

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 If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission.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 4—Wildlife Code: General Provisions**

PROPOSED AMENDMENT

3 CSR 10-4.115 Special Regulations for Department Areas.
The department proposes to amend subsection (1)(A), paragraph (1)(P) 2. and subparagraph (1)(P)8.D. of this rule.

PURPOSE: This amendment adds rock collecting to the list of general prohibitions on department areas and eliminates the winter trout fishing tag at state trout parks, clarifies that all fish caught during the winter season must be released, opens Happy Holler Lake to fishing and closes Mark Youngdahl Urban Conservation Area to fishing.

(1) The special regulations in this rule apply on all lands and waters (referred to as areas) owned, leased or managed under formal cooperative agreement by the Department of Conservation. The director may issue temporary written exceptions to provisions of this rule for emergency or special events and for other compatible uses.

(A) General Prohibitions. Entry on areas closed to public use, swimming, sailboarding, sailboating, skateboarding, bicycling, camping, shooting, hunting, fishing, trapping, collecting or possessing wild plants and wild animals and unprocessed parts thereof, removal of water, commercial vending, fires, **rock collecting**, digging and other soil disturbance, horseback riding, horses and other livestock, pets, caving, rock climbing, rappelling, paintballing, scuba diving, water skiing, vehicles, aircraft, and destruction, cutting or removal of vegetation are permitted only as specifically authorized. The destruction, defacing or removal of department property and use of fireworks are prohibited.

1. Possession of glass food and beverage containers is prohibited within the Castor River Shut-Ins Natural Area on Amidon Memorial Conservation Area.

(P) Fishing. Fishing, under statewide seasons, methods and limits, is permitted, except as further restricted in this rule.

1. Fishing may be further restricted on designated portions of conservation areas.

2. Fishing is prohibited on the following conservation areas or individually named lakes:

A. Allred Lake Natural Area

B. Rudolf Benn/e/itt Lake

C. Robert L. Blattner

D. Burr Oak Woods

E. Gama Grass Prairie

F. Gay Feather Prairie

G. Charles W. Green

[H. Happy Holler Lake]

[I.] H. Hunkah Prairie

[J.] I. Little Osage Prairie

[K.] J. Chloe Lowry Marsh Natural Area

[L.] K. Mo-Ko Prairie

[M.] L. Mon-Shon Prairie

[N.] M. Mount Vernon Prairie

[O.] N. Niawathe Prairie

[P.] O. Pawhuska Prairie

[Q.] P. Powder Valley Conservation Nature Center

[R.] Q. Springfield Conservation Nature Center

[S.] R. Turtle Rock Lake

[T.] S. Tzi-Sho Prairie

[U.] T. Wah-Kon-Tah Prairie (only on portion owned by the Nature Conservancy)

[V.] U. Wah-Sha-She Prairie

[W.] V. Henry J. Waters II and C.B. Moss Memorial Wildlife Area

W. Youngdahl (Mark) Urban

3. On all impounded waters, fish may be taken only with pole or rod with attached line and not more than three (3) poles or rods with attached line may be used by one (1) person at any time, except as further provided in this rule.

A. On Forest Lake, Montrose Conservation Area, Schell-Osage Conservation Area, Ted Shanks Conservation Area and Thomas Hill Reservoir, fish may be taken with limb lines and bank lines.

B. Carp, buffalo, suckers and gar may be taken by gig, longbow or crossbow during statewide seasons on the following conservation areas or individually named lakes:

(I) Atlanta

(II) Bismarck

(III) Blackjack Access

- (IV) Bob Brown
- (V) Cooley Lake
- (VI) Deer Ridge
- (VII) Deroin Bend
- (VIII) Duck Creek
- (IX) Eagle Bluffs
- (X) Connor O. Fewel
- (XI) Fountain Grove
- (XII) Four Rivers
- (XIII) Forest Lake
- (XIV) Franklin Island
- (XV) Grand Pass
- (XVI) Hunnewell Lake
- (XVII) King Lake
- (XVIII) Kings Prairie Access
- (XIX) Lake Paho
- (XX) Lamine River
- (XXI) B. K. Leach Memorial
- (XXII) Limpp Community Lake
- (XXIII) Little Compton Lake
- (XXIV) Locust Creek
- (XXV) Manito Lake
- (XXVI) Marias Temps Clair
- (XXVII) Nodaway Valley
- (XXVIII) Otter Lake
- (XXIX) Peabody
- (XXX) Ralph and Martha Perry Memorial
- (XXXI) Haysler A. Poague
- (XXXII) Pony Express Lake
- (XXXIII) Rebel's Cove
- (XXXIV) Schell-Osage
- (XXXV) Henry Sever
- (XXXVI) Settle's Ford
- (XXXVII) Ted Shanks
- (XXXVIII) Thurnau
- (XXXIX) Truman Reservoir
- (XL) Wakonda State Park Lakes
- (XLI) Worth County Community Lake
- (XLII) Worthwine Island

4. On Conservation Commission Headquarters and James A. Reed Memorial Wildlife Area, fishing is permitted in designated waters from 6:00 a.m. to 6:00 p.m., October 1 through March 31 and from 6:00 a.m. to 9:00 p.m., April 1 through September 30. On August A. Busch Memorial Conservation Area, fishing is permitted on designated waters from 6:00 a.m. to 9:00 p.m. daily. On designated lakes *[and]* at Conservation Commission Headquarters, only flies and artificial lures may be used, and all fish must be returned to the water unharmed immediately after being caught. On Coot Lake on James A. Reed Memorial Wildlife Area, from November 1 through February 19, only flies, artificial lures and soft plastic baits (unscented) may be used and all fish must be returned to the water unharmed immediately after being caught.

5. On Ronald and Maude Hartell Conservation Area, fishing is permitted on designated waters. Only flies, artificial lures and soft plastic baits (unscented) may be used and all fish must be returned to the water unharmed immediately after being caught. Possession of fish on the area is prohibited except by special use permit.

6. Fishing is permitted, except in designated areas, on the following conservation areas:

- A. Bellefontaine
- B. Bilby Ranch Lake
- C. Bob Brown
- D. Cooley Lake
- E. Coon Island
- F. Duck Creek
- G. Eagle Bluffs
- H. Fountain Grove

- I. Four Rivers
- J. Grand Pass
- K. Hornersville Swamp
- L. B. K. Leach Memorial
- M. Maple Leaf Lake
- N. Marais Temps Clair
- O. Monegaw Prairie
- P. Montrose
- Q. Osage Prairie
- R. Otter Slough
- S. Pony Express Lake
- T. Schell-Osage
- U. Settle's Ford
- V. Seven Island
- W. Ted Shanks
- X. Taberville Prairie
- Y. Ten Mile Pond
- Z. Wah-Kon-Tah Prairie (only on portion owned by

Conservation Commission west of Mo. Highway H and north of Mo. Highway 82)

7. On Binder Community Lake, fishing is prohibited from 11:00 p.m. to 3:00 a.m. daily.

8. On Maramec Spring Trout Park, Bennett Spring State Park, Montauk State Park and Roaring River State Park:

A. Fishing is permitted in designated waters during posted hours. Not more than one (1) pole or rod with attached line may be used by one (1) person at any time. Giggling, snaring, snagging, frogging and the taking of live bait are prohibited. Flies, artificial lures, unscented soft plastic baits and natural and scented baits may be used, except in waters posted as restricted to specific baits or lures. The use of any foods to attract fish, except when placed on a hook, is prohibited.

B. Trout fishing is permitted from March 1 through October 31. The daily limit is five (5) trout, and no person shall continue to fish for any species after having five (5) trout in possession. Fishing in the designated trout waters is permitted only by holders of a signed valid area daily trout fishing tag.

C. On a designated portion of Montauk State Park and Roaring River State Park, catch and release trout fishing only is permitted from March 1 through October 31. Only flies may be used, and all trout must be returned to the water unharmed immediately after being caught. Trout may not be possessed in these designated areas, and no person with five (5) trout already in possession may fish there.

D. Trout fishing is permitted from 8:00 a.m. to 4:00 p.m. on Fridays, Saturdays and Sundays from the second Friday in November through the second Sunday in February. Fishing in designated trout waters is permitted only by holders of a valid *[area winter trout fishing tag] trout permit*. Only flies may be used, and all *[trout] fish* must be returned to the water unharmed immediately after being caught. *[Trout] Fish* may not be possessed on these waters.

9. On Jerry J. Presley Conservation Education Center, fishing is permitted only by holders of a valid area special use permit. Except as otherwise provided on the special use permit, all fish must be returned to the water unharmed immediately after being caught.

10. Daily and possession limits. Statewide daily and possession limits shall apply for all species, except that: In impounded waters, daily limits are catfish in the aggregate (channel catfish, blue catfish, flathead catfish), four (4); black bass, six (6); crappie, thirty (30); and all other fish, statewide limits, but not to exceed twenty (20) in the aggregate; except as further restricted in this rule.

A. The daily limit for black bass shall be two (2) on the following conservation areas:

- (I) Amargosa Highlands
- (II) Arrow Rock State Historic Site

- (III) Atkinson Lake
- (IV) Baltimore Bend
- (V) Belcher Branch Lake
- (VI) Bellefontaine
- (VII) August A. Busch Memorial
- (VIII) Confederate Memorial State Park Lakes
- (IX) Robert G. DeLaney Lake
- (X) Lake Paho
- (XI) Lone Jack Lake
- (XII) Manito Lake
- (XIII) Maple Leaf Lake
- (XIV) Port Hudson Lake
- (XV) James A. Reed Memorial Wildlife Area
- (XVI) Schell Lake
- (XVII) Watkins Mill State Park Lake
- (XVIII) Weldon Spring

B. On Bellefontaine Conservation Area, Che-Ru Lake, Hazel Hill Lake and Schell-Osage Conservation Area, the daily limit for crappie shall be fifteen (15).

C. On August A. Busch Memorial Conservation Area and James A. Reed Memorial Wildlife Area, the daily limit for white bass, striped bass and their hybrids in the aggregate shall be four (4); on James A. Reed Memorial Wildlife Area, the aggregate daily limit for all other fish shall be ten (10).

D. On Duck Creek Conservation Area, statewide limits shall apply for all nongame fish.

E. At Blind Pony Lake Conservation Area, the daily limit for black bass shall be one (1).

F. At Tobacco Hills Lake, the daily limit for bluegill shall be eight (8).

G. On Bellefontaine Conservation Area and Port Hudson Lake, the daily limit for other fish (those not listed by name in this paragraph) shall be (10) in the aggregate.

11. Length limits. Statewide length limits shall apply for all species, except as further restricted in this rule.

A. On all impoundments, except as authorized in parts (1)(P)10.A.(I)–(V), all black bass more than twelve inches (12") but less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught.

(I) All black bass less than twelve inches (12") total length must be returned to the water unharmed immediately after being caught on the following conservation areas:

- (a) Bois D'Arc
- (b) Knob Noster State Park Lakes
- (c) Malta Bend Community Lake
- (d) Painted Rock
- (e) Peabody
- (f) Haysler A. Poague
- (g) Robert E. Talbot
- (h) Van Meter State Park Lake

(II) All black bass less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught on the following conservation areas:

- (a) Amarugia Highlands
- (b) Arrow Rock State Historic Site
- (c) Atkinson Lake
- (d) Baltimore Bend
- (e) Big Oak Tree State Park
- (f) Bilby Ranch Lake
- (g) Binder Community Lake
- (h) Bismarck
- (i) Buffalo Bill Lake
- (j) August A. Busch Memorial (except Lakes 33 and

35)

- (k) Che-Ru Lake
- (l) Jerry P. Combs Lake
- (m) Confederate Memorial State Park Lakes
- (n) Deer Ridge Lake

- (o) Fourche Lake
- (p) General Watkins
- (q) Huzzah Pond
- (r) Jamesport Community Lake
- (s) Limpp Community Lake
- (t) Little Compton Lake
- (u) Loggers Lake
- (v) Lone Jack Lake
- (w) Maple Leaf Lake
- (x) McCormack Lake
- (y) Noblett Lake
- (z) Nodaway County Community Lake
- (aa) Perry County Community Lake
- (bb) Pershing State Park Ponds
- (cc) Pony Express
- (dd) Ray County Community Lake
- (ee) James A. Reed Memorial Wildlife Area
- (ff) Rinquelin Trail Community Lake
- (gg) Roby Lake
- (hh) Schell Lake
- (ii) Ted Shanks
- (jj) Tobacco Hills Lake
- (kk) Union Ridge Lake
- (ll) Vandalia Community Lake
- (mm) Watkins Mill State Park Lake
- (nn) Weldon Spring
- (oo) Worth County Community Lake

(III) On Bellefontaine Conservation Area, August A. Busch Memorial Lakes 33 and 35, Belcher Branch Lake, Robert G. DeLaney Lake, Lake Paho, Manito Lake and Port Hudson Lake, all black bass less than eighteen inches (18") total length must be returned to the water unharmed immediately after being caught.

(IV) On Blind Pony Lake Conservation Area, all black bass less than twenty inches (20") total length must be returned to the water unharmed immediately after being caught.

(V) On Hazel Hill Lake, all black bass more than fourteen inches (14") but less than eighteen inches (18") total length must be returned to the water unharmed immediately after being caught.

B. On August A. Busch Memorial Conservation Area and James A. Reed Memorial Wildlife Area, all white bass, striped bass and their hybrids less than twenty inches (20") total length must be returned to the water unharmed immediately after being caught.

C. On Blind Pony Lake Conservation Area, Hazel Hill Lake and Manito Lake Conservation Area, all channel catfish and all blue catfish less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught.

D. On August A. Busch Memorial Conservation Area, Che-Ru Lake, James A. Reed Memorial Wildlife Area and Schell-Osage Conservation Area, all flathead catfish less than twenty-four inches (24") total length must be returned to the water unharmed immediately after being caught.

E. On Tobacco Hills Lake, all bluegill less than eight inches (8") total length must be returned to the water unharmed immediately after being caught.

F. On Lake Girardeau Conservation Area and Henry Sever Conservation Area, all muskellunge less than forty-two inches (42") total length must be returned to the water unharmed immediately after being caught.

12. Salvage seining of nongame fish may be permitted seasonally for personal use with written permission of the department.

13. Seining or trapping live bait, including tadpoles, is prohibited on streams in Mule Shoe Conservation Area and on all impounded waters and their discharge channels, except as further defined in this rule.

A. Seining or trapping live bait, including tadpoles, is permitted on designated impoundments on Bob Brown Conservation Area, Fountain Grove Conservation Area, Grand Pass Conservation Area and Nodaway Valley Conservation Area.

B. On designated waters on Schell-Osage Conservation Area, gizzard shad may be taken by live bait methods.

14. On Wire Road Conservation Area, nongame fish may be taken by snagging, snaring, or grabbing from March 15 through May 15. A daily limit of twenty (20) and a possession limit of forty (40) shall apply to fish taken by these methods.

15. On Prairie Lake on Weldon Spring Conservation Area, fishing is prohibited during the area's prescribed waterfowl hunting season.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Dec. 15, 1975, effective Dec. 27, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed July 19, 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits for Hunting,
Fishing, Trapping**

PROPOSED RULE

3 CSR 10-5.575 Nonresident Landowner Firearms Deer Hunting Permit

PURPOSE: This rule creates a new Nonresident Landowner Deer Hunting Permit for use on the landowner's qualifying property at a reduced fee compared to a Nonresident Firearms Deer Hunting Permit.

To pursue, take, possess and transport an antlered deer from qualifying land statewide during the firearms deer hunting season, by nonresident landowners as defined in this Code. Fee: seventy-five dollars (\$75).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 19, 2000.

PUBLIC COST: Allowing nonresident landowners to hunt antlered deer on qualifying lands at a reduced price compared to nonresidents will result in an estimated net loss of revenue from nonresident permits of under \$500.

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

PROPOSED RULE

3 CSR 10-5.576 Nonresident Landowner Firearms Any-Deer Hunting Permit

PURPOSE: This rule creates a new Nonresident Landowner Firearms Any-Deer Hunting Permit for use on the landowner's qualifying property at a reduced fee compared to a Nonresident Firearms Any-Deer Hunting Permit.

To pursue, take, possess and transport an antlered deer from qualifying land statewide or a deer of either sex in a specified deer management unit from qualifying land during the firearms deer hunting season, by nonresident landowners as defined in this Code. Fee: seventy-five dollars (\$75).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 19, 2000.

PUBLIC COST: Allowing nonresident landowners to hunt antlered deer on qualifying land statewide or a deer of either sex in a specified deer management unit at a reduced price compared to nonresidents will result in an estimated net loss of revenue from nonresident permits of \$12,500.

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 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.

**FISCAL NOTE
PUBLIC ENTITY COST****I. RULE NUMBER**

Title: Title 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: Chapter 5 – Wildlife Code: Permits for Hunting, Fishing, Trapping

Type of Rulemaking: Proposed Rule

Rule Number and Name: 3 CSR 10-5.576 Nonresident Landowner Firearms Any-Deer Hunting Permit

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Conservation	\$62,500

III. WORKSHEET

Decrease in state revenue of \$12,500 annually, or \$62,500 in the five-year aggregate.

MDC estimates 250 nonresident landowners will qualify for and purchase this permit annually. These landowners will be eligible to buy the proposed permit for \$50 less than their cost under the current rule, resulting in the above estimated revenue decrease.

IV. ASSUMPTIONS

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five year—to remain competitive with other states.

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

PROPOSED RULE

**3 CSR 10-5.577 Nonresident Landowner Firearms First Bonus
Deer Hunting Permit**

PURPOSE: This rule creates a new Nonresident Landowner Firearms First Bonus Antlerless Deer Hunting Permit for use on the landowner's qualifying property at a reduced fee compared to a Nonresident Firearms First Bonus Antlerless Deer Hunting Permit.

To pursue, take, possess and transport an antlerless deer from qualifying land in a specified deer management unit during the firearms deer hunting season, by nonresident landowners as defined in this Code. Fee: forty dollars (\$40).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 19, 2000.

PUBLIC COST: Allowing nonresident landowners to hunt an antlerless deer on qualifying land in a specified deer management unit during the firearms deer hunting season at a reduced price compared to nonresidents will result in an estimated net loss of revenue from nonresident permits of \$2,905.

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 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.

**FISCAL NOTE
PUBLIC ENTITY COST****I. RULE NUMBER**

Title: Title 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: Chapter 5 – Wildlife Code: Permits for Hunting, Fishing, Trapping

Type of Rulemaking: Proposed Rule

Rule Number and Name: 3 CSR 10-5.577 Nonresident Landowner Firearms First Bonus Deer Hunting Permit

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Conservation	\$14,525

III. WORKSHEET

Decrease in state revenue of \$2,905 annually, or \$14,525 in the five-year aggregate.

MDC estimates 83 nonresident landowners will qualify for and purchase this permit annually. These landowners will be eligible to buy the proposed permit for \$35 less than their cost under the current rule, resulting in the above estimated revenue decrease.

IV. ASSUMPTIONS

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five year—to remain competitive with other states.

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

PROPOSED RULE

**3 CSR 10-5.578 Nonresident Landowner Firearms Second
Bonus Deer Hunting Permit**

PURPOSE: This rule creates a new Nonresident Landowner Firearms Second Bonus Antlerless Deer Hunting Permit for use on the landowner's qualifying property at a reduced fee compared to a Nonresident Firearms Second Bonus Deer Hunting Permit.

To pursue, take, possess and transport an antlerless deer from qualifying land in a specified deer management unit during the firearms deer hunting season by nonresident landowners as defined in this Code. Fee: twenty-five dollars (\$25).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 19, 2000.

PUBLIC COST: Allowing nonresident landowners to hunt antlerless deer on qualifying land in a specified deer management unit during the firearms deer hunting season at a reduced price compared to nonresidents will result in an estimated net loss of revenue from nonresident permits of \$625.

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 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.

**FISCAL NOTE
PUBLIC ENTITY COST****I. RULE NUMBER**

Title: Title 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: Chapter 5 – Wildlife Code: Permits for Hunting, Fishing, Trapping

Type of Rulemaking: Proposed Rule

Rule Number and Name: 3 CSR 10-5.578 Nonresident Landowner Firearms Second Bonus Deer Hunting Permit

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Conservation	\$3,125

III. WORKSHEET

Decrease in state revenue of \$625 annually, or \$3,125 in the five-year aggregate.

MDC estimates 25 nonresident landowners will qualify for and purchase this permit annually. These landowners will be eligible to buy the proposed permit for \$25 less than their cost under the current rule, resulting in the above estimated revenue decrease.

IV. ASSUMPTIONS

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five year—to remain competitive with other states.

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

PROPOSED RULE

**3 CSR 10-5.579 Nonresident Landowner Firearms Turkey
Hunting Permits**

PURPOSE: This rule creates a new Nonresident Landowner Firearms Turkey Hunting Permit for use on the landowner's qualifying property at a reduced fee compared to a Nonresident Firearms Turkey Hunting Permit.

(1) To pursue, take, possess and transport wild turkey from qualifying land during the prescribed open season, by nonresident landowners as defined in this Code.

(A) Spring Season Permit. Fee: seventy-five dollars (\$75).

(B) Fall Season Permit. Fee: fifty dollars (\$50).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 19, 2000.

PUBLIC COST: Allowing nonresident landowners to hunt wild turkey on qualifying land during the prescribed seasons at a reduced price compared to nonresidents will result in an estimated net loss revenue from nonresident permits of \$4,775.

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 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.

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: Title 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: Chapter 5 – Wildlife Code: Permits for Hunting, Fishing, Trapping

Type of Rulemaking: Proposed Rule

Rule Number and Name: 3 CSR 10-5.579 Nonresident Landowner Firearms Turkey Hunting Permits

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Conservation	\$23,875

III. WORKSHEET

Decrease in state revenue of \$4,775 annually, or \$23,875 in the five-year aggregate.

MDC estimates 83 nonresident landowners will qualify for and purchase the spring turkey permit annually for \$50 less than their cost under the current rule, and 25 nonresident landowners will qualify for and purchase the fall turkey permit annually for \$25 less than their cost under the current rule, resulting in the above estimated revenue decrease.

IV. ASSUMPTIONS

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five year—to remain competitive with other states.

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

PROPOSED RULE

3 CSR 10-5.580 Nonresident Landowner Archer's Hunting Permit

PURPOSE: This rule creates a new Nonresident Landowner Archer's Hunting Permit for use on the landowner's qualifying property at a reduced fee compared to a Nonresident Archer's Hunting Permit.

To pursue, take, possess and transport deer and wild turkey from qualifying land during the fall deer and turkey archery season and small game (except furbearers) during prescribed seasons, by non-resident landowners as defined in this Code. Fee: seventy-five dollars (\$75).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 19, 2000.

PUBLIC COST: Allowing nonresident landowners to hunt deer, wild turkey and small game (except furbearers) on qualifying land by archery methods during prescribed seasons at a reduced price compared to nonresidents will result in an estimated net loss of revenue from nonresident permits of \$1,575.

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 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.

**FISCAL NOTE
PUBLIC ENTITY COST****I. RULE NUMBER**

Title: Title 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: Chapter 5 – Wildlife Code: Permits for Hunting, Fishing, Trapping

Type of Rulemaking: Proposed Rule

Rule Number and Name: 3 CSR 10-5.580 Nonresident Landowner Archer's Hunting Permit.

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Conservation	\$7,875

III. WORKSHEET

Decrease in state revenue of \$1,575 annually, or \$7,875 in the five-year aggregate.

MDC estimates 63 nonresident landowners will qualify for and purchase this permit annually. These landowners will be eligible to buy the proposed permit for \$25 less than their cost under the current rule, resulting in the above estimated revenue decrease.

IV. ASSUMPTIONS

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five year—to remain competitive with other states.

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

PROPOSED AMENDMENT

3 CSR 10-7.435 Deer: Seasons, Methods, Limits. The department proposes to amend subsections (1)(A) and (2)(C) and (F).

PURPOSE: This amendment establishes a new nonresident landowner permit privilege for hunting deer on qualifying property at a reduced price and eliminates the requirement for qualified nonresident landowners to purchase regular nonresident deer hunting permits for hunting deer on their property.

(1) General Requirements.

(A) For the purposes of this rule, deer shall mean white-tailed deer and mule deer and antlered deer shall mean a deer with at least one (1) antler not less than three inches (3") long. Deer may be pursued, taken, killed, possessed or transported only as permitted in this rule. A person may take two (2) deer of either sex on an archer's hunting permit provided that only one (1) antlered deer may be taken prior to the November portion of the firearms deer hunting season. A person holding an archer's hunting permit may obtain up to five (5) antlerless-only archery deer hunting permits to be used only in units 13, 14, 17, 22, 24, 58 and 59. A person may take one (1) antlerless deer on each antlerless-only archery deer hunting permit. In addition, a person may take one (1) antlered deer on a firearms deer hunting permit or one (1) deer of either sex on a firearms any-deer hunting permit. A person may take one (1) additional antlerless deer on a firearms first bonus deer hunting permit and one (1) additional antlerless deer on a firearms second bonus deer hunting permit. Additional deer may be taken as a participant in a managed deer hunt on a managed deer hunting permit. A person may participate in only one (1) managed deer hunt in the prescribed permit year. A person under twelve (12) years of age holding a youth deer and turkey hunting permit may, during the firearms deer hunting seasons, take one (1) antlered deer statewide or one (1) antlerless deer in a deer management unit where any-deer permits are issued (as provided in 3 CSR 10-5.205). Any person killing a deer shall properly tag it immediately with a transportation tag listing the full name and address of the taker, which shall remain attached to the carcass until it has been inspected and marked at an established checking station. In addition, the taker shall validate the harvest by immediately notching the permit as required. A **resident** landowner or lessee, as defined in this Code, shall not be required to purchase a deer hunting permit to take, during the November and December portions of the firearms deer hunting season, an antlered deer, to take deer of either sex during the archery deer hunting season or to take up to five (5) additional antlerless deer during the archery season in units 13, 14, 17, 22, 24, 58 and 59, as prescribed in this rule, on any land s/he owns or, in the case of the lessee, upon which s/he resides, but s/he shall adhere to season methods and limits prescribed in this rule and shall tag the deer immediately with the full name and address of the taker and submit it for inspection as required in this rule. **Resident** [L/landowners or corporate shareholders *as defined in*] **who qualify under this rule** are eligible for any-deer and bonus deer hunting permits. **Nonresident landowners as defined who qualify under this rule are eligible to purchase nonresident landowner firearms permits for use on qualifying land.**

(2) Firearms Deer Hunting Season.

(C) During the November portion of the firearms deer hunting season, and during the January portion of the firearms deer hunting season in units 1 through 17, 20, 22 through 24, 58 and 59,

other wildlife may be hunted only with a shotgun and shot not larger than No. 4, except that this provision does not apply to waterfowl hunters, trappers or to a **resident** landowner on his/her land or to a lessee on the land on which s/he resides; provided that the holder of an unused firearms deer hunting permit and the prescribed hunting permit may take coyotes and, after the opening of the furbearer hunting season, bobcats in the area described in 3 CSR 10-7.450 by the methods prescribed for taking deer. Furbearers, squirrels and rabbits may not be chased, pursued or taken with dogs during daylight hours of the November portion of the firearms deer hunting season in Bollinger, Butler, Carter, Dent, Iron, Madison, Oregon, Reynolds, Ripley, Shannon and Wayne counties.

(F) Hunting is permitted within deer management units as follows:

1. Unit 57: Antlered deer may be taken from November 11 through November 21 and from December 2 through December 10.

2. Units 1-56, 58 and 59: Antlered deer may be taken from November 11 through November 21 and from December 2 through December 10. Deer of either sex may be taken from November 11 through November 21 and from December 2 through December 10 by the holder of an any-deer permit in the unit specified on the permit. Additional deer, which must be antlerless, may be taken by holders of bonus permits in the unit specified on the permits.

3. Units 1-17, 20, 22-24, 58 and 59: Antlerless deer may be taken from January 6 through January 9 by holders of any-deer and/or bonus permits from any unit. An unfilled firearms deer hunting permit for antlered deer may be converted to a firearms any-deer hunting permit for use during the January portion of the firearms deer hunting season. Any firearms deer hunting permittee may purchase firearms first and second bonus deer hunting permits for use during the January portion of the firearms deer hunting season provided s/he adheres to season limits prescribed in this rule.

4. Nonresidents may take antlered deer from November 11 through November 21 and from December 2 through December 10. Nonresidents may purchase any-deer, first bonus, and second bonus permits according to a quota for nonresident permits established for each deer management unit. A nonresident *[who owns seventy-five (75) acres or more within a single deer management unit,]* **landowner as defined in this Code may apply for and purchase nonresident firearms deer hunting permits and, if his/her land is within a deer management unit for which any-deer hunting permits and bonus deer hunting permits are issued, [after purchasing the nonresident firearms deer hunting permit,]** may apply for and *[shall receive]* **purchase nonresident landowner any-deer and nonresident landowner bonus deer hunting permits** for use on his/her land during the firearms deer hunting season according to the acreage formula applicable to resident landowners *l*, **and may purchase a first bonus and second bonus permit where available. Nonresident landowners must purchase a nonresident firearms deer hunting permit for each landowner any-deer permit received.] below.**

5. A **resident** landowner as defined in this Code, or a corporate shareholder who is a resident of Missouri, who also meets acreage requirements specified in this paragraph, if his/her land is within a single deer management unit for which any-deer permits are issued, may apply for and shall receive any-deer permits for use on his/her land according to the following formula. The total number of landowner any-deer permits that may be issued for any qualifying acreage shall not exceed the number specified in the following formula, and no landowner may receive more than one (1) landowner any-deer permit and two (2) landowner bonus permits issued in his/her name but these permits may be used on qualifying property in more than one unit as specified on the permits. Additional permits authorized by the acreage formula may be

assigned to others as provided in (1)(F)6. of this rule. No more than three (3) deer, only one (1) of which may be antlered, may be taken by anyone during the firearms deer hunting seasons during the prescribed permit year.

A. A landowner of at least seventy-five (75) acres may apply for one (1) any-deer permit. This acreage may be eligible for two (2) bonus permits.

B. A landowner of at least one hundred fifty (150) acres may apply for two (2) any-deer permits. This acreage may be eligible for four (4) bonus permits.

C. A landowner of at least three hundred (300) acres may apply for three (3) any-deer permits. This acreage may be eligible for six (6) bonus permits.

D. A landowner of at least six hundred (600) acres may apply for four (4) any-deer permits. This acreage may be eligible for eight (8) bonus permits.

6. A resident or nonresident landowner eligible for one (1) any-deer permit may assign the permit to his/her lessee or farm operator residing on the land by written request on the application. Except as otherwise provided, a landowner whose acreage qualifies for more than one (1) any-deer permit may not be issued more than one (1) such permit in his/her name or take more than one (1) deer but may assign his/her additional any-deer permits, together with all associated bonus permits, to other members of his/her immediate household or to his/her lessee or farm operator residing on the land by written request on the application. No more than three (3) deer, only one (1) of which may be antlered, may be taken by anyone during the firearms deer hunting seasons during the prescribed permit year.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This version of rule filed June 30, 1975, effective July 10, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed July 19, 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,
Limits**

PROPOSED AMENDMENT

3 CSR 10-7.455 Turkeys: Seasons, Methods, Limits. The department proposes to amend section (5).

PURPOSE: This rule change clarifies that only resident landowners and not nonresident landowners may hunt turkeys without purchasing a turkey hunting permit on their land. Qualifying nonresident landowners may now purchase a reduced price nonresident landowner turkey hunting permit.

(5) A **resident** landowner or lessee as defined in this Code, without holding a turkey hunting permit, may take and possess turkey in accordance with this rule on his/her land or, in the case of the lessee, on the farm on which s/he resides, but s/he shall tag the

turkey with his/her name and address *[date]* immediately upon taking and shall personally deliver the turkey for checking as required in this rule.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Dec. 15, 1975, effective Dec. 31, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed July 19, 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 150—State Board of Registration for the
Healing Arts
Chapter 4—Licensing of Speech-Language Pathologists
and Audiologists**

PROPOSED RULE

4 CSR 150-4.200 Definition of Uniform Functionally Based Proficiency Evaluation

PURPOSE: This rule defines the uniform functionally based proficiency evaluation as required by section 345.015(12)(c), RSMo.

The uniform functionally based proficiency evaluation required by section 345.015(12)(c), RSMo, shall be on a form provided by the board attesting to completion of educational requirements by the program director of the person's educational program and completion of a jurisprudence examination.

AUTHORITY: sections 345.015 and 345.030, RSMo Supp. 1999. Original rule filed July 31, 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 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 RULE

4 CSR 150-4.201 Supervision Requirements

PURPOSE: This rule details the supervision requirements for speech-language pathology assistants.

(1) All applications for registration to practice as a speech-language pathology assistant 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 acceptance of the legal and ethical responsibilities for supervising the assistant. A speech-language pathologist practicing with a provisional license pursuant to section 345.022, RSMo shall not be the supervisor for a speech-language pathology assistant.

(2) The supervising speech-language pathologist is responsible for the clinical activities of the assistant.

(3) The supervising speech-language pathologist has the responsibility of ensuring and protecting the interests of all patients and/or clients at all times during which the assistant is practicing and/or interacting with patients and/or clients; this responsibility includes the supervisor's and the assistant's compliance with the ethical standards of practice as specified in rule 4 CSR 150-4.080.

(4) The supervising speech-language pathologist shall ensure that the scope and intensity of the assistant's training encompasses all of the activities assigned to the assistant.

(5) The supervising speech-language pathologist shall provide the assistant with information specifying the assistant's role and function as well as specifying the role and function of the supervising speech-language pathologist.

(6) The supervising speech-language pathologist shall provide continuing opportunities to ensure that the speech-language pathology assistant's practices are current and skills are maintained.

(7) The supervising speech-language pathologist shall directly supervise the assistant's initial client contact. Thereafter, one out of every three sessions for each client shall be directly supervised. Direct supervision is defined as on-site, in view of the assistant and patient/client. If an alternative arrangement is necessary the supervising speech-language pathologist must submit a proposed plan of supervision for the review of the advisory commission and board to determine if the supervision plan is acceptable. All other client contacts shall be indirectly supervised. Indirect methods of supervision such as audio or video tape recording, telephone communication, numerical data, or other means of reporting may be utilized.

(8) The supervising speech-language pathologist must be available for the purpose of providing guidance and support to the assistant at all times, via telephone contact, facsimile, etc.

(9) The supervising speech-language pathologist shall review and sign all patient/client documented progress notes written by the speech-language pathology assistant.

(10) The supervising speech-language pathologist shall assign and the assistant shall accept only those duties and responsibilities for which the assistant has been specifically trained and is qualified to perform, pursuant to the judgement of the supervising speech-language pathologist, and in compliance with the provisions of Chapter 345, RSMo.

(11) The speech-language pathology assistant shall maintain supervisory logs and the speech-language pathologist shall sign verifying the hours of supervision per month, such logs shall be made

available to the board within thirty (30) days upon receipt of a request for such logs from the board.

(12) The maximum number of speech-language pathology assistants supervised by one licensee shall not exceed one (1).

AUTHORITY: sections 345.015, 345.022 and 345.030, RSMo Supp. 1999. Original rule filed July 31, 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 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 RULE

4 CSR 150-4.203 Scope of Practice

PURPOSE: This rule details the scope of practice for speech-language pathology assistants.

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

(2) At the initial contact with the patient or client the speech-language pathology assistant shall identify themselves as a speech-language pathology assistant and explain that they do not act independently but under the direction and supervision of a licensed speech-language pathologist.

(3) The activities of a speech-language pathology assistant may include, but not be all inclusive of the following:

(A) Conducting speech-language and hearing screenings without interpretation;

(B) Following documented treatment plans or protocols as developed by the supervising speech-language pathologist;

(C) Documenting patient and/or client progress toward meeting established objectives as specified in the treatment plan, with documentation review by the supervising speech-language pathologist;

(D) Reporting changes in a patient and/or client's performance and progress to the supervising speech-language pathologist;

(E) Assisting the supervising speech-language pathologist during the assessment of a patient and/or client;

(F) Reporting in conferences, team meetings, etc., as directed by the supervising speech-language pathologist;

(G) Scheduling activities, preparing charts, records, graphs or otherwise display data;

(H) Communicating with a patient and/or client, or a patient and/or client's family, staff, etc., regarding the patient and/or client status as directed by the supervising speech-language pathologist;

(I) Constructing or modifying clinical materials;

(J) Participating with the supervising speech-language pathologist in research projects, in-service training, public relation programs or similar activities;

(K) Any and all duties as specified to be within the scope of the speech-language pathology assistant, as provided in Chapter 345, RSMo.

(4) Speech-language pathology assistants shall not (this list is not intended to be all inclusive):

(A) Interpret screenings;

(B) Conduct and/or interpret evaluations;

(C) Make diagnostic statements;

(D) Determine case selections;

(E) Interpret observations and/or data;

(F) Refer a patient and/or client to other professionals, agencies or individuals for services;

(G) Write, develop or modify a patient and/or client's treatment plan;

(H) Assist with the treatment of a patient and/or client without following an individualized treatment plan prepared by the supervising speech-language pathologist;

(I) Discharge a patient and/or client from treatment;

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

(K) Perform any procedure for which the assistant is not qualified to perform, or has not been adequately trained to perform, or both;

(L) Disclose clinical or confidential information either orally or in writing to anyone not designated by the supervising speech-language pathologist;

(M) Present written reports to anyone other than the supervising speech-language pathologist, without the supervisor's signature and approval;

(N) Sign any formal documents without review, authorization and/or co-signature of the supervising speech-language pathologist;

(O) Use any title other than speech-language pathology assistant.

AUTHORITY: sections 345.015 and 345.030, RSMo Supp. 1999. Original rule filed July 31, 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 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 RULE

4 CSR 150-4.205 Procedural Process for Registration

PURPOSE: This rule details the registration process for speech-language pathology assistants.

(1) Applications for registration must be made on forms prepared by the Advisory Commission for Speech-Language Pathologists and Audiologists. Application forms may be obtained by writing the executive secretary for the Advisory Commission for Speech-Language Pathologists and Audiologists, 3605 Missouri Boulevard, P.O. Box 4, Jefferson City, MO 65102, (573) 751-0098.

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

(A) Prior to January 1, 2005 all applicants must furnish official transcripts from one or more accredited colleges or universities, confirming a bachelor's degree in speech-language pathology or an associate's degree as a speech-language pathology assistant. Such transcripts shall evidence completion of the coursework and clinical practicum requirements equivalent to that required by the Council on Academic Accreditation of the American Speech-Language and Hearing Association. Transcripts shall detail all coursework and clinical practicum hours and document the degree(s) awarded and area(s) of emphasis.

(B) On or after January 1, 2005 all applicants must furnish official transcripts confirming a minimum of an associate's degree as a speech-language pathology assistant from one or more accredited colleges or universities which present evidence of the completion of coursework and clinical practicum requirements equivalent to that required or approved by the Council of Academic Accreditation of the American Speech-Language-Hearing Association.

(C) All applicants shall furnish 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 acceptance of the legal and ethical responsibilities for supervising the applicant.

(D) All applicants shall furnish evidence of successful completion of a uniform functionally based proficiency evaluation provided by the board.

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

(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) During a registration year if there is a change in supervision, a new Supervisor Responsibility Statement must be completed by the new licensed supervisor and returned to the board. Without the completed statement on file, an assistant may not practice as an assistant until a current Supervisor Responsibility Statement is received by the board.

(4) The completed application, including all documents, supporting material(s) and official transcripts required by the commission, 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.

(5) 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 July 31, 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 \$9,566 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 \$956.60 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 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.*

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 150-4.205 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 150-4.205 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** **\$9,566.00**

**Estimated Annual Cost of
Compliance for the Life of the Rule** **\$956.60**

III. WORKSHEET

Application for Registration @ \$25.00

Notary @ \$2.50

Transcript fee @ \$10.00

Verification of licensure, registration and/or certification fee @ \$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 \$47.83
- The private entity cost for this proposed amendment is estimated to be \$9,566.00 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 \$956.60 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 RULE

4 CSR 150-4.210 Display of Certificate

PURPOSE: This rule details the requirements for displaying a speech-language pathology assistant certificate of registration.

All speech-language pathology assistants shall display the certificate issued by the State Board of Registration for the Healing Arts in a prominent place in each location of practice.

AUTHORITY: sections 345.015, 345.030 and 345.065, RSMo Supp. 1999. Original rule filed July 31, 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 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.

PRIVATE COST: The private entity cost for this proposed rule is estimated at \$4,879.20 for the first year of implementation of the rule. Thereafter, the board is anticipating a growth rate of 62 registrants per renewal period and estimates the biennial cost will be \$6,139.66 plus a continuous biennial increase of \$1,260.46 for the life of the rule. It is anticipated that the total biennial cost will recur each year for the life of the rule, may vary with inflation and is expected to increase biennially 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, 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 RULE

4 CSR 150-4.215 Renewal of Certificate of Registration

PURPOSE: This rule details the process of renewing a speech-language pathology assistant certificate of registration.

Each registered speech-language pathology assistant shall pay the nonrefundable fee for renewal of the certificate of registration every two years. The executive director shall not consider a registration to be renewed until the completed registration renewal form and the renewal fee have been received by the State Board of Registration for the Healing Arts.

AUTHORITY: sections 345.015, 345.030 and 345.051, RSMo Supp. 1999. Original rule filed July 31, 2000.

PUBLIC COST: The public entity cost for this proposed rule is estimated at \$3,847 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 \$4,167.80 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.

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: 4 - Licensing of Speech-Language Pathologists and Audiologists

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 150-4.215 Renewal of Certificate 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	\$3,847.00
	Estimated Annual Cost of Compliance for the Life of the Rule	\$4,167.80

III. WORKSHEET

Expenditure of Money or Reduction in Income

CLASSIFICATION	FEE AMOUNT	NUMBER IN CLASS	AGGREGATE COST
Application Printing Cost	\$3.26	240	\$652.00
Statute, Rules and Regulation Printing Cost	\$0.50	240	\$100.00
License Printing Cost	\$0.11	240	\$22.00
Application Mailing	\$1.70	240	\$340.00
Correspondence Mailing	\$0.33	240	\$66.00
License Mailing	\$0.29	240	\$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	15 minutes	\$1.30	\$286.00
Director of Operations	\$31,932.00	\$41,741.51	\$20.07	.33	5 minutes	\$1.65	\$396.00
Executive Director	\$58,215.36	\$76,099.12	\$36.59	.61	5 minutes	\$3.05	\$732.00
Account Clerk II	\$21,522.00	\$28,133.56	\$13.53	.23	10 minutes	\$2.30	\$552.00
Clerk IV	\$24,684.00	\$32,266.92	\$15.51	.26	3 minutes	\$0.78	\$187.20
Total:						\$2,153.20	

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 240 applications for registration renewal.

It is estimated that approximately ten (10) licensees out of the total estimated two hundred (240) 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	\$396.00
Clerk Stenographer II	\$19,260.00	\$25,176.67	\$12.10	.20	30 minutes	\$6.00	\$60.00
Total:							\$456.00

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 renewal of registration multiplied by an estimated ten (10) applicants out of the total estimated two hundred (240) applicants that may be assigned for investigative review.

GRAND TOTAL FOR FIRST YEAR OF IMPLEMENTATION OF THE RULE: \$3,847.00

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 ten (10) out of the estimated two hundred (240) 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 240 individuals will apply for registration during the first year. The board estimates this renewal process will cost the board approximately \$16.03 per application.
- The public entity cost for this proposed amendment is estimated to be \$3,847.00 for the first year of implementation of the rule. The board is anticipating that 240 licensees will renew their registration during the first renewal period. Thereafter, the board will experience a biennial growth rate of 10% in licensees, which will increase the number of renewal registrations by 20 per year. The board estimates the total biennial cost will be \$4,167.80 for the life of the rule. It is anticipated that the total biennial 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 150-4.215 Renewal of Certificate 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 biennial as to the cost of compliance with the rule by the affected entities:
240	Individuals (application)	\$4,800.00
240	Individuals (postage)	\$79.20

**Estimated Cost of Compliance for
the First Year of Implementation of
the Rule** **\$4,879.20**

**Estimated Biennial Cost of
Compliance for the Life of the Rule** **\$6,139.66 plus a continuous
biennial increase of \$1,260.46**

III. WORKSHEET

Biennial Registration Renewal Fee @ \$20.00

Postage @ \$.33

IV. ASSUMPTIONS

- The board anticipates 240 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 \$4,879.20 for the first year of implementation of the rule based upon the board's estimate that 240 licensees will renew their registration during the first renewal period. It is anticipated that the total biennial cost will recur for the life of the rule, however, may vary with inflation and is expected to increase biennially at the rate projected by the Legislative Oversight Committee.
- The estimated biennial cost of compliance is calculated using the estimated cost of compliance for the first year of implementation of the rule plus an estimated annual growth rate of 10% in licensees. The board is anticipating an increase in the number of renewal registrants by thirty-one (31) per year. Therefore, the board estimates that the private entity cost to comply with the rule will be \$6,139.66 biennially plus a continuous annual increase of \$1,260.46 for the life of the rule.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 220—State Board of Pharmacy
Chapter 2—General Rules

PROPOSED AMENDMENT

4 CSR 220-2.085 Electronic Transmission of Prescription Data. The board is proposing to amend subsection (2)(A).

PURPOSE: This amendment clarifies documentation of an electronically transmitted prescription.

(2) When a prescription is transmitted to a pharmacy electronically, the following requirements must be met:

(A) The original electronic facsimile transmission (FAX) document or all information from an electronic source must be readily retrievable through the pharmacy computer system/. *A notation shall be on the documentation or electronic records stating that it was an electronically transmitted prescription*];

AUTHORITY: sections 338.010, 338.095 and 338.280, RSMo 1994 and 338.140, RSMo Supp. 1999. Original rule filed Sept. 25, 1995, effective April 30, 1996. Amended: Filed July 28, 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 Pharmacy, Kevin Kinkade, Executive Director, P.O. Box 625, 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 220—State Board of Pharmacy
Chapter 2—General Rules

PROPOSED AMENDMENT

4 CSR 220-2.120 Transfer of Prescription Information for the Purpose of Refill. The board is proposing to amend paragraphs (2)(A)2., (2)(B)6., (2)(B)8., and (2)(B)9., to clarify certain terms.

PURPOSE: This amendment clarifies certain terms used throughout the rule.

(2) When a prescription on record is transferred, the following record keeping is required:

(A) The prescription record at the [transferor] transferring pharmacy shall show all of the following:

1. The word void must appear on the face of the invalidated prescription or be immediately voided within the electronic system when the prescription is transferred;

2. The [reverse of any invalidated] prescription record shall provide the name of the pharmacy to which it was transferred, the date of transfer, and the [full name] identity of the [transferor] transferring pharmacist; and

3. If the transfer involves a controlled substance, the address and Drug Enforcement Administration (DEA) registration number of the pharmacy to which it was transferred and the full name of the pharmacist receiving the prescription information must be recorded;

(B) The prescription record at the receiving pharmacy shall show all of the following, in addition to all other lawfully required information of an original prescription:

1. The prescription record is a transferred prescription record from another licensed location;

2. Date of original issuance;

3. Date of original filling, if different from original issuance date;

4. Original number of refills authorized on the original prescription and the number of remaining authorized refills;

5. Date of last refill;

6. [Original p]Prescription label number;

7. Identity of licensed pharmacy from which the record was transferred;

8. The [full name] identity of the [transferor] transferring pharmacist provided that pharmacies that share the same data base and are under the same ownership may, instead of transferring prescriptions directly between two (2) pharmacists, transfer a prescription electronically by generating a computer-based report at the transferring pharmacy of any prescriptions that have been transferred out. This record shall be readily retrievable to the transferring pharmacy and board representatives and comply with all of the requirements of this rule, except that the requirement to document pharmacist identity shall not be required unless otherwise required by federal law;

9. If the transfer involves a controlled substance, the address and DEA registration number from the [transferor] transferring pharmacy must be recorded; and

10. Any electronic transfer must maintain patient confidentiality in accordance with 4 CSR 220-2.300; and

AUTHORITY: sections 338.100 and 338.140, RSMo Supp. [1997] 1999 and 338.280, RSMo 1994. Original rule filed April 16, 1985, effective Aug. 11, 1985. Amended: Filed May 2, 1989, effective Aug. 24, 1989. Amended: Filed April 23, 1998, effective Nov. 30, 1998. Amended: Filed July 28, 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 Pharmacy, Kevin Kinkade, Executive Director, P.O. Box 625, 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 220—State Board of Pharmacy
Chapter 2—General Rules

PROPOSED AMENDMENT

4 CSR 220-2.130 Drug Repackaging. The board is proposing to amend subsection (1)(C).

PURPOSE: This amendment mirrors recent changes by the United States Pharmacopoeia (USP) who sets the guidelines for packaging.

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) A pharmacist or pharmacy may prepackage drugs for other than immediate dispensing purposes provided that the following conditions are met:

(B) Containers utilized for prepackaging shall meet, as a minimum requirement, that of Class B container standards as referenced by the *United States Pharmacopoeia* (USP), **which has been incorporated herein by reference**. Where applicable, light sensitive containers shall be used;

(C) The maximum expiration date allowed for prepacked drugs shall be the manufacturer's expiration date or *[six (6)] twelve (12)* months, whichever is less; and

AUTHORITY: sections 338.140, RSMo Supp. [1989] 1999 and 338.280, RSMo [1986] 1994. Original rule filed Dec. 10, 1986, effective May 28, 1987. Amended: Filed Nov. 15, 1988, effective March 11, 1989. Emergency amendment filed July 1, 1991, effective July 26, 1991, expired Nov. 22, 1991. Amended: Filed July 1, 1991, effective Jan. 13, 1992. Amended: Filed July 28, 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 Pharmacy, Kevin E. Kinkade, Executive Director, P.O. Box 625, Jefferson City, MO 65102-0625. 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 220—State Board of Pharmacy
Chapter 2—General Rules**

PROPOSED AMENDMENT

4 CSR 220-2.140 Prescription Services by Pharmacists/Pharmacies for Residents in Long-Term Care Facilities. The board is proposing language to amend sections (1), (2) and (3), add a new section (4) and (5) and renumbering the remaining sections accordingly.

PURPOSE: This amendment redefines the term "long-term care facility" in section (1); amends section (3) to mirror recent changes in the United States Pharmacopoeia (USP) who sets the guidelines for packaging; defines the term "remote dispensing systems" in section (4); and defines the term "prescription drug order" in section (5).

(1) Licensure. A pharmacist who or pharmacy which provides prescription services to a long-term care facility must be licensed to practice pharmacy in this state. A long-term care facility *I*, as defined by the Division of Aging, is a—] means a nursing home, retirement care, mental care or other facility or institution which provides extended health care to resident patients.

[(A) Residential Care Facility I. A facility which cares for residents who need or are provided with shelter, board and with protective oversight;

(B) Residential Care Facility II. A facility which cares for residents who need or are provided with supervision of

diets, assistance in personal care, storage and distribution or administration of medications, supervision of health care under the direction of a licensed physician, and protective oversight, including care during short-term illness or recuperation;

(C) Intermediate Care Facility. A facility which provides basic health and nursing care services under the daily supervision of a licensed nurse and under the direction of a licensed physician; and

(D) Skilled Nursing Facility. A facility which provides twenty-four (24)-hour accommodation, board and skilled nursing care and treatment services to its residents. Skilled nursing care is commonly performed by or under the supervision of a registered professional nurse for persons requiring twenty-four (24)-hour-a-day care by licensed nursing personnel.]

(2) Medication Services.

(C) All prescription containers, including, but limited to, single unit, unit dose and unit-of-use containers utilized for distribution within a long-term care facility shall meet minimum requirements as referenced by the *United States Pharmacopoeia* (USP) **which is incorporated herein by reference**. Where applicable, light-sensitive packaging shall be used.

(3) Any drug, repackaged or prepacked that is dispensed into a long-term care facility, as defined in section (1) of this rule, in other than the manufacturer's original container, shall bear the manufacturer's expiration date or *[six (6)] twelve (12)* months, whichever is less.

(4) Remote dispensing systems are defined as any system of an automated or manual design that is used to provide doses of medication to patients for the immediate administration by authorized health care personnel and is not licensed under Chapter 338, RSMo as a pharmacy. Any medication obtained in excessive amounts shall constitute the practice of pharmacy and will require adherence to all applicable licensure and drug laws.

(A) If personnel other than a pharmacist restocks a remote dispensing system, then any drugs or other items that are to be placed within a remote dispensing system must be checked and approved by a licensed pharmacist.

(B) Any products that are repackaged for use in a remote dispensing system must comply with all provisions of 4 CSR 220-2.130.

(C) Appropriate security must be maintained over any remote dispensing system and there must be policies and procedures utilized in the delivery and storage of drugs and devices that deter misuse or theft.

(5) A prescription drug order is defined for the purpose of this rule as an order originating from a long-term care facility that is initiated by a prescriber and entered into the patient's medical record by the prescriber or qualified personnel for the purpose of initiating or renewing an order for a medication or device. All prescription drug orders shall comply with 4 CSR 220-2.018.

(A) A prescription drug order may be transferred to a licensed pharmacy for the purpose of providing an order to prepare, compound or dispense a medication or for the purpose of providing drug or medical information for use by the pharmacist in providing patient care services.

(B) In order for a generic substitution as defined in section 338.056, RSMo to take place, a prescription drug order must either comply with the prescription form as defined in section 338.056.2(1), RSMo or provide an alternate method for documenting whether a generic substitution has been authorized as

determined by the long-term care medical staff. When a generic substitution is authorized and is executed by the pharmacist a clear documentation must be completed in accordance with 4 CSR 220-2.018(1)(H) and 4 CSR 220-2.080(2)(M).

(C) A pharmacy may elect to maintain a separate file system for prescription drug orders that are dispensed. When a separate file is utilized, it must comply with all applicable laws governing the maintenance and use of a prescription file by a pharmacy and the numbering system used to number prescription drug orders must be distinct from any other prescription file that is maintained.

(D) Packaging and labeling of containers shall comply with all applicable state and federal laws for any medications that leave the facility or are provided to the patient by the pharmacy for use outside the facility. When a patient is discharged from a long-term care facility, new prescription drug orders signed by the prescriber must be provided to the patient for use outside the facility.

[(4)] (6) Nothing in this rule shall be deemed to constitute a waiver or abrogation of any of the provisions of Chapter 338, RSMo or other applicable provisions of state and federal laws and rules, nor should this rule be construed as authorizing or permitting any person not licensed as a pharmacist to engage in the practice of pharmacy.

[(5)] (7) The provisions of this rule are declared severable. If any portion of this rule is held invalid by a court of competent jurisdiction, the remaining provisions of this rule shall remain in full force and effect unless otherwise determined by the court.

AUTHORITY: sections 338.010, 338.210, 338.240 and 338.280, RSMo 1994 and 338.140, RSMo Supp. 1999. Original rule filed Oct. 16, 1987, effective March 25, 1988. Amended: Filed July 5, 1988, effective March 1, 1989. Amended: Filed July 19, 1991, effective Jan. 13, 1992. Amended: Filed Jan. 27, 1995, effective Sept. 30, 1995. Amended: Filed July 28, 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 Pharmacy, Kevin E. Kinkade, Executive Director, P.O. Box 625, Jefferson City, MO 65102-0625. 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 270—Missouri Veterinary Medical Board Chapter 2—Licensure Requirements for Veterinarians

PROPOSED AMENDMENT

4 CSR 270-2.031 Examinations. The board is proposing to amend sections (1) through (4).

PURPOSE: This amendment changes the examination required for licensure as a veterinarian for the National Board Examination (NBE) and Clinical Competency Test (CCT) to the North American Veterinary Licensing Examination (NAVLE) and describes the examination and passing scores required for licensure as a veterinarian.

(1) [All applicants for licensure as veterinarians in Missouri shall take the National Board Examination (NBE) and the Clinical Competency Test (CCT) as well as the State Board Examination. The deadline for applying to take the NBE and CCT shall be sixty (60) days prior to the scheduled examinations and the deadline for the State Board Examination shall be thirty (30) days prior to the scheduled examination.] All applicants for licensure as veterinarians in Missouri shall take the North American Veterinary Licensing Examination (NAVLE) or its successor and the State Board Examination. The deadline for applying to take the NAVLE and the State Board Examination shall be sixty (60) days prior to the scheduled commencement date of the test window.

(2) The passing score on the [NBE and the CCT] NAVLE shall be the minimum criterion referenced score [of four hundred twenty-five (425)] as provided by the testing agency. The passing score on the State Board Examination shall be seventy percent (70%).

(3) The requirements for transfer of the [NBE and CCT] NAVLE scores are described under section[s] 340.230.2. and 340.240.4.] 340.234, RSMo.

(4) The [NBE, CCT] NAVLE and the State Board Examinations will be administered at least once each year. [Final year v/Veterinary students within six months of graduation may apply to take all of the required exams [prior to graduation;]. [h] However, no license will be issued until an official certified transcript verifying receipt of the degree in veterinary medicine is received by the board office sent by the degree-granting institution. It shall be the student's responsibility to arrange with the [college] school or university for the transmitting of the official transcript to the board office.

AUTHORITY: sections 340.210 and [, RSMo Supp. 1993, 340.230 and 340.240(13)] 340.234, RSMo [Supp. 1992] Supp. 1999. Original rule filed Nov. 4, 1992, effective July 8, 1993. Amended: Filed April 14, 1994, effective Sept. 30, 1994. Amended: Filed July 31, 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 is estimated to cost private entities \$1,380 for the first year of implementation of the rule. Thereafter, the board estimates an annual growth rate of thirteen (13) applicants per year for the life of the rule. Based on this anticipated growth rate, the board estimates an annual cost of \$1,380 plus a continuous annual increase of \$260 for the life of the rule. It is anticipated that these annual costs will recur 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 amendment with the Missouri Veterinary Medical Board, Attention: Executive Director, P.O. Box 633, 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
PRIVATE ENTITY COST**

I. RULE NUMBER**Title:** 4 – Department of Economic Development**Division:** 270 – Missouri Veterinary Medical Board**Chapter:** 2 – Licensure Requirements for Veterinarians**Type of Rulemaking:** Proposed Amendment**Rule Number and Name:** 4 CSR 270-2.031 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 increase of compliance with the rule by the affected entities:
69	Individuals (NAVLE examination fee)	\$1,380.00

Total annual increase for the first year of implementation of the amendment **\$1,380.00**

Total annual increase for the life of the rule **\$1,380.00 plus a continuous annual increase of \$260.00 for the life of the rule**

III. WORKSHEET

Examination fee increase @\$20.00

IV. ASSUMPTIONS

1. Based on FY99 figures the board anticipates 69 first time individuals will take the NAVLE examination annually. The board estimates that each applicant will experience a \$20.00 increase due to this rule amendment.
2. Applicants will submit the examination fee directly to the National Board Examination Committee.
3. The private entity cost for this proposed amendment is estimated to be \$1,380 for the first year of implementation of the rule. Thereafter, the board estimates an annual growth rate of thirteen (13) applicants per year for the life of the rule. Based on this anticipated growth rate, the board estimates an annual cost of \$1,380 plus a continuous annual increase of \$260 for the life of the rule. It is anticipated that these annual costs will recur for the life, 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 270—Missouri Veterinary Medical Board
Chapter 2—Licensure Requirements for Veterinarians**

PROPOSED AMENDMENT

4 CSR 270-2.041 Reexamination. The board is proposing to amend sections (1) and (2).

PURPOSE: This amendment changes the examination required for licensure as a veterinarian for the National Board Examination (NBE) and Clinical Competency Test (CCT) to the North American Veterinary Licensing Examination (NAVLE) and outlines the requirements and procedures for retaking the licensure examination for veterinarians.

(1) *[Any applicant who fails any one (1) of the required examinations for licensure as a veterinarian may be reexamined by making application to the board office and paying the appropriate nonrefundable examination fee and registration fee. The deadline for applying to retake the National Board Examination (NBE) and Clinical Competency Examination (CCT) shall be sixty (60) days prior to the scheduled examinations and the deadline for the State Board Examination shall be thirty (30) days prior to the scheduled examination.] Any applicant who fails an examination for licensure as a veterinarian may be reexamined by making application to the board office and paying the appropriate nonrefundable examination fee and registration fee and provide two additional photographs. The deadline for applying to retake the North American Veterinary Licensing Examination (NAVLE) and the State Board Examination shall be sixty (60) days prior to the scheduled examinations.*

(2) *Effective [August 28, 1992] August 28, 1999, no person may take any examination more than [three (3)] four (4) times either in or out of Missouri to qualify for licensure in Missouri. Prior to making application for the fourth attempt at passage of the examination, the applicant shall schedule an appearance with the board to outline a continuing education program which shall be board approved and completed prior to filing an application for the subsequent examination.*

AUTHORITY: sections 340.210 I, RSMo Supp. 1993 and 340.240] and 340.232, RSMo [Supp. 1992] Supp. 1999. Original rule file Nov. 4, 1992, effective July 8, 1993. Amended: Filed April 14, 1994, effective Sept. 30, 1994. Amended: Filed July 31, 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 is estimated to cost private entities \$240 annually for the life of the rule. It is anticipated that these annual costs will recur for the life, 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 amendment with the Missouri Veterinary Medical Board, Attention: Executive Director, P.O. Box 633, 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 PRIVATE ENTITY COST

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 270 – Missouri Veterinary Medical Board

Chapter: 2 – Licensure Requirements for Veterinarians

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 4 CSR 270-2.041 Reexamination

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 increase of compliance with the rule by the affected entities:
12	Individuals (NAVLE examination fee)	\$240.00
Total annual increase cost for the life of the rule		\$240.00

III. WORKSHEET

Examination fee increase @\$20.00

IV. ASSUMPTIONS

1. Based on FY99 figures the board anticipates twelve (12) first time individuals will retake the NAVLE examination annually. The board estimates that each applicant will experience a \$20.00 increase.
2. Applicants will submit the examination fee directly to the National Board Examination Committee.
3. The private entity cost for this proposed amendment is estimated to be \$240 annually for the life of the rule. It is anticipated that the total annual cost will recur for the life, 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 270—Missouri Veterinary Medical Board
Chapter 2—Licensure Requirements for Veterinarians**

PROPOSED AMENDMENT

4 CSR 270-2.060 Reciprocity. The board is proposing to amend sections (2) and (3).

PURPOSE: This amendment changes the examinations required for licensure by reciprocity as a veterinarian to include acceptance of the computerized test titled the North American Veterinary Licensing Examination (NAVLE) and provides information to those desiring licensure by reciprocity.

(2) [The other state in which the applicant is licensed must have standards for admission to practice which are equal to, or more stringent than, current admission standards in Missouri and those standards must have been in effect when the applicant was originally licensed.] **The standards for admission to practice veterinary medicine of the state, territory, district or province of the United States or Canada in which the applicant is currently licensed were equal to or more stringent than the requirements for initial registration in Missouri at the time of the applicant's initial registration.**

(3) The applicant shall—

(D) Request the national testing service to send evidence that the applicant has taken and received a passing score on both the National Board Examination and Clinical Competency Test **or the North American Veterinary Licensing Examination (NAVLE); and**

(E) Successfully complete the State Board Examination administered by the board; *and*;

[(F) Appear before the board for an informal conference.]

AUTHORITY: sections 340.210, **340.234** and 340.238, RSMo [1994] Supp. 1999. Original rule filed Nov. 4, 1992, effective July 8, 1993. Amended: Filed Oct. 10, 1995, effective April 30, 1996. Amended: Filed July 31, 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 Veterinary Medical Board, Attention: Executive Director, P.O. Box 633, 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 50—Division of Instruction
Chapter 270—Early Childhood Education**

PROPOSED AMENDMENT

5 CSR 50-270.010 General Provisions Governing Programs Authorized Under the Early Childhood Development Act. The board is proposing to amend the incorporated by reference material.

PURPOSE: The Department of Elementary and Secondary Education is authorized by the Early Childhood Development Act to administer a program of grants to local public school districts for the provision of early childhood screening, parent education and programs for developmentally delayed children. The last substantive changes were made in 1998. This amendment to the incorporated by reference material, **Early Childhood Development Act Program Guidelines and Administrative Manual**, reflects changes to the eligible age for screening, adds screening instruments to the approved list, clarifies required cumulative records, clarifies required training for new Parent As Teachers supervisors, clarifies reimbursement including for group or personal visits and for screening, and adds sections on contacts with high-needs families and teen parents.

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.

AUTHORITY: sections 178.691–178.699, RSMo 1994. Original rule filed April 4, 1985, effective Sept. 3, 1985. Rescinded and readopted: Filed Feb. 27, 1992, effective Sept. 6, 1992. Amended: Filed June 29, 1995, effective Jan. 30, 1996. Amended: Filed May 29, 1998, effective Dec. 30, 1998. Amended: Filed July 28, 2000.

PUBLIC COST: This proposed amendment will cost an estimate of \$30,304,651 for Fiscal Year 2000 and Fiscal Year 2001 with this cost reoccurring annually over the life of the rule. All funds affected are appropriated by the General Assembly and are program specific distributions to local school districts to conduct programs authorized under the Early Childhood Development Act.

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, Dee Beck, Coordinator, Federal Programs, 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.

FISCAL NOTE
PUBLIC ENTITY COST

I. RULE NUMBER

Title: 5 Department of Elementary and Secondary Education
 Division: 50 Instruction
 Chapter: 270 Early Childhood Education
 Type of Rulemaking: Proposed Amendment
 Rule Number and Name: 5 CSR 50-270.010 General Provisions Governing Programs Authorized Under the Early Childhood Development Act

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Elementary and Secondary Education (Reimburse Education Agencies)	\$30,304,651.00, estimated amount for FY2000 and FY2001 each

III. WORKSHEET

DISTRICT QUOTAS FOR FISCAL YEAR 2000 (1999-2000)

Parent Education	0 TO 3 (P1)	FSEUs	X \$235
High Needs	0 TO 3 (HN)	Contacts	X \$ 47
Parent Education	3 TO 5 (P3)	Families	X \$ 40
Screening	1 TO 3 (S1)	Children	X \$ 25
*Screening	3 TO 5 (S3)	Children	X \$ 25

Parent Education for Families with Children Ages Birth Through Age Three (P1)
 FY2000 quotas are based on the number of services provided by the district in FY99.

Additional Services for Families with High Needs (H/N)
 FY2000 quotas are based on the number of services provided by the district in FY99.

Parent Education for Families with Children Ages Three and Four (P3)
 FY2000 quotas are based on the number of services provided by the district in FY99.

Screening of Children Ages One and Two (S1)
 FY2000 quotas are based on the number of services provided by the district in FY99.

***Screening of Children Ages Three and Four (S3)**
 FY2000 quotas are based on the number of services provided by the district in FY99. Please be aware that unless we receive a supplemental appropriation, there is a possibility that we will not be able to provide funds for Screening of Children Ages Three and Four (S3).

As you know, we did not receive an increase in our ECDA appropriation for FY2000. We plan to request a supplemental appropriation, but we may not know if supplemental appropriations are available until early 2000. Please be advised that if we do not receive these funds, we will not reimburse districts for S3 services for FY2000.

IV. ASSUMPTIONS

The amendment and rule incorporates by reference The Early Childhood Development Act Program Guidelines and Administrative Manual. Aid included under these programs is limited exclusively to school districts. Due to this

limitation, the proposed rule will not require an expenditure of money by or a reduction in income for any person, firm, corporation, association, partnership, proprietorship, or business entity.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 70—Special Education
Chapter 742—Special Education**

PROPOSED AMENDMENT

5 CSR 70-742.170 Extraordinary Cost Fund. The board is proposing to amend subsection (2)(F).

PURPOSE: The purpose of the Extraordinary Cost Fund is to provide a portion of the funding needed to educate students with disabilities who have exceptional service needs requiring large expenditures. The proposed amendment would result in paying 100% of costs, in excess of five (5) times a district's average per pupil expenditure if those expenditures exceed \$100,000 for any single child in a school term.

(2) General Provisions.

(F) Payment and Possible Proration of Extraordinary Cost Fund Payments—The division will sum all approved reimbursable expenditures prior to distribution of funds following the annual receipt of applications on October 31. If there are insufficient funds to pay all approvable expenditures, payments may be prorated based on the funds available. **Beginning with applications for services provided during the 2000–2001 school term and from funds appropriated for this purpose, the division shall review applications submitted for payment and determine the approved cost after considering an amount per application equal to five (5) times each applicant district's average per pupil expenditure and any disallowed expenditures. Approved costs greater than one hundred thousand dollars (\$100,000) per application shall be paid in full, subject to the availability of funds. If funds are insufficient, such approved costs may be prorated. If funds remain, approved costs of one hundred thousand dollars (\$100,000) or less per application shall be paid in full or, if funds are not sufficient, such approved costs may be prorated.**

AUTHORITY: section 162.975(1), RSMo [Supp. 1997] Supp. 1999. Original rule filed Aug. 8, 1997, effective March 30, 1998. Amended: Filed July 28, 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 office of the Division of Special Education, Dr. Rick Hutcherson, Coordinator of Special Education Administration, P.O. Box 480, 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 80—Urban and Teacher Education
Chapter 805—Teacher Education**

PROPOSED AMENDMENT

5 CSR 80-805.015 Procedures and Standards for Approval of Professional Education Programs in Missouri. The board is preparing to amend the purpose, sections (4), (8) and (11), and delete section (14).

PURPOSE: This amendment deletes the current procedures for the review and approval of programs offering professional education coursework at the community/junior colleges in Missouri and makes editorial changes.

PURPOSE: This rule provides procedures and standards for approval of professional education programs in all baccalaureate degree granting four-year colleges and universities in Missouri. [as required by 5 CSR 80-800.010(2), (5) and (7) and section 161.097.1. and 2., RSMo. This rule updates and supersedes incorporated by reference material of 5 CSR 80-800.010 filed July 1, 1980, effective November 17, 1980, and filed September 16, 1985, effective December 26, 1985.]

(4) Professional education programs at institutions of higher education shall be evaluated according to the unit standards listed below and in the appendices, which are hereby incorporated by reference and made a part of this rule[;].

(A) Standard 1: Performance Standards for Education Professionals. (Initial and Advanced) The professional education unit ensures that candidates for professional certification possess the knowledge, skills, and competencies defined as appropriate for their area of responsibility[;].

(B) Standard 2: Program and Curriculum Design. (Initial and Advanced) The professional education unit has high quality professional education programs that are derived from a conceptual framework that is knowledge-based, articulated, shared, coherent, consistent with the unit and/or institutional mission, and continuously evaluated[;].

(C) Standard 3: Clinical Experiences. (Initial and Advanced) The professional education unit ensures that clinical experiences for programs are well-planned, of high quality, integrated throughout the program sequence, and continuously evaluated[;].

(D) Standard 4: Composition, Quality, and Competence of Student Population. (Initial and Advanced)[;]. The professional education unit has and implements plans to recruit, admit, and retain a diverse student population who demonstrate potential for professional success in schools.

(E) Standard 5: Qualifications, Composition, Assignments, and Development of Professional Education Faculty, and Quality of Instruction. (Initial and Advanced)[;]. The professional education unit has and implements plans to recruit, and retain a diverse faculty who demonstrate professional qualifications and high quality instruction.

(8) The commissioner shall recommend to the board that the professional education program(s) of the institution be granted approval, [or] conditional approval, or be denied approval. The recommendation of the commissioner shall not include denial of approval to programs for which the institution was not afforded an opportunity for a hearing to provide evidence to support approval or conditional approval.

(11) Should the board deny approval to any of an institution's professional education programs, the commissioner of education shall notify the institution of the denial and inform the institution of the reasons for the denial.

[[14) The Department of Elementary and Secondary Education will accept, for purposes of teacher certification, a maximum of fifteen (15) semester hours of approved coursework in preprofessional education from Missouri's community/junior colleges.

(A) Specific courses that are acceptable as a part of the fifteen (15) semester hours shall be limited to the following: one (1) exploratory and/or observational experience,

physical education for children, music for children, literature for children, art for children, child development and adolescent psychology.

(B) All coursework acceptable as part of the fifteen (15)-semester hours must be evaluated by on-site evaluation teams from the Department of Elementary and Secondary Education and approved by the Missouri State Board of Education in the same manner as courses and programs are evaluated and approved for Missouri's four (4)-year teacher training institutions.

(C) It is not the intent of this regulation to deny acceptance of additional community/junior college credit in non-professional education courses for post-baccalaureate certification.]

AUTHORITY: sections 161.092, 161.097[(1) and (2)] and 161.099, RSMo 1994 and 168.021, RSMo Supp. [1998] 1999. This rule was previously filed as 5 CSR 80-800.015. Original rule filed Sept. 29, 1986, effective Jan. 12, 1987. Amended: Filed Aug. 1, 1988, effective Nov. 25, 1988. Amended: Filed April 25, 1990, effective Sept. 28, 1990. Amended: Filed Oct. 31, 1996, effective June 30, 1997. Amended: Filed Dec. 23, 1998, effective Aug. 30, 1999. Amended: Filed July 28, 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 Department of Elementary and Secondary Education. Attn: Dr. Mike Lucas, Director of Teacher 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 80—Urban and Teacher Education
Chapter 805—Teacher Education**

PROPOSED RULE

5 CSR 80-805.016 Procedures for Approval of Preliminary Professional Education Programs in Missouri

PURPOSE: This rule provides procedures and standards for the approval of preliminary professional education programs in all associate degree granting two (2)-year colleges in Missouri.

(1) For the purpose of this rule, unless the context clearly requires otherwise, the following terms shall mean:

- (A) Board—The Missouri State Board of Education;
- (B) Certification—The official recognition by the State Board of Education that an individual has met state requirements and is, therefore, approved to practice as a duly certified/licensed education professional;
- (C) Department—The Missouri Department of Elementary and Secondary Education;
- (D) Preliminary—The introductory or early phases of preparation;
- (E) Professional education program—A planned sequence of courses and experiences leading to a degree in education; and
- (F) Review team—A team selected by the department for the purpose of conducting an on-site review and evaluation of an institution's professional education unit and programs; the team

includes a representative from the department, faculty from elementary or secondary schools, and faculty from institutions of higher education with board-approved professional education programs.

(2) The department will accept, for purposes of teacher certification and transfer credit, coursework from preliminary professional education programs at Missouri's community colleges to meet general education, subject knowledge and professional education requirements equivalent to the first two (2) years of the baccalaureate educational experience.

(3) All two (2)-year college programs offering professional education coursework for transfer credit shall be evaluated by the department and approved by the State Board of Education pursuant to the rules promulgated by the board in the same manner as programs for certification are evaluated and approved for Missouri's four (4)-year teacher preparation institutions, employing the standards adopted by the board with appropriate adjustments for the level of preparation.

(4) It is not the intent of this rule to deny acceptance of additional community college credit in nonprofessional education courses for post-baccalaureate certification.

AUTHORITY: sections 161.092, 161.097 and 161.099, RSMo 1994 and 168.021, RSMo Supp. 1999. Original rule filed July 28, 2000.

PUBLIC COST: This proposed rule is estimated to cost public entities \$2,500 in the Fiscal Year 2001, and \$5,000 in Fiscal Year 2002, with the latter cost reoccurring annually thereafter over the life of the rule for site visits at 2 institutions per year. The cost for each institution is approximately \$2,500 per visit for the life of the rule. A fiscal note containing the estimated cost of compliance has been filed with the secretary of state.

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 Department of Elementary and Secondary Education. Attn: Dr. Mike Lucas, Director of Teacher 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.

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 5 - Department of Elementary and Secondary Education

Division: 80 - Urban and Teacher Education

Chapter: 805 - Teacher Education

Type of Rulemaking: Proposed Rule

Rule Number and Name: 5 CSR 80-805.016 Procedures for Approval of Preliminary Professional Education Programs in Missouri

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision:	Estimated Cost of Compliance in the Aggregate:
Community Colleges in Missouri offering Preliminary Professional Education Programs	\$5,000 per year for 2 site visits

III. WORKSHEET

\$125/day per member of examining team x 4 team members x 3 days = \$1,500/visit

\$1,000/site to prepare materials for on-site review

\$2,500 per site visit x 2 sites per year = \$5,000/year

IV. ASSUMPTIONS

The public entity costs will recur each year for the life of the rule and will reflect costs of inflation.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 70—Missouri Assistive Technology Advisory
Council
Chapter 1—Assistive Technology Programs**

PROPOSED RULE

8 CSR 70-1.010 Telecommunications Access Program

PURPOSE: This rule establishes the standards and procedures for the provision of a statewide telecommunications equipment distribution program providing specialized equipment to eligible individuals with disabilities. This rule implements section 209.251, RSMo through 209.259, RSMo.

(1) Program Title. The telecommunication equipment distribution program established by 209.251, RSMo through 209.259, RSMo shall hereinafter be referred to as the "Telecommunication Access Program (TAP)" with two programmatic components, known as "TAP for Telephone" and "TAP for Internet."

(2) Definitions. As used in this rule, except as otherwise required for the context, the following terms have the meanings ascribed:

(A) Adaptive telecommunications equipment—is equipment that translates, enhances or otherwise transforms the receiving or sending of telecommunications into a form accessible to individuals with disabilities and includes adaptive telephone and adaptive computer equipment.

1. Adaptive telephone equipment—is equipment that translates, enhances or otherwise transforms the receiving or sending of voice calling and associated auditory signaling into a form accessible to individuals with disabilities.

2. Adaptive computer equipment—is equipment that translates, enhances or otherwise transforms the receiving or sending of internet and electronic mail information into a form accessible to individuals with disabilities.

(B) Adjusted gross income—is the amount claimed as adjusted gross income on the applicant's most recent federal income tax return.

(C) Basic telecommunication service—is a service that supplies the transmission and reception of information to and from customer premises equipment and includes basic telephone and internet services.

1. Basic telephone service—is telephone service from a telephone company that supplies the transmission and reception of voice calls to and from customer premises equipment. Basic telephone service does not include other types of voice communications, such as two-way radio communication, nor does it include adjunct-to-basic voice communication services, such as caller identification or voice mail.

2. Basic internet service—is service from an internet service provider that supplies the transmission and reception of electronic information, web and electronic mail, to and from customer premises equipment. Basic internet service does not include other types of electronic communications such as alpha-numeric paging or facsimile communication.

(D) Consumer support services—are services that assist individuals with disabilities or their families or caregivers in the selection of the most appropriate adaptive telecommunications equipment to meet their needs and in the installation and use of such equipment.

(E) Eligible applicants—are individuals with disabilities who have been certified as unable to use traditional telecommunication equipment for access to basic telephone or internet service.

(F) Program administrator—is staff of Missouri Assistive Technology or other entity so designated by the Missouri Assistive Technology Advisory Council.

(G) Qualified agency—is an entity that regularly works with individuals with disabilities, is familiar with adaptive telecommunications equipment and resources, and is able to assist individuals with disabilities in determining equipment needs.

(H) Reasonable access to basic telecommunications service—is access delivered by cost-effective adaptive telephone equipment or cost-effective adaptive computer equipment.

(I) Traditional telecommunications equipment—is customer premises equipment used to access basic telecommunications service and includes traditional telephone equipment for telephone service and traditional computer equipment for internet service.

1. Traditional telephone equipment—is a typical telephone with dial pad, handset, and audio ringer used to place and receive voice calls.

2. Traditional computer equipment—is a typical computer system with keyboard, pointing device, and visual display monitor used to send and receive electronic information.

(3) Applicant Eligibility.

(A) Eligible applicants shall:

1. Be certified by a licensed physician, audiologist, speech pathologist, or qualified agency as unable to use traditional telecommunications equipment due to disability;

2. Be residents of Missouri;

3. Meet financial income standards;

4. Have access to basic telephone equipment and service if applying for adaptive telephone equipment or have access to basic internet equipment and service if applying for adaptive computer equipment.

(B) Applicants shall be eligible for one adaptive equipment system that provides access to basic telecommunication. Applicants shall not be eligible for more than one equipment system to provide access in more than one location, for example, equipment for both upstairs and downstairs in a residence or equipment for both work and home.

(C) Applicants who have received equipment from the program in the past shall be eligible for replacement equipment according to the time schedule established by the program administrator and shall be notified of such replacement period when they receive their initial equipment. The program administrator may also find applicants eligible for replacement equipment if:

1. The device is damaged through natural disasters, such as lightning, electrical storms, floods or other acts of God;

2. There is a change in disability status rendering the adaptive equipment inappropriate to meet their needs;

3. A new device has become available through TAP that is deemed more appropriate to the applicant's disability than a device previously provided by TAP.

(D) Applicants shall have an annual adjusted gross income that does not exceed \$60,000 for an individual or an individual plus a second exemption, spouse or dependent. For each additional dependent claimed, \$5,000 shall be added to the \$60,000 base level.

(E) Applicants shall be ineligible for equipment when the applicant has:

1. Sold or otherwise transferred ownership of equipment received from TAP to an individual or entity other than the originally authorized recipient;

2. Lost equipment received from TAP through negligence such as leaving in an unlocked house or unlocked car;

3. Negligently or willfully damaged equipment received from TAP or violated other provisions of the administrative rules governing TAP.

(4) General Application and Certification Procedures.

(A) Individuals shall apply for equipment from the program, on forms approved by the program administrator, that include:

1. Applicant name, address, home and work phone, date of birth, Social Security number;

2. Assurance of Missouri residency, assurance of current access to basic telephone equipment and service, assurance of income level;

3. Identification of current or past use of adaptive equipment;

4. Specific request for specialized equipment or request for assistance in selecting equipment;

5. Signature and date.

(B) Applicants may elect to allow the program to release their name, address, and phone number to an agency that provides consumer support. Applicants who have a hearing disability may elect to allow the program to release their name, address, and date of birth to the Missouri Commission for the Deaf to be used solely for completing the commission's census.

(C) In addition to information required on the application and certification form, applicants shall supply any additional information which the program administrator deems reasonably necessary to determine the applicant's eligibility and to assist in determining the adaptive equipment which best meets the applicant's needs.

(D) Certifying agents shall, on forms approved by the program administrator, certify that the applicant, by name, is unable to use traditional telecommunications equipment because of a specific category of disability and that the applicant needs adaptive equipment as identified on the application form. The certifying agent shall sign and date the certification and provide state license or certification number if certifying as a physician, audiologist, or speech pathologist. Approved agency representatives shall provide the name of the approved agency. All certifying agents shall provide their name, address, and phone number to enable the program administrator to contact them as necessary.

(5) Approval of Certifying Agencies and Agents.

(A) Entities desiring to be approved as a certifying agency shall request such designation from the program administrator. The program administrator will review agency qualifications and may require an agency to complete training provided by the program administrator prior to approval.

(B) The program administrator will maintain a list of approved certifying agencies and those personnel of the agency who are approved to certify. A list of approved certifying agencies will be included with applicant education information and otherwise made available as widely as possible.

(6) Appeals Process. Applicants may appeal any disapproval of an equipment request by filing a written appeal with the Missouri Assistive Technology Advisory Council. No specific form shall be required. The appeal shall describe how the equipment requested is necessary for basic telephone access. The council may hear appeals during any regularly scheduled council meeting or may call a special meeting of the council for such purpose.

(7) Fraud. If an applicant supplies false information or obtains adaptive equipment through misrepresentation of facts on the application and certification form, TAP may demand return of the equipment and shall declare such applicants ineligible for future equipment from TAP.

(8) Confidentiality. All applicant information shall be kept confidential except for approved release of information for purposes specified on the application form.

(9) TAP for Telephone Specific Procedures.

(A) Equipment Provided—Adaptive telephone equipment shall be provided in sufficient scope to meet the needs of individuals with all types of disabilities and shall be procured in a cost effective manner.

1. The program administrator shall develop and maintain a list of adaptive telephone equipment designed to provide reasonable access to basic telephone service for individuals with a wide range of disabilities. The list will be provided with the application and certification form. The program will monitor the market for devices that might be added to the program to better meet individual needs and will update the list as necessary to remain current with the market.

2. Adaptive telephones or adaptive devices that attach to the telephone shall be considered first to provide access. For the majority of program applicants, adaptive equipment that attaches to or replaces the typical end-unit telephone will be available on the approved list to meet their needs. Equipment that does not directly attach to or replace the phone will be provided by the program when no other device will deliver the needed access.

3. The program may provide equipment not on the list if such equipment is necessary for basic telephone access and is cost effective as compared to devices on the list.

4. The program shall not provide adaptive devices needed for one-to-one personal communication such as hearing aids, artificial larynx, or other augmentative communication devices.

5. The program shall maintain a list of vendors with which it has contracted to provide adaptive telephone equipment in a cost-effective manner.

(B) Application Processing—The program administrator shall process TAP for telephone applications and deliver equipment and services that assure an appropriate match between an individual with a disability and adaptive equipment.

1. Each application shall be reviewed for completeness. If any information is missing, the applicant will be contacted and requested to supply such information.

2. Each applicant's eligibility will be verified by information provided on the application form.

3. If the application:

A. Requests equipment on the approved list, the request will be matched with disability description, as provided by the application form or equipment worksheet, and approved.

B. Does not request specific equipment, but instead requests assistance in determining equipment needs, the applicant will be contacted and such assistance provided.

C. Requests equipment not on the approved list, the explanation will be reviewed to determine if the equipment is necessary for basic telephone access and is cost effective as compared to devices on the list. If so, the equipment request will be approved.

4. Upon verification of applicant eligibility and determination of equipment/disability match, the program administrator shall order the equipment from an approved vendor and will notify the applicant that the equipment has been ordered.

5. Equipment orders shall include applicant name, make and model of equipment ordered, applicant shipping address, and date of order. The program administrator shall transmit equipment orders directly to the vendor by facsimile or via other time expedient mechanism that is mutually agreeable.

6. Applicants will be notified if their equipment request cannot be approved as submitted and will be asked to revise their equipment request accordingly.

7. Upon receipt of equipment order, the vendor shall ship the equipment directly to the applicant's Missouri residence by verifiable delivery mechanism.

8. The vendor shall provide the program administrator with a monthly invoice of all equipment ordered and delivered.

9. The program administrator may establish alternative and pilot programs to increase program quality and consumer satisfaction. A voucher program for targeted types of adaptive telephone equipment may be implemented as an option to increase consumer choice for those applicants who are experienced users of such equipment.

(C) Consumer Support—The program administrator shall deliver consumer support services directly or through contracts with individuals, organizations, vendors, or other entities. Consumer support providers shall:

1. Have expertise and experience of sufficient depth and breadth to assist consumers in identifying adaptive telephone equipment that will meet their needs;
2. Be able to provide adaptive telephone equipment orientation and use training;
3. Participate in training activities as may be required by the program administrator to assure equipment competency; and
4. Be able to demonstrate equipment knowledge and competency as requested by the program administrator.

(D) Equipment Ownership, Repair and Replacement—

1. Adaptive telephone equipment purchased for an individual applicant shall be owned by that applicant and applicants are in general responsible for service, repair, and replacement.
2. Adaptive telephone equipment will be covered by an extended warranty, purchased with the device, or by a one-year express warranty provided via the Missouri Lemon Law for Assistive Devices.
3. Miscellaneous supplies, such as Text Telephone (TTY) paper and batteries, are the applicant's responsibility.
4. An applicant shall be eligible for replacement equipment every four years, unless their disability needs change. The program administrator may approve equipment replacement within this time period for extenuating circumstances.
5. If an applicant's disability changes, rendering the adaptive telephone equipment inappropriate to meet their needs, the applicant may reapply for new equipment and shall provide a description of the disability change.

AUTHORITY: section 209.253, RSMo 2000. Emergency rule filed July 28, 2000, effective Aug. 28, 2000, expires Feb. 23, 2001. Original rule filed July 28, 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 Assistive Technology Advisory Council, 4731 South Cochise, Suite 114, Independence, MO, 64055 or E-mail at matpmo@qni.com. 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 10—Adjutant General
Chapter 1—General Organization**

PROPOSED AMENDMENT

11 CSR 10-1.010 Organization and Methods of Operation. The Office of the Adjutant General is amending section (6).

PURPOSE: This amendment changes the mailing address for the Office of the Adjutant General.

(6) Any person desiring information or assistance on any matter falling within the jurisdiction of the office of the adjutant general should contact the Adjutant General, [1717 Industrial Drive,] 2302 Militia Drive, Jefferson City, MO [65109-1468, (314) 751-9500] 65101-1203, (573) 638-9500.

AUTHORITY: section 536.023, RSMo [1986] Supp. 1999. Original rule filed Dec. 16, 1975, effective Dec. 29, 1975. Amended: Filed July 20, 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 Office of the Adjutant General, Attn: NGMO-SX, 2302 Militia Drive, Jefferson City, MO 65101-1203. 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 10—Adjutant General
Chapter 3—National Guard Member Educational Assistance Program**

PROPOSED AMENDMENT

11 CSR 10-3.015 State Sponsored Missouri National Guard Member Educational Assistance Program. The Office of the Adjutant General is amending sections (1) and (3).

PURPOSE: This amendment is made because of revisions to section 173.239, RSMo, which increases eligibility for participating in the program to include private for-profit institutions and also requiring that federal Department of Defense monies be expended prior to the use of state educational assistance.

(1) Definitions.

(B) As used in this rule, unless the context clearly indicates otherwise, the following terms and abbreviations shall mean:

1. Academic eligibility—State law requires recipients of educational assistance to maintain a cumulative grade point average of 2.5 on a 4.0 scale, or the equivalent on another scale approved by the program administrator;
2. Academic year—The period from August 1 of any year through July 31 of the following year;
3. Active member—A soldier or airman who is a member of the Missouri National Guard (MONG) in good standing and is satisfactorily participating in all required training;
4. Applicant—A member of the Missouri National Guard who submits an application for an educational assistance grant;
5. Application package—An application form together with all supporting documents required;
6. Approved private institution—As defined in section 173.205 or 173.778, RSMo[.];

[A. Is operated privately under the control of an independent board and not directly controlled or administered by any public agency or political subdivision.

B. Provides a postsecondary course of instruction at least six (6) months in length leading to or directly creditable toward a certificate or degree.

C. Meets the standards for accreditation as determined by either the North Central Association of Colleges and Secondary Schools or by other accreditation standards applicable to nondegree-granting institutions as established by the Missouri Coordinating Board for Higher Education.

D. Does not discriminate in the hiring of administrators, faculty and staff or in the admission of students on the basis of race, color, religion, sex, or national origin and

is in compliance with the Federal Civil Rights Acts of 1964 and 1968 and executive orders issued pursuant thereto. Sex discrimination as used herein shall not apply to admission practices of institutions offering the enrollment limited to one (1) sex.

E. Permits faculty members to select textbooks without influence or pressure by any religious or sectarian source;]

7. Approved public institutions—As defined in section 173.205, RSMo.];

[A. Is directly controlled or administered by a public agency or political subdivision.

B. Receives appropriations directly or indirectly from the general assembly for operating expenses.

C. Provides a postsecondary course of instruction at least six (6) months in length leading to or directly creditable toward a degree or certificate.

D. Meets one (1) or more of the following standards for accreditation:

(I) Those determined by the North Central Association of Colleges and Secondary Schools; and

(II) Those established by the Missouri Coordinating Board for Higher Education for public junior college or by other accrediting bodies recognized by the United States Office of Education or by utilizing accreditation standards applicable to the institution as established by the Coordinating Board for Higher Education.

E. Does not discriminate in the hiring of administrators, faculty and staff or in the admission of students on the basis of race, color, religion, sex, or national origin and is otherwise in compliance with the Federal Civil Rights Acts of 1964 and 1968 and executive orders issued pursuant thereto.

F. Permits faculty members to select textbooks without influence or pressure by any religious or sectarian source;]

8. Baccalaureate degree—See bachelor's degree;

9. Bachelor's degree—An academic degree conferred by a college or university upon those who complete the undergraduate curriculum. Also called baccalaureate;

10. Continuous enrollment—Attendance at an approved private institution, or approved public institution, which is not interrupted by any period of nonattendance other than customary summer vacations or breaks between semesters, quarters, etc;

11. Educational assistance (EA)—Money that soldiers/airmen receive or may be eligible to receive under provisions of this regulation to help support their postsecondary education. By law such grants will not exceed the lesser of the following:

A. The actual tuition, as defined in section 173.260, RSMo, charged at an approved institution where the recipient is enrolled or accepted for enrollment; or

B. The amount of tuition charged a Missouri resident at the University of Missouri for attendance;

C. Subject to appropriation by the legislature, EA grants may be prorated in amounts that are no less than fifty percent (50%) of the limits set forth in paragraphs (1)(B)1. and 2. above;

12. Educational Assistance Program (EAP)—State-sponsored Missouri National Guard Educational Assistance Program;

13. Educational Assistance Program Committee—The group appointed by the adjutant general to oversee the educational assistance program, also referred to as the committee. Duties include:

A. The committee shall establish policies for and exercise general direction over, the operation of the Missouri National Guard Educational Assistance Program;

B. The committee shall establish rules, regulations or standard operating procedures for determining eligibility and applicable waiting lists to ensure fair and impartial administration of the Missouri National Guard Educational Assistance Program; and

C. The committee shall develop and publish all necessary forms to ensure eligibility and payment procedures are met according to established state accounting procedures;

14. Grade point average (GPA)—An applicant's cumulative postsecondary average of grades received for courses attempted;

15. Member of the Missouri National Guard—An individual who is an active member of a Missouri Army or Air National Guard unit;

16. MONGEAP—Missouri National Guard Educational Assistance Program;

17. New enlistee—Any member serving his/her first enlistment in the Missouri Army or Air National Guard. The term includes both prior-service and nonprior-service members;

18. Program administrator—The full-time employee, appointed by the adjutant general, with authority to manage the administration of funding provided to accomplish the Missouri National Guard tuition assistance program;

19. Participating satisfactorily—Attending drills (regularly scheduled unit training assemblies);

20. Qualifications—The process by which the program administrator determines, on the basis of applications received, pertinent law and regulations, whether a given applicant has met all requirements to receive an EA grant;

21. Qualified applicant—An applicant who not only meets all the eligibility criteria but also has submitted a complete and timely application package in accordance with this rule, as determined by the adjutant general or his/her appointed representative; and

22. Recipient—A member of the MONG who receives a grant from the MONGEAP.

(3) Fiscal Management.

(A) State educational assistance on behalf of Missouri National Guard members pursuant to section 173.239, RSMo shall be used only after all available federal Department of Defense educational assistance funds have been expended.

[(A)](B) In any state fiscal year (1 July–30 June), the amount of funding for state educational assistance awarded shall not exceed the amount of state of Missouri funds appropriated for the Missouri National Guard Educational Assistance Program.

[(B)](C) At the end of any state fiscal year, the amount of funds appropriated for educational assistance for that year not utilized will revert to general revenue and will not be available for use in the subsequent fiscal year.

[(C)](D) Amounts to be awarded for educational assistance will be determined as follows:

1. State educational assistance shall not exceed the least of the following:

A. The actual tuition charged at an approved institution where the individual is enrolled or accepted for enrollment; or

B. The amount of tuition charged a Missouri resident at the University of Missouri for attendance;

2. Educational assistance provided may be prorated subject to appropriations in an amount no less than fifty percent (50%) of the limits set forth in this rule;

3. Each year the committee will establish the total amount of educational assistance to be available, subject to appropriation, and designate an amount to be awarded for each category of recipient. Based on the number and category of requests received, the committee, during the fiscal year, may adjust the funding amount programmed between categories of applicants as necessary to equitably distribute and best support the strength and readiness requirements of the Missouri National Guard; and

4. The maximum number of hours eligible for educational assistance is fifteen (15) for each fall and spring semester and nine (9) for the summer semester or the equivalent.

[(D)](E) Payments for recipients' educational assistance will be made directly to the institution attended. The State Educational Assistance Program administrator will notify recipients in writing

of the amount paid to the educational institution and the date payment was made.

((E))(F) Should appropriated and available funding not be adequate to support the number and/or funding amount of educational assistance applications received, the committee will establish waiting lists and the priority for award of educational assistance. Separate lists will be established for each category of applicant. The program administrator will advise, by letter, each guard member of his/her status on the lists.

((F))(G) Should the committee determine the amount of funds available for Category I, II, or both for the current fiscal year are inadequate to support the requests received, the following actions may take place:

1. The committee may recommend that a supplemental state appropriation be requested; and

2. The authorized amount of payment to be made per credit hour for the current fiscal year may be revised during the year. The minimum amount paid per credit hour for the current fiscal year shall not be less than the minimum payment authorized in subsection 11 CSR 10-3.015(3)(C)(D).

((G))(H) Payments are not authorized for tuition costs incurred prior to enlistment in the Missouri National Guard. Retroactive tuition payments are authorized only under the following circumstances:

1. In the event of the full obligation of state appropriated funds for the fiscal year, a supplemental appropriation request may be submitted. If authorized and appropriated, upon receipt of additional funding, the committee may authorize retroactive payments. Waiting lists will be utilized to establish the priority for educational assistance awards; and

2. During the fiscal year, should the committee determine the money set aside for Category I or II be excessive to the fiscal year needs of that category, funding amounts may be transferred between categories. Should the amount of educational assistance originally awarded have been less than the maximum authorized in subsection 11 CSR 10-3.015(3)(C)(D), the committee may authorize retroactive payments increasing the amount of educational assistance received for that fiscal year.

((H))(I) Loss of Membership.

1. If a recipient of state educational assistance ceases to be a member of the Missouri National Guard while enrolled in a course of study or within three (3) years after completion of a course of study for any reason except death or disability, educational assistance shall be terminated and the recipient shall repay to the state of Missouri any amounts awarded.

2. Recipients of state educational assistance who cease to be members of the Missouri National Guard, and who are required to reimburse the state of Missouri, will be notified of the amount owed by certified letter from the program administrator. Reimbursement payments will be accepted only in the form of check or money order payable to the Treasurer, State of Missouri.

((I))(J) In the event a recipient drops or fails to complete a course or courses (fails to receive a grade) for which educational assistance was received, the recipient must reimburse the state of Missouri for the credit hour costs of educational assistance awarded and not completed.

((J))(K) Recoupment action will be taken against all recipients not reimbursing the state of Missouri within forty-five (45) days of notification. The adjutant general may utilize any available administrative or legal process to collect educational assistance payments awarded to effect recoupment and satisfaction of the debt incurred.

((K))(L) Required Records.

1. Accounting records will be maintained by the State Educational Assistance Program administrator to ensure that the State Military Educational Assistance Program is administered in accordance with state law and payments are made within appropriation limits.

2. The program administrator will maintain a file for each recipient. The file will include all required application information, payment notifications, correspondence with the recipient and other information deemed necessary by the committee.

3. State Educational Assistance Program records will be maintained the latter of a minimum of three (3) years from the date the last semester ended that a recipient received state educational assistance and/or through the completion of state audit. The director, state resources must be contacted prior to the purging of educational assistance records and files.

AUTHORITY: section 173.239, RSMo [Supp. 1997] 2000. Emergency rule filed July 30, 1998, effective Aug. 28, 1998, expired Feb. 25, 1999. Original rule filed July 30, 1998, effective Feb. 28, 1999. Emergency amendment filed July 20, 2000, effective Aug. 28, 2000, expires Feb. 23, 2001. Amended: Filed July 20, 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 Office of the Adjutant General, Attn: NGMO-SX, 2302 Militia Drive, Jefferson City, MO 65101-1203. 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 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 103—Sales/Use Tax—Imposition of Tax**

PROPOSED RULE

12 CSR 10-103.560 Accrual vs. Cash Basis of Accounting

PURPOSE: Section 144.021, RSMo, imposes tax on a taxpayer's gross receipts. This rule explains when a taxpayer reports its gross receipts depending upon whether the taxpayer is using the accrual or cash basis of reporting.

(1) In general, a taxpayer should report gross receipts in the period in which payment is actually received. A taxpayer using the accrual basis of accounting may report gross receipts in the period in which the transaction takes place.

(2) Application of Tax.

(A) A taxpayer should report the gross receipts from its sales in the period in which payment is received. When the taxpayer and purchaser enter into an installment agreement, the taxpayer should report each installment, less any finance charge, as a part of gross receipts in the period in which payment is received. Tax should be calculated at the tax rate in effect at the time of entering the installment agreement.

(B) A taxpayer using the accrual basis of accounting may report the gross receipts from its sales in the period in which the transaction is completed, rather than the period in which payment is actually received. When the taxpayer and purchaser enter into an installment agreement and the taxpayer uses the accrual basis of accounting, the taxpayer may report the sale price in gross receipts when the revenue is recognized pursuant to generally accepted accounting principles. Tax should be calculated at the tax rate in effect at the time of entering the installment agreement.

(3) Examples.

(A) A furniture retailer, a cash basis taxpayer, sells furniture to a customer and agrees to receive payments on the furniture over a

period of 1 year with a 5% interest charge on the unpaid balance. Tax is computed only on the sale price of the furniture, not the finance charge. The amount of each payment, less the tax and finance charge, is included in gross receipts in the period each payment is received. An accrual basis taxpayer may include the entire sale price in the gross receipts at the time of the sale.

(B) A furniture retailer makes a charge sale to a customer in December 1999, with payment due in March. The local sales tax rate changes effective January 1, 2000. If the retailer is a cash basis taxpayer, it charges tax based on the rate in effect in December and reports the gross receipts when received in March. If the retailer elects to report gross receipts on an accrual basis, it charges tax based on the rate in effect in December and it should report the sale in its December gross receipts.

AUTHORITY: section 144.270, RSMo 1994. Original rule filed Aug. 1, 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 Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. 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 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 110—Sales/Use Tax—Exemptions**

PROPOSED RULE

12 CSR 10-110.950 Letters of Exemption Issued by the Department of Revenue

PURPOSE: Chapter 144, RSMo provides that certain organizations are exempt. This rule sets out the steps necessary to obtain a letter of exemption from the department.

(1) In general, the department issues letters of exemption to qualifying exempt entities. These letters are valid for a period of five (5) years. Documentation verifying the exempt status of the organization must be filed with the department to obtain a letter of exemption.

(2) Application of the Rule.

(A) The seller is responsible for collecting tax unless the exempt entity provides proof that it is exempt. One form of proof of exemption is a letter of exemption issued by the department.

(B) An organization seeking a letter of exemption certificate must complete a Missouri Sales/Use Tax Exemption Application—Form 1746. If the documentation establishes the entity qualifies as an exempt entity, the department issues a letter of exemption. This letter of exemption is effective for five (5) years from the date of issuance of the letter.

(C) The department may require the following supporting documentation to verify the claim:

1. A copy of the Articles of Incorporation, Bylaws or both;
2. A copy of the Section 501 tax exemption letter or ruling issued by the United States Department of Treasury, Internal Revenue Service;
3. A copy of the tax exemption ruling issued by the assessing officers in each county in which the applicant's property is or will be located for property tax purposes;

4. Financial statements of the organization for the previous three (3) years, indicating sources and amount of revenue, and a breakdown of the disbursements, or if just beginning the organization, an estimated budget for one (1) year;

5. A copy of the not-for-profit certificate, registration or charter issued by the Missouri secretary of state's office, if registered or incorporated within Missouri; and

6. Any other documents, statements and information as may reasonably be requested by the Department of Revenue.

(D) If any of the documents requested above are not submitted with the application, a letter of explanation must accompany the application. Federal agencies and instrumentalities, Missouri state agencies and Missouri political subdivisions are not required to send supporting documentation. Out-of-state political subdivisions do not qualify.

(E) Foreign diplomatic and consular personnel exempt from Missouri sales by treaty need not obtain a letter of exemption. The United States Department of State will issue an exemption card for use.

AUTHORITY: section 144.270, RSMo 1994. Original rule filed Aug. 1, 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 Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. 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 12—DEPARTMENT OF REVENUE

Division 30—State Tax Commission

Chapter 3—Local Assessment of Property and Appeals from Local Boards of Equalization

PROPOSED AMENDMENT

12 CSR 30-3.025 Collateral Estoppel. The commission is amending section (2) and adding a new section (5).

PURPOSE: This amendment clarifies when new purchasers of property may appeal to the commission.

(2) Except as set in section (3), the taxpayer shall be allowed to litigate the issue of the assessed valuation of the subject property only once in each two (2)-year assessment cycle established by section 137.115, RSMo. **For the purposes of this rule, "taxpayer," unless more specifically described, shall mean the owner or holder of the property which is the subject of the appeal and the successor in title or interest of such owner or holder. "Litigate the issue of assessed valuation" shall mean prosecute an appeal to either a final decision on the merits or to a stipulation resolving the appeal.** The assessed value established by the commission for the odd-numbered year also shall be the assessed value for the following even-numbered year.

(5) A taxpayer who acquires title to or interest in property after the close of the board of equalization appeal hearings may

not appeal to the commission for that tax year if the predecessor in title or interest had not appealed to the board of equalization for the year in which the transfer occurred. If the predecessor in title or interest had appealed to the board of equalization, and if such predecessor or successor in title or interest timely filed an appeal to the commission which is still active at the time of transfer of title or interest, the successor in title or interest may then complete the appeal process for that tax year before the commission. If the predecessor in title or interest litigated the issue of assessed valuation of the subject property in the odd-numbered year, the successor in title or interest to the same property may not lodge an appeal in the following even-numbered year for the same property unless there has been new construction or improvements as defined in 12 CSR 30-3.001.

AUTHORITY: sections 138.320 and 138.432, RSMo [1986] 1994, 137.115, 138.431, [RSMo Supp. 1992] and 138.430, RSMo [Supp. 1989] Supp. 1999. Original rule filed May 14, 1991, effective Oct. 31, 1991. Amended: Filed July 19, 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 Rosemary P. Kaiser, Administrative Secretary, State Tax Commission, P.O. Box 146, Jefferson City, MO 65102, (573) 751-2414. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*