Hunting Permit and purchase other firearms deer and turkey hunting permits. Deer and turkeys taken under the Youth Deer and Turkey Hunting Permit must be included in the total season limits.*

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed April 24, 2000. Amended: Filed July 6, 2000.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 90—State Board of Cosmetology
Chapter 4—Beauty Shops**

PROPOSED AMENDMENT

4 CSR 90-4.010 Shops. The board is proposing to amend subsection (6)(A), and delete the forms that follow this rule in the *Code of State Regulations*.

PURPOSE: This rule is being amended to allow cosmetologists who have been licensed in another state two (2) or more years and who have obtained licensure in Missouri by reciprocity to be eligible for an apprentice supervisor in Missouri and delete the forms that immediately follow the rule in the Code of State Regulations.

(6) Apprentice Supervisors.

(A) Any person desiring to practice as an apprentice supervisor shall have been licensed as a cosmetologist and/or manicurist *[in Missouri]* for not less than two (2) years immediately prior to

application as an apprentice supervisor. Said person shall provide to the board—

1. The name and address of the apprentice to be supervised;
2. Apprentice supervisor application properly completed on a form supplied by the board;
3. Two (2) letters of character reference for the apprentice supervisor;
4. Two (2) additional letters of reference from licensed cosmetologists affirming the applicant's competence as a cosmetologist and/or manicurist;
5. Proof of successful completion of a twelfth grade education (diploma or General Educational Development (GED) certificate);
6. Two (2) bust photographs measuring two inches square (2" × 2") taken within the last two (2) years;
7. An affidavit attesting that the apprentice supervisor shall be physically present at all times that his/her apprentice is receiving credited hours toward the required minimum for testing. For emergency purposes one (1) secondary licensed cosmetologist/manicurist from the apprentice shop shall be named as acting apprentice supervisor. The acting supervisor shall not be responsible for more than a total of five percent (5%) or one hundred fifty (150) hours of supervision for a cosmetology apprentice. The acting supervisor shall not be responsible for more than a total of five percent (5%) or thirty-five (35) hours of supervision for a manicuring apprentice. The designation of an acting supervisor is limited to cases of sickness, vacation, or emergencies of the apprentice supervisor and any misuse of this privilege shall result in said supervisor's certificate revocation. The acting apprentice supervisor shall hold a current license consistent with the training of the apprentice and must be named and approved;
8. Application for a board-approved training session emphasizing teaching methodology. The session shall be eight (8) hours in length. Those apprentice supervisor applicants who currently are licensed instructors in the state of Missouri may forego the training session for becoming a supervisor; and
9. The training session fee.

A. Upon the receipt by the board of all items required by subsection (6)(A), the board shall schedule the applicant for seminar training as an apprentice supervisor.

B. Upon the successful completion of the seminar, the board shall issue the applicant a certificate as an apprentice supervisor. The apprentice supervisor certificate shall expire upon the apprentice's completion of training hours. The apprentice supervisor certificate is nontransferable and nonrenewable, unless an extension of the certificate is necessary for the apprentice to complete his/her hours. The apprentice supervisor certificate shall be conspicuously displayed within the apprentice shop with a photograph taken within the last two (2) years.

C. The apprentice supervisor shall not hold him/herself out as a school and shall not train/supervise more than one (1) apprentice at a time. The apprentice supervisor shall not accept any fee from the apprentice or any representative of the apprentice for instruction, rent, supplies, equipment or any other necessary tools for instruction.

D. The apprentice supervisor must provide the following equipment: dresserette, mannequin, manicure table and supplies, current textbook on theory, facial equipment, thermal iron, hair-dressing supplies and other equipment as deemed necessary and reasonable by the board.

E. The apprentice supervisor shall submit monthly reports by the tenth day of the following month for the apprentice in training on forms supplied by the board. Upon termination of training by the apprentice, submit to the board within two (2) weeks a properly completed termination form supplied by the board. The form shall list the total number of training hours completed by the apprentice, allocated by subject area, the date the apprentice terminated training, and shall be accompanied by the apprentice's license and any unused materials supplied by the board.

F. All previously approved apprentice supervisors applying to supervise an apprentice after September 1, 1995, shall comply with all regulations for apprentice supervisors as set forth in 4 CSR 90-4.010.

G. The apprentice supervisor has thirty (30) days to begin training of apprentice subsequent to attending the board-approved training session as referenced in 4 CSR 90-4.015.

H. The board shall grant a waiver of the training session fee and completion of a board-approved training session provided—

(I) Within the first six (6) months of the date of issuance of the apprentice supervisor certificate either party terminates the training; and

(II) The apprentice supervisor reapplies to supervise a new apprentice within the same six (6) months.

AUTHORITY: sections 329.010 and 329.050, RSMo Supp. 1999 and 329.230, RSMo 1994. This version of rule filed June 26, 1975, effective July 6, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed July 11, 2000.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Board of Cosmetology, Pamela A. Hoelscher, Executive Director, P.O. Box 1062, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 145—Missouri Board of Geologist Registration Chapter 2—Licensure Requirements

PROPOSED RULE

4 CSR 145-2.055 Complaints, Appeals and Challenges of Examination

PURPOSE: This rule establishes the procedures by which an examination candidate may make a complaint about the examination administration, appeal the examination content and/or make a challenge to the examination.

(1) Examination Administration Complaints.

(A) A candidate may file a complaint regarding the administration of the examination by sending a letter to the Missouri Board of Geologist Registration (MBGR), in which the candidate will describe the basis for the administrative complaint and will include pertinent information. The letter of complaint must be postmarked no later than thirty (30) business days after the date of the examination and must be sent via traceable mail with delivery-signature of receipt required (e.g., certified mail).

(B) The MBGR through the executive director will investigate and determine the validity of the complaint and will respond to the candidate via traceable mail with delivery-signature of receipt required (e.g., certified mail) within sixty (60) business days after receiving the complaint.

(2) Content Appeals.

(A) A candidate may begin an appeal process of an examination by submitting a written request to the board office for one or more of the following:

1. The line-item results;
2. A manual regrade; and/or
3. To inspect his/her examination papers at the office of the MBGR during mutually convenient normal business hours.

(B) Said request(s) must be postmarked no later than thirty (30) business days after receipt of the examination results and must be sent via traceable mail with delivery-signature of receipt required (e.g., certified mail). In making the request(s), the candidate must submit payment of the applicable processing fee(s) directly to the testing service.

(C) At the time of inspection, no one other than the examinee and/or his/her attorney and a representative of the MBGR shall have access to the examination papers, and no material other than the examination papers may be taken into or out of the inspection room. The inspection shall not exceed four (4) hours, unless special accommodations are requested at least seven (7) business days prior to the inspection and are approved by the executive director.

(3) Examination Challenges.

(A) Within thirty (30) business days after receiving the requested appeal information and/or inspecting the examination papers, the candidate may issue a challenge by asking the MBGR to review a particular question(s). In making such a challenge, the candidate will describe the basis for the challenge and will include pertinent information. The letter of challenge must be sent to the board office via traceable mail with delivery-signature of receipt required (e.g., certified mail).

(B) The MBGR with the executive director will investigate the challenge and will have a hearing at a mutually agreeable time to determine the validity of the challenge. The MBGR will hold the hearing and will respond to the candidate via traceable mail with delivery-signature of receipt (e.g., certified mail) the challenge within sixty (60) business days.

(C) In making said challenge, the candidate agrees to abide by the decision of the MBGR.

AUTHORITY: section 256.462, RSMo 1994. Original rule filed July 11, 2000.

PUBLIC COST: The public entity cost for this proposed rule is estimated at \$20.86 annually for the life of the rule. It is anticipated that the total annual cost will recur each year for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: The private entity cost for this proposed rule is estimated at \$1,250.66 annually for life of the rule. It is anticipated that the total annual cost will recur each year for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Board of Geologist Registration, Desmond Peters, Executive Director, P.O. Box 1335, Jefferson City, MO 65102-1335. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 145 – Missouri Board of Geologist Registration

Chapter: 2 – Licensure Requirements

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 145-2.055 Complaints, Appeals and Challenges of Examination

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
5 Decision letters regarding validity of complaint regarding administration of examination (postage)	\$14.90
2 Decision letters regarding validity of the challenge (postage)	\$5.96
Total Cost Per Year for the Life of the Rule	
\$20.86	

III. WORKSHEET

Postage – certified mail @ \$2.98

IV. ASSUMPTIONS

These annual costs will recur each year for the life of the rule, may vary with inflation and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 4 – Department of Economic Development
Division: 145 – Missouri Board of Geologist Registration
Chapter: 2 – Licensure Requirements
Type of Rulemaking: Proposed Rule
Rule Number and Name: 4 CSR 145-2.055 Complaints, Appeals and Challenges of Examination

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate annual cost of compliance with the rule by the affected entities:
5	Individuals submitting examination complaints (postage)	14.90
10	Individuals appealing examination contents (postage)	29.80
10	Individuals appealing examination contents (processing fee submitted directly to testing service)	500.00
10	Individuals appealing examination contents (milcage)	700.00
2	Individuals issuing a challenge (postage)	5.96
Total Cost Per Year for the Life of the Rule		1,250.66

III. WORKSHEET

Postage – certified mail @ \$2.98
Processing fee @ \$50.00
Milcage (average 250 miles) @ .28

IV. ASSUMPTIONS

1. The board anticipates five (5) individuals will submit examination complaints annually. The board estimates this process will cost each applicant approximately \$2.98.
2. The board anticipates ten (10) individuals will request the appeal process of the examination annually. The board estimates this process will cost each applicant approximately \$122.98.
3. The board anticipates two (2) individuals will challenge the examination annually. The board estimates this process will cost each applicant approximately \$2.98.
4. It is anticipated that the total annual cost will recur each year for the life of the rule, may vary with inflation and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

**Division 145—Missouri Board of Geologist Registration
Chapter 2—Licensure Requirements**

PROPOSED AMENDMENT

4 CSR 145-2.060 Licensure by Reciprocity. The board is proposing to amend section (1) and delete the Editor's note about form following 4 CSR 145-2.030.

PURPOSE: This amendment will eliminate duplicate requirements on applicants for licensure by reciprocity.

(1) An applicant with *[an original,]* a current license to practice geology in another state, jurisdiction, territory, or country may be granted licensure in Missouri without examination, provided the applicant submits evidence acceptable to the board that the requirements under which s/he *[was originally]* is licensed *[were]* are substantially identical or more stringent than the requirements in this state, **at the time of application.**

AUTHORITY: sections 256.462.3, RSMo 1994 and 256.468, RSMo Supp. 1999. Emergency rule filed June 29, 1995, effective July 9, 1995, expired Nov. 5, 1995. Original rule filed Sept. 28, 1995, effective May 30, 1996. Amended: Filed July 11, 2000.

PUBLIC COST: The proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: The proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Geologist Registration, Desmond Peters, Executive Director, P.O. Box 1335, Jefferson City, MO 65102-1335. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

**Division 145—Missouri Board of Geologist Registration
Chapter 2—Licensure Requirements**

PROPOSED AMENDMENT

4 CSR 145-2.070 Geologist-Registrant In-Training. The board is proposing to amend subsection (1)(B), and delete the form that follows this rule in the Code of State Regulations.

PURPOSE: This amendment will reflect the changes made by Senate Bill 320 of the 88th General Assembly to the qualifications for the "Geologist-Registrant in-Training" status of section 256.468.7, RSMo Supp. 1999. The board is also proposing to delete the form that immediately follows this rule in the Code of State Regulations.

(1) Any person engaged in post-baccalaureate experience in the practice of geology as defined in section 256.453(7), RSMo, may apply for geologist-registrant in-training by obtaining an application from the board.

(B) The applicant shall have passed *[both]* the Fundamentals of Geology *[and Principles and Practice of Geology]* portion of the National Geologist Examination as developed by the National Association for the State Boards of Geology (ASBOG) or its predecessor.

AUTHORITY: sections 256.462.3, RSMo 1994 and 256.468, RSMo Supp. 1999. Emergency rule filed June 29, 1995, effective

July 9, 1995, expired Nov. 5, 1995. Original rule filed Sept. 28, 1995, effective May 30, 1996. Amended: Filed July 11, 2000.

PUBLIC COST: The proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: The proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Geologist Registration, Desmond Peters, Executive Director, P.O. Box 1335, Jefferson City, MO 65102-1335. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

**Division 150—State Board of Registration for the
Healing Arts**

Chapter 2—Licensing of Physicians and Surgeons

PROPOSED AMENDMENT

4 CSR 150-2.001 Definitions. The board is proposing to amend section (4).

PURPOSE: The purpose of this amendment is to specify deadline date exceptions.

(4) The term "timely pay," as used in section 334.100.2(4)(n), RSMo, shall mean any license renewal fee received by the board ***[within sixty (60) days of]* prior to the *[license renewal]* 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.**

AUTHORITY: sections 334.045, 334.046, 334.090, 334.100 and 334.125, RSMo [Supp. 1995] Supp. 1999 and 334.090, RSMo 1994. Original rule filed Jan. 19, 1988, effective April 15, 1988. Amended: Filed April 15, 1996, effective Nov. 30, 1996. Amended: Filed July 25, 2000.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Healing Arts, 3605 Missouri Boulevard, P.O. Box 4, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

**Division 150—State Board of Registration for the
Healing Arts**

Chapter 2—Licensing of Physicians and Surgeons

PROPOSED AMENDMENT

4 CSR 150-2.005 Examination Requirements for Permanent Licensure. The board is proposing to delete section (6).

PURPOSE: The purpose of this amendment is to implement Senate Bill 141 of the 89th General Assembly.

[(6) The board may waive the provisions of section (4) of this rule if the applicant is American Specialty Board-certified, licensed to practice as a physician and surgeon in another state of the United States or the District of Columbia and the applicant has achieved a passing score on a licensing examination administered in a state or territory of the United States or the District of Columbia. Prior to waiving the provisions of section (4) of this rule, the board may require the applicant to achieve a passing score on one (1) of the following: The American Specialty Board's certifying examination in the physician's field of specialization, Part II of the FLEX or the Federation of State Medical Board's Special Purpose Examination (SPEX). If the board waives the provisions of section (4) of this rule, then the license issued to the applicant may be limited or restricted to the applicant's board specialty.]

AUTHORITY: sections 334.031, 334.040 and 334.125, RSMo [1986] Supp. 1999 and 334.043, RSMo 1994. Original rule filed Feb. 17, 1988, effective May 12, 1988. For intervening history, please consult the **Code of State Regulations**. Amended: Filed July 25, 2000.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Board of Healing Arts, 3605 Missouri Boulevard, P.O. Box 4, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 150—State Board of Registration for the
Healing Arts
Chapter 2—Licensing of Physicians and Surgeons**

PROPOSED AMENDMENT

4 CSR 150-2.065 Temporary Licenses to Teach or Lecture in Certain Programs. The board is proposing to amend subsection (2)(B).

PURPOSE: The amendment redefines an accredited hospital.

(2) As used in this rule, unless specifically provided otherwise, the term—

(B) Accredited [teaching] hospital shall mean a hospital located in Missouri [which is approved and accredited to teach graduate medical education by the accreditation counsel on graduate medical education of the AMA or the education committee of the AOA;] and licensed by the Missouri Department of Health—Bureau of Health Facility Regulation;

AUTHORITY: sections 334.046 [, RSMo Supp. 1989] and 334.125, RSMo [1986] Supp. 1999. Original rule filed Jan. 19, 1988, effective April 15, 1988. For intervening history, please consult the **Code of State Regulations**. Amended: Filed July 25, 2000.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Healing Arts, 3605 Missouri Boulevard, P.O. Box 4, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 150—State Board of Registration for the
Healing Arts
Chapter 2—Licensing of Physicians and Surgeons**

PROPOSED AMENDMENT

4 CSR 150-2.080 Fees. The board is proposing to delete subsections (1)(Q), (1)(R), and (1)(S) and reletter the remaining subsections accordingly.

PURPOSE: Since the board no longer utilizes Component I Federation Licensing Examination, Component II Federation Licensing Examination or Step 3 United States Medical Licensing Examination, the board is proposing to delete the required fees from this rule.

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

<i>[(Q) Component I Federation Licensing Examination</i>	\$ 250.00;
<i>(R) Component II Federation Licensing Examination</i>	\$ 300.00;
<i>(S) Step 3 United States Medical Licensing Examination</i>	\$450.00;]
<i>[(T)] (Q) Continuing Medical Education Extension Fee</i>	\$ 15.00
<i>[(U)] (R) Photocopy Fee—public records (per page)</i>	\$.25
<i>[(V)] (S) Document Search Fee—public records (per hour)</i>	\$ 20.00
with a minimum fee of	\$ 5.00
<i>[(W)] (T) Access Fee—public records maintained on computer facilities, recording tapes or discs, videotapes or films, pictures, slides, graphics, illustrations or similar audio or visual items or devices. Actual cost of reproduction plus document search fee (per hour)</i>	\$ 20.00
with a minimum fee of	\$ 5.00
<i>[(X)] (U) Duplicate License Fee</i>	\$ 30.00

AUTHORITY: sections 334.090.2, RSMo 1994 and 334.125 and 610.026, RSMo Supp. 1999. 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**. Amended: Filed July 11, 2000.

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

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

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

State Board of Registration for the Healing Arts, P.O. Box 4, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 150—State Board of Registration for the Healing Arts
Chapter 2—Licensing of Physicians and Surgeons

PROPOSED AMENDMENT

4 CSR 150-2.100 Licensing of International Medical Graduates—Reciprocity. The board is proposing to delete section (2) and renumber the remaining section accordingly.

PURPOSE: This amendment implements SB141 of the 89th General Assembly.

[(2)] The board may waive the provisions of subsection (1)(D) of this rule if the applicant is American Specialty Board-certified, licensed to practice as a physician and surgeon in another state of the United States or the District of Columbia and the applicant has achieved a passing score on a licensing examination administered in a state or territory of the United States or the District of Columbia. Prior to waiving the provisions of subsection (1)(D) of this rule, the board may require the applicant to achieve a passing score on one (1) of the following: The Appropriate Specialty Board's certifying examination in the physician's field of specialization, Component 2 of the FLEX before January 1, 1994, Step 3 of the USMLE or the Special Purpose Examination (SPEX). If the board waives the provisions of subsection (1)(D) of this rule, then the license issued to the applicant may be limited or restricted to the applicant's board specialty.]

[[3]] (2) As used in this rule, the term fifth pathway shall mean a candidate for licensure who has successfully completed four (4) years of medical education in Mexico and then completes a training program in the United States at a medical college approved and accredited by the AMA or its Liaison Committee on Medical Education or an osteopathic college approved and accredited by the American Osteopathic Association (AOA) in lieu of completing a year of internship and social service work in Mexico.

(A) A fifth pathway candidate may be eligible for licensure to practice the healing arts in this state if s/he satisfies the following requirements:

1. An applicant must have completed all of the prescribed curriculum at his/her school of medicine and the curriculum in this state and the applicant must have completed training at a medical school whose curriculum has been approved by the proper Mexican government agency;

2. An applicant must meet the academic requirements for licensure in Mexico; and

3. An applicant must be either American Specialty Board-eligible or have completed three (3) years of postgraduate training in one (1) recognized specialty area of medicine in a program which is approved and accredited to teach postgraduate medical education by the accreditation council on graduate medical education of the AMA or the education committee of the AOA.

AUTHORITY: sections 334.031, 334.040 and 334.125, RSMo [1986] Supp. 1999 and 334.035, RSMo 1994. Original rule filed July 12, 1984, effective Jan. 1, 1987. For intervening history,

please consult the *Code of State Regulations*. Amended: Filed July 25, 2000.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Board of Healing Arts, 3605 Missouri Boulevard, P.O. Box 4, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 150—State Board of Registration for the Healing Arts
Chapter 3—Licensing of Physical Therapists and Physical Therapist Assistants

PROPOSED AMENDMENT

4 CSR 150-3.203 Acceptable Continuing Education. The board is proposing to amend section (5).

PURPOSE: This amendment corrects typographical errors.

(5) Acceptable continuing education is automatically approved if such course or activity is obtained as follows:

(B) Academic coursework completed at a regionally accredited college or university in subject matter directly related to the practice of physical therapy, as defined in section 334.500(4), RSMo in which the licensee earns a grade of a "C" or above. For the purpose of this subsection each semester credit hour shall be acceptable as ten (10) hours of continuing education, each trimester credit hour shall be acceptable as eight (8) hours of continuing education, one-quarter credit hour shall be acceptable as seven (7) hours of continuing education.

1. An official transcript, from a regionally accredited college or university, indicating successful completion of academic coursework in appropriate subject matter related to practice of physical therapy as specified in section *[[3]]* (4) of this rule, specifically reporting that the licensee earned a grade of at least a "C" for that course, and the number of credit hours awarded for the course shall be the document(s) necessary as proof of compliance if audited by the board to submit proof.

(E) Professional program presentations presented by the licensee in subject matter directly related to the practice of physical therapy which meets the criteria specified in section *[[3]]* (4) of this rule as delivered in a lecture and/or demonstration format other than academic curricula.

1. The maximum continuing education hours for presentation activities per licensee shall not exceed fifteen (15) hours during any two (2)-year reporting period.

2. The delivering of a presentation for the first time or a workshop or course shall be creditable for three (3) hours of continuing education for each hour of actual presentation time (this ratio reflects the preparation time required in delivering an initial presentation).

3. The delivering of a presentation, workshop or course for a second time shall be creditable for one (1) hour of continuing education for each hour of actual presentation time (this ratio reflects

the lesser degree of preparation time required for the second presentation of a workshop or course).

4. The delivering of a presentation, workshop or course more than two (2) times, in any two (2)-year reporting period, is not acceptable for continuing education hours (this reflects the minimal preparation time necessary for multiple presentations of the same workshop or course).

5. A written announcement of a presentation schedule and/or brochure specifically identifying the licensee as *[a or]* the presenter of a course/seminar/program which meets the criteria specified in section *[(3)] (4)* of this rule and section 334.500(4), RSMo shall be the document(s) necessary as proof of compliance if audited by the board to submit proof.

(H) Publication of a chapter in a peer-reviewed physical therapy or medical publication shall be creditable for five (5) hours of continuing education.

1. A copy of the chapter as published in a peer-reviewed physical therapy or medical publication specifically identifying the licensee as the author of such chapter, as well as a copy of the cover of the publication, shall be the document(s) necessary as proof of compliance if audited by the board to submit proof.

(I) Videotaped presentation reviews which identify a specific sponsor, sponsoring group or agency, provided that the videotaped presentation meets the criteria specified in section *[(3)] (4)* of this rule.

1. A certificate of completion of a videotaped presentation review specifically identifying the licensee as well as the specific sponsor, along with the name of the facilitator or program official present during the review, as well as all others in attendance during the review, provided that *[the]* such presentation meets the criteria specified in section *[(3)] (4)* of this rule and section 334.500(4), RSMo, shall be the document(s) necessary as proof of compliance if audited by the board to submit proof.

(J) Home study courses, which meet the criteria specified in section *[(3)] (4)* of this rule and section 334.500(4), RSMo, which result in the awarding of a certificate of completion, shall be creditable for the number of hours specified on the certificate of completion.

1. A certificate of completion verifying the completion of a home study course meeting the criteria specified in section *[(3)] (4)* of this rule and section 334.500(4), RSMo, specifically identifying the licensee and the continuing education hours such course is creditable for, shall be the document(s) necessary as proof of compliance if audited by the board to submit proof.

(L) Initial CPR *[(Cardiac Pulmonary Resuscitation)] (Cardiopulmonary Resuscitation)* certification or recertification shall be creditable for each hour of actual attendance in certification or recertification training.

1. A copy of a CPR certification or recertification certificate, specifically identifying the licensee as the person awarded such certification or recertification, shall be the document(s) necessary as proof of compliance if audited by the board to submit proof. This credit for continuing education hours shall only be applicable once during each two (2)-year reporting period.

AUTHORITY: sections 334.125 and 334.507, RSMo Supp. [1998] 1999. Original rule filed May 14, 1999, effective Dec. 30, 1999. Amended: Filed July 25, 2000.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Healing Arts—Advisory Commission for

Physical Therapists, 3605 Missouri Boulevard, P.O. Box 4, Jefferson City, MO 65102, (573) 751-0098. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 150—State Board of Registration for the Healing Arts

Chapter 4—Licensing of Speech-Language Pathologists and Audiologists

PROPOSED AMENDMENT

4 CSR 150-4.051 Definitions. The board is proposing to amend subsection (1)(D).

PURPOSE: This rule amends the definition of “hour of continuing education.”

(1) For the purpose of this chapter, the following definitions shall apply:

(D) Hour of continuing education—means a **minimum of fifty (50) minutes and up to a maximum of sixty (60) minutes** spent in actual attendance at and/or completion of an approved continuing education activity; **continuing education units (CEUs) are rounded down to the nearest hour;** and

AUTHORITY: sections 345.030 and 345.051, RSMo Supp. [1998] 1999. Original rule filed Nov. 17, 1997, effective June 30, 1998. Amended: Filed Nov. 16, 1998, effective July 30, 1999. Amended: Filed July 25, 2000.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Board of Healing Arts, Tina Steinman, Executive Director, P.O. Box 4, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 150—State Board of Registration for the Healing Arts

Chapter 4—Licensing of Speech-Language Pathologists and Audiologists

PROPOSED AMENDMENT

4 CSR 150-4.055 Applicants for Provisional Licensure. The board is proposing to amend the original purpose statement and sections (4), (6) and (8).

PURPOSE: This amendment changes the text of this rule to be consistent with legislative amendments made to Chapter 345, RSMo effective with the passage of House Bill 1601 of the 89th General Assembly.

PURPOSE: This rule provides the requirements for speech-language pathology and [clinical] audiology provisional licensure pursuant to section 345.022, RSMo.

(4) The fee for provisional licensure shall be an appropriate fee, to be established by the board. The fee shall be sent in the form of a bank draft, post office money order or express money order payable on a United States Bank made payable to the *[Missouri Board of Healing Arts/ State Board of Registration for the Healing Arts]*. Personal and/or corporate checks will not be accepted. No application will be processed until the licensure fee is received.

(6) Applicants for provisional licensure must submit the following documentation:

(B) Proof of passage of the National Examination in Speech-Language Pathology and/or *[Clinical]* Audiology. Examination scores must be submitted to the board directly from the Educational Testing Service. The passing score shall remain consistent with the passing score set by the American Speech-Language-Hearing Association, on the date of licensure application;

(8) Applicants seeking provisional licensure in both speech-language pathology and *[clinical]* audiology shall meet the qualifications and submit the required documentation as stated above for both professions.

AUTHORITY: sections 345.022 and 345.030, RSMo [Supp. 1995] Supp. 1999. Original rule filed July 12, 1996, effective Jan. 30, 1997. Amended: Filed July 25, 2000.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed amendment with the State Board of Registration for the Healing Arts, P.O. Box 4, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 150—State Board of Registration for the Healing Arts

Chapter 4—Licensing of Speech-Language Pathologists and Audiologists

PROPOSED AMENDMENT

4 CSR 150-4.060 Fees. The board is proposing to amend sections (1)–(3), add a new section (4), and renumber the remaining sections accordingly.

PURPOSE: This amendment changes the renewal period from annual to biennial for Speech-Language Pathologists and Audiologists, aides and provisional licensees and establishes the fee for Speech-Language Pathology Assistants' registration, renewal, and reinstatement.

(1) The following fees are established by the Advisory Commission for Speech-Language Pathologists and *[Clinical]* Audiologists and are payable in the form of a cashier's check or money order:

(B) **Biennial Licensure Renewal Fee—Odd Numbered Years**
(personal checks acceptable) **\$/25.00/50.00**

(2) The following fees apply to speech-language pathology and *[clinical]* audiology aides:

(A) **[Registered] Registration Application** Processing Fee **\$25.00**
(B) **Biennial Registration Renewal Fee—Odd Numbered Years**
(personal checks acceptable) **/\$ 10.00/ \$20.00**

(3) The following fees apply to speech-language pathology and *[clinical]* audiology provisional licensees:

(4) The following fees apply to speech-language pathology assistants:

(A) **Registration Application Processing Fee** **\$25.00**
(B) **Biennial Registration Renewal Fee—**
Odd Numbered Years
(personal checks acceptable) **\$20.00**
(C) **Reinstatement Fee** **\$10.00**

[(4)] (5) All fees are nonrefundable.

[(5)] (6) 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: sections 345.015, 345.022, 345.030, [345.051], 345.045, [RSMo 1994] and 345.055, RSMo [1997] Supp. 1999. Original rule filed July 1, 1988, effective Oct. 27, 1988. Amended: Filed April 2, 1992, effective Dec. 3, 1992. Amended: Filed July 12, 1996, effective Jan. 30, 1997. Amended: Filed Nov. 17, 1997, effective June 30, 1998. Amended: Filed July 25, 2000.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Board of Healing Arts, 3605 Missouri Boulevard, P.O. Box 4, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 150—State Board of Registration for the Healing Arts

Chapter 4—Licensing of Speech-Language Pathologists and Audiologists

PROPOSED AMENDMENT

4 CSR 150-4.105 Educational Requirements. The board is proposing to amend the original purpose statement, amend section (1) and add new subsections (1)(A), (1)(B), and (1)(C).

PURPOSE: This amendment deletes the word "clinical" as it precedes the word "audiology" in the original purpose statement; amends the terminology in section (1) with the addition of subsections (A)–(C). This amendment is consistent with amendments to Chapter 345, RSMo effective with the passage of House Bill 1601 of the 89th General Assembly.

PURPOSE: This rule details the educational requirements for speech-language pathology [clinical] and audiology aides.

(1) To be eligible for registration as an audiology aide or speech-language pathology aide, each applicant must: [–1] be of good moral character and 2) hold a high school diploma or equivalent.]

(A) Be at least eighteen years of age;

(B) Furnish evidence of good moral character;

(C) Furnish evidence of educational qualifications which shall be at a minimum:

1. Certification of graduation from an accredited high school or its equivalent; and

2. Proposed plan for on-the-job training as will be provided by a licensed speech-language pathologist or licensed audiologist (respective of registration requested) specifying employment dates, duties and responsibilities.

AUTHORITY: sections 345.015 and 345.030, RSMo [1986] Supp. 1999. Original rule filed April 2, 1992, effective Dec. 3, 1992. Amended: Filed July 25, 2000.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Healing Arts—Advisory Commission for Speech-Language Pathologists and Audiologists, 3605 Missouri Boulevard, P.O. Box 4, Jefferson City, MO 65102, (573) 751-0098. To be considered, comments must be received within thirty days after publication in this notice in the *Missouri Register*. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 150—State Board of Registration for the Healing Arts

Chapter 4—Licensing of Speech-Language Pathologists and Audiologists

PROPOSED RESCISSION

4 CSR 150-4.110 Supervision Requirements. This rule detailed the supervision requirements for speech-language pathology/clinical audiology aides.

PURPOSE: The board is proposing to rescind this rule and propose a new rule that more clearly details the supervision requirements for speech-language pathology and audiology aides.

AUTHORITY: section 345.015, RSMo 1986. Original rule filed April 2, 1992, effective Dec. 3, 1992. Rescinded: Filed July 25, 2000.

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

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

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

Missouri Board of Healing Arts—Advisory Commission for Speech-Language Pathologists and Audiologists, 3605 Missouri Boulevard, P.O. Box 4, Jefferson City, MO 65102, (573) 751-0098. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 150—State Board of Registration for the Healing Arts

Chapter 4—Licensing of Speech-Language Pathologists and Audiologists

PROPOSED RULE

4 CSR 150-4.110 Supervision Requirements

PURPOSE: This rule details the supervision requirements for speech-language pathology and audiology aides.

(1) All applications for registration to practice as a speech-language pathology aide must include a statement from a speech-language pathologist, holding current unrestricted licensure to practice in the state of Missouri pursuant to section 345.015(10), RSMo, acknowledging willingness to provide on-the-job training and acceptance of the legal and ethical responsibilities for supervising the aide.

(2) All applications for registration to practice as an audiology aide must include a statement from an audiologist holding current unrestricted licensure to practice in the state of Missouri pursuant to section 345.015(1), RSMo acknowledging willingness to provide on-the-job training and acceptance of the legal and ethical responsibilities for supervising the aide.

(3) The supervising speech-language pathologist and/or audiologist is responsible for all of the aide's activities.

(A) It is the responsibility of the supervising speech-language pathologist or supervising audiologist (respective of aide's registration) to protect the interests of all patients and/or clients at all times during which the aide is practicing and/or interacting with patients and/or clients; this responsibility includes the supervisor's and the aide's compliance with the ethical standards of practice as specified in rule 4 CSR 150-4.080.

(B) The supervising speech-language pathologist or supervising audiologist (respective of aide's registration) retains, at all times, the primary role in determining the competency level of the aide.

(C) When the speech-language pathology aide or audiology aide is involved in diagnostic and/or intervention activities, the aide must be directly supervised. Direct supervision is defined as on-site, in view of the aide and patient/client.

(D) It is the responsibility of the supervising speech-language pathologist or supervising audiologist (respective of aide's registration) to determine the amount of indirect supervision to be provided to the aide based on the following factors:

1. The skill and experience of the aide;

2. The skill and expertise required for the task assigned;

3. The individual needs of the patient and/or client receiving services;

4. The setting in which the delivery of services is/will be performed.

(E) The supervising speech-language pathologist or supervising audiologist (respective of aide's registration) shall ensure that the scope and intensity of training for the aide encompasses all activities assigned to the aide.

(F) The supervising speech-language pathologist or supervising audiologist (respective of aide's registration) shall provide continual opportunities to ensure that the aides' practices are current and his/her skills are maintained.

(G) The supervising speech-language pathologist or supervising audiologist (respective of the aide's registration) shall provide the aide with information specifying the aides role(s) and function(s).

(H) The number of aide's supervised by a speech-language pathologist and/or audiologist shall be consistent with the delivery of appropriate quality services.

AUTHORITY: sections 345.015 and 345.030, RSMo Supp. 1999. Original rule filed April 2, 1992, effective Dec. 3, 1992. Rescinded and readopted: Filed July 25, 2000.

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

PRIVATE COST: This proposed rule will not cost private entities more than \$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 Missouri Board of Healing Arts—Advisory Commission for Speech-Language Pathologists and Audiologists, 3605 Missouri Boulevard, P.O. Box 4, Jefferson City, MO 65102, (573) 751-0098. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 150—State Board of Registration for the Healing Arts Chapter 4—Licensing of Speech-Language Pathologists and Audiologists

PROPOSED RESCISSION

4 CSR 150-4.115 Scope of Practice. This rule detailed the scope of practice for speech-language pathology/clinical audiology aides.

PURPOSE: The board is proposing to rescind this rule and propose new language that more clearly details the scope of practice for speech-language pathology and audiology aides.

AUTHORITY: section 345.015, RSMo 1986. Original rule filed April 2, 1992, effective Dec. 3, 1992. Rescinded: Filed July 25, 2000.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Board of Healing Arts—Advisory Commission for Speech-Language Pathologists and Audiologists, 3605 Missouri Boulevard, P.O. Box 4, Jefferson City, MO 65102, (573) 751-0098. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 150—State Board of Registration for the Healing Arts Chapter 4—Licensing of Speech-Language Pathologists and Audiologists

PROPOSED RULE

4 CSR 150-4.115 Scope of Practice

PURPOSE: This rule details the scope of practice for speech-language pathology and audiology aides.

(1) The supervising speech-language pathologist shall assign all duties of the speech-language pathology aide.

(2) The supervising audiologist shall assign all duties of the audiology aide.

(3) Speech-language pathology aides may only engage in tasks that are planned, delegated, and supervised by the supervising speech-language pathologist.

(4) Audiology aides may only engage in tasks that are planned, delegated, and supervised by the supervising audiologist.

(5) The tasks performed by a speech-language pathology or audiology aide under direct supervision may include orienting the patients and/or clients to the clinical environment.

(6) The tasks performed by a speech-language pathology or audiology aide under indirect supervision may include, but not be all inclusive of the following:

- (A) Setting up the treatment area;
- (B) Providing checks and service maintenance to equipment;
- (C) Performing clerical duties;
- (D) Transporting patients and/or clients to and from treatment areas;
- (E) Constructing and modifying clinical materials as directed and specified by the supervising speech-language pathologist or supervising audiologist.

(7) Aides shall not be allowed to perform the following tasks:

- (A) Interpret observations and/or data;
- (B) Make diagnostic statements;
- (C) Determine case selections;
- (D) Disclose clinical information (data or impressions relative to patient and/or client performance, behavior, or progress) either verbally or in writing to anyone other than the supervising speech-language pathologist or supervising audiologist;
- (E) Compose or present clinical reports, verbally or in writing to anyone other than the supervising speech-language pathologist or supervising audiologist;
- (F) Refer a patient and/or client to other professionals, agencies, or individuals for services;
- (G) Use a title other than speech-language pathology aide or audiology aide pursuant to respective registration issued by the board;
- (H) Sign any patient and/or client documents/documentation;
- (I) Discharge a patient and/or client from services;
- (J) Administer or interpret hearing screenings or diagnostic tests;
- (K) Fit or dispense hearing instruments;
- (L) Make ear impressions;
- (M) Perform any procedure for which the aide is not qualified, or has not been adequately trained, or both;

(N) Provide counseling to a patient and/or client or the patient's and/or client's family; or

(O) Write, develop or modify treatment plans.

AUTHORITY: sections 345.015 and 345.030, RSMo Supp. 1999. Original rule filed April 2, 1992, effective Dec. 3, 1992. Rescinded and readopted: Filed July 25, 2000.

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

PRIVATE COST: This proposed rule will not cost private entities more than \$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 Missouri Board of Healing Arts—Advisory Commission for Speech-Language Pathologists and Audiologists, 3605 Missouri Boulevard, P.O. Box 4, Jefferson City, MO 65102, (573) 751-0098. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 150—State Board of Registration for the Healing Arts

Chapter 4—Licensing of Speech-Language Pathologists and Audiologists

PROPOSED RESCISSION

4 CSR 150-4.120 Procedural Process for Registration. This rule detailed the registration process for speech-language pathology/clinical audiology aides.

PURPOSE: The board is proposing to rescind this rule and propose a new rule that more clearly details the registration process for speech-language pathology and audiology aides.

AUTHORITY: section 345.015, RSMo 1986. Original rule filed April 2, 1992, effective Dec. 3, 1992. Rescinded: Filed July 25, 2000.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Board of Healing Arts—Advisory Commission for Speech-Language Pathologists and Audiologists, 3605 Missouri Boulevard, P.O. Box 4, Jefferson City, MO 65102, (573) 751-0098. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 150—State Board of Registration for the Healing Arts

Chapter 4—Licensing of Speech-Language Pathologists and Audiologists

PROPOSED RULE

4 CSR 150-4.120 Procedural Process for Registration

PURPOSE: This rule details the registration process for speech-language pathology and audiology aides.

(1) Application for registration to practice as a speech-language pathology and/or audiology aide shall be made on forms obtained from the Missouri State Board of Registration for the Healing Arts, P.O. Box 4, Jefferson City, MO 65102.

(2) An application will not be considered as officially submitted unless completely filled out, properly attested and the application fee has been submitted and received by the board. The application fee must be submitted in the form of a cashier's check or money order payable to the State Board of Registration for the Healing Arts, drawn on a United States bank or firm. The following documents are necessary to be filed with the board in order to deem the application complete:

(A) All applicants shall submit a copy of their birth certificate confirming their date of birth;

(B) All applicants shall submit a copy of their high school graduation diploma, or a certificate confirming their equivalency thereof;

(C) All applicants shall provide, on a form provided by the board, a proposed plan of on-the-job training, signed by the supervising licensed speech-language pathologist as specified in section 345.015(10), RSMo; or licensed audiologist as specified in section 345.015(1), RSMo (respective of type of registration requested) which shall specify employment dates, employment title, duties and responsibilities;

(D) All applicants shall provide, on a form provided by the board, a proposed plan for active employment or verification of active employment and supervision by a supervising licensed speech-language pathologist or audiologist (respective of type of registration requested) in a setting in which direct and indirect supervision is provided on a systematic basis; and a statement by the supervising licensed speech-language pathologist or supervising licensed audiologist acknowledging willingness to provide on-the-job training and acceptance of the legal and ethical responsibilities of supervising the applicant applying for registration to practice as an aide;

(E) Verification of licensure, registration and/or certification to practice in other state(s) or territories shall be submitted to the board directly from the issuing agency, documenting their record of the applicant, if applicable; and

(F) All applicants shall present with the application a recent, unmounted, identifiable photograph not larger than three and one-half inches by five inches (3 1/2" × 5") nor smaller than two inches by three inches (2" × 3").

(3) The completed application, including all documents, supporting material(s) and official transcripts required by the board, must be received at least thirty (30) days before the next regularly scheduled commission meeting. Applications completed fewer than thirty (30) days before the next regularly scheduled meeting may be scheduled for the following regularly scheduled meeting.

(4) Following the commission and board's review, the applicant will be informed by letter either that the application has been approved or that it has been rejected. Any rejection letter will outline, with as much specificity as practicable, the reasons for rejection.

AUTHORITY: sections 345.015 and 345.030, RSMo Supp. 1999. Original rule filed April 2, 1992, effective Dec. 3, 1992. Rescinded and readopted: Filed July 25, 2000.

PUBLIC COST: The public entity cost for this proposed rule is estimated at \$9,478 for the first year of implementation of the rule. Thereafter, the board is anticipating an annual growth rate of 10%

in applicants and estimates the total annual cost will be \$947.80 for the life of the rule. It is anticipated that the total annual cost will recur each year for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: The private entity cost for this proposed rule is estimated at \$9,616 for the first year of implementation of the rule. Thereafter, the board is anticipating an annual growth rate of 10% in applicants and estimates the total annual cost will be \$961.60 for the life of the rule. It is anticipated that the total annual cost will recur each year for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Board of Healing Arts—Advisory Commission for Speech-Language Pathologists and Audiologists, 3605 Missouri Boulevard, P.O. Box 4, Jefferson City, MO 65102, (573) 751-0098. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

FISCAL NOTE
PUBLIC ENTITY COST

I. RULE NUMBER

Title: 4 - Department of Economic Development

Division: 150 - Professional Registration/State Board of Registration for the Healing Arts

Chapter: 4 - Licensing of Speech-Language Pathologists and Audiologists

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 150-4.120 Procedural Process for Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance	
State Board of Registration for the Healing Arts	Estimated Cost of Compliance for First Year of Implementation of the Rule	\$9,478.00
	Estimated Annual Cost of Compliance for the Life of the Rule	\$947.80

III. WORKSHEET

Expenditure of Money or Reduction in Income

CLASSIFICATION	FEE AMOUNT	NUMBER IN CLASS	AGGREGATE COST
Application Printing Cost	\$3.26	200	\$652.00
Statute, Rules and Regulation Printing Cost	\$.50	200	\$100.00
License Printing Cost	\$.11	200	\$22.00
Application Mailing	\$1.70	200	\$340.00
Correspondence Mailing	\$.33	200	\$66.00
License Mailing	\$.29	200	\$58.00
Total:			1,238.00

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFITS	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL COST
Licensure Technician II	\$25,188.00	\$32,925.75	\$15.83	.26	1.5 hours	\$23.40	\$4,680.00
Director of Operations	\$31,932.00	\$41,741.51	\$20.07	.33	10 minutes	\$3.30	\$660.00
Executive Director	\$58,215.36	\$76,099.12	\$36.59	.61	15 minutes	\$9.15	\$1,830.00
Account Clerk II	\$21,522.00	\$28,133.56	\$13.53	.23	10 minutes	\$2.30	\$460.00
Clerk IV	\$24,684.00	\$32,266.92	\$15.51	.26	3 minutes	\$.78	\$156.00
Total:						\$7,786.00	

The above staff salaries were calculated using the following formula:

Employee's salaries were calculated using their annual salary multiplied by 30.72% for fringe benefits and then was 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 for registration. The total cost was based on the cost per application multiplied by the estimated 200 applications.

It is estimated that approximately ten (10) applicants out of the total estimated two hundred (200) applicants may be assigned for investigative review. It is further estimated that if an investigative review is assigned an investigator will devote approximately two (2) hours investigating the applicant and/or situation, collecting the necessary documents and preparing an investigative report for the board's review. This would also include approximately thirty (30) minutes of a Clerk Stenographer II to assemble this information for board review, copy the report to the board, log the investigative in the computer system, etc.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFITS	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL COST
Investigator	\$31,344.00	\$40,972.88	\$19.70	.33	2 hours	\$39.40	\$394.00
Clerk Stenographer II	\$19,260.00	\$25,176.67	\$12.10	.20	30 minutes	\$6.00	\$60.00
Total:							\$454.00

The above investigative staff salaries were calculated using the following formula:

Salaries of employees involved in the investigative process were calculated using their annual salary multiplied by 30.72% for fringe benefits and then was 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 investigating the applicant or the situations. The total cost was based on the cost per application multiplied by an estimated ten (10) applicants out of the total estimated two hundred (200) applicants that may be assigned for investigative review.

GRAND TOTAL FOR FIRST YEAR OF IMPLEMENTATION OF THE RULE: \$9,478.00

IV. ASSUMPTIONS

- It is estimated that the following staff time will be devoted on each application for registration and devoted to the following duties:

Licensure Technician II – 1.5 hours per application

Duties: telephone time devoted to applicants requesting licensure application forms, answering inquiries relative to the documents necessary for licensure, processing the application, corresponding to the applicant acknowledging receipt of the application and advising of lacking documentation, updating the file as documents are received, and reviewing the file for completion and review by the Director of Operations

Director of Operations – 10 minutes per application

Duties: review the file and supporting documentation for approval or directing the file for the review of the board.

Executive Director – 15 minutes per application

Duties: review applications directed to the board for review and approval. It is estimated that ten (200) out of the estimated two hundred (200) applications estimated to receive per year will require board review.

Account Clerk II – 10 minutes per application

Duties: enter fee as received and prepare a revenue transmittal, post the fee and reconcile the fee on a daily, monthly, and yearly basis

Clerk IV – 3 minutes per application

Duties: enter the fee on the daily fee log and disseminate the fee to the Licensure Supervisor.

- The board anticipates 200 individuals will apply for registration during the first year. The board estimates this registration process will cost the board approximately \$47.39 per application.
- The public entity cost for this proposed amendment is estimated to be \$9,478.00 for the first year of implementation of the rule. Thereafter, the board is anticipating an annual growth rate of 10% in applicants and estimates the total annual cost will be \$947.80 for the life of the rule. It is anticipated that the total annual cost will recur each year for the life of the rule, however, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: Department of Economic Development

Division: Division of Professional Registration/State Board of Registration for the Healing Arts

Chapter: 4 – Licensing of Speech-Language Pathologists and Audiologists

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 150-4.120 Procedural Process for Registration

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate cost of compliance
200	Individuals (application)	\$5,000.00
200	Individuals (notary)	\$500.00
200	Individuals (transcript)	\$2,000.00
200	Individuals (verification)	\$2,000.00
200	Individuals (postage)	\$66.00

**Estimated Cost of Compliance for
the First Year of Implementation of
the Rule** **\$9,616.00**

**Estimated Annual Cost of
Compliance for the Life of the Rule** **\$961.60**

III. WORKSHEET

- Application for Registration @ \$25.00
- Notary @ \$2.50
- Copy of high school diploma @.25
- Verification of licensure, registration and/or certification fee @ \$10.00
- Birth certificate @ \$10.00
- Postage @ \$.33

IV. ASSUMPTIONS

- The board anticipates 200 individuals will apply for registration during the first year. The board estimates this registration process will cost each applicant approximately \$48.08
- The private entity cost for this proposed amendment is estimated to be \$9,616.00 for the first year of implementation of the rule. Thereafter, the board is anticipating an annual growth rate of 10% in applicants and estimates the total annual cost will be \$961.60 for the life of the rule. It is anticipated that the total annual cost will recur each year for the life of the rule, however, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 150—State Board of Registration for the
Healing Arts**

**Chapter 4—Licensing of Speech-Language Pathologists
and Audiologists**

PROPOSED AMENDMENT

4 CSR 150-4.125 Display of Certificate. The board is proposing to amend the original purpose statement and the terminology used in the text of the rule.

PURPOSE: This amendment deletes the word “clinical” as it precedes the word “audiology” and changes “registration certificate” to “certificate of registration” in the original purpose statement; and amends the text of the rule changing the terminology to be consistent with amendments to Chapter 345, RSMo effective with the passage of House Bill 1601 of the 89th General Assembly.

PURPOSE: This rule details the requirements for displaying a speech-language pathology [clinical] and/or audiology aide certificate of registration.

[A registrant] Speech-language pathology and audiology aides shall display the certificate issued by the State Board of Registration for the Healing Arts in a prominent place in [the primary] each location of practice.

AUTHORITY: sections 345.015, 345.030 and 345.065, RSMo [1986] Supp. 1999. Original rule filed April 2, 1992, effective Dec. 3, 1992. Amended: Filed July 25, 2000.

PUBLIC COST: The proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: The proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Healing Arts—Advisory Commission for Speech-Language Pathologists and Audiologists, 3605 Missouri Boulevard, Jefferson City, MO 65102, (573) 751-0098. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 150—State Board of Registration for the
Healing Arts**

**Chapter 4—Licensing of Speech-Language Pathologists
and Audiologists**

PROPOSED AMENDMENT

4 CSR 150-4.130 Renewal of Certificate of Registration. The board is proposing to amend the original purpose statement and the text of the rule.

PURPOSE: This amendment deletes the word “clinical” as it precedes the word “audiology” and amends the text of the rule to be consistent with the amendments of Chapter 345, RSMo effective with the passage of House Bill 1601 of the 89th General Assembly.

PURPOSE: This rule details the process for renewing a speech-language pathology [clinical] or audiology aide registration certificate.

Each registered speech-language pathology or [clinical] audiology aide shall [annually] biennially pay the nonrefundable fee for renewal of the certificate of registration. The executive director shall not consider a [license] registration to be renewed until the completed registration renewal form signed by the supervising [licensed] speech-language pathologist/[clinical] and/or audiologist and the renewal fee have been received by the State Board of Registration for the Healing Arts. [The registered speech-language pathologist/clinical audiologist shall furnish a signed statement on forms provided by the board regarding the performance of the aide. This must accompany the renewal form.]

AUTHORITY: sections 345.015, 345.030 and 345.051, RSMo [1986] Supp. 1999. Original rule filed April 2, 1992, effective Dec. 3, 1992. Amended: Filed July 25, 2000.

PUBLIC COST: The proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: The proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Healing Arts—Advisory Commission for Speech-Language Pathologists and Audiologists, 3605 Missouri Boulevard, Jefferson City, MO 65102, (573) 751-0098. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 150—State Board of Registration for the
Healing Arts**

**Chapter 6—[Licensing] Registration of Athletic
Trainers**

PROPOSED AMENDMENT

4 CSR 150-6.020 Applicants for [Licensure] Registration as Athletic Trainers. The board is proposing to amend the title of this rule and this chapter by changing the term “Licensing” to “Registration”; amend the original purpose statement; add new sections (3), (4) and (5); and renumber the remaining sections accordingly.

PURPOSE: The purpose of this amendment is to change the terminology used throughout the rule to be consistent with the terminology of sections 334.700–334.725, RSMo and specify the documents applicants for registration must submit to the board.

PURPOSE: This rule provides requirements to applicants desiring [permanent licensure] registration in Missouri to practice as athletic trainers.

(3) All applicants for registration shall present, attached to the application, a recent photograph, not larger than three and one-half inches by five inches (3 1/2" × 5").

(4) All applicants shall provide a functional protocol form(s), signed by a physician licensed to practice pursuant to Chapter 334, RSMo. The protocol form shall specify what procedures the athletic trainer may perform or initiate during the physician's absence. If practicing under the direction of more than one (1) physician the applicant shall submit a functional protocol form signed by each physician.

(5) If the applicant is applying for registration as an athletic trainer based upon meeting the National Athletic Trainers Association (NATA) certification qualifications, then the applicant shall provide proof that the NATA certification is current at the time the application is submitted to the board.

[[3]] (6) Proof which is acceptable to the board of experience and educational quality equal to that mentioned in section 334.708.1(1), RSMo is set forth in materials which are incorporated by reference and retained at the office of the board. The materials can be summarized in that the results of a role delineation study completed [in March 1982] by the National Athletic Trainers' Association (NATA) Board of Certification in conjunction with the Professional Examination Service, New York, New York, serve as a primary basis for development of a list of competencies and is incorporated by reference in this rule. The role delineation study [was] is designed to identify actual job responsibilities and tasks performed by certified athletic trainers in high schools, colleges and professional athletic organizations throughout the United States and was conducted in an attempt to establish a valid base for construction of the national certification examination for athletic trainers. The list of competencies subsequently developed by the NATA Professional Education Committee serves as a guide to the development of educational programs leading to certification as an athletic trainer and is intended to assist both instructional personnel and students in identifying knowledge and skills to be mastered. Thus, educational backgrounds of registered athletic trainers in Missouri should follow these competencies. The competencies identified are categorized according to seven (7) major tasks comprising the role of the certified athletic trainer:

- (A) Prevention of athletic injuries/illnesses;
- (B) Evaluation and recognition of athletic injuries/illnesses and medical referral;
- (C) First aid and emergency care;
- (D) Rehabilitation and reconditioning;
- (E) Organization and administration;
- (F) Counseling and guidance; and
- (G) Education. Although the necessary competencies identified for each major task are not stated as such, they are listed wherever appropriate according to the following commonly accepted method of classifying behavioral objectives:

1. Cognitive domain (knowledge and intellectual skills). Psychomotor domain (manipulative and motor skills) and, affective domain (attitudes and values). The materials will be made available to any interested person, upon written request, at a cost not to exceed the actual cost of reproduction.

[[4]] (7) The board shall charge each person applying for [licensure] registration to practice as an athletic trainer an appropriate fee, which will be established by the board. The fee shall be sent with the application and in the form of a bank draft, postal money order or express money order. (Personal checks will not be accepted.)

AUTHORITY: sections 334.125 and 334.706[.3(2)], RSMo [1986] Supp. 1999 and 334.702, 334.704, 334.708, 334.710 and 334.712, RSMo 1994. Emergency rule filed April 5, 1985, effective April 15, 1985, expired Aug. 13, 1985. Original rule filed May 3, 1985, effective Aug. 15, 1985. Amended: Filed July 25, 2000.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Board of Healing Arts—Athletic Trainers Advisory Committee, 3605 Missouri Boulevard, P.O. Box 4, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 150—State Board of Registration for the
Healing Arts
Chapter 6—Registration of Athletic Trainers**

PROPOSED RULE

4 CSR 150-6.025 Examination

PURPOSE: This rule provides specific instructions to applicants regarding examination procedures.

- (1) The executive director will, as soon as practicable, notify applicants of the date, time and place the examination is scheduled to be held.
- (2) The board shall conduct examination of applicants for registration to practice as an athletic trainer at least once each calendar year provided applicants support such administration.
- (3) Any applicant detected to be seeking or giving help during the hours of the examination will be dismissed and his/her papers cancelled.
- (4) To receive a passing score on the examination, the applicant must achieve the passing score recommended by the National Athletic Trainers Association or its successor. Scores from a portion of an examination taken at one (1) test administration may not be averaged with scores from any other portion of the examination taken at another test administration to achieve a passing score.
- (5) An applicant may retake the examination for registration to practice as an athletic trainer upon payment of an appropriate fee established by the board.

AUTHORITY: section 334.706, RSMo Supp. 1999. Original rule filed July 25, 2000.

PUBLIC COST: The public entity cost for this proposed rule is estimated at \$25.89 annually for the life of the rule. It is anticipated that the cost will recur each year for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: The private entity cost for this proposed rule is estimated at \$152.83 annually for the life of the rule. It is anticipated that the cost will recur each year for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Healing Arts—Athletic Trainers Advisory Committee, 3605 Missouri Boulevard, P.O. Box 4, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 150 - Division of Professional Registration – State Board of Registration for the Healing Arts

Chapter: 6 – Registration of Athletic Trainers

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 150-6.025 Examination

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
State Board of Registration for the Healing Arts	\$25.89

III. WORKSHEET

Expenditure of Money or Reduction in Income

CLASSIFICATION	FEE AMOUNT	NUMBER IN CLASS	AGGREGATE COST
Application Printing Cost	\$3.26	1	\$3.26
Statute, Rules and Regulation Printing Cost	\$.50	1	\$.50
License Printing Cost	\$.11	1	\$.11
Application Mailing	\$1.70	1	\$1.70
Correspondence Mailing	\$.33	1	\$.33
License Mailing	\$.29	1	\$.29
TOTAL			\$6.19

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFITS	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL COST
Licensure Technician I	\$25,188.00	\$32,925.75	\$15.83	.26	45 minutes	\$11.70	\$11.70
Director of Operations	\$31,932.00	\$41,741.51	\$20.07	.33	15 minutes	\$4.95	\$4.95
Executive Director	\$58,215.36	\$76,099.12	\$36.59	.61	5 minutes	\$3.05	\$3.05
					Total:		\$19.70

Staff salaries were calculated using the following formula:

Employee's salaries were calculated using their annual salary multiplied by 30.72% for fringe benefits and then was 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 for registration. The total cost was based on the cost per application multiplied by the estimated one (1) application.

GRAND TOTAL FOR FIRST YEAR OF IMPLEMENTATION OF THE RULE: \$25.89

IV. ASSUMPTIONS

- It is estimated that the following staff time will be devoted on each application for registration and devoted to the following duties:

Licensure Technician I - 45 minutes per application

Duties: telephone time devoted to applicants requesting examination application forms, answering inquiries relative to the documents necessary for examination, processing the application, corresponding to the applicant acknowledging receipt of the application and advising of lacking documentation, updating the file as documents are received, and reviewing the file for completion and review by the Director of Operations

Director of Operations - 15 minutes per application

Duties: review the file and supporting documentation for approval or directing the file for the review of the advisory committee.

Executive Director - 5 minutes per application

Duties: review applications directed to the advisory committee and possibly board for review and approval.

- The board anticipates one (1) individual will apply for the examination annually. The board estimates this application process will cost the board approximately \$25.89 per application.
- The public entity cost for this proposed rule is estimated to be \$25.89 annually for the life of the rule. It is anticipated that the total annual cost will recur each year for the life of the rule, however, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 4 - Department of Economic Development
Division: 150 - Division of Professional Registration-State Board of Registration for the Healing Arts
Chapter: 6 – Registration of Athletic Trainers
Type of Rulemaking: Propose Rule
Rule Number and Name: 4 CSR 150-6.025 Examination

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate Annual Cost of Compliance for the Life of the Rule:
1	Physician Assistant Applicants (licensure application fee)	\$150.00
1	Physician Assistant Applicants (notary)	\$2.50
1	Physician Assistant Applicants (postage)	\$.33

Total Annual Cost for the life of the rule: \$152.83

III. WORKSHEET

Licensure Application Fee @ \$150.00
 Notary Fee @ \$2.50
 Postage @ \$.33

IV. ASSUMPTIONS

1. The board estimates that approximately one (1) applicant will apply for licensure per year. The application fee is set out in 4 CSR 150-6.050.
2. It is not possible to estimate costs that an applicant could occur should the board investigate his/her background, such costs could include legal representation, delay of licensure approval, etc.
4. The private entity cost for this proposed rule is estimated to be \$152.83 annually for the life of the rule. It is anticipated that the total annual cost will recur each year for the life of the rule, however, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
**Division 150—State Board of Registration for the
Healing Arts**
**Chapter 6—[Licensing] Registration of Athletic
Trainers**

PROPOSED AMENDMENT

4 CSR 150-6.030 Registration by Reciprocity. The board is proposing to amend section (2), add new sections (4)–(7), amend the previous section (4) and renumber the remaining sections accordingly.

PURPOSE: This amendment specifies all requirements for athletic trainers seeking registration by reciprocity; section (2) requires licensure, certification and/or registration verification from other states; section (3) requires submission of a Functional Protocol Form identifying the physician(s) designated and agreeing to be the Athletic Trainer's supervisor; section (6) requires photograph submission on the application form; section (7) specifies where applications shall be submitted.

(2) *[The]* All applicants *[is]* are required to make application upon *[a]* forms prescribed by the board.

(4) All applicants shall furnish, on a form prescribed by the board, verification of registration/licensure from every state, territory or country in which the applicant has ever been registered/licensed to practice as an athletic trainer.

(5) All applicants shall provide a functional protocol form(s), signed by a physician licensed to practice pursuant to Chapter 334, RSMo. The protocol form shall specify what procedures the athletic trainer may perform or initiate during the physician's absence. If practicing under the direction of more than one (1) physician the applicant shall submit a functional protocol form signed by each physician.

(6) All applicants for reciprocity shall present, attached to the application, a recent photograph, not larger than three and one-half inches by five inches (3 1/2" x 5").

(7) All applications shall be sent to the executive director of the State Board of Registration for the Healing Arts, 3605 Missouri Boulevard, P.O. Box 4, Jefferson City, MO 65102.

[(4)](8) The board shall charge *[to]* an appropriate fee which will be established by the board to each person applying for registration by reciprocity as an athletic trainer. The fee shall be sent with the application and in the form of a bank draft, postal money order or express money order. (Personal checks will not be accepted.)

AUTHORITY: sections 334.125 and 334.706[.3(2)], RSMo [1986] Supp. 1999 and 334.702, 334.704, 334.708, 334.710 and 334.712, RSMo 1994. Emergency rule filed April 5, 1985, effective April 15, 1985, expired Aug. 13, 1985. Original rule filed May 3, 1985, effective Aug. 15, 1985. Amended: Filed April 4, 1988, effective Aug. 18, 1988. Amended: Filed July 25, 2000.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Board of Healing Arts—Athletic Trainers Advisory

Committee, 3605 Missouri Boulevard, P.O. Box 4, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
**Division 150—State Board of Registration for the
Healing Arts**
Chapter 6—Registration of Athletic Trainers

PROPOSED RULE

4 CSR 150-6.060 Renewal of Registration

PURPOSE: This rule provides information to athletic trainers regarding annual renewal of registration.

(1) A registration shall be renewed on or before the expiration of the registration by submitting the signed renewal notice, protocol form(s) and fee to the board. The registration fee shall be the appropriate fee established by the board.

(2) The board shall mail an application for renewal to each person registered in this state at the last known mailing address. The failure to mail the application or the failure to receive it does not, however, relieve any person of the duty to renew and to pay the fee required nor provide exemption from the penalties provided for failure to renew.

(3) All registrants shall renew with the board on the application form furnished by the board before January 30 of the year in which such registration is due for renewal.

(4) Renewal application forms postmarked by the post office January 31 or after will be considered delinquent, however, should January 30 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.

(5) Any person practicing as an athletic trainer without a current registration shall be subject to discipline under section 334.715, RSMo.

(6) A registrant not actively engaged in the practice of athletic training, but who wishes to renew his/her registration, must submit a statement advising the reason(s) why a protocol form is not completed.

AUTHORITY: sections 334.125 and 334.706, RSMo Supp. 1999 and 334.710, RSMo 1994. Original rule filed July 25, 2000.

PUBLIC COST: The public entity cost for this proposed rule is estimated at \$518.70 for the first year of implementation of the rule. Thereafter, the board is anticipating an annual growth rate of thirty-one (31) licensees per renewal period and estimates the annual cost will be \$1,037.40 plus a continuous annual increase of \$518.70 for the life of the rule. It is anticipated that the total annual cost will recur each year for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: The private entity cost for this proposed rule is estimated to be \$1,560.23 for the first year of implementation of the rule based upon the board's estimate that thirty-one licensees will renew their registration during the first renewal period. The board anticipates an annual growth rate of thirty-one licensees per

year. Therefore, the board estimates that the private entity annual cost to comply with this rule will be \$3,120.46 plus a continuous annual increase of \$1,560.23 for the life of the rule. It is anticipated that the total annual cost will recur for the life of the rule, however, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Healing Arts—Athletic Trainers Advisory Committee, 3605 Missouri Boulevard, P.O. Box 4, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 4 - Department of Economic Development

Division: 150 – Division of Professional Registration/State Board of Registration for the Healing Arts

Chapter: 6 – Registration of Athletic Trainers

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 150-6.060 Renewal of Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision

Estimated Cost of Compliance

State Board of Registration for the Healing Arts

Estimated Cost of Compliance for First
Year of Implementation of the Rule

\$518.70

Estimated Annual Cost of Compliance for
the Life of the Rule

\$1,037.40 annually
plus a continuous
annual increase of
\$518.70

III. WORKSHEET

Expenditure of Money or Reduction in Income

CLASSIFICATION	FEE AMOUNT	NUMBER IN CLASS	AGGREGATE COST
Application Printing Cost	\$3.26	31	\$101.06
Statute, Rules and Regulation Printing Cost	\$.50	31	\$15.50
License Printing Cost	\$.11	31	\$3.41
Application Mailing	\$1.70	31	\$52.70
Correspondence Mailing	\$.33	31	\$10.23
License Mailing	\$.29	31	\$8.99
Total:			\$191.89

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFITS	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL COST
Licensure Technician II	\$25,188.00	\$32,925.75	\$15.83	.26	15 minutes	\$1.30	\$40.03
Director of Operations	\$31,932.00	\$41,741.51	\$20.07	.33	5 minutes	\$1.65	\$51.15
Executive Director	\$58,215.36	\$76,099.12	\$36.59	.61	5 minutes	\$3.05	\$94.55
Account Clerk II	\$21,522.00	\$28,133.56	\$13.53	.23	10 minutes	\$2.30	\$71.30
Clerk IV	\$24,684.00	\$32,266.92	\$15.51	.26	3 minutes	\$.78	\$24.18
Total:							\$281.21

The above staff salaries were calculated using the following formula:

Employee's salaries were calculated using their annual salary multiplied by 30.72% for fringe benefits and then was 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 for registration renewal. The total cost was based on the cost per application multiplied by the estimated thirty-one (31) applications for registration renewal.

It is estimated that approximately one (1) licensee out of the total estimated thirty-one (31) licensees for renewal may be assigned for investigative review. It is further estimated that if an investigative review is assigned an investigator will devote

approximately two (2) hours investigating the applicant and/or situation, collecting the necessary documents and preparing an investigative report for the board's review. This would also include approximately thirty (30) minutes of a Clerk Stenographer II to assemble this information for board review, copy the report to the board, log the investigative in the computer system, etc.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFITS	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL COST
Investigator	\$31,344.00	\$40,972.88	\$19.70	.33	2 hours	\$39.60	\$39.60
Clerk Stenographer II	\$19,260.00	\$25,176.67	\$12.10	.20	30 minutes	\$6.00	\$6.00
Total:							\$45.60

The above investigative staff salaries were calculated using the following formula:

Salaries of employees involved in the investigative process were calculated using their annual salary multiplied by 30.72% for fringe benefits and then was 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 investigating the applicant or the situations. The total cost was based on the cost per renewal of registration multiplied by an estimated one (1) licensee out of the total estimated thirty-one (31) licensees that may be assigned for investigative review.

ANNUAL FOR THE LIFE OF THE RULE: \$518.70

IV. ASSUMPTIONS

- It is estimated that the following staff time will be devoted on each application for registration renewal and devoted to the following duties:

Licensure Technician II – 15 minutes per application

Duties: telephone time devoted to applicants requesting renewal forms, answering inquiries relative to the documents necessary for renewal, processing the renewal application, corresponding to the applicant acknowledging receipt of the renewal application and advising of lacking documentation, updating the file as documents are received, and reviewing the file for completion and review by the Director of Operations

Director of Operations – 5 minutes per application

Duties: review the file and supporting documentation for approval or directing the file for the review of the board.

Executive Director – 5 minutes per application

Duties: review renewal applications directed to the board for review and approval. It is estimated that one (1) out of the estimated thirty-one (31) renewal applications estimated to receive per year will require board review.

Account Clerk II – 10 minutes per application

Duties: enter fee as received and prepare a revenue transmittal, post the fee and reconcile the fee on a daily, monthly, and yearly basis

Clerk IV – 3 minutes per application

Duties: enter the fee on the daily fee log and disseminate the fee to the Licensure Supervisor.

- The board anticipates thirty-one (31) individuals will apply for renewal annually. The board estimates this renewal process will cost the board approximately \$16.72 per application.
- The public entity cost for this proposed rule is estimated at \$518.70 for the first year of implementation of the rule. Thereafter, the board is anticipating an annual growth rate of thirty-one (31) licensees per renewal period and estimates the annual cost will be \$1,037.40 plus a continuous annual increase of \$518.70 for the life of the rule. It is anticipated that the total annual cost will recur each year for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

FISCAL NOTE
PRIVATE ENTITY COST

I. RULE NUMBER

Title: Department of Economic Development
Division: Division of Professional Registration/State Board of Registration for the Healing Arts
Chapter: 6 – Registration of Athletic Trainers
Type of Rulemaking: Proposed Rule
Rule Number and Name: 4 CSR 150-6.060 Renewal of Registration

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the annuals to the cost of compliance with the rule by the affected entities:
31	Individuals (application)	\$1,550.00
31	Individuals (postage)	\$10.23
Estimated Cost of Compliance for First Year of Implementation of the Rule		\$1,560.23
Estimated Annual Cost of Compliance for the Life of the Rule		\$3,120.46 annually plus a continuous annual increase of \$1,560.23

III. WORKSHEET

Annual Registration Renewal Fee @ \$50.00
Postage @ \$.33

IV. ASSUMPTIONS

- The board anticipates thirty-one (31) individuals will apply for renewal of registration during the first renewal period. The board estimates this registration process will cost each applicant approximately \$50.33.
- The private entity cost for this proposed rule is estimated to be \$1,560.23 for the first year of implementation of the rule based upon the board's estimate that thirty-one (31) licensees will renew their registration during the first renewal period. The board anticipates an annual growth rate of thirty-one (31) licensees per year. Therefore, the board estimates that the private entity annual cost to comply with this rule will be \$3,120.46 plus an continuous annual increase of \$1,560.23 for the life of the rule. It is anticipated that the total annual cost will recur for the life of the rule, however, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
**Division 150—State Board of Registration for the
Healing Arts**
Chapter 6—Registration of Athletic Trainers

PROPOSED RULE

4 CSR 150-6.070 Name, Address and/or Physician Supervision Changes

PURPOSE: This rule outlines the requirements and procedures athletic trainers must adhere to in notifying the board of name and/or address changes or a change of team and/or consulting physician supervisor.

(1) All individuals practicing as a registered athletic trainer under registration issued by the board shall ensure that his/her current registration certificate bears the current legal name of that individual.

(2) A registrant whose name has changed since registration was issued must submit a copy of the legal document verifying the name change to the board within fifteen (15) days of such change.

(3) Registrants must submit written notification of any address change, home or business, to the board within fifteen (15) days of such change.

(4) A registrant who has a change in their team physician and/or consulting physician shall submit to the board a new functional protocol form within fifteen (15) days of such change.

AUTHORITY: section 334.706, RSMo Supp. 1999. Original rule filed July 25, 2000.

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

PRIVATE COST: This proposed rule will not cost private entities more than \$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 Missouri State Board of Healing Arts—Athletic Trainers Advisory Committee, 3605 Missouri Boulevard, P.O. Box 4, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
**Division 150—State Board of Registration for the
Healing Arts**
Chapter 7—Physician Assistants

PROPOSED AMENDMENT

4 CSR 150-7.100 Applicants for [Registration] Licensure. The board is proposing to amend the title, the original purpose statement, amend sections (10), (13), (14) and (15) and delete the form that immediately follows this rule in the *Code of State Regulations*.

PURPOSE: The board proposes amendments to this rule changing the term "registration" to "licensure" as applicable to physician assistants; and other grammatically necessary changes thereof, consistent with legislative amendments to Chapter 334, RSMo as enacted with the passage of House Bill 1601 in 1998.

PURPOSE: This rule provides information regarding requirements to applicants desiring [registration] licensure in Missouri for practice as a physician assistant.

(10) Applicants shall submit the [registration] licensure application fee in the form of a cashier's check or money order drawn on or through a United States bank made payable to the [Missouri Board of Healing Arts] State Board of Registration for the Healing Arts. Personal checks will not be accepted.

(13) When an applicant has filed an application and an appropriate fee, to be established by the board in conjunction with the director of the Division of Professional Registration for [registration] licensure and the application is denied by the board or subsequently withdrawn by the applicant, that fee will be retained by the board as a service charge.

(14) The board may require the applicant to make a personal appearance before the board and/or commission prior to rendering a final decision regarding [registration] licensure.

(15) An applicant may withdraw an application for [registration] licensure anytime prior to the board's vote on the applicant's candidacy for [registration] licensure.

AUTHORITY: sections 334.125, 334.735, [RSMo Supp. 1996 and] 334.738, [and] 334.742 and 334.743, RSMo [1994] Supp. 1999. Emergency rule filed Sept. 15, 1992, effective Sept. 25, 1992, expired Jan. 22, 1993. Original rule filed April 2, 1992, effective Dec. 3, 1992. Amended: Filed Jan. 3, 1997, effective July 30, 1997. Amended: Filed July 25, 2000.

PUBLIC COST: The proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: The proposed amendment will not cost private entities more than \$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 State Board of Registration for the Healing Arts—Advisory Commission for Physician Assistants, 3605 Missouri Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
**Division 150—State Board of Registration for the
Healing Arts**
Chapter 7—Physician Assistants

PROPOSED AMENDMENT

4 CSR 150-7.120 [Registration] Licensure Renewal. The board proposes to amend the title and Purpose of the rule and sections (1)–(3).

PURPOSE: The amendments proposed to sections (1), (2) and (3) of this rule change the term "registered" to "licensed" as applicable to physician assistants; and other grammatically necessary changes as a result thereof. These changes are proposed consistent with legislative amendments to Chapter 334, RSMo enacted with the passage of House Bill 1601 in 1998.

PURPOSE: This rule provides information to physician assistants [registered] licensed in Missouri regarding renewal of [registration] licensure.

(1) The *[registration]* licensure renewal fee shall be an appropriate fee established by the board. Each applicant shall *[register]* make application for licensure renewal with the board on *[a]* application forms furnished by the board, before January 31 of the year the *[registration]* license is due for renewal.

(2) The failure to mail the application form or the failure to receive the licensure registration renewal application form does not relieve any *[registrant]* licensee of the duty to renew the *[registration]* license and pay the renewal fee, nor shall it exempt any *[registrant]* licensee from the penalties provided in sections 334.735 to 334.748, RSMo for failure to renew.

(3) Licensure *[R]*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.

AUTHORITY: sections 334.125, 334.735, [RSMo Supp. 1997 and] 334.738 and 334.743, RSMo [Supp. 1998] Supp. 1999. Emergency rule filed Sept. 15, 1992, effective Sept. 25, 1992, expired Jan. 22, 1993. Original rule filed April 2, 1992, effective Dec. 3, 1992. Amended: Filed Jan. 3, 1997, effective July 30, 1997. Amended: Filed Sept. 10, 1998, effective March 30, 1999. Amended: Filed July 25, 2000.

PUBLIC COST: The proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: The proposed amendment will not cost private entities more than \$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 State Board of Registration for the Healing Arts—Advisory Commission for Physician Assistants, 3605 Missouri Boulevard, P.O. Box 4, Jefferson City, MO 65102, (573) 751-0098. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 150—State Board of Registration for the Healing Arts
Chapter 7—Physician Assistants

PROPOSED AMENDMENT

4 CSR 150-7.122 Supervision, Name and Address Change Requirements, Retirement Affidavits. The board proposes amendments to the Purpose and sections (1), (2), (3) and (4) of this rule.

PURPOSE: The amendments proposed to sections (1), (2), (3) and (4) change the term “registered” to “licensed” as applicable to physician assistants, and other grammatically necessary changes, consistent with legislative amendments to Chapter 334, RSMo enacted with the passage of House Bill 1601 in 1998.

*PURPOSE: This rule provides the requirements and time frames *[registrants]* licensees must follow in reporting a change in supervision, name and/or address change, or to document retirement from practice.*

(1) *[Registrants]* Licensed physician assistants who have a change of physician supervision, for any reason, must submit writ-

ten notification and the required form to the board within fifteen (15) days of such occurrence.

(2) *[Registrants]* Licensed physician assistants must submit written notification of any address change to the board within fifteen (15) days of such occurrence.

(3) *[Registrants]* Licensed physician assistants whose names *[has]* have changed since *[registration]* 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.

(4) *[Registrants]* Licensed physician assistants who retire from practice as a physician assistant shall file an affidavit, on a form furnished by the board, stating the date of retirement. The *[registrant]* licensee shall submit any other documentation requested by the board to verify retirement. *[Registrants]* Licensees who reengage in practice as a physician assistant after submitting an affidavit of retirement shall reapply for *[registration]* licensure as required in sections 334.735 and *[334.748]* 334.738, RSMo and pursuant to the provisions of rule 4 CSR 150-7.125.

AUTHORITY: sections 334.125, 334.735, [RSMo Supp. 1996 and] 334.738 and 334.743, RSMo [1994] Supp. 1999. Original rule filed Jan. 3, 1997, effective July 30, 1997. Amended: Filed July 25, 2000.

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

PRIVATE COST: This proposed amendment will not cost private entities more than \$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 State Board of Registration for the Healing Arts—Advisory Commission for Physician Assistants, 3605 Missouri Boulevard, P.O. Box 4, Jefferson City, MO 65102, (573) 751-0098. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 150—State Board of Registration for the Healing Arts
Chapter 7—Physician Assistants

PROPOSED AMENDMENT

4 CSR 150-7.125 Late Registration and Reinstatement Applicants. The board is proposing to amend the Purpose and sections (1), (5), (9), (10), and (11).

PURPOSE: The board proposes amendments to the original purpose statement as well as to sections (1), (5) (9), (10), and (11) of this rule changing the term “registered” to “licensed” and other grammatically necessary changes consistent with the legislative amendments to Chapter 334, RSMo as enacted with the passage of House Bill 1601 in 1998.

*PURPOSE: This rule provides information to physician assistants *[registered]* licensed in Missouri regarding penalty of not renewing.*

(1) Whenever a *[registered]* licensed physician assistant fails to renew his/her *[registration]* license before the *[registration]* license expiration date, his/her application for renewal of *[regis-*

tration] license shall be denied unless it is accompanied by all fees required by statute and rule, together with a statement of all addresses where s/he has practiced and resided since the expiration of his/her last period of [*registration*] licensure, the nature of his/her practice since expiration and whether, since expiration, any registration or license, or right of his/her to practice in any other state or country has been suspended or revoked; whether s/he has been the subject of any disciplinary action by any licensing agency of any state or country or by any professional organization or society; whether s/he has been charged or convicted of any crime in any court of any state or country; whether s/he has been addicted to a drug habit or has been guilty of any unprofessional or dishonorable conduct as defined by section 334.100, RSMo; and all details pertaining to all those occurrences. This statement shall be completed upon forms provided by the board and shall be made by the applicant under oath.

(5) All applicants shall submit the renewal fee along with the delinquent fee established by the board. This fee shall be submitted in the form of a cashier's check or money order drawn on a United States bank made payable to the [*Missouri Board of Healing Arts*] State Board of Registration for the Healing Arts. Personal checks will not be accepted.

(9) Applicants whose [*registration*] license has been revoked, suspended or inactive for more than two (2) years shall submit any other documentation requested by the board necessary to verify that the [*registrant*] licensee is competent to practice and is knowledgeable of current medical techniques, procedures and treatments, as evidenced by continuing education hours, reexamination, or other applicable documentation acceptable and approved by the board pursuant to the provisions of section 334.100.6, RSMo.

(10) The board may require an applicant to make a personal appearance before the board and/or commission prior to rendering a final decision regarding [*registration*] license renewal/reinstatement.

(11) An applicant may withdraw his/her application for [*registration*] license anytime prior to the board's vote on the applicant's candidacy for [*registration*] license renewal/reinstatement.

AUTHORITY: sections 334.125, 334.735, [RSMo Supp. 1996 and] 334.738 and 334.743, RSMo [1994] Supp. 1999. Emergency rule filed Sept. 15, 1992, effective Sept. 25, 1992, expired Jan. 22, 1993. Original rule filed April 2, 1992, effective Dec. 3, 1992. Amended: Filed Jan. 3, 1997, effective July 30, 1997. Amended: Filed July 25, 2000.

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

PRIVATE COST: This proposed amendment will not cost private entities more than \$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 State Board of Registration for the Healing Arts—Advisory Commission for Physician Assistants, 3605 Missouri Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 150—State Board of Registration for the Healing Arts

Chapter 7—Physician Assistants

PROPOSED AMENDMENT

4 CSR 150-7.140 Grounds for Discipline, Procedures. The board is proposing to amend sections (1)–(6).

PURPOSE: The board proposes amendments to sections (1), (2)(D)14., (2)(D)17., (2)(D)19., (2)(H), (2)(J), (2)(L), (2)(P), (2)(W)2., (3), (4), (5), (6) of this rule changing the term “registered” to “licensed” and other grammatically necessary changes consistent with the legislative amendments to Chapter 334, RSMo as enacted with the passage of House Bill 1601 in 1998.

(1) The board may refuse to issue or renew any physician assistant [*registration*] license required pursuant to this chapter for one (1) or any combination of causes stated in section (2) of this rule. The board shall notify the physician assistant in writing of the reasons for the refusal and shall advise the physician assistant of their right to file a complaint with the Administrative Hearing Commission as provided by Chapter 621, RSMo.

(2) The board may cause a complaint to be filed with the Administrative Hearing Commission as provided by Chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered a certificate of registration or authority, permit or license for any one (1) or any combination of the following causes:

(D) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct or unprofessional conduct in the performance of the functions or duties of any profession licensed or regulated by this chapter, including, but not limited to the following:

1. Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation; willfully and continually overcharging or over-treating patients; or charging for services which did not occur unless the services were contracted for in advance, or for services which were not rendered or documented in the patient's records;

2. Attempting, directly or indirectly, by way of intimidation, coercion or deception, to obtain or retain a patient or discourage the use of a second opinion or consultation;

3. Willfully and continually performing inappropriate or unnecessary treatment, diagnostic tests or medical or surgical services;

4. Delegating professional responsibilities to a person who is not qualified by training, skill, competency, age, experience, licensure, registration or certification to perform them;

5. Misrepresenting that any disease, ailment or infirmity can be cured by a method, procedure, treatment, medicine or device;

6. Performing or prescribing medical services which have been declared by board rule to be of no medical or osteopathic value;

7. Final disciplinary action by any professional physician assistant association or society or licensed hospital or medical staff of such hospital in this or any other state or territory, whether agreed to voluntarily or not, and including, but not limited to, any removal, suspension, limitation, or restriction of his/her registration, license or staff or hospital privileges, failure to renew such

privileges of registration or license for cause, or other final disciplinary action, if the action was in any way related to unprofessional conduct, professional incompetence, malpractice or any other violation of any provision of this chapter;

8. Signing a blank prescription form; or dispensing, prescribing, administering or otherwise distributing any drug, controlled substance or other treatment without sufficient examination, or for other than medically accepted therapeutic or experimental or investigative purposes duly authorized by a state or federal agency, or not in the course of professional practice, or not in good faith to relieve pain and suffering, or not to cure an ailment, physical infirmity or disease, except as authorized in section 334.104, RSMo;

9. Exercising influence within a physician assistant-patient relationship for purposes of engaging a patient in sexual activity;

10. Terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient;

11. Failing to furnish details of a patient's medical records to other treating physician assistants, physicians or hospitals upon proper request; or failing to comply with any other law relating to medical records;

12. Failure of any physician assistant or applicant, other than the physician assistant subject of the investigation, to cooperate with the board during any investigation;

13. Failure to comply with any subpoena or subpoena *duces tecum* from the board or an order of the board;

14. Failure to timely pay *[registration]* license renewal fees specified in this chapter;

15. Violating a probation agreement with this board or any other licensing or regulatory agency;

16. Failing to inform the board of the physician assistant's current residence and business address;

17. Advertising by an applicant or *[registered]* licensed physician assistant which is false or misleading, or which violates any rule of the board, or which claims without substantiation the positive cure of any disease, or professional superiority to or greater skill than that possessed by any other physician assistant. An applicant or *[registered]* licensed physician assistant shall also be in violation of this provision if s/he has a financial interest in any organization, corporation or association which issues or conducts such advertising;

18. Violation of one (1) or any combination of the standards listed in the *American Academy of Physician Assistants' Code of Ethics*. The board adopts and incorporates by reference the *American Academy of Physician Assistants' Code of Ethics*. A copy of the *American Academy of Physician Assistants' Code of Ethics* is retained at the office of the board and is available to any interested person, upon written request, at a cost not to exceed the actual cost of reproduction; and

19. Loss of national certification, for any reason, shall result in the termination of *[registration]* licensure;

(H) Revocation, suspension, restriction, modification, limitation, reprimand, warning, censure, probation or other final disciplinary action against the holder of or applicant for *[registration]* licensure or other right to practice any profession regulated by this chapter by another state, territory, federal agency or country, whether or not voluntarily agreed to by the physician assistant or applicant, including, but not limited to, the denial of licensure or registration, surrender of the license or registration, allowing physician assistant license or registration to expire or lapse, or discontinuing or limiting the practice of the physician assistant while subject to an investigation or while actually under investigation by any licensing authority, medical facility, branch of the armed forces of the United States of America, insurance company, court, agency of the state or federal government, or employer;

(J) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter who is not

[registered] licensed and currently eligible to practice under this chapter; or knowingly performing any act which in any way aids, assists, procures, advises, or encourages any person to practice who is not *[registered]* licensed and currently eligible to practice under this chapter;

(L) Failure to display a valid *[certificate or registration]* license as required by this chapter;

(P) Using, or permitting the use of, his/her name under the designation of "physician assistant," *[registered]* licensed physician assistant," "physician assistant-certified," or any similar designation with reference to the commercial exploitation or product endorsement of any goods, wares or merchandise;

(W) Being unable to practice as a physician assistant or with a specialty with reasonable skill and safety to patients by reasons of medical or osteopathic incompetency, or because of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or as a result of any mental or physical condition.

1. In enforcing this paragraph the board shall, after a hearing by the board, upon a finding of probable cause, require a physician assistant to submit to a reexamination for the purpose of establishing his/her competency to practice as a physician assistant or with a specialty conducted in accordance with rules adopted for this purpose by the board, including rules to allow the examination of the pattern and practice of said physician assistant's professional conduct, or to submit to a mental or physical examination or combination thereof by at least three (3) physician assistants, one (1) selected by the physician assistant compelled to take the examination, one (1) selected by the board, and one (1) selected by the two (2) physician assistants so selected who are graduates of a professional school approved and accredited by the Commission for the Accreditation of Allied Health Education Programs and has active certification by the National Commission on Certification of Physician Assistants.

2. For the purpose of this paragraph, every physician assistant *[registered]* licensed under this chapter is deemed to have consented to submit to a mental or physical examination when directed in writing by the board and further to have waived all objections to the admissibility of the examining physician's testimony or examination reports on the ground that same is privileged.

3. In addition to ordering a physical or mental examination to determine competency, the board may, notwithstanding any other law limiting access to medical or other health data, obtain medical data and health records relating to a physician assistant or applicant without the physician assistant's or applicant's consent.

4. Written notice of the reexamination or the physical or mental examination shall be sent to the physician assistant, by registered mail, addressed to the physician assistant at his/her last known address. Failure of a physician assistant to designate an examining physician to the board or failure to submit to the examination when directed shall constitute an admission of the allegations against him/her, in which case the board may enter a final order without the presentation of evidence, unless the failure was due to circumstances beyond his/her control. A physician assistant/s whose right to practice has been affected under this paragraph shall, at reasonable intervals, be afforded an opportunity to demonstrate that s/he can resume competent practice as a physician assistant with reasonable skill and safety to patients.

5. In any proceeding under this paragraph neither the record of proceedings nor the orders entered by the board shall be used against a physician assistant in any other proceeding. Proceedings under this paragraph shall be conducted by the board without the filing of a complaint with the *[a]*Administrative *[h]*Hearing *[c]*Commission.

6. When the board finds any person unqualified because of any of the grounds set forth in this paragraph, it may enter an order imposing one (1) or more of the disciplinary measures set forth in section (4) of this rule.

(3) After the filing of such complaint, before the Administrative Hearing Commission, the proceedings shall be conducted in accordance with the provisions of Chapter 621, RSMo. Upon a finding by the Administrative Hearing Commission that the grounds, provided in section (2) of this rule, for disciplinary action are met, the board may, singly or in combination, warn, censure or place the person named in the *[compliant] complaint* on probation on such terms and conditions as the board deems appropriate for a period not to exceed ten (10) years, or may suspend *[registration,] license, certificate or permit* for a period not to exceed ten (10) years, or restrict or limit his/her *[registration] license, certificate or permit* for an indefinite period of time, or revoke his/her *[registration,] license, certificate, or permit* for an indefinite period of time, or revoke his/her *[registration,] license, certificate or permit*, or administer a public or private reprimand, or deny his/her application for *[registration] licensure*, or permanently withhold issuance of *[registration] licensure* or require the physician assistant to submit to the care, counseling or treatment of physicians designated by the board at the expense of the individual to be examined, or require the physician assistant to attend such continuing educational courses and pass such examinations as the board may direct.

(4) In any order of revocation, the board may provide that the person may not apply for reinstatement of *[registration] licensure* for a period of time ranging from two to seven (2-7) years following the date of the order of revocation. All stay orders shall toll this time period.

(5) Before restoring to good standing a *[registration,] license, certificate or permit* issued under this chapter which has been in a revoked, suspended or inactive state for any cause for more than two (2) years, the board may require the applicant to attend such continuing education courses and pass such examinations as the board may direct.

(6) In any investigation, hearing or other proceeding to determine a *[registered] licensed* physician assistant's or applicant's fitness to practice, any record relating to any patient of the *[registered] licensed* physician assistant or applicant shall be discoverable by the board and admissible into evidence, regardless of any statutory or common law privilege which such *[registrant] licensee, applicant, record custodian or patient* might otherwise invoke. In addition, no such *[registered] licensed* physician assistant, applicant, or record custodian may withhold records or testimony bearing upon a *[registrant's] licensee's* or applicant's fitness to practice on the ground of privilege between such physician assistant *[registrant] licensee, applicant or record custodian and a patient.*

AUTHORITY: sections 334.100, 334.125, 334.735, [RSMo Supp. 1996] 334.736, [and] 334.741 and 334.743, RSMo [1994] Supp. 1999. Emergency rule filed Sept. 15, 1992, effective Sept. 25, 1992, expired Jan. 22, 1993. Original rule filed April 2, 1992, effective Dec. 3, 1992. Amended: Filed Jan. 3, 1997, effective July 30, 1997. Amended: Filed July 25, 2000.

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

PRIVATE COST: This proposed amendment will not cost private entities more than \$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 State Board of Registration for the Healing Arts—Advisory Commission for Physician Assistants, Tina Steinman, Executive Director, P.O. Box 4, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of

this notice in the Missouri Register. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 150—State Board of Registration for the Healing Arts Chapter 7—Physician Assistants

PROPOSED AMENDMENT

4 CSR 150-7.200 Fees. The board proposes amendments to subsections (1)(A), (1)(E) and (1)(F).

PURPOSE: The board proposes amendments to (1)(A), (E) and (F) changing the term "Registration" to "Licensure" consistent with legislative amendments to Chapter 334, RSMo enacted with the passage of House Bill 1601 in 1998.

(1) The following fees are established by the Missouri State Board of Registration for the Healing Arts in conjunction with the director of the Division of Professional Registration:

(A) <i>[Registration] Licensure</i> Application Fee	\$195.00
(E) Temporary <i>[Registration] Licensure</i> Fee	\$ 50.00
(F) Temporary <i>[Registration] Licensure</i> Renewal Fee	\$ 50.00

AUTHORITY: sections 334.125, 334.735, 334.736, [RSMo Supp. 1995 and] 334.738 and 334.743, RSMo [1994] Supp. 1999. Emergency rule filed Sept. 15, 1992, effective Sept. 25, 1992, expired Jan. 22, 1993. Original rule filed April 2, 1992, effective Dec. 3, 1992. Amended: Filed April 16, 1996, effective Nov. 30, 1996. Amended: Filed July 25, 2000.

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

PRIVATE COST: This proposed amendment will not cost private entities more than \$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 State Board of Registration for the Healing Arts—Advisory Commission for Physician Assistants, 3605 Missouri Boulevard, P.O. Box 4, Jefferson City, MO 65102, (573) 751-0098. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 150—State Board of Registration for the Healing Arts Chapter 7—Physician Assistants

PROPOSED RULE

4 CSR 150-7.300 Applicants for Temporary Licensure

PURPOSE: This rule provides the requirements to apply for physician assistant temporary licensure.

(1) Applicants for temporary licensure are required to make application on forms prepared by the board.

(2) No application will be considered unless fully and completely made out on the specified forms and properly attested.

(3) Applications shall be sent to the State Board of Registration for the Healing Arts, 3605 Missouri Boulevard, P.O. Box 4, Jefferson City, MO 65102.

(4) The fee for temporary licensure shall be an appropriate fee, to be established by the board. The fee shall be sent in the form of a cashier's check or money order drawn on a United States bank or firm; payable to the State Board of Registration for the Healing Arts. Personal and/or corporate checks will not be accepted. No application will be processed until the licensure fee is received.

(5) All applicants shall attach to the application a recent photograph not larger than three and one-half inches by five inches (3" × 5").

(6) All applicants are required to submit satisfactory evidence of completion of a physician assistant program accredited by the Committee on Allied Health, Education and Accreditation of the American Medical Association, or its successor. Applicants shall submit official transcripts from their school of graduation confirming the degree awarded and date of degree award or a copy of their diploma.

(7) All applicants are required to submit a letter of reference from the director of the physician assistant program from which the applicant graduated as proof of the applicant's moral character.

(8) All applicants are required to submit verification of licensure, registration or certification from every state or territory in which the applicant is or has ever been licensed, registered or certified to practice as a physician assistant; and all other professional licenses, registrations, or certifications issued to the applicant regardless of whether or not such license, registration or certification is current.

(9) All applicants shall submit a complete curriculum vitae. This document must include the names and addresses of all previous employers, supervisors and job titles, from the date of high school graduation to the date of licensure application.

(10) All applicants shall furnish, on forms provided by the board, verification of physician supervision.

(11) Each applicant shall instruct the National Commission on Certification of Physician Assistants to submit the applicant's admission letter for the certification examination; such letter shall specify the date the applicant is scheduled to take the certification examination.

(12) Each applicant shall instruct the National Commission on Certification of Physician Assistants to submit the applicant's certification examination results directly to the board.

(13) The temporary license shall be valid until the examination results are received by the board, not to exceed three weeks following the mailing of the results by the National Commission on Certification of Physician Assistants.

(14) The temporary license shall automatically terminate if the temporary licensee fails the examination or does not sit for the examination as scheduled. The temporary licensee may apply for temporary licensure renewal pursuant to rule 4 CSR 150-7.310.

(15) Temporary licensees may be issued permanent licensure upon successful passage of the National Commission on Certification of Physician Assistants examination as determined by the National Commission on Certification of Physician Assistants; submission/completion of all the requirements specified in rule 4 CSR

150-7.100, an updated activities statement, the application form and application fee.

(16) When an applicant has filed his/her application and the appropriate fee for temporary licensure, and the applicant is denied by the board pursuant to the provisions of section 334.100, RSMo and/or rule 4 CSR 150-7.140, or is subsequently withdrawn by the applicant, the fee will be retained by the board pursuant to the provisions of rule 4 CSR 150-7.200.

(17) The board may require the applicant for temporary licensure to make a personal appearance before the advisory commission and/or board before a final decision regarding licensure is rendered.

(18) An applicant may withdraw his/her application for temporary licensure any time prior to the board's vote on his/her candidacy for licensure.

AUTHORITY: sections 334.100, 334.125, 334.735, 334.736, 334.738, 334.742, 334.743, 334.745 and 334.749, RSMo Supp. 1999. Original rule filed July 25, 2000.

PUBLIC COST: The public entity cost for this proposed rule is estimated at \$336.49 annually for the life of the rule. It is anticipated that the cost will recur each year for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: The private entity cost for this proposed rule is estimated at \$706.79 annually for the life of the rule. It is anticipated that the cost will recur each year for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

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—Advisory Commission for Physician Assistants, 3605 Missouri Boulevard, P.O. Box 4, Jefferson City, MO 65102, (573) 751-0098. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 150 - Division of Professional Registration – State Board of Registration for the Healing Arts

Chapter: 7 – Physician Assistants

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 150-7.300 Application for Temporary Licensure

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
State Board of Registration for the Healing Arts	\$336.49

III. WORKSHEET

Expenditure of Money or Reduction in Income

CLASSIFICATION	FEE AMOUNT	NUMBER IN CLASS	AGGREGATE COST
Application Printing Cost	\$3.26	13	\$42.38
Statute, Rules and Regulation Printing Cost	\$.50	13	\$6.50
License Printing Cost	\$.11	13	\$1.43
Application Mailing	\$1.70	13	\$22.10
Correspondence Mailing	\$.33	13	\$4.29
License Mailing	\$.29	13	\$3.77
TOTAL			\$80.39

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFITS	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL COST
Licensure Technician I	\$25,188.00	\$32,925.75	\$15.83	.26	45 minutes	\$11.70	\$152.10
Director of Operations	\$31,932.00	\$41,741.51	\$20.07	.33	15 minutes	\$4.95	\$64.35
Executive Director	\$58,215.36	\$76,099.12	\$36.59	.61	5 minutes	\$3.05	\$39.65
					Total:		\$256.10

Staff salaries were calculated using the following formula:

Employee's salaries were calculated using their annual salary multiplied by 30.72% for fringe benefits and then was 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 for registration. The total cost was based on the cost per application multiplied by the estimated thirteen (13) applications.

GRAND TOTAL FOR FIRST YEAR OF IMPLEMENTATION OF THE RULE: \$336.49

IV. ASSUMPTIONS

- It is estimated that the following staff time will be devoted on each application for registration and devoted to the following duties:

Licensure Technician I – 45 minutes per application

Duties: telephone time devoted to applicants requesting licensure application forms, answering inquiries relative to the documents necessary for licensure, processing the application, corresponding to the applicant acknowledging receipt of the application and advising of lacking documentation, updating the file as documents are received, and reviewing the file for completion and review by the Director of Operations

Director of Operations -- 15 minutes per application

Duties: review the file and supporting documentation for approval or directing the file for the review of the advisory committee.

Executive Director -- 5 minutes per application

Duties: review applications directed to the advisory committee and possibly board for review and approval.

- The board anticipates thirteen (13) individuals will apply for registration annually. The board estimates this application process will cost the board approximately \$25.89 per application.
- The public entity cost for this proposed amendment is estimated to be \$336.49 annually for the life of the rule. It is anticipated that the total annual cost will recur each year for the life of the rule, however, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 4 - Department of Economic Development

Division: 150 - Division of Professional Registration-State Board of Registration for the Healing Arts

Chapter: 7 - Physician Assistants

Type of Rulemaking: Propose Rule

Rule Number and Name: 4 CSR 150-7.300 Applicants for Temporary Licensure

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate Annual Cost of Compliance for the Life of the Rule:
13	Physician Assistant Applicants (temporary licensure application)	\$650.00
2	Physician Assistant Applicants (state verification of licensure)	\$20.00
13	Physician Assistant Applicants (notary)	\$32.50
13	Physician Assistant Applicants (postage)	\$4.29

**Total Annual Cost for the life of
the rule:**

\$706.79

III. WORKSHEET

Temporary Licensure Application @ \$50.00
State Verification of Licensure Fee @ \$10.00
Notary Fee @ \$2.50
Postage @ \$.33

IV. ASSUMPTIONS

1. The board estimates that approximately 13 physician assistant new graduates will apply for temporary licensure per year. The application fee is set out in 4 CSR 150-7.200.
2. The board estimates \$10.00 for state licensure verification. This cost figure was based on a comparison of costs per state which indicated that the vast majority of states require a \$10.00 verification fee. The board assumes only 1% of the total estimated applicants applying for temporary licensure will be or have been licensed to practice in another state.

3. It is not possible to estimate costs that an applicant could incur should the board investigate his/her background, such costs could include legal representation, delay of licensure approval, etc.
4. The private entity cost for this proposed amendment is estimated to be \$706.79 annually for the life of the rule. It is anticipated that the total annual cost will recur each year for the life of the rule, however, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
**Division 150—State Board of Registration for the
Healing Arts**
Chapter 7—Physician Assistants

PROPOSED RULE

4 CSR 150-7.310 Applicants for Temporary Licensure Renewal

PURPOSE: This rule provides the requirements to apply for physician assistant temporary licensure renewal.

(1) Physician assistant temporary licensees who fail the National Commission on Certification of Physician Assistant Examination on their first sitting or who do not take the examination as scheduled may apply for temporary licensure renewal one (1) time. Temporary licensure renewal will be determined at the discretion of the board, on an individual basis.

(2) Applicants for temporary licensure renewal are required to make application on forms prepared by the board.

(3) No application will be considered unless fully and completely made out on the specified forms and properly attested.

(4) Applications shall be sent to the State Board of Registration for the Healing Arts, 3605 Missouri Boulevard, P.O. Box 4, Jefferson City, MO 65102.

(5) The fee for temporary licensure renewal shall be an appropriate fee, to be established by the board. The fee shall be sent in the form of a cashier's check or money order drawn on a United States bank and/or firm, payable to the State Board of Registration for the Healing Arts. Personal and/or corporate checks will not be accepted. No application will be processed until the temporary licensure renewal fee is received.

(6) All applicants shall furnish an updated curriculum vitae detailing activities and employment since issuance of original temporary license.

(7) Each applicant shall instruct the National Commission on Certification of Physician Assistants to submit the applicant's admission letter for the certification examination; such letter shall specify the date the applicant is scheduled to take the certification examination.

(8) Applicants applying for temporary licensure renewal due to failure of the certification examination, as determined by the National Commission on Certification of Physician Assistants, are required to inform their supervising physician, in writing, of the examination results. A copy of this notification must be submitted to the board with the licensure renewal application.

(9) Applicants applying for temporary licensure renewal due to failure to take the certification examination as scheduled must show good and exceptional cause, verified under oath, as to the circumstances, which prevented the applicant/temporary licensee from taking the examination as scheduled. Good and exceptional cause shall include:

- (A) Death in the immediate family;
- (B) Illness documented by physician statement;
- (C) Accident;
- (D) Jury duty; and
- (E) Other exceptional causes as determined by the board.

(10) Each applicant shall instruct the National Commission on Certification of Physician Assistants to submit the applicant's certification examination results directly to the board.

(11) The renewed temporary license shall be valid until the examination results are received by the board, not to exceed three (3) weeks following the mailing of the results by the National Commission on Certification of Physician Assistants.

(12) The renewed temporary license will automatically terminate if the licensee fails the examination or does not sit for the examination as scheduled.

(13) Temporary licensees may be issued permanent licensure upon successful passage of the National Commission on Certification of Physician Assistants examination as determined by the National Commission on Certification of Physician Assistants; submission/completion of all the requirements specified in rule 4 CSR 150-7.100, an updated activities statement, the application form and application fee.

(14) When an applicant has filed his/her application and the appropriate fee for temporary licensure renewal, and the applicant is deemed to be ineligible or denied by the board pursuant to the provisions of section 334.100, RSMo and/or rule 4 CSR 150-7.140, or is subsequently withdrawn by the applicant, the fee will be retained by the board pursuant to the provisions of rule 4 CSR 150-7.200.

(15) The board may require an applicant for temporary licensure renewal to make a personal appearance before the advisory commission and/or board prior to rendering a final decision regarding temporary licensure renewal.

(16) An applicant may withdraw his/her application for temporary licensure renewal anytime prior to the board's vote on the application.

AUTHORITY: sections 334.100, 334.125, 334.735, 334.736, 334.738, 334.742, 334.743, 334.745 and 334.749, RSMo Supp. 1999. Original rule filed July 25, 2000.

PUBLIC COST: The public entity cost for this proposed rule is estimated to be \$244.11 annually for the life of the rule. It is anticipated that the cost will recur each year for the life of the rule, however, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: The private entity cost for this proposed rule is estimated at \$264.29 annually for the life of the rule. It is anticipated that the cost will recur each year for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

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—Advisory Commission for Physician Assistants, 3605 Missouri Boulevard, P.O. Box 4, Jefferson City, MO 65102, (573) 751-0098. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 4 - Department of Economic Development

Division: 150 – Division of Professional Registration/State Board of Registration for the Healing Arts

Chapter: 7 – Physician Assistants

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 150-7.310 Applicants for Temporary Licensure Renewal

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision

Estimated Annual Cost of Compliance

State Board of Registration for the
Healing Arts

\$244.11

III. WORKSHEET

Expenditure of Money or Reduction in Income

CLASSIFICATION	FEE AMOUNT	NUMBER IN CLASS	AGGREGATE COST
Application Printing Cost	\$3.26	13	\$42.38
Statute, Rules and Regulation Printing Cost	\$5.50	13	\$66.50
License Printing Cost	\$1.11	13	\$14.43
Application Mailing	\$1.70	13	\$22.10
Correspondence Mailing	\$3.33	13	\$43.29
License Mailing	\$2.29	13	\$30.77
Total:			\$80.47

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFITS	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL COST
Licensure Technician II	\$25,188.00	\$32,925.75	\$15.83	.26	15 minutes	\$1.30	\$16.90
Director of Operations	\$31,932.00	\$41,741.51	\$20.07	.33	5 minutes	\$1.65	\$21.45
Executive Director	\$58,215.36	\$76,099.12	\$36.59	.61	5 minutes	\$3.05	\$39.65
Account Clerk II	\$21,522.00	\$28,133.56	\$13.53	.23	10 minutes	\$2.30	\$29.90
Clerk IV	\$24,684.00	\$32,266.92	\$15.51	.26	3 minutes	\$0.78	\$10.14
Total:						\$118.04	

The above staff salaries were calculated using the following formula:

Employee's salaries were calculated using their annual salary multiplied by 30.72% for fringe benefits and then was 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 for registration renewal. The total cost was based on the cost per application multiplied by the estimated thirteen (13) applications for registration renewal.

It is estimated that approximately one (1) licensee out of the total estimated thirteen (13) licensees for renewal may be assigned for investigative review. It is further estimated that if an investigative review is assigned an investigator will devote approximately two (2) hours investigating the applicant and/or situation, collecting the necessary documents and preparing an investigative report for the board's review. This would also include approximately thirty (30) minutes of a Clerk

Stenographer II to assemble this information for board review, copy the report to the board, log the investigative in the computer system, etc.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFITS	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL COST
Investigator	\$31,344.00	\$40,972.88	\$19.70	.33	2 hours	\$39.60	\$39.60
Clerk Stenographer II	\$19,260.00	\$25,176.67	\$12.10	.20	30 minutes	\$6.00	\$6.00
Total:							\$45.60

The above investigative staff salaries were calculated using the following formula:

Salaries of employees involved in the investigative process were calculated using their annual salary multiplied by 30.72% for fringe benefits and then was 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 investigating the applicant or the situations. The total cost was based on the cost per renewal of registration multiplied by an estimated one (1) applicant out of the total estimated thirteen (13) applicants that may be assigned for investigative review.

ANNUAL FOR THE LIFE OF THE RULE: \$244.11

IV. ASSUMPTIONS

- It is estimated that the following staff time will be devoted on each application for registration renewal and devoted to the following duties:

Licensure Technician II – 15 minutes per application

Duties: telephone time devoted to applicants requesting renewal forms, answering inquiries relative to the documents necessary for renewal, processing the renewal application, corresponding to the applicant acknowledging receipt of the renewal application and advising of lacking documentation, updating the file as documents are received, and reviewing the file for completion and review by the Director of Operations

Director of Operations – 5 minutes per application

Duties: review the file and supporting documentation for approval or directing the file for the review of the board.

Executive Director – 5 minutes per application

Duties: review renewal applications directed to the board for review and approval. It is estimated that one (1) out of the estimated thirteen (13) renewal applications estimated to receive per year will require board review.

Account Clerk II – 10 minutes per application

Duties: enter fee as received and prepare a revenue transmittal, post the fee and reconcile the fee on a daily, monthly, and yearly basis

Clerk IV – 3 minutes per application

Duties: enter the fee on the daily fee log and disseminate the fee to the Licensure Supervisor.

- The board anticipates thirteen (13) individuals will apply for registration during the first year. The board estimates this renewal process will cost the board approximately \$18.78 per application.
- The public entity cost for this proposed amendment is estimated to be \$244.11 annually for the life of the rule. It is anticipated that the total annual cost will recur each year for the life of the rule, however, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**FISCAL NOTE
 PRIVATE ENTITY COST**

I. RULE NUMBER

Title: Department of Economic Development

Division: Division of Professional Registration/State Board of Registration for the Healing Arts

Chapter: 7 -- Physician Assistants

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 150-7.310 Applicants for Temporary Licensure Renewal

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the annuals to the cost of compliance with the rule by the affected entities:
13	Individuals (application)	\$260.00
13	Individuals (postage)	\$4.29
Estimated Annual Cost of Compliance for the Life of the Rule		\$264.29

III. WORKSHEET

Biennial Registration Renewal Fee @ \$20.00

Postage @ \$.33

IV. ASSUMPTIONS

- The board anticipates thirteen (13) individuals will apply for renewal of registration during the first renewal period. The board estimates this registration process will cost each applicant approximately \$20.33.
- The private entity cost for this proposed amendment is estimated to be \$264.29 annually for the life of the rule. It is anticipated that the total annual cost will recur each year for the life of the rule, however, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 200—State Board of Nursing
Chapter 4—General Rules**

PROPOSED AMENDMENT

4 CSR 200-4.040 Mandatory Reporting Rule. The board is proposing to amend sections (4) and (5).

PURPOSE: This amendment clarifies what can be reported by the board to mandated reporters when a mandated report has been received.

(4) [In cases where a nurse voluntarily submits to an employee assistance program or to rehabilitation program for alcohol or drug impairment and no disciplinary action is taken by the facility, the facility is not mandated to report but may report. If the nurse is subsequently disciplined by the facility for violating provisions of the employee assistance program or rehabilitation program or voluntarily resigns in lieu of discipline, the facility must report to the board under the above provision.] In response to a written or verbal inquiry on a specific nurse from a hospital or ambulatory surgical center regarding reports received by the board under the provisions of section 383.133, RSMo, and this rule, the board may provide the following information:

(A) Whether any reports have been received;

(B) A brief description of the facts that gave rise to the issuance of the report, including the dates of occurrence deemed to necessitate the filing of the report;

(C) The nature of the final action taken by the hospital or ambulatory surgical center; and

(D) Disciplinary action that the board took on each report.

(5) [In response to a written or verbal inquiry from a hospital or ambulatory surgical center regarding reports received by the board on a specific nurse, the board may provide the following information:] In cases where a nurse voluntarily submits to an employee assistance program or to a rehabilitation program for alcohol or drug impairment and no disciplinary action is taken by the facility, the facility is not mandated to report but may report. If the nurse is subsequently disciplined by the facility for violating provisions of the employee assistance program or rehabilitation program or voluntarily resigns in lieu of discipline, the facility must report to the board under the above provision.

[(A) Whether any reports have been received;

(B) The nature of the action taken; and

(C) Disciplinary action which the board took on each report or if the board has taken action on the report.]

AUTHORITY: sections 335.036, RSMo Supp. 1999 and [383,133] 383.133, RSMo 1994. Original rule filed Aug. 5, 1987, effective Nov. 12, 1987. Amended: Filed Jan. 8, 1988, effective April 28, 1988. Amended: Filed April 19, 1996, effective Nov. 30, 1996. Amended: Filed July 11, 2000.

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

PRIVATE COST: This proposed amendment will not cost private entities more than \$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 State Board of Nursing, Calvina Thomas, Executive Director, P.O. Box 656, Jefferson City, MO 65102. To be considered, comments

must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 30—Division of School Services
Chapter 4—General Administration**

PROPOSED RESCISSION

5 CSR 30-4.020 Standards for the Approval of Courses and Administration of Reimbursement for the Education of Persons Under Veterans' Education, Vocational Rehabilitation, Job Training Partnership Act, P.L. 97-300 and Other Employment Training Funding Sources Contracting With the State Board of Education. The State Board of Education had the authority to establish standards for the approval of courses for the education of eligible persons as provided by Chapters 32-36, *United States Code*; the Comprehensive Employment and Training Act, P.L. 95-524; and the Rehabilitation Act of 1973. This rule proposed common approval standards for three programs and incorporated by reference the relevant federal law or regulations or both. All references to the State Board of Education included the program sections within the Department of Elementary and Secondary Education assigned responsibility for administration of the programs involved.

PURPOSE: This rule is being rescinded and resubmitted as other rules are being proposed. Rescission is necessary due to changes in federal legislation and a change in the assignment of the rule from the Division of School Services (formerly the Division of Administration) to the Division of Vocational and Adult Education.

AUTHORITY: sections 161.172, 178.430, 178.590 and 178.610, RSMo 1986 and 178.530, RSMo Supp. 1991. Original rule filed May 20, 1981, effective Nov. 16, 1981. Amended: Filed Aug. 13, 1982, effective Nov. 15, 1982. Amended: Filed Nov. 1, 1983, effective March 15, 1984. Amended: Filed July 17, 1990, effective Dec. 31, 1990. Amended: Filed June 1, 1992, effective Feb. 26, 1993. Rescinded: Filed July 7, 2000.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Elementary and Secondary Education, Attention Dr. Nancy Headrick, Assistant Commissioner, Division of Vocational and Adult Education, P.O. Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 60—Vocational and Adult Education
Chapter 120—Vocational Education**

PROPOSED AMENDMENT

5 CSR 60-120.070 Vocational-Technical Education Enhancement Grant Award Program. The board is proposing to amend sections (2), (3), (4), and (7).

PURPOSE: This amendment is to allow for flexibility in administering the program. The revision includes removing the minimum cost of items purchased and the dates in which the request for proposals will be available from the division as well as when the proposals are to be received by the division.

(2) Eligible institutions shall include public high schools, area vocational-technical schools and community colleges that operate department-approved occupational preparatory (long-term) vocational education programs. Grant awards shall be made under the following conditions:

(B) An advisory committee with no fewer than twelve (12) members shall be established by each eligible institution prior to a grant award. This committee shall be composed of at least two (2) members representing each of the following groups: business persons, labor leaders, parents, senior citizens, community leaders and teachers. The committee shall assist the grant recipient with the development of a plan which will ensure that graduates proceed to a **two (2)- or four (4)-year college/university** or a high wage job with workplace skill development opportunities. This plan shall be developed prior to the close of the fiscal year that the grant recipient receives an initial grant under this grant award program. Eligible institutions that apply for grant funds after receiving an initial grant award shall submit a description of the accomplishments made toward the implementation of their initial plan and any modifications to their initial plan; and

(C) A budget shall be developed which details all major expenditure categories and itemizes all equipment purchases. Equipment purchases with grant funds shall—

1. Have prior approval of the Division of Vocational and Adult Education; **and**

2. Be appropriate to the instructional content of the vocational education course or program.; **and**

[3. *Not be less than one hundred dollars (\$100) per item purchased.*]

(3) A request for proposals will be made available to eligible institutions by the Division of Vocational and Adult Education [by January 1 of] **for** each fiscal year. Applicants must develop a grant proposal and forward it to the division no later than [March 31 of each fiscal year] **the published date** in order to receive consideration. Grant awards will be effective July 1 of each year.

(4) Grant proposals must contain at least the following:

(C) A description of how the funds made available by this grant award program will be used to enhance the vocational education offerings at the institution and address demand occupations;

(I) An assurance by secondary school districts that student performance standards will be established within the district that lead to or qualify students for graduation, and that these standards [will be revised to] meet or exceed the [performance standards adopted by the State Board of Education, with the advice and counsel of the Commission on Performance, as established by the Outstanding Schools Act] **Show-Me Standards**;

(J) An assurance that prior to the close of the fiscal year of the grant award a plan will be developed with the assistance of the prescribed advisory committee, to ensure that graduates proceed to a **two (2)- or four (4)-year college/university** or a high wage job with workplace skill development opportunities;

(7) Beginning July 1, 1994, the commissioner of education shall request from the director of the Division of [Employment Security] **Workforce Development**, Department of [Labor and Industrial Relations] **Economic Development**, an annual listing of demand occupations in the state, including substate projections. The listing shall include those occupations for which, in the judgment of the director of the Division of [Employment Security]

Workforce Development, there are critical shortages to meet present and future employment needs necessary to the economic growth and competitiveness of the state. **The Division of Vocational and Adult Education will publish the list of demand occupations annually in its request for proposals.**

[*(A) The initial implementation year of the Vocational-Technical Education Enhancement Grant Award Program will begin on July 1, 1994. The Division of Vocational and Adult Education, as a means of providing sufficient planning time for eligible institutions to prepare grant proposals, shall use a list of demand occupations as prepared by the Missouri Occupational Information Coordinating Committee. This list will be developed prior to December 1, 1993.*

[*(B) For subsequent years, the Division Vocational and Adult Education will use the list prepared by the director of the Division of Employment Security.*

[*(C) The Division of Vocational and Adult Education will publish the list of demand occupations annually in its request for proposals.*]

AUTHORITY: section 178.585, RSMo [1994] Supp. 1999. Original rule filed Nov. 10, 1993, effective June 6, 1994. Amended: Filed Nov. 22, 1994, effective June 30, 1995. Amended: Filed July 7, 2000.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Elementary and Secondary Education, Attention Dr. Nancy Headrick, Assistant Commissioner, Division of Vocational and Adult Education, P.O. Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 60—Vocational and Adult Education Chapter 480—Employment Training

PROPOSED RULE

5 CSR 60-480.100 Standards for the Determination of Eligible Training Providers and Administration of Reimbursement for the Education of Persons Under the Workforce Investment Act of 1998 and Other Employment Training Funding Sources Contracting With the State Board of Education

PURPOSE: This rule establishes the criteria and procedures for the determination of eligible training providers under the Workforce Investment Act of 1998, any revisions or amendments to this Act, or replacement legislation.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(1) All references to the State Board of Education (the board) in this rule may be construed to include the program sections within

the Department of Elementary and Secondary Education (the department) assigned responsibility for administration of the programs involved. The provisions of this section apply to the application and certification of eligible training providers.

(A) All interested providers of training must apply and be determined eligible to receive Workforce Investment Act funds. State approved procedures, entitled *Training Provider Certification*, which is incorporated by reference and made a part of this rule, will be followed in the determination of eligible training providers. Programs of training offered by eligible training providers must annually meet performance levels in order to remain on the state list. All approved training providers will be included on a state list. A copy of the *Training Provider Certification* document is available from the Employment Training Section, Division of Vocational and Adult Education, Department of Elementary and Secondary Education, P.O. Box 480, Jefferson City, MO 65102.

(B) Training providers will be required to annually provide performance information and program cost information as specified in the *Training Provider Certification* document which is incorporated by reference and made a part of this rule.

(C) The department will annually review performance levels for programs approved under the state procedures. Programs that do not achieve these performance levels may lose their eligibility and be removed from the state list. Training providers can appeal a denial or termination of eligibility pursuant to the rules promulgated by the board and *Training Provider Certification* document which is incorporated by reference and made a part of this rule.

(D) Public not-for-profit and/or for-profit institutions shall operate in compliance with the Workforce Investment Act; applicable federal and state laws and regulations; Division of Workforce Development issuances; and local ordinances.

(E) The institution shall permit on-site inspections by authorized representatives of the department; Missouri Division of Workforce Development; local workforce investment boards; Missouri Department of Higher Education; the United States Department of Labor; and/or any other state, federal or local agency as legally authorized to monitor activities for which funds have been provided.

(F) Good housekeeping must be maintained throughout the institution at all times.

(G) There shall be sufficient, qualified and capable personnel connected with the institution to ensure good administration, supervision and instruction.

(H) The charges for tuition, fees and/or other charges for the course or program of education shall be reasonable, based on the services to be rendered, the books, supplies, equipment to be furnished and/or the operating costs of the institutions.

1. The institution shall establish and maintain a policy for the refund of the unused portion of tuition, fees and other charges in the event an eligible person fails to enter the course, withdraws or is discontinued at any time prior to completion.

(I) Appeal procedures for the denial or termination of eligibility.

1. Training providers shall have the right to appeal a denial of eligibility or termination of eligibility, pursuant to the rules promulgated by the board and the *Training Provider Certification* document which is incorporated by reference and made a part of this rule.

A. An appeal must be submitted in writing to the department within forty-five (45) days of the complainant being notified of a denial or termination of eligibility.

B. An Appeal Review Board will review the appeal and provide a written decision to the complainant within thirty (30) days after receipt of the appeal.

C. If the Appeal Review Board's decision does not resolve the appeal, the complainant has fifteen (15) days to submit a written request for a hearing to the department. A hearing will be conducted within thirty (30) days of receipt of the written request by

representatives from the complainant, the Appeal Review Board and the local Workforce Investment region in which the complainant operates. A written decision shall be issued within fifteen (15) days following the hearing.

D. If this decision does not resolve the appeal, the complainant has fifteen (15) days to submit a written request to the department requesting a review by the Missouri Training and Employment Council (MTEC). MTEC or its designee shall review the appeal and issue a final decision within thirty (30) days from receipt of the request. The MTEC or its designee's decision is final.

(2) The provisions of this section apply to the administration of individual training account (ITA) referrals under the Workforce Investment Act and other funding sources contracting with the board for individual referrals.

(A) For the purpose of administering this rule, an ITA referral is a student referred by a state or local entity under contract with the department for skill training or training-related service for which the board has contracted to reimburse a public, not-for-profit or for-profit institution.

(B) The board shall enter into written agreements with public, not-for-profit and/or for-profit institutions for the purpose of administering ITAs and developing and providing procedures that assist in administering the program.

(C) Public not-for-profit and/or for-profit institutions shall operate in compliance with the Workforce Investment Act; applicable federal and state laws and regulations; Division of Workforce Development issuances; and local ordinances.

(D) An institution's tuition rate for a course(s) will be the basis for calculating reimbursement payments for an ITA.

1. Tuition payments shall be made on the basis of the school's instructional periods, (that is, quarters, terms or semesters). Institutions shall submit reimbursement requests for tuition payments of ITAs for each instructional period. However, the following exceptions shall apply:

A. Any instructional period that is at least twenty (20) weeks but no more than thirty-nine (39) weeks, will be treated as having a minimum of two (2) equal instructional periods;

B. Any instructional period that is at least forty (40) weeks but no more than fifty-nine (59) weeks, will be treated as three (3) equal instructional periods;

C. Courses with instructional periods that are at least sixty (60) weeks or more will be divided into additional segments of twenty (20) weeks; and/or

D. Institutions offering approved programs in licensed practical nursing, surgical technology, respiratory therapy, dental technology, emergency medical technician-paramedic; radiology and/or massage therapy may only request a one (1)-time reimbursement for an ITA.

2. Costs for equipment, fees and supplies are to be reimbursed separately as those costs are incurred. Registration fees are limited to a maximum of one hundred dollars (\$100) per student.

3. In case of a student termination, the refund policy of the institution shall apply to funds received from the board.

AUTHORITY: sections 178.430, 178.440, 178.450 and 178.460, RSMo 1994 and 178.530, RSMo Supp. 1999. Original rule filed July 7, 2000.

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

PRIVATE COST: This proposed rule will not cost private entities more than \$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

Missouri Department of Elementary and Secondary Education, Attention Dr. Nancy Headrick, Assistant Commissioner, Division of Vocational and Adult Education, P.O. Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 60—Division of Vocational and Adult
Education
Chapter 900—Veterans' Education**

PROPOSED RULE

**5 CSR 60-900.050 Standards for the Approval of Courses for
the Education of Persons Under Veterans' Education and
Vocational Rehabilitation**

PURPOSE: The State Board of Education has the authority to establish standards for the approval of courses for the education of eligible persons as provided by Chapters 32-36, Title 38, United States Code and the Rehabilitation Act of 1973. This rule proposes common approval standards for these programs.

(1) All references to the State Board of Education (the board) in this rule may be construed to include the Department of Elementary and Secondary Education (the department) and the appropriate program sections. The provisions of this section apply to accredited courses and nonaccredited courses.

(A) A course shall not be approved unless the institution has operated that course successfully for a period of twenty-four (24) calendar months for veterans' education courses or six (6) calendar months or for one (1) graduating class for vocational rehabilitation courses. Successful operation shall mean an operation which is sound educationally and financially. The following are exceptions:

1. Any course to be pursued in a public or other tax-supported educational institution;
2. Any course which is offered by an educational institution which has been in operation for more than two (2) years or six (6) calendar months, whichever is appropriate, if the course is similar in character to a course previously given by the institution;
3. Any course which has been offered by an educational institution for a period of more than two (2) years or six (6) calendar months, whichever is appropriate, notwithstanding the institution has moved to another location within the same general locality or has made a complete move with substantially the same faculty, curricula and students, without change in ownership;
4. Any course which is offered by an educational institution of college level and which is recognized for credit toward a standard college degree; or
5. Any course for vocational rehabilitation when a needed course is not available at any other institution offering approved courses within a fifty-five (55)-mile commuting distance as approved by the department.

(B) The educational institution must operate in compliance with all applicable federal, state laws and/or regulations and/or local ordinances.

(C) The institution shall make available the instructional facilities and all appropriate records and accounts for inspection by the authorized representatives of the department, United States Department of Education and the Department of Veterans Affairs.

(D) Institutions may make a request for an exception to any of the requirements or provisions of this rule. The institutions must

make the request in writing and provide justification for the exception. An exception may be allowed only at the discretion of the department.

(E) Any approval issued under the provisions of this rule may be withdrawn or suspended by the department for cause. Before any approval is suspended or withdrawn, the department shall serve a notice in writing to the affected institution with a statement of the reason for its action, unless exigent circumstances warrant immediate suspension of future enrollments. The notice shall be served not less than ten (10) days before the effective date of the action. Upon request during the ten (10)-day period, the institution shall be entitled to a hearing before the department. The affected institution shall be notified within a reasonable time of the department's action.

(F) Advertising must be completely truthful and factual and must avoid leaving any misleading, false or exaggerated impression, either by actual statement, omission or intimation.

1. Institutions which have courses approved for eligible persons shall limit their advertisement of this fact to a statement such as Approved for Veterans' Education by the department, Approved for Veterans, or G.I. Approved. Statements such as Approved by the Department of Veterans Affairs (VA) or VA Approved are not acceptable as the Department of Veterans Affairs is not the approving agency.

2. Advertising must clearly indicate that training or education and not employment, is being offered. Advertising under help wanted classifications is prohibited.

3. Advertising must include the correct name and location of the institution.

4. Institutions shall assume full responsibility for the actions, statements and conduct of their field representatives.

5. Institutions with courses approved by the department must comply with the advertising criteria of state-approving agencies in the states in which advertising is used.

(G) For veterans' education, a course with a vocational objective will not be approved unless the eligible person or the institution offering that course, establishes that at least one-half (1/2) of the persons completing the course, over the preceding two (2)-year period, excluding the number of persons who completed those courses with assistance under Title 38, *United States Code* (U.S.C.), while serving on active duty and the number of persons who are unavailable for employment, have been employed in the occupational category for which the course was designed to provide training.

(H) A change of ownership, administration or location without consent of the department shall be sufficient cause to withdraw the approval or suspend future enrollments.

(I) Institutions which have live projects as a part of the instruction program shall submit a statement of policies for approval by the department. The purpose of the policy is to prevent schools from emphasizing a commercial enterprise rather than work related to hands-on and classroom training.

1. The statement of policies must provide information regarding charges for instructor and student labor and materials used in live projects instruction.

2. The institution shall keep records on file concerning live projects which will show that the institution is not violating its statement of policies.

3. The utilization of participants in custodial maintenance within the school for areas other than the immediate shop or work area is expressly forbidden.

4. Students cannot perform capital improvements on buildings and facilities owned by a private-for-profit agency. Capital improvements are any modification, addition or restoration which increases the usefulness, productivity or serviceable life of an existing building or structure, or major item of equipment which

is classified for accounting purposes as a fixed asset and the recorded value is increased by the cost of the improvement and subject to depreciation.

(J) The charges for tuition, fees and other charges for the course or program of education shall be reasonable, based on the services to be rendered, the books, supplies and equipment to be furnished and the operating costs of the institution.

(2) The provisions of this section apply to accredited courses.

(A) A course may be approved as an accredited course if it meets one (1) of the following requirements:

1. The course has been accredited and approved by a nationally recognized accrediting agency or association. Candidate for accreditation status is not a basis for approval of a course as accredited;

2. Credit for the course is recognized by the department for credit toward a high school diploma or for a certificate of license to teach; or

3. The course is conducted under 20 U.S.C. 11-28 concerning vocational education.

(B) Any curriculum offered by an educational institution which is a member of one of the nationally recognized accrediting agencies or associations and which leads to a degree, diploma or certificate may be accepted as an accredited course by the department. Any curriculum accredited by one of the specialized nationally recognized accrediting agencies or associations and which leads to a degree, diploma or certificate may also be accepted as an accredited course by the department. Approval of the individual subjects, required or elective, which are designated as a part of the curriculum will not be necessary. This approval may include noncredit subjects that are prescribed as a required part of the curriculum. The course objective may be educational leading to a high school diploma or a standard college degree or it may be vocational or professional leading to an occupation.

(C) A nationally recognized accrediting agency or association is one (1) that appears on the list published by the United States Department of Education. The department may utilize the accreditation of accrediting agencies or associations for approval of the course specifically accredited and approved by that agency or association.

(D) Applications for initial approval or for approval of additional courses shall be made on the application provided by the department. The application form and attachments should be submitted to the director of Veterans' Education, Department of Elementary and Secondary Education, P.O. Box 480, Jefferson City, MO 65102. Courses approved under Veterans' Education guidelines may be accepted for vocational rehabilitation. Courses for program specific purposes will be approved by the respective program. The application shall include the required copies of the school's catalog or bulletin which must be certified as true and correct in content and policy by an authorized representative of the school. The catalog, bulletin or separate publication must specifically state the following:

1. Institution policy and regulations relative to standards of progress required of the student by the institution. This policy will define the grading system of the institution, the minimum grade considered satisfactory, conditions for the interruption for unsatisfactory grades or progress, and a description of the probationary period, if any, allowed by the institution and conditions of reentrance for those students dismissed for unsatisfactory progress. A statement will be made regarding progress records kept by the institution and furnished the student;

2. Institution policy and regulations relating to student conduct, conditions for dismissal for unsatisfactory conduct, conditions of reentrance of students dismissed for unsatisfactory conduct; and

3. Institution policy and regulations relating to student attendance for resident courses not leading to a standard college degree,

conditions for dismissal for unsatisfactory attendance and conditions of reentrance of students dismissed for unsatisfactory attendance.

(E) The department may approve the application of the school when the school and the courses are found to have met the following criteria:

1. Adequate records are kept by the school to show the progress of each eligible person.

A. The records must be sufficient to show continued pursuit at the rate for which enrolled and the progress being made.

B. They must include a final grade in each subject for each term, quarter or semester; record of withdrawal from any subject to include the last day of attendance for a resident course; and record of reenrollment in subjects from which there was a withdrawal.

C. The school must provide a system for establishing and reporting promptly to the department, Department of Veterans Affairs or other appropriate federal agency, the last date of attendance or the last date of pursuit of an eligible person who discontinues a subject(s) or fails to comply with the school's withdrawal procedures.

D. They may include records such as attendance for resident courses, periodic grades and examination results;

2. The school maintains a written record of previous education and training of the eligible person which clearly indicates that appropriate credit has been given by the school for previous education and training, with the training period shortened proportionately and the person and the Department of Veterans Affairs and vocational rehabilitation so notified. The record must be cumulative in that the results of each enrollment period, whether term, quarter or semester, must be included so that it shows each subject undertaken and the final result—that is, passed, failed, incomplete or withdrawn;

3. The school enforces a policy relative to standards of conduct and progress required of the eligible persons.

A. The school policy relative to standards of progress must be specific enough to determine the point in time when educational benefits should be discontinued, when the eligible person ceases to make satisfactory progress.

B. No eligible person will be considered to have made satisfactory progress when s/he fails all subjects undertaken, except when there is a showing of mitigating circumstances, when enrolled in two (2) or more unit subjects.

C. The policy must include the grade or grade point average that will be maintained if the student is to graduate. For example, a college must require a 1.5 grade point average the first year, a 1.75 average at mid-year the second year and a cumulative average of 2.0 thereafter on the basis of 4.0 for an A. The policy may include a probationary period of two (2) quarters or semesters when the student falls below the required average. If a probationary period is allowed, it will not be necessary to report unsatisfactory progress to the Department of Veterans Affairs until the completion of the probationary period.

D. The enrollment of a veteran or other person eligible for veterans' benefits shall not be considered valid under applicable federal law and/or regulation, for a course for which the grade assigned is not used in computing the requirements for graduation; including a course from which a student withdraws after an official drop-add period, not to exceed thirty (30) days, unless there are mitigating circumstances;

4. The school maintains adequate attendance records for eligible persons enrolled in resident courses not leading to a standard college degree; and

5. The school must provide, upon request by the department, an authenticated copy of the latest report of accreditation from the appropriate accreditation agency(ies).

(3) The provisions of this section apply to courses which cannot be considered as accredited courses pursuant to this rule.

(A) Applications for initial approval or for approval of additional courses shall be made on the application provided by the department. The required copies of the completed application and all attached materials should be submitted to the department.

(B) The school shall notify the appropriate section of the department of any change in personnel, charges, ownership or any other information contained in the initial application. The changes shall be submitted promptly on forms provided by the department.

(C) The institution must be financially sound and capable of fulfilling its commitments for the approved educational program.

(D) The institution must require good discipline, orderliness and regular attendance at all times.

(E) The institution shall publish its standards of conduct, progress and attendance which are required of students and shall enforce these standards. These standards must define the following:

1. The school's grading system;
2. The minimum satisfactory grade level;
3. Conditions for interruption of training due to unsatisfactory grades or progress;
4. A description of any probationary period;
5. Conditions for a student's reentrance/readmission following dismissal and/or suspension for unsatisfactory progress, conduct or attendance; and
6. Conditions for dismissal due to unsatisfactory conduct and/or attendance.

(F) Good housekeeping must be maintained throughout the institution at all times.

(G) There shall be sufficient, qualified and capable personnel connected with the institution to ensure good administration, supervision and instruction.

1. All personnel connected with the institution shall be of good reputation and character.

2. The administrator shall have at least three (3) years of experience in a public or private school in administrative work or possess a college degree with at least a minor in the field of administration.

3. All instructors must be proficient in the trade or occupation to be taught, as evidenced by at least three (3) years of experience beyond the learning stage in the trade, occupation or subject or shall possess a college degree with at least a minor in the subject involved. These qualifications must be clearly shown on a personnel record form provided by the department for each person on the school staff.

4. No instructor shall have a daily schedule (both in school and outside of school) of more than fifty-five (55) hours per week, nor shall any instructor be engaged in instructional work for more than forty-eight (48) hours per week. The instructional workday of instructors will include break times allowed the students. Business school teachers shall not teach more than forty-eight (48) hours per week including evening school.

(H) The institution must provide adequate facilities.

1. All classroom, laboratory and shop areas must be well-lighted, heated and ventilated.

2. Adequate space must be provided in classrooms, laboratories and shops for the number to be trained.

3. Separate toilet facilities must be provided for both sexes, if both sexes are enrolled in the institution. At least one (1) stool must be provided for each twenty-five (25) students and at least one (1) urinal for each thirty-five (35) male students. Adequate lavatory facilities must be provided in those institutions involving work with laboratory or shop tools.

4. Adequate locker space must be provided each student in those institutions where needed for storage of student tools, supplies and/or clothing.

5. Classrooms must be equipped with comfortable chairs and tables or armchairs and with a blackboard of sufficient size for use by the instructors. Classrooms must be separate from shops and laboratories and must be partitioned so that there is a minimum of noise from shops and laboratories.

6. An adequate library must be provided which is easily accessible and which contains sufficient reference materials so that each student will be provided with essential related information.

7. Tools and/or laboratory equipment must be provided in sufficient quantities and in good quality.

8. Teaching materials must include modern teaching aids, charts, films, projectors, mock-ups, models, and the like, when those materials are necessary to the teaching of the trade, occupation or subject.

9. Institutions may not be operated in connection with a commercial enterprise unless approved by the department.

10. Institutions shall not be located in conjunction with living quarters.

11. Accommodations for the disabled shall be provided by the institution in accordance with applicable federal and state laws and/or regulations.

(I) The course of study must be adequate to prepare the student for the stated course objective.

1. The course of study applicable to veterans and other persons eligible for veterans' benefits shall provide for a minimum of twelve (12) weeks and a minimum of three hundred (300) hours of instruction. Shorter courses will not be approved unless an exception is granted by the department pursuant to the rules promulgated by the board.

2. The course of study shall be consistent in quality, content and length with similar courses offered by public and private schools in the state which have recognized accepted standards.

3. The course of study shall provide for a schedule of the tests and examinations to be given.

4. The grading policy must provide for periodic evaluation of the student's proficiency and progress.

(J) A copy of the course outline, schedule of tuition, fees and other charges, regulations pertaining to absences, grading policy and rules of operation and conduct will be furnished the eligible person upon enrollment. The established student complaint procedures must be posted in a conspicuous place within the school.

(K) Upon completion of training, the eligible person will be given a certificate by the school indicating the approved course and indicating that training was satisfactorily completed.

(L) The school must maintain adequate records which include the following:

1. A written record of the previous education and training of the eligible person that clearly indicates that appropriate credit has been given for previous education and training, with the training period shortened proportionately and the eligible persons, the Department of Veterans Affairs and vocational rehabilitation so notified;

2. Accurate and current records of attendance, tardiness, makeup work, proficiency and progress;

3. Individual instructor's class records and permanent office records for each student;

4. Placement or location records for graduates;

5. The institution shall maintain financial records in accordance with generally accepted accounting principles and which accurately reflect and support the receipts and charges applicable to veterans and vocational rehabilitation supported students. Further, that all these records and supporting documents shall be retained in accordance with current state and/or federal laws, and/or regulations; and

6. The institution shall submit any records, documents, reports and/or data requested by the department necessary for the administration of the veterans and vocational rehabilitation programs.

(M) The charges for tuition, fees and other charges for the course or program of education shall be reasonable, based on the services to be rendered, the books, supplies and equipment to be furnished and the operating costs of the institutions. The following referral policy applies only to eligible persons receiving veterans benefits:

1. The institution shall establish and maintain a policy for the refund of the unused portion of tuition, fees and other charges in the event an eligible person fails to enter the course or withdraws or is discontinued at any time prior to completion and the policy shall provide that the amount charged to the eligible person for tuition, fees and other charges for a portion of the course does not exceed the approximate *pro rata* portion of the total charges for tuition, fees and other charges that the length of the completed portion of the course bears to its total length.

(N) The institution shall use a satisfactory method of selecting students. Entrance requirements shall be based upon ability of the individual to perform at a level commensurate with the physical or mental demands, or both, of the course. Instruments for measuring ability shall include previous school records, previous work records, psychological testing as and when necessary.

(O) An accurate and current organizational chart shall be available showing the following:

1. Daily hours of instruction including beginning and ending time of classes, lunch, break periods, and the like;

2. Instructor's schedule including instructor's name, subject taught, time and room assignment; and

3. A class schedule must be maintained for each student in institutions having a curriculum composed of single unit subjects.

(4) The provisions of this section apply to charges and reimbursements for accredited and nonaccredited courses. For the purpose of administering this rule, an individual referral is a student referred by a sponsoring agency for skill training or training-related service for which the department has contracted to reimburse a public, not-for-profit or for-profit institution. The cost of training for individual referrals with the Division of Vocational Rehabilitation shall be reimbursed in the following way:

(A) The department shall enter into written agreements with public, not-for-profit and for-profit institutions for the purpose of administering individual referrals and shall develop and provide procedures which assist in administering the program;

(B) Courses which meet the following conditions are eligible to be included in the individual referral program:

1. Courses which are approved under this rule; and

2. Courses which are offered outside of the boundaries of Missouri may be utilized when they are approved by a comparable agency as determined by the department;

(C) Tuition payments shall be made on the basis of the school's instructional periods, (that is, quarters, terms or semesters). However, the following guidelines shall apply:

1. Any instructional period that is at least twenty (20) weeks but no more than thirty-nine (39) weeks, will be treated as having a minimum of two (2) equal instructional periods;

2. Any instruction period that is at least forty (40) weeks but no more than fifty-nine (59) weeks, will be treated as three (3) equal instructional periods. Programs of instruction in licensed practical nursing, surgical technology, respiratory therapy, dental technology, emergency medical technician-paramedic, radiology and massage therapy are excluded;

3. Courses with instructional periods that are at least sixty (60) weeks or more will be divided into additional segments of twenty (20) weeks; and/or

4. The total instructional program for licensed practical nursing, surgical technology, respiratory therapy, dental technology, emergency medical technician-paramedic, radiology and/or massage therapy will be treated as one (1) instructional period;

(D) Costs for equipment, fees and supplies are to be reimbursed separately as those costs are incurred. Registration fees are limited to a maximum of one hundred dollars (\$100) per student;

(E) In case of a student termination, the following refund policy shall apply to funds received from the department:

1. Within the first week of each instructional period, the school may retain ten percent (10%) of the tuition;

2. Within the second and third week of each instructional period, the school may retain twenty percent (20%) of the tuition;

3. After the beginning of the fourth week in each instructional period but prior to twenty-five percent (25%) of each instructional period, the school may retain twenty-five percent (25%) of the tuition;

4. After completing twenty-five percent (25%) but prior to completing fifty percent (50%) of the instructional period, the school may retain fifty percent (50%) of the tuition;

5. After completing fifty percent (50%) of the instructional period, the school may retain one hundred percent (100%) of the tuition;

6. For short courses where there is a conflict in the refund pursuant to this rule, the school will retain the greater amount; or

7. For courses offered by an accredited school that lead toward an associate or higher degree or programs of instruction in licensed practical nursing, surgical technology, respiratory therapy, dental technology, emergency medical technician-paramedic, radiology and/or massage therapy the refund policy of the institution will be applied;

(F) Services provided prior to or after dates approved by the authorizing document will not be reimbursed;

(G) Institutions shall submit reimbursement request for tuition payments of individual referrals for each instructional period; and

(H) Due to the short-term, intense nature of proprietary, trade or technical school courses, and the close involvement by vocational rehabilitation counselors and others in the vocational training process, monthly progress reports to the vocational rehabilitation counselor are required.

AUTHORITY: sections 161.172, 178.430, 178.590 and 178.610, RSMo 1994 and 178.530, RSMo Supp. 1999. Original rule filed July 7, 2000.

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

PRIVATE COST: This proposed rule will not cost private entities more than \$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 Missouri Department of Elementary and Secondary Education, Attention Dr. Nancy Headrick, Assistant Commissioner, Division of Vocational and Adult Education, P.O. Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 7—DEPARTMENT OF [HIGHWAYS AND]
TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 14—Adopt-A-Highway Program**

PROPOSED AMENDMENT

7 CSR 10-14.010 Purpose. The commission is amending the fiscal note with respect to the Adopt-A-Highway Program and proposes to amend previous section (1) and to add new section (3).

PURPOSE: This amendment revises the fiscal note information and further describes the purpose of the Adopt-a-Highway Program.

(1) The purpose of the Adopt-A-Highway Program is to *[increase public awareness of the environmental needs along Missouri's highways and to]* provide volunteer community support for anti-litter and highway beautification programs **with the potential for a cost savings to the Missouri Department of Transportation for use for other highway purposes.**

(3) The program is not intended as a means of providing a public forum for the participants to use in promoting name recognition or political causes. Missouri highway right-of-way is not a public forum.

AUTHORITY: section 227.030, RSMo 1994. Original rule filed Feb. 15, 1995, effective July 30, 1995. Amended: Filed July 10, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate. However, this amendment may result in a savings of approximately \$1,422,892 per year to the Missouri Department of Transportation. See attached fiscal note.

PRIVATE COST: This proposed amendment will not cost private entities, including small businesses, more than \$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 Transportation, Mari Ann Winters, Secretary to the Commission, P.O. Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PUBLIC ENTITY COST**

I. 7 CSR 10-14.010

Title: 7 - Missouri Department of Transportation

Division: 10 - Missouri Highways and Transportation Commission

Chapter: 14 - Adopt-A-Highway Program

Type of Rulemaking: Amended Rule

Rule Number and Name: 7 CSR 10-14.010, Purpose.

II. SUMMARY OF FISCAL IMPACT

Estimate of number of entities by class which would likely be affected by adoption of rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
I	Missouri Department of Transportation (MoDOT)	(\$ 1,422,892)savings

III. WORKSHEET

MoDOT's expenditures:

Signs, including installation:

\$149/for 2 signs x 200 groups-permanent sign \$ 29,800

Trash Bags:

.15/bag x 15 bags x 4 pickups per year = \$9/group
\$9 x 4,673 groups participating 42,057

Safety Vests:

.38 x 47,000 (approx. individual participants)
divided by 3 (one-time charge and vests may be reused) 5,953

TOTAL \$ 77,810

MoDOT savings per year

Adopt-A-Highway litter pick up averages 15 trash bags per pick up at four pick ups per year.
(4,673 groups x 4 pick ups x 15 trash bags = 280,380 bags)

Labor cost if agency did trash pick up rather than volunteers - 280,380 total bags (divided by 3 bags picked up per hour
- 93,560 bags / hour x average labor rate of \$16.04/hr. \$1,500,702

Minus State Expenditures	- \$ 77,810
	<hr/>
TOTAL STATE SAVINGS PER YEAR	\$1,422,892

IV. ASSUMPTIONS

The fiscal impact on the Missouri Department of Transportation is based upon the following assumptions and methodology:

(a) There were 4,673 groups during the year 1999. Each group is to perform a program activity at least 4 times per year. Each activity averages in 15 bags of trash being picked up. This calculates at a total of 280,380 trash bags per year. The average worker would pick up 3 bags of trash per hour. A MoDOT employee's average labor rate (pay grade 5) is \$16.04. Therefore, it would cost MoDOT \$1,500,702 in labor expenses to do the work of the adopters.

(b) These public entity costs will recur each year for the life of the rule; however, the number of program participants will vary from year to year and are almost impossible to predict accurately.

Title 7—DEPARTMENT OF [HIGHWAYS AND]
TRANSPORTATION

Division 10—Missouri Highways and Transportation
Commission

Chapter 14—Adopt-A-Highway Program

PROPOSED AMENDMENT

7 CSR 10-14.020 Definitions. The commission proposes to amend sections (3), (4), and (7), add new sections (9) and (12) and renumber remaining sections.

PURPOSE: This amendment contains additional definitions of terms used in this chapter.

(3) Adopter representative means a group member designated to represent the volunteer group and serve as its liaison with the commission. *[Usually the person who signs the agreement is the adopter representative.]* **The adopter representative is the person who signs the agreement.**

(4) Agreement means the written agreement between the volunteer individual or group adopting a section of highway right-of-way and the *[Missouri Highways and Transportation Commission]* **commission.**

(7) Department means the *[Missouri Highways and Transportation Department]* **Missouri Department of Transportation.**

(9) Participant means any individual, including individuals within a group, who will be participating in the program activity.

[(9)] (10) Program means the Adopt-A-Highway Program.

[(10)] (11) Program activity means litter pickup and/or beautification and/or mowing.

(12) **Violent criminal activity means any offense having as an element the use, attempted use, or threatened use of physical force against the person or property of another or any offense involving weapons.**

AUTHORITY: section 227.030, RSMo 1994. Original rule filed Feb. 15, 1995, effective July 30, 1995. Emergency amendment filed Feb. 8, 2000, effective Feb. 18, 2000, expired Aug. 15, 2000. Amended: Filed July 10, 2000.

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

PRIVATE COST: This proposed amendment will not cost private entities, including small businesses, more than \$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 Transportation, Mari Ann Winters, Secretary to the Commission, P.O. Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 7—DEPARTMENT OF [HIGHWAYS AND]
TRANSPORTATION

Division 10—Missouri Highways and Transportation
Commission

Chapter 14—Adopt-A-Highway Program

PROPOSED AMENDMENT

7 CSR 10-14.030 Application for Participation. The commission proposes to amend the previous section (1) and subsection (2)(B) and add a new section (1) and subsections (3)(A), and (3)(B), and delete previous subsections (2)(A) and (2)(C).

PURPOSE: This amendment is to further identify criteria for eligible adopters and criteria in determining whether an application is rejected or accepted.

(1) **The adopter or adopter representative of a group who desires to participate in the program shall submit an application to the commission on a form provided by the commission.**

[(1)] (2) Eligible Adopters. Eligible adopters include civic and nonprofit organizations, commercial and private enterprises and individuals./: **1) who have not been convicted of, or pled guilty or no contest to, a violent criminal activity, except as provided below; 2) whose participants have not been convicted of, or pled guilty or no contest to, a violent criminal activity, except as provided below; 3) for whom state or federal courts have not taken judicial notice of a history of violence; or 4) who do not deny membership on the basis of race, color, or national origin. Any individual adopter or participant may be eligible ten (10) years after the completion of any incarceration, probation or parole. Applicants who do not meet the eligibility requirements will be denied participation in the program. [The program is not intended as a means of providing a public forum for the participants to use in promoting name recognition or political causes.]** The commission reserves the right to limit the number of adoptions for a single group.

[(2)] (3) Acceptance of Application. The commission will have sole responsibility in determining whether an application is rejected or accepted and determining what highways will or will not be eligible for adoption.

(A) *[The commission may refuse to grant a request to participant if, in its opinion, granting the request would jeopardize the program, be counterproductive to its purpose or have undesirable results such as increased litter, vandalism or sign theft.]* **The commission may refuse to grant a request to participate if the applicant has submitted false statements of a material fact or has practiced or attempted to practice any fraud or deception in an application. Material facts include statements regarding convictions of violent criminal activity or membership qualifications.**

(B) **An application completed by an individual on behalf of a group or organization must identify the group or organization for which the application is being submitted and failure to identify the group or organization on the application will result in rejecting the application.**

[(B)] Applicants must adhere to the restrictions of all state and federal nondiscrimination laws. Specifically, the applicant must not discriminate on the basis of race, religion, color, national origin or disability. Such discrimination disqualifies the applicant from participation in the program.]

(C) [Applicants with a history of unlawfully violent or criminal behavior will be prohibited from participation in the program.] The adopter representative will certify on the application form that the group or organization does not deny membership on the basis of race, color, or national origin.

AUTHORITY: section 227.030, RSMo 1994. Original rule filed Feb. 15, 1995, effective July 30, 1995. Emergency amendment filed Feb. 8, 2000, effective Feb. 18, 2000, expires Aug. 15, 2000. Amended: Filed July 10, 2000.

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

PRIVATE COST: This proposed amendment will not cost private entities, including small businesses, more than \$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 Transportation, Mari Ann Winters, Secretary to the Commission, P.O. Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 7—DEPARTMENT OF [HIGHWAYS AND] TRANSPORTATION

Division 10—Missouri Highways and Transportation Commission

Chapter 14—Adopt-A-Highway Program

PROPOSED AMENDMENT

7 CSR 10-14.040 Agreement [Terms]; Responsibilities of Adopter and Commission. The commission proposes amending the rule title and to amend section (1) and subsections (2)(C), (2)(D), (2)(F), (2)(G), (2)(L), (3)(B), and add new subsections (2)(B), (2)(E), (2)(F), (2)(S), (2)(T) and (3)(D) and delete section (4).

PURPOSE: This amendment provides for additional terms of the written agreement between the adopter and the commission to promote the safety of the program and to develop a record keeping system for tracking the program's success.

(1) If an application is approved by the commission, the **adopter** or adopter representative shall execute a written agreement with the commission, and upon signing by both parties, the agreement becomes effective and provides for the **individual's** or group's participation in the program.

(2) Responsibilities of Adopter. The adopter shall—

(B) Provide to the commission, in writing, the name and complete mailing address, including street address, of the adopter representative and notify the commission within thirty (30) days, in writing, of any change of the adopter representative's name or address;

[(B)](C) Abide by all safety requirements as listed in the department's Safety Tips brochure;

[(C)](D) Have [all members of the group] the adopter, if the adopter is one individual, or the adopter representative participating in the program activity attend a safety training meeting conducted by the [adopter representative, or designee,] commission before participation in [any] the initial program activity;

(E) Have all members of the group participating in the program activity attend a safety training meeting conducted by the

adopter representative, before participation in the initial program activity;

(F) Have the adopter or adopter representative submit to the commission, in writing on a form provided by the department, the following information: 1) the name and street address of each participant; 2) a release of liability signed by each participant or parent or legal guardian of the participant if participant is a minor; 3) the participant's acknowledgement that he/she has attended a safety training meeting; and 4) if the participant is not a minor, the participant's statement that he/she has not been convicted of, or pled guilty or no contest to, a violent criminal activity;

[(D)](G) Properly use all safety equipment provided by the department and perform the work in a safe, **responsible**, and professional manner;

[(E)](H) Provide one (1) adult supervisor for every eight (8) participants between thirteen and seventeen (13–17) years of age and one (1) adult supervisor for every four (4) participants between six and twelve (6–12) years of age. No one under the age of six (6) will be allowed to participate in the program;

[(F)](I) Adopt a section of highway right-of-way for a minimum of three (3) years and submit a new application every three (3) years if the adopter wants to continue participation in the program;

[(G)](J) Collect litter along the adopted section a minimum of [four (4) times per year] twice every six (6) months, or as required by the commission;

[(H)](K) Adopt for litter pickup a minimum of two (2) miles in rural areas and one-half (1/2) mile in urban areas. Shorter lengths may be permissible in special circumstances;

[(I)](L) Provide prior notice, as required by the commission, before performing any program activity;

[(J)](M) Restrict program activities to the areas of right-of-way outside the pavement and shoulder areas;

[(K)](N) Perform program activity between the hours of one (1) hour after sunrise to one (1) hour before sunset and not during inclement weather;

[(L)](O) Prohibit [members] participants from possessing, consuming, or being under the influence of alcohol or drugs while participating in the program;

[(M)](P) Place litter in trash bags provided by the department and place filled trash bags at a designated location;

[(N)](Q) Separate tires, batteries and other trash as needed for proper disposal according to local landfill requirements; [and]

[(O)](R) Indemnify and hold harmless the commission and department and their officers, employees and agents from any claim, lawsuit or liability which may arise from adopter's participation in the program./;

(S) Have the adopter or adopter representative submit to the commission within five (5) working days of any program activity, the following information: 1) the adopter's name; 2) the date of the program activity; 3) the total hours involved in the program activity; and 4) the total number of bags of trash picked up. This information can be provided by calling the department representative, by E-mailing the department representative or by filling out and mailing the Activity Report form provided by the department. This information will enable the department to monitor the program's success; and

(T) Not subcontract or assign its responsibilities under this program to any other enterprise, organization, or individual unless assignee is also an active adopter.

(3) Responsibilities of Commission. The commission shall—

(B) Except as provided for in 7 CSR 10-14.050, [Install] install and maintain signs, if desired by the adopter [that conform with 7 CSR 10-14.050], at both ends of the adopted section;

(D) Provide safety training to the adopter, if the adopter is one individual, or the adopter representative which includes but is not limited to a safety video and Safety Tips brochure;

[(D)](E) Provide the adopter with safety equipment; and

[(E)](F) Remove and dispose of filled trash bags from the adopted section as soon as practical after the litter pickup is finished.

[(4) Termination of Agreement. The commission reserves the right to terminate the agreement and remove the signs when, in the sole judgment of the commission, it is found the adopter has not met the terms and conditions of the agreement or there is concern about the safety of the adopters, traveling public or Missouri Highways and Transportation Department (MHTD) employees.]

AUTHORITY: section 227.030, RSMo 1994. Original rule filed Feb. 15, 1995, effective July 30, 1995. Emergency amendment filed Feb. 8, 2000, effective Feb. 18, 2000, expires Aug. 15, 2000. Amended: Filed July 10, 2000.

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

PRIVATE COST: This proposed amendment will not cost private entities, including small businesses, more than \$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 Transportation, Mari Ann Winters, Secretary to the Commission, P.O. Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 7—DEPARTMENT OF [HIGHWAYS AND]
TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 14—Adopt-A-Highway Program**

PROPOSED AMENDMENT

7 CSR 10-14.050 Sign [Specifications]. The commission proposes to amend this rule to delete the word “Specifications” from the rule heading, amend subsections (1)(A), (1)(B), (1)(C), sections (2) and (3), delete the previous section (4) and add a new section (4).

PURPOSE: This amendment is to clarify the purpose and intent of the adopt-a-highway signs.

(1) The signs shall—

(A) Identify *[and recognize]* the adopter, but are not intended to be, an advertising medium or serve as a means of providing a public forum for the participants;

(B) Be *[designated]* designed by the department *[regarding]* as to size, color, *[location,]* and text; and

(C) Have the actual name of the adopter with no telephone numbers, logos, slogans or addresses, **including internet addresses**, with verbiage kept to a minimum.

(2) The signs shall not contain wording which is obscene, *[or]* profane, or **sexually suggestive** or implies an obscenity, *[or]* profanity or **sexual content**.

(3) The erection of a sign is not a requirement for participation in the program. *[The commission, at their sole discretion, may*

refuse to erect a sign under the program.] If a sign is damaged, destroyed, stolen, or removed from its foundation by an act of vandalism, the department will provide and erect a replacement sign at department cost. If the replacement sign is damaged, destroyed, stolen or removed from its foundation by an act of vandalism, the department will provide and erect one additional replacement sign at department cost. If the second replacement sign is damaged, destroyed, stolen, or removed from its foundation by an act of vandalism, no further sign will be provided or erected.

(4) *[The signs cannot be used as a memorial.]* Two (2) signs will be erected for each adopter, one at each end of the adopted section, at a location determined by the department.

AUTHORITY: section 227.030, RSMo 1994. Original rule filed Feb. 15, 1995, effective July 30, 1995. Emergency amendment filed July 10, 2000, effective July 20, 2000, expires Nov. 17, 2000. Amended: Filed July 10, 2000.

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

PRIVATE COST: This proposed amendment will not cost private entities, including small businesses, more than \$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 Transportation, Mari Ann Winters, Secretary to the Commission, P.O. Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 14—Adopt-A-Highway Program**

PROPOSED RULE

7 CSR 10-14.060 Modification or Termination of the Agreement

PURPOSE: This rule provides for the commission to terminate or modify the program agreement.

(1) The agreement may be modified or terminated at the sole discretion of the commission.

(2) The commission reserves the right to terminate the program agreement and remove the signs when, in the sole judgment of the commission, it is found that:

(A) Continuing the agreement would be counterproductive to the program’s purpose, or have undesirable results such as increased litter or vandalism or would jeopardize the safety of the participants, traveling public or department employees;

(B) The adopter is not meeting or has not met the terms and conditions of the agreement or any of the requirements set forth in 7 CSR 10-14.030–7 CSR 10-14.050; or

(C) Actions of the adopter may be contrary to any legislative restrictions or any restrictions on the use of appropriated funds for political activities.

(3) After three years of participation in the program, an adopter may terminate the agreement upon written notice to the commission.

AUTHORITY: section 227.030, RSMo 1994. Original rule filed July 10, 2000.

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

PRIVATE COST: This proposed rule will not cost private entities, including small businesses, more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Transportation, Mari Ann Winters, Secretary to the Commission, P.O. Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 5—Administration**

Chapter 1—Adaptive Telephone Equipment Program

PROPOSED RESCISSION

8 CSR 5-1.010 Adaptive Telephone Equipment Program. This rule established the standards and procedures for the provision of state-funded adaptive telephone equipment to eligible subscribers. This rule implemented sections 209.251, RSMo through 209.259, RSMo.

PURPOSE: This rule is being rescinded because sections 209.251, RSMo through 209.259, RSMo have been amended. The current statewide equipment distribution program is expanded and program eligibility requirements are changed. The administration of the program was transferred to the Missouri Assistive Technology Advisory Council which has authority to promulgate rules necessary to implement and administer the program.

AUTHORITY: section 286.060, RSMo Supp. 1998. Emergency rule filed Jan. 28, 1999, effective March 1, 1999, expired Aug. 28, 1999. Original rule filed Jan. 28, 1999, effective July 30, 1999. Rescinded: Filed July 10, 2000.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Labor and Industrial Relations, Attn: Robert A. Crouch Jr., P.O. Box 59, Jefferson City, MO 65104-0059. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 5—Conduct of Gaming**

PROPOSED AMENDMENT

11 CSR 45-5.183 Cards—Specifications. The commission is amending section (1).

PURPOSE: This amendment is to allow the commission the discretion to approve gambling games that utilize cards with speci-

fications that vary from the standard minimum requirements. It also removes antiquated references to Class B licensees.

(1) **Unless otherwise approved by the commission, [A/] all cards used for gambling games must meet the following specifications:**

(F) The design to be placed on the backs of cards used by licensees shall contain the name or trade name of the Class A [or Class B] licensee where the cards are to be used and shall be submitted to the commission for approval prior to use of such cards in gaming activity;

(H) Nothing in this section shall prohibit decks of cards with one (1) or more jokers contained therein; provided, however, such jokers shall not be used by the Class [B] A licensee in the play of any games other than pai gow poker;

(I) In addition to satisfying the requirements of this section, the cards used by a Class [B] A licensee at poker must—

1. Be visually distinguishable from the cards used by that Class [B] A licensee to play any other table games; and

2. Be made of plastic; and

(J) Each Class [B] A licensee which elects to offer the game of poker shall be required to have and use on a daily basis at least six (6) visually distinguishable card backings for the cards to be used at the game of poker. These card backings may be distinguished, without limitation, by different logos, different colors or different design patterns.

AUTHORITY: sections 313.004, 313.805, 313.830, RSMo 1994 and 313.845, RSMo Supp. [1996] 1999. Original rule filed Dec. 17, 1996, effective Aug. 30, 1997. Amended: Filed July 3, 2000.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, 3417 Knipp Drive, P.O. Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for October 3, 2000 at 10:00 a.m. in the Missouri Gaming Commission hearing room located at 3417 Knipp Drive, Jefferson City, Missouri.

**Title 15—ELECTED OFFICIALS
Division 40—State Auditor
Chapter 3—Rules Applying to Political Subdivisions**

PROPOSED RESCISSION

15 CSR 40-3.100 Revision of Property Tax Rates by School Districts. This rule applied to school districts and was designed to implement section 137.073, RSMo as it applied to revising property tax rates.

PURPOSE: The state auditor's office is proposing to rescind this rule and propose a new rule in order to comply with provisions of Article X, Section 22 of the Missouri Constitution and section 137.073, RSMo Supp. 1999, as revised by Senate Bill 894, 90th General Assembly, 2000. 15 CSR 40-3.120 will replace 15 CSR 40-3.100 and 15 CSR 40-3.110.

AUTHORITY: section 137.073.6, RSMo 1994. Original rule filed Jan. 3, 1992, effective Aug. 6, 1992. Amended: Filed June 14,

1994, effective Nov. 30, 1994. Emergency amendment filed June 14, 1996, effective June 24, 1996, expired Dec. 20, 1996. Amended: Filed June 14, 1996, effective Nov. 30, 1996. Emergency rescission filed July 14, 2000, effective July 24, 2000, expires Feb. 22, 2001. Rescinded: Filed July 14, 2000.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri State Auditor's Office, 224 State Capitol, Jefferson City, MO 65101. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 40—State Auditor**

Chapter 3—Rules Applying to Political Subdivisions

PROPOSED RESCISSION

15 CSR 40-3.110 Revision of Property Tax Rates by Political Subdivisions Other Than School Districts. This rule applied to political subdivisions other than school districts and was designed to implement section 137.073, RSMo as it applied to revising property tax rates.

PURPOSE: The state auditor's office is proposing to rescind this rule and propose a new rule in order to comply with provisions of Article X, Section 22 of the Missouri Constitution and section 137.073, RSMo Supp. 1999, as revised by Senate Bill 894, 90th General Assembly, 2000. 15 CSR 40-3.120 will replace 15 CSR 40-3.100 and 15 CSR 40-3.110.

AUTHORITY: section 137.073.6, RSMo 1994. Original rule filed Jan. 3, 1992, effective Aug. 6, 1992. Amended: Filed June 14, 1994, effective Nov. 30, 1994. Emergency amendment filed June 14, 1996, effective June 24, 1996, expired Dec. 20, 1996. Amended: Filed June 14, 1996, effective Nov. 30, 1996. Emergency rescission filed July 14, 2000, effective July 24, 2000, expires Feb. 22, 2001. Rescinded: Filed July 14, 2000.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri State Auditor's Office, 224 State Capitol, Jefferson City, MO 65101. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 40—State Auditor**

Chapter 3—Rules Applying to Political Subdivisions

PROPOSED RULE

15 CSR 40-3.120 Calculation and Revision of Property Tax Rates

PURPOSE: This rule applies to all political subdivisions and is designed to implement section 137.073, RSMo as it applies to calculating and revising property tax rates.

(1) The following forms with instructions are available from the State Auditor's Office—Tax Rate Review Section, and have been adopted and approved for use by school districts and all other political subdivisions to compute and substantiate the annual tax rate ceiling(s) pursuant to the requirements of the *Missouri Constitution* Article X, Section 22 and section 137.073, RSMo:

- (A) Tax Rate Summary Page;
- (B) Form A Computation of Reassessment Growth and Rate for Compliance with Article X, Section 22 and Section 137.073;
- (C) Form B New Voter Approved Tax Rate or Tax Rate Increase;
- (D) Form C Debt Service;
- (E) Form G Recoupment for Political Subdivisions.

AUTHORITY: section 137.073.6, RSMo Supp. 1999. A version of this rule was previously filed as 15 CSR 40-3.100 and 15 CSR 40-3.110. Emergency rule filed July 14, 2000, effective July 24, 2000, expires Feb. 22, 2001. Original rule filed July 14, 2000.

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

PRIVATE COST: This proposed rule will not cost private entities more than \$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 Missouri State Auditor's Office, 224 State Capitol, Jefferson City, MO 65101. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.