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Rebecca McDowell Cook
Secretary of State

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Rebecca McDowell Cook**

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IN THIS ISSUE:

PROPOSED RULES

Department of Economic Development
 State Board of Chiropractic Examiners 925
 State Board of Cosmetology 926
 Division of Credit Unions 932
 State Committee of Dietitians 934
 State Board of Embalmers and Funeral Directors 959
 Division of Workforce Development 962
 State Board of Pharmacy 966
 State Committee of Psychologists 977

Department of Natural Resources
 Metallic Minerals Waste Management 978

Department of Social Services
 Division of Medical Services 988

Retirement Systems
 Missouri State Employees' Retirement System 990

ORDERS OF RULEMAKING

Department of Conservation
 Conservation Commission 999

Department of Transportation
 Missouri Highways and Transportation Commission 999

Department of Natural Resources
 Air Conservation Commission 1001

Department of Public Safety
 Missouri Gaming Commission 1003
 Division of Highway Safety 1010

Department of Revenue
 Director of Revenue 1010
 State Tax Commission 1012

Retirement Systems

The Public School Retirement System of Missouri 1012

Department of Health
 Office of the Director 1013
 Missouri Health Facilities Review Committee 1029

Missouri Consolidated Health Care Plan
 Health Care Plan 1029

IN ADDITIONS

Department of Economic Development
 Division of Credit Unions 1032

BID OPENINGS

Office of Administration
 Division of Purchasing 1033

RULE CHANGES SINCE UPDATE 1034
EMERGENCY RULES IN EFFECT 1043
REGISTER INDEX 1045

Register Filing Deadlines	Register Publication	Code Publication	Code Effective
Jan. 3, 2000 Jan. 14, 2000	Feb. 1, 2000 Feb. 15, 2000	Feb. 29, 2000 Feb. 29, 2000	March 30, 2000 March 30, 2000
Feb. 1, 2000 Feb. 15, 2000	March 1, 2000 March 15, 2000	March 31, 2000 March 31, 2000	April 30, 2000 April 30, 2000
March 1, 2000 March 15, 2000	April 3, 2000 April 17, 2000	April 30, 2000 April 30, 2000	May 30, 2000 May 30, 2000
March 31, 2000 April 14, 2000	May 1, 2000 May 15, 2000	May 31, 2000 May 31, 2000	June 30, 2000 June 30, 2000
May 1, 2000 May 15, 2000	June 1, 2000 June 15, 2000	June 30, 2000 June 30, 2000	July 30, 2000 July 30, 2000
June 1, 2000 June 15, 2000	July 3, 2000 July 17, 2000	July 31, 2000 July 31, 2000	August 30, 2000 August 30, 2000
June 30, 2000 July 14, 2000	August 1, 2000 August 15, 2000	August 31, 2000 August 31, 2000	Sept. 30, 2000 Sept. 30, 2000
August 1, 2000 August 15, 2000	Sept. 1, 2000 Sept. 15, 2000	Sept. 30, 2000 Sept. 30, 2000	Oct. 30, 2000 Oct. 30, 2000
Sept. 1, 2000 Sept. 15, 2000	Oct. 2, 2000 Oct. 16, 2000	Oct. 31, 2000 Oct. 31, 2000	Nov. 30, 2000 Nov. 30, 2000

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule.

Missouri Depository Libraries

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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 24, *Missouri Register*, page 27. The approved short form of citation is 24 MoReg 27.

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

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation, i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—Cite material in the RSMo by date of legislative action. The note in parentheses gives the original and amended legislative history. The Office of the Revisor of Statutes recognizes that this practice gives users a concise legislative history.

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 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 70—State Board of Chiropractic Examiners Chapter 2—General Rules

PROPOSED AMENDMENT

4 CSR 70-2.050 Examination. The board is proposing to amend sections (1), (4) and (7).

PURPOSE: This amendment defines a passing score for the board's jurisprudence examination. This amendment also changes the word physical therapy to physiotherapy to adopt the terminology used within the profession.

(1) All applicants for a certificate of registration shall pass all parts of the written examination administered by the National Board of

Chiropractic Examiners (N.B.C.E.), including Parts I, II, III (the Written Clinical Competency Examination) and the elective section on *[Physical Therapy] Physiotherapy*. Additionally, all applicants shall pass the regional/national practical examination (Part IV) administered by the N.B.C.E., and an examination over the Missouri statutes, rules and regulations. If the board determines that Part IV of the N.B.C.E. examination no longer meets the practical examination requirements under section 331.030.6, RSMo, or if the board determines for any reason that it should administer a practical examination, applicants shall pass the practical examination administered by the board. The time and location of each examination may be obtained by writing the board's executive director.

(4) The following documentation should be in the board office prior to licensure:

(B) Official National Board of Chiropractic/e/ Examiners transcripts (Parts I, II, III, IV and the elective on Physiotherapy). A Part IV transcript is not required if the applicant is applying to take a practical examination administered by the board.

(7) Requirements for a passing grade are—

(A) The applicant must achieve a composite score of seventy-five percent (75%) on the N.B.C.E. Part IV examination, or score seventy-five percent (75%) in each section of the board's practical examination. **The applicant must also achieve a composite score of seventy-five percent (75%) on the exam over the Missouri statutes, rules and regulations;** and

(B) The applicant will be required to retake only the failed section(s), if any, of the board's practical examination **or the examination over the Missouri statutes, rules and regulations**, upon payment of the reexamination fee.

AUTHORITY: sections 331.030 and 331.050, RSMo [Supp. 1998] Supp. 1999 and 331.100.2, RSMo 1994. Original rule filed Dec. 17, 1975, effective Dec. 27, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed March 15, 2000.

PUBLIC COST: The public entity cost for this proposed amendment is estimated to be less than \$500 in the aggregate.

PRIVATE COST: The private entity cost for this proposed amendment is estimated to be less than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Board of Chiropractic Examiners, P.O. Box 672, 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 70—State Board of Chiropractic Examiners Chapter 2—General Rules

PROPOSED AMENDMENT

4 CSR 70-2.100 Professional Corporations. The board is proposing to amend subparagraph (2)(B)3.B. and delete the forms that immediately follow this rule in the *Code of State Regulations*.

PURPOSE: This amendment allows licensees to use other terms in professional corporation names to more accurately reflect the services offered when other health care professionals are

employed. The amendment does not diminish the requirement of the statute; however, it allows the licensee some flexibility when other health care services are available.

(2) Professional Corporations—Name Approval.

(B) In order for the board to consider approval of a name requested by a licensee for a professional corporation, the following conditions must be met:

1. The applicant shall submit his/her request for the corporate name approval to the board on forms provided by the board and shall supply all of the information requested. The form shall be submitted under oath or affirmation indicating that the matters set forth are true and correct based upon the applicant's best knowledge and belief, subject to the penalties of making a false affidavit and declaration and indicating that the applicant has been authorized by the corporation to make the application;

2. At the time of application, the applicant shall provide to the board a copy of the current professional license, certificate or permit, as the case may be, of each shareholder of the professional corporation;

3. The professional corporation name shall meet the following requirements:

A. Shall contain, after August 13, 1986, the words professional corporation or the abbreviation P.C. in the corporate name, as required by section 356.071, RSMo;

B. Shall contain the words chiropractic, chiropractor, chiropractic physician, doctor of chiropractic or D.C. **where the purpose of the professional corporation is solely to provide the services of a chiropractor licensed under the provisions of Chapter 331, RSMo. The professional corporation name does not need to contain the words chiropractic, chiropractor, chiropractic physician, doctor of chiropractic or D.C. if the purpose of the professional corporation is to engage in the practice of chiropractic as well as provide the health care service of another licensed professional described in subsection (1)(B) of this rule and the professional corporation provides such other health care service at least twenty (20) hours per month. The professional corporation name shall contain the words chiropractic, chiropractor, chiropractic physician, doctor of chiropractic or D.C. if the professional corporation engages in the practice of chiropractic as well as the health care service of another licensed professional described in subsection (1)(B) of this rule, if the professional corporation fails to employ, due to death, termination or resignation, such other licensed professional for a period of or exceeding six (6) months;**

C. Shall not indicate or suggest by its terms an official status or affiliation with any state, county, municipal or other governmental entities;

D. Shall not contain deceptive, misleading or self-laudatory terminology; and

E. Shall not contain terms suggesting or relating to other regulated health care professions other than chiropractic unless the professional corporation is composed of members of more than one (1) health care profession as provided by section 356.051, RSMo;

4. Any change in a professional corporation name must have the approval of the State Board of Chiropractic Examiners prior to the name change being filed with the Office of the Secretary of State as provided for by section 356.041.3, RSMo. If the board approves the request, it shall issue a certificate approving the change of the corporate name; and

5. The application form for either the approval of a corporate name or approval of a change in a corporate name shall be accompanied by a processing fee.

AUTHORITY: sections 331.060.2(14)(e), 331.070, 331.100.2, 356.041.4, 356.111 and 356.191, RSMo 1994. Original rule filed April 8, 1983, effective July 11, 1983. For intervening history,

please consult the Code of State Regulations. Amended: Filed March 15, 2000.

PUBLIC COST: The public entity cost for this proposed amendment is estimated to be less than \$500 in the aggregate.

PRIVATE COST: The private entity cost for this proposed amendment is estimated to be less than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Board of Chiropractic Examiners, P.O. Box 672, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 90—State Board of Cosmetology
Chapter 1—Organization and Description of Board**

PROPOSED AMENDMENT

4 CSR 90-1.010 General Organization. The board is proposing to amend section (3).

PURPOSE: This rule is being amended to increase the board member per-diem rate, pursuant to sections 329.190 and 329.191, RSMo as was amended by H.B. 343 of the 90th session of the General Assembly.

(3) Each member of the State Board of Cosmetology shall receive the sum of *[fifty dollars (\$50)]* **seventy dollars (\$70)** as compensation for each day actually spent in attendance at meetings of the board, within the state, not to exceed forty-eight (48) days in any calendar year and in addition they shall be reimbursed for all necessary expenses incurred in the performance of their duties as members of the board.

AUTHORITY: sections 329.190 and 329.191, RSMo Supp. 1999 and 329.230, RSMo 1994. Original rule filed April 6, 1976, effective Sept. 11, 1976. For intervening history, please consult the Code of State Regulations. Amended: Filed March 15, 2000.

PUBLIC COST: The public entity cost for this proposed amendment is estimated to be an increase of \$2,520 annually for the life of the rule. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

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

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

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 90 - Division of Professional Registration/State Board of Cosmetology

Chapter: 1 – Organization and Description of the Board

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 4 CSR 90-1.010

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Increase to Comply
State Board of Cosmetology	\$2,520.00

III. WORKSHEET

Per Diem Increase per Board Member - \$20.00

IV. ASSUMPTIONS

1. The State Board of Cosmetology is currently made up of seven (7) members.
2. The board currently holds two (2) day board meetings during the odd numbered months and one (1) day meetings during the even numbered months. Therefore, it is estimated that each board member will receive an increase of \$20.00per diem for eighteen (18) days per year.
3. The public entity cost for this proposed amendment is estimated to be an increase of \$2,520.00 annually for the life of the rule.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 90—State Board of Cosmetology
Chapter 2—Cosmetology Schools

PROPOSED AMENDMENT

4 CSR 90-2.010 Schools. The board is proposing to amend section (5)(D) and delete the forms that immediately follow this rule in the *Code of State Regulations*.

PURPOSE: This rule is being amended to allow a longer leave period for a school to terminate a student if the student makes a written request to the school.

(5) School Requirements.

(D) [It shall be the responsibility of the holder of the] **All persons holding a license to operate a cosmetology school** [, within two (2) weeks of the termination of training by any of the school's students, to submit to the board a properly completed termination form for the student] **shall be responsible for submitting properly completed termination forms for all students who terminate their training. Cosmetology school license holders are responsible for obtaining termination forms from the board. Termination forms must be submitted within two (2) weeks of the date of student's termination. The date of a student's termination is either: 1) the date the student affirmatively indicates to the school his/her intent to terminate training; or 2) the last day of any one week period during which the student failed to attend a single class. However, a school shall not terminate a student for up to six (6) weeks if the student notifies the school in writing of his/her leave of absence and the student's anticipated date of return. If the student does not return on the anticipated date of return, the school shall automatically terminate the student on that date. [The termination shall be on a form provided by the board and shall contain or be accompanied by the following information: the name and address of the student; the number of training hours completed by the student, allocated by subject area; the date of the student's termination; the school seal; a certification of payment/nonpayment of contractual fees completed by the school on a form provided by the board and the student license. The phrase, training hours, is defined as the number of hours a student was in attendance at the school and for which time the school kept a record of those hours for instruction or training.]**

AUTHORITY: sections 329.040, 329.050 329.120 and 329.210, RSMo Supp. 1999 and 329.230, RSMo 1994. This version of rule filed June 26, 1975, effective July 6, 1975. For intervening history, please consult to the *Code of State Regulations*. Amended: Filed March 15, 2000.

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

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

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

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 90—State Board of Cosmetology
Chapter 3—Students

PROPOSED AMENDMENT

4 CSR 90-3.010 Students. The board is proposing to amend subsections (1)(C), (2)(C), (4)(A), (4)(B), and (4)(C) of this rule.

PURPOSE: This rule is being amended to clarify the minimum requirements for examination and requires students/apprentices to submit a change of status when he/she desires to change a course in which they are currently enrolled or wishes to obtain additional hours. An apprentice who changes his/her location (not supervisors) will also be required to submit a change of status as well as a course change. This rule is also being amended to limit the number of times a candidate is permitted to take the examination prior to returning to school for additional hours.

(1) Registration.

(C) Change of Status. [For any student/apprentice desiring to make a change to his/her original enrollment application, continue training at the time application is made for examination or continue training beyond the expiration of the student/apprentice license, an application for change of status shall be made to the board on a form supplied by the board.] For any student desiring to change the course in which he/she is currently enrolled or who wishes to obtain additional hours (beyond hours required by the board even if license is still within the five (5)-year limit) he/she will be required to make application for change of status. Any other alteration (such as change of school and/or location) will require a termination. For an apprentice who changes his/her course or location (not supervisors) a change of status is required. A student license will be good for a maximum of five (5) years from the date of issuance of the license at that location, unless terminated from the school. An application for change of status shall be made to the board on a form supplied by the board. The form shall be accompanied by the student/apprentice license and the enrollment application fee and shall be postmarked no later than three (3) days from the effective date of the change of status. The change of status application shall include an interim certificate which shall be valid for twenty (20) days from the date of application and shall be retained by the school/shop to serve as the training license for the student/apprentice until the amended license is received from the board.

(2) Qualification for State Exam.

(C) For the purpose of meeting[,] the minimum requirements for examination, training hours completed by a student or apprentice shall be recognized by the board for a period of [no more than] five (5) years from the date [it is received] the board issues the relevant student or apprentice license to the person.

(4) Failure of State Exam.

(A) Any person desiring to retake an examination for any reason will be required to submit a Re-Examination Notification Form to the board office. The regular examination fee, along with an Examination Scheduling Request Form, must be submitted to the test administrator's office before being scheduled for the examination.

(B) Any person that fails any portion of the cosmetology examination three (3) times shall be required to obtain additional training of not less than forty (40) hours in each of those subjects failed, not to exceed one hundred sixty (160) hours total. The additional training shall be certified by any school of cosmetology licensed by this board.

(C) Any apprentice that fails any portion of the cosmetology examination three (3) times shall be required to obtain additional training of not less than eighty (80) hours in each of those subjects failed, not to exceed three hundred twenty (320) hours total. The additional training shall be certified by an apprentice supervisor licensed by this board.

AUTHORITY: sections 329.040, 329.050 and 329.210, RSMo [Supp. 1998] Supp. 1999 and 329.070 and 329.230, RSMo 1994. This version of rule filed June 26, 1975, effective July 6, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed March 15, 2000.

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

PRIVATE COST: This proposed amendment will cost private entities an estimated \$54,000 annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase 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 State Board of Cosmetology, Pamela A. Hoelscher, Executive Director, P.O. Box 1062, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE ENITY COST**

I. RULE NUMBER – 4 CSR 90-3.010

Title 4 – Department of Economic Development

Division 90 – Missouri State Board of Cosmetology

Chapter 3 – Students

Rule Number and Name – 4 CSR 90-3.010 (4) (B) Students

II. SUMMARY OF FISCAL IMPACT

Classifications	\$	# Affected	Estimated Annual Cost
Class CA, CH, MO, ES, IN	\$240	225	\$54,000
Total	\$240	225	\$54,000

The cost of enrollment in a cosmetology school for an average of 80 additional hours of training will be approximately \$240. Based on the assumption that the same number of candidates fail the examination three consecutive times each year, it is anticipated that the total aggregate cost will recur annually over the life of the rule.

III. WORKSHEET

None

IV. ASSUMPTIONS

1. It is anticipated that 225 CA, CH, MO ES, and IN candidates will fail the licensure examination three (3) consecutive times each year; therefore, these candidates will be required to obtain additional education/training at \$240 per individual for an aggregate cost of \$54,000.
2. Total aggregate cost for CA, CH, MO, ES, IN is \$54,000 each year for the life of the rule provided 225 candidates fail the exam each year.

***Definitions:**

Class CA – Cosmetology all

Class CH – Hairdresser

Class MO – Manicurist

Class ES – Esthetician

Class IN – Instructor

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

PROPOSED RESCISSION

4 CSR 90-4.020 Practice Outside of or Away from Beauty Shops. This rule explained the licensing procedure and requirements for the practice of a licensee practicing one of the classified occupations of cosmetologist, hairdresser or manicurist outside of or away from his/her principal office, place of business or employment as authorized in section 329.110.2, RSMo.

PURPOSE: The board is proposing to rescind this rule and propose a new rule that more clearly details the practice of one of the classified occupations of cosmetologist, hairdresser, or manicurists outside of or away from his/her principal office, place of business or employment.

AUTHORITY: section 329.230, RSMo 1986. Original rule filed Dec. 7, 1983, effective March 13, 1984. Amended: Filed Aug. 2, 1990, effective Dec. 31, 1990. Rescinded: Filed March 15, 2000.

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

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

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

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

PROPOSED RULE

4 CSR 90-4.020 Practice Outside of or Away from Beauty Shops

PURPOSE: This rule explains the licensing procedure and requirements for the practice of a licensee practicing one of the classified occupations of cosmetologist, hairdresser or manicurist outside of or away from his/her principal office, place of business or employment as authorized in section 329.110.2, RSMo.

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

(A) Licensed shop means a bona fide principal office, place of business or employment, licensed by the board, which is regularly operated for the purpose of engaging in the practice of cosmetology;

(B) Principal shop means the shop where the licensee is employed the majority of the time (no less than fifty-one percent (51%)) of the total hours per week employed.

(2) Certificate of Identification.

(A) Requirement. Each and every time a licensee provides cosmetology services to any person outside a licensed salon, the licensee must deliver a completed certificate of identification to person receiving the cosmetology services. The licensee shall

deliver the completed certificate of identification prior to performing any cosmetology services.

1. Every certificate of identification shall include the following information:

A. The licensee's name;

B. The licensee's signature;

C. The licensee's operator license number;

D. The expiration date of licensee's operator license;

E. The post office address of the person receiving the cosmetology services; and

F. The date the licensee delivered the certificate of identification to the person receiving the cosmetology services.

2. Any licensee may obtain a form certificate of identification from the board free of charge. A licensee may obtain this form certificate of identification upon written request to the board office. Licensees may reproduce the form certificate of identification as needed.

(B) Use. Licensees may use certificates of identification to provide only those cosmetology services that the licensee is licensed and trained to perform. All licensees performing services outside a licensed salon with a certificate of identification must comply with all relevant sanitation regulations governing the practice of cosmetology.

(3) Portable Kit Requirements.

(A) All supplies and implements shall be transported in an airtight container containing an active fumigant, and all implements, towels and instruments shall be sterilized and wrapped or stored in individual plastic containers.

(B) Sterilized implements, towels and instruments shall be kept completely separate and apart from used materials.

(4) The board prohibits persons licensed in accordance with section 329.020, RSMo, from contracting with, being employed by or being provided space or leasing space from a nursing home, hospital or similar health care facility for the purpose of establishing a bona fide place of business for the purpose of practicing cosmetology without a shop license.

AUTHORITY: sections 329.110.2, RSMo Supp. 1999 and 329.230, RSMo 1994. Original rule filed Dec. 7, 1983, effective March 13, 1984. Amended: Filed Aug. 2, 1990, effective Dec. 31, 1990. Rescinded and readopted: Filed March 15, 2000.

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

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

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

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 90—State Board of Cosmetology
Chapter 11—Sanitation**

PROPOSED AMENDMENT

4 CSR 90-11.010 Sanitation. The board is proposing to add subsections (2)(I) and (2)(J).

PURPOSE: This rule is being amended to prohibit the use of nail adhesive products containing the Methyl Methacrylate (MMA) monomer.

(2) Sanitation Requirements.

(I) No cosmetology licensee shall provide any cosmetology services that involve the use of any liquid product containing Methyl Methacrylate. Licensees are responsible for ensuring that their nail service products do not contain Methyl Methacrylate as a monomer agent for cosmetic nail applications or any other purpose. Products containing ethyl or butyl methacrylate are acceptable and may be used to provide nail services.

(J) Upon request from a board inspector, any licensee in any licensed cosmetology salon must be able to provide the Material Data Safety Sheet (MSDS) for all nail service products in the salon to verify that the chemicals in those nail service products are appropriate and safe for public use.

AUTHORITY: sections 329.035, 329.140 and 329.210, RSMo Supp. [1997] 1999 and 329.230, RSMo 1994. This version of rule filed June 26, 1975, effective July 6, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed March 15, 2000.

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

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

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

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 90—State Board of Cosmetology
Chapter 13—General Rules**

PROPOSED AMENDMENT

4 CSR 90-13.010 Fees. The board is proposing to delete subsection (1)(O) and renumber the remaining subsections accordingly.

PURPOSE: This rule is being amended to delete the board fee for a certificate of identification. This fee was previously established for registration of a certificate of identification; however, pursuant to section 329.110.2, RSMo the holder of a certificate of identification no longer needs to be registered with the board.

(1) The following application fees hereby are established by the State Board of Cosmetology:

<i>[(O)] Certificate of Identification Fee</i>	<i>\$ 30.00]</i>
<i>[(P)] (O) Delinquent Fee (opening a shop without registering before opening)</i>	<i>\$100.00</i>
<i>[(Q)] (P) Photocopies/Printouts Fee (initial page/copy)</i>	<i>\$ 2.00</i>
<i>[(R)] (Q) Photocopies/Printouts Fee (per page/copy after that)</i>	<i>\$.50</i>
<i>[(S)] (R) Document Search Fee (per hour)</i>	<i>\$ 20.00</i>

[(T)] (S) Handling Fee (Any uncollectible check or other uncollectible financial instrument) *\$ 15.00*

*[(U)] (T) *Esthetician Application Fee* *\$ 30.00*

* Until July 1, 1999, any person licensed in Missouri as a Class CH or CA cosmetologist pursuant to Chapter 329, RSMo, may be licensed as an esthetician without examination if such person applies to the State Board of Cosmetology and pays a thirty-dollar (\$30) fee. After July 1, 1999, any licensed cosmetologist shall be required to complete the required training of seven hundred fifty (750) hours and pass the required examination as provided in section 329.040, RSMo, and as set forth in 4 CSR 90-3.010.

AUTHORITY: sections 329.110 and 329.210, RSMo [Supp. 1998] Supp. 1999. Emergency rule filed July 1, 1981, effective July 11, 1981, expired Nov. 11, 1981. Original rule filed July 1, 1981, effective Dec. 11, 1981. For intervening history, please consult the Code of State Regulations. Amended: Filed March 15, 2000.

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

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

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

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 100—Division of Credit Unions
Chapter 2—State-Chartered Credit Unions**

PROPOSED RULE

4 CSR 100-2.045 Member Business Loans

PURPOSE: This rule establishes specific criteria for credit unions making member business loans.

(1) For purposes of this section, the following words and terms, shall have the following meanings, unless the context clearly indicates otherwise:

(A) "Associated member," any member with a common ownership, investment, or other pecuniary interest in the business or agricultural endeavor with the borrower.

(B) "Net worth," retained earnings as defined under Generally Accepted Accounting Principles.

(C) "Immediate family member," as defined in rule 4 CSR 105-3.010(2).

(D) "Director," the director of the Division of Credit Unions in the Missouri Department of Economic Development.

(2) A member business loan includes any loan, line of credit, or letter of credit, the proceeds of which will be used for a commercial, corporate, business investment property or venture, or agricultural purpose, except that the following types of loans shall not be considered member business loans for the purposes of this rule:

(A) A loan secured by a lien on a one to four (1-4)-family dwelling that is the member's primary residence;

(B) A loan fully secured by shares in the credit union making the extension of credit or deposits in other financial institutions;

(C) Loans that are substantially repaid from sources other than the loan related business. These loans must contain considerable documentation securing other income sources/collateral;

(D) Loan(s) otherwise meeting the definition of a member business loan made to a member or associated member that, in the aggregate, is fifty thousand dollars (\$50,000) or less;

(E) A loan where a federal or state agency or one of its political subdivisions, or another credit union fully insures repayment, or fully guarantees repayment, or provides an advance commitment to purchase in full; or

(F) A loan granted by a credit union to another credit union or corporate credit union service organization or natural person credit union service organization.

(3) A credit union that engages in member business lending shall adopt specific member business loan policies and procedures, and review such policy and procedures at least annually. Credit unions must submit business-lending policies and procedures to the Division of Credit Unions for review prior to commencing a member business loan program. The policies and procedures, at a minimum, shall address all of the following areas:

(A) Types of business loans to be made;

(B) The maximum amount of credit union assets, relative to credit union net worth, that will be invested in member business loans;

(C) The maximum amount of credit union assets, relative to credit union net worth, that will be invested in a given category or type of member business loan;

(D) The maximum amount of credit union assets, relative to credit union net worth, that will be loaned to any one member or group of associated members, subject to subsection (D) of this section;

(E) The qualifications and experience requirements for personnel involved in making and servicing business loans;

(F) Documented analysis of the member's initial and ongoing financial capacity to repay the debt;

(G) Receipt and periodic documentation supporting each request for an extension of credit, advance on a line of credit, or an increase in an existing loan or line of credit, which shall address all of the following:

1. A balance sheet;
2. An income statement;
3. A cash flow analysis;
4. Tax returns;
5. Leveraging; and
6. Receipt and the periodic updating of financial statements, tax returns, and other documentation;

(H) Collateral requirements which must include all of the following:

1. Loan-to-value (LTV) ratios, that for all liens cannot exceed eighty percent (80%) unless the value in excess of eighty percent (80%) is covered through private mortgage or equivalent insurance, or third party guarantee, but in no case can it exceed ninety-five percent (95%);

2. Appraisal, title search, determination of value and insurance requirements;

3. Steps to be taken to secure various types of collateral; and

4. Frequency of revaluation/marketability of collateral; and

(I) Identification, by position, of the officials and senior management employees who are prohibited from receiving member business loans that, at a minimum, shall include the credit union's chief executive officer, any assistant chief executive officers, the

chief financial officer, and any associated member or immediate family member of such persons.

(4) Unless waived by the director, the aggregate amount of outstanding member business loans to any one member or group of associated members shall not be more than fifteen percent (15%) of the credit union's net worth less the Allowance for Loan Losses account, or one hundred thousand dollars (\$100,000), whichever is greater. These limitations only apply to borrowers with member business loans. If any portion of a member business loan is secured by shares in the credit union or deposits in another financial institution, or is fully or partially insured or guaranteed by, or subject to an advance commitment to purchase by, any agency of the federal government or of a state or any of its political subdivisions, such portion shall not be calculated in determining the fifteen percent (15%) limit.

(5) Construction and development of commercial or residential property are subject to the following additional requirements:

(A) The aggregate of all construction and development loans must not exceed fifteen percent (15%) of the credit union's net worth. To determine the aggregate, a credit union may exclude any portion of a loan:

1. Secured by shares in the credit union;
2. Secured by deposits in another financial institution;
3. Fully or partially insured or guaranteed by any agency of the federal government, state, or its political subdivisions; or
4. Subject to an advance commitment to purchase by an agency of the federal government, state, or its political subdivisions;

(B) The member borrower and associated members must have a minimum of thirty-five percent (35%) equity interest in the project being financed; and

(C) The funds may be released only after on-site, written inspections are performed by qualified personnel. Funds shall be released only in accordance to a preapproved draw schedule and any other conditions set forth in the loan documentation or business plan.

(6) Unless waived by the director, the aggregate limit on a credit union's outstanding member business loans, including any unfunded commitments, is the lesser of 1.75 times the credit union's net worth or 12.25% of the credit union's total assets. Loans that are exempt from the definition of member business loans are not counted for the purpose of the aggregate loan limit.

(7) The following types of credit unions are exempt from the aggregate loan limit:

(A) Credit unions that have a low-income designation or participate in the Community Development Financial Institutions program; and

(B) Credit unions that were chartered for the purpose of making member business loans and that can provide documentary evidence of such purpose, including but not limited to the original charter, original bylaws, original business plan, original field of membership, board minutes and loan portfolio.

AUTHORITY: sections 370.070, 370.071, 370.100 and 370.310, RSMo 1994. Original rule filed March 7, 2000.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Division of Credit Unions, John Smith, Director, P.O. Box 1607, 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.

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

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 115—State Committee of Dietitians
Chapter 1—General Rules**

PROPOSED RULE

4 CSR 115-1.010 General Organization

PURPOSE: This rule complies with section 536.023(3), RSMo, which requires each agency to adopt, as a rule, a description of its operation and the methods and procedures whereby the public may obtain information or make submissions or requests.

(1) The purpose of the committee is to regulate the use of the title licensed dietitian and/or L.D., to protect the public from misuse or misrepresentation of that title and to implement and sustain a system for the examination and licensure of dietitians in this state.

(2) The director of the Division of Professional Registration or a designated representative of the division shall be responsible for keeping minutes of committee proceedings and perform other duties as directed by the committee and/or the division.

(3) Committee meetings will generally consist of establishing requirements for issuance and renewal of licenses, reviewing applications, interviewing applicants, investigating complaints and inquiries, and determining disciplinary actions regarding licensed dietitians.

(4) The public may obtain information from the committee or make submissions or requests by writing the executive director of the committee at 3605 Missouri Boulevard, P.O. Box 1335, Jefferson City, MO 65102 or by calling (573) 522-3438 or by electronic mail (E-mail) at diet@mail.state.mo.us. The TDD number is (800) 735-2966.

(5) Unless otherwise provided by the statutes or regulations, all meetings of the committee may be conducted according to *Robert's Rules of Order*.

AUTHORITY: sections 324.200, 324.203, 324.225 and 324.228, RSMo Supp. 1999. Original rule filed March 15, 2000.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions an estimated \$4,774 annually for the life of the rule. The cost of this rule will recur annually for the life of the rule; will 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: 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 Committee of Dietitians, Vanessa Beauchamp, Executive Director, P.O. Box 1335, Jefferson City, MO 65102-1335. To be considered, comments must be received within thirty days after publication of

Division of Professional Registration
FISCAL NOTE
PUBLIC ENTITY COST

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 115 – State Committee of Dietitians

Chapter: 1 – General Rules

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 115-1.010 General Organization

Prepared December 27, 1999 by the State Committee of Dietitians of the Department of Economic Development.

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance for the Life of the Rule
State Committee of Dietitians	\$4,774

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for per diem, staff time to handle inquiries, prepare meeting agendas and to attend meetings of the council;
- 2) Expense and equipment costs are incurred for meeting preparation and committee expenses incurred for holding committee meetings;
- 3) Transfers are costs incurred for committee and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 7%	Enforcement – 3%
Personal Service	\$ 1,498	\$ 428
Expense & Equipment	\$ 730	\$ 209
Transfers	\$ 1,485	\$ 424
TOTAL	\$ 3,713	\$ 1,061

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Committee of Dietitians were determined by using the allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by a board of similar size. These annual costs will recur

each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of committee activity were identified: licensure and enforcement. The committee estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs include rent and utilities. (See Table 2, 3 & 4)

Table 2– Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$35,665	Licensure	\$21,399
\$35,665	Enforcement	\$14,266

Table 3– Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$17,391	Licensure	\$10,435
\$17,391	Enforcement	\$ 6,956

Table 4– Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$35,355	Licensure	\$21,213
\$35,355	Enforcement	\$14,142

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 7% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 3% of the time will be spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 115—State Committee of Dietitians
Chapter 1—General Rules**

PROPOSED RULE

4 CSR 115-1.020 Name and Address Changes

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

(1) A licensed dietitian shall ensure that the committee has the current legal name and address of the licensee.

(2) A licensed dietitian whose name is changed by marriage or court order shall notify the committee within thirty (30) days of the name change and provide a copy of the appropriate document verifying the name change.

(3) A licensed dietitian whose address or phone number has changed shall inform the committee in writing of the change within thirty (30) days of the effective date of this change.

AUTHORITY: sections 324.200, 324.203, 324.225 and 324.228, RSMo Supp. 1999. Original rule filed March 15, 2000.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions an estimated \$2,476 annually for the life of the rule. The cost of this rule will recur annually for the life of the rule; will 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: This proposed rule will not cost private entities more than \$500 in the aggregate. The private entity cost associated with obtaining a replacement license and/or wallhanging license is detailed in the private entity fiscal note for proposed rule 4 CSR 115-2.050 Duplicate Licenses.

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

**Division of Professional Registration
FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 115 – State Committee of Dietitians

Chapter: 1 – General Rules

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 115-1.020 Name and Address Changes

Prepared December 27, 1999 by the State Committee of Dietitians of the Department of Economic Development.

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance for the Life of the Rule
State Committee of Dietitians	\$2,476

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for per diem, staff time to handle inquiries, correspondence, and process name and address change requests and supporting documentation;
- 2) Expense and equipment costs are incurred for meeting preparation and committee expenses incurred in issuing and mailing duplicate dietitian licenses;
- 3) Transfers are costs incurred for committee and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 4%	Enforcement – 1%
Personal Service	\$ 856	\$ 143
Expense & Equipment	\$ 417	\$ 70
Transfers	\$ 849	\$ 141
TOTAL	\$2,122	\$ 354

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Committee of Dietitians were determined by using the allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by a board of similar size. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of committee activity were identified: licensure and enforcement. The committee estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs include rent and utilities. (See Table 2, 3 & 4)

Table 2– Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$35,665	Licensure	\$21,399
\$35,665	Enforcement	\$14,266

Table 3– Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$17,391	Licensure	\$10,435
\$17,391	Enforcement	\$ 6,956

Table 4– Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$35,355	Licensure	\$21,213
\$35,355	Enforcement	\$14,142

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 4% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 115—State Committee of Dietitians
Chapter 1—General Rules**

PROPOSED RULE

4 CSR 115-1.030 Complaint Handling and Disposition

PURPOSE: This rule establishes a procedure for the receipt, handling and disposition of public complaints pursuant to the mandate of section 620.010.15(6), RSMo.

(1) The Division of Professional Registration, in coordination with the State Committee of Dietitians, will receive and process each complaint made against any licensed dietitian in which the complaint alleges certain acts or practices that may constitute one (1) or more violations of the provisions of sections 324.200–324.225, RSMo, or administrative rules. Any member of the State Committee of Dietitians may file a complaint with the division or committee while holding office provided that member is excused from further committee deliberation or activity concerning the matters alleged within that complaint. Any division staff member or committee member may file a complaint pursuant to this rule in the same manner as any member of the public.

(2) Complaints shall be mailed or delivered to the following address: State Committee of Dietitians, 3605 Missouri Boulevard, P.O. Box 1335, Jefferson City, MO 65102.

(3) All complaints shall be made in writing and shall fully identify the complainant by name and address. Verbal or telephone communication will not be considered or processed as a complaint, however, the person making such communication will be asked to supplement the communication with a written complaint. Complaints may be based upon personal knowledge, or upon information and belief, reciting information received from other sources. Individuals with special needs, as addressed by the Americans with Disabilities Act, may notify the committee office at (573) 522-3438 for assistance. The text for the hearing impaired is (800) 735-2966.

(4) Each complaint received under this rule will be logged and maintained by the division. The log will contain a record of each complainant's name; the name and address of the subject(s) of the complaint; the date each complaint was received by the division/committee; a brief statement concerning the alleged acts or practices and the ultimate disposition of the complaint. This log shall be a closed record of the division.

(5) Each complaint received under this rule shall be acknowledged in writing. The complainant and licensee shall be notified of the ultimate disposition of the complaint.

(6) This rule shall not be deemed to limit the authority of the committee to file a complaint with the Administrative Hearing Commission charging the licensee with any actionable conduct or violation, whether or not such a complaint exceeds the scope of the acts charged in a preliminary public complaint filed with the committee.

(7) The division shall interpret this rule, which is required by law, to exist for the benefit of those members of the public who submit complaints to the committee. This rule is not deemed to protect, or inure the benefit of those licensees or other persons against whom the committee has instituted or may institute administrative or judicial proceedings concerning possible violations of the provisions of sections 324.200–324.225, RSMo.

AUTHORITY: sections 324.217, 324.228 and 620.010.15(6), RSMo Supp. 1999. Original rule filed March 15, 2000.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions an estimated \$26,531 annually for the life of the rule. The cost of this rule will recur annually for the life of the rule; will 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: 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 Committee of Dietitians, Vanessa Beauchamp, Executive Director, P.O. Box 1335, Jefferson City, MO 65102-1335. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Division of Professional Registration
FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 115 – State Committee of Dietitians

Chapter: 1 – General Rules

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 115-1.030 Complaint Handling and Disposition

Prepared December 27, 1999 by the State Committee of Dietitians of the Department of Economic Development.

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance for the Life of the Rule
State Committee of Dietitians	\$26,531

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for per diem, staff time to handle inquiries, correspondence, process complaints and supporting documentation, prepare meeting agendas, attend meetings of the committee and to implement committee/division directives;
- 2) Expense and equipment costs are incurred for meeting preparation and committee expenses incurred for monitoring complaint and investigations;
- 3) Transfers are costs incurred for committee and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 0%	Enforcement – 75%
Personal Service	\$ 0	\$ 10,700
Expense & Equipment	\$ 0	\$ 5,224
Transfers	\$ 0	\$ 10,607
TOTAL	\$ 0	\$ 26,531

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Committee of Dietitians were determined by using the allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by a board of similar size. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of committee activity were identified: licensure and enforcement. The committee estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs include rent and utilities. (See Table 2, 3 & 4)

Table 2– Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$35,665	Licensure	\$21,399
\$35,665	Enforcement	\$14,266

Table 3– Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$17,391	Licensure	\$10,435
\$17,391	Enforcement	\$ 6,956

Table 4– Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$35,355	Licensure	\$21,213
\$35,355	Enforcement	\$14,142

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 0% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 75% of the time will be spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)