

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

PROPOSED AMENDMENT

4 CSR 220-2.080 Electronic Data Processing. The board is proposing to amend section (2), add language in a new section (3), renumber the remaining sections accordingly, and amend the newly renumbered section (11).

PURPOSE: This rule amendment establishes procedures for using a prescription hard copy number.

(2) Any EDP system used by any pharmacy for record keeping shall comply with the requirements of section 338.100, RSMo, including the capability to store and retrieve the following information concerning the filling or refilling of any prescription:

(A) Original prescription number **and, if utilized, a prescription hard copy number may be assigned that is different from the assigned original prescription number;**

(3) Prescription hard copies must be filed by either the prescription number or by the hard copy number. Prescription hard copies must be retrievable at the time of inspection.

[(3)] (4) Any pharmacy using an EDP system as described in section (1) shall provide documentation that the information concerning the refills of prescriptions entered into the system for all prescription drugs is accurate. This documentation shall include:

(A) The initials or code designation of the dispensing pharmacist for each refill;

(B) The date of the refill;

(C) The quantity of substances refilled;

(D) The number of authorized refills or dispensable units remaining;

(E) If additional refills are authorized and added to an existing prescription, a notation indicating the method and source of the authorization must be a part of the EDP record or hard copy, in that case the expiration date of the original prescription shall remain the same; and

(F) If any other alteration is made in the original prescription record, a clear audit trail must be maintained. This shall include, but is not limited to, a change in authorizing physician, a change in total quantity ordered or a change in directions.

[(4)] (5) Any pharmacy using an EDP system as described in section (1) shall maintain one (1) of the following:

(A) A bound logbook or separate file in which each pharmacist involved in the pharmacy's record keeping system shall sign a statement each day attesting that information concerning the refill of prescriptions has been entered into the system for that day and that the pharmacist has reviewed the information for accuracy. The logbook or file shall be maintained at the pharmacy for at least five (5) years after the date the drugs, medicines or poisons are dispensed; or

(B) A printout of each day's prescription information. This printout shall be verified and signed by the dispensing pharmacist in the same manner as signing any other legal document. The pharmacist shall verify that the information set forth on the printout is correct. The report shall be maintained by the pharmacy for five (5) years from the date of the prescription activity that it represents and shall be stored in chronological order. The information on the printout shall include, at a minimum, the following:

1. Original prescription number;

2. Patient's name;

3. Name of drug, medicine or poison dispensed;

4. Quantity of drug, medicine or poison dispensed;

5. Dosage form, if applicable;

6. Prescriber's name and DEA number; provided, that this information may be handled through an on-line retrieval where required for controlled substances; and

7. Dispensing pharmacist's code or initials for each prescription. If a code is used, the definition for that code must be available.

[(5)] (6) Any pharmacy opting for the system described in subsection (4)(B) shall have the printout required in its possession within three (3) working days after each day's activities.

[(6)] (7) Any hospital pharmacy using an EDP system, as described in section (1), for outpatient prescriptions, employee prescriptions and take-home prescriptions shall conform to all sections of this rule.

[(7)] (8) Any EDP system, as described in section (1), must be capable of producing the record required in subsections (2)(A)–(M) within three (3) working days.

[(8)] (9) An auxiliary record keeping system shall be established for the documentation of refills if the EDP system is inoperative for any reason. The auxiliary system shall insure that all refills are authorized by the original prescription or prescriber. When this EDP system is restored to operation, the information regarding prescriptions filled and refilled during the inoperative period shall be entered into the EDP system within seven (7) working days. However, nothing in this section shall preclude the pharmacist from using his/her professional judgment for the benefit of a patient's health and safety.

[(9)] (10) If a prescription is transferred to or from a pharmacy using an EDP system, the information required in 4 CSR 220-2.120(2)(A)1. must be made a part of the hard copy prescription as noted. If a prescription is transferred from a pharmacy using an EDP system, a notation or deactivation must be made on the transferred record to preclude any further dispensing. If the same prescription is transferred back into the original pharmacy, it shall be treated as a new record, showing the original date written and expiration date.

[(10)] (11) Prior to or simultaneously with the purging of any EDP system, the pharmacist-in-charge or permit holder shall make certain that a record of all prescription activity being erased exists in readable form, either on paper, *[or]* microfiche or electronic media storage. **A pharmacy that desires to discard hard copy prescriptions that are more than three (3) years old must maintain all prescription information on microfiche or electronic media. Any process utilizing microfiche must ensure that all data is available and in readable form. Any pharmacy opting for the utilization of microfiche records must also maintain a microfiche reader so that records may be reviewed on-site by pharmacy personnel or board inspectors. Electronic media storage is defined as any medium such as a computer, floppy disk or diskette, CD or other electronic device that can reproduce all prescription information as required by section 338.100, RSMo and this rule and is retrievable within the time frame defined in section (8) of this rule.**

[(11)] (12) If coded information exists in the electronic EDP, the board inspector may request the definitions of the codes from the pharmacist on duty for immediate review.

[(12)] (13) The EDP system shall be able to provide a listing of drug utilization for any drug for a minimum of the preceding twelve (12)-month period. Drug utilization information shall be available by specific drug product, patient name or practitioner. If

requested to do so, the pharmacy shall have three (3) working days to provide the report.

[(13)] (14) The provisions of this rule shall not conflict with any federal laws or regulations. If any part of this rule is declared invalid by a court of law, that declaration shall not affect the other parts of the rule.

AUTHORITY: sections 338.100 and 338.140, *RSMo Supp. 1999 and 338.280, RSMo [1986] 1994*. Original rule filed March 8, 1984, effective Aug. 11, 1984. Amended: Filed Nov. 4, 1985, effective Feb. 24, 1986. Rescinded and readopted: Filed Dec. 5, 1988, effective March 11, 1989. 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 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 220-2.100 Continuing Pharmacy Education. The board is proposing to amend paragraphs (2)(C)3., (2)(C)4., (2)(C)5. and (2)(C)7., amend sections (3), (5), (7), and (9), and delete the forms that immediately follow this rule in the *Code of State Regulations*.

PURPOSE: This rule amendment allows the board to go to a biennial renewal.

(2) A continuing education program for pharmacists means post-graduate studies that have prior approval of the Missouri Board of Pharmacy to fulfill the requirements of continuing education for relicensure in Missouri. This may include institutes, seminars, lectures, conferences, workshops, extension study, correspondence courses, teaching, professional meetings, self-study courses and any other methods which may be approved by the board, but in any case, the studies must be pharmacy-related.

(C) Continuing pharmacy education programs shall be approved by one (1) of the following methods:

1. All continuing pharmacy education programs offered by providers approved by the American Council on Pharmaceutical Education will be accepted as meeting the requirements of continuing education for relicensure as a pharmacist in Missouri;

2. The Missouri Board of Pharmacy may approve continuing education programs offered by providers who are not approved by the American Council on Pharmaceutical Education. Criteria for approval of those programs shall be based on the criteria promulgated by the American Council on Pharmaceutical Education in its publication "Accreditation Standards and Guidelines" section on Approval of Providers of Pharmaceutical Education, Pages III-1 through III-C. Application to the board for this approval must be made at least three (3) months in advance of the program date to guarantee notification of certification status at least thirty (30) days prior to the date of the program. Applications received less than

three (3) months prior to the date of the program cannot be guaranteed to be certified prior to the date of the program. In any case, applications shall be received by the board two (2) months prior to the program date. Application to the board for this approval shall be made on and in accordance with forms established by the board. The forms shall require detailed information relating to administration and organization, budget and resources, teaching staff, educational content and development, methods of delivery, facilities and evaluation;

3. Any pharmacist whose primary responsibility is not the education of health professionals who leads, instructs or lectures to groups of nurses, physicians, pharmacists or others on pharmacy-related topics in organized continuing education or in-service programs shall be granted continuing education credit for the time expended during actual presentation upon adequate documentation to the Missouri Board of Pharmacy. Application for approval shall be made in accordance with procedures in section (2) of this rule. Credit for the same presentation or program will be allowed only once during a renewal *[year]* period;

4. Any pharmacist whose responsibility is the education of health professionals shall be granted continuing education credit only for time expended in leading, instructing or lecturing to groups of physicians, pharmacists, nurses or others on board-approved pharmacy-related topics in an organized continuing education or in-service program outside his/her formal responsibilities in a learning institution. Approval will be requested using procedures in section (2) and submitted to the Missouri Board of Pharmacy. Credit for the same presentation or program will be allowed only once during a renewal *[year]* period;

5. Credit will be given for undergraduate or graduate studies in any regionally accredited pharmacy, medical or dental educational institution of higher learning. Satisfactory proof of course completion, as required by the board, must be submitted with the renewal notice. The following hourly equivalents will be used by the board in assessing credits:

3 hours *[']* college credit = 15 contact hours

2 hours *[']* college credit = 10 contact hours

1 hour college credit = 5 contact hours

6. One and one-half (1.5) continuing education unit (CEU) will be the equivalent of fifteen (15) clock hours of participation in programs approved by the Missouri Board of Pharmacy; and

7. Continuing education hours earned in another state will be accepted by the Missouri Board of Pharmacy provided the hours are acquired **within the same renewal period** and are certified by *[that]* the other state board of pharmacy.

(3) Each licensed pharmacist, instead of submitting proof of the completion of the required continuing education courses, may apply for an inactive license at the time s/he makes application for the renewal of his/her license and pay the required renewal fee. An inactive license then shall be issued and may be renewed *[annually]* during the renewal period. While the inactive license is in effect, the pharmacist shall not practice pharmacy.

(5) Before any inactive license can be reactivated to active status, the licensee shall submit proper evidence that s/he has obtained at least *[ten (10)] fifteen (15)* contact hours for each year that his/her license was inactive. It shall be permissible for the licensee to obtain the required contact hours during any time period, while the license is on inactive status, as long as they are obtained prior to activation to active status.

(7) A pharmacist first licensed by the board within *[six (6)] nine (9)* months immediately preceding the *[annual]* biennial renewal date shall be exempt from the continuing pharmacy education requirements for that *[registration]* licensure period.

(9) The proof of completion of continuing education requirements shall be submitted with the [annual] renewal notice [with] and the appropriate fees by submitting—

AUTHORITY: sections 338.043, [and] 338.060 and 338.140, RSMo [Supp. 1997] Supp. 1999. Original rule filed Nov. 9, 1984, effective April 11, 1985. Amended: Filed Nov. 21, 1997, effective June 30, 1998. Amended: Filed March 15, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate. In actuality, this amendment will result in a cost savings to the State Board of Pharmacy because of reduced printing and mailing costs by going to a 2-year renewal cycle.

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 RULE

4 CSR 220-2.145 Minimum Standards for Multi-Med Dispensing

PURPOSE: This rule establishes standards for multi-med dispensing.

(1) In lieu of dispensing two (2) or more prescribed drug products in separate containers, a pharmacist may, with the consent of the patient, the patient's caregiver, or a prescriber, provide a customized patient medication package (patient med pak).

(2) A patient med pak is a package prepared by a pharmacist for a specific patient comprising a series of containers and containing two (2) or more prescribed solid oral dosage forms. The patient med pak is so designed or each container is so labeled as to indicate the day and time, or period of time that the contents within each container are to be taken.

(A) The patient med pak shall bear a label stating:

1. The name of the patient;
2. A serial number for the patient med pak itself and a separate identifying serial number for each of the prescription orders for each of the drug products contained therein;
3. The name, strength, physical description or identification and total quantity of each drug product contained therein;
4. The directions for use and cautionary statements if any, contained in the prescription order for each drug product therein;
5. Any storage instructions or cautionary statements required by the official compendia;
6. The name of the prescriber of each drug product;
7. The date of preparation of the patient med pak and the beyond-use date assigned to the patient med pak (such beyond-use date shall be not later than sixty (60) days from the date of preparation);
8. The name, address, and telephone number of the dispenser; and

9. Any other information, statements, or warnings required for any of the drug products contained therein.

(B) If the patient med pak allows for the removal or separation of the intact containers therefrom, each individual container shall bear a label identifying each of the drug products contained therein.

(C) The patient med pak shall be accompanied by a patient package insert, in the event that any medication therein is required to be dispensed with such insert as accompanying labeling. Alternatively, such required information may be incorporated into a single, overall, educational insert provided by the pharmacist for the total patient med pak.

(D) In the absence of more stringent packaging requirements for any of the drug products contained therein, each container of the patient med pak shall comply with the moisture permeation requirements for a Class B single-unit or unit-dose container. Each container shall be either not reclosable or so designed as to show evidence of having been opened.

(E) It is the responsibility of the dispenser, when preparing a patient med pak, to take into account any applicable compendial requirements or guidelines and the physical and chemical compatibility of the dosage forms placed within each container, as well as any therapeutic incompatibilities that may attend the simultaneous administration of the medications. In this regard, pharmacists are encouraged to report to USP headquarters any observed or reported incompatibilities.

(F) In addition to any individual prescription filing requirements, a record of each patient med pak shall be made and filed. Each record shall contain, at a minimum:

1. The name and address of the patient;
2. The serial number of the prescription order for each drug product contained therein;
3. The name of the manufacturer or labeler and lot number for each drug product contained therein;
4. Information identifying or describing the design, characteristics, or specifications of the patient med pak sufficient to allow subsequent preparation of an identical patient med pak for the patient;
5. The date of preparation of the patient med pak and the beyond-use date that was assigned;
6. Any special labeling instructions; and
7. The name or initials of the pharmacist who prepared the patient med pak.

(G) There is no special exemption for patient med paks from the requirements of the Poison Prevention Packaging Act. Thus the patient med pak, if it does not meet child-resistant standards, shall be placed in an outer package that does comply, or the necessary consent of the purchaser or physician, to dispense in a container not intended to be child-resistant, shall be obtained.

(H) Once a patient med pak has been delivered to an institution or to a patient it shall not be returned to the pharmacy.

(I) Multi-med packaging of controlled substances is prohibited.

AUTHORITY: sections 338.010, RSMo 1994 and 338.059 and 338.140, RSMo Supp. 1999. Original rule 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 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 4—Fees Charged by the Board of Pharmacy
PROPOSED AMENDMENT

4 CSR 220-4.010 General Fees. The board is proposing to amend subsection (1)(D).

PURPOSE: This rule amendment allows the board to take its licensees to a biennial renewal.

(1) The following fees are established by the State Board of Pharmacy:

(D) Pharmacist License Renewal Fee \$ [80.00] 160.00

AUTHORITY: sections 338.013, 338.035, 338.060, 338.070, 338.140, 338.220 and 338.350, RSMo [Supp. 1997] Supp. 1999 and 338.020, 338.040, 338.185 and 338.280, RSMo 1994. Emergency rule filed July 15, 1981, effective Aug. 3, 1981, expired Nov. 11, 1981. Original rule filed Aug. 10, 1981, effective Nov. 12, 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 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 5—Drug Distributor
PROPOSED AMENDMENT

4 CSR 220-5.020 Drug Distributor Licensing Requirements. The board is proposing to amend section (1) and subsection (8)(B) and delete the forms that immediately follow this rule in the Code of State Regulations.

PURPOSE: The purpose of the amendment is to set out specific language that drug distributors can only purchase or receive legend drugs and drug-related devices from a licensed or registered drug distributor or licensed pharmacy. This proposed amendment has been reviewed by the Drug Distributor Advisory Committee, as required by section 338.140, RSMo.

(1) As defined in section 338.315, RSMo, pharmacies and all individuals employed by pharmacies shall purchase or receive legend drugs only from a licensed or registered drug distributor or licensed pharmacy. For purposes of this rule, the term drug distributor is used to define anyone engaged in an activity as defined in section 338.330, RSMo. **Drug distributors as defined in 338.330, RSMo, shall only purchase or receive legend drugs and drug related devices from a licensed or registered drug distributor or licensed pharmacy.**

(8) The Board of Pharmacy may grant a temporary license to a wholesale or pharmacy drug distributor to allow for the conduct of business within the state until a determination by the board is made on the issuance of a permanent license.

(B) A license must be posted in a [conspicuous] conspicuous place in the facility to which it is issued.

AUTHORITY: sections 338.330, 338.335 and 338.350, RSMo [1994] Supp. 1999 and 338.333, 338.337 and 338.340, RSMo 1994. Original rule filed Feb. 4, 1991, effective June 10, 1991. Amended: Filed April 28, 1992, effective Feb. 26, 1993. Amended: Filed Jan. 27, 1995, effective Sept. 30, 1995. 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 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 5—Drug Distributor
PROPOSED AMENDMENT

4 CSR 220-5.030 Definitions and Standards for Drug Wholesale and Pharmacy Distributors. The board is proposing to amend sections (2), and (9), and add a new section (10).

PURPOSE: The purpose of this amendment is to reduce the education requirements for the manager-in-charge from 6 years to 2 years. This proposed amendment has been reviewed by the Drug Distributor Advisory Committee, as required by section 338.140.4, RSMo.

(2) No drug distributor license will be issued unless the facility is under the direct supervision of a manager-in-charge.

(B) A person must also have appropriate education, experience, or both, before assuming the duties of manager-in-charge. **Appropriate education for purposes of this section is defined as education in the areas of work environment, standards of operation and knowledge of laws concerning drug distributor compliance and requirements.**

1. Minimum requirements for education/experience may be attained separately or in combination to total [six (6) years] **two (2) years.**

2. Experience within a drug wholesale or pharmacy distributor facility or in any education endeavor beyond a certificate of graduation from an accredited high school or its equivalent may be utilized in meeting these minimum requirements.

(C) Any individual that is considered a manager or supervisor within a facility but is not the manager-in-charge of the facility must meet the minimum education/experience requirements as set forth in this rule for a total of [three (3) years] **one (1) year.**

(E) **Drug distributor operations must be conducted at all times under the supervision of a properly designated manager-in-charge.** When the person who is manager-in-charge resigns or is terminated from the position, the holder of the license shall immediately notify the board office of the resignation or termination of the manager-in-charge and by notarized affidavit give the name of the new manager-in-charge.

(9) As used in section 338.330(3), RSMo, the term "drug related device" shall be defined as an article that is not considered a prescription drug under federal law, but which meets the definition of

a device as provided in 21 U.S.C. 321(h) and 21 U.S.C. [360(j) and (e)] 360j(e).

(10) Brokers, their agents and employees, who act only in the capacity of an agent who arranges or negotiates agreements or contracts for the transfer of drugs or drug related devices and do not take actual possession of the drugs or drug related devices are exempt from maintaining any equipment or physical location requirements involved in the actual storage and distribution of drugs. Brokers shall be responsible for all record keeping requirements as outlined in subsections (3)(I), (J), (K) and (L).

AUTHORITY: sections 338.343, [and 338.350.] RSMo 1994 and 338.350, RSMo Supp. 1999. Original rule filed Feb. 4, 1991, effective June 10, 1991. Amended: Filed Jan. 27, 1995, effective Sept. 30, 1995. 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 and in actuality, it will result in a cost savings to the licensee because of the lower educational/experience requirements as concerns recruitment and/or educational costs. It is estimated that per individual manager-in-charge, an entity might incur recruitment costs of up to \$1,000, and additional educational costs from \$2,000 to \$5,000 with the existing provisions of this rule. However, with this amendment, those costs would be reduced. An additional savings to the private entity involves brokers, who will be exempted from certain physical requirements for the storage and distribution of drugs. Because the physical attributes of drug distributor facilities vary greatly in square footage and volume of equipment, it is not possible to establish an estimated savings.

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 5—Drug Distributor

PROPOSED AMENDMENT

4 CSR 220-5.050 Out-of-State Distributor License Registration Requirements. The board proposes to amend sections (1) and (2) of this rule and remove the forms following the rule from the *Code of State Regulations*.

PURPOSE: The board proposes to amend sections (1) and (2) of this rule to include the term "foreign jurisdiction" in the regulation.

(1) Out-of-state wholesale drug distributors or out-of-state pharmacy distributors may be licensed, as required by sections 338.210–338.370, RSMo by reciprocity, if they—

(A) Possess a valid license in good standing in the state **or foreign jurisdiction** in which they are located pursuant to legal standards comparable to those which must be met by a distributor of this state as prerequisites for obtaining a license under the laws of this state; and

(B) Are located in a state **or foreign jurisdiction** which extends reciprocal treatment under its own laws to a wholesale distributor of this state.

(2) Out-of-state wholesale drug and pharmacy distributors shall not ship, mail or deliver prescription drugs into Missouri without first obtaining a license from the Missouri Board of Pharmacy.

(A) In order for an out-of-state wholesale drug or pharmacy distributor to maintain a license, it must comply with each of the following:

1. Maintain in good standing a license from the state **or foreign jurisdiction** in which the nonresident distributor is located provided that a license is issued by that state **or foreign jurisdiction**;

2. Submit an application as provided by the board for licensure in compliance with sections 338.333 and 338.337, RSMo and with 4 CSR 220-5.020;

3. Pay all appropriate fees;

4. Submit a copy of the state **or foreign jurisdiction** license or its equivalent from the state **or foreign jurisdiction** in which the distributor is located provided that a license is issued by that state **or foreign jurisdiction**;

5. Submit a copy of the state **or foreign jurisdiction** and federal controlled substance registrations from the state **or foreign jurisdiction** in which they are located, if controlled substances are to be shipped into Missouri; and

6. Submit copies, when requested by the board, of any inspection reports, warning notices, notice of deficiency reports or any other related reports from the state **or foreign jurisdiction** in which it is located concerning the operation of an out-of-state drug or pharmacy distributor for review of compliance with state, [and] federal **or foreign jurisdiction** drug laws.

(B) The Missouri Board of Pharmacy will extend reciprocal cooperation to any state **or foreign jurisdiction** that licenses and regulates out-of-state drug or pharmacy distributors for the purpose of investigating complaints against distributors located in Missouri or the sharing of information and investigative reports, as long as the other state **or foreign jurisdiction** will extend the same reciprocal cooperation to the Missouri Board of Pharmacy.

AUTHORITY: sections 338.330, 338.335 and 338.350, RSMo [Cum. Supp. 1989] Supp. 1999 and 338.333 and 338.337, RSMo 1994. Original rule filed Feb. 4, 1991, effective June 10, 1991. 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: The private entity cost for this proposed amendment is estimated to be \$4,884.30 for the first year of implementation of the rule. Thereafter, the board is anticipating ten (10) individuals will apply for an original license annually and estimates the total annual cost will be \$7,765.30 plus a continuous annual increase of \$2,881.10 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. 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 Board of Pharmacy, Kevin E. Kinkade, R. Ph., Executive Director, P.O. Box 625, Jefferson City, MO 65102 or by FAX at (573) 526-3464. 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: 222 - Division of Professional Registration/Missouri Board of Pharmacy
Chapter: 5 – Drug Distributor
Type of Rulemaking: Proposed Amendment
Rule Number and Name: 4 CSR 220-5.050 Out-of-State Distributor License Registration Requirements

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate annual cost of compliance with the rule by the affected entities:
10	Individuals (original application fee)	\$2,500.00
10	Individuals (fingerprinting fee)	\$360.00
10	Individuals (postage to mail original application)	\$21.00
10	Individuals (license renewal fee)	\$2,000
10	Individual (postage to mail renewal)	\$3.30

Estimated Cost of Compliance for the First Year of Implementation of the Rule **\$4884.30**

Estimated Annual Cost of Compliance for the Life of the Rule **\$7,765.30 plus a continuous annual increase of \$2,881.00**

III. WORKSHEET

- Original application fee @ \$250.00
- Fingerprinting fee @ \$36.00
- Postage to mail original application @ \$2.10
- License Renewal Fee @ \$200.00
- Postage to mail renewal @ \$.33

IV. ASSUMPTIONS

1. The board estimates that approximately ten (10) applications will be received from drug distributors located in foreign jurisdictions per year. The application fee is set out in 4 CSR 220-4.010. The board estimates this application process will cost each applicant approximately \$288.10.

2. The renewal fee is set out in 4 CSR 220-4.010. The board estimates this application process will cost each applicant approximately \$200.33.
3. It is not possible to estimate costs that an applicant could occur should the board investigate his/her background, such costs could include legal representation, delay of licensure approval, etc.
4. The private entity cost for this proposed amendment is estimated to be \$4,884.33.00 for the first year of implementation of the rule. Thereafter, the board is anticipating an ten (10) individuals will apply for an original license annually and estimates the total annual cost will be \$7,765.30 plus a continuous annual increase of \$2,881.00 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 220—State Board of Pharmacy
Chapter 5—Drug Distributor**

PROPOSED RULE

4 CSR 220-5.070 Standards of Operation for Medical Gas Distributors

PURPOSE: This rule establishes standards of operation for medical gas distributors. This proposed rule has been reviewed by the Drug Distributor Advisory Committee as required by section 338.140.4, RSMo.

(1) Medical gases are defined as compressed gases and liquid gases that a distributor or manufacturer has labeled for medical use in compliance with federal law.

(2) Medical gas distributor is defined as an entity which is licensed by the board as a drug distributor and is involved in the distribution of medical gases and related medical devices pursuant to a medical gas order to medical gas suppliers and other entities that are registered, licensed or permitted to use, administer or distribute medical gases.

(3) Medical gas distributors that are not involved in the storage or transfer of any other federal legend drugs and only store, transfer or transfill medical grade gas products other than nitrous oxide are exempt from the following regulation sections: 4 CSR 220-5.030(3)(B); (3)(C)4., 9., 11., 12., 13.; (3)(E); (3)(H) and (3)(M)4. Medical gas distributors that store, transfer or transfill nitrous oxide are exempt from 4 CSR 220-5.030(3)(B); (3)(C)4., 9., 11.; (3)(E) and (3)(M)4. All other drug distributor requirements contained within the board's regulations shall be considered applicable to medical gas distributors.

(4) A medical gas distributor that is involved in the manufacture/transfilling of medical gases must register with the Food and Drug Administration (FDA) as a medical gas manufacturer and comply with the drug listing requirements of the federal act. In addition, all current good manufacturing practice requirements as set forth in 21 CFR 210 through 211 must be complied with.

AUTHORITY: sections 338.050, 338.333, 338.337 and 338.340, RSMo 1994 and 338.335, RSMo Supp. 1999. Original rule 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 and will in fact, result in a cost savings to approximately 175 licensees, because of the exemption granted from portions of the minimum standards for equipment, storage and record keeping requirements. Because of the variation of settings and costs, it is not possible to determine an accurate cost savings, however, it is estimated to be in the range of \$3,000 to \$4,000 dollars annually per medical gas licensee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule 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 235—State Committee of Psychologists
Chapter 1—General Rules**

PROPOSED AMENDMENT

4 CSR 235-1.020 Fees. The committee is proposing to amend section (1).

PURPOSE: This rule amends various fees charged by the State Committee of Psychologists and allows the board to take its licensees to a biennial renewal.

(1) The following fees are established for the State Committee of Psychologists and are payable *[in the form of a cashier's check, personal check or money order]* to the State Committee of Psychologists:

- (A) Application for **Provisional Licensure or Application for Temporary Licensure or Application for Licensure Fee** \$ 150.00
- (C) Oral *[Interview]* **Examination Fee** \$ 100.00
- (D) Jurisprudence Examination Fee *[\$ 60.00]* **\$ 50.00**
- (E) Reexamination Fees—
 - 1. EPPP Fee \$350.00
 - 2. Oral *[Interview]* **Examination Fee** \$100.00
 - 3. Jurisprudence Examination Fee *[\$ 60.00]* **\$ 50.00**
- [(F) Reciprocity/Endorsement of Score Fee \$ 50.00]*
- [(G) (F) [Annual] Biennial Renewal Fee [\$150.00] \$300.00]*
- [(H) (G) [Annual] Delinquency Fee (effective February 1 after each renewal period, in addition to the [Annual] Renewal Fee) \$ 150.00]*
- [(I) (H) Photocopy Fee (per page) \$.50]*
- [(J) (I) Licensure Verification/Transfer of Score to Other States Fee \$ 25.00]*
- [(K) (J) Replacement of Wall-Hanging License Fee \$ 25.00]*
- [(L) (K) Insufficient Funds Check Service Charge \$ 50.00]*
- [(M) (L) Prior Review Fee (educational experience) \$ 100.00]*
- [(N) (M) Prior Review Fee (postdegree supervision) \$ 100.00]*
- [(O) (N) Health Service Provider Application Fee \$ 100.00]*
- [(P) (O) Health Service Provider [Annual] Biennial Renewal Fee [\$ 50.00] \$100.00.]*

AUTHORITY: section 337.030.4, RSMo [Supp. 1998] Supp. 1999. Emergency rule filed Dec. 9, 1981, effective Jan. 11, 1982, expired April 4, 1982. Original rule filed Dec. 9, 1981, effective April 4, 1982. For intervening history, please consult the Code of State Regulations. Amended: Filed March 10, 2000.

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

PRIVATE COST: This proposed amendment will not cost private entities 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 Committee of Psychologists, P.O. Box 1335, 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 10—DEPARTMENT OF NATURAL RESOURCES
Division 45—Metallic Minerals Waste Management
Chapter 1—Organization

PROPOSED AMENDMENT

10 CSR 45-1.010 General Organization. The department is amending section (3).

PURPOSE: The purpose of this proposed amendment is to change the name of the agency within the Department of Natural Resources that is authorized to administer the requirements of the Metallic Minerals Waste Management Act from the Water Pollution Control Program to the Land Reclamation Program.

(3) The Department of Natural Resources staff working under the provisions of the Metallic Minerals Waste Management Act are within the Division of Environmental Quality, [Water Pollution Control] Land Reclamation Program with its central office in Jefferson City, Missouri. Local information can be obtained from one (1) of six (6) regional offices located in Jefferson City, Kansas City, Macon, Poplar Bluff, St. Louis and Springfield.

AUTHORITY: sections 444.352–444.380, RSMo [(Supp. 1989)] 1994 and Supp. 1999 and 536.023(3), RSMo [1986] Supp. 1999. Original rule filed Oct. 2, 1990, effective April 29, 1991. Amended: Filed Jan. 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 the Department of Natural Resources, Land Reclamation Program, Larry Coen, Staff Director, P.O. Box 176, 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 10—DEPARTMENT OF NATURAL RESOURCES
Division 45—Metallic Minerals Waste Management
Chapter 2—Definitions

PROPOSED AMENDMENT

10 CSR 45-2.010 Definitions. The department is amending subsection (2)(J).

PURPOSE: The purpose of this proposed amendment is to correct a statutory reference found in the Metallic Minerals Waste Management Act, section 444.352, relating to the metallic minerals waste disposal areas or waste management areas.

(2) This section contains additional definitions of terms used in 10 CSR 45.

(J) Metallic minerals waste management area boundary. The final planned outermost limits of the metallic minerals waste disposal areas or waste management areas as defined in section 444.352[(9)] (10), RSMo [(Cum.) Supp. 1989]]. This boundary will identify and encompass the areas used to compute the required amount of financial assurance.

AUTHORITY: sections 444.352–444.380, RSMo [Supp. 1989]] 1994 and Supp. 1999 and 536.023(3), RSMo Supp. 1999.

Original rule filed Oct. 2, 1990, effective April 29, 1991. Amended: Filed Jan. 19, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies 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 Natural Resources, Land Reclamation Program, Larry Coen, Staff Director, P.O. Box 176, 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 10—DEPARTMENT OF NATURAL RESOURCES
Division 45—Metallic Minerals Waste Management
Chapter 3—Administrative Penalties

PROPOSED RESCISSION

10 CSR 45-3.010 Administrative Penalties. This rule set forth the procedures for determining the amount of an administrative penalty for a violation of the Metallic Minerals Waste Management Act, sections 444.352 to 444.380, RSMo or any rule related to said act, and the associated appeals provisions.

PURPOSE: The Department of Natural Resources is proposing to rescind this rule and propose a new rule that more clearly details the procedures for determining the amount of an administrative penalty for a violation of the Metallic Minerals Waste Management Act, sections 444.352 to 444.380 RSMo.

AUTHORITY: section 444.380, RSMo Supp. 1990. Original rule filed Dec. 31, 1991, effective June 25, 1992. Rescinded: Filed Jan. 19, 2000.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Natural Resources, Land Reclamation Program, Larry Coen, Staff Director, P.O. Box 176, 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 10—DEPARTMENT OF NATURAL RESOURCES
Division 45—Metallic Minerals Waste Management
Chapter 3—Administrative Penalties

PROPOSED RULE

10 CSR 45-3.010 Administrative Penalty Assessment

PURPOSE: This rule establishes the procedures for assessment of administrative penalties under the Metallic Minerals Waste Management Act.

(1) General Provisions.

(A) Pursuant to section 444.376, RSMo, and in addition to any other remedy provided by law, upon determination by the department that a provision of sections 444.350–444.380, RSMo, or a standard, limitation, order or rule or regulation promulgated, or a term or condition of any permit has been violated, the department may issue an order assessing an administrative penalty upon the violator. The amount of the administrative penalty will be determined according to section (3) of this rule. In no event may the total penalty assessed per day of violation exceed the statutory maximum specified in section 444.375, RSMo.

(B) An administrative penalty shall not be imposed until the department has sought to resolve the violations through conference, conciliation and persuasion and shall not be imposed for minor violations. If the violation is resolved through conference, conciliation and persuasion, no administrative penalty shall be assessed unless the violation has caused, or has the potential to cause, a risk to human health or to the environment, or has caused or has potential to cause pollution, or was knowingly committed, or is not a minor violation.

(C) An order assessing an administrative penalty shall be served upon the operator, owner or appropriate representative through United States Postal Service certified mail, return receipt requested, a private courier or messenger service which provides verification of delivery or by hand delivery to the operator's or owner's residence or place of business. An order assessing an administrative penalty shall be considered as appropriately served if verified receipt is made by the operator's or owner's appropriate representative. A refusal to accept, or a rejection of certified mail, private courier or messenger service delivery or by hand delivery of an order assessing an administrative penalty constitutes service of the order.

(D) The department may at any time withdraw without prejudice any administrative penalty order.

(E) An order assessing an administrative penalty shall describe the nature of the violation(s), the amount of the administrative penalty being assessed and the basis of the penalty calculation.

(2) Definitions.

(A) Definitions for key words used in this rule may be found in 10 CSR 45-10.012.

(B) Additional definitions specific to this rule are as follows:

1. Conference, conciliation and persuasion—A process of verbal or written communications, consisting of meetings, reports, correspondence or telephone conferences between authorized representatives of the department and the alleged violator. The process shall, at minimum, consist of one offer to meet with the alleged violator tendered by the department. During any such meeting, the department and the alleged violator shall negotiate in good faith to eliminate the alleged violation and shall attempt to agree upon a plan to achieve compliance;

2. Economic benefit—Any monetary gain which accrues to a violator as a result of noncompliance;

3. Gravity-based assessment—The degree of seriousness of a violation taking into consideration the risk to human health and the environment posed by the violation and considering the extent of deviation from sections 444.350–444.380, RSMo;

4. Minor violation—A violation which possesses a small potential to harm the environment or human health or cause pollution, was not knowingly committed, and is not defined by the United States Environmental Protection Agency (U.S. EPA) as other than minor;

5. Multiple violation penalty—The sum of individual administrative penalties assessed when two (2) or more violations are included in the same complaint or enforcement action; and

6. Multi-day violation—A violation which has occurred on or continued for two (2) or more consecutive or nonconsecutive days.

(3) Determination of Penalties. The amount of an administrative penalty will involve the application of a gravity-based assessment under subsection (3)(A) and may involve additional factors for multiple violations under (3)(B), multi-day violations under (3)(C), and economic benefit resulting from noncompliance under (3)(D). The resulting administrative penalty may be further adjusted as specified under (3)(E).

(A) Gravity-Based Assessment. The gravity-based assessment is determined by evaluating the potential for harm posed by the violation and the extent to which the violation deviates from the requirements of the law.

1. Potential for harm. The potential for harm posed by a violation is based on the risk to human health, safety or the environment or to the purposes of implementing the Metallic Minerals Waste Management Act (MMWMA) and associated rules and permits.

A. The risk of exposure is dependent on both the likelihood that humans or the environment may be exposed to contaminants and the degree of potential exposure. Penalties will reflect the probability the violation either did result in or could have resulted in a release of contaminants in the environment, and the harm which either did occur or would have occurred if the release had in fact occurred.

B. Violations which may or may not pose a potential threat to human health or the environment, but which have an adverse effect upon the purposes of or procedures for implementing the MMWMA and associated rules and/or permits may be assessed penalty.

C. The potential for harm shall be evaluated according to the following degrees of severity:

(I) Major. The violation poses or may pose a substantial risk to human health, safety or to the environment, or has or may have a substantial adverse effect on the purposes of or procedures for implementing the MMWMA and associated rules and/or permits;

(II) Moderate. The violation poses or may pose a significant risk to human health, safety or to the environment, or has or may have a significant adverse effect on the purposes of or procedures for implementing the MMWMA and associated rules and/or permits; and

(III) Minor. The violation does not pose significant or substantial risk to human health, safety or to the environment, was not knowingly committed, and is not a minor violation.

2. Extent of deviation. The extent of deviation may range from slight to total disregard of the requirements of the law, and associated rules and/or permits. The assessment will reflect this range and will be evaluated according to the following degrees of severity:

A. Major. The violator has deviated substantially from the requirements of the MMWMA, associated rules or permits resulting in substantial noncompliance;

B. Moderate. The violator has deviated significantly from the requirements of the MMWMA, associated rules or permits resulting in significant noncompliance; and

C. Minor. The violator has deviated slightly from the requirements of the MMWMA, associated rules or permits that does not result in substantial or significant noncompliance; most provisions were implemented as intended; the violation was not knowingly committed and is not defined by the U.S. EPA as other than minor.

3. Gravity-based penalty assessment matrix. The matrix that follows will be used to determine the gravity-based assessment portion of the administrative penalty. Potential for harm and extent of deviation form the axes of the matrix. The penalty range selected may be adapted to the circumstances of a particular violation.

Gravity-Based Assessment Matrix

Potential for Harm	Extent of Deviation		
	Major	Moderate	Minor
Major	\$871 to \$1,000 \$935	\$751 to \$870 \$810	\$631 to \$750 \$690
Moderate	\$521 to \$630 \$575	\$411 to \$520 \$465	\$301 to \$410 \$355
Minor	\$201 to \$300 \$250	\$101 to \$200 \$150	\$0

(B) Multiple Violation Penalty. Penalties for multiple violations may be determined when a violation is independent of or substantially different from any other violation. The department may order a separate administrative penalty for that violation as set forth in this rule.

(C) Multi-Day Penalty. Penalties for multi-day violations may be determined when the department has concluded that a violation(s) has continued or occurred for more than one (1) day. Multi-day penalty assessments will be determined by using the Gravity-Based Assessment Matrix in paragraph (3)(A)3. The department may seek penalties for each day of noncompliance not to exceed the amount of the civil penalty specified in section 444.375, RSMo.

(D) Economic Benefit. Any economic benefits, including delayed and avoided costs that have accrued to the violator as a result of noncompliance will be added to the penalty amount. Determination will be made by the department using an economic benefit formula that provides a reasonable estimate of the economic benefit of noncompliance. Economic benefit may be excluded from the administrative penalty if:

1. The economic benefit is an insignificant amount;
2. There are compelling public concerns that would not be served by taking a case to trial; or
3. It is unlikely that the department would be able to recover the economic benefit in litigation based on the particular case.

(E) Adjustments. The department may add to or subtract from the total amount of the penalty after consideration of the following adjustments:

1. Recalculation of penalty amount. After the issuance of an order by the department, if new information about a violation becomes available which indicates that the original penalty calculation may have been incorrect, the department may recalculate the penalty;
2. Good faith efforts to comply. The department may adjust a penalty amount downward if good faith efforts have been adequately documented by the violator. Good faith efforts include, but are not limited to, documentation that the violator has reported noncompliance or instituted measures to remedy the violation prior to detection by the department. However, good faith efforts to achieve compliance after agency detection are assumed and are not grounds for decreasing the penalty amount;
3. Culpability. In cases of heightened culpability which do not meet the standard of criminal activity, the penalty may be increased at the discretion of the department, within the ranges of the matrix. Likewise, in cases where there is a demonstrable absence of culpability, the department may decrease the penalty.

Lack of knowledge of the MMWMA and any associated rule or

permit shall not be a basis of decreased culpability. The following criteria will be used to determine culpability:

- A. How much control the violator had over the events constituting the violation;
- B. The foreseeability of the events constituting the violation;
- C. Whether the violator took reasonable precautions against the events constituting the violation;
- D. Whether the violator knew or should have known of the hazards associated with the conduct; and
- E. Whether the violator knew or should have known of the legal requirement which was violated. This criteria shall be used only to increase a penalty, not to decrease it;

4. History of noncompliance. Where there has been a history of noncompliance with the MMWMA or any associated rule and/or permit, to a degree deemed significant due to frequency, similarity or seriousness of past violations, and considering the violator's response to previous enforcement actions, the department may increase the administrative penalty. No downward adjustment is allowed because of this factor;

5. Ability to pay. When a violator has adequately documented that payment of all or a portion of the administrative penalty will preclude the violator from achieving compliance or from carrying out important remedial measures, the department may—

- A. Waive any of the administrative penalty; or
- B. Negotiate a delayed payment schedule, installment plan or penalty reductions with stipulated penalties;

6. Other adjustment factors. This rule allows for other penalty adjustments based on fairness and equity not mentioned in this rule which may arise on a case-by-case basis.

(4) The proceeds from any administrative penalty assessed in accordance with this rule shall be paid to the county in which the violation(s) occurred for the use and benefit of the public county schools.

(5) Nothing in this rule shall be construed as satisfying any claim by the state for natural resource damages.

AUTHORITY: section 444.355, RSMo 1994. Original rule filed Dec. 31, 1991, effective June 25, 1992. Rescinded and readopted: Filed Jan. 19, 2000.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions \$3,567 in the aggregate per year. See detailed fiscal note for assumptions.

PRIVATE COST: This proposed rule will cost private entities \$8,000 in the aggregate per year. See detailed fiscal note for assumptions.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Natural Resources, Land Reclamation Program, Larry Coen, Staff Director, P.O. Box 176, 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: 10 - DEPARTMENT OF NATURAL RESOURCES

Division: 45- MetallicMineralsWasteManagement

Chapter: 3-Administrative Penalties

Type of Rulemaking: Proposed Rule

Rule Number and Name: 10 CSR 45-3.010 Administrative Penalties

II. SUMMARY OF FISCAL IMPACT

Table 1.

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
DNR/LRP	\$ 25,320.00
AGO	\$ 46,023.00
TOTAL	\$ 71,343.00

III. WORKSHEET

EXPENDITURE OF MONEY OR REDUCTION IN INCOME -

Summary of Public Entity Costs of 10 CSR 45-3.010.

Table 2.

Agency	Cost from effective date to beginning of first fiscal year	First full fiscal year implementation (FY01)	Estimated annualized cost	Total Aggregate Cost (see assumption 1)
DNR/LRP	\$ 106.00	\$ 1,266.00	\$ 1,266.00	\$ 25,320.00
AGO	\$ 192.00	\$ 2,301.00	\$ 2,301.00	\$ 46,023.00
TOTAL	\$ 298.00	\$ 3,567.00	\$ 3,567.00	\$ 71,343.00

Calculations and Detailed Justification

Table 3.

Personnel	#FTE	Salary	DNR Costs	AGO Costs	Assumption References
Staff Attorney (AGO)	1	56.39 per hour		\$1,550.73	See assumption 10
LR Spec III	1	17.50 per hour	\$350.00		See assumption 9
Hearing Expenses			\$750.00		See assumption 9
Subtotal			\$1100.00	\$1,550.73	

Fringe	24.50%		\$85.75	\$379.93	See assumptions 4, 11
Personnel	#FTE	Salary	DNR Costs	AGO Costs	Assumption References
E&E			----	\$14.60	See assumptions 4, 13
Indirect Cost	22.95%		\$80.33	\$355.89	See assumptions 4, 12
Subtotal			\$166.08	\$750.42	
Total			\$516.08	\$2,301.15	
Total			\$1,266.08	\$2,301.15	
DNR + AGO	+Private	Grand total		\$3,567.00	

IV. ASSUMPTIONS

1. The effective life of 10 CSR 45-3.010 is indeterminable. For purposes of this rulemaking, aggregate cost figures for the life of the rule shown in Tables 1 and 2 are estimated on the assumption of a twenty-year life of the rule.
2. Fiscal year 2000 dollars were used to estimate the costs and no adjustments were made to allow for inflation.
3. Estimates of the cost of compliance with state statutes and required federal regulations are not included in this cost estimate.
4. The DNR fringe rate, indirect rates, and E & E costs were applied in calculating the costs of the Land Reclamation Program and the Attorney General's Office.
5. The original 10 CSR 45-3.010 was filed December 31, 1991 and became effective June 25, 1992. The original rule is to be rescinded if the Missouri Department of Natural Resources adopts the new proposed administrative penalty rule.
6. This cost estimate assumes a constant regulatory context that requires no reporting or standards beyond those currently required.
7. This cost estimate assumes there will be no new or sudden changes in technology that would influence costs.
8. The size of the regulated community remains constant.
9. This rule partly replaces traditional enforcement procedures. No new positions (FTE) are required. An appeal of an administrative penalty would involve about 60 hours of staff time for a Land Reclamation Specialist III. A hearing officer, who charges an average of \$80.00/hour with associated costs of transcripts, court reporter, etc., will, on average cost the Land Reclamation Program approximately \$3,000.

10. It is assumed that the Staff Attorney will handle one (1) case every two (2) years of typical hearings averaging five hours a case not counting litigation and trial cases. It is also assumed that there will be an appeal rate of 50% (1 case every 4 years) averaging 100 hours each.
11. The fringe rate is assumed to be 24.50%.
12. The Division of Environmental Quality/Land Reclamation Program indirect rate is 22.95%.
13. The Expense & Equipment amount is apportioned to existing FTEs at the rate of \$740.00 each per year for DNR/LRP personnel and \$1,110.00 each per year for AGO personnel.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 10 - DEPARTMENT OF NATURAL RESOURCES

Division: 45- MetallicMineralsWasteManagement

Chapter: 3-Administrative Penalties

Type of Rulemaking: Proposed Rule

Rule Number and Name: 10 CSR 45-3.010 Administrative Penalties

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 aggregate as to the cost of compliance with the rule by the affected entities:
All entities in all classes that are subject to 444.352 to 444.380 RSMo or any rule of the Missouri Department of Natural Resources related to Metallic Minerals Waste Management Areas or any site that is permitted by the Department of Natural Resources under the Metallic Minerals Waste Management Act. Eleven (11) sites are currently permitted under this Act.	All entities in all classes that are subject to 444.352 to 444.380 RSMo or any rule of the Missouri Department of Natural Resources or any site that is permitted by the Missouri Department of Natural Resources under the Metallic Minerals Waste Management Act. Please see list below.	\$ 160,000.00 (See discussion in III. WORKSHEET beginning with the third paragraph)

The following list is based on the Standard Industrial Code. The list provides an extensive summary of classes.

SIC Code Commercial or Industrial Classification Number of Facilities

10 METAL MINING

11

III. WORKSHEET

It is not possible to estimate with a high degree of confidence the potential cost of this rule. The total costs to the private sector would be based on a wide variety of variables. Some of these include the type and severity of the non-compliance, economic benefit of non-compliance to the violator, past non-compliance history, ability of the violator to pay any applicable penalties, the overall number of violations suitable for administrative penalties, and decisions by violators to appeal administrative penalty orders.

To date there is no enforcement or administrative penalty history available from which to derive private entity costs. However, for the purposes of establishing costs for this fiscal note we are using a law that has a similar enforcement and matrix-based penalty assessment mechanism as an example, The Land Reclamation Act (sections 444.760 to 444.790 RSMo). Under that law, the current average penalty assessed on a violator is \$500.00.

IV. ASSUMPTIONS

1. The original 10 CSR 45-3.010 was filed December 31, 1991 and became effective June 25, 1992. The original rule is to be rescinded if the Missouri Department of Natural Resources adopts the new proposed administrative penalty rule.
2. The effective life of 10 CSR 45-3.010 is indeterminable. For purposes of this rulemaking, aggregate cost figures for the life of the rule shown in "II. SUMMARY OF FISCAL IMPACT" on page 1 is estimated on the assumption of a twenty-year life of the rule.
3. Rule 10 CSR 45-3.010 describes a gravity-based assessment matrix by which administrative penalties are assessed. The matrix will be used to determine the gravity-based assessment portion of the administrative penalty and may involve additional factors for multiple violations, multi-day violations, and economic benefit resulting from noncompliance. Potential for harm and extent of deviation form the axes of the matrix. The penalty range selected may be adapted to the circumstances of a particular violation.
4. If there is one (1) administrative penalty case in the course of a state fiscal year (July 1/June 30), times the current average assessed penalty of \$ 500.00, the fiscal year cost to private entities would be \$ 500.00.
5. Local environmental attorneys were contacted for an estimate for the appeal of an administrative penalty case. The figure ranged from \$ 10,000.00 to \$15,000.00. It was the consensus that if an appealed case was litigated to the limit, it would cost about the same as a circuit court trial.
6. If one (1) appeal is assumed every two-(2) fiscal years, the cost to private

entities could be estimated at \$ 7,500.00. If the life of this rule is estimated to be twenty years (20), then the aggregate cost over 20 years to private entities would be estimated at \$ 160,000.00 as follows:

1 case per fiscal year x \$500.00 -----	\$500.00
0.5 appeals x \$15,000.00 -----	<u>\$7,500.00</u>
Subtotal	\$8,000.00

\$8,000.00 x 20 year estimated life of rule = \$160,000.00 (20 year estimated
cost to private entities)

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 45—Metallic Minerals Waste Management
Chapter 6—Permits**

PROPOSED AMENDMENT

10 CSR 45-6.010 Permit Applications—General. The director is amending subsection (2)(A).

PURPOSE: The purpose of this proposed amendment is to change the agency that has the responsibility for reviewing permit applications within the Department of Natural Resources from the Water Pollution Control Program to the Land Reclamation Program.

(2) The minimum contents of the application are listed in section 444.360, RSMo Supp. 1989. To support implementation of the statute—

(A) Application documents should be submitted in triplicate to the [Water Pollution Control/ Land Reclamation Program, P.O. Box 176, Jefferson City, MO 65102;

AUTHORITY: section 444.380, RSMo [Supp. 1989] Supp. 1999. Original rule filed Oct. 2, 1990, effective April 29, 1991. Amended: Filed Jan. 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 the Department of Natural Resources, Land Reclamation Program, Larry Coen, Staff Director, P.O. Box 176, 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 10—DEPARTMENT OF NATURAL RESOURCES
Division 45—Metallic Minerals Waste Management
Chapter 6—Permits**

PROPOSED AMENDMENT

10 CSR 45-6.020 Closure Plan and Inspection-Maintenance Plan—General Requirements. The director is amending subsection (2)(C) and adding subsection (2)(G).

PURPOSE: The purpose of this proposed amendment is to correct statutory references for waste tire and hazardous waste requirements as they relate to inclusion into the closure and inspection-maintenance plans for Metallic Minerals Waste Management permits.

(2) Consistent with sections 444.362 and 444.365, RSMo [(Cum.) Supp. 1989]], the requirements of applicable state environmental programs and permits shall be included in the closure and inspection-maintenance plans. Compliance with these requirements will be considered a condition of the Metallic Minerals Waste Management Permit. Existing environmental programs, permits, statutes and rules include, but are not limited to:

(C) The Solid Waste Management Program's—

1. Solid Waste Disposal Area Permit, sections 260.200–260.245, RSMo and 10 CSR 80-1.010–10 CSR 80-4.010;

2. Solid Waste Processing Facility Permit, sections 260.200–260.245, RSMo, 10 CSR 80-1.010, 10 CSR 80-2.020 and 10 CSR 80-5.010; and

3. [Hazardous Waste Facility Permit, sections 260.350–260.550, RSMo and 10 CSR 25;] Waste Tire Requirements, sections 206.200–206.345, RSMo and 10 CSR 80-8.020–10 CSR 80-8.060;

4. Hazardous Waste Resource Recovery Certification, sections 260.350–260.550, RSMo and 10 CSR 25-9; and

5. Hazardous Waste Transporter's License, section 260.395, RSMo and 10 CSR 25-6;]

(E) The Public Drinking Water Program's permit to construct and permit to dispense drinking water, sections 640.110.1. and 640.115, RSMo and 10 CSR 60-10.010 and 10 CSR 60-3.010; [and]

(F) The Land Reclamation Program's permit to engage in surface mining and sections 444.500–444.786, RSMo[.]; and

(G) The Hazardous Waste Management Program's—

1. Hazardous Waste Generator Notification Requirements, section 260.380, RSMo and 10 CSR 25-5;

2. Hazardous Waste Resource Recovery Certification, section 260.350–260.434, RSMo and 10 CSR 25-9; and

3. Hazardous Waste Facility Permit, section 260.350, RSMo and 10 CSR 25.

AUTHORITY: section 444.380, RSMo [Supp. 1989] Supp. 1999. Original rule filed Oct. 2, 1990, effective April 29, 1991. Amended: Filed Jan. 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 the Department of Natural Resources, Land Reclamation Program, Larry Coen, Staff Director, P.O. Box 176, 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 10—DEPARTMENT OF NATURAL RESOURCES
Division 45—Metallic Minerals Waste Management
Chapter 6—Permits**

PROPOSED AMENDMENT

10 CSR 45-6.030 Financial Assurance—Company Guarantee and Financial Test. The director is amending subsections (2)(C) and (2)(J) and deleting the Appendix following the rule from the Code of State Regulations.

PURPOSE: The purpose of this proposed amendment is to allow the director of the Department of Natural Resources to provide a form letter to be used by a permit holder in the form of a company guarantee and financial test in order to fulfill the requirement for a financial assurance instrument.

(2) Company Guarantee and Financial Test. The requirements for a financial assurance instrument may be satisfied by passing a financial test and submitting a letter from the company guaranteeing the required amount of financial assurance. A corporate guarantee submitted by the parent corporation of the owner/operator as specified in subsection (2)(J) of this rule may also be used to satisfy the requirement for financial assurance.

(C) To demonstrate that s/he meets this test, the owner/operator must submit the following items to the director:

1. A **form letter provided by the director**, signed by the owner/operator's chief financial officer and worded as specified *[in the Appendix Form 1-1] on the form letter*;

2. A copy of the independent certified public accountant's report on examination of the owner/operator's financial statements for the latest completed fiscal year; and

3. A special report from the owner/operator's independent certified public accountant to the owner/operator stating that—

A. S/he has compared the data which the **form letter** from the chief financial officer specifies as having been derived from the independently audited year-end financial statements for the latest fiscal year with the amounts in those financial statements; and

B. No matters in connection with that procedure, came to his/her attention which caused him/her to believe that the specified data should be adjusted.

(J) An owner/operator may meet the financial assurance requirements of section 444.368, RSMo *[(Cum.) Supp. 1989/]*, by obtaining a written guarantee, referred to in this rule as a corporate guarantee. The guarantor must be the parent corporation of the owner/operator. The guarantor must meet the requirements for owner/operators in subsections (2)(A)–(I) of this rule and must comply with the terms of the corporate guarantee. The wording of the corporate guarantee must be identical to the wording specified *[in] on the [Appendix Form 2] forms provided by the director to meet the guarantee*. The corporate guarantee must accompany the items sent to the director as specified in subsection (2)(C) of this rule. The terms of the corporate guarantee shall provide that—

1. If the owner/operator fails to perform closure and/or inspection-maintenance of a disposal area covered by the corporate guarantee in accordance with the closure and/or inspection-maintenance plan and other permit requirements whenever required to do so, the guarantor will do so or establish alternate financial assurance as specified in section 444.368, RSMo *[(Cum.) Supp. 1989/]*, in the name of the owner/operator;

2. The corporate guarantee will remain in force unless the guarantor sends notice of cancellation by certified mail to the owner/operator and to the director. Cancellation may not occur, however, during the one hundred twenty (120) days beginning on the date of receipt of the notice of cancellation by both the owner/operator and the director as evidenced by the return receipts; and

3. If the owner/operator fails to provide alternate financial assurance as specified in section 444.368, RSMo *[(Cum.) Supp. 1989/]*, and obtain the written approval of the alternate assurance from the director within ninety (90) days after receipt of both the owner/operator and the director of a notice of cancellation of the corporate guarantee from the guarantor, the guarantor will provide alternative financial assurance in the name of the owner/operator.

AUTHORITY: section 444.380, RSMo [Supp. 1989] Supp. 1999. Original rule filed Oct. 2, 1990, effective April 29, 1991. Amended: Filed Jan. 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 \$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 Natural Resources, Land Reclamation Program, Larry Coen, Staff Director, P.O. Box 176, 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 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 15—Hospital Program**

PROPOSED AMENDMENT

13 CSR 70-15.110 Federal Reimbursement Allowance (FRA).
The division is adding section (8).

PURPOSE: The proposed amendment adds section (8). This section will establish the Federal Reimbursement Allowance (FRA) Assessment for SFY 2001.

(8) Federal Reimbursement Allowance (FRA) for State Fiscal Year 2001. The FRA assessment for State Fiscal Year 2001 shall be determined at the rate of five and thirty hundredths percent (5.30%) of the hospital's net operating revenues and other operating revenues defined in paragraphs (1)(A)12., and 13., as determined from information reported in the hospital's 1997 base year cost report.

AUTHORITY: sections 208.201 and 208.453, RSMo 1994 and 208.455, RSMo [Supp. 1998] Supp. 1999. Emergency rule filed Sept. 21, 1992, effective Oct. 1, 1992, expired Jan. 28, 1993. Emergency rule filed Jan. 15, 1993, effective Jan. 25, 1993, expired May 24, 1993. Original rule filed Sept. 21, 1992, effective June 7, 1993. For intervening history, please consult the Code of State Regulations. Amended: Filed March 3, 2000.

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

PRIVATE COST: This proposed amendment will cost 133 private entities \$390,255,500. The estimated cost is based on an FRA assessment rate of 5.30% on net patient revenue and other operating revenue of \$7,363,572,913 for SFY 2001.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of the Director, Division of Medical Services, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty days after publication of this notice in Missouri Register. No public hearing is scheduled.

FISCAL NOTE
PRIVATE ENTITY COST

I. RULE NUMBER

Title: 13 -- Department of Social Services
 Division: 70 -- Division of Medical Services
 Chapter: 15 -- Hospital Program
 Type of Rulemaking: Proposed Amendment
 Rule Number and Name: 13 CSR 70-15.110 Federal Reimbursement Allowance (FRA)

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 aggregate as to the cost of compliance with the rule by the affected entities:
133	Hospitals	\$390,255,500

III. WORKSHEET

The estimated impact of this amendment is based on the FRA assessment percentage for SFY 2001 being set at five and thirty hundredths percent (5.30%). The 133 hospitals reported above include 39 hospitals that are owned, operated or controlled by state, county, city or hospital districts. The impact on these facilities is \$42,568,946.

IV. ASSUMPTIONS

The SFY 2001 FRA assessment is based on net patient revenue and other operating revenue of \$7,363,572,913 multiplied by five and thirty hundredths percent (5.30%).

Title 16—RETIREMENT SYSTEMS
Division 30—Missouri State Employees' Retirement System
Chapter 2—Administrative Rules

PROPOSED RESCISSION

16 CSR 30-2.030 Prior Service Credit for Military Service. This rule established guidelines relative to establishing prior service credit for military service.

PURPOSE: This proposed rescission is a result of this rule being reenacted by the Board of Trustees of the Missouri State Employees' Retirement System pursuant to their rulemaking authority under section 104.1063, RSMo Supp. 1999. The reenacted rule is located at the following internet address: <http://www.mosers.org/BoardRules.htm>. The reenacted rule is also available upon request by contacting the Missouri State Employees' Retirement System, P.O. Box 209, Jefferson City, MO 65102.

AUTHORITY: section 104.330, RSMo 1986. Original rule filed Dec. 18, 1975, effective Jan. 1, 1976. Amended: Filed Nov. 25, 1992, effective June 7, 1993. Rescinded: Filed March 2, 2000.

PUBLIC COST: This proposed rescission is estimated to cost the Missouri State Employees' Retirement System less than \$500 in the aggregate.

PRIVATE COST: This proposed rescission is estimated to cost private entities less than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a written statement in support of or in opposition to this proposed rescission by mailing it to Jake McMahon, Chief Counsel, Missouri State Employees' Retirement System, P.O. Box 209, Jefferson City, MO 65102. To be considered, comments must be received within thirty-one days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS
Division 30—Missouri State Employees' Retirement System
Chapter 2—Administrative Rules

PROPOSED RESCISSION

16 CSR 30-2.031 Military Service, Purchase of. This rule established procedures for calculating the cost and credit for military service.

PURPOSE: This proposed rescission is a result of this rule being reenacted by the Board of Trustees of the Missouri State Employees' Retirement System pursuant to their rulemaking authority under section 104.1063, RSMo Supp. 1999. The reenacted rule is located at the following internet address: <http://www.mosers.org/BoardRules.htm>. The reenacted rule is also available upon request by contacting the Missouri State Employees' Retirement System, P.O. Box 209, Jefferson City, MO 65102.

AUTHORITY: sections 104.010, RSMo Supp. 1989 and 104.500, RSMo Supp. 1988. Original rule filed Nov. 25, 1992, effective June 7, 1993. Rescinded: Filed March 2, 2000.

PUBLIC COST: This proposed rescission is estimated to cost the Missouri State Employees' Retirement System less than \$500 in the aggregate.

PRIVATE COST: This proposed rescission is estimated to cost private entities less than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a written statement in support of or in opposition to this proposed rescission by mailing it to Jake McMahon, Chief Counsel, Missouri State Employees' Retirement System, P.O. Box 209, Jefferson City, MO 65102. To be considered, comments must be received within thirty-one days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS
Division 30—Missouri State Employees' Retirement System
Chapter 2—Administrative Rules

PROPOSED RESCISSION

16 CSR 30-2.040 Notification of Sick Leave. This rule established procedures for notification by departments to MOSERS for employees going off payroll because of sick leave.

PURPOSE: This proposed rescission is a result of this rule being reenacted by the Board of Trustees of the Missouri State Employees' Retirement System pursuant to their rulemaking authority under section 104.1063, RSMo Supp. 1999. The reenacted rule is located at the following internet address: <http://www.mosers.org/BoardRules.htm>. The reenacted rule is also available upon request by contacting the Missouri State Employees' Retirement System, P.O. Box 209, Jefferson City, MO 65102.

AUTHORITY: section 104.500, RSMo Supp. 1988. Original rule filed Dec. 18, 1975, effective Jan. 1, 1976. Amended: Filed Nov. 25, 1992, effective June 7, 1993. Rescinded: Filed March 2, 2000.

PUBLIC COST: This proposed rescission is estimated to cost the Missouri State Employees' Retirement System less than \$500 in the aggregate.

PRIVATE COST: This proposed rescission is estimated to cost private entities less than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a written statement in support of or in opposition to this proposed rescission by mailing it to Jake McMahon, Chief Counsel, Missouri State Employees' Retirement System, P.O. Box 209, Jefferson City, MO 65102. To be considered, comments must be received within thirty-one days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS
Division 30—Missouri State Employees' Retirement System
Chapter 2—Administrative Rules

PROPOSED RESCISSION

16 CSR 30-2.050 Notification of Termination of Active Employment. This rule established procedures for notification by departments to MOSERS for employees going off payroll because of termination of active employment.

PURPOSE: This proposed rescission is a result of this rule being reenacted by the Board of Trustees of the Missouri State Employees' Retirement System pursuant to their rulemaking authority under section 104.1063, RSMo Supp. 1999. The reenacted rule is located at the following internet address: <http://www.mosers.org/BoardRules.htm>. The reenacted rule is also available upon request by contacting the Missouri State

Employees' Retirement System, P.O. Box 209, Jefferson City, MO 65102.

AUTHORITY: section 104.500, RSMo Supp. 1988. Original rule filed Dec. 18, 1975, effective Jan. 1, 1976. Amended: Filed Nov. 25, 1992, effective June 7, 1993. Rescinded: Filed March 2, 2000.

PUBLIC COST: This proposed rescission is estimated to cost the Missouri State Employees' Retirement System less than \$500 in the aggregate.

PRIVATE COST: This proposed rescission is estimated to cost private entities less than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a written statement in support of or in opposition to this proposed rescission by mailing it to Jake McMahon, Chief Counsel, Missouri State Employees' Retirement System, P.O. Box 209, Jefferson City, MO 65102. To be considered, comments must be received within thirty-one days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS
Division 30—Missouri State Employees' Retirement System
Chapter 2—Administrative Rules

PROPOSED RESCISSION

16 CSR 30-2.070 Notification by Retired Member of Election or Appointment to Office. This rule established procedures for notification by retired member who is employed by a department.

PURPOSE: This proposed rescission is a result of rulemaking by the Board of Trustees of the Missouri State Employees' Retirement System pursuant to their rulemaking authority under section 104.1063, RSMo Supp. 1999. The new rules are located at the following internet address: <http://www.mosers.org/BoardRules.htm>. The new rules are also available upon request by contacting the Missouri State Employees' Retirement System, P.O. Box 209, Jefferson City, MO 65102.

AUTHORITY: sections 104.380 and 104.500, RSMo Supp. 1988. Original rule filed Dec. 18, 1975, effective Jan. 1, 1976. Rescinded: Filed March 2, 2000.

PUBLIC COST: This proposed rescission is estimated to cost the Missouri State Employees' Retirement System less than \$500 in the aggregate.

PRIVATE COST: This proposed rescission is estimated to cost private entities less than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a written statement in support of or in opposition to this proposed rescission by mailing it to Jake McMahon, Chief Counsel, Missouri State Employees' Retirement System, P.O. Box 209, Jefferson City, MO 65102. To be considered, comments must be received within thirty-one days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS
Division 30—Missouri State Employees' Retirement System
Chapter 2—Administrative Rules

PROPOSED RESCISSION

16 CSR 30-2.120 Confidentiality of Records. This rule established guidelines regarding the confidentiality of records.

PURPOSE: This proposed rescission is a result of this rule being reenacted by the Board of Trustees of the Missouri State Employees' Retirement System pursuant to their rulemaking authority under section 104.1063, RSMo Supp. 1999. The reenacted rule is located at the following internet address: <http://www.mosers.org/BoardRules.htm>. The reenacted rule is also available upon request by contacting the Missouri State Employees' Retirement System, P.O. Box 209, Jefferson City, MO 65102.

AUTHORITY: section 104.500.2, RSMo Supp. 1988. Emergency rule filed Sept. 14, 1982, effective Sept. 24, 1982, expired Jan. 12, 1983. Original rule filed Oct. 15, 1982, effective Jan. 13, 1983. Amended: Filed Nov. 25, 1992, effective June 7, 1993. Rescinded: Filed March 2, 2000.

PUBLIC COST: This proposed rescission is estimated to cost the Missouri State Employees' Retirement System less than \$500 in the aggregate.

PRIVATE COST: This proposed rescission is estimated to cost private entities less than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a written statement in support of or in opposition to this proposed rescission by mailing it to Jake McMahon, Chief Counsel, Missouri State Employees' Retirement System, P.O. Box 209, Jefferson City, MO 65102. To be considered, comments must be received within thirty-one days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS
Division 30—Missouri State Employees' Retirement System
Chapter 2—Administrative Rules

PROPOSED RESCISSION

16 CSR 30-2.130 Charges for Documents. This rule established guidelines regarding charges for documents.

PURPOSE: This proposed rescission is a result of this rule being reenacted by the Board of Trustees of the Missouri State Employees' Retirement System pursuant to their rulemaking authority under section 104.1063, RSMo Supp. 1999. The reenacted rule is located at the following internet address: <http://www.mosers.org/BoardRules.htm>. The reenacted rule is also available upon request by contacting the Missouri State Employees' Retirement System, P.O. Box 209, Jefferson City, MO 65102.

AUTHORITY: sections 104.480 and 104.500.2, RSMo 1986. Emergency rule filed Sept. 14, 1982, effective Sept. 24, 1982, expired Jan. 12, 1983. Original rule filed Oct. 15, 1982, effective Jan. 13, 1983. Amended: Filed June 15, 1983, effective Sept. 11, 1983. Rescinded: Filed March 2, 2000.

PUBLIC COST: This proposed rescission is estimated to cost the Missouri State Employees' Retirement System less than \$500 in the aggregate.

PRIVATE COST: This proposed rescission is estimated to cost private entities less than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a written statement in support of or in opposition to this proposed rescission by mailing it to Jake McMahon, Chief Counsel, Missouri State Employees' Retirement System, P.O. Box 209, Jefferson City, MO

65102. To be considered, comments must be received within thirty-one days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS
Division 30—Missouri State Employees' Retirement System
Chapter 2—Administrative Rules
PROPOSED RESCISSION

16 CSR 30-2.140 Computation of Credit. This rule established guidelines regarding the computation of credit.

PURPOSE: This proposed rescission is a result of this rule being reenacted by the Board of Trustees of the Missouri State Employees' Retirement System pursuant to their rulemaking authority under section 104.1063, RSMo Supp. 1999. The reenacted rule is located at the following internet address: <http://www.mosers.org/BoardRules.htm>. The reenacted rule is also available upon request by contacting the Missouri State Employees' Retirement System, P.O. Box 209, Jefferson City, MO 65102.

AUTHORITY: section 104.500.2, RSMo Supp. 1988. Emergency rule filed Nov. 12, 1982, effective Nov. 22, 1982, expired March 12, 1983. Original rule filed Nov. 12, 1982, effective March 11, 1983. Amended: Filed Nov. 25, 1992, effective June 7, 1993. Rescinded: Filed March 2, 2000.

PUBLIC COST: This proposed rescission is estimated to cost the Missouri State Employees' Retirement System less than \$500 in the aggregate.

PRIVATE COST: This proposed rescission is estimated to cost private entities less than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a written statement in support of or in opposition to this proposed rescission by mailing it to Jake McMahon, Chief Counsel, Missouri State Employees' Retirement System, P.O. Box 209, Jefferson City, MO 65102. To be considered, comments must be received within thirty-one days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS
Division 30—Missouri State Employees' Retirement System
Chapter 2—Administrative Rules

PROPOSED RESCISSION

16 CSR 30-2.150 Verification of Service. This rule established guidelines regarding the verification of credit.

PURPOSE: This proposed rescission is a result of this rule being reenacted by the Board of Trustees of the Missouri State Employees' Retirement System pursuant to their rulemaking authority under section 104.1063, RSMo Supp. 1999. The reenacted rule is located at the following internet address: <http://www.mosers.org/BoardRules.htm>. The reenacted rule is also available upon request by contacting the Missouri State Employees' Retirement System, P.O. Box 209, Jefferson City, MO 65102.

AUTHORITY: section 104.500.2, RSMo Supp. 1988. Emergency rule filed Dec. 15, 1982, effective Dec. 25, 1982, expired April 24, 1983. Original rule filed Dec. 15, 1982, effective March 11, 1983. Rescinded: Filed March 2, 2000.

PUBLIC COST: This proposed rescission is estimated to cost the Missouri State Employees' Retirement System less than \$500 in the aggregate.

PRIVATE COST: This proposed rescission is estimated to cost private entities less than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a written statement in support of or in opposition to this proposed rescission by mailing it to Jake McMahon, Chief Counsel, Missouri State Employees' Retirement System, P.O. Box 209, Jefferson City, MO 65102. To be considered, comments must be received within thirty-one days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS
Division 30—Missouri State Employees' Retirement System
Chapter 2—Administrative Rules

PROPOSED RESCISSION

16 CSR 30-2.160 Use of Sick Leave and Annual Leave Before Beginning Disability. This rule established guidelines regarding the use of leave in relation to a disability.

PURPOSE: This proposed rescission is a result of this rule being reenacted by the Board of Trustees of the Missouri State Employees' Retirement System pursuant to their rulemaking authority under section 104.1063, RSMo Supp. 1999. The reenacted rule is located at the following internet address: <http://www.mosers.org/BoardRules.htm>. The reenacted rule is also available upon request by contacting the Missouri State Employees' Retirement System, P.O. Box 209, Jefferson City, MO 65102.

AUTHORITY: section 104.500.2, RSMo Supp. 1988. Emergency rule filed March 15, 1983, effective April 1, 1983, expired July 30, 1983. Original rule filed March 15, 1983, effective July 11, 1983. Rescinded: Filed March 2, 2000.

PUBLIC COST: This proposed rescission is estimated to cost the Missouri State Employees' Retirement System less than \$500 in the aggregate.

PRIVATE COST: This proposed rescission is estimated to cost private entities less than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a written statement in support of or in opposition to this proposed rescission by mailing it to Jake McMahon, Chief Counsel, Missouri State Employees' Retirement System, P.O. Box 209, Jefferson City, MO 65102. To be considered, comments must be received within thirty-one days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS
Division 30—Missouri State Employees' Retirement System
Chapter 2—Administrative Rules

PROPOSED RESCISSION

16 CSR 30-2.181 Application for Long-Term Disability Benefits. This rule established guidelines regarding the application for disability benefits.

PURPOSE: This proposed rescission is a result of this rule being reenacted by the Board of Trustees of the Missouri State Employees' Retirement System pursuant to their rulemaking authority under section 104.1063, RSMo Supp. 1999. The reenacted rule is located at the following internet address: <http://www.mosers.org/BoardRules.htm>. The reenacted rule is also available upon request by contacting the Missouri State Employees' Retirement System, P.O. Box 209, Jefferson City, MO 65102.

AUTHORITY: sections 104.010 and 104.500, RSMo 1994. Original rule filed Nov. 25, 1992, effective June 7, 1993. Amended: Filed Dec. 6, 1996, effective June 30, 1997. Rescinded: Filed March 2, 2000.

PUBLIC COST: This proposed rescission is estimated to cost the Missouri State Employees' Retirement System less than \$500 in the aggregate.

PRIVATE COST: This proposed rescission is estimated to cost private entities less than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a written statement in support of or in opposition to this proposed rescission by mailing it to Jake McMahon, Chief Counsel, Missouri State Employees' Retirement System, P.O. Box 209, Jefferson City, MO 65102. To be considered, comments must be received within thirty-one days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS
Division 30—Missouri State Employees' Retirement System
Chapter 2—Administrative Rules

PROPOSED RESCISSION

16 CSR 30-2.190 Medical Review of Disability Applications. This rule established guidelines regarding the application for disability retirement benefits.

PURPOSE: This proposed rescission is a result of this rule being reenacted by the Board of Trustees of the Missouri State Employees' Retirement System pursuant to their rulemaking authority under section 104.1063, RSMo Supp. 1999. The reenacted rule is located at the following internet address: <http://www.mosers.org/BoardRules.htm>. The reenacted rule is also available upon request by contacting the Missouri State Employees' Retirement System, P.O. Box 209, Jefferson City, MO 65102.

AUTHORITY: section 104.500.2, RSMo 1994. Emergency rule filed March 15, 1983, effective April 1, 1983, expired July 30, 1983. Original rule filed March 15, 1983, effective July 11, 1983. Amended: Filed Nov. 25, 1992, effective June 7, 1993. Amended: Filed Dec. 6, 1996, effective June 30, 1997. Rescinded: Filed March 2, 2000.

PUBLIC COST: This proposed rescission is estimated to cost the Missouri State Employees' Retirement System less than \$500 in the aggregate.

PRIVATE COST: This proposed rescission is estimated to cost private entities less than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a written statement in support of or in opposition to this proposed rescission by mailing it to Jake McMahon, Chief Counsel, Missouri State

Employees' Retirement System, P.O. Box 209, Jefferson City, MO 65102. To be considered, comments must be received within thirty-one days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS
Division 30—Missouri State Employees' Retirement System
Chapter 2—Administrative Rules

PROPOSED RESCISSION

16 CSR 30-2.210 Disparity in Physicians' Opinions. This rule established guidelines regarding additional medical review for disability retirement benefits.

PURPOSE: This proposed rescission is a result of rulemaking by the Board of Trustees of the Missouri State Employees' Retirement System pursuant to their rulemaking authority under section 104.1063, RSMo Supp. 1999. The new rules are located at the following internet address: <http://www.mosers.org/BoardRules.htm>. The new rules are also available upon request by contacting the Missouri State Employees' Retirement System, P.O. Box 209, Jefferson City, MO 65102.

AUTHORITY: section 104.500, RSMo 1994. Emergency rule filed March 15, 1983, effective April 1, 1983, expired July 30, 1983. Original rule filed March 15, 1983, effective July 11, 1983. Amended: Filed Nov. 25, 1992, effective June 7, 1993. Amended: Filed Dec. 6, 1996, effective June 30, 1997. Rescinded: Filed March 2, 2000.

PUBLIC COST: This proposed rescission is estimated to cost the Missouri State Employees' Retirement System less than \$500 in the aggregate.

PRIVATE COST: This proposed rescission is estimated to cost private entities less than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a written statement in support of or in opposition to this proposed rescission by mailing it to Jake McMahon, Chief Counsel, Missouri State Employees' Retirement System, P.O. Box 209, Jefferson City, MO 65102. To be considered, comments must be received within thirty-one days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS
Division 30—Missouri State Employees' Retirement System
Chapter 2—Administrative Rules

PROPOSED RESCISSION

16 CSR 30-2.220 Workers' Compensation Offset/Disability Benefits. This rule established guidelines regarding offsets of disability benefits.

PURPOSE: This proposed rescission is a result of rulemaking by the Board of Trustees of the Missouri State Employees' Retirement System pursuant to their rulemaking authority under section 104.1063, RSMo Supp. 1999. The new rules are located at the following internet address: <http://www.mosers.org/BoardRules.htm>. The new rules are also available upon request by contacting the Missouri State Employees' Retirement System, P.O. Box 209, Jefferson City, MO 65102.

AUTHORITY: section 104.500, RSMo 1994. Emergency rule filed March 15, 1983, effective April 1, 1983, expired July 30, 1983. Original rule filed March 15, 1983, effective July 11, 1983. Amended: Filed Nov. 25, 1992, effective June 7, 1993. Amended: Filed Dec. 6, 1996, effective June 30, 1997. Rescinded: Filed March 2, 2000.

PUBLIC COST: This proposed rescission is estimated to cost the Missouri State Employees' Retirement System less than \$500 in the aggregate.

PRIVATE COST: This proposed rescission is estimated to cost private entities less than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a written statement in support of or in opposition to this proposed rescission by mailing it to Jake McMahon, Chief Counsel, Missouri State Employees' Retirement System, P.O. Box 209, Jefferson City, MO 65102. To be considered, comments must be received within thirty-one days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS
Division 30—Missouri State Employees' Retirement System
Chapter 2—Administrative Rules

PROPOSED RESCISSION

16 CSR 30-2.240 Disability Appeal Procedure. This rule established guidelines regarding appeal procedures for disability retirement benefits.

PURPOSE: This proposed rescission is a result of this rule being reenacted by the Board of Trustees of the Missouri State Employees' Retirement System pursuant to their rulemaking authority under section 104.1063, RSMo Supp. 1999. The reenacted rule is located at the following internet address: <http://www.mosers.org/BoardRules.htm>. The reenacted rule is also available upon request by contacting the Missouri State Employees' Retirement System, P.O. Box 209, Jefferson City, MO 65102.

AUTHORITY: section 104.500, RSMo 1994. Emergency rule filed March 15, 1983, effective April 1, 1983, expired July 30, 1983. Original rule filed March 15, 1983, effective July 11, 1983. Amended: Filed Nov. 25, 1992, effective June 7, 1993. Amended: Filed Aug. 4, 1993, effective March 10, 1994. Amended: Filed Dec. 6, 1996, effective June 30, 1997. Rescinded: Filed March 2, 2000.

PUBLIC COST: This proposed rescission is estimated to cost the Missouri State Employees' Retirement System less than \$500 in the aggregate.

PRIVATE COST: This proposed rescission is estimated to cost private entities less than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a written statement in support of or in opposition to this proposed rescission by mailing it to Jake McMahon, Chief Counsel, Missouri State Employees' Retirement System, P.O. Box 209, Jefferson City, MO 65102. To be considered, comments must be received within thirty-one days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS
Division 30—Missouri State Employees' Retirement System
Chapter 2—Administrative Rules

PROPOSED RESCISSION

16 CSR 30-2.241 Denial of Long-Term Disability Benefits. This rule established guidelines regarding appeal procedures for long-term disability benefits.

PURPOSE: This proposed rescission is a result of this rule being reenacted by the Board of Trustees of the Missouri State Employees' Retirement System pursuant to their rulemaking authority under section 104.1063, RSMo Supp. 1999. The reenacted rule is located at the following internet address <http://www.mosers.org/BoardRules.htm>. The reenacted rule is also available upon request by contacting the Missouri State Employees' Retirement System, P.O. Box 209, Jefferson City, MO 65102.

AUTHORITY: sections 104.010, RSMo Supp. 1992 and 104.500, RSMo Supp. 1988. Original rule filed Nov. 25, 1992, effective June 7, 1993.

PUBLIC COST: This proposed rescission is estimated to cost the Missouri State Employees' Retirement System less than \$500 in the aggregate.

PRIVATE COST: This proposed rescission is estimated to cost private entities less than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a written statement in support of or in opposition to this proposed rescission by mailing it to Jake McMahon, Chief Counsel, Missouri State Employees' Retirement System, P.O. Box 209, Jefferson City, MO 65102. To be considered, comments must be received within thirty-one days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS
Division 30—Missouri State Employees' Retirement System
Chapter 2—Administrative Rules

PROPOSED RESCISSION

16 CSR 30-2.242 State Employment Effect of Disability Benefits/Long-Term Disability Benefits. This rule established guidelines with regard to the effect of employment on disability benefits.

PURPOSE: This proposed rescission is a result of this rule being reenacted by the Board of Trustees of the Missouri State Employees' Retirement System pursuant to their rulemaking authority under section 104.1063, RSMo Supp. 1999. The reenacted rule is located at the following internet address: <http://www.mosers.org/BoardRules.htm>. The reenacted rule is also available upon request by contacting the Missouri State Employees' Retirement System, P.O. Box 209, Jefferson City, MO 65102.

AUTHORITY: sections 104.010, RSMo Supp. 1992 and 104.500, RSMo Supp. 1988. Original rule filed Nov. 25, 1992, effective June 7, 1993. Rescinded: Filed March 2, 2000.

PUBLIC COST: This proposed rescission is estimated to cost the Missouri State Employees' Retirement System less than \$500 in the aggregate.

PRIVATE COST: This proposed rescission is estimated to cost private entities less than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a written statement in support of or in opposition to this proposed rescission by mailing it to Jake McMahon, Chief Counsel, Missouri State Employees' Retirement System, P.O. Box 209, Jefferson City, MO 65102. To be considered, comments must be received within thirty-one days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS
Division 30—Missouri State Employees' Retirement System
Chapter 2—Administrative Rules

PROPOSED RESCISSION

16 CSR 30-2.250 Earning Capacity Rule. This rule established guidelines regarding the disability earnings capacity test for disability retirement benefits.

PURPOSE: This proposed rescission is a result of this rule being reenacted by the Board of Trustees of the Missouri State Employees' Retirement System pursuant to their rulemaking authority under section 104.1063, RSMo Supp. 1999. The reenacted rule is located at the following internet address: <http://www.mosers.org/BoardRules.htm>. The reenacted rule is also available upon request by contacting the Missouri State Employees' Retirement System, P.O. Box 209, Jefferson City, MO 65102.

AUTHORITY: section 104.500, RSMo 1994. Original rule filed April 24, 1986, effective Oct. 27, 1986. Amended: Filed Nov. 25, 1992, effective June 7, 1993. Amended: Filed Dec. 6, 1996, effective June 30, 1997. Rescinded: Filed March 2, 2000.

PUBLIC COST: This proposed rescission is estimated to cost the Missouri State Employees' Retirement System less than \$500 in the aggregate.

PRIVATE COST: This proposed rescission is estimated to cost private entities less than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a written statement in support of or in opposition to this proposed rescission by mailing it to Jake McMahon, Chief Counsel, Missouri State Employees' Retirement System, P.O. Box 209, Jefferson City, MO 65102. To be considered, comments must be received within thirty-one days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS
Division 30—Missouri State Employees' Retirement System
Chapter 2—Administrative Rules

PROPOSED RESCISSION

16 CSR 30-2.260 Cost-of-Living Allowance Based on Consumer Price Index. This rule established guidelines regarding the calculation of cost-of-living adjustments.

PURPOSE: This proposed rescission is a result of this rule being reenacted by the Board of Trustees of the Missouri State Employees' Retirement System pursuant to their rulemaking authority under section 104.1063, RSMo Supp. 1999. The reenacted rule is located at the following internet address: <http://www.mosers.org/BoardRules.htm>. The reenacted rule is also available upon request by contacting the Missouri State Employees' Retirement System, P.O. Box 209, Jefferson City, MO 65102.

AUTHORITY: section 104.500.2, RSMo 1986. Emergency rule filed March 15, 1983, effective April 1, 1983, expired July 30, 1983. Original rule filed March 15, 1983, effective July 11, 1983. Rescinded: Filed March 2, 2000.

PUBLIC COST: This proposed rescission is estimated to cost the Missouri State Employees' Retirement System less than \$500 in the aggregate.

PRIVATE COST: This proposed rescission is estimated to cost private entities less than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a written statement in support of or in opposition to this proposed rescission by mailing it to Jake McMahon, Chief Counsel, Missouri State Employees' Retirement System, P.O. Box 209, Jefferson City, MO 65102. To be considered, comments must be received within thirty-one days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS
Division 30—Missouri State Employees' Retirement System
Chapter 2—Administrative Rules

PROPOSED RESCISSION

16 CSR 30-2.270 Break-in-Service. This rule defined break-in-service.

PURPOSE: This proposed rescission is a result of this rule being reenacted by the Board of Trustees of the Missouri State Employees' Retirement System pursuant to their rulemaking authority under section 104.1063, RSMo Supp. 1999. The reenacted rule is located at the following internet address: <http://www.mosers.org/BoardRules.htm>. The reenacted rule is also available upon request by contacting the Missouri State Employees' Retirement System, P.O. Box 209, Jefferson City, MO 65102.

AUTHORITY: section 104.500.2, RSMo Supp. 1988. Emergency rule filed June 15, 1983, effective July 1, 1983, expired Oct. 29, 1983. Original rule filed June 15, 1983, effective Sept. 11, 1983. Rescinded: Filed March 2, 2000.

PUBLIC COST: This proposed rescission is estimated to cost the Missouri State Employees' Retirement System less than \$500 in the aggregate.

PRIVATE COST: This proposed rescission is estimated to cost private entities less than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a written statement in support of or in opposition to this proposed rescission by mailing it to Jake McMahon, Chief Counsel, Missouri State Employees' Retirement System, P.O. Box 209, Jefferson City, MO 65102. To be considered, comments must be received within

thirty-one days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS
Division 30—Missouri State Employees' Retirement System
Chapter 2—Administrative Rules

PROPOSED RESCISSION

16 CSR 30-2.280 Employee with More than One State Job. This rule established guidelines regarding salary and service credit for employees with more than one job.

PURPOSE: This proposed rescission is a result of this rule being reenacted by the Board of Trustees of the Missouri State Employees' Retirement System pursuant to their rulemaking authority under section 104.1063, RSMo Supp. 1999. The reenacted rule is located at the following internet address: <http://www.mosers.org/BoardRules.htm>. The reenacted rule is also available upon request by contacting the Missouri State Employees' Retirement System, P.O. Box 209, Jefferson City, MO 65102.

AUTHORITY: section 104.500.2, RSMo Supp. 1988. Emergency rule filed Aug. 15, 1983, effective Aug. 25, 1983, expired Dec. 23, 1983. Original rule filed Aug. 15, 1983, effective Nov. 11, 1983. Amended: Filed Nov. 25, 1992, effective June 7, 1993. Rescinded: Filed March 2, 2000.

PUBLIC COST: This proposed rescission is estimated to cost the Missouri State Employees' Retirement System less than \$500 in the aggregate.

PRIVATE COST: This proposed rescission is estimated to cost private entities less than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a written statement in support of or in opposition to this proposed rescission by mailing it to Jake McMahon, Chief Counsel, Missouri State Employees' Retirement System, P.O. Box 209, Jefferson City, MO 65102. To be considered, comments must be received within thirty-one days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS
Division 30—Missouri State Employees' Retirement System
Chapter 2—Administrative Rules

PROPOSED RESCISSION

16 CSR 30-2.285 Options In Lieu of Normal Annuity. This rule established guidelines regarding retirement options.

PURPOSE: This proposed rescission is a result of this rule being reenacted by the Board of Trustees of the Missouri State Employees' Retirement System pursuant to their rulemaking authority under section 104.1063, RSMo Supp. 1999. The reenacted rule is located at the following internet address: <http://www.mosers.org/BoardRules.htm>. The reenacted rule is also available upon request by contacting the Missouri State Employees' Retirement System, P.O. Box 209, Jefferson City, MO 65102.

AUTHORITY: section 104.515, RSMo Supp. 1992. Original rule filed Dec. 20, 1993, effective July 10, 1994. Rescinded: Filed March 2, 2000.

PUBLIC COST: This proposed rescission is estimated to cost the Missouri State Employees' Retirement System less than \$500 in the aggregate.

PRIVATE COST: This proposed rescission is estimated to cost private entities less than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a written statement in support of or in opposition to this proposed rescission by mailing it to Jake McMahon, Chief Counsel, Missouri State Employees' Retirement System, P.O. Box 209, Jefferson City, MO 65102. To be considered, comments must be received within thirty-one days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS
Division 30—Missouri State Employees' Retirement System
Chapter 2—Administrative Rules

PROPOSED RESCISSION

16 CSR 30-2.290 Appeal Procedure for Retirement Plan. This rule established guidelines regarding retirement plan appeals.

PURPOSE: This proposed rescission is a result of this rule being reenacted by the Board of Trustees of the Missouri State Employees' Retirement System pursuant to their rulemaking authority under section 104.1063, RSMo Supp. 1999. The reenacted rule is located at the following internet address: <http://www.mosers.org/BoardRules.htm>. The reenacted rule is also available upon request by contacting the Missouri State Employees' Retirement System, P.O. Box 209, Jefferson City, MO 65102.

AUTHORITY: section 104.500, RSMo Supp. 1988. Original rule filed April 3, 1985, effective Aug. 26, 1985. Amended: Filed Nov. 25, 1992, effective June 7, 1993. Rescinded: Filed March 2, 2000.

PUBLIC COST: This proposed rescission is estimated to cost the Missouri State Employees' Retirement System less than \$500 in the aggregate.

PRIVATE COST: This proposed rescission is estimated to cost private entities less than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a written statement in support of or in opposition to this proposed rescission by mailing it to Jake McMahon, Chief Counsel, Missouri State Employees' Retirement System, P.O. Box 209, Jefferson City, MO 65102. To be considered, comments must be received within thirty-one days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS
Division 30—Missouri State Employees' Retirement System
Chapter 2—Administrative Rules

PROPOSED RESCISSION

16 CSR 30-2.300 Recognition of Creditable Service for a Person Restored to Employment when a Dismissal is

Disapproved. This rule established guidelines regarding the grant of service for wrongfully dismissed persons.

PURPOSE: This proposed rescission is a result of this rule being reenacted by the Board of Trustees of the Missouri State Employees' Retirement System pursuant to their rulemaking authority under section 104.1063, RSMo Supp (1999). The reenacted rule is located at the following internet address: <http://www.mosers.org/BoardRules.htm>. The reenacted rule is also available upon request by contacting the Missouri State Employees' Retirement System, P.O. Box 209, Jefferson City, MO 65102.

AUTHORITY: section 104.500, RSMo Supp. 1988. Emergency rule filed March 25, 1987, effective April 14, 1987, expired Aug. 2, 1987. Original rule filed March 25, 1987, effective July 13, 1987. Amended: Filed Nov. 25, 1992, effective June 7, 1993. Amended: Filed Dec. 20, 1993, effective July 10, 1994. Rescinded: Filed March 2, 2000.

PUBLIC COST: This proposed rescission is estimated to cost the Missouri State Employees' Retirement System less than \$500 in the aggregate.

PRIVATE COST: This proposed rescission is estimated to cost private entities less than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a written statement in support of or in opposition to this proposed rescission by mailing it to Jake McMahon, Chief Counsel, Missouri State Employees' Retirement System, P.O. Box 209, Jefferson City, MO 65102. To be considered, comments must be received within thirty-one days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS
Division 30—Missouri State Employees' Retirement System
Chapter 2—Administrative Rules

PROPOSED RESCISSION

16 CSR 30-2.310 Optional Life Insurance Annual Automatic Update of Premiums. This rule established guidelines regarding update of premiums.

PURPOSE: This proposed rescission is a result of rulemaking by the Board of Trustees of the Missouri State Employees' Retirement System pursuant to their rulemaking authority under section 104.1063, RSMo Supp. 1999. The new rules are located at the following internet address: <http://www.mosers.org/BoardRules.htm>. The new rules are also available upon request by contacting the Missouri State Employees' Retirement System, P.O. Box 209, Jefferson City, MO 65102.

AUTHORITY: sections 104.010, RSMo Supp. 1992 and 104.500, RSMo Supp. 1988. Original rule filed Nov. 25, 1992, effective June 7, 1993. Rescinded: Filed March 2, 2000.

PUBLIC COST: This proposed rescission is estimated to cost the Missouri State Employees' Retirement System less than \$500 in the aggregate.

PRIVATE COST: This proposed rescission is estimated to cost private entities less than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a written statement in support of or in opposition to this proposed rescission by mailing it to Jake McMahon, Chief Counsel, Missouri State

Employees' Retirement System, P.O. Box 209, Jefferson City, MO 65102. To be considered, comments must be received within thirty-one days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS
Division 30—Missouri State Employees' Retirement System
Chapter 2—Administrative Rules

PROPOSED RESCISSION

16 CSR 30-2.311 Refunds of Premiums for Optional Life Insurance. This rule established guidelines regarding premium refunds.

PURPOSE: This proposed rescission is a result of rulemaking by the Board of Trustees of the Missouri State Employees' Retirement System pursuant to their rulemaking authority under section 104.1063, RSMo Supp. 1999. The new rules are located at the following internet address: <http://www.mosers.org/BoardRules.htm>. The new rules are also available upon request by contacting the Missouri State Employees' Retirement System, P.O. Box 209, Jefferson City, MO 65102.

AUTHORITY: sections 104.010, RSMo Supp. 1992 and 104.500, RSMo Supp. 1988. Original rule filed Nov. 25, 1992, effective June 7, 1993. Rescinded: Filed March 2, 2000.

PUBLIC COST: This proposed rescission is estimated to cost the Missouri State Employees' Retirement System less than \$500 in the aggregate.

PRIVATE COST: This proposed rescission is estimated to cost private entities less than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a written statement in support of or in opposition to this proposed rescission by mailing it to Jake McMahon, Chief Counsel, Missouri State Employees' Retirement System, P.O. Box 209, Jefferson City, MO 65102. To be considered, comments must be received within thirty-one days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS
Division 30—Missouri State Employees' Retirement System
Chapter 2—Administrative Rules

PROPOSED RESCISSION

16 CSR 30-2.320 Former Employees on Layoff Status. This rule established guidelines regarding the continuation of certain benefits for laid off employees.

PURPOSE: This proposed rescission is a result of this rule being reenacted by the Board of Trustees of the Missouri State Employees' Retirement System pursuant to their rulemaking authority under section 104.1063, RSMo Supp 1999. The reenacted rule is located at the following internet address: <http://www.mosers.org/BoardRules.htm>. The reenacted rule is also available upon request by contacting the Missouri State Employees' Retirement System, P.O. Box 209, Jefferson City, MO 65102.

AUTHORITY: sections 104.500.5 and 104.519.1, RSMo 1994. Original rule filed Jan. 30, 1995, effective July 30, 1995.

*Amended: Filed Dec. 16, 1996, effective June 30, 1997.
Rescinded: Filed March 2, 2000.*

PUBLIC COST: This proposed rescission is estimated to cost the Missouri State Employees' Retirement System less than \$500 in the aggregate.

PRIVATE COST: This proposed rescission is estimated to cost private entities less than \$500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a written statement in support of or in opposition to this proposed rescission by mailing it to Jake McMahon, Chief Counsel, Missouri State Employees' Retirement System, P.O. Box 209, Jefferson City, MO 65102. To be considered, comments must be received within thirty-one days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 16—RETIREMENT SYSTEMS
Division 30—Missouri State Employees' Retirement
System
Chapter 2—Administrative Rules

PROPOSED RESCISSION

16 CSR 30-2.330 Creditable Prior Service. This rule established guidelines regarding calculating creditable prior service for members of the general assembly.

PURPOSE: This proposed rescission is a result of this rule being reenacted by the Board of Trustees of the Missouri State Employees' Retirement System pursuant to their rulemaking authority under section 104.1063, RSMo Supp. 1999. The reenacted rule is located at the following internet address: <http://www.mosers.org/BoardRules.htm>. The reenacted rule is also available upon request by contacting the Missouri State Employees' Retirement System, P.O. Box 209, Jefferson City, MO 65102.

AUTHORITY: section 104.500, RSMo 1994. Original rule filed Dec. 6, 1996, effective June 30, 1997. Rescinded: Filed March 2, 2000.

PUBLIC COST: This proposed rescission is estimated to cost the Missouri State Employees' Retirement System less than \$500 in the aggregate.

PRIVATE COST: This proposed rescission is estimated to cost private entities less than \$500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a written statement in support of or in opposition to this proposed rescission by mailing it to Jake McMahon, Chief Counsel, Missouri State Employees' Retirement System, P.O. Box 209, Jefferson City, MO 65102. To be considered, comments must be received within thirty-one days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*