

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than 30 days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The 90-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

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

ORDER OF RULEMAKING

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

3 CSR 10-7.435 is amended.

This amendment relates to hunting seasons and limits and is excepted by section 536.021, RSMo from the requirement for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-7.435 by adopting provisions for hunting deer during the 2001–2002 seasons.

3 CSR 10-7.435 Deer: Seasons, Methods, Limits

PURPOSE: This amendment establishes the firearms seasons, archery season and special managed hunts for deer in 2001–2002.

(1) General Requirements.

(A) For the purposes of this rule, deer shall mean white-tailed deer and mule deer and antlered deer shall mean a deer with at least one (1) antler not less than three inches (3") long. Deer may be pursued, taken, killed, possessed or transported only as permitted in

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

(B) All deer taken shall be transported and possessed only by the taker until such deer have been submitted in person by the taker thereof for inspection and marking at an established checking station. Deer taken during the youth deer hunting and November portions of the firearms deer hunting season, and during the January portion of the firearms deer hunting season in units 1 through 17, 20, 22 through 24, 58 and 59, shall be submitted with the transportation tag attached and the prescribed hunting permit for inspection and marking in the county where taken or an adjoining open county between the hours of 8:00 a.m. and 8:00 p.m. Central Standard Time (CST) on the day taken. Deer taken during the December portion of the firearms deer hunting season and the archery hunting season shall be submitted for inspection and marking within twenty-four (24) hours of take at an established checking station. Deer may not be transported without the head attached unless inspected and marked at an established checking station. Notwithstanding any contrary provisions of other rules, deer inspected and marked with a locking seal at an established checking station may be transported, possessed and stored, and parts of properly checked deer when labeled with the full name, address and permit number of the taker, may be transported and possessed by any person. Locking seals placed on deer at established check-

ing stations shall remain attached to the deer carcass until the processor begins the act of processing the meat for packaging. Donations of commercially processed deer meat may be made to not-for-profit charitable organizations for distribution to under-privileged persons under administrative guidelines established by the director.

(C) Deer shall not be taken while in any stream or other body of water, or from any boat with a motor attached. Deer may not be hunted, pursued or taken with the aid of dogs, bait, any motor driven land conveyance or aircraft at any time. While hunting or pursuing deer, dogs may not be used or possessed.

(D) Bait shall mean grain or other feed placed or scattered so as to constitute an attraction or enticement to deer. Scents and minerals, including salt, are not regarded as bait. An area shall be considered baited for ten (10) days following complete removal of the bait.

(E) Any person who kills or injures any deer shall make a reasonable effort to retrieve the deer and include it in his/her season limit; however, this does not authorize trespass.

(2) Firearms Deer Hunting Season.

(A) Deer may be taken as provided in this rule by the holder of a firearms deer hunting permit from one-half (1/2) hour before sunrise until one-half (1/2) hour after sunset from November 10 through November 20, 2001, from January 5 through January 8, 2002 in units 1 through 17, 20, 22 through 24, 58 and 59, and for Missouri residents who are fifteen (15) years of age or less from October 27–28, 2001. Deer may be taken with a shotgun not smaller than 20-gauge or larger than 10-gauge; or with a muzzle-loading or cap-and-ball firearm not capable of being loaded from the breech, not smaller than .40 caliber, and capable of firing only a single projectile at one (1) discharge; or with any pistol, revolver or rifle firing centerfire ammunition propelling an expanding-type bullet; or with a longbow or crossbow. The possession of full hard metal case projectiles, ammunition propelling more than one (1) projectile at a single discharge and self-loading firearms having a capacity of more than eleven (11) cartridges in magazine and chamber combined are prohibited while pursuing deer.

(B) Deer may be taken as provided in this rule from one-half (1/2) hour before sunrise until one-half (1/2) hour after sunset from December 1 through December 9, 2001, by the holder of a firearms deer hunting permit with a muzzleloading or cap-and-ball firearm not capable of being loaded from the breech, not smaller than .40 caliber, and capable of firing only a single projectile at one (1) discharge. A person, while in the act of pursuing or hunting deer on a firearms deer hunting permit may have and use more than one (1) muzzleloading or cap-and-ball firearm, but have no other firearm, longbow or crossbow on his/her person.

(C) During the November portion of the firearms deer hunting season, and during the January portion of the firearms deer hunting season in units 1 through 17, 20, 22 through 24, 58 and 59, other wildlife may be hunted only with a shotgun and shot not larger than No. 4, except that this provision does not apply to waterfowl hunters, trappers or to a resident landowner on his/her land or to a lessee on the land on which s/he resides; provided that the holder of an unused firearms deer hunting permit and the prescribed hunting permit may take coyotes and, after the opening of the furbearer hunting season, furbearers as described in 3 CSR 10-7.450 by the methods prescribed for taking deer. Furbearers may not be chased, pursued or taken with the aid of dogs during daylight hours from November 1 through November 20, 2001 statewide, and from January 5 through January 8, 2002 in units 1 through 17, 20, 22 through 24, 58 and 59. Squirrels and rabbits may not be chased, pursued or taken with the aid of dogs during daylight hours of the November portion of the firearms deer hunting season in Bollinger, Butler, Carter, Dent, Iron, Madison, Oregon, Reynolds, Ripley, Shannon and Wayne counties.

(D) During all portions of the firearms deer hunting season, all persons while hunting deer shall wear a cap or hat, and a shirt, vest or coat having the outermost color commonly known as day-light fluorescent orange, blaze orange or hunter orange which shall be plainly visible from all sides while being worn. Camouflage orange garments do not meet this requirement. This requirement shall not apply to archery deer hunters during the December portion of the firearms season, to archery deer hunters during the January portion of the firearms season in Units 18, 19, 21, and 25 through 57, or to hunters using archery methods while hunting within municipal boundaries where discharge of firearms is prohibited or on federal or state public hunting areas where deer hunting is restricted to archery methods.

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

1. Units 1–59: Antlered deer may be taken from October 27 through October 28, November 10 through November 20 and from December 1 through December 9. Deer of either sex may be taken from October 27 through October 28, November 10 through November 20 and from December 1 through December 9 by the holder of an any-deer permit in the unit specified on the permit or by the holder of a youth deer and turkey hunting permit, provided that only one (1) deer may be taken during the youth deer hunting portion and that antlerless deer may be taken only in deer management units where any-deer permits are issued. Additional deer, which must be antlerless, may be taken by holders of bonus permits in the unit specified on the permits.

2. Units 1–17, 20, 22–24, 58 and 59: Antlerless deer may be taken from January 5 through January 8, 2002 by holders of any-deer and/or bonus permits from any unit or by holders of youth deer and turkey hunting permits. An unfilled firearms deer hunting permit for antlered deer may be converted to a firearms any-deer hunting permit for use during the January portion of the firearms deer hunting season. Any firearms deer hunting permit-tee may purchase firearms first and second bonus deer hunting permits for use during the January portion of the firearms deer hunting season provided s/he adheres to season limits prescribed in this rule.

3. Nonresidents may take antlered deer from November 10 through November 20 and from December 1 through December 9. Nonresidents may purchase any-deer, first bonus and second bonus permits according to a quota for nonresident permits established for each deer management unit.

(G) In those deer management units where any-deer and bonus deer hunting permits are available as set forth in (2)(F), landowners who are Missouri residents and who own at least seventy-five (75) acres of land and meet the requirements of this rule may be issued free any-deer and bonus deer hunting permits for use on the qualifying property. Landowners who are not Missouri residents must own at least seventy-five (75) continuous acres within a single deer management unit and meet the requirements of this rule. No person may receive more than one (1) landowner any-deer and two (2) landowner bonus deer hunting permits for the firearms season and no person may take more than three (3) deer, only one (1) of which may be antlered, during the firearms deer hunting season. Therefore, a landowner may assign permits to those persons described in (2)(G)3. if the landowner's acreage qualifies in accordance with the formula set forth in (2)(G)1. Assignments must be made in writing on the landowner's application or renewal form.

1. The acreage formula for landowner any-deer and bonus deer hunting permits is:

A. Seventy-five (75) to one hundred forty-nine (149) acres—one (1) any-deer and two (2) bonus deer hunting permits.

B. One hundred fifty (150) to two hundred ninety-nine (299) acres—two (2) any-deer and four (4) bonus deer hunting permits.

C. Three hundred (300) to five hundred ninety-nine (599) acres—three (3) any-deer and six (6) bonus deer hunting permits.

D. Six hundred (600) acres or more—four (4) any-deer and eight (8) bonus deer hunting permits.

2. Missouri resident landowners who can qualify to receive no-cost any-deer and bonus deer hunting permits are:

A. Landowners.

B. Officers, four (4) or fewer, of resident or foreign corporations.

C. General partners, four (4) or fewer, of partnerships.

D. Officers or managing members, four (4) or fewer, of resident limited liability companies.

E. Officers, four (4) or fewer, of benevolent associations organized pursuant to Chapter 352 of the *Revised Statutes of Missouri*.

3. Persons who may be designated to receive no-cost landowner any-deer and bonus deer hunting permits are:

A. Members of the resident landowner's immediate household whose legal residence and domicile is the same as the landowner's for at least thirty (30) days last past.

B. Lessees who reside on the landowner's property and/or their immediate household members.

4. Missouri nonresident landowners who can qualify to purchase nonresident landowner deer and turkey hunting permits are:

A. Landowners.

B. Members of the nonresident landowner's immediate household whose legal residence and domicile is the same as the landowner's for at least thirty (30) days last past.

C. Four (4) or fewer general partners of partnerships.

(3) Archery Deer Hunting Season.

(A) Deer may be taken as provided in section (1) exclusively by longbow from one-half (1/2) hour before sunrise until one-half (1/2) hour after sunset from October 1 through January 15, excluding the dates of the November portion of the firearms deer hunting season, by the holder of an archer's hunting permit or an antlerless-only archery deer hunting permit. An archer, while in the act of pursuing or hunting deer on an archer's permit, shall not have a firearm on his/her person. Archers may take deer of either sex statewide, provided that only one (1) may be antlered prior to the November portion of the firearms deer season.

(4) Managed Deer Hunts.

(A) On the fenced portion of Caney Mountain Conservation Area, one (1) deer of either sex may be taken with muzzleloading or cap-and-ball firearms from October 20 through October 22, 2001.

(B) On the fenced portion of Peck Ranch Conservation Area, one (1) deer of either sex may be taken with longbow from October 6 through October 7; one (1) antlered deer may be taken with muzzleloading or cap-and-ball firearms from October 20 through October 21, 2001.

(C) On Drury-Mincy Conservation Area, one (1) deer of either sex may be taken with muzzleloading or cap-and-ball firearms from October 27 through October 29, 2001.

(D) On designated portions of Swan Lake National Wildlife Refuge, two (2) deer, only one (1) of which may be antlered, may be taken with muzzleloading or cap-and-ball firearms from January 5 through January 6. An antlerless deer must be taken and registered prior to taking an antlered deer. Two (2) antlerless deer may be taken with muzzleloading or cap-and-ball firearms from January 12 through January 13, 2002.

(E) On designated portions of Fort Leonard Wood, one (1) deer of either sex may be taken with historic weapons from December 22 through December 23, 2001.

(F) On designated portions of Mingo National Wildlife Refuge, one (1) deer of either sex may be taken with muzzleloading or cap-and-ball firearms from January 5 through January 6, 2002.

(G) On designated portions of August A. Busch Memorial Conservation Area, one (1) antlerless deer may be taken with longbow from October 15 through October 24 and one (1) deer of

either sex may be taken with longbow from October 1 through October 10 and from December 26 through January 7, 2002; one (1) deer of either sex may be taken with historic weapons or modern firearms from October 27 through October 28; one (1) antlerless deer may be taken with muzzleloading or cap-and-ball firearms from November 12 through November 14; and one (1) deer of either sex may be taken with muzzleloading or cap-and-ball firearms from November 17 through November 19, 2001.

(H) On Weldon Spring Conservation Area, one (1) deer of either sex may be taken with longbow from October 1 through October 14, from October 15 through October 24, from December 1 through December 20 and from December 26 through January 7, 2002; one (1) deer of either sex may be taken with modern firearms from October 27 through October 28, from November 12 through November 14 and from November 17 through November 19, 2001.

(I) On designated portions of James A. Reed Memorial Wildlife Area, two (2) deer, only one (1) of which may be antlered, may be taken with longbow from October 27 through November 4; and two (2) deer, only one (1) of which may be antlered, may be taken with muzzleloading or cap-and-ball firearms from November 5 through November 8 and from November 12 through November 16, 2001. An antlerless deer must be taken and registered prior to taking an antlered deer.

(J) On designated portions of U.S. Army Corps of Engineers project lands at Smithville Lake, three (3) deer, only one (1) of which may be antlered, may be taken with modern firearms from November 17 through November 18, 2001 and two (2) deer, only one (1) of which may be antlered, may be taken with modern firearms from December 15 through December 16, 2001. On designated portions of Truman Lake and Stockton Lake, two (2) deer, only one (1) of which may be antlered, may be taken with modern firearms from November 3 through November 4, 2001.

(K) On designated portions of Whetstone Creek Conservation Area, two (2) deer, only one (1) of which may be antlered, may be taken with modern firearms from November 12 through November 14, 2001. An antlerless deer must be taken and registered prior to taking an antlered deer. One (1) deer of either sex may be taken with longbow from October 1 through November 9; and one (1) antlerless deer may be taken with longbow from November 21 through January 15, 2002.

(L) On designated portions of Forest 44 Conservation Area, two (2) deer, only one (1) of which may be antlered, may be taken with longbow from October 1 through October 14 and from December 1 through January 15, 2002; and two (2) deer, only one (1) of which may be antlered, may be taken with muzzleloading or cap-and-ball firearms from November 12 through November 13 and from November 19 through November 20, 2001.

(M) On designated portions of Squaw Creek National Wildlife Refuge, three (3) antlerless deer may be taken with muzzleloading or cap-and-ball firearms from December 15 through December 16 and from January 12 through January 13, 2002.

(N) On designated portions of Burr Oak Woods Conservation Area, three (3) deer, only one (1) of which may be antlered, may be taken with longbow from October 31 through November 2, 2001; three (3) deer may be taken with muzzleloading or cap-and-ball firearms from November 5 through November 6 and from November 8 through November 9, 2001. An antlerless deer must be taken and registered prior to taking an antlered deer.

(O) On designated portions of Shaw Nature Reserve, three (3) antlerless deer may be taken with muzzleloading or cap-and-ball firearms from December 8 through December 9, 2001 and from January 5 through January 6, 2002.

(P) On designated portions of Stockton State Park, three (3) antlerless deer may be taken with modern firearms from December 8 through December 9, 2001 and from January 12 through January 13, 2002; on designated portions of Crowder State Park, three (3) antlerless deer may be taken with modern firearms from December 8 through December 9, 2001 and from January 5 through January

6, 2002; on designated portions of Babler State Park three (3) antlerless deer may be taken with muzzleloading or cap-and-ball firearms from December 8 through December 9, 2001 and from January 5 through January 6, 2002; on designated portions of Cuivre River State Park and Meramec State Park three (3) antlerless deer may be taken with modern firearms from December 8 through December 9, 2001; on designated portions of Watkins Mill State Park, three (3) deer, only one (1) of which may be antlered, may be taken with muzzleloading or cap-and-ball firearms from December 8 through December 9, 2001 and from January 12 through January 13, 2002; on designated portions of Big Oak Tree State Park, three (3) antlerless deer may be taken with muzzleloading or cap-and-ball firearms on December 8, 2001 and January 12, 2002; on designated portions of Knob Noster State Park three (3) antlerless deer may be taken with modern firearms from December 15 through December 16, 2001; on designated portions of St. Francois State Park three (3) antlerless deer may be taken with modern firearms from January 12 through January 13, 2002; on designated portions of Pershing State Park three (3) deer, only one (1) of which may be antlered, may be taken with modern firearms from December 1 through December 2, 2001; on designated portions of Rock Bridge State Park three (3) antlerless deer may be taken with muzzleloading or cap-and-ball firearms from January 5 through January 6, 2002. During the Pershing State Park and Watkins Mill State Park managed hunts two (2) antlerless deer must be taken and registered before taking an antlered deer.

(Q) On designated portions of Columbia Bottom Conservation Area, one (1) deer of either sex may be taken with longbow from October 1 through November 14 and from December 1, 2001 through January 15, 2002.

(R) On designated portions of Jackson County's Fleming Park three (3) deer, only one (1) of which may be antlered, may be taken with muzzleloading or cap-and-ball firearms from December 3 through December 5 and from December 19 through December 21, 2001. An antlerless deer must be taken and registered prior to taking an antlered deer.

(S) On designated portions of Rockwoods Range, two (2) deer, only one (1) of which may be antlered, may be taken with longbow from November 1 through November 30 and from December 1 through December 30, 2001.

(T) On designated portions of Charles W. Green Conservation Area, one deer of either sex may be taken with historic weapons or modern firearms from November 3 through November 4, 2001.

(U) On designated portions of Pelican Island Natural Area, two (2) deer, only one (1) of which may be antlered, may be taken with muzzleloading or cap-and-ball firearms from November 3 through November 5, 2001.

(V) On designated portions of Prairie Fork Creek Conservation Area, two (2) antlerless deer may be taken with modern firearms from November 12 through November 14, 2001.

(W) On designated portions of St. Stanislaus Conservation Area, two (2) deer, only one (1) of which may be antlered, may be taken with longbow from October 1 through November 14 and from December 1, 2001 through January 15, 2002.

(X) On designated portions of Clarence Cannon National Wildlife Refuge, three (3) antlerless deer may be taken with modern firearms from January 5 through January 6, 2002.

(Y) On designated portions of University Forest Conservation Area, one (1) deer of either sex may be taken with modern firearms from October 20 through October 21, 2001.

SUMMARY OF COMMENTS: Seasons and limits are excepted from the requirement for filing as a proposed amendment under section 536.021, RSMo.

This amendment filed June 1, 2001, effective **June 15, 2001**.

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

ORDER OF RULEMAKING

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

3 CSR 10-7.440 is amended.

This amendment relates to hunting seasons and limits and is excepted by section 536.021, RSMo from the requirement for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-7.440 by establishing seasons and limits for hunting migratory waterfowl during the 2001 seasons.

**3 CSR 10-7.440 Migratory Game Birds and Waterfowl:
Seasons, Limits**

PURPOSE: This order sets the seasons and limits for hunting migratory waterfowl during the 2001 season.

(1) Migratory game birds and waterfowl may be taken, possessed, transported and stored as provided in federal regulations. The head or one (1) fully feathered wing must remain attached to all waterfowl while being transported from the field to one's home or a commercial preservation facility. Seasons and limits are as follows:

(A) Doves may be taken from one-half (1/2) hour before sunrise to sunset from September 1 through November 9. Limits: twelve (12) doves daily; twenty-four (24) in possession.

(B) Sora and Virginia rails may be taken from one-half (1/2) hour before sunrise to sunset from September 1 through November 9. Limits: twenty-five (25) rails in the aggregate daily or in possession.

(C) Woodcock may be taken from one-half (1/2) hour before sunrise to sunset from October 15 through November 28. Limits: three (3) woodcock daily; six (6) in possession.

(D) Common snipe may be taken from one-half (1/2) hour before sunrise to sunset from September 1 through December 16. Limits: eight (8) snipe daily; sixteen (16) in possession.

(E) Blue-winged, green-winged and cinnamon teal may be taken from sunrise to sunset from September 8 through September 23. Limits: four (4) teal in the aggregate of species daily; eight (8) in possession.

SUMMARY OF PUBLIC COMMENTS: Seasons and limits are excepted from the requirement for filing as a proposed amendment under section 536.021, RSMo.

This amendment filed June 1, 2001, effective **June 15, 2001**.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 140—Division of Finance
Chapter 2—Banks and Trust Companies**

ORDER OF RULEMAKING

By the authority vested in the Missouri State Banking Board and the Missouri Commissioner of Finance under section 361.105, RSMo 2000, the commissioner and the board amend a rule as follows:

4 CSR 140-2.070 Accounting for Other Real Estate is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2001 (26 MoReg 328). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 140—Division of Finance
Chapter 2—Banks and Trust Companies**

ORDER OF RULEMAKING

By the authority vested in the Missouri State Banking Board and the Missouri Commissioner of Finance under section 361.105, RSMo 2000, the commissioner and the board adopt a rule as follows:

4 CSR 140-2.138 Financial Subsidiaries is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 1, 2001 (26 MoReg 328–329). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 140—Division of Finance
Chapter 6—Interpretative Rulings**

ORDER OF RULEMAKING

By the authority vested in the Missouri State Banking Board and the Missouri Commissioner of Finance under section 361.105, RSMo 2000, the commissioner and the board adopt a rule as follows:

4 CSR 140-6.085 Trust Representative Offices is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 1, 2001 (26 MoReg 329–330). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 32—Telecommunications Service**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.040, 386.250 and 392.200, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-32.130 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 1, 2001 (26 MoReg 330–333). The section with changes is reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A hearing was held on March 16, 2001, at 9:00 a.m., in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Oral testimony and written comments were received during the comment period regarding proposed rules 4 CSR 240-32.130 through 32.170.

COMMENT: Comments offered support for the Commission's efforts to protect consumers by adopting prepaid calling card rules. RESPONSE: The Commission thanks all parties for their valuable comments.

COMMENT: A comment recommended a change to proposed rule 4 CSR 240-32.140(2) to correct an ambiguity found in the definition of "company." Although the comment did not specifically address 4 CSR 240-32.130, the same potential ambiguity exists since 32.130 and 32.140(2) use the same language. As proposed, the term "resellers" could be misconstrued to apply to distributors of prepaid calling cards that are not telecommunications companies.

RESPONSE AND EXPLANATION OF CHANGE: The Commission subdivided section (1) to address the potential ambiguity.

4 CSR 240-32.130 General Provisions—Prepaid Interexchange Calling Services

(1) This rule, and other rules comprising 4 CSR 240-32.130 through 4 CSR 240-32.170, shall apply to companies that provide prepaid calling interexchange services to the public: (a) using their own facilities; or, (b) reselling the services of another telecommunications company.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 32—Telecommunications Service**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.040, 386.250 and 392.200, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-32.140 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 1, 2001 (26 MoReg 331). Those sections with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A hearing was held on March 16, 2001, at 9:00 a.m., in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Oral testimony and written comments were received during the comment period.

COMMENT: The Commission should modify the definition of "company" in subsection (2) to correct an ambiguity. As proposed, the term "reseller" could be misconstrued to apply to distributors of prepaid calling cards that are not telecommunications companies.

RESPONSE AND EXPLANATION OF CHANGE: The Commission clarifies section (2) by subdividing the definition of “company” and, therefore, removing the ambiguity.

COMMENT: The Commission should clarify the definition of “customer” found in 4 CSR 240-32.140(3) by replacing the term “entity/person” with the term “end user.”

RESPONSE AND EXPLANATION OF CHANGE: The Commission agrees this clarification is necessary and replaces “entity/person” with “end user” in the definition of “customer.”

COMMENT: The Commission should clarify the definition of “prepaid calling services” to indicate the rule applies to interexchange calling services.

RESPONSE AND EXPLANATION OF CHANGE: The Commission agrees this clarification is necessary and inserts the word “interexchange” into the definition.

COMMENT: Several comments addressed the definition of “prepaid calling card” found in subsection (6) and requested that promotional cards and other cards issued to customers free of charge be exempted from the definition. One comment, however, replied that an exemption for promotional cards should be narrowly defined. Another comment asked that promotional cards be exempted unless the customer has the option of reactivating the card and incurring charges.

RESPONSE AND EXPLANATION OF CHANGE: The Commission changes section (6) to clarify that promotional cards are only subject to the terms of the proposed rule when a customer must purchase the prepaid calling service.

4 CSR 240-32.140 Definitions—Prepaid Interexchange Calling Services

(2) Company—Any telecommunications company providing prepaid calling services to the public: (a) using its own facilities; or, (b) reselling the services of another telecommunications company.

(3) Customer—Any end user inquiring about or purchasing prepaid calling services.

(6) Prepaid calling card (Card)—Any object containing an access number and authorization code that enables an end user to use PPCS. This includes, but is not limited to, retail and collectible calling cards. Promotional calling cards become prepaid calling cards when the consumer must purchase prepaid calling services at the time of issuance or at some time in the future in order to use the promotional card.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission

Chapter 32—Telecommunications Service

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.040, 386.250 and 392.200, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-32.150 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 1, 2001 (26 MoReg 331). Those sections with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A hearing was held on March 16, 2001, at 9:00 a.m., in the Governor Office Building, 200 Madison

Street, Jefferson City, Missouri. Oral testimony and written comments were received during the comment period.

COMMENT: One comment supports a requirement that the company name appear on the prepaid calling card, but requests that the Commission not require the company’s certificated name to appear on the card as required under subsection (2). Another comment asked that subsection (2) be clarified to indicate whether the certificated name or the d/b/a name should appear on the card.

RESPONSE AND EXPLANATION OF CHANGE: Requiring the prepaid calling cards to include the company’s certificated name is essential to determine which company’s tariffs apply to the card. This can be accomplished by allowing the company to include the certificated name in the prepaid card packaging *or* on the prepaid card itself. Sections (2) and (3) have been changed to address these comments. These rules will allow the certificated name and the d/b/a to appear on either the card or the packaging.

COMMENT: Several comments stressed the importance of requiring that prepaid card providers be certificated to provide interexchange telecommunications services to protect the consumer. One comment further stressed the importance of disclosing all prices, terms and conditions in the company’s filed tariffs.

RESPONSE AND EXPLANATION OF CHANGE: In response to this comment, the Commission adds section (5) that states “all prepaid calling services charges, surcharges and fees subject to Missouri Public Service Commission jurisdiction shall be no more than the company’s Missouri-tariffed rates.”

COMMENT: Several comments regarding proposed rule 4 CSR 240-32.170 requested that companies be allowed to express charges in units other than minutes.

RESPONSE AND EXPLANATION OF CHANGE: The Commission partly addressed these comments in 4 CSR 240-32.170 by allowing companies to charge in increments other than minutes. To ensure that these charges are properly tariffed, the Commission adds section (4) that requires a company to define billing increments other than minutes, if applicable.

4 CSR 240-32.150 Qualifications for and Responsibilities of the Prepaid Calling Services

(2) The company name used on prepaid calling cards and/or the prepaid card packaging shall be identical to the name in which the certificate and tariff are issued.

(3) A “doing business as” (d/b/a) name may be used on all prepaid calling cards and/or prepaid Card packaging if the d/b/a is registered with the Missouri Secretary of State as a fictitious name and the d/b/a is reflected on the certificate and the tariff prior to providing the service.

(4) All prepaid calling services charges, surcharges and fees subject to Missouri Public Service Commission jurisdiction shall be no more than the company’s Missouri-tariffed rates.

(5) If a company uses billing increments other than per minute rates, the billing increment must be defined in the company’s Missouri tariff.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission

Chapter 32—Telecommunications Service

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.040, 386.250 and 392.200, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-32.160 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 1, 2001 (26 MoReg 331-332). Those sections with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A hearing was held on March 16, 2001, at 9:00 a.m., in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Oral testimony and written comments were received during the comment period.

COMMENT: A number of comments expressed concern that the rules attempted to require companies to control the practices of their retailers. The comments highlight the difficulties facing companies that have little influence over the business practices of their retailers and distributors. One comment, however, supported a rule that would require companies to contractually require their retailers and distributors to abide by the prepaid calling card rules.

RESPONSE AND EXPLANATION OF CHANGE: Proposed section (3) is moved to section (4) and changed to require the company to notify its retailers and distributors that disclosure is required under the Commission's rules.

COMMENT: One comment indicated that the customer service standards in proposed section (4) are already required under Chapter 33 of the Commission's rules.

RESPONSE AND EXPLANATION OF CHANGE: The Commission maintains section (4) as proposed to ensure the customer can contact the company for complaints or questions about the service. No changes were made to section (4) other than moving the section in its entirety to section (5).

COMMENT: Several comments requested the removal of the disclosure statement in proposed subsections (1)(C) and (2)(F). Some claimed these sections were redundant.

RESPONSE AND EXPLANATION OF CHANGE: The Commission agrees with the comments and removes proposed subsections (1)(C) and (2)(F) from the rules. These provisions were intended to educate the customer on how to calculate charges, and comments received at the public hearing stressed the importance of educating the customer. The Commission adds a new section (3) to protect the customer in this regard. This change also moves a portion of section (2) into new section (3).

COMMENT: One comment suggested that proposed subsections (1)(B) and (2)(E) should be modified to clarify that the required disclosures regarding surcharges, taxes, and any added relevant variables apply only to such *domestic* surcharges, taxes, etc. In addition, several comments asked that subsections (1)(B) and (2)(E) be revised to allow companies more flexibility in pricing their products.

RESPONSE AND EXPLANATION OF CHANGE: The Commission revised subsections (1)(B) and (2)(E) to address these concerns. Subsection (1)(B) is changed to allow the companies greater pricing flexibility. Subsection (2)(E) is moved to new subsection (3)(A) and changed to allow greater pricing flexibility. New subsection (3)(A) is also changed to reflect that the subsection applies to domestic charges.

COMMENT: Many comments cautioned the Commission against state-specific card requirements proposed in subsection (1)(B). They stated that state-specific requirements would be costly to companies and could deter companies from offering prepaid calling services in Missouri. The main state-specific concern regarded the requirement that charges be expressed in minutes.

RESPONSE AND EXPLANATION OF CHANGE: The Commission believes the goals of this rule can be reached without

requiring companies to print a Missouri-specific card. Subsection (1)(B) is changed to allow billing increments that are not on a per-minute basis so long as the billing increment is defined for the customer. Subsection (2)(E) is moved to subsection (3)(A) and changed to allow billing increments other than minutes.

COMMENT: Several comments requested clarification of subsection (3) (now subsection (5)) to allow either 24 hour, 7 days a week customer service *or* electronic voice-recording by deleting the phrase "and/or" and replacing it with "or."

RESPONSE AND EXPLANATION OF CHANGE: The Commission agrees that this clarification is necessary. The rule is changed accordingly.

COMMENT: One comment suggested a modification to (2)(C) to allow companies to provide access through a toll-free number *or* a local access number at their discretion.

RESPONSE AND EXPLANATION OF CHANGE: The Commission recognizes the need for this change and adds a local access number option.

COMMENT: One comment stated that the rules should be changed to allow disclosure of either an expiration policy *or* an expiration date.

RESPONSE AND EXPLANATION OF CHANGE: The Commission adds text to reflect this change in subsections (1)(C), (2)(E) and (3)(B).

COMMENT: Several comments discussed the Commission's enforcement of the proposed prepaid calling card rules requiring disclosure, suggesting that the Commission avoid making rules that it does not intend to actively enforce. Other comments suggested that the Commission specifically request a report from its staff regarding enforcement activities.

RESPONSE: These disclosure requirements are meant to deter misleading practices and to have rules that apply if complaints are brought to the Commission regarding violations of the rules. No changes were made following these comments.

4 CSR 240-32.160 Customer Disclosure Requirements

(1) Company shall provide the following information to the customer before purchase. The information may be disclosed on the prepaid calling card, prepaid calling card packaging, visible display at the point of sale or in the presale document.

(B) The maximum domestic per minute rate or the maximum charge per billing increment plus all applicable surcharges or taxes and any added relevant variables. If a company uses billing increments other than per minute rates, the billing increment must be defined.

(C) Any expiration policy or date.

(2) Company shall disclose the following information to the customer, either on the prepaid calling card or through an insert, after purchase.

(C) A toll-free or local network access number.

(D) An authorization code, if required to access the network.

(E) Any expiration policy or date.

(3) Company shall provide through its toll-free customer service number, the following information to the customer.

(A) The maximum domestic rate including all applicable surcharges or taxes and any added relevant variables, the maximum charge per billing increment or an appropriate method for the service user to calculate the domestic cost per minute plus all applicable surcharges or taxes and any added relevant variables.

(B) Any expiration policy or date.

(4) The company shall notify its retailers and distributors that customer disclosure information as set forth in 4 CSR 240-32.160(1) is required.

(5) Each company shall provide a live operator to answer all incoming calls 24 hours a day, 7 days a week or each company shall electronically voice-record end user complaints. If an electronic voice-recorder is used:

(A) The company shall attempt to contact each complainant no later than the next business day following the date of the recording.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 32—Telecommunications Service**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.040, 386.250 and 392.200, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-32.170 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 1, 2001 (26 MoReg 332-333). Those sections with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A hearing was held on March 16, 2001, at 9:00 a.m., in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Oral testimony and written comments were received during the comment period.

COMMENT: Comments expressed their concern over practices that allow companies to reduce the balance on a prepaid calling card with charges that were not disclosed to the customer.

RESPONSE AND EXPLANATION OF CHANGE: The Commission changes section (1) to ensure that companies disclose all charges that will reduce the balance on the card.

COMMENT: Comments opposed the subsection (3) requirement that charges be expressed in minutes of use or fractions thereof. Companies that provide prepaid calling cards with charges expressed in units other than minutes would be forced to change their charge practice or cease offering their cards in Missouri.

RESPONSE AND EXPLANATION OF CHANGE: The purposes of this rule can be reached without requiring companies to print a Missouri-specific card. Section (3) is changed to address this concern by adding "units" and "dollars" to the increments that must be disclosed.

COMMENT: Several comments requested a change in the rules to grandfather the existing stock of cards. One party suggested a 6 to 9 month limit to grandfather cards.

RESPONSE: The current six month effective date allows sufficient time for companies to use their existing stock of cards. Comments indicated that most companies offer cards that already comply with these rules. No changes were made following these comments.

COMMENT: Comments stated that subsection (4) would place the impossible task of requiring a 98% call completion percentage on a company that is dependent upon other telecommunications companies to complete a call. One party noted that the Commission already requires a completion percentage in 4 CSR 240-32.080(5)(H) of the Commission's rules.

RESPONSE AND EXPLANATION OF CHANGE: The Commission acknowledges that 4 CSR 240-32.080(5)(H) requires companies to adhere to a completion percentage and, therefore, deletes section (4) from the rules.

COMMENT: One party stated that subsection (8) (now subsection (7)) unnecessarily restricts a company's ability to provide prepaid calling cards in denominations other than minutes.

RESPONSE AND EXPLANATION OF CHANGE: The language in section (8) (now section (7)) protects customers from unreasonable charges. A clarifying change was made to this subsection.

COMMENT: Subsection (6)(D) (now subsection (5)(D)) should only require customer service information on refunds for 30 days from the date the company ceases operations in Missouri. The proposed 60 days is extensive.

RESPONSE: Many customers may not exhaust the calling time on the prepaid card within 30 days from the day of purchase. Customers may lose an opportunity to receive a refund if subsection (6)(D) (now subsection (5)(D)) were changed as proposed. No changes were made to this subsection following this comment.

COMMENT: One comment suggested deleting the written notice requirement of subsection (6)(B) (now subsection (5)(B)). The comment stated that the requirement was impossible to implement.

RESPONSE: Subsection (6)(B) (now subsection (5)(B)) only requires written notice if applicable. Such notice would not be applicable where the customer's identity is unknown to the company. No changes were made to this subsection following this comment.

COMMENT: A number of comments expressed concern that the rules attempted to require companies to control the practices of their retailers. The comments highlight the difficulties facing companies that have little influence over the business practices of their retailers and distributors. One comment, however, supported a rule that would require companies to contractually require their retailers and distributors to abide by the prepaid calling card rules.

RESPONSE AND EXPLANATION OF CHANGE: 4 CSR 240-32.160(4) requires companies to notify their retailers or distributors that disclosure is required under the Commission's rules. The Commission deletes section (10) from these rules.

4 CSR 240-32.170 Standards for Prepaid Calling Service

(1) The company shall not reduce the balance on the card by more than the charges printed on the card, packaging, visible display at the point of sale and in any presale documentation.

(3) Increments charged to the prepaid calling card shall be expressed in minutes of use, units, dollars, or fractions thereof.

(4) Each company shall only charge for conversation time plus applicable disclosed surcharges. Conversation time begins when the called party answers the call and ends when either party terminates the call.

(5) When a company ceases operations in the state of Missouri, the company must:

(A) Provide the commission with 30 days advance notice in writing and include proof of customer notification.

(B) At least 30 days before termination, provide written notice to customers at the address on file with the company, if applicable, indicating that service will be ending and explain how customers may receive a refund on any unused service.

(C) Beginning at least 15 days before termination, provide oral notice of termination at the beginning of each call originated in Missouri, including the date of termination and a toll-free number to call for more information.

(D) Provide information to customer via its customer service number and the toll-free number outlining the procedure for obtaining refunds and continue to provide this information for 60 days from the date the company ceases operations in Missouri.

(6) Each company shall have a refund policy that meets the following minimum requirements:

(A) If a company is no longer able to provide service and the prepaid calling card is deemed no longer usable and has not exceeded the expiration period of the card, the company shall provide a refund to the customer in an amount equal to the value remaining on the account.

(B) Refunds may be cash or replacement service, at the company's option. The company must provide the refund to the customer within 60 days of notification by the customer.

(7) Conversation time of less than a full minute shall be rounded to no more than the next full minute.

(8) Services without a specific expiration period printed on the card, and with a balance remaining, shall be considered active for a minimum of one year from the date of first use, or if recharged one year from the date of the last recharge.

(9) All services sold in Missouri must comply with 4 CSR 240-32.130 through 4 CSR 240-32.170 six months after the effective date of the rules.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 255—Missouri Board for Respiratory Care Chapter 2—Licensure Requirements

ORDER OF RULEMAKING

By the authority vested in the Missouri Board for Respiratory Care under sections 334.800, 334.840.2, 334.850, 334.890.2 and 334.890.3, RSMo 2000, the board amends a rule as follows:

4 CSR 255-2.020 Application for Temporary Permit is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2001 (26 MoReg 493). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 255—Missouri Board for Respiratory Care Chapter 2—Licensure Requirements

ORDER OF RULEMAKING

By the authority vested in the Missouri Board for Respiratory Care under sections 334.800, 334.840.2, 334.850, 334.890.1 and 334.890.3, RSMo 2000, the board amends a rule as follows:

4 CSR 255-2.030 Application for an Educational Permit is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on

March 1, 2001 (26 MoReg 493–494). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 255—Missouri Board for Respiratory Care Chapter 2—Licensure Requirements

ORDER OF RULEMAKING

By the authority vested in the Missouri Board for Respiratory Care under sections 334.800, 334.840.2, 334.850, 334.880.1, 334.910 and 334.920, RSMo 2000, the board amends a rule as follows:

4 CSR 255-2.050 Inactive Status is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2001 (26 MoReg 494–495). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 255—Missouri Board for Respiratory Care Chapter 2—Licensure Requirements

ORDER OF RULEMAKING

By the authority vested in the Missouri Board for Respiratory Care under sections 334.800, 334.840.2, 334.850, 334.870, 334.880.1, 334.910 and 334.920, RSMo 2000, the board rescinds a rule as follows:

4 CSR 255-2.060 Reinstatement is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on March 1, 2001 (26 MoReg 496). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 255—Missouri Board for Respiratory Care Chapter 2—Licensure Requirements

ORDER OF RULEMAKING

By the authority vested in the Missouri Board for Respiratory Care under sections 334.800, 334.840.2, 334.850, 334.870, 334.880.2, 334.910 and 334.920, RSMo 2000, the board adopts a rule as follows:

4 CSR 255-2.060 Reinstatement is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 1, 2001 (26 MoReg 496-500). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 255—Missouri Board for Respiratory Care
Chapter 4—Continuing Education Requirements

ORDER OF RULEMAKING

By the authority vested in the Missouri Board for Respiratory Care under sections 334.800, 334.840.2, 334.850, 334.910 and 334.920, RSMo 2000, the board rescinds a rule as follows:

4 CSR 255-4.010 Continuing Education Requirements is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on March 1, 2001 (26 MoReg 501). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 255—Missouri Board for Respiratory Care
Chapter 4—Continuing Education Requirements

ORDER OF RULEMAKING

By the authority vested in the Missouri Board for Respiratory Care under sections 334.800, 334.840.2, 334.850, 334.910 and 334.920, RSMo 2000, the board adopts a rule as follows:

4 CSR 255-4.010 Continuing Education Requirements is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 1, 2001 (26 MoReg 501-506). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 9—DEPARTMENT OF MENTAL HEALTH
Division 45—Division of Mental Retardation and Developmental Disabilities
Chapter 3—Care and Habilitation

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director adopts a rule as follows:

9 CSR 45-3.070 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 1, 2001 (26 MoReg 335-343). Those sections with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Mental Health, Division of Mental Retardation and Developmental Disabilities received 27 comments to the proposed rule.

NOTE: Even though no specific comment was received, the department notes that an error in the numbering of the proposed rule omitted a section (15). The department has renumbered section (16) of the proposed rule to be section (15) in the Order of Rulemaking.

COMMENT: As a general comment, three respondents suggested that the Department develop its own medication aide training program and certificate in lieu of adopting the Division of Aging's Level I Medication Aide Training Program.

RESPONSE AND EXPLANATION OF CHANGE: The Department agrees and has removed references to the Division of Aging in sections (6) and (9) and has removed reference to long term care (LTC) association in section (11) and (13). In order to avoid confusion with the Level I Medication Aide training program offered through the Division of Aging, the department has removed the reference to "Level I" in the title of the rule, and sections (1), (2), (3), (8), (11), (13), (14) and (15) and has revised the Purpose of the rule. These revisions make the Department of Mental Health, Division of Mental Retardation and Developmental Disabilities the approval agency for the Medication Aide Training Program, including the issuance of a Medication Aide Certificate. The department has also removed reference to Level I in the form attached to this rule.

COMMENT: One respondent commented that the Level I medication aide student qualifications and bi-annual training requirements under sections (8) and (14) respectively should be the same for the Division of Mental Retardation and Developmental Disabilities and the Division of Aging.

RESPONSE AND EXPLANATION OF CHANGE: The Department agrees in part and has eliminated in Section (8) any reference to a GED or high school diploma as a requirement to enroll in the Level I Medication Aide course. However, it has made no change to Section (14) because it considers staff training important to consumers' health and safety.

COMMENT: As a general comment, seven respondents commented that the costs to providers to implement the rule in a community setting are exorbitant.

RESPONSE: The Department recognizes there is a fiscal impact associated with the rule. To help mitigate costs the rule includes the following: (1) 18 month time frame for providers and staff to comply with the rule; (2) medication aides who hold a medication administration certificate issued by the Division's regional centers or a Division of Aging level I medication aide certificate will be deemed certified; and (3) medication aides who do not currently meet certification requirements may challenge the Medication Aide examination, in lieu of taking the 16-hour course. The Department has decided to make no changes to the rule in response to this comment.

COMMENT: One respondent commented that purchasing manuals for each person taking the course, as required by section (6), would be very cost prohibitive.

RESPONSE: The Department disagrees and has not revised the rule as requested because the department contends that the manual will

serve each student as an ongoing reference after the training program has been completed.

COMMENT: One respondent commented that the Level I Medication Aide Training Program curriculum, as described in section (5), does not take into consideration the very different circumstances of people with developmental disabilities.

RESPONSE: It is not the purpose of this rule to promulgate the content of the training curriculum. However the department notes that the curriculum includes medication administration information specific to individuals with developmental disabilities. In addition, the Division will periodically provide instructors who teach the bi-annual training with current information in this regard.

COMMENT: Commenting on subsection (13)(B), four respondents stated the time delay between a student successfully completing the Level I Medication Aide course and obtaining a certificate from the long-term association that approved the course will be both costly and not in consumers' best interest.

RESPONSE AND EXPLANATION OF CHANGE: The Department agrees and has changed the subsection accordingly. The local regional center will issue a Division of Mental Retardation and Developmental Disabilities Medication Aide Certificate upon receiving the required final records and test booklets from the sponsoring agency.

COMMENT: Commenting on subsection (8)(A), one respondent recommended deleting the language "to be involved in direct consumer support" because it creates a restriction on student eligibility for the Level I Medication Aide Training Program that is neither clear nor necessary.

RESPONSE AND EXPLANATION OF CHANGE: The Department agrees and will delete the phrase "to be involved in direct consumer support."

COMMENT: One person stated that the definition of employable in subsection (8)(A) is confusing and unnecessary.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and has revised the subsection (8)(A) as requested. However the department is also amending paragraph (13)(B)1. to clearly state that the department will award the certificate only to persons who are employable.

COMMENT: One respondent commented that the Test of Adult Basic Education (TABE) is a better measure of the qualities needed to ensure proper level I medication aide training and its recognition in the rule would create a more reasonable eligibility requirement than a high school diploma or GED. A second respondent commented that successfully passing the exam is the critical factor, not having a GED or high school diploma.

RESPONSE AND EXPLANATION OF CHANGE: The Department notes that meeting any of these measures is not necessarily required to take the medication aide training and therefore the department has revised section (8) to delete references to these measures.

COMMENT: The department noted that section (8) should be clarified by making reference to deemed certification status under subsection (13)(B).

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and has revised the rule accordingly.

COMMENT: Nine respondents commented that the instructor qualifications in subsection (10)(B) are too restrictive and would greatly affect their ability to find qualified instructors.

RESPONSE AND EXPLANATION OF CHANGE: The Department has considered this comment and recognizes that wording was inadvertently omitted from the rule that restricts instructor quali-

cations. The Department has revised section (10) of the rule accordingly.

COMMENT: One respondent commented that it may be difficult, due to schedule conflicts and staffing, for medication aides to complete the bi-annual training by the anniversary date of their initial medication aide certificate, as required under section (14).

RESPONSE: Individuals have twenty-four months to take the bi-annual training. The Department considers this sufficient time for staff and providers to comply with the requirement. The Department will make no changes to the rule.

COMMENT: One respondent commented that the bi-annual training under subsection (14)(A) requires a minimum of four hours training every two years. The rule does not clarify whether those four hours include or require a practicum exam.

RESPONSE: The bi-annual training does not include a practicum; however, nothing prohibits instructors from making this a requirement when appropriate and warranted. The Department will make no changes to the rule.

COMMENT: One respondent commented that the title "Maintain Certificate" in section (16) of the proposed rule would be more appropriately named "Revocation of Certificate."

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the recommendation and will change the rule.

COMMENT: Seventeen (17) respondents commented on paragraph (12)(A)2., stating that the requirement to conduct the practicum examination in only a residential or day program setting, and not a simulated setting, will be costly and greatly inhibit the ability of community providers to get new hires certified.

RESPONSE AND EXPLANATION OF CHANGE: The Department agrees and has changed the rule to allow the local regional center to approve simulated practicum sites when testing in a residential or day program is not possible or feasible.

EXPLANATION OF OTHER CHANGES: Also related to section (12) the department noted that since the Division of Aging will not be directly involved it will be necessary for the department to design test questions. The department revised paragraph (12)(A)1. accordingly.

9 CSR 45-3.070 Certification of Medication Aides Serving Persons with Developmental Disabilities

PURPOSE: Individuals who administer medications or supervise self-administration of medications in any residential setting or day program funded, licensed or certified by the Department of Mental Health to provide services to persons who are mentally retarded or developmentally disabled, are required to be either a physician, a licensed nurse, a certified medication technician, a certified medication employee, a level I medication aide or Department of Mental Health medication aide. The provisions of the rule do not apply to family-living arrangements unless they are receiving reimbursement through the Medicaid Home and Community-Based Waiver for persons with developmental disabilities. This rule sets forth the requirements for approval of a Medication Aide Training Program designating the required course curriculum content, outlining the qualifications required of students and instructors, designating approved training facilities and outlining the testing and certification requirements.

(1) The purpose of the Medication Aide Training Program shall be to prepare individuals for employment as medication aides in any residential setting or day program funded, licensed or certified by the Department of Mental Health to provide services to persons with mental retardation or developmental disabilities. The training program does not prepare individuals for the parenteral adminis-

tration of medications such as insulin or the administration of medications or other fluids via enteral feeding tubes.

(2) All aspects of the Medication Aide Training Program included in this rule shall be met in order for a program to be considered approved.

(3) The objectives of the Medication Aide Training Program shall be to ensure that the medication aide will be able to—

(A) Define the role of a medication aide;

(6) The approved course curriculum shall be the manual entitled *Level I Medication Aide* (IE 64-1), developed by the Department of Elementary and Secondary Education, Department of Mental Health and the Division of Aging and produced by the Instructional Materials Laboratory, University of Missouri-Columbia. This manual is incorporated by reference in this rule. Students and instructors each shall have a copy of this manual.

(8) Student Qualifications.

(A) Any individual employable in a residential setting or day program funded, licensed or certified by the Department of Mental Health to provide services to persons who are mentally retarded or developmentally disabled, and who meet the requirements of 9 CSR 10-5.190, shall be eligible to enroll as a student in this course or to challenge the final examination.

(B) An individual may qualify as a medication aide by successfully challenging the final examination if that individual has successfully completed a medication administration course and is currently employed to perform medication administration tasks in a residential setting or day program operated, funded, licensed or certified by the Department of Mental Health to provide services to persons who are mentally retarded or developmentally disabled.

(C) Certain persons may be deemed certified under paragraph (13)(B)4. of this rule.

(9) Those persons wanting to challenge the final examination shall submit a request in writing to the Missouri Division of Mental Retardation and Developmental Disabilities enclosing applicable documentation. If approved to challenge the examination, the Division of Mental Retardation and Developmental Disabilities will send the applicant a letter to present to an approved instructor so arrangements can be made for testing.

(10) Instructor Qualifications.

(B) In order to be qualified as an instructor, the individual shall—

1. Have attended a “Train the Trainer” workshop to implement the Level I Medication Aide Training Program conducted by a Missouri registered nurse presenter approved by the Missouri Division of Aging.

2. Meet at least one (1) of the following criteria:

A. Have had one (1) year’s experience working in a long-term care (LTC) facility licensed by the Division of Aging or in a residential facility or day program operated, funded, licensed or certified by the Department of Mental Health within the past five (5) years; or

B. Be currently employed in a LTC facility licensed by the Department of Mental Health and shall have been employed by that facility for at least six (6) months; or

C. Shall be an instructor in a Health Occupations Education Program.

(11) Sponsoring Agencies.

(A) The Medication Aide Training Program may be sponsored by providers of residential or day programs operated, funded, licensed or certified by the Department of Mental Health, Division of Mental Retardation and Developmental Disabilities.

(B) The sponsoring agency is responsible for obtaining an approved instructor, determining the number of manuals needed for a given program, ordering the manuals for the students and presenting a class schedule for approval by the local regional center. The sponsoring agency shall maintain the following documentation: the name of the approved instructor; the instructor’s Social Security number, current address and telephone number; the number of students enrolled; the name, address, telephone number, Social Security number and age of each student; the name and address of the facility that employs the student, if applicable; the date and location of each class to be held; and the date and location of the final examination. If there is a change in the date and location of the training, the sponsoring agency shall notify the local regional center.

(C) Classrooms used for training shall contain sufficient space, equipment and teaching aids to meet the course objectives as determined by the Division of Mental Retardation and Developmental Disabilities.

(12) Testing.

(A) The final examination shall consist of a written and a practicum examination administered by the instructor.

1. The written examination shall include questions based on the course objectives developed by the Division of Mental Retardation and Developmental Disabilities.

2. The practicum examination shall be conducted in a residential setting or day program operated, funded, licensed or certified by the Department of Mental Health, Division of Mental Retardation and Developmental Disabilities or an LTC facility which shall include the preparation and administration by nonpar-enteral routes and recording of medications administered to consumers under the direct supervision of the instructor and the person responsible for medication administration in the facility. When it is not feasible and/or possible to conduct the practicum examination in an approved residential or day program, the instructor may request a waiver from the local regional center to conduct the practicum examination in an approved simulated classroom situation.

(13) Records and Certification.

(A) Records.

1. The sponsoring agency shall maintain records of all individuals who have been enrolled in the Medication Aide Training Program and shall submit to the local regional center all test booklets, a copy of the score sheets and a complete class roster.

2. A copy of the final record shall be provided to any individual enrolled in the course.

3. A final record may be released only with written permission from the student in accordance with the provisions of the Privacy Act—PL 900-247.

(B) Certification.

1. The regional center shall issue a Department of Mental Health, Division of Mental Retardation and Developmental Disabilities, Medication Aide Certificate to employable individuals successfully completing the course upon receiving the required final records and test booklets from the sponsoring agency.

2. The regional center shall enter the names of all individuals receiving a Medication Aide Certificate in the Division of Mental Retardation and Developmental Disabilities Medication Aide Registry.

3. Medication aides who do not currently meet certification requirements must successfully pass the Level I Medication Aide course or challenge the final examination, if eligible, and obtain a Division of Mental Retardation and Developmental Disabilities Medication Aide Certificate within eighteen (18) months from the effective date of this regulation. Individuals who fail to comply shall not be allowed to administer medications.

4. Individuals who hold a Medication Aide Certificate issued by a regional center or a Division of Aging Level I Medication Aide Certificate, and have completed bi-annual training as required in section (14), will meet the requirements of this rule.

(14) Bi-Annual Training Program.

(C) The Department of Mental Health regional centers will routinely monitor the quality of medication administration. When quality assurance monitoring documents that a medication aide is not administering medications within training guidelines, the regional center may require the aide to take additional training in order to continue passing medications in the residential setting or day program.

(15) Revocation of Certification.

(A) If the Department of Mental Health upon completion of an investigation, finds that a medication aide has stolen or diverted drugs from a consumer or facility or has had his/her name added to the Department of Mental Health Employee Disqualification Registry or Division of Aging Employee Disqualification Registry, the Department of Mental Health shall render the medication aide's certificate invalid.



STATE OF MISSOURI
DEPARTMENT OF MENTAL HEALTH
MENTAL RETARDATION DEVELOPMENTAL DISABILITIES
MEDICATION AIDE BI-ANNUAL TRAINING

EMPLOYEE NAME		DATE OF BIRTH / /	SOCIAL SECURITY NUMBER - -
EMPLOYEE ADDRESS		MEDICATION AIDE CERTIFICATE (INITIAL)	
		DATE ISSUED ____ / ____ / ____ CERTIFICATE #	
SPONSORING FACILITY NAME			
SPONSORING FACILITY ADDRESS			
A. Training shall address at least the following		DATE OF TRAINING ____ / ____ / ____ HOURS COMPLETED _____	DATE OF TRAINING ____ / ____ / ____ HOURS COMPLETED _____
1. Medication ordering and storage			
2. Medication administration			
<input type="checkbox"/> Use of generic drugs			
<input type="checkbox"/> How to pour, chart, administer and document			
<input type="checkbox"/> Information and techniques specific to the following: inhalers, eye drops, topical medications and suppositories			
<input type="checkbox"/> Infection Control			
<input type="checkbox"/> Side effects and adverse reactions			
<input type="checkbox"/> Update on new medications or new procedures			
<input type="checkbox"/> Medication errors			
3. Individual rights, and refusal of medications and treatments;			
4. Issues specific to the facility/program as indicated by the needs of the residents/clients, and the medications and treatments currently being administered			
5. Corrective actions based on problems identified by the staff, the trainees or issues identified by regulatory and accrediting bodies, professional consultants or by any other authoritative source; and			
Other specify:			
<p>The training shall be taken in two (2) two (2) hour blocks or a four (4) hour block and must be completed by the anniversary date of the medication aide's initial certificate. Medication aides who do not participate in at least 4 hours of medication administration training every two years will not be allowed to administer medication in accordance with 9CSR 45-3.060. A signed copy of this form denotes compliance with the training requirement and must be included in the employee's personnel file. It is the responsibility of the agency to offer and the employee to participate in the required training.</p>			
RN/LPN SIGNATURE (INSTRUCTOR)		LICENSE NUMBER	DATE
EMPLOYEE SIGNATURE		DATE	
SPONSORING FACILITY(AUTHORIZED SIGNATURE)		DATE	

REVISED PUBLIC COST: Under revisions made to the proposed rule in response to public comments the department will accept some new responsibilities that will result in an increased cost to the department. The department now projects that the rule will cost state agencies \$88,000 over the anticipated life of the rule. See revised fiscal note.

REVISED PRIVATE COST: Under revisions made to the proposed rule in response to public comments, the cost of the rule to private entities is increased. The department now estimates that this rule will cost private entities approximately \$114,000 during the first year of implementation. In subsequent years the cost will increase due to inflation. See revised fiscal note.

**Revised Fiscal Note
Public Entity Cost**

I. RULE NUMBER. (All of the information in Part I comes from the header of the rule.)

Title: 9—Department of Mental Health

Division: 45—Division of Mental Retardation and Developmental Disabilities

Chapter: 3—Care and Habilitation

Type of Rulemaking: New rule

Rule Number and Name: 9 CSR 45-3.070 Certification of Medication Aides Serving Persons with Developmental Disabilities

II. SUMMARY OF FISCAL IMPACT (Present a summary of fiscal impact. Use a separate row for each public agency or political subdivision affected.)

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Division of MRDD	\$87,329

III. WORKSHEET (Present more detailed fiscal information.)

Year	Cost Type	Annual Cost
1	Administrative Supplies	1000
1	.1 FTE - Clerk Typist III	2250
1	Total	3250

Year	Cost Type	Annual Cost	Cumulative Cost
2	Reg. Center Administration	3348	6598
3	"	3448	10045
4	"	3551	13597
5	"	3658	17255
6	"	3768	21022
7	"	3881	24903
8	"	3997	28900
9	"	4117	33017
10	"	4241	37258
11	"	4368	41625
12	"	4499	46124
13	"	4634	50758
14	"	4773	55531
15	"	4916	60446
16	"	5063	65510
17	"	5215	70725
18	"	5372	76097
19	"	5533	81630
20	"	5699	87329

IV. ASSUMPTIONS AND METHODOLOGY. (Present assumptions, references and methods of acquiring information that underlie the conclusions in the fiscal note. Examples of information that might be included here are the sources of information presented in the fiscal note, why those sources were chosen and eventualities that might cause the fiscal impact to be different from your estimate.)

- 1. Currently MRDD regional centers, except St. Louis, certify issue certificates for medication training under division guidelines.**
- 2. Currently DMRDD accepts Missouri Division of Aging Level I Medication Aide certificates to meet DMRDD requirements.**
- 3. By accepting both certificates for initial qualification for purposes of this rule, the division will incur expense only in the St. Louis region.**
- 4. Administrative expenses for the certification program will involve only supplies and .10 FTE (clerical) for purposes of this rule.**
- 5. Cost of living increases are calculated at 3%.**
- 6. The life of the rule is 20 years.**

**Revised Fiscal Note
Private Entity Cost**

I. RULE NUMBER. (All of the information in Part I comes from the header of the rule.)

Title: 9—Department of Mental Health
Division: 45—Division of Mental Retardation and Developmental Disabilities
Chapter: 3—Care and Habilitation
Type of Rulemaking: New Rule
Rule Number and Name: 9 CSR 45-3.070 Certification of Medication Aides Serving Persons with Developmental Disabilities

II. SUMMARY OF FISCAL IMPACT. Present a summary of the fiscal impact. If the proposed rulemaking will affect more than one category of business, use one row for each category. In the first row, fill in the estimated number of business in the first category. In the second column, fill in the type of business in the category (i.e. what is the category). In the third column, fill in the aggregate cost (over the life of the rule) to all businesses in this category.

Estimate of the number of entities by class which would likely be affected by the adopting 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:
422	Agencies serving persons with developmental disabilities	\$114,556 in first year of implementation

III. WORKSHEET. (Present more detailed fiscal information.)

There are three parts to the cost analysis:
Part A: estimates the cost of getting current staff who administer medications certified.
Part B: estimates the cost of implementing a bi-annual in-service training requirement for current staff.
Part C: estimates the cost of increased initial training and certification for replacement (turnover) staff

Please refer to the attachment for additional information.

IV. ASSUMPTIONS AND METHODOLOGY. (Present assumptions, references and methods of acquiring information that underlie the conclusions in the fiscal note. Examples of information that might be included here are the sources of information presented in the fiscal note, why those sources were chosen and eventualities that might cause the fiscal impact to be different from your estimate.)

Refer to the attachment.

DMRDD Medication Aide Training Requirements: Fiscal Impact

The Division of MRDD conducted a survey in March and April of 2000, on which the following data is based. Of 255 private agencies responding, 251 provided some amount of medication administration. The survey asked how many hours of initial medication administration training each provider offered, and how many hours of medication administration in-service training each offered, together with the schedule of in-service training. We annualized the medication aide in-service training hours reported (the equivalent of 2 hours per year will be required). Some providers indicated they currently provide 18 or more hours of training overall, but not in a 16/2 configuration. We assume these agencies could, at no added cost, reconfigure their training schedules.

Nearly 50% of potentially affected providers, many of them smaller operations, did not respond to the survey, representing approximately a third again as many staff as were reported by the providers who did respond. The cost analyses which follow incorporate a 50% increase for the affected provider agencies and a 33% increase in either affected staff or projected hours needed for those staff, to account for those providers which did not respond. Where an analysis refers to the numbers from the survey itself, this will be stated.

Originally the assumptions and methodology were focused on certification through the Division of Aging Level I Medication Aide program. Following comments on the proposed rule and review of existing infrastructure, the Division of Mental Retardation and Development determined that it would accept Division of Aging Level I certificates, as well as those issued by DMRDD for its own medication training, in lieu of recertification or challenges to the Division of Aging exam. Accordingly, costs are significantly reduced the first year for certification. However, it should be noted that the costs for the bi-annual training will remain the same. Costs associated with replacement staff, in fact, will decrease.

There are three parts to the cost analysis.

Part A. estimates the cost of getting current staff who administer medications certified.

Part B. estimates the cost of implementing a bi-annual in-service training requirement for current staff.

Part C. estimates the cost of increased initial training and certification for replacement (turnover) staff

A. The cost of certifying all current staff who administer medications:

In the survey, 169 provider respondents indicated they provided 16 hours of initial training or its equivalent. 1745 staff from these agencies already carry certification from DMRDD. 40 respondents did not provide a full 16 hours of initial training, but all of their staff were already certified by the Division of Aging or otherwise qualified (nurses or Certified Medication Technicians). 42 respondents did not provide 16 hours of initial training and had some staff needing to be trained further, but most were already certified by the DMRDD.

Those unable to provide even 12 hours we term "type z" providers, and for purposes of this analysis they are assumed to need to add enough hours to their current training to make up the 12 in order to prepare their staff to challenge the exam.

Types "x" and "y" providers are those which provide a range from 12 to 16 or more hours of training for staff currently.

Assumptions

1. Costs per "lost" staff hour for the training are projected as follows:
 - Current cost assumed to be \$9.73
 - Cost inflated by 25% assuming half of staff will be able to be trained without incurring overtime.
 - Cost of living inflator of 3% per year after first year.

- Average cost per staff hour in Part A weighted to account for 18 month implementation (two thirds of cost in first year; one third in second year at increased rate).
- 2. Cost of the training itself is projected at \$5.00 per hour per trainee, as is the cost of administering the exam. The average cost of training and testing, including materials and instructor, is assumed to be \$95, according to the Division of Aging's experience. 16 hours of training plus one hour of testing is done in a class setting. An additional .5 hour of practicum is required, one on one, as part of the test. The cost breakdown, on average, is \$5.00 per staff for a class of four ($\$5.00 \times (17 + (4 \times .5)) = \95).
- 3. Hours needed for training was projected by multiplying the number of staff needing to challenge the exam in a given agency by the difference between that agency's current training capacity and 12.
- 4. Average time to take the exam is 1.5 hours.
- 5. Number of agencies, affected staff and needed hours in the following table are inflated to account for survey non-respondents.

	Affected Agencies	Staff needing certification	Training hours needed	Exam hours needed	Certificates needed
"Type x"	338	0	0	0	0
"Type y"	34	0	0	0	0
"Type z"	50	698	5583	1047	698
subtotal	422	3704	5583	1047	698
staff cost per hour			\$12.28	\$12.28	
training cost per hour			\$5.00	\$5.00	
total cost per hour			\$17.28	\$17.28	
cost for certificate					\$0
totals			\$96,474	\$18,092	\$0
total cost part A					\$114,556
weighted cost year one					\$75,613
weighted cost year two					\$38,943

B. The cost of future in-service training for current staff who administer medications:

Assumptions

1. Affected agencies: If the agency doesn't currently provide at least 4 hours bi-annual (or 2 hours annual) in-service training, and if its total initial-plus-annual training package is less than 18 hours, it will have a cost in future to increase its bi-annual in-service training to 4 hours.
2. Cost per hour
 - For staff to take the in-service training, staff cost per hour was inflated by 3% annually, starting from the base of \$9.73 per hour. All providers are assumed to be able to incorporate in-service training without incurring overtime pay.
 - The cost of providing the training is assumed to be \$5.00 per hour (see A.2. above).
 - Total cost per staff hour is the sum of hourly staff cost plus training cost.
3. Projection of hours
 - Hours needed for affected staff to take the in-service training is calculated as the agency's "missing" hours times the number of non-nurse/non CMT staff.
4. Projection for non-respondents to survey
 - As in Part A, affected providers in the survey were doubled to account for non-respondents, and the hours needed for affected staff were increased by one-third. Thus 118 providers and 2457 staff are projected to be affected by Part B.

5. Costs for Part B will apply to each year after the first year the rule is effective because of the 18 months allowed for implementation.

Year	Staff Plus Training Costs per hour	Costs for 2457 staff by year
Year 2	\$15.02	\$36,909
Year 3	\$15.32	\$37,648
Year 4	\$15.63	\$38,408
Year 5	\$15.95	\$39,192
Year 6	\$16.28	\$39,999
Year 7	\$16.62	\$40,831
Year 8	\$16.97	\$41,687
Year 9	\$17.33	\$42,569
Year 10	\$17.70	\$43,478
Year 11	\$18.08	\$44,413
Year 12	\$18.47	\$45,377
Year 13	\$18.87	\$46,370
Year 14	\$19.29	\$47,393
Year 15	\$19.72	\$48,446
Year 16	\$20.16	\$49,531
Year 17	\$20.61	\$50,648
Year 18	\$21.08	\$51,799
Year 19	\$21.56	\$52,984
Year 20	\$22.06	\$54,205
Total for Part B		\$851,888

C. The cost of initial training for future replacement (turnover) staff:

Assumptions

1. Affected agencies: Provider agencies with less than 16 hours of initial training.
2. Affected staff: Non-nurse/non-CMT staff in affected agencies times a projected 40% turnover. The number of non-certified turnover staff in the affected agencies is projected to decrease by 5% annually, as certified workers become more prevalent in the workforce.
3. Hours: The additional hours needed to make 16. In the affected agencies responding to the survey, the average additional hours needed was 7.3 hours per staff.
4. Costs:
 - Hourly cost for staff is increased by 3% annually from first year cost of \$9.73.
 - No overtime costs are projected because these staff will be new and therefore expected to go through orientation before delivering services.
 - The cost for providing the training is projected at \$5.00 per hour.
5. Projection for non-respondents: Affected providers in survey were doubled to account for non-respondents and the affected staff were increased by one-third.

<u>new (turnover) non-certified staff needing added training</u>	<u>cost for added training</u>
First year	739 \$85,068
year 2	703 \$82,299
year 3	667 \$79,660

year 4	634	\$77,106
year 5	602	\$74,657
year 6	572	\$72,295
year 7	544	\$70,015
year 8	516	\$67,839
year 9	491	\$65,722
year 10	466	\$63,700
year 11	443	\$61,742
year 12	421	\$59,857
year 13	400	\$58,042
year 14	380	\$56,293
year 15	361	\$54,607
year 16	343	\$52,980
year 17	325	\$51,424
year 18	309	\$49,906
year 19	294	\$48,439
year 20	279	\$47,034

D. Summary Total Cost by Year

Year of Rule	Part A	Part B	Part C	Total Cost per Year
Year 1	\$75,613	\$0	\$85,068	\$160,681
Year 2	\$38,943	\$36,909	\$82,299	\$158,151
Year 3	\$0	\$37,648	\$79,660	\$117,308
Year 4	\$0	\$38,408	\$77,106	\$115,514
Year 5	\$0	\$39,192	\$74,657	\$113,849
Year 6	\$0	\$39,999	\$72,295	\$112,294
Year 7	\$0	\$40,831	\$70,015	\$110,846
Year 8	\$0	\$41,687	\$67,839	\$109,526
Year 9	\$0	\$42,569	\$65,722	\$108,291
Year 10	\$0	\$43,478	\$63,700	\$107,178
Year 11	\$0	\$44,413	\$61,742	\$106,155
Year 12	\$0	\$45,377	\$59,857	\$105,234
Year 13	\$0	\$46,370	\$58,042	\$104,412
Year 14	\$0	\$47,393	\$56,293	\$103,686
Year 15	\$0	\$48,446	\$54,607	\$103,053
Year 16	\$0	\$49,531	\$52,980	\$102,511
Year 17	\$0	\$50,648	\$51,424	\$102,072
Year 18	\$0	\$51,799	\$49,906	\$101,705
Year 19	\$0	\$52,984	\$48,439	\$101,423
Year 20	\$0	\$54,205	\$47,034	\$101,239
Total	\$114,556	\$851,888	\$1,278,685	\$2,245,129

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 110—Sales/Use Tax—Exemptions**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director adopts a rule as follows:

12 CSR 10-110.300 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 1, 2001 (26 MoReg 582-583). Changes have been made in the text of the proposed rule, and those changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received one letter of comment on this proposed rule.

COMMENT: The commenter suggested adding several items to the list of items that are exempt from tax.

RESPONSE AND EXPLANATION OF CHANGE: The department incorporated the suggested changes and they are reprinted below.

12 CSR 10-110.300 Common Carriers

(3) Basic Application of Exemption.

(E) Materials. Materials used by common carriers directly upon and for the maintenance or repair of motor vehicles, watercraft, railroad rolling stock or aircraft, which qualify for the exemption from tax include, but are not limited to, grease, motor oil, gear oil and lube, water additives, antifreeze, fuel additives, cleaners and paint for body work.

(F) Replacement Parts. Replacement parts used by common carriers directly upon and for the maintenance or repair of motor vehicles, watercraft, railroad rolling stock or aircraft, which qualify for the exemption from tax include, but are not limited to, decals, permit pouches, tarpaulins and tie-downs, wind deflectors, winter fronts, and radio repair parts purchased for use on the vehicle.

(G) Barges. The purchase of barges used primarily in the transportation of property or cargo on interstate waterways is exempt from tax.

(H) Tools. Tools and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock or aircraft engaged as common carriers of persons or property are not subject to tax.

(4) Examples.

(E) A common carrier purchases a cab and chassis. The cab and chassis will be used only in intrastate commerce as a common carrier. The purchase of the cab and chassis is taxable because the cab and chassis are not used in interstate commerce. The common carrier subsequently purchases a dump bed to add to the cab and chassis. The dump bed is exempt from tax because it is materials or equipment used in the manufacture of a motor vehicle to be used by a common carrier.

(F) A common carrier purchases a trailer. The common carrier subsequently purchases a refrigeration unit to add to the trailer. The refrigeration unit is exempt from tax because it is materials or equipment used in the manufacture of a motor vehicle to be used by a common carrier.

(G) The sale of a switch engine to be used to move railroad cars around a switching yard, if part of an interstate rail system, is not subject to tax.

(H) An airline purchases equipment to test engine parts that have been removed from the plane and brought to their repair facility. The equipment purchased would be exempt from tax.

(I) The owner of a Missouri furniture store is registered as a common carrier, but does not hold itself out to the general public as a common carrier. It uses its truck only to deliver furniture sold to customers residing in and outside Missouri. The owner installs new brakes on the truck. Even though the owner is registered as a common carrier, the brakes are taxable because the furniture store is operating as a private carrier.

(J) A charter company only provides bus transportation by contract for private groups for tours of the Southeastern United States. The charter company purchases new tires. The tires are taxable because the business is a contract carrier.

(K) A railroad purchases a flanged wheel mechanized tie replacement machine for repairing broken rail segments on an interstate system. The purchase of the machine is exempt.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 10—Nursing Home Program**

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Medical Services under sections 208.153, 208.159, and 208.201, RSMo 2000, the director amends a rule as follows:

13 CSR 70-10.030 Prospective Reimbursement Plan for Nonstate-Operated Facilities for ICF/MR Services is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2001 (26 MoReg 650-652). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and
Licensure
Chapter 35—Hospices**

ORDER OF RULEMAKING

By the authority vested in the Department of Health under section 197.270, RSMo 2000, the department rescinds a rule as follows:

19 CSR 30-35.010 Hospice Program Operations is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2001 (26 MoReg 417). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and
Licensure
Chapter 35—Hospices**

ORDER OF RULEMAKING

By the authority vested in the Department of Health under section 197.270, RSMo 2000, the department adopts a rule as follows:

19 CSR 30-35.010 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 15, 2001 (26 MoReg 417-424). Those sections with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Health received six comments on this proposed rule.

COMMENT: Riverways Hospice of Ozarks Medical Center submitted an e-mail asking for clarification regarding personnel record requirements for a group of volunteers in a hospice program.

RESPONSE: These issues are covered by other regulations and are not addressed by this rule. The Department has considered this comment and has decided to make no change in the rule.

COMMENT: HomeCare of Mid-Missouri Hospice submitted a letter with three areas of concern. Number one addressed the requirement of an R.N. on staff 24 hours/day in a respite facility; number two addressed a change to allow an L.P.N. to pronounce death; and number three addressed a change allowing for multiple transfers of patients between hospices for the purpose of taking trips.

RESPONSE: These issues were not addressed in the proposed rule. Numbers one and three are covered under Medicare regulations and number two is an issue that cannot be addressed under the authority of the Department of Health. The Department has considered this comment and has decided to make no change in the rule.

COMMENT: Community Hospices of America—Tri-Lakes submitted a letter with two areas of concern. One addressed the definition of a spiritual counselor and requested re-examination of the definition to be more inclusive. The second concern involved the proposed seven day time frame to complete the spiritual assessment and requested this time frame be extended. Hospice of Southwest Missouri submitted two letters requesting a change in the definition of spiritual counselor. Community Hospices of America, L.L.C. submitted a long letter requesting a change in the definition of spiritual counselor.

RESPONSE AND EXPLANATION OF CHANGE: The Department agreed with the suggestions of redefining spiritual counselor and implemented it by changing the definition of Spiritual Counselor at 19 CSR 30-35.010(1)(A)31. This definition was rephrased.

The seven day time frame was included to allow for consistency among disciplines. The Department has considered this comment and has decided to make no change in the rule.

19 CSR 30-35.010 Hospice Program Operations

(1) General Provisions

(A) Definitions Relating to Hospice Care Agencies.

1. Hospice administrator—the employee designated by the governing body as responsible for the overall functioning of the hospice.

2. Attending physician—a person who—

A. Is licensed as a doctor of medicine or osteopathy in this state or a bordering state; and

B. Is identified by the patient, at the time s/he elects to receive hospice care, as having the most significant role in the determination and delivery of the patient's medical care.

3. Contracted provider—individuals or entities who furnish services to hospice patients under contractual arrangements between the hospice and the contracted provider.

4. Coordinating provider—any individual or agency which independently provides services to the patient in their place of residence.

5. Dietary counselor—an individual that is currently eligible to be licensed as a dietitian in Missouri or recognized as a nutritionist.

6. Direct employee—an individual paid directly by the hospice.

7. Employee—an employee of the hospice or an individual under contract who is appropriately trained and assigned to the hospice program. Employee also refers to a person volunteering for the hospice program.

8. Family—broadly defined to include not only persons bound by biology or legalities but also those who function for the patient in a familial way.

9. Homemaker—a home health aide, volunteer or other individual who assists the patient/family with light housekeeping chores.

10. Home health aide—a person who meets the training, attitude, and skill requirements specified in the Medicare home health program (42 CFR 484.36).

11. Hospice—a public agency or private organization or subdivision of either that:

A. Is primarily engaged in providing care to dying persons and their families; and

B. Meets the standards specified in 19 CSR 30-35.010 and in 19 CSR 30-35.030. If it is a hospice that provides inpatient care directly in a hospice facility, it must also meet the standards of 19 CSR 30-35.020.

12. Hospice patient—a person with a terminal illness or condition for whom the focus of care is on comfort and palliation rather than cure.

13. Licensed practical nurse—a person licensed under Chapter 335, RSMo to engage in the practice of practical nursing.

14. Meal preparation—meals planned, offered or served to all patients from prepared menus.

15. Medical director—a person licensed in this state or a bordering state as a doctor of medicine or osteopathy who assumes overall responsibility for the medical component of the hospice's patient care program.

16. Nutritionist—a person who has graduated from an accredited four-year college with a bachelor's degree including or supplemented by at least 15 semester hours in food and nutrition including at least one course in diet therapy.

17. Occupational therapist—a person who is registered under Chapter 334, RSMo as an occupational therapist and licensed to practice in Missouri.

18. Occupational therapy assistant—a person who has graduated from an occupational therapy assistant program accredited by the Accreditation Council for Occupational Therapy Education and licensed to practice in Missouri.

19. Registered nurse—a person licensed under Chapter 335, RSMo to engage in the practice of professional nursing.

20. Registered nurse coordinator—a registered nurse, who is a direct employee, designated by the hospice to direct the overall provisions of clinical services.

21. Pharmacist—a person licensed as a pharmacist under Chapter 338, RSMo.

22. Physician—a physician as defined in subparagraph (1)(A)2.A. of this rule.

23. Physical therapist—a person who is licensed as a physical therapist under Chapter 334, RSMo.

24. Physical therapy assistant—a person who has graduated from at least a two-year college level program accredited by the American Physical Therapy Association and licensed to practice in Missouri.

25. Legal representative—a person who because of the patient's mental or physical incapacity is legally authorized in accordance with state law to act on behalf of the dying person.

26. Satellite/branch office—a location or site from which a hospice provides services within a portion of the total geographic area served by the parent hospice and the area served by the satellite/branch office is contiguous to or part of the area served by the parent hospice.

27. Skilled nursing—those services which are required by law to be provided by a registered nurse or a licensed practical nurse.

28. Snack—a single meal or item prepared on demand which does not include food items that produce grease-laden vapors.

29. Social worker—a person who has at least a bachelor's degree in social work from a school of social work accredited by the Council on Social Work Education.

30. Speech language pathologist—a person who is licensed under Chapter 345, RSMo as a speech therapist.

31. Spiritual counselor—a person who is ordained, commissioned or credentialed according to the practices of an organized religious group and has completed, or will complete by August 1, 2003, one unit of Clinical Pastoral Education (CPE); or has a minimum of a bachelor's degree with emphasis in counseling or related subjects and has, within ninety (90) days of hire, completed specific training to include: common spiritual issues in death and dying; belief systems of comparative religions related to death and dying; spiritual assessment skills; individualizing care to patient beliefs; and varied spiritual practices/rituals.

32. Standing order—An order by an authorized prescriber that can be implemented by other health care professionals when predetermined criteria are met as per 19 CSR 30-35.010(2)(E)3.-(2)(E)4.A., B. and C.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and
Licensure
Chapter 35—Hospices**

ORDER OF RULEMAKING

By the authority vested in the Department of Health under section 197.270, RSMo 2000, the department rescinds a rule as follows:

19 CSR 30-35.020 Hospices Providing Direct Care in a Hospice Facility is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2001 (26 MoReg 425). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and
Licensure
Chapter 35—Hospices**

ORDER OF RULEMAKING

By the authority vested in the Department of Health under section 197.270, RSMo 2000, the department adopts a rule as follows:

19 CSR 30-35.020 Hospice Providing Direct Care in a Hospice Facility is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 15, 2001 (26 MoReg 425-435). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and
Licensure
Chapter 35—Hospices**

ORDER OF RULEMAKING

By the authority vested in the Department of Health under section 197.270, RSMo 2000, the department rescinds a rule as follows:

19 CSR 30-35.030 State Certification Management is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2001 (26 MoReg 436). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and
Licensure
Chapter 35—Hospices**

ORDER OF RULEMAKING

By the authority vested in the Department of Health under section 197.270, RSMo 2000, the department adopts a rule as follows:

19 CSR 30-35.030 State Certification Management is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 15, 2001 (26 MoReg 436-439). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 100—Division of Credit Unions
APPLICATIONS FOR NEW GROUPS OR GEOGRAPHIC AREAS

Pursuant to section 370.081(4), RSMo 2000, the director of the Missouri Division of Credit Unions is required to cause notice to be published that the following credit unions have submitted applications to add new groups or geographic areas to their membership.

Credit Union	Proposed New Group or Geographic Area
First Missouri Credit Union 1690 LeMay Ferry Road St. Louis, MO 63125	Anyone living or working in zip codes 63010, 63111, 63116, 63123 and 63128

NOTICE TO SUBMIT COMMENTS: Anyone may file a written statement in support of or in opposition to any of these applications. Comments shall be filed with: Director, Division of Credit Unions, PO Box 1607, Jefferson City, MO 65102. To be considered, written comments must be submitted no later than ten business days after publication of this notice in the Missouri Register.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 100—Division of Credit Unions
ACTIONS TAKEN ON APPLICATIONS FOR NEW GROUPS OR GEOGRAPHIC AREAS

Pursuant to section 370.081(4), RSMo 2000, the director of the Missouri Division of Credit Unions is required to cause notice to be published that the director has either granted or rejected applications from the following credit unions to add new groups or geographic areas to their membership and state the reasons for taking these actions.

The following applications have been granted. These credit unions have met the criteria applied to determine if additional groups may be included in the membership of an existing credit union and have the immediate ability to serve the proposed new groups or geographic areas. The proposed new groups or geographic areas meet the requirements established pursuant to 370.080(2), RSMo 2000.

Credit Union	Proposed New Group or Geographic Area
Anheuser Busch Employees' Credit Union 1001 Lynch Street St. Louis, MO 63118	People who live or work in the 63104 zip code and the remainder of the Souldard Historic District
Mazuma Credit Union 9300 Troost Kansas City, MO 64131	Jackson County

Title 19—DEPARTMENT OF HEALTH
Division 60—Missouri Health Facilities Review Committee
Chapter 50—Certificate of Need Program

APPLICATION REVIEW SCHEDULE

DATE FILED:
APPLICATION PROJECT NO. &
NAME/COST & DESCRIPTION/
CITY & COUNTY

The Missouri Health Facilities Review Committee has initiated review of the applications listed below. Decisions are tentatively scheduled for the July 30, 2001, Certificate of Need meeting. These applications are available for public inspection at the address shown below:

05/17/01

#3131 HS: Southeast Missouri Hospital
Cape Girardeau (Cape Girardeau County)
\$1,777,553, Replace magnetic resonance imager (MRI)

#3125 HS: Cox Walnut Lawn
Springfield (Greene County)
\$2,440,399, Renovate surgical services

#3128 FS: Medical Diagnostic Center Associates, L.P.
Independence (Jackson County)
\$2,026,438, Replace MRI

05/18/01

#3133 FS: Bluff Radiology Group
Poplar Bluff (Butler)
\$2,895,000, Establish diagnostic imaging center

#3104 HS: Bothwell Regional Health Center
Sedalia (Pettis County)
\$2,065,040, Replace MRI

#3130 HS: Hannibal Regional Hospital
Hannibal (Marion County)
\$1,998,804, Establish mobile positron emission tomography service

Any person wishing to request a public hearing for the purpose of commenting on any of these applications must submit a written request to this effect, which must be received by June 17, 2001. All written requests and comments should be sent to:

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
915 G Leslie Boulevard
Jefferson City, MO 65101

For additional information contact
Donna Schuessler, 573-751-6403.

**OFFICE OF ADMINISTRATION
Division of Purchasing**

BID OPENINGS

Sealed Bids in one (1) copy will be received by the Division of Purchasing, Room 580, Truman Building, PO Box 809, Jefferson City, MO 65102, telephone (573) 751-2387 at 2:00 p.m. on dates specified below for various agencies throughout Missouri. Bids are available to download via our homepage: www.moolb.state.mo.us. Prospective bidders may receive specifications upon request.

B1Z01429 Meats-August 7/2/01;
B3E01249 Trash Collection Services 7/2/01;
B1E01431 Equipment: Bar Soap Cutter 7/9/01;
B3Z01257 Conference Services; Columbia, Jefferson City, Lake Ozark, or Springfield 7/9/01;
B3E01256 Janitorial Services 7/11/01;
B3E01259 Janitorial Services 7/11/01;
B3E01247 Waste Tire Disposal-Beads & Pieces 7/12/01;
B3Z01246 First Steps System Point of Entry (SPOE) 7/12/01;
B3Z01162 Drug & Alcohol Testing Program 7/18/01;
B3Z01212 Videotape Production Services 7/26/01;

It is the intent of the state of Missouri, Division of Purchasing to purchase the following as a single feasible source without competitive bids. If suppliers exist other than the one identified, contact (573) 751-2387 immediately.

American Traveler Survey 2001, supplied by Plog Research.

1.) Juvenile Arthritis Center, supplied by St. Louis Medical Center. 2.) St. Louis Tobacco Use Prevention and Control Program, supplied by St. Louis University Health Sciences Center.

James Miluski, CPPO,
Acting Director of Purchasing

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—24 (1999), 25 (2000) and 26 (2001). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable and RUC indicates a rule under consideration.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
OFFICE OF ADMINISTRATION					
1 CSR 10	State Officials' Salary Compensation Schedule				24 MoReg 2535 25 MoReg 2478
1 CSR 10-15.010	Commissioner of Administration	26 MoReg 103	26 MoReg 641	26 MoReg 1260	
1 CSR 15-2.200	Administrative Hearing Commission		26 MoReg 390	26 MoReg 1187	
1 CSR 15-2.290	Administrative Hearing Commission		26 MoReg 390	26 MoReg 1187	
1 CSR 15-2.450	Administrative Hearing Commission		26 MoReg 391	26 MoReg 1187	
1 CSR 15-2.560	Administrative Hearing Commission		26 MoReg 391	26 MoReg 1187	
1 CSR 15-3.200	Administrative Hearing Commission		26 MoReg 391	26 MoReg 1188	
1 CSR 15-3.210	Administrative Hearing Commission		26 MoReg 392	26 MoReg 1188	
1 CSR 15-3.290	Administrative Hearing Commission		26 MoReg 392	26 MoReg 1188	
1 CSR 15-3.320	Administrative Hearing Commission		26 MoReg 392	26 MoReg 1188	
1 CSR 15-3.350	Administrative Hearing Commission		26 MoReg 393	26 MoReg 1188	
1 CSR 15-3.380	Administrative Hearing Commission		26 MoReg 394	26 MoReg 1189	
1 CSR 15-3.450	Administrative Hearing Commission		26 MoReg 395	26 MoReg 1189	
1 CSR 15-3.490	Administrative Hearing Commission		26 MoReg 395	26 MoReg 1189	
1 CSR 15-3.560	Administrative Hearing Commission		26 MoReg 395	26 MoReg 1189	
1 CSR 15-5.210	Administrative Hearing Commission		26 MoReg 396R	26 MoReg 1189R	
1 CSR 15-5.230	Administrative Hearing Commission		26 MoReg 396R	26 MoReg 1189R	
1 CSR 15-5.250	Administrative Hearing Commission		26 MoReg 396R	26 MoReg 1190R	
1 CSR 15-5.270	Administrative Hearing Commission		26 MoReg 397R	26 MoReg 1190R	
1 CSR 15-5.290	Administrative Hearing Commission		26 MoReg 397R	26 MoReg 1190R	
1 CSR 15-5.320	Administrative Hearing Commission		26 MoReg 397R	26 MoReg 1190R	
1 CSR 15-5.350	Administrative Hearing Commission		26 MoReg 397R	26 MoReg 1190R	
1 CSR 15-5.380	Administrative Hearing Commission		26 MoReg 398R	26 MoReg 1190R	
1 CSR 15-5.390	Administrative Hearing Commission		26 MoReg 398R	26 MoReg 1191R	
1 CSR 15-5.410	Administrative Hearing Commission		26 MoReg 398R	26 MoReg 1191R	
1 CSR 15-5.420	Administrative Hearing Commission		26 MoReg 398R	26 MoReg 1191R	
1 CSR 15-5.430	Administrative Hearing Commission		26 MoReg 399R	26 MoReg 1191R	
1 CSR 15-5.450	Administrative Hearing Commission		26 MoReg 399R	26 MoReg 1191R	
1 CSR 15-5.470	Administrative Hearing Commission		26 MoReg 399R	26 MoReg 1191R	
1 CSR 15-5.480	Administrative Hearing Commission		26 MoReg 399R	26 MoReg 1192R	
1 CSR 15-5.490	Administrative Hearing Commission		26 MoReg 400R	26 MoReg 1192R	
1 CSR 15-5.510	Administrative Hearing Commission		26 MoReg 400R	26 MoReg 1192R	
1 CSR 15-5.530	Administrative Hearing Commission		26 MoReg 400R	26 MoReg 1192R	
1 CSR 15-5.560	Administrative Hearing Commission		26 MoReg 400R	26 MoReg 1192R	
1 CSR 15-5.580	Administrative Hearing Commission		26 MoReg 401R	26 MoReg 1192R	
1 CSR 15-6.210	Administrative Hearing Commission		26 MoReg 401R	26 MoReg 1193R	
1 CSR 15-6.230	Administrative Hearing Commission		26 MoReg 401R	26 MoReg 1193R	
1 CSR 15-6.250	Administrative Hearing Commission		26 MoReg 401R	26 MoReg 1193R	
1 CSR 15-6.270	Administrative Hearing Commission		26 MoReg 402R	26 MoReg 1193R	
1 CSR 15-6.290	Administrative Hearing Commission		26 MoReg 402R	26 MoReg 1193R	
1 CSR 15-6.320	Administrative Hearing Commission		26 MoReg 402R	26 MoReg 1193R	
1 CSR 15-6.350	Administrative Hearing Commission		26 MoReg 402R	26 MoReg 1194R	
1 CSR 15-6.380	Administrative Hearing Commission		26 MoReg 403R	26 MoReg 1194R	
1 CSR 15-6.390	Administrative Hearing Commission		26 MoReg 403R	26 MoReg 1194R	
1 CSR 15-6.410	Administrative Hearing Commission		26 MoReg 403R	26 MoReg 1194R	
1 CSR 15-6.420	Administrative Hearing Commission		26 MoReg 403R	26 MoReg 1194R	
1 CSR 15-6.430	Administrative Hearing Commission		26 MoReg 404R	26 MoReg 1194R	
1 CSR 15-6.450	Administrative Hearing Commission		26 MoReg 404R	26 MoReg 1195R	
1 CSR 15-6.470	Administrative Hearing Commission		26 MoReg 404R	26 MoReg 1195R	
1 CSR 15-6.480	Administrative Hearing Commission		26 MoReg 404R	26 MoReg 1195R	
1 CSR 15-6.490	Administrative Hearing Commission		26 MoReg 405R	26 MoReg 1195R	
1 CSR 15-6.510	Administrative Hearing Commission		26 MoReg 405R	26 MoReg 1195R	
1 CSR 15-6.530	Administrative Hearing Commission		26 MoReg 405R	26 MoReg 1195R	
1 CSR 15-6.560	Administrative Hearing Commission		26 MoReg 405R	26 MoReg 1196R	
1 CSR 15-6.580	Administrative Hearing Commission		26 MoReg 406R	26 MoReg 1196R	
DEPARTMENT OF AGRICULTURE					
2 CSR 10-5.005	Market Development	24 MoReg 2269			
2 CSR 10-5.010	Market Development	This IssueR			
	This Issue			
2 CSR 70-13.030	Plant Industries		26 MoReg 905		
2 CSR 80-5.010	State Milk Board		26 MoReg 909		
2 CSR 90-21.060	Weights and Measures		25 MoReg 2788	26 MoReg 865	
2 CSR 90-40.010	Weights and Measures		26 MoReg 1129R		
2 CSR 90-50.010	Weights and Measures		26 MoReg 1129R		
DEPARTMENT OF CONSERVATION					
3 CSR 10-4.113	Conservation Commission		26 MoReg 1130		
3 CSR 10-4.115	Conservation Commission		26 MoReg 1130R		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
3 CSR 10-4.116	Conservation Commission		26 MoReg 646	26 MoReg 1196	
3 CSR 10-5.205	Conservation Commission		26 MoReg 1131R		
3 CSR 10-5.215	Conservation Commission		26 MoReg 1132		
3 CSR 10-5.216	Conservation Commission		26 MoReg 1132		
3 CSR 10-5.310	Conservation Commission		26 MoReg 1133		
3 CSR 10-5.315	Conservation Commission		26 MoReg 1133		
3 CSR 10-5.320	Conservation Commission		26 MoReg 1133		
3 CSR 10-6.405	Conservation Commission		26 MoReg 1134		
3 CSR 10-6.410	Conservation Commission		26 MoReg 1134		
3 CSR 10-6.505	Conservation Commission		26 MoReg 1135		
3 CSR 10-6.525	Conservation Commission		26 MoReg 1135		
3 CSR 10-7.435	Conservation Commission		N.A.		This Issue
3 CSR 10-7.440	Conservation Commission		N.A.		This Issue
3 CSR 10-7.455	Conservation Commission		N.A.		26 MoReg 1196
3 CSR 10-9.110	Conservation Commission		This Issue		
3 CSR 10-9.575	Conservation Commission		26 MoReg 1136		
3 CSR 10-9.625	Conservation Commission		26 MoReg 1136		
3 CSR 10-10.744	Conservation Commission		26 MoReg 1136		
3 CSR 10-11.105	Conservation Commission		26 MoReg 1137		
3 CSR 10-11.110	Conservation Commission		26 MoReg 1137		
3 CSR 10-11.115	Conservation Commission		26 MoReg 1137		
3 CSR 10-11.120	Conservation Commission		26 MoReg 1138		
3 CSR 10-11.130	Conservation Commission		26 MoReg 1138		
3 CSR 10-11.135	Conservation Commission		26 MoReg 1139		
3 CSR 10-11.140	Conservation Commission		26 MoReg 1139		
3 CSR 10-11.145	Conservation Commission		26 MoReg 1139		
3 CSR 10-11.150	Conservation Commission		26 MoReg 1140		
3 CSR 10-11.155	Conservation Commission		26 MoReg 1140		
3 CSR 10-11.160	Conservation Commission		26 MoReg 1140		
3 CSR 10-11.165	Conservation Commission		26 MoReg 1141		
3 CSR 10-11.180	Conservation Commission		26 MoReg 1141		
3 CSR 10-11.182	Conservation Commission		26 MoReg 1144		
3 CSR 10-11.183	Conservation Commission		26 MoReg 1146		
3 CSR 10-11.186	Conservation Commission		26 MoReg 1146		
3 CSR 10-11.187	Conservation Commission		26 MoReg 1147		
3 CSR 10-11.200	Conservation Commission		26 MoReg 1147		
3 CSR 10-11.205	Conservation Commission		26 MoReg 1148		
3 CSR 10-11.210	Conservation Commission		26 MoReg 1149		
3 CSR 10-11.215	Conservation Commission		26 MoReg 1150		
3 CSR 10-11.805	Conservation Commission		26 MoReg 649	26 MoReg 1196	
3 CSR 10-12.101	Conservation Commission		26 MoReg 1150R		
3 CSR 10-12.105	Conservation Commission		26 MoReg 1151		
3 CSR 10-12.109	Conservation Commission		26 MoReg 1151		
3 CSR 10-12.110	Conservation Commission		This Issue		
3 CSR 10-12.115	Conservation Commission		26 MoReg 1151		
3 CSR 10-12.125	Conservation Commission		26 MoReg 1152		
3 CSR 10-12.130	Conservation Commission		26 MoReg 1153		
3 CSR 10-12.135	Conservation Commission		26 MoReg 1154		
3 CSR 10-12.140	Conservation Commission		26 MoReg 1154		
3 CSR 10-12.145	Conservation Commission		26 MoReg 1154		
3 CSR 10-12.150	Conservation Commission		26 MoReg 1156		
3 CSR 10-20.805	Conservation Commission		26 MoReg 1156		
			26 MoReg 1157		
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR 40-1.021	Office of Athletics		21 MoReg 2680		
4 CSR 40-5.070	Office of Athletics		21 MoReg 1963		
4 CSR 90-7.010	State Board of Cosmetology		26 MoReg 322R	26 MoReg 1260R	
			26 MoReg 322	26 MoReg 1260	
4 CSR 90-8.010	State Board of Cosmetology		26 MoReg 697R		
			26 MoReg 697		
4 CSR 90-11.010	State Board of Cosmetology		26 MoReg 328	26 MoReg 1260	
4 CSR 100	Division of Credit Unions				26 MoReg 1096
					26 MoReg 1212
					26 MoReg 1277
					This Issue
4 CSR 100 2.060	Division of Credit Unions		26 MoReg 1159		
4 CSR 100-2.185	Division of Credit Unions		26 MoReg 174	26 MoReg 949	
4 CSR 100-2.220	Division of Credit Unions		26 MoReg 174	26 MoReg 949	
4 CSR 120-2.100	State Board of Embalmers and Funeral Directors		26 MoReg 1007		
4 CSR 140-2.070	Division of Finance		26 MoReg 328	This Issue	
4 CSR 140-2.138	Division of Finance		26 MoReg 328	This Issue	
4 CSR 140-6.085	Division of Finance		26 MoReg 329	This Issue	
4 CSR 145-1.040	Missouri Board of Geologist Registration		26 MoReg 1011		
4 CSR 150-2.050	State Board of Registration for the Healing Arts		26 MoReg 1014		
4 CSR 150-2.080	State Board of Registration for the Healing Arts		26 MoReg 1014		
4 CSR 150-2.125	State Board of Registration for the Healing Arts		26 MoReg 1020		
4 CSR 150-2.165	State Board of Registration for the Healing Arts		26 MoReg 1021		
4 CSR 150-4.060	State Board of Registration for the Healing Arts		26 MoReg 330	26 MoReg 1261	
4 CSR 150-8.060	State Board of Registration for the Healing Arts		26 MoReg 1023		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 200-4.010	State Board of Nursing	26 MoReg 112	26 MoReg 175	26 MoReg 949	
4 CSR 205-4.010	Missouri Board of Occupational Therapy		26 MoReg 859		
4 CSR 205-4.020	Missouri Board of Occupational Therapy		26 MoReg 859		
4 CSR 220-2.018	State Board of Pharmacy		25 MoReg 2789	26 MoReg 958	
4 CSR 220-2.030	State Board of Pharmacy		25 MoReg 2789	26 MoReg 958	
4 CSR 220-2.032	State Board of Pharmacy		26 MoReg 698		
4 CSR 220-2.080	State Board of Pharmacy		25 MoReg 2790	26 MoReg 958	
4 CSR 220-2.085	State Board of Pharmacy		26 MoReg 1025		
4 CSR 220-2.090	State Board of Pharmacy		25 MoReg 2791	26 MoReg 958	
4 CSR 220-2.300	State Board of Pharmacy		25 MoReg 2791R	26 MoReg 959R	
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national type evaluation regulation; 2 CSR 90-21.060; 12/1/00,
 4/16/01
NBS Handbook 44; 2 CSR 90-40.010; 6/1/01

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sensitive areas; 10 CSR 23-3.100; 6/1/01

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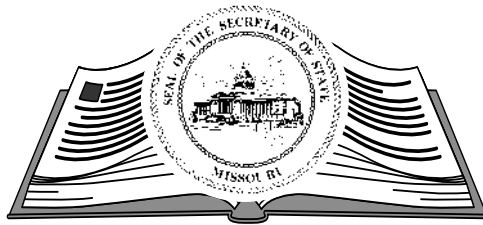
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