

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

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 If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission.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

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

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

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

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

Proposed Amendment Text Reminder:  
**Boldface text indicates new matter.**  
*[Bracketed text indicates matter being deleted.]*

### Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 20—Wildlife Code: Definitions

#### PROPOSED AMENDMENT

**3 CSR 10-20.805 Definitions.** The commission proposes to amend section (23).

*PURPOSE: This amendment adds Eurasian collared-dove and white-winged dove to the list of game birds.*

(23) Game birds: Geese, ducks, ring-necked pheasant, gray partridge, ruffed grouse, wild turkey, northern bobwhite quail, Virginia rail, sora rail, American coot, American woodcock, common snipe,

mourning dove, Eurasian collared-dove, white-winged dove and crows.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-11.805. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed May 9, 2002, effective Oct. 30, 2002. Amended: Filed Aug. 30, 2002.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

### Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 30—Division of Administrative and Financial Services Chapter 4—General Administration

#### PROPOSED RESCISSION

**5 CSR 30-4.030 Audit Policy and Requirements.** This rule established a comprehensive policy for public school district and charter school audits. This policy outlined the purposes of audits, the responsibilities various parties have in the audit and the audit review process, relationships in this process, minimum audit requirements and procedures the Department of Elementary and Secondary Education will follow in resolving any question or problem which may be disclosed by the audit.

*PURPOSE: This rule is being rescinded and resubmitted as revisions have occurred in the policy for public school district and charter school audits.*

*AUTHORITY: sections 165.121, 167.201 and 178.430, RSMo 1994. Original rule filed April 28, 1982, effective Sept. 12, 1982. For intervening history, please consult the Code of State Regulations. Rescinded: Filed Sept. 24, 2002.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Elementary and Secondary Education, Attn: Dale Carlson, Director, School Finance, PO Box 480, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

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

**PROPOSED RULE**

**5 CSR 30-4.030 Audit Policy and Requirements**

*PURPOSE: This rule establishes a comprehensive policy for public school district and charter school audits. This policy outlines the purposes of audits, the responsibilities various parties have in the audit and the audit review process, relationships in this process, minimum audit requirements and procedures the Department of Elementary and Secondary Education will follow in resolving any question or problem which may be disclosed by the audit.*

*PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.*

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

(A) School. Public school district or charter school; and

(B) Board. Public school district board of education or charter school board of directors.

(2) Audits of schools are primarily intended to express an auditor's opinion on the fairness of presentation of the financial statements. Audits also provide an independent review of financial operations for local boards, verify selected data used to apportion state funds, review systems of internal control made as part of the financial audit, make recommendations for improvements and determine compliance with relevant state and federal laws and regulations.

(3) Responsibilities in the audit process are shared by the board, the independent auditor contracted by the board, and the Department of Elementary and Secondary Education (DESE).

(A) Each board is responsible for defining an appropriate scope of the audit, which at a minimum must meet the requirements of this rule. Each board is also responsible for selecting an independent auditor who is licensed according to state law and meets the qualifications regarding continuing professional education, peer review, and independence in accordance with government auditing standards. Upon receipt and review of the audit report, the board is responsible for transmitting one (1) copy of the report; the related management letter, if one is prepared by the independent auditor; and a copy of the board minutes or board resolution, indicating approval of the audit report to DESE and other copies of the audit report as required by federal laws and regulations to the appropriate agency(ies). Each board is also responsible for ensuring implementation of audit recommendations as appropriate and resolving any questions or discrepancies disclosed by the audit or noted by DESE.

(B) The independent auditor is responsible for conducting the audit in accordance with generally accepted auditing standards, government auditing standards, federal audit requirements, and DESE audit guidelines as contained or referenced in this rule; submitting the audit report to the client board; and assisting in resolving questions or problems which may be disclosed by the audit. Depending on the contract or agreement the school has with its independent

auditor, this assistance may require additional compensation to be paid to the auditor.

(C) DESE has the general responsibility to receive and review audits; to verify that minimum audit requirements have been met; and with the school's independent auditor, to resolve any questions or discrepancies. Specific responsibilities within DESE are assigned as follows:

1. The School Finance Section, within the Division of Administrative and Financial Services, is the primary point of contact with the school and their independent auditor regarding audit requirements and audit reports. The School Finance Section is responsible for reviewing the audit reports for general acceptability in accordance with state and federal guidelines; and

2. The program sections, both federal and state, are responsible for addressing relevant portions of the audit including follow-up with school officials and their independent auditors to resolve any questions, discrepancies or audit findings.

(4) DESE has an advisory and supervisory relationship with the board through the school's administrative staff. Questions regarding audit reports and any audit problems, discrepancies or findings will generally be resolved by DESE directly with the administrative staff at the school. However, in some cases, DESE staff may communicate directly with the school's auditor. DESE staff will communicate with the federal cognizant agency (typically, the U.S. Department of Education) regarding compliance with various federal requirements. The cognizant agency has the authority to make periodic contacts with school officials and their auditors regarding specific questions, audit deficiencies or review of the audit process.

(5) School audits must contain at a minimum the following:

(A) A statement of the scope of examination;

(B) The independent auditor's opinion as to whether the audit was made in accordance with generally accepted auditing standards applicable in the circumstances;

(C) The independent auditor's opinion as to whether the financial statements included in the audit report present fairly the results of the operations during the period audited;

(D) The independent auditor's opinion as to whether the financial statements accompanying the audit report were prepared in accordance with generally accepted accounting principles applicable to schools;

(E) The reason or reasons an opinion is not rendered with respect to subsections (5)(C) and (5)(D) in the event the independent auditor is unable to express an opinion with respect thereto;

(F) The independent auditor's opinion as to whether the school's budgetary and disbursement procedures conform to the requirements of Chapter 67, RSMo;

(G) The independent auditor's opinion as to whether attendance and transportation records are so maintained by the school as to disclose accurately average daily attendance and average daily transportation of pupils during the period of the audit;

(H) Financial statements presented in such form as to disclose the operations of each fund of the school and a statement of the operations of all funds; and

(I) The schedule of selected statistics, as specified annually by DESE. At such time as the schedule of selected statistics becomes available in an electronic format, the schedule must be submitted in this manner and will be submitted separately from the audit.

(6) State law provides for the acceptance of federal acts and funds and for their necessary administration and supervision. Audit requirements are a part of federal acts and the implementing regulations adopted by the administering federal agencies. The requirements of the Single Audit Act, as amended by *The Single Audit Act Amendments of 1996*, Office of Management and Budget (OMB) Circular A-133, which is incorporated by reference and made a part of this rule, and *Government Auditing Standards*, issued by the

Comptroller General of the United States, which is incorporated by reference and made a part of this rule are included in this audit policy. Specific application of these requirements shall be as follows:

(A) All schools that expend a total amount of federal awards equal to or in excess of three hundred thousand dollars (\$300,000) (from all sources) or such other amount specified by the federal director of the OMB in any fiscal year shall have either a single audit or a program-specific audit made for such fiscal year in accordance with the requirements of *The Single Audit Act Amendments of 1996*, OMB Circular A-133 and the *Government Auditing Standards*.

(B) All schools that expend a total amount of federal awards of less than three hundred thousand dollars (\$300,000) or such other amount specified by the director of the OMB in any fiscal year shall be exempt for such fiscal year from compliance with *The Single Audit Act Amendments of 1996*. However, these schools shall be required to have an audit performed in accordance with *Government Auditing Standards* (a "Yellow Book" Audit).

(C) Audits conducted biennially for public school districts shall cover both years within the biennial period and may be reported in the aggregate. However, the schedule of selected statistics must clearly depict the information for each fiscal year.

(D) All charter school audits shall be single entity reports completed annually on a July 1 to June 30 basis.

(E) All audits shall be conducted by an independent auditor in accordance with generally accepted auditing standards and *Government Auditing Standards*.

(7) The audit report shall be submitted to DESE by public school officials not later than October 31 of each odd numbered year and by charter school officials not later than October 31 of each year, unless an extension is requested prior to that date. Extensions shall be requested in accordance with applicable state law. The audit will be stamped with the "received date" by the School Finance Section. If audits are not received, all Basic Formula and Line 14 aid may be withheld until the audit is received. The management letter (if applicable) and a copy of the board minutes or board resolution indicating approval of the audit report must be received by DESE before the audit file will be considered closed for the fiscal year.

(8) The School Finance Section will make a preliminary review to determine if the audit generally conforms to state and federal requirements referenced in this rule.

(A) Schools which receive an audit in accordance with subsection (6)(A) above and who have federal findings and questioned costs shall submit the school's *Corrective Action Plan* prepared in accordance with OMB Circular A-133 with their audit report and management letter as stated above.

(B) Schools which receive an audit with a disclaimer of opinion shall institute corrective measures to ensure that the subsequent audit does not contain a disclaimer of opinion. If a disclaimer of opinion is rendered on the subsequent audit, the audit shall be deemed unacceptable and all Basic Formula and Line 14 aid may be withheld until such time as the school demonstrates to DESE that the situation resulting in the disclaimer of opinion has been corrected by the school.

(C) Audit reports containing an adverse opinion will be evaluated by DESE staff. Depending on the reasons for the adverse opinion, DESE may require the school to provide evidence that corrective action has been or is being taken to eliminate the adverse opinion from future reports. If corrective action is not taken as deemed necessary by DESE and an adverse opinion is rendered on the subsequent audit, the audit shall be deemed unacceptable and all Basic Formula and Line 14 aid may be withheld until such time as the district demonstrates to DESE that the situation resulting in the adverse opinion has been corrected by the school.

(9) Audits will be reviewed on a rotating basis by the School Finance Section via a formal desk review for adherence to the appropriate

audit requirements (*The Single Audit Act Amendments of 1996*; OMB Circular A-133; *Government Auditing Standards*, as well as the state requirements) included or referenced in this rule.

(A) Any deficiencies with the audit, during this phase, will be communicated to school officials and/or independent auditor depending on the severity and type of deficiency noted. Resolution of desk review items should occur within the time frame provided by DESE in the written communication with the school or the independent auditor. Failure to address noted deficiencies may result in the withholding of funds distributed by DESE to the school. Severe deficiencies and/or inaction by the school's independent auditor may result in the reporting of the independent auditor to the Missouri State Board of Accountancy.

(10) For audits conducted in accordance with OMB Circular A-133, federal findings and questioned costs and the related *Corrective Action Plan* will be circulated to the appropriate program sections for follow-up with the school.

(A) The appropriate program section shall issue a written management decision to the school indicating approval/disapproval of the school's *Corrective Action Plan*. This must take place within six (6) months from the receipt of the audit.

(11) When the program section reviews suggest questions or disclose discrepancies, the individual program sections will correspond directly with the school. This correspondence initiates a procedure for resolving program audit questions and discrepancies which is outlined below:

(A) Personnel of the various program sections will advise the school officials of the findings and the nature of any discrepancy found in the audit report;

(B) Within the time frame provided by DESE, school officials will be expected to respond with clarifying information and, as appropriate, corrected data or a corrected page of the audit report issued by the independent auditor who conducted the original audit. DESE staff will assist in every reasonable way to help a school and/or its independent auditor find a solution to audit problems; and

(C) If a discrepancy cannot be resolved, DESE may recover or withhold applicable state or federal funds from the affected program.

(12) Review of the independent auditor's working papers may be conducted by DESE as deemed appropriate to ensure appropriate work has been performed to support statements, opinions, findings, etc. of the independent auditor.

*AUTHORITY: sections 160.405 and 161.092, RSMo 2002 and 165.121, 167.201 and 178.430, RSMo 2000. Original rule filed April 28, 1982, effective Sept. 12, 1982. For intervening history, please consult the Code of State Regulations. Rescinded and readopted: Filed Sept. 24, 2002.*

*PUBLIC COST: This proposed rule will cost public school districts and charter schools an estimated \$3,500,165 for FY 2002. It is estimated to cost public school districts and charter schools \$3,500,165 in FY 2003 with the cost recurring annually for the life of the rule.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Elementary and Secondary Education, Attn: Dale Carlson, Director, School Finance, PO Box 480, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*



**FISCAL NOTE  
PUBLIC COST**

**I. RULE NUMBER**

**Title:** 5 - Department of Elementary and Secondary Education  
**Division:** 30 - Division of Administrative and Financial Services  
**Chapter:** 4 - General Administration  
**Type of Rulemaking:** Proposed Rule  
**Rule Number and Name:** 5 CSR 30-4.030 Audit Policy and Requirements

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Public School Districts and Charter Schools	\$3,500,165 for FY 2002. Cost recurring annually for the life of the rule.

**III. WORKSHEET**

The current public cost of this rule for public school districts and charter schools was an estimated three million, five hundred thousand, one hundred sixty-five dollars (\$3,500,165) for FY 2002. It is estimated to cost public school districts and charter schools three million, five hundred thousand, one hundred sixty-five dollars (\$3,500,165) in FY 2003 with the cost recurring annually for the life of the rule. This three million, five hundred thousand, one hundred sixty-five dollars (\$3,500,165) represents the estimated total spent for audit services for FY 2002 as reported by the public school districts and charter schools on the Annual Secretary of the Board Report.

**IV. ASSUMPTIONS**

**Title 5—DEPARTMENT OF ELEMENTARY  
AND SECONDARY EDUCATION  
Division 60—Vocational and Adult Education  
Chapter 100—Adult Education**

**PROPOSED AMENDMENT**

**5 CSR 60-100.020 Administration of High School Equivalence Program.** The State Board of Education is proposing to amend sections (1), (3), (4), (5) and subsection (6)(B).

*PURPOSE: This amendment is to add wording to permit implementation of the General Education Development (GED) Option Program as an exception to the requirement that students must be withdrawn from school in order to be qualified to take the GED Tests and provides current score requirements for passing the tests.*

(1) To be eligible to take the General Educational Development (GED) tests and earn a Missouri High School Equivalency Certificate, a person cannot be enrolled in elementary or secondary school, must be a resident of Missouri (with a Missouri mailing address), and meet one (1) of the following requirements:

(B) Be seventeen (17) years of age and out of school at least six (6) months from the last day of school attendance; *[or]*

(C) **Qualify as a participant in an approved GED Option Program for at-risk youth; or**

*[(C)]* (D) Be sixteen (16) or seventeen (17) years of age, withdrawn from school and *[-]*:

1. Have the written permission of the superintendent or principal of the school last attended;
2. Have written permission of the parent or legal guardian, if home-schooled; or
3. Be incarcerated or have the written permission of the juvenile judge if under the court's jurisdiction.

(3) Local testing centers will assign testing dates to applicants who have been authorized by DESE to take the test or to retake all or part of the test. The following areas are covered by the tests: *[Correctness and Effectiveness of Expression, Interpretation of Reading Materials in the Social Studies, Interpretation of Reading Materials in the Natural Sciences, Interpretation of Literary Materials and General Mathematical Ability]* **Language Arts-Writing, Social Studies, Science, Language Arts-Reading and Mathematics.**

(4) *[Effective May 1, 1992, a total minimum standard score of two hundred twenty-five (225) or above on the five (5) tests of GED, with no score below forty (40), is required to qualify for a Missouri Certificate of High School Equivalence.]* **Effective January 1, 2002, a total minimum standard score of two thousand, two hundred fifty (2,250) or above on the five (5) tests of the GED, with no score below four hundred ten (410), is required to qualify for a Missouri Certificate of High School Equivalence. Minimum standard scores are established in accordance with the policies and procedures of the General Educational Development Testing Services (GEDTS) of American Council on Education (ACE).**

(5) Certificates of High School Equivalence are issued only by DESE. Public high schools are not permitted to issue these certificates nor are they permitted to issue a diploma on the basis of the GED tests *[as these tests do not satisfy legal requirements for a high school diploma in Missouri]* **unless the district is part of the GED Option Program for at-risk youth.**

(6) Reexamination.

(B) If the scores on the reexamination do not meet the minimum certificate requirements, the highest scores *[above forty (40)]*

**above four hundred ten (410)** received on all tests taken within the last two (2) years will be compared with the most recent scores. The highest score obtained for each of the five (5) tests will be used as a basis for determining the eligibility for the certificate.

*AUTHORITY: sections 161.092, RSMo Supp. 2002 and 161.093, RSMo 2000. Original rule filed Oct. 10, 1969, effective Oct. 20, 1969. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 24, 2002.*

*PUBLIC COST: This proposed amendment is estimated to cost public school districts fifty-six thousand dollars (\$56,000) in Fiscal Year 2003 with that cost recurring annually over the life of the rule.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Elementary and Secondary Education, Attn: Dr. Nancy Headrick, Assistant Commissioner, Division of Vocational and Adult Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**FISCAL NOTE  
PUBLIC COST**

**I. RULE NUMBER**

Title: 5 Department of Elementary and Secondary Education

Division: 60 Vocational and Adult Education

Chapter: 100 Adult Basic Education

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 5 CSR 60-100.020 Administration of High School Equivalence Program

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated of Compliance in the Aggregate
Public School Districts	\$56,000 for FY 2003 with that cost recurring annually over the life of the rule.

**III. WORKSHEET**

The cost estimate provided above is based on the number of students that are planned to be enrolled in the GED Option Program for Fiscal Year 2003 with that cost recurring annually over the life of the rule. This estimate will vary annually based on increases or decreases in the number of students. Costs are based on the total cost of the application fee and test center fee. Under the rule those fees will not exceed \$40.00 per student. It is estimated that one thousand four hundred (1,400) students will take the test in the Fiscal Year 2003.

1,400 (students) x \$40.00 (total test fee) = \$56,000.00

**IV. ASSUMPTIONS**

Cost estimate provided assumes that all students projected to be enrolled in the GED Option Program will apply for and take the General Education Development Tests (GED) in Fiscal Year 2003.

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

**PROPOSED RESCISSION**

**5 CSR 60-480.100 Standards for the Determination of Eligible Training Providers and Administration of Reimbursement for the Education of Persons Under the Workforce Investment Act of 1998 and Other Employment Training Funding Sources Contracting With the State Board of Education.** This rule provided the criteria and procedures for the determination of eligible training providers under the Workforce Investment Act of 1998, any revisions or amendments to this Act, or replacement legislation.

*PURPOSE:* This rule is being rescinded and readopted to make changes in the training providers certification document and in the appeal process.

*AUTHORITY:* sections 178.430, 178.440, 178.450 and 178.460, RSMo 1994 and 178.530, RSMo Supp. 1999. Original rule filed July 7, 2000, effective Feb. 28, 2001. Rescinded: Filed Sept. 24, 2002.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Elementary and Secondary Education, Attn: Dr. Nancy Headrick, Assistant Commissioner, Division of Vocational and Adult Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

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

**PROPOSED RULE**

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

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

*PUBLISHER'S NOTE:* The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.

(1) All references to the State Board of Education (the board) in this rule may be construed to include the program sections within the Department of Elementary and Secondary Education (DESE) assigned responsibility for administration of the programs involved. The provisions of this section apply to the application and certification of eligible training providers.

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

(B) Training providers will be required to annually provide performance information and program cost information as specified in the *Training Provider Certification* document.

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

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

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

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

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

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

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

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

1. Training providers shall have the right to appeal a denial of eligibility or termination of eligibility, pursuant to the rules promulgated by the board and the *Training Provider Certification* document.

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

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

C. If the Appeal Review Board's decision does not resolve the appeal, the complainant has fifteen (15) days to submit a written request for a hearing to DESE. A hearing will be conducted within thirty (30) days of receipt of the written request by representatives from the complainant, the Appeal Review Board and the local Workforce Investment region in which the complainant operates. A written decision shall be issued within fifteen (15) days following the hearing.

D. If this decision does not resolve the appeal, the complainant has fifteen (15) days to submit a written request to DESE requesting a review by the Local Workforce Investment Board (LWIB). The LWIB or its designee shall review the appeal and issue a final decision within thirty (30) days from receipt of the request. The LWIB or its designee's decision is final.

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

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

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

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

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

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

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

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

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

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

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

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

*AUTHORITY: sections 161.092, RSMo Supp. 2002 and 178.430, 178.440, 178.450, 178.460 and 178.530, RSMo 2000. Original rule filed July 7, 2000, effective Feb. 28, 2001. Rescinded and readopted: Filed Sept. 24, 2002.*

*PUBLIC COST: This proposed rule will cost state agencies or political subdivisions in the aggregate of approximately twenty-seven thousand, five hundred dollars (\$27,500) for Fiscal Year 2003 with that cost recurring annually over the life of the rule.*

*PRIVATE COST: This proposed rule will cost private entities in the aggregate of approximately twelve thousand, five hundred dollars (\$12,500) for Fiscal Year 2003 with that cost recurring annually over the life of the rule.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Elementary and Secondary Education, Attn: Dr.*

*Nancy Headrick, Assistant Commissioner, Division of Vocational and Adult Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*



**FISCAL NOTE  
PUBLIC COST**

**I. RULE NUMBER**

Title: 5 - Department of Elementary and Secondary Education  
Division: 60 - Vocational and Adult Education  
Chapter: 480 - Employment Training  
Type of Rulemaking: Proposed Rule

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

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated cost of Compliance in the Aggregate
Local public entity eligible training providers	\$27,500 for FY 2003 with that cost recurring annually over the life of the rule.

**III. WORKSHEET**

The cost estimate presented above is the cost for local public entity eligible training providers to gather, prepare and submit required performance information and program cost information to DESE as specified in the *Training Provider Certification* document. The estimate will vary annually based on increases or decreases in student enrollment.

**IV. ASSUMPTIONS**

The cost is based on the amount of time it takes for local public entity eligible training providers staff to gather, prepare and submit required performance information and program cost information to DESE.

**FISCAL NOTE  
PRIVATE COST**

**I. RULE NUMBER**

<b>Rule Number:</b>	5 CSR 60-480.100
<b>Rule Name:</b>	Standards for the Determination of Eligible Training Providers & Administration of Reimbursement for the Education of Persons Under the Workforce Investment Act of 1998 & Other Employment Training Funding Sources Contracting With the State Board of Education
<b>Type of Rulemaking:</b>	Proposed Rule

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule.	Classification by types of the business entities which would likely be affected.	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities.
25 private schools which report their required performance information and program cost information directly to DESE	Local private entity eligible training providers	\$12,500 for FY 2003 with that cost recurring annually over the life of the rule.

**III. WORKSHEET**

A survey of several private schools showed an average cost to be an estimate of five hundred dollars (\$500) for the school to gather, prepare and submit required performance information and program cost information to DESE as specified in the *Training Provider Certification* document. These private schools report their required performance information and program cost information directly to DESE. DESE estimates that twenty-five (25) private schools will participate in this program in FY 2003. Therefore, the cost for FY 2003 is twelve thousand five hundred dollars (\$12,500). The estimate will vary annually based upon increases or decreases in student enrollment and increases or decreases in the number of private schools participating in the program.

**IV. ASSUMPTIONS**

The cost is based on the amount of time it takes for local private entity eligible training providers staff to gather, prepare and submit required performance information and program cost information to DESE.

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

**PROPOSED AMENDMENT**

**5 CSR 60-900.050 Standards for the Approval of Courses for the Education of Persons Under Veterans' Education and Vocational Rehabilitation.** The State Board of Education is proposing to amend subsections (1)(A), (1)(C), (1)(D), (1)(E), (1)(F), (1)(H), (1)(I), (3)(A), (3)(B), (3)(G), (3)(H), (3)(I), (3)(L), (4)(A), (4)(B), (4)(E) and section (2).

*PURPOSE: This amendment aligns state statutes with federal requirements.*

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

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

1. Any course to be pursued in a public or other tax-supported educational institution;

2. Any course which is offered [*by an educational institution which has been in operation for more than two (2) years or six (6) calendar months, whichever is appropriate, if the course is similar in character to a course previously given by the institution;*] for veterans' education or vocational rehabilitation by a non-college (NCD) institution and/or a non-accredited institution of higher learning (IHL) where at least one (1) course is already approved;

3. Any course which has been offered by an educational institution for a period of more than two (2) years or six (6) calendar months, whichever is appropriate, notwithstanding the institution has moved to another location within the same general locality or has made a complete move with substantially the same faculty, curricula and students, without change in ownership;

4. Any course which is offered by an educational institution of college level and which is recognized for credit toward a standard college degree; or

5. Any course for vocational rehabilitation when a needed course is not available at any other institution offering approved courses within a fifty-five (55)-mile commuting distance as approved by [*the department*] DESE.

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

(D) Institutions may make a request for an exception to any of the requirements or provisions of this rule. The institutions must make the request in writing and provide justification for the exception. An exception may be allowed only at the discretion of [*the department*] DESE.

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

shall be entitled to a hearing before [*the department*] DESE. The affected institution shall be notified within a reasonable time of [*the department's*] DESE's action.

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

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

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

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

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

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

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

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

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

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

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

4. Students cannot perform capital improvements on buildings and facilities owned by a private-for-profit agency. Capital improvements are any modification, addition or restoration which increases the usefulness, productivity or serviceable life of an existing building or structure, or major item of equipment which is classified for accounting purposes as a fixed asset and the recorded value is increased by the cost of the improvement and subject to depreciation.

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

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

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

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

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

(B) Any curriculum offered by an educational institution which is a member of one (1) of the nationally recognized accrediting agencies or associations and which leads to a degree, diploma or certificate may be accepted as an accredited course by [*the department*] DESE. Any curriculum accredited by one (1) of the specialized nationally recognized accrediting agencies or associations and which leads to a degree, diploma or certificate may also be accepted as an accredited course by [*the department*] DESE. Approval of the



individual subjects, required or elective, which are designated as a part of the curriculum will not be necessary. This approval may include noncredit subjects that are prescribed as a required part of the curriculum. The course objective may be educational leading to a high school diploma or a standard college degree or it may be vocational or professional leading to an occupation.

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

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

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

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

3. Institution policy and regulations relating to student attendance for resident courses not leading to a standard college degree, conditions for dismissal for unsatisfactory attendance and conditions of reentrance of students dismissed for unsatisfactory attendance.

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

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

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

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

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

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

2. The school maintains a written record of previous education and training of the eligible person which clearly indicates that appropriate credit has been given by the school for previous education and training, with the training period shortened proportionately and the person and the Department of Veterans Affairs and vocational rehabilitation so notified. The record must be cumulative in that the results of each enrollment period, whether term, quarter or semes-

ter, must be included so that it shows each subject undertaken and the final result—that is, passed, failed, incomplete or withdrawn;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. No instructor shall have a daily schedule (both in school and outside of school) of more than fifty-five (55) hours per week, nor shall any instructor be engaged in instructional work for more than forty-eight (48) hours per week. The instructional workday of instructors will include break times allowed the students. Business



school teachers shall not teach more than forty-eight (48) hours per week including evening school.

(H) The institution must provide adequate facilities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Accurate and current records of attendance, tardiness, make-up work, proficiency and progress;

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

4. Placement or location records for graduates;

5. The institution shall maintain financial records in accordance with generally accepted accounting principles and which accurately reflect and support the receipts and charges applicable to veterans and vocational rehabilitation supported students. Further, that all

these records and supporting documents shall be retained in accordance with current state and/or federal laws, and/or regulations; and

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

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

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

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

1. Courses which are approved under this rule; and

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

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

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

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

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

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

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

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

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

*AUTHORITY: sections 161.092, RSMo Supp. 2002, and 161.172, 178.430, 178.530, [RSMo Supp. 1999] 178.590 and 178.610, RSMo [1994] 2000. Original rule filed July 7, 2000, effective Feb. 28, 2001. Amended: Filed Sept. 24, 2002.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Elementary and Secondary Education, Attn: Dr. Nancy Headrick, Assistant Commissioner, Division of Vocational and Adult Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 5—DEPARTMENT OF ELEMENTARY  
AND SECONDARY EDUCATION  
Division 80—Teacher Quality and Urban Education  
Chapter 805—Teacher Education**

**PROPOSED AMENDMENT**

**5 CSR 80-805.015 Procedures and Standards for Approval of Professional Education Programs in Missouri.** The State Board of Education proposes to amend section (4) and Appendix A of the incorporated by reference material.

*PURPOSE:* This amendment specifies basic instructional technology competencies for candidates for initial teacher certification. These are included in the incorporated by reference material as *Quality Indicator 1.2.11 of MoSTEP*.

(4) Professional education programs at institutions of higher education shall be evaluated according to the unit standards listed below and in the [appendices] **Missouri Standards for Teacher Education Programs (MoSTEP) (Appendix A) and Standards for School Leaders (Appendix B)**, which are hereby incorporated by reference and made a part of this rule.

*AUTHORITY:* sections 161.092, **RSMo Supp. 2002 and 161.097, [and] 161.099, RSMo 1994 and 168.021, RSMo [Supp 1999] 2000.** This rule was previously filed as 5 CSR 80-800.015. Original rule filed Sept. 29, 1986, effective Jan. 12, 1987. Amended: Filed Aug. 1, 1988, effective Nov. 25, 1988. Amended: Filed April 25, 1990, effective Sept. 28, 1990. Amended: Filed Oct. 31, 1996, effective June 30, 1997. Amended: Filed Dec. 23, 1998, effective Aug. 30, 1999. Amended: Filed July 28, 2000, effective Feb. 28, 2001. Amended: Filed Sept. 24, 2002.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Elementary and Secondary Education. Attn: Dr. Mike Lucas, Director of Teacher Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY  
AND SECONDARY EDUCATION  
Division 80—Teacher Quality and Urban Education  
Chapter 805—Teacher Education**

**PROPOSED RULE**

**5 CSR 80-805.040 Clinical Experience Requirements for Candidates in Professional Education Programs**

*PURPOSE:* This rule establishes clinical experience requirements for candidates in professional education programs approved by the State Board of Education in all baccalaureate degree granting four-year colleges and universities in Missouri.

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

(A) Board. Missouri State Board of Education;

(B) Clinical experiences. Supervised student teaching or internships that are conducted in approved educational settings such as a public or accredited nonpublic school or classroom. Students in professional education programs are immersed in the learning community and are provided opportunities to develop and demonstrate competence in the professional roles for which they are preparing;

(C) Clinical faculty. Faculty from schools, preschool–grade twelve (12), and institutions of higher education responsible for instructing, supervising, and assessing preservice education students during student teaching assignments, internships, or other field experiences;

(D) Cooperating teacher. A teacher with at least three (3) years experience in a public or accredited nonpublic school setting, having professional classification certification in the content area and grade range being taught, with whom preservice students are placed for student teaching or other field experiences to fulfill the requirements of a professional education program;

(E) Field experiences. Venues in which students in professional education programs may observe, assist, tutor, instruct, and/or conduct research. Field experiences may occur in off-campus settings such as public or accredited nonpublic schools or classrooms;

(F) Internship. A post-licensure or graduate clinical experience under the supervision of clinical faculty; may also refer to a preservice clinical experience;

(G) Mentor. An experienced teacher, administrator, or other school professional with appropriate certification who provides support to a beginning educator by providing instruction, coaching, counseling or other assistance in the performance of his/her duties and responsibilities;

(H) Practicum. The supervised practical application of previously studied principles or theory in an educational setting;

(I) Preservice. The period of time during which a student is undergoing professional training to become a teacher, administrator or other certificated school employee; and/or

(J) Teacher assistant. An individual who has served as an assistant or aide with teaching responsibilities to a certificated teacher in a public school or accredited nonpublic school setting.

(2) Each institution of higher education offering professional education program(s) for teacher certification shall require preservice teacher education students to complete clinical and other field experiences under the supervision of a qualified cooperating teacher in accordance with rules promulgated by the board, with the following exceptions:

(A) Programs having preservice teacher education students who have been employed in public or accredited nonpublic schools for at least two (2) years as teacher assistants shall accept for credit such experiences in lieu of the conventional student teaching requirement if the following conditions are met:

1. The preservice student's experience as a teacher assistant was concurrent with the student's professional education program and in the same content area and grade range for which the student is seeking certification;

2. The teacher assistant shall have conducted teaching activities comparable to those required for other preservice education students in conventional student teaching placements;

3. The teacher with whom the teacher assistant served meets the qualifications for a cooperating teacher, as defined in this rule;

4. The teacher with whom the teacher assistant served has been provided training for observing and evaluating the assistant's teaching practice; and

5. The teacher assistant has been working with permission and under the authority of the principal of the school or a designee; or

(B) Post-baccalaureate teacher education programs shall accept for credit teaching experience attained by students teaching in a public or accredited nonpublic school under a provisional, special assignment, or temporary authorization certificate of license to teach in lieu of the conventional student teaching requirement if the following conditions are met:

1. The teaching experience must be in the same content area and grade range for which the student is seeking certification;
2. The student's mentor meets the qualifications for a cooperating teacher as defined in this rule and has been provided mentor training; and
3. The student has been observed and evaluated by a qualified clinical faculty member from the professional education program in which the student is enrolled.

(3) Each institution of higher education offering professional education program(s) for school principal certification shall require its candidates to complete directed field experiences in accordance with rules promulgated by the board.

(A) The program(s) shall accept for credit experiences attained by candidates employed as a principal under a temporary administrator's certificate of license to teach to fulfill the directed field experience requirement for certification, if such experience is attained while the individual is enrolled in the program.

(B) Experiences described above must be in a public school or accredited nonpublic school with a mentoring program that is approved by the institution offering the certification program(s).

(4) Each institution of higher education offering professional education program(s) leading to certification in student services categories shall require candidates for certification to complete clinical experiences in accordance with rules promulgated by the board.

(A) The program(s) shall accept for credit experiences attained by candidates employed as a school counselor, school psychologist, or other student services categories under a provisional or temporary authorization certificate to fulfill the clinical experience requirement for certification, if such experience is attained while the candidate is enrolled in the program.

(B) Experiences described above must be in a public school or accredited nonpublic school with a mentoring program that is approved by the institution offering the certification program(s).

*AUTHORITY:* sections 161.097 and 168.021, RSMo 2000 and 161.092 and 168.400, RSMo Supp. 2002. Original rule filed Sept. 24, 2002.

*PUBLIC COST:* This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Elementary and Secondary Education, Division of Teacher Quality and Urban Education. Attn: Dr. Mike Lucas, Director of Teacher Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 9—DEPARTMENT OF MENTAL HEALTH  
Division 10—Director, Department of Mental Health  
Chapter 7—Core Rules for Psychiatric and Substance  
Abuse Programs**

**PROPOSED AMENDMENT**

**9 CSR 10-7.130 Procedures to Obtain Certification.** The department proposes to amend section (5).

*PURPOSE:* For organizations who have attained full accreditation from Commission on Accreditation of Rehabilitation Facilities

(CARF), Joint Commission on Accreditation of Healthcare Organizations (JCAHO), or Council on Accreditation of Services to Families and Children (COA), and who have received an expedited survey from the department, this amendment assures that the compliance status from the department will be equal to the length of time received from the accrediting entity.

(5) The department may grant certification on a temporary, provisional, conditional, or compliance status. In determining certification status, the department shall consider patterns and trends of performance identified during the site survey.

**(E) For organizations who have attained full accreditation under standards for behavioral healthcare from CARE, JCAHO, and COA, and who receive an expedited site survey from the department, compliance status from the department shall be for a period of time equal to the length of the accreditation received from the accrediting entity.**

*AUTHORITY:* sections 630.050 and 630.055, RSMo 2000. Original rule filed Feb. 28, 2001, effective Oct. 30, 2001. Amended: Filed Sept. 25, 2002.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Mental Health, Attn: Julie Carel, Division of Comprehensive Psychiatric Services, PO Box 687, Jefferson City, MO 65102. To be considered, comments must be in writing and must be received within thirty (30) days after publication in the *Missouri Register*. No public hearing is scheduled.

**Title 9—DEPARTMENT OF MENTAL HEALTH  
Division 25—Fiscal Management  
Chapter 2—Purchase of Service Contracting**

**PROPOSED AMENDMENT**

**9 CSR 25-2.105 Purchasing Client Services.** The department is adding a new section (6) and renumbering sections (6) through (8).

*PURPOSE:* This amendment indicates that the Division of Alcohol and Drug Abuse will use comparative evaluation procedures in purchasing services. This amendment will complement a recent amendment to 1 CSR 40.190 that exempts the Department of Mental Health from bidding procedures required under Chapter 34, RSMo.

**(6) The Division of Alcohol and Drug Abuse shall use comparative evaluation procedures as set out in this chapter to purchase services from private and public providers for its clients.**

[[6]] (7) The department shall develop and issue a request for a proposal (RFP) as set out in this chapter to solicit and select the providers to provide services to department clients under duly executed contractual agreements.

[[7]] (8) Providers shall meet applicable licensure, accreditation or certification, requirements under state and federal law. Providers shall also comply with other applicable department rules and state and federal laws.

[[8]] (9) The department shall issue contractual agreements after awards are made to offerors for a term corresponding to a current or



the new fiscal year subject to service need, appropriations and available funds as determined by the department.

(A) If so specified in the contractual agreement and RFP, the department, at its sole option, may offer to extend any contractual agreement for up to four (4) additional one (1)-year terms. In the fifth year of a contract, the department, at its sole option, may extend the contractual agreement up to five (5) additional one (1)-year terms.

(B) Any contractual agreement, extension or option for renewal is contingent upon annual renewal of a delegation of authority from the commissioner of administration.

(C) If the department exercises the option to extend the terms, conditions and provisions of the initial contractual agreement, with duly executed amendments, shall remain in effect and apply during subsequent contractual agreement terms except that unit prices may be adjusted by the department consistent with department policy subject to appropriations and availability of funds.

*AUTHORITY: sections 34.100 and 630.050, RSMo 2000 and 630.405, RSMo Supp. 2001. Original rule filed Oct. 16, 1986, effective July 13, 1987. Emergency amendment filed May 15, 1990, effective May 25, 1990, expired Sept. 21, 1990. Amended: Filed Aug. 1, 1990, effective Dec. 31, 1990. Emergency amendment filed July 7, 1992, effective July 17, 1992, expired Nov. 13, 1992. Amended: Filed July 7, 1992, effective Feb. 26, 1993. Amended: Filed Oct. 31, 2000, effective May 30, 2001. Amended: Filed Sept. 25, 2002.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment by writing to John Long, Office of Administration, Department of Mental Health, PO Box 687, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

### **Title 9—DEPARTMENT OF MENTAL HEALTH Division 30—Certification Standards Chapter 3—Alcohol and Drug Abuse Programs**

#### **PROPOSED AMENDMENT**

**9 CSR 30-3.110 Service Definitions and Staff Qualifications.** The department proposes to amend subsections (5)(B), (9)(C), and (11)(E).

*PURPOSE: This amendment adds practicum/intern student as described below as individuals qualified to provide individual and group counseling and community support.*

(5) Individual Counseling. Individual counseling is a structured, goal-oriented therapeutic process in which an individual interacts on a face-to-face basis with a counselor in accordance with the individual's rehabilitation plan in order to resolve problems related to substance abuse which interfere with the person's functioning.

(B) Individual counseling shall only be performed by a qualified substance abuse professional [or], an associate counselor[.], or a practicum/intern student as described in 9 CSR 10-7.110(5).

(9) Group Counseling. Group counseling is face-to-face, goal-oriented therapeutic interaction among a counselor and two (2) or more clients as specified in individual rehabilitation plans designed to promote clients' functioning and recovery through personal disclosure and interpersonal interaction among group members.

(C) Group counseling services shall be provided by a qualified substance abuse professional [or], an associate counselor[.], or a practicum/intern student as described in 9 CSR 10-7.110(5).

(11) Community Support. Community support consists of specific activities with or on behalf of a particular client in accordance with an individual rehabilitation plan to maximize the client's adjustment and functioning within the community while achieving sobriety and sustaining recovery, maximizing the involvement of natural support systems, and promoting client independence and responsibility.

(E) Community support services shall be provided by a person who has a bachelor's degree from an accredited college or university in social work, psychology, nursing or a closely related field[.], or a practicum/intern student as described in 9 CSR 10-7.110(5). Equivalent experience may be substituted on the basis of one (1) year for each year of required educational training.

*AUTHORITY: sections 630.050, 630.655 and 631.010, RSMo 2000. Original rule filed Feb. 28, 2001, effective Oct. 30, 2001. Amended: Filed Sept. 25, 2002.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment by writing to Dewey Price, Mental Health Manager, Division of Alcohol and Drug Abuse, Department of Mental Health, PO Box 687, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

### **Title 11—DEPARTMENT OF PUBLIC SAFETY Division 40—Division of Fire Safety Chapter 2—Boiler and Pressure Vessel Safety Rules**

#### **PROPOSED RESCISSION**

**11 CSR 40-2.010 Definitions.** This rule provided for the formulation of definitions concerning boilers and pressure vessels under this Act.

*PURPOSE: This rule is being rescinded due to a complete format revision of boiler and pressure rules and regulations and the filing of proposed rules and regulations incorporating code changes.*

*AUTHORITY: section 650.215, RSMo 1994. Original rule filed May 12, 1986, effective Oct. 27, 1986. Amended: Filed Oct. 3, 1995, effective April 30, 1996. Rescinded: Filed Sept. 25, 2002.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Division of Fire Safety, Boiler and Pressure Vessel Unit, Jim Pratt, Public Safety Manager, 1709 Industrial Drive, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*



**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 40—Division of Fire Safety  
Chapter 2—Boiler and Pressure Vessel Safety Rules**

**PROPOSED RULE**

**11 CSR 40-2.010 Definitions**

*PURPOSE: This rule formulates definitions concerning boilers, water heaters and pressure vessels in Missouri.*

(1) Act—The Boiler and Pressure Vessel Safety Act which was enacted as sections 650.200–650.295, RSMo.

(2) ASME Code—*The American Society of Mechanical Engineers International (ASME) Boiler and Pressure Vessel Code*, including Code Cases and interpretations as made, approved and adopted by the Council of the Society and approved and adopted by the board. Copies of the code may be obtained from the ASME at Three Park Ave., New York, NY 10016-5990.

(3) Alteration—As defined in the latest *National Board Inspection Code* adopted by the board.

(4) API Code—The edition and addenda of ANSI/API Std-510 as published by the American Petroleum Institute and adopted by the board.

(5) Approved—Approved by the Board of Boiler and Pressure Vessel Rules.

(6) Board—The Board of Boiler and Pressure Vessel Rules created by the Act and empowered to interpret the Act and to make, alter, amend and interpret the rules for the safe construction, installation, inspection, alteration and repair of boilers and pressure vessels.

(7) Boiler—A pressurized vessel in which water is heated, steam is generated, steam is superheated, or any combination of these, under pressure or vacuum by the direct application of heat. The term boiler includes fired units for heating or vaporizing liquids other than water where these units are separate from processing systems and complete within themselves.

(8) Certificate of competency—A certificate issued to a person who has passed the examination(s) and met the experience requirements prescribed.

(9) Certificate inspection—An inspection, the report of which is used by the chief inspector as justification for issuing, withholding or suspending the Inspection Certificate.

(A) Internal inspection—As complete an examination as can reasonably be made of the internal areas, including water side, and external surfaces of a boiler or pressure vessel while it is not in operation.

(B) External inspection—An inspection performed on the external surfaces of a boiler or pressure vessel including all fittings and appliances.

(10) Chief inspector—The chief boiler and pressure vessel inspector appointed by the director under the provisions of this Act.

(11) Deputy inspector—Any inspector appointed and employed by the director under the provisions of this Act.

(12) Director—The state fire marshal or appointed designee.

(13) Existing installation—Includes any boiler, water heater or pressure vessel constructed, installed, placed in operation, or under contract, on or before November 12, 1986.

(14) Fittings and appliances—Include but not limited to pressure relief devices, low water protection, pressure controls, temperature controls, thermometers, gages, expansion tanks, pipe, pipe fittings, pipe valves, etc., within the scope of the Act and these rules.

(15) Hobby boiler—A boiler operated as a personal hobby and not used for commercial gain.

(16) Hot water heating boiler—A boiler in which no steam is generated, from which hot water is circulated for heating purposes and then returned to the boiler, and which operates at a pressure not exceeding one hundred sixty (160) pounds per square inch (psi) and/or a temperature of two hundred fifty degrees Fahrenheit (250°F) at or near the boiler outlet.

(17) Hot water supply boiler—A boiler completely filled with water that furnishes hot water to be used externally to itself at pressures not exceeding one hundred sixty (160) psi or at temperatures not exceeding two hundred fifty degrees Fahrenheit (250°F) at or near the boiler outlet.

(18) Inspection Certificate—A certificate issued by the chief inspector for the operation of a boiler, water heater, or pressure vessel as required by the Act and these rules.

(19) Inspector—The chief inspector, deputy inspector, special inspector or owner-user inspector authorized to perform certificate inspections in Missouri.

(20) *International Mechanical Code*—International Code Council, Inc.

(21) Jacketed steam kettle—A gas fired or electrically heated kettle with jacket(s), operating at pressure not exceeding fifty (50) psi.

(22) MAWP—Maximum allowable working pressure.

(23) National Board (NB)—The National Board of Boiler and Pressure Vessel Inspectors.

(24) National Board Commission—The commission issued to an inspector by the National Board of Boiler and Pressure Vessel Inspectors.

(25) *National Board Inspection Code (NBIC)*—The edition and addenda of ANSI/NB-23 currently adopted by the board.

(26) New installation—Includes all boilers, water heaters or pressure vessels constructed, installed, placed in operation, or under contract, on or after November 12, 1986.

(27) Nonstandard boiler, water heater or pressure vessel—A boiler, water heater or pressure vessel that does not bear the ASME stamp.

(28) Object—A boiler, water heater, or pressure vessel.

(29) Owner or user—Any person, firm or corporation legally responsible for the safe installation, operation and maintenance of any boiler, water heater or pressure vessel within the state of Missouri.

(30) Power boiler—A boiler in which steam or other vapor is generated at a pressure of more than fifteen pounds (15) psi or a water (or other liquid) boiler intended for operation at pressures in excess of one hundred sixty (160) psi and/or temperatures in excess of two hundred fifty degrees Fahrenheit (250°F).

(31) Pressure vessel—A vessel for the containment of pressure, either internal or external.

(32) Reinstalled boiler, water heater or pressure vessel—A boiler, water heater or pressure vessel removed from its original setting and

reinstalled at the same location or at a new location without change of ownership.

(33) Repair—As defined in the National Board Inspection Code.

(34) Second-hand boiler, water heater or pressure vessel—A boiler, water heater or pressure vessel which has changed both location and ownership.

(35) Special inspector—Any inspector commissioned by the chief inspector who is employed by any company licensed to insure in this state boilers and pressure vessels for which the owner or user maintains a regularly established inspection service.

(36) Standard boiler, water heater or pressure vessel—A boiler, water heater or pressure vessel that bears the ASME stamp.

(37) State special—A boiler, water heater, or pressure vessel of special construction, or designed and constructed to other than the ASME code which is not inconsistent with the spirit and safety objectives of these rules and the ASME code.

(38) Steam heating boiler—A steam or vapor boiler operating at pressures not exceeding fifteen (15) psi.

(39) Waste heat boiler—An unfired pressure vessel intended for operation in excess of fifteen (15) psi steam for the purpose of producing and controlling an output of thermal energy.

(40) Water heater—A fired pressurized vessel in which water is heated by electricity, or by the combustion of solid, liquid, or gaseous fuels and withdrawn for use external to the heater at pressures not exceeding one hundred sixty (160) psi and temperatures not exceeding two hundred ten degrees Fahrenheit (210°F). Water heaters include service water heaters, domestic water heaters and potable water heaters. The term “water heater” does not include vessels used solely for closed loop hot water heating service.

(41) Variance—An exception to the Act or these rules authorized by the board for the installation, inspection, repair, or alteration of a boiler, water heater, or pressure vessel.

*AUTHORITY:* section 650.215, RSMo 2000. Original rule filed May 12, 1986, effective Oct. 27, 1986. Amended: Filed Oct. 3, 1995, effective April 30, 1996. Rescinded and readopted: Filed Sept. 25, 2002.

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

*PRIVATE COST:* This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with the Division of Fire Safety, Boiler and Pressure Vessel Unit, Jim Pratt, Public Safety Manager, 1709 Industrial Drive, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY**  
**Division 40—Division of Fire Safety**  
**Chapter 2—Boiler and Pressure Vessel Safety Rules**

**PROPOSED RULE**

**11 CSR 40-2.015 Code/Standards Adopted by Board**

*PURPOSE:* This rule identifies the codes/standards applicable and adopted by the board.

(1) *ASME Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers:*

(A) 2001 *ASME Boiler and Pressure Vessel Code*;

(B) Sections III and XI are exempt from state regulation.

(2) National Board Inspection Code, *NB-23—Manual for Boiler and Pressure Vessel Inspectors:*

(A) 2001 Edition; and

(B) 2001 Addendum.

(3) *ASME Code for Power Piping, B31.1 of the American Society of Mechanical Engineers*, 2001 Edition.

(4) *Code for Controls and Safety Devices for Automatically Fired Boilers CSD-1-1998* Edition of the American Society of Mechanical Engineers.

(5) *NFPA 85 Standard for Single Burner Boiler Operation*, 2001 Edition.

(6) *Pressure Vessel Inspection Code, API-510 of the American Petroleum Institute*, 1997 Edition.

(7) *International Mechanical Code*, 2000.

*AUTHORITY:* section 650.215, RSMo 2000. Original rule filed Sept. 25, 2002.

*PUBLIC COST:* This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with the Division of Fire Safety, Boiler and Pressure Vessel Unit, Jim Pratt, Public Safety Manager, 1709 Industrial Drive, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY**  
**Division 40—Division of Fire Safety**  
**Chapter 2—Boiler and Pressure Vessel Safety Rules**

**PROPOSED RESCISSION**

**11 CSR 40-2.020 Administration.** This rule provided for the safe construction, installation, inspection, operation, maintenance and repair of boilers and pressure vessels under this Act.

*PURPOSE:* This rule is being rescinded due to a complete format revision of boiler and pressure rules and regulations and the filing of proposed rules and regulations incorporating code changes.

*AUTHORITY:* section 650.215, RSMo Supp. 1998. Original rule filed May 12, 1986, effective Oct. 27, 1986. Amended: Filed Dec. 1, 1987, effective Feb. 11, 1988. Amended: Filed Sept. 27, 1990, effective Feb. 14, 1991. Amended: Filed Oct. 3, 1995, effective April 30, 1996. Amended: Filed March 15, 1999, effective Sept. 30, 1999. Rescinded: Filed Sept. 25, 2002.

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Division of Fire Safety, Boiler and Pressure Vessel Unit, Jim Pratt, Public Safety Manager, 1709 Industrial Drive, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 40—Division of Fire Safety  
Chapter 2—Boiler and Pressure Vessel Safety Rules**

**PROPOSED RULE**

**11 CSR 40-2.021 Inspector/Qualifications/Examinations/Responsibilities**

*PURPOSE: This rule addresses the qualifications and responsibilities of boiler, water heater and pressure vessel inspectors.*

(1) As used in this rule, the term “these rules” is intended to mean 11 CSR 40-2.010 through 11 CSR 40-2.066.

(2) Identification Card Issued by Chief Inspector.

(A) Each person engaged in the inspection of boilers, water heaters or pressure vessels shall obtain an identification card prior to performing any inspection.

(B) An identification card is valid until December 31 of the year in which it is issued and must be renewed annually. Requests for renewal shall be submitted in writing to the chief inspector prior to the expiration date.

(C) An initial identification card may be obtained from the chief inspector after passing the required examination(s) and payment of fees. An examination is not required for renewal.

(D) Each applicant for an initial identification card shall submit a written application and the required fee to the chief inspector at least thirty (30) days prior to the next scheduled examination, on forms furnished by the chief inspector, stating the applicant’s education and work experience, including the names of current and previous employers, length of time employed by each employer and position held. The applicant shall also submit a copy of a photo identification card from the employer or a copy of a valid photo identification driver’s license and a copy of the applicant’s most recent national board commission.

(E) An applicant shall have education and experience equal to at least one (1) of the following:

1. A degree in mechanical engineering plus one (1) year of experience in design, construction, operation or inspection of boilers or pressure vessels; or

2. A degree in a branch of engineering, other than mechanical engineering or an associates degree in mechanical technology plus two (2) years of experience in design, construction, operation or inspection of boiler or pressure vessels; or

3. The equivalent of a high school education plus three (3) years of experience—

A. In boiler or pressure vessel construction or repair; or

B. As an operating engineer in charge of high pressure boiler operation; or

C. As an inspector of boilers or pressure vessels; or

4. A valid commission from the national board.

(F) Applicants whose education and work experience are acceptable to the chief inspector will be permitted to take a two (2)-part

written examination. Part 1 of the examination will test the applicant’s knowledge of the ASME Code. Part 2 of the examination will test the applicant’s knowledge of the Missouri Boiler and Pressure Vessel Act (Act) and these rules. An applicant must pass both parts of the examination. Part 1 of the examination may be waived by the chief inspector for those applicants who have a valid national board commission.

(G) Upon completing the requirements of this rule and payment of the required fees, an identification card will be issued.

(H) An identification card shall be invalid when the inspector to whom it was issued is no longer employed by the organization shown on the identification card. Within thirty (30) days of termination of employment, the inspector shall return their identification card to the chief inspector. A new identification card will not be issued until the previous identification card is returned.

(I) After due investigation, an identification card may be suspended for cause by the chief inspector at the recommendation of the board. Cause for suspension may include but is not limited to neglect of duty, untrustworthiness, conflict of interest, or willful falsification of information on a report of inspection or an application for an identification card. Falsification of information on a report may include, but is not limited to the omission of material information that would affect the issuance or non-issuance of an inspection certificate.

(3) Inspector’s Responsibilities.

(A) The inspector is responsible for:

1. Performing a complete and thorough inspection of each object in accordance with the Act and these rules;

2. Submitting inspection reports in accordance with the requirements of these rules and reporting any condition that is not in accordance with the Act or these rules;

3. Notifying the chief inspector of a boiler, water heater, or pressure vessel failure or of an injury or fatality involving a boiler, water heater, or pressure vessel incident in a timely manner; and

4. Advising owner/users of the requirements of the Act and these rules;

(B) The inspector shall not receive reimbursement for operating or servicing any boiler, water heater or pressure vessel in Missouri or engaging in:

1. The sale, manufacture or repair of any boiler, water heater or pressure vessel; or

2. The sale of any chemical, service, article or device relating to boilers, water heaters or pressure vessels or their appurtenances.

*AUTHORITY: section 650.215, RSMo 2000. Original rule filed Sept. 25, 2002.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Division of Fire Safety, Boiler and Pressure Vessel Unit, Jim Pratt, Public Safety Manager, 1709 Industrial Drive, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 40—Division of Fire Safety  
Chapter 2—Boiler and Pressure Vessel Safety Rules**

**PROPOSED RULE**

**11 CSR 40-2.022 Certificates, Inspections and Fees**



*PURPOSE: This rule addresses the tagging, frequency of inspection, inspection reports and fees for inspection of objects that are included in the Boiler and Pressure Vessel Safety Act (Act) and these rules.*

(1) As used in this rule, the term "these rules" is intended to mean 11 CSR 40-2.010 through 11 CSR 40-2.066.

(2) Initial Inspection and Tagging an Object.

(A) Upon completion of the installation of a boiler, water heater or pressure vessel or at the time of the initial certificate inspection, each object shall be stamped or tagged with a unique serial number issued by the state. The stamping will consist of letters and figures to be not less than five-sixteenths inch (5/16") in height and arranged as follows:

MO 123456

Alternatively, a metal tag issued by the chief inspector may be securely affixed using screws, rivets, wire or other means so that the tag cannot be easily removed. The "MO" number or metal tag (not less than one inch by four inches (1" × 4") in size) shall have the serial number of the state stamped on it and may not be transferred to any other object. The tag or stamping shall be placed as close to the ASME nameplate or stamping as practicable. The tag shall preferably be attached directly to the object.

(B) It is the responsibility of the special inspector and the owner, to report untagged boilers, water heaters, and pressure vessels that fall under this Act and these rules, to the chief inspector.

(C) When an object is inactivated or scrapped, the tag shall be bent in half and shall remain with the object. The inspector shall submit an inspection report to the chief inspector indicating the new status.

(3) Frequency of Inspection of Power Boilers.

(A) Power boilers and high pressure, high temperature water/liquid boilers shall receive a certificate inspection annually, which shall be an internal inspection where construction permits; otherwise it shall be as complete an inspection as possible while the boiler is in operation. Boilers shall also be annually inspected externally while under normal operating conditions.

(B) Coil-type steam generators that do not have inspection openings, hot liquid (other than water) boilers and waste heat boilers (with welded closure heads) need not be internally inspected. However, they shall be annually inspected externally while in operation. The inspector may mandate an internal inspection if the inspector feels it is necessary.

(C) Any single power boiler used to generate more than four hundred thousand pounds per hour (400,000 lbs/hr) is required to be internally inspected every two (2) years provided the following is verified by the inspector annually and reported to the chief inspector:

1. Full-time operators attend the boiler;
2. Chemical water analysis is monitored and documented at least weekly by a competent individual;
3. All welding of pressure parts and welding to pressure parts shall be in accordance with the *National Board Inspection Code (NBIC)* and these rules;
4. An inspector shall perform an external inspection, annually, while the boiler is in operation. A report of all inspections must be submitted to the chief inspector. All inspections shall verify compliance with section (3)(C) of this rule.

(4) Frequency of inspection of heating boilers, water heaters, and jacketed steam kettles.

(A) Low pressure steam boilers shall be inspected every two (2) years. The certificate inspection shall be an internal inspection where construction permits; otherwise the inspection shall be as complete as possible while the boiler is in operation.

(B) Hot water heating boilers and jacketed steam kettles shall be inspected every two (2) years.

1. Hot water heating and hot water supply boilers over thirty (30) years old shall be internally inspected every two (2) years where

construction permits, otherwise the inspection shall be as complete as possible while the boiler is in operation.

2. Hot water heating and hot water supply boilers that are not over thirty (30) years old shall be externally inspected every two (2) years. The inspector may mandate an internal inspection if the inspector feels it is necessary.

3. Water heaters and jacketed steam kettles shall be externally inspected every two (2) years.

(C) Exemptions from Internal Inspections.

1. Coil-type steam generators that do not have inspection openings, hot liquid (other than water) boilers and waste heat boilers (with welded closure heads) need not be internally inspected. However, they shall be biennially inspected externally while in operation. The inspector may mandate an internal inspection if the inspector feels it is necessary.

(5) Frequency of Inspection of Pressure Vessels.

(A) Pressure vessels shall receive a certificate inspection every two (2) years. This inspection shall be an external inspection. The inspector may mandate an internal inspection if the inspector feels it is necessary.

(6) Variations in Inspection Frequency.

(A) Based upon documentation of actual service conditions, the chief inspector, at his discretion, may permit variations in the inspection frequency requirements as provided in the Act and these rules.

(7) Access and Scheduling of Inspections.

(A) The owner or user of a boiler, water heater or pressure vessel shall provide the inspector access, during reasonable working hours, to perform a certificate inspection or to determine whether a boiler, water heater or pressure vessel subject to inspection under the statute exists at the location. Boilers, water heaters and pressure vessels that are subject to inspection and have not been previously inspected shall be inspected immediately or at a time mutually agreeable to the owner and the inspector, within twenty (20) working days.

(B) The inspector shall make every effort to perform the certificate inspection prior to the expiration date of the certificate. When this is not possible, the inspector has a thirty (30)-day grace period past the expiration date in which to perform the inspection. Inspection reports shall be submitted to the chief inspector within thirty (30) calendar days of the inspection.

(C) External inspections may be performed by the inspector without prior notification to the owner or user. The inspector may require additional tests or inspections including an internal inspection when, in the inspector's judgment, continued operation of the boiler, water heater or pressure vessel constitutes a menace to public safety. The owner or user, at his expense, shall prepare the boiler, water heater or pressure vessel for the inspections or tests required by the inspector.

(D) Internal inspections shall be scheduled at a time mutually agreeable to the inspector and the owner or user. The owner or user shall bear all inspection preparation and restoration cost associated with inspection.

(8) Preparation for Inspection. The owner or user shall prepare each boiler, water heater, and pressure vessel for inspection.

(A) Preparation for internal inspection shall be as follows:

1. Water shall be drawn off and the boiler washed thoroughly;
2. Manhole and handhole plates, washout plugs and inspection plugs in water column connections shall be removed as required by the inspector. The furnace and combustion chambers shall be cooled and thoroughly cleaned;
3. All grates of internally fired boilers shall be removed as required by the inspector;
4. Insulation or brickwork shall be removed or opened as required by the inspector to determine the condition of the boiler, headers, furnace, supports or other parts;



5. Burners shall be removed, if necessary, to inspect the external firebox areas;

6. The pressure gage shall be removed for testing if required by the inspector;

7. All low water fuel cut off devices shall be removed from the boiler or disassembled to the satisfaction of the inspector;

8. Any leakage of steam or hot water into the boiler shall be prevented by disconnecting the pipe or valve at the most convenient point or any other appropriate means approved by the inspector;

9. Before opening the manhole or handhole covers and entering any part of the steam generating unit connected to a common header with other boilers, the nonreturn and steam stop valves must be closed, tagged and padlocked. The drain valves or cocks between the two (2) steam valves shall be opened. The feed valves must be closed, tagged and padlocked and drain valves or cocks located between the two (2) valves opened. After draining the boiler, the blow off valves shall be closed, tagged and padlocked. Blow off lines, where practicable, shall be disconnected between pressure parts and valves. All drains and vent lines shall be opened;

10. Steam drums shall have all trays and other attachments removed to the extent required by the inspector.

(B) Preparation for external inspection shall be as required by the inspector.

(C) If a boiler, water heater, or pressure vessel has not been properly prepared for an internal inspection, the inspector may decline to make the inspection. The inspection certificate shall be voided or not renewed until the owner or user complies with the requirements. The owner or user shall provide at least twenty-four (24)-hour notice if it is necessary to cancel a prearranged internal inspection with a deputy inspector or the chief inspector. Failure to provide such notice or failure to properly prepare the boiler, water heater, or pressure vessel for inspection may result in the assessment of an hourly fee for travel time plus expenses and mileage in addition to the inspection fee and inspection certificate fee as listed in this rule.

(D) Removal of Covering to Permit Inspection. Sufficient jacketing or other form of casing or housing shall be removed to permit reasonable inspection of the object.

(E) If additional tests are required by the inspector, such tests shall be scheduled by the owner or user at the owner or user's expense. Pressure test shall not exceed the maximum allowable working pressure (MAWP) unless acceptable to the owner or user, and the inspector.

(9) Inspection Reports.

(A) Inspectors shall submit to the chief inspector an inspection report on forms acceptable to the board for each boiler, water heater and pressure vessel subject to inspection in this state. Complete data and calculations that may be required by these rules shall be submitted for each nonstandard boiler, water heater or pressure vessel when it is first tagged or stamped with a state number.

(B) Inspection reports shall be submitted within thirty (30) calendar days from the date of inspection.

(10) Insurance Companies to Notify Chief Inspector of New, Cancelled or Suspended Insurance on Boilers, Water Heaters or Pressure Vessels.

(A) All insurance companies shall notify the chief inspector, within thirty (30) calendar days of all boilers, water heaters or pressure vessels on which insurance is written, cancelled, or not renewed. When an insurance company suspends coverage due to an unsafe condition, the chief inspector shall be notified within seven (7) calendar days. All notices shall reference each object by the Missouri identification number.

(11) Owner or User to Notify Chief Inspector of Accident.

(A) When an accident occurs to a boiler, water heater or pressure vessel, the owner or user shall promptly notify the chief inspector by submitting a detailed report of the accident. In the event of an injury,

fatality, or any explosion, notice shall be given immediately to the chief inspector.

(12) Validity of Inspection Certificate.

(A) An inspection certificate shall be valid until expiration unless some defect or condition affecting the safety of the boiler, water heater or pressure vessel is disclosed or the installation is altered to make it in noncompliance with the Act or these rules. The inspection certificate expires when a boiler, water heater or pressure vessel is moved to another location or is reinstalled.

(13) Issuance of Certificates.

(A) Upon completion of a satisfactory inspection, an inspection certificate shall be issued for each boiler, water heater or pressure vessel conforming to these rules following payment of the required fees by the owner or user. Payment shall be made payable to the Division of Fire Safety.

(14) Fee Schedule.

(A) Inspections by the chief inspector or deputy inspector shall be paid in accordance with the fee schedule below. These inspection fees are in addition to the inspection certificate fee.

1. Power Boilers:

A. Internal inspections—	
4,000 lbs/hr capacity or less	\$35
Over 4,000 lbs/hr up to 16,000 lbs/hr	\$60
16,000 lbs/hr or greater	Hourly Rate

B. External Inspections—	
4,000 lbs/hr capacity or less	\$25
Over 4,000 lbs/hr	\$35

2. Heating Boilers, Water Heaters, and Fired Vessels:

A. Internal inspections—	
4,000 lbs/hr capacity or less	\$35
4,000–Over 4,000 lbs/hr	\$45

B. External inspections—	
Hot water heating less than or equal to 15 psi steam boilers	\$25
Hot water supply boilers, water heaters, jacketed steam kettles	\$18

3. Pressure Vessels:

A. 1,000 cu. ft. (7,500 gal.) or less in volume	\$16
B. Over 1,000 cu. ft. (7,500 gal.) in volume	\$25

C. Internal inspection requiring entry	Hourly Rate
D. No more than one hundred twenty dollars (\$120) shall be	

charged for any one (1) pressure vessel, except inspection under (14)(A)3.C., in any one (1) year for a routine certificate inspection.

(B) Miscellaneous Fees.

1. Examination Fees	\$50
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2. Commissions	
A. New issuance	\$50
B. Renewal (commission previous year)	\$25

3. Inspection certificate	\$20
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4. Change of certificate name	\$15
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5. Accreditation reviews—ASME and national board	\$1,000 plus expenses
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6. Hourly Rates:

A. Each hour or part thereof up to eight hours	\$35
B. Each hour or part thereof over eight hours in any one day	\$50

7. Reinspection fee for improperly prepared object	Hourly Rate plus expenses
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(15) Refusal to Permit Inspection or Pay Fees.

(A) If the owner or user of a boiler, water heater or pressure vessel refuses to allow an inspection to be made, or refuses to pay the fee stipulated, a new inspection certificate shall not be issued.

**(16) Posting of Inspection Certificate.**

(A) It is the owner or user's responsibility to assure a valid inspection certificate is posted at the location of the object.

**(17) Operation Without a Valid Inspection Certificate.**

(A) The owner or user who causes or permits operation of a boiler or pressure vessel without a valid inspection certificate shall be subject to the penalties as provided for in the Act.

*AUTHORITY: section 650.215, RSMo 2000. Original rule filed Sept. 25, 2002.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Division of Fire Safety, Boiler and Pressure Vessel Unit, Jim Pratt, Public Safety Manager, 1709 Industrial Drive, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 40—Division of Fire Safety  
Chapter 2—Boiler and Pressure Vessel Safety Rules**

**PROPOSED RESCISSION**

**11 CSR 40-2.030 Existing Installation—Power Boilers.** This rule provided regulations for existing power boilers.

*PURPOSE: This rule is being rescinded due to a complete format revision of boiler and pressure rules and regulations and the filing of proposed rules and regulations incorporating code changes.*

*AUTHORITY: section 650.215, RSMo 1994. Original rule filed May 12, 1986, effective Oct. 27, 1986. Amended: Filed Dec. 1, 1987, effective Feb. 11, 1988. Amended: Filed Sept. 27, 1990, effective Feb. 14, 1991. Amended: Filed Oct. 3, 1995, effective April 30, 1996. Rescinded: Filed Sept. 25, 2002.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Division of Fire Safety, Boiler and Pressure Vessel Unit, Jim Pratt, Public Safety Manager, 1709 Industrial Drive, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 40—Division of Fire Safety  
Chapter 2—Boiler and Pressure Vessel Safety Rules**

**PROPOSED RULE**

**11 CSR 40-2.030 Power Boilers**

*PURPOSE: This rule is to address the design, construction, installation, and operation of power boilers.*

(1) As used in this rule, the term "these rules" is intended to mean 11 CSR 40-2.010 through 11 CSR 40-2.070.

(2) Power boilers Installed or Contracted for, Prior to November 12, 1986.

(A) The service life of any boiler of standard construction shall be unlimited provided it meets the inspection requirements of 11 CSR 40.2.061.

(B) The service life of any nonstandard boiler shall be thirty (30)-years. The thirty (30)-year life may be extended with the chief inspector's approval and compliance with the following requirements:

1. The operating pressure cannot exceed the maximum allowable working pressure (MAWP). The boiler MAWP shall be calculated in accordance with American Society of Mechanical Engineers (ASME) Section I Code or the requirements of the original Code of construction. Objects manufactured to a standard other than the ASME Code shall be evaluated in accordance with the "state special" requirements of 11 CSR 40-2.054. The allowable stress shall be no greater than twenty-two percent (22%) of the tensile strength of the material. If the tensile strength is unknown, an allowable stress of twelve thousand pounds per square inch (12,000 psi) shall be used. The joint efficiency shall be in accordance with the appropriate edition and addenda of the ASME Section I Code or the *National Board Inspection Code* (NBIC);

2. Biennial pressure test shall be performed at or above normal operating pressure, not to exceed the MAWP of the boiler. The pressure test shall be held for at least thirty (30) minutes and documented to the satisfaction of the inspector. The inspector need not witness the test. If the boiler exhibits any leaks, the boiler shall be repaired prior to restoring it to service;

3. All safety devices and controls required by the ASME Section I Code and these rules shall be installed and operable.

(3) Power Boilers Installed or Contracted for After November 12, 1986.

(A) New and second hand boilers shall be designed, fabricated, and installed in accordance with the ASME Section I Code and these rules.

(B) Reinstalled boilers may be of standard or nonstandard construction and shall be installed in accordance with the requirements of the ASME Code and these rules. Approval of the chief inspector shall be obtained prior to reinstalling a nonstandard boiler.

(4) Boiler external piping (BEP) shall be designed, fabricated, and installed in accordance with the ASME Section I and B31.1 Codes. The piping is considered part of the boiler unit and need not be separately tagged and inspected.

(A) Installations made, or contracted for, after November 12, 1986 shall meet the requirements of ASME Section I, and B31.1 Codes and these rules for boiler external piping except as follows:

1. BEP assembled by bolting, threading, or other mechanical means need not be installed by an ASME certificate holder provided all of the following apply:

A. The MAWP of the boiler does not exceed one hundred fifty (150) psi; and

B. The maximum pipe size does not exceed two inches (2") nominal pipe size (NPS); and

C. The maximum operating temperature does not exceed four hundred degrees Fahrenheit (400°F); and

D. The piping is schedule 80 or greater SA-53 or SA-106 material; and

E. All valves, flanges, and fittings are American National Standards Institute (ANSI) class 150 or greater; and

F. All welding, including attachments and seal welds are by an ASME certificate holder; and

G. The completed installation is pressure tested at the MAWP of the boiler.

(B) Installations made prior to November 12, 1986 may remain in service provided the installation is acceptable to the inspector.

(5) General Requirements for Power Boilers.

(A) Boilers with heat input of 12,500,000 British thermal units per hour (Btu/hr) or less contracted for after January 1, 2004 shall meet the requirements of ASME CSD-1. Single unit boilers with heat input greater than 12,500,000 Btu/hr shall meet the requirements of National Fire Protection Association (NFPA) 85. Existing installations are exempt from these requirements except that any alterations to the controls after January 1, 2004 shall meet the requirements for new installations.

(B) A pressure-reducing valve is required in the fluid supply to a boiler when the fluid supply pressure exceeds the maximum allowable working pressure of the boiler. All devices shall operate so as to protect the lowest pressure rated object from an over pressure condition.

(C) Blowoff/blowdown equipment shall meet the requirements of the National Board Rules and Recommendations for the Design and Construction of Boiler Blowoff Systems. Blowoff tanks shall be constructed to the ASME Section VIII, Division 1 Code.

(D) All safety and safety relief valve outlets shall be piped to a safe discharge. There shall be no valves on the outlet piping or between the boiler and the safety or safety relief valve inlet. The end of all discharge piping shall be visible to the operator when piped into a drain. Drains on safety or safety relief valve bodies shall remain open at all times. Safety or safety relief valve inlets and outlets shall not be reduced. Weighted-lever safety valves are prohibited. Safety valves with either the seat or disk of cast iron are prohibited. The minimum valve capacity shall be in accordance with ASME Section I Code. Alternatively, the capacity shall be determined based on the burner output rating or by multiplying the heating surface in square feet by the applicable value in the following table.

**Minimum Pounds of Steam per Hour per Square Foot of Heating Surface**

	<b>Fire Tube Boiler</b>	<b>Water Tube Boiler</b>
<b>Boiler</b>		
Hand fired	5	6
Stoker fired	7	9
Oil, gas, pulverized fuel fired	8	10
<b>Waterwall</b>		
Hand fired	8	8
Stoker fired	10	12
Oil, gas, pulverized fuel fired	14	16

When a boiler is fired only by a gas having a heat value not in excess of two hundred British thermal units per cubic foot (200 Btu/cu. ft.), the minimum safety or safety relief valve capacity may be based on the value given for hand fired boilers. The minimum safety or safety relief valve capacity for electric boilers shall be 3.5 pounds per hour per kilowatt input.

(E) Each boiler shall be safely supported. There shall be no excessive vibration in either the boiler or the connecting piping.

(F) Boilers shall have adequate clearance on all sides and top to facilitate repair, maintenance and inspection. Manufacturer's recommendations should be followed but in no case shall the clearance be less than eighteen inches (18") on all sides of the boiler, and forty-eight inches (48") on the burner end.

(G) All rooms containing boilers and/or water heaters with a combined capacity over one (1) million Btu/hr and over five hundred (500) square feet floor area shall have at least two (2) exits remotely located from each other.

(H) Combustion air shall be provided for each boiler room and shall meet the following requirements:

1. A permanent source of air from outside the building shall be provided for each boiler room to permit satisfactory combustion of fuel for the objects as well as provide proper ventilation of the boiler room under normal operating conditions;

2. The total requirements of the burners for all coal, oil, or gas fired objects shall be used to determine the air opening(s). The following minimums shall be met:

<b>Input (Btu/hr)</b>	<b>Minimum net required air (cu. ft./min.)</b>	<b>Louvered area (square feet)</b>
500,000	125	1.0
1,000,000	250	1.0
2,000,000	500	1.6
3,000,000	750	2.5
4,000,000	1,000	3.3

Note: For heat input greater than 4,000,000 Btu/hr, use the following formula to determine required louvered area: (Btu/hr/10,000) × 2.5 = cu. ft. per minute. Divide cu. ft. per minute by 300 = net square feet of louvered area required;

B. Mechanical ventilation may be used in lieu of (5)(H)2.A. above provided the ventilation is interlocked with the burner fan so the firing device will not operate with the fan off. The velocity of air through the ventilating fan shall not exceed five hundred (500) feet per minute and the total air delivered shall be equal to or greater than that shown in (5)(H)2.A.;

C. In lieu of (5)(H)2.A. and (5)(H)2.B., the combustion air requirements of the *International Mechanical Code* may be used;

D. Combustion air shall not be blocked when the boiler is in operation. Opening boiler room door(s) and/or window(s) is unacceptable for supplying combustion air.

(I) Code nameplates shall remain readily accessible at all times. Loose or missing nameplates shall be replaced or reattached as provided for in the NBIC.

(J) Rental boilers used for temporary service shall meet all of the requirements of these rules.

*AUTHORITY: section 650.215, RSMo 2000. Original rule filed May 12, 1986, effective Oct. 27, 1986. Amended: Filed Dec. 1, 1987, effective Feb. 11, 1988. Amended: Filed Sept. 27, 1990, effective Feb. 14, 1991. Amended: Filed Oct. 3, 1995, effective April 30, 1996. Rescinded and readopted: Filed Sept 25, 2002.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Division of Fire Safety, Boiler and Pressure Vessel Unit, Jim Pratt, Public Safety Manager, 1709 Industrial Drive, Jefferson City, MO 65109. To be*



considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 40—Division of Fire Safety  
Chapter 2—Boiler and Pressure Vessel Safety Rules**

**PROPOSED RESCISSION**

**11 CSR 40-2.040 Existing Heating Boilers.** This rule provided regulations for existing heating boilers, steel and cast iron.

*PURPOSE:* This rule is being rescinded due to a complete format revision of boiler and pressure rules and regulations and the filing of proposed rules and regulations incorporating code changes.

*AUTHORITY:* section 650.215, RSMo 1994. Original rule filed May 12, 1986, effective Oct. 27, 1986. Amended: Filed Sept. 27, 1990, effective Feb. 14, 1991. Amended: Filed Oct. 3, 1995, effective April 30, 1996. Rescinded: Filed Sept. 25, 2002.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Division of Fire Safety, Boiler and Pressure Vessel Unit, Jim Pratt, Public Safety Manager, 1709 Industrial Drive, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 40—Division of Fire Safety  
Chapter 2—Boiler and Pressure Vessel Safety Rules**

**PROPOSED RULE**

**11 CSR 40-2.040 Heating Boiler**

*PURPOSE:* This rule is to address the design, construction, installation and operation of heating boilers, water heaters, and jacketed steam kettles.

(1) As used in this rule, the term “these rules” is intended to mean 11 CSR 40-2.010 through 11 CSR 40-2.066.

(2) Heating Boilers, Water Heaters and Fired Jacketed Steam Kettles, Installed or Contracted for Prior to November 12, 1986.

(A) The service life of any boiler, water heater or fired jacketed steam kettle of standard construction shall be unlimited, provided:

1. It meets the inspection requirements of 11 CSR 40-2.022; and

2. All controls and safety devices required by American Society of Mechanical Engineers (ASME) Section IV Code for heating boilers and water heaters and ASME Section VIII, Division 1 Code for jacketed steam kettles and these rules, shall be installed and operable.

(B) The service life of any heating boiler, water heater, or jacketed steam kettle of nonstandard construction shall be thirty (30) years. The thirty (30) year-life may be extended with the chief inspector’s approval and compliance with the following requirements:

1. The operating pressure cannot exceed the maximum allowable working pressure (MAWP). The boiler, water heater or jacketed steam kettle MAWP shall be calculated in accordance with the ASME Code or the requirements of the original code of construction. Objects manufactured to a standard other than the ASME Code shall be evaluated in accordance with the “state special” requirements in accordance with 11 CSR 40-2.064. The allowable stress shall be no greater than eleven thousand pounds per square inch (11,000 psi). The joint efficiency shall be in accordance with the appropriate edition and addenda of the ASME Code, most applicable for the type of construction. The MAWP of any cast iron boiler shall not be greater than fifteen (15) psi steam or thirty (30) psi water pressure;

2. A pressure test shall be conducted every four (4) years at normal operating pressure not to exceed the MAWP of the object. The test pressure shall be held for at least thirty (30) minutes without evidence of leakage and documented to the satisfaction of the inspector. The inspector need not witness the test. The test may be an in operation test. If the object exhibits any signs of leakage, it shall be repaired prior to restoring the object to service;

3. All safety devices and controls required by the applicable ASME Code and these rules shall be installed and operable.

(3) Heating Boilers, Water Heaters and Fired Jacketed Steam Kettles Contracted for after November 12, 1986.

(A) New and second hand heating boilers and water heaters shall be designed, fabricated and installed to the requirements of ASME Section IV Code and these rules. New and second hand fired jacketed steam kettles shall be designed, fabricated and installed to the requirements of ASME Section VIII, Division 1 Code and these rules.

(B) Reinstalled boilers may be of standard or nonstandard construction and shall be installed in accordance with the requirements of the ASME Code and these rules. Approval of the chief inspector shall be obtained prior to reinstalling a nonstandard boiler.

(4) General Requirements for Heating Boilers, Water Heaters and Jacketed Steam Kettles.

(A) Heating boilers, water heaters and jacketed steam kettles shall not be operated for a purpose not originally intended by the manufacturer unless approved by the board (i.e. potable water heaters may not be operated as a steam or hot water heating boiler).

(B) Heating boilers with heat input of 12,500,000 British thermal units per hour (Btu/hr) or less, contracted for after January 1, 2004, shall meet the requirements of ASME CSD-1. Single unit boilers with heat input greater than 12,500,000 Btu/hr shall meet the requirements of National Fire Protection Association (NFPA) 85. Existing installations are exempt from these requirements except that any alteration to the controls after January 1, 2004 shall meet the requirements for new installations.

(C) All safety and safety relief valve outlets shall be piped to a safe discharge. There shall be no valves on the outlet piping or between the boiler and the safety or safety relief valve inlet. The end of all discharge piping shall be visible to the operator when piped into a drain. Drains on safety or safety relief valve bodies shall remain open at all times. Safety or safety relief valve inlet and outlets shall not be reduced. Weighted lever safety valves are prohibited. Safety valves with either the seat or disk of cast iron are prohibited. The minimum valve capacity shall be in accordance with ASME Section IV Code for heating and hot water heaters and Appendix 19 of ASME Section VIII, Division 1 Code for fired jacketed steam kettles. Alternatively, the relieving capacity for heating boilers may be

determined based on the burner output rating or by multiplying the heating surface in square feet by the applicable value in the following table:

**Minimum Pounds of Steam Per Hour Per Square Foot of Heating Surface**

	<b>Fire Tube Boiler</b>	<b>Water Tube Boiler</b>
<b>Boiler</b>		
Hand fired	5	6
Stoker fired	7	9
Oil, gas, pulverized fuel fired	8	10
<b>Waterwall</b>		
Hand fired	8	8
Stoker fired	10	10
Oil, gas, pulverized fuel fired	14	16

When a boiler is fired only by a gas having a heat value not in excess of two hundred (200) Btu/cubic feet (cu. ft.), the minimum safety or safety relief valve capacity may be based on the value given for hand fired boilers. The minimum safety or safety relief valve capacity for electric boilers shall be 3.5 pounds per hour per kilowatt input.

(D) Each heating boiler, water heater and jacketed steam kettle shall be safely supported. There shall be no excessive vibration in either the object or the connecting piping.

(E) Heating boilers, water heaters and jacketed steam kettles shall have adequate clearance on all sides and top to facilitate repair, maintenance and inspection. Manufacturer's recommendations shall be followed, but in no case shall the clearance be less than eighteen inches (18") on all sides of the boiler and forty-eight inches (48") on the burner end.

(F) All rooms containing heating boilers, water heaters and jacketed steam kettles with a combined capacity over one (1) million Btu/hr and over five hundred (500) square feet floor area shall have at least two (2) exits remotely located from each other.

(G) Combustion air shall be provided for each room and shall meet the following requirements:

1. A permanent source of air from outside the building shall be provided for each boiler room to permit satisfactory combustion of fuel for the objects as well as provide proper ventilation of the boiler room under normal operating conditions;

2. The total requirements of the burners for all coal, oil, or gas fired objects shall be used to determine the air opening(s). The following minimums shall be met:

A.

<b>Input (Btu/hr)</b>	<b>Minimum net required air (cu. ft./min.)</b>	<b>Louvered area (square feet)</b>
500,000	125	1.0
1,000,000	250	1.0
2,000,000	500	1.6
3,000,000	750	2.5
4,000,000	1,000	3.3

Note: For heat input greater than four (4) million Btu/hr, use the following formula to determine required louvered area: (Btu/hr/10,000) × 2.5 = cu. ft. per minute. Divide cu. ft. per minute by 300 = net square feet of louvered area required;

B. Mechanical ventilation may be used in lieu of 11 CSR 40-2.040(4)(G)2.A. provided the ventilation is interlocked with the burner fan so the firing device will not operate with the fan off. The velocity of air through the ventilating fan shall not exceed five hun-

dred (500) feet per minute and the total air delivered shall be equal to or greater than that shown in 11 CSR 40-2.040(4)(G)2.A.;

C. In lieu of 11 CSR 40-2.040(4)(G)2.A. and 11 CSR 40-2.040(4)(G)2.B. the combustion air requirements of the *International Mechanical Code* may be used.

D. Combustion air shall not be blocked when the heating boiler, water heater, or fired jacketed steam kettle is in operation. Opening room door(s) and/or window(s) is unacceptable for supplying combustion air.

(H) The Code nameplates shall remain readily accessible at all times. Loose or missing nameplates shall be replaced or reattached as provided for in the *National Board Inspection Code*.

(I) Rental heating boilers, water heaters and fired jacketed steam kettles, used for temporary service, shall meet all of the requirements of these rules. The internal inspection, required by 11 CSR 40-2.060, may be waived by the inspector, based on documentation that a national board commissioned inspector has evaluated the internal surfaces of the object within the past twelve (12) months and found the object acceptable for use. An external, in operation inspection shall be the basis for the inspection certificate. The inspection certificate shall expire no later than twenty-four (24) months from the date of the last internal inspection.

*AUTHORITY: section 650.215, RSMo 2000. Original rule filed May 12, 1986, effective Oct. 27, 1986. Amended: Filed Sept. 27, 1990, effective Feb. 14, 1991. Amended: Filed Oct. 3, 1995, effective April 30, 1996. Rescinded and readopted: Filed Sept. 25, 2002.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Division of Fire Safety, Boiler and Pressure Vessel Unit, Jim Pratt, Public Safety Manager, 1709 Industrial Drive, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 40—Division of Fire Safety  
Chapter 2—Boiler and Pressure Vessel Safety Rules**

**PROPOSED RESCISSION**

**11 CSR 40-2.050 Existing Pressure Vessels.** This rule provided regulations for existing pressure vessels.

*PURPOSE: This rule is being rescinded due to a complete format revision of boiler and pressure rules and regulations and the filing of proposed rules and regulations incorporating code changes.*

*AUTHORITY: section 650.215, RSMo 1994. Original rule filed May 12, 1986, effective Oct. 27, 1986. Amended: Filed Oct. 3, 1995, effective April 30, 1996. Rescinded: Filed Sept. 25, 2002.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Division of Fire Safety, Boiler and Pressure Vessel Unit, Jim Pratt, Public Safety Manager, 1709 Industrial Drive, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 40—Division of Fire Safety  
Chapter 2—Boiler and Pressure Vessel Safety Rules**

**PROPOSED RULE**

**11 CSR 40-2.050 Pressure Vessels**

*PURPOSE: This rule is to address the design, construction, installation and operation of pressure vessels.*

(1) As used in this rule, the term “these rules” is intended to mean 11 CSR 40-2.010 through 11 CSR 40-2.066.

(2) Pressure vessels installed or contracted for, prior to November 12, 1986.

(A) The service life of any pressure vessel of standard construction shall be unlimited provided it meets the inspection requirement of 11 CSR 40-2.061.

(B) The service life of any nonstandard pressure vessel shall be thirty (30) years. The thirty (30)-year life may be extended with the chief inspector’s approval and compliance with the following requirements:

1. The operating pressure cannot exceed the maximum allowable working pressure (MAWP). The pressure vessel MAWP shall be calculated in accordance with the American Society of Mechanical Engineers (ASME) Section VIII Code or to the requirements of the original code of construction. Objects manufactured to a standard other than the ASME Code shall be evaluated in accordance with the “state special” requirements of 11 CSR 40-2.064. The allowable stress shall be no greater than twenty-two percent (22%) of the tensile strength of the material. If the tensile strength is unknown, an allowable stress of twelve thousand (12,000) pounds per square inch (psi) shall be used. The joint efficiency shall be in accordance with the following for welded and brazed joints;

A. Single lap weld = 0.4

B. Double lap weld = 0.5

C. Single butt weld = 0.6

D. Forge welded = 0.7

E. Brazed (steel) = 0.8

F. Seamless = 0.85 unless radiography of all butt welds is performed

G. Seamless = 1.0 if radiography of butt welds is performed

H. Riveted = use the appropriate ASME Code or the *National Board Inspection Code* (NBIC) rules.

2. The pressure vessel shall be tested every six (6) years at normal operating pressure not to exceed the MAWP of the pressure vessel. The pressure test shall be held for at least thirty (30) minutes and documented to the satisfaction of the inspector. An inspector need not witness the test. Any leaks shall be repaired prior to restoring the object to service.

3. All safety devices and controls required by the ASME Code and these rules shall be installed and operable.

(3) Pressure vessels installed or contracted for after November 12, 1986.

(A) New and second hand pressure vessels shall be designed, fabricated and installed in accordance with the ASME Code and these rules.

(B) Reinstalled pressure vessels may be of standard or nonstandard construction and shall be installed in accordance with the requirements of the ASME Code and these rules. Approval of the chief inspector shall be obtained prior to reinstalling a nonstandard pressure vessel.

(4) General Requirements for Pressure Vessels.

(A) All pressure vessels shall be equipped with pressure relief devices in accordance with their code of construction. In cases where the original code of construction does not address pressure relief devices, such devices shall be installed in accordance with the most applicable ASME Code.

(B) Each pressure vessel shall be safely supported. There shall be no excessive vibration in either the pressure vessel or the connecting piping.

(C) Pressure vessels shall have adequate clearance on all sides and top to facilitate repair, maintenance and inspection. Manufacturer’s recommendations, when provided, shall be followed.

(D) Code nameplates shall remain readily accessible at all times. Loose or missing nameplates shall be replaced or reattached as provided for in the *National Board Inspection Code*.

(E) Rental pressure vessels used for temporary service shall meet all of the requirements of these rules.

*AUTHORITY: section 650.215, RSMo 2000. Original rule filed May 12, 1986, effective Oct. 27, 1986. Amended: Filed Oct. 3, 1995, effective April 30, 1996. Rescinded and readopted: Filed Sept. 25, 2002.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Division of Fire Safety, Boiler and Pressure Vessel Unit, Jim Pratt, Public Safety Manager, 1709 Industrial Drive, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 40—Division of Fire Safety  
Chapter 2—Boiler and Pressure Vessel Safety Rules**

**PROPOSED RESCISSION**

**11 CSR 40-2.060 General Requirements.** This rule provided regulations for all boiler and pressure vessels.

*PURPOSE: This rule is being rescinded due to a complete format revision of boiler and pressure rules and regulations and the filing of proposed rules and regulations incorporating code changes.*

*AUTHORITY: section 650.215, RSMo 1994. Original rule filed May 12, 1986, effective Oct. 27, 1986. Amended: Filed Dec. 1, 1987, effective Feb. 11, 1988. Amended: Filed Sept. 27, 1990, effective Feb. 14, 1991. Amended: Filed Oct. 3, 1995, effective April 30, 1996. Rescinded: Filed Sept. 25, 2002.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*



*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Division of Fire Safety, Boiler and Pressure Vessel Unit, Jim Pratt, Public Safety Manager, 1709 Industrial Drive, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 40—Division of Fire Safety  
Chapter 2—Boiler and Pressure Vessel Safety Rules**

**PROPOSED RULE**

**11 CSR 40-2.061 New Installations**

*PURPOSE: This rule addresses the safe design, construction, installation, inspection, operation, maintenance and repair of new boilers, water heaters and pressure vessels.*

(1) As used in this rule, the term “these rules” is intended to mean 11 CSR 40-2.010 through 11 CSR 40-2.066.

(2) Minimum construction standards for new boilers, water heaters and pressure vessels contracted for after November 12, 1986.

(A) All new boilers, water heaters and pressure vessels shall be designed, constructed, inspected, stamped and installed in accordance with the American Society of Mechanical Engineers (ASME) Code and these rules, unless exempted from such construction by the Act. Boilers, water heaters and pressure vessels for which an ASME Manufacturers’ Data Report is required, shall be registered with the National Board.

(B) New boilers, water heaters and pressure vessels may be manufactured to internationally recognized standards with acceptance of the board as outlined in 11 CSR 40-2.054.

*AUTHORITY: section 650.215, RSMo 2000. Original rule filed Sept. 25, 2002.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Division of Fire Safety, Boiler and Pressure Vessel Unit, Jim Pratt, Public Safety Manager, 1709 Industrial Drive, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 40—Division of Fire Safety  
Chapter 2—Boiler and Pressure Vessel Safety Rules**

**PROPOSED RULE**

**11 CSR 40-2.062 Second-Hand and Reinstalled Used Boilers, Water Heaters and Pressure Vessels**

*PURPOSE: This rule addresses the safe installation of second-hand and reinstalled boilers, water heaters and pressure vessels.*

(1) Minimum Requirements for Second-Hand Boilers, Water Heaters and Pressure Vessels.

(A) The owner or user shall obtain approval from the chief inspector prior to installation.

(B) The object must be American Society of Mechanical Engineers (ASME) Code constructed. The manufacturer’s data report must be provided to the chief inspector.

(C) A certificate inspection shall be performed by the chief inspector or a deputy inspector prior to operation.

(D) All welded repairs or alterations shall have been in accordance with the *National Board Inspection Code*.

(2) Minimum Requirements for Reinstalled Boilers, Water Heaters and Pressure Vessels.

(A) The owner or user shall obtain approval from the chief inspector prior to installation.

(B) A nonstandard boiler, water heater, or pressure vessel cannot be reinstalled in Missouri except when relocating from one (1) location to another location within Missouri.

(C) A certificate inspection shall be performed by the chief inspector or a deputy inspector prior to operation.

(D) All welded repairs or alterations shall have been in accordance with the *National Board Inspection Code*.

(3) Boilers, water heaters and pressure vessels shall be equipped with piping, fittings and appurtenances that comply with the requirements for new installations.

*AUTHORITY: section 650.215, RSMo 2000. Original rule filed Sept. 25, 2002.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Division of Fire Safety, Boiler and Pressure Vessel Unit, Jim Pratt, Public Safety Manager, 1709 Industrial Drive, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 40—Division of Fire Safety  
Chapter 2—Boiler and Pressure Vessel Safety Rules**

**PROPOSED RULE**

**11 CSR 40-2.064 State Special and Variances**

*PURPOSE: This rule addresses alternatives for the design, construction, installation, inspection and repair of boilers, water heaters and pressure vessels.*

(1) Boilers, water heaters and pressure vessels that were contracted for after November 12, 1986 and are not designed or constructed in accordance with the Act and these rules, may be approved by the board as a state special. This paragraph also applies to nonstandard second-hand objects installed after November 12, 1986. The owner or user must submit the following information to the board for consideration:

(A) A signed statement describing the intended use of the object and the reason why the object cannot meet the Act and/or these rules;

(B) Design calculations and drawings, in United States customary units, certified by a licensed professional engineer competent in boiler, water heater or pressure vessel design, as applicable;

(C) Complete details of the design, material, workmanship, and construction shall indicate equivalency to the appropriate American Society of Mechanical Engineers (ASME) Code, the Act and these rules;

(D) The name of the third party inspection agency for the construction;

(E) A data report or other manufacturer's document certifying that the design and construction meets the Code that the object was constructed to; and

(F) Any additional information that the board deems necessary to evaluate the object as being similar to an ASME Code constructed object.

(2) Any variance to the Act and these rules other than described in 11 CSR 40-2.065(1) may be approved by the chief inspector. The owner or user must submit a written request for a variance to the chief inspector indicating why the variance is necessary.

*AUTHORITY: section 650.215, RSMo 2000. Original rule filed Sept. 25, 2002.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Division of Fire Safety, Boiler and Pressure Vessel Unit, Jim Pratt, Public Safety Manager, 1709 Industrial Drive, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## **Title 11—DEPARTMENT OF PUBLIC SAFETY Division 40—Division of Fire Safety Chapter 2—Boiler and Pressure Vessel Safety Rules**

### **PROPOSED RULE**

#### **11 CSR 40-2.065 Repairs/Alterations**

*PURPOSE: This rule addresses the maintenance and repair of boilers, water heaters and pressure vessels.*

(1) Welded Repairs (including welding of attachments to the pressure boundary).

(A) When welded repairs are to be made to boilers, pressure vessels and water heaters, the repair organization must have a valid Certificate of Authorization for use of the "R" symbol issued by the National Board Inspection Code.

(B) All work shall conform to the rules of National Board Inspection Code, (NB-23) or American Petroleum Institute, (API-510), as applicable.

(2) Alterations.

(A) Alterations must be performed by a repair organization as specified in 11 CSR 40-2.065(1)(A) that has alterations within the scope of their authorization.

(3) Safety Fittings and Appliances.

(A) Should any of these fittings or appliances be removed for any reason, they must be reinstalled and in proper working order before the object is placed in service.

(B) No person shall alter any safety or safety relief valves or pressure relief devices in any manner to maintain a working pressure in excess of that stated on the inspection certificate.

(C) Repair of code required safety or safety relief valves shall be made only by an organization that has obtained a valid Valve Repair (VR) Certificate of Authorization issued by the National Board. The scope to the certificate shall include the appropriate type of valve to be repaired.

*AUTHORITY: section 650.215, RSMo 2000. Original rule filed Sept. 25, 2002.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Division of Fire Safety, Boiler and Pressure Vessel Unit, Jim Pratt, Public Safety Manager, 1709 Industrial Drive, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## **Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 26—Dealer Licensure**

### **PROPOSED AMENDMENT**

**12 CSR 10-26.060 Dealer License Plates/Certificates of Number.**  
The director proposes to amend section (1).

*PURPOSE: This amendment clarifies guidelines for use of dealer license plates.*

(1) Dealer license plates issued to a motor vehicle dealer or manufacturer shall only be displayed on a motor vehicle or trailer owned and held for resale by the licensee. [A motor vehicle dealer who purchases up to five (5) vessels during a licensure period may display a motor vehicle dealer license plate on such vessel.]

(A) Motor vehicle dealer or manufacturer license plates shall be of standard size (approximately twelve inches by six inches (12" × 6")) and may only be displayed on motor vehicles, trailers, and motorcycles/motortricycles.

(B) Powersport dealer license plates shall be motorcycle-size (approximately seven and one-fourth inches by four and one-eighth inches (7 1/4" × 4 1/8")) and may only be displayed on motorcycles/motortricycles, trailers and personal watercraft.

(C) Motor vehicle dealer and powersport dealer license plates may only be displayed on vessels if the licensee owns and holds for resale no more than five (5) vessels during the licensure period.

*AUTHORITY: sections 301.550, RSMo Supp. 2002 and 301.553, 301.560 and 301.562, RSMo [Supp. 1998] 2000. Original rule filed Nov. 1, 1999, effective May 30, 2000. Amended: Filed Sept. 23, 2002.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 90—Uniform Commercial Code**

**PROPOSED RULE**

**15 CSR 30-90.010 Definitions**

*PURPOSE: This rule gives meaning to terminology used throughout this chapter.*

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

(A) "ACH account" is a method of payment via electronic funds transfer under the National Automated Clearing House Association rules;

(B) "Address" means either a street address, route # (may include box) or PO Box number, plus the city, state and zip code;

(C) "Amendment" means a Uniform Commercial Code (UCC) record that amends the information contained in a financing statement. Amendments include assignments, continuations and terminations;

(D) "Assignment" is an amendment that assigns all or a part of a secured party's power to authorize an amendment to a financing statement;

(E) "Certified search" is certified documentation of information maintained by the filing office;

(F) "Continuation statement" shall have the meaning prescribed by section 400.9-102, RSMo;

(G) "Correction statement" means a UCC record that indicates that a financing statement is inaccurate or wrongfully filed;

(H) "Fees" include all fees required by statute, including fees for the Technology Trust Fund;

(I) "File number" shall have the meaning prescribed by section 400.9-519, RSMo;

(J) "Filing office" means the appropriate place for filing UCC documents at the office of the secretary of state or county recorder of deeds;

(K) "Filing officer" means the secretary of state or the county recorders of deeds;

(L) "Filing officer statement" means a statement of correction entered into the filing office's information system to correct an error by the filing office;

(M) "Financing statement" shall have the meaning prescribed by section 400.9-102, RSMo;

(N) "Image" means the image of a document as stored in the UCC information management system;

(O) "Individual" means a human being, or a decedent who was a debtor;

(P) "Initial financing statement" means a UCC record containing the information required by section 400.9-502, RSMo, which, when filed, causes the filing office to establish the initial record in the filing office's UCC information management system;

(Q) "Organization" means a legal person who is not an individual;

(R) "Organizational number" means the identifying number issued to an entity upon registration in the entity's state of formation;

(S) "Remitter" means a person who tenders a UCC record to the filing officer for filing, whether the person is a filer or an agent of a filer responsible for tendering the record for filing. "Remitter" does not include a person responsible merely for the delivery of the record

to the filing office, such as the postal service or a courier service but does include a service provider who acts as a filer's representative in the filing process;

(T) "Secured party of record" shall have the meaning prescribed in section 400.9-511, RSMo;

(U) "Termination statement" shall have the meaning prescribed in section 400.9-102, RSMo;

(V) "UCC" means the Uniform Commercial Code as adopted in this state;

(W) "UCC record" means an initial financing statement, an amendment, an assignment, a continuation, a termination or a correction statement and shall not be deemed to refer exclusively to paper or paper-based writing; and

(X) "UCC website" means the series of related Internet web pages provided for online filing and search functions in this state.

*AUTHORITY: section 400.9-526, RSMo Supp. 2001. Original rule filed Sept. 30, 2002.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of the Secretary of State, UCC Division, James C. Kirkpatrick State Information Center Room 302 or PO Box 1159, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 90—Uniform Commercial Code**

**PROPOSED RULE**

**15 CSR 30-90.020 Delivery of Records**

*PURPOSE: This rule describes acceptable means of delivering records.*

(1) Uniform Commercial Code (UCC) records may be tendered for filing at the filing office as follows:

(A) Personal delivery, at the filing office;

(B) Courier delivery, at the filing office's street address;

(C) Postal delivery, to the filing office's mailing address;

(D) Electronic filing as established and maintained by the filing office.

(2) UCC records shall be processed and assigned a number in the order they are received. The filing time for any UCC record delivered to the filing office by personal delivery, courier service, or electronic delivery shall be the actual time of receipt in the UCC division of the filing office. The filing time for any UCC record delivered to the filing office by postal delivery shall be 8:00 a.m. on the date it is received.

(3) UCC paper search requests may be delivered by any means by which UCC paper records may be delivered to the filing office. Search requests shall only be accepted on the UCC-11 form.

*AUTHORITY: section 400.9-526, RSMo Supp. 2001. Original rule filed Sept. 30, 2002.*



*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of the Secretary of State, UCC Division, James C. Kirkpatrick State Information Center Room 302 or PO Box 1159, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 90—Uniform Commercial Code**

**PROPOSED RULE**

**15 CSR 30-90.030 Forms**

*PURPOSE: This rule specifies the acceptable forms to be used in Uniform Commercial Code (UCC) filings.*

- (1) The only forms accepted by the filing office are:
- (A) The forms prescribed in section 400.9-521, RSMo; or
  - (B) Forms promulgated and approved by the International Association of Commercial Administrators and approved by the Office of the Secretary of State. The filing office shall make such forms available to prospective filers and remitters upon request.

(2) Anyone tendering Uniform Commercial Code (UCC) records for filing at the filing office shall not include tax ID numbers or Social Security numbers on such UCC records. If anyone tendering UCC records for filing at the filing office does include tax ID numbers or Social Security numbers, the filer shall also tender to the filing office an authorization signed by the holder of such tax ID number or Social Security number which authorizes the filing office to publicly disclose such number.

*AUTHORITY: section 400.9-526, RSMo Supp. 2001. Original rule filed Sept. 30, 2002.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of the Secretary of State, UCC Division, James C. Kirkpatrick State Information Center Room 302 or PO Box 1159, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 90—Uniform Commercial Code**

**PROPOSED RULE**

**15 CSR 30-90.040 Fees**

*PURPOSE: This rule specifies the appropriate fees due upon filing.*

(1) If the filing office is the secretary of state:

(A) The fees for filing and indexing a Uniform Commercial Code (UCC) record, including, but not limited to continuations, amendments, assignments, terminations and financing statements pursuant to section 400.9-502(c), RSMo, are seventeen dollars (\$17) for the first page and one dollar (\$1) for each subsequent page. If the record is communicated by electronic medium authorized by filing office rule the fees shall be seventeen dollars (\$17).

(B) The fees for responding to a paper request for information from the filing office, including for communicating whether or not the requested name of a particular debtor is on file are twenty-seven dollars (\$27). Copy requests for requested filings are one dollar (\$1) for each page copied.

(C) No fee is assessed for online search information available for filings and images from the secretary of state website.

(2) If the filing office is other than the secretary of state, then the fees are those that are otherwise provided by law. Other filing offices may enact a similar fee structure.

(3) If a filing is paid with an insufficient funds check, the filer will then be notified that the filing will be voided and removed from the system with a notation on the record that it was void due to insufficient funds.

*AUTHORITY: section 400.9-526, RSMo Supp. 2001. Original rule filed Sept. 30, 2002.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of the Secretary of State, UCC Division, James C. Kirkpatrick State Information Center Room 302 or PO Box 1159, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 90—Uniform Commercial Code**

**PROPOSED RULE**

**15 CSR 30-90.050 Methods of Payment**

*PURPOSE: This specifies the appropriate methods of payment for filing fees.*

(1) Payments may be made in the following manner:

(A) Payment in cash shall be accepted only if paid in person at the filing office;

(B) Payment by Automatic Clearing House transfer of funds shall be accepted (ACH accounts) for electronic filings and in accordance with procedures prescribed by the secretary of state. The filing office shall make information on such procedures available to prospective filers and remitters upon request;

(C) Personal checks, cashier's checks and money orders made payable to the Department of Revenue, including checks in an amount to be filled in by a filing officer but not to exceed a particular amount, shall be accepted for payment if they are drawn on a bank acceptable to the filing office and if the drawer is acceptable to the filing office; and

(D) The secretary of state shall accept payment by specified types of debit and credit cards issued by approved debit or credit card issuers. The secretary of state accepts such payment by mail, in person and electronically. Remitters shall provide the secretary of state with:

1. The card number;
2. The expiration date of the card;
3. The name of the approved card issuer;
4. The name of the person or entity to whom the card was issued; and
5. The billing address for the card.

*AUTHORITY: section 400.9-526, RSMo Supp. 2001. Original rule filed Sept. 30, 2002.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of the Secretary of State, UCC Division, James C. Kirkpatrick State Information Center Room 302 or PO Box 1159, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 90—Uniform Commercial Code**

**PROPOSED RULE**

**15 CSR 30-90.060 Overpayment and Underpayment of Fee**

*PURPOSE: This rule provides a procedure for the overpayment and underpayment of fees.*

(1) The filing officer shall refund the amount of an overpayment of five dollars (\$5) or more to the remitter. The filing officer shall refund an overpayment of less than five dollars (\$5) only upon the written or verbal request of the remitter.

(2) Upon receipt of a record with an insufficient fee, the filing officer shall return the record to the remitter. The insufficient fee may be returned as received, or a refund may be delivered under separate cover.

(3) All refunds shall be made in the form of a warrant issued by the state treasurer. Those warrants shall be redeemed within one hundred eighty (180) days from the date of issue.

*AUTHORITY: section 400.9-526, RSMo Supp. 2001. Original rule filed Sept. 30, 2002.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of the Secretary of State, UCC Division, James C. Kirkpatrick State*

*Information Center Room 302 or PO Box 1159, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 90—Uniform Commercial Code**

**PROPOSED RULE**

**15 CSR 30-90.070 Filing Officer's Duties are Ministerial**

*PURPOSE: This rule clarifies the duties of the filing officer.*

(1) The duties and responsibilities of the filing officer with respect to the administration of the Uniform Commercial Code (UCC) are ministerial. By accepting for filing, or refusing to file, a UCC record pursuant to these rules, the filing officer does not:

- (A) Determine the legal sufficiency or insufficiency of a record;
- (B) Determine that a security interest in collateral exists or does not exist;
- (C) Determine that information in the record is correct or incorrect, in whole or in part;
- (D) Create a presumption that information in the record is correct or incorrect, in whole or in part.

(2) Every filing will be imaged and available for public view and inspection on the secretary of state website.

*AUTHORITY: section 400.9-526, RSMo Supp. 2001. Original rule filed Sept. 30, 2002.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of the Secretary of State, UCC Division, James C. Kirkpatrick State Information Center Room 302 or PO Box 1159, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 90—Uniform Commercial Code**

**PROPOSED RULE**

**15 CSR 30-90.075 Bulk Records**

*PURPOSE: This rule provides for requests of bulk records.*

(1) Bulk data from the Uniform Commercial Code (UCC) information management system shall be available in a format approved by the filing office. A list of available data elements from the UCC information management system, and the file layout of those data elements, is available from the filing officer upon request. A written agreement between the filing office and the purchaser shall determine the amount charged for the bulk data.

*AUTHORITY: section 400.9-526, RSMo Supp. 2001. Original rule filed Sept. 30, 2002.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of the Secretary of State, UCC Division, James C. Kirkpatrick State Information Center Room 302 or PO Box 1159, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 90—Uniform Commercial Code**

**PROPOSED RULE**

**15 CSR 30-90.076 Multiple Names**

*PURPOSE: This rule provides the method of filing under multiple names.*

(1) To file multiple debtor names on an initial financing statement, a filer must provide the additional names in either Box 2 of the Uniform Commercial Code (UCC) Financing Statement or Box 11 of the UCC Financing Statement Addendum. Debtor names appearing in other boxes or on attachments will not be indexed. There is no limit to the number of addendum pages that may be attached.

(2) To file multiple secured party names on an initial financing statement, the filer must provide the additional names in only Box 7 of the national UCC Financing Statement Amendment. Secured party names appearing in other boxes or attachments will not be indexed. There is no limit to the number of addendum pages that may be attached.

(3) When filing via an electronic method there is no limit to the number of secured party names or debtor names that may be indexed by the filer online.

*AUTHORITY: section 400.9-526, RSMo Supp. 2001. Original rule filed Sept. 30, 2002.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of the Secretary of State, UCC Division, James C. Kirkpatrick State Information Center Room 302 or PO Box 1159, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 90—Uniform Commercial Code**

**PROPOSED RULE**

**15 CSR 30-90.080 Notification of Defects**

*PURPOSE: This rule provides a clarification of filing officer's duties relating to defects.*

(1) Nothing in these rules prevents a filing officer from communicating to a filer or a remitter that the filing officer noticed apparent potential defects in a Uniform Commercial Code (UCC) record, whether or not it was filed or refused for filing. The filing office is under no obligation to do so and may not have the resources to observe, identify, or communicate such defects. The remitters are responsible for the legal sufficiency of records.

*AUTHORITY: section 400.9-526, RSMo Supp. 2001. Original rule filed Sept. 30, 2002.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of the Secretary of State, UCC Division, James C. Kirkpatrick State Information Center Room 302 or PO Box 1159, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 90—Uniform Commercial Code**

**PROPOSED RULE**

**15 CSR 30-90.090 Refusal to File; Defects in Filing**

*PURPOSE: This rule provides guidelines for when a filing officer may refuse acceptance of records.*

(1) The filing officer may refuse to accept filing of a Uniform Commercial Code (UCC) record for the reasons specified in section 400.9-516, RSMo.

(2) Defects that do not warrant a filing officer's refusal to accept a record include, but are not limited to, the following:

(A) The UCC record contains or appears to contain a misspelling or other erroneous information;

(B) The UCC record appears to identify a debtor incorrectly;

(C) The UCC record appears to identify a secured party or a secured party of record incorrectly;

(D) The UCC record contains additional or extraneous information of any kind;

(E) The UCC record contains less than the information required by law except for information allowing rejection pursuant to 400.9-516(b), RSMo; and

(F) The UCC record incorrectly identifies collateral, or contains an illegible or unintelligible description of collateral, or appears to contain no such description.



(3) If the record contains more than one (1) debtor name or address and some names or addresses are missing or illegible, the filing officer shall index the legible name and address pairings. The filing officer may provide a notice to the remitter containing the file number of the record, identification of the debtor name that was indexed, and a statement that any debtors with illegible or missing names or addresses were not indexed.

(4) If the record contains more than one (1) secured party or assignee name or address and some names or addresses are missing or illegible, the filing officer shall index the legible name and address pairings. The filing officer may provide a notice to the filer containing the file number of the record, identification of the secured party name that was indexed, and a statement that the secured parties with illegible or missing names or addresses were not indexed.

(5) If an amendment requests multiple actions, the filing officer shall file and index the information in accordance with the requested actions as long as adequate information can be indexed with the appropriate finance number.

(6) If, within thirty (30) days of the date that a record is rejected, a secured party or a remitter demonstrates to the satisfaction of the filing officer that a UCC record should not have been refused, the filing officer shall file the UCC record. The record shall be given a filing date and time reflecting the date and time the document would have been filed if it had been accepted when originally tendered for filing.

*AUTHORITY: section 400.9-526, RSMo Supp. 2001. Original rule filed Sept. 30, 2002.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of the Secretary of State, UCC Division, James C. Kirkpatrick State Information Center Room 302 or PO Box 1159, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 90—Uniform Commercial Code**

**PROPOSED RULE**

**15 CSR 30-90.100 Deadline to Refuse Filing**

*PURPOSE: This rule provides a time limit and procedure for refusal.*

(1) The secretary of state shall determine whether a reason exists to refuse a Uniform Commercial Code (UCC) record for filing not later than the third business day after receipt and shall index an accepted UCC record within the same time period beginning January 1, 2003.

(2) If the secretary of state finds reasons pursuant to section 400.9-516, RSMo, to refuse a UCC record, the secretary of state shall return the record, if written, to the remitter and may refund or credit the filing fee. The secretary of state shall send a notice that contains the date and time the record would have been filed had it been accepted for filing and a brief description of the reason for refusal to

accept the record. The notice shall be sent to the address indicated in Section B of the UCC-1, 3, and 11 forms available at [www.sos.state.mo.us](http://www.sos.state.mo.us), the acknowledgement address, no later than the third business day after the determination to refuse acceptance of the record beginning January 1, 2003. A refund, if made, will be sent to the same address under separate cover.

*AUTHORITY: section 400.9-526, RSMo Supp. 2001. Original rule filed Sept. 30, 2002.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of the Secretary of State, UCC Division, James C. Kirkpatrick State Information Center Room 302 or PO Box 1159, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 90—Uniform Commercial Code**

**PROPOSED RULE**

**15 CSR 30-90.105 Acknowledgements**

*PURPOSE: This rule provides the duties of the filing officer when a document is accepted.*

(1) The filing officer shall send to a filer an image of the record of the Uniform Commercial Code (UCC) document showing the file number assigned to it and the date and time of the filing, if there is no reason for refusal of the document, and the filer has requested an image as indicated in Box B of the National Form. A notice or acknowledgment shall be transmitted to the remitter electronically or by other means prescribed by the Office of the Secretary of State and the filer shall be responsible for the record's accuracy for filings tendered by online access.

(2) The acknowledgment shall show the debtor name and address as it was recorded. The filer shall be responsible for verifying that the information was recorded accurately. If an input error is detected, the filer shall notify the filing office within thirty (30) days of the date of filing and the record will be corrected. If the filer communicates no objection to the filing officer within thirty (30) days, the record shall be deemed identical to the filing submitted.

*AUTHORITY: section 400.9-526, RSMo Supp. 2001. Original rule filed Sept. 30, 2002.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of the Secretary of State, UCC Division, James C. Kirkpatrick State Information Center Room 302 or PO Box 1159, Jefferson City, MO*

65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS**  
**Division 30—Secretary of State**  
**Chapter 90—Uniform Commercial Code**

**PROPOSED RULE**

**15 CSR 30-90.110 Filing Office Data Entry**

*PURPOSE:* This rule specifies procedures for the filing office.

(1) The filing office shall enter information from a Uniform Commercial Code (UCC) record presented for filing into the filing system database exactly as it appears on the record and in accordance with the designations given by the filer.

(2) The name fields in the UCC database are fixed in length. Any name that exceeds the fixed length shall be entered as submitted to the filing office, up to the maximum length allowed by the data entry field.

(3) A filing must designate whether a name is a name of an individual or an organization. The filing shall designate the first, middle, last name and any appropriate suffix for the names of individuals. The following rules apply to the data entry of debtor names:

(A) Organization names are entered into the UCC information management system exactly as set forth in the UCC document, even if it appears that multiple names are set forth in the document or if it appears that the name of an individual has been included in the field designated for an organization name;

(B) For individual names, the form designates separate fields for first, middle and last names and any suffix. The filing officer enters the names into the first, middle and last name and suffix fields in the UCC information management system exactly as set forth on the UCC document. A filer must place the name of a debtor with a single name (e.g., “Cher”) in the last name field. The filing officer assumes no responsibility for accurate designation of the components of a name, but will accurately enter the data in accordance with the filer’s designations;

(C) The filing office requires the use of forms that designate separate fields for individual and organization names and, for individual names, separate fields for first, middle, last names and any suffix. Such forms diminish the possibility of filing office error and help assure that filers’ expectations are met. However, filers should be aware that the inclusion of names in an incorrect field or failure to transmit names accurately to the filing office may cause filings to be ineffective. All UCC documents transmitted in a method authorized by the secretary of state will require the use of designated name fields;

(D) Titles and prefixes, such as “doctor,” “reverend,” “Mr.,” and “Ms.,” should not be provided by the filer. When a UCC document is submitted with designated name fields, the data will be entered in the UCC information management system exactly as it appears; and

(E) Suffixes that indicate titles of lineage, such as “senior,” “junior,” “I,” “II,” and “III,” may be provided by the filers and will be entered in the UCC information management system in the appropriate field designated for name suffixes exactly as it appears.

*AUTHORITY:* section 400.9-526, RSMo Supp. 2001. Original rule filed Sept. 30, 2002.

*PUBLIC COST:* This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with the Office of the Secretary of State, UCC Division, James C. Kirkpatrick State Information Center Room 302 or PO Box 1159, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS**  
**Division 30—Secretary of State**  
**Chapter 90—Uniform Commercial Code**

**PROPOSED RULE**

**15 CSR 30-90.120 Status of Parties upon Filing Initial Financing Statement**

*PURPOSE:* This rule provides the status of parties upon filing initial financing statement.

(1) Each financing statement has a status of active or inactive denoted in the information management system. Active Uniform Commercial Code (UCC) records include all unlapsed records and all lapsed records that have not reached the one (1)-year anniversary of their lapse date. Inactive filings include all lapsed filings that have reached the one (1)-year anniversary of their lapse dates. Upon the filing of an initial financing statement the status of the parties and the status of the financing statement shall be as follows:

(A) Each secured party named on an initial financing statement shall be a secured party of record, except if the UCC record names an assignee, the assignor shall not be a secured party of record and the assignee shall be the secured party of record;

(B) The status of a debtor named on the record shall be active and shall continue as active until one (1) year after the financing statement lapses;

(C) The status of the financing statement shall be active and shall continue as active until one (1) year after its lapse date. A lapse date shall be calculated, five (5) years from the file date of initial financing statement;

(D) If the initial financing statement is filed with respect to a public financing transaction or a manufactured-home transaction, the lapse date shall be thirty (30) years from the file date; and

(E) If the initial financing statement is filed with respect to a transmitting utility, there shall be no lapse date and the financing statement remains active until one (1) year after it is terminated with respect to all secured parties of record.

*AUTHORITY:* section 400.9-526, RSMo Supp. 2001. Original rule filed Sept. 30, 2002.

*PUBLIC COST:* This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with the Office of the Secretary of State, UCC Division, James C. Kirkpatrick State Information Center Room 302 or PO Box 1159, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 90—Uniform Commercial Code**

**PROPOSED RULE**

**15 CSR 30-90.130 Status of Parties upon Filing an Amendment**

*PURPOSE: This rule provides for the status of parties upon filing an amendment.*

(1) After an amendment is filed the status of the parties and the status of the financing statement shall be as follows:

(A) An amendment that amends only the collateral description or one (1) or more addresses shall not affect the status of any debtor or secured party. If an amendment is authorized by less than all of the secured parties, or in the case of an amendment that adds collateral, less than all of the debtors, the amendment affects only the interests of each authorizing secured party or debtor;

(B) An amendment that changes a debtor's name shall not affect the status of any debtor or secured party, except that the related initial financing statement and all Uniform Commercial Code (UCC) records that identify the initial financing statement shall be cross-indexed in the UCC information management system so that a search under either the debtor's old name or the debtor's new name shall reveal the initial financing statement and related UCC records. Such an amendment affects only the rights of its authorizing secured party;

(C) An amendment that changes the name of a secured party shall not affect the status of any debtor or any secured party, but the new name is added to the index as if it were a new secured party of record;

(D) An amendment that adds a new debtor name shall not affect the status of any party to the financing statement, except the new debtor name shall be added as a new debtor on the financing statement. The addition shall affect only the rights of the secured party authorizing the statement of amendment;

(E) An amendment that adds a new secured party shall not affect the status of any party to the financing statement, except that the new secured party name shall be added as a new secured party on the financing statement;

(F) An amendment that deletes a debtor shall not affect the status of any party to the financing statement, even if the amendment purports to delete all debtors;

(G) An amendment that deletes a secured party of record shall not affect the status of any party to the financing statement, even if the amendment purports to delete all secured parties of record; and

(H) An amendment shall not affect the status of the financing statement, except that a continuation may extend the period of effectiveness of a financing statement.

*AUTHORITY: section 400.9-526, RSMo Supp. 2001. Original rule filed Sept. 30, 2002.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of the Secretary of State, UCC Division, James C. Kirkpatrick State Information Center Room 302 or PO Box 1159, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 90—Uniform Commercial Code**

**PROPOSED RULE**

**15 CSR 30-90.140 Status of Party upon Filing an Assignment**

*PURPOSE: This rule provides for the status of parties upon filing an assignment.*

(1) An assignment shall not affect the status of the financing statement or the status of the parties to the financing statement, except that each assignee named in the assignment shall become a secured party of record.

*AUTHORITY: section 400.9-526, RSMo Supp. 2001. Original rule filed Sept. 30, 2002.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of the Secretary of State, UCC Division, James C. Kirkpatrick State Information Center Room 302 or PO Box 1159, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 90—Uniform Commercial Code**

**PROPOSED RULE**

**15 CSR 30-90.150 Status of Party upon Filing a Continuation**

*PURPOSE: This rule provides for the status of parties upon filing a continuation.*

(1) Upon the timely filing of a continuation as prescribed in section 400.9-515, RSMo, by any secured party of record; the lapse date of the financing statement shall be postponed for five (5) years.

(2) The filing of a continuation shall not affect the status of any party to the financing statement.

(3) Upon the timely filing of a continuation statement, the status of the financing statement remains active and does not lapse.

(4) If there is not a timely filing of a continuation, with respect to a financing statement, the financing statement lapses on its lapse date and the filing office takes no action. On the first year anniversary of the lapse date, the financing statement is rendered inactive and the financing statement shall no longer be made available to a searcher unless the searcher requests inactive statements and the financing statement is still retrievable by the information management system.

*AUTHORITY: section 400.9-526, RSMo Supp. 2001. Original rule filed Sept. 30, 2002.*



*PUBLIC COST:* This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with the Office of the Secretary of State, UCC Division, James C. Kirkpatrick State Information Center Room 302 or PO Box 1159, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 90—Uniform Commercial Code**

**PROPOSED RULE**

**15 CSR 30-90.160 Status of Parties upon Filing a Termination**

*PURPOSE:* This rule provides for the status of parties upon filing a termination.

(1) The filing of a termination shall not affect the status of any party to the financing statement.

(2) A termination shall not affect the status of the financing statement. The financing statement shall remain active in the information management system until one (1) year after it lapses. If the termination relates to a financing statement against a transmitting utility, the financing statement shall become inactive one (1) year after it is terminated with respect to all secured parties of record.

*AUTHORITY:* section 400.9-526, RSMo Supp. 2001. Original rule filed Sept. 30, 2002.

*PUBLIC COST:* This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with the Office of the Secretary of State, UCC Division, James C. Kirkpatrick State Information Center Room 302 or PO Box 1159, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 90—Uniform Commercial Code**

**PROPOSED RULE**

**15 CSR 30-90.170 Status of Parties upon Filing a Correction Statement**

*PURPOSE:* This rule provides for the status of parties upon filing a correction statement.

(1) The filing of a correction statement shall not affect the status of any party to the financing statement.

(2) A correction statement shall not affect the status of the financing statement.

*AUTHORITY:* section 400.9-526, RSMo Supp. 2001. Original rule filed Sept. 30, 2002.

*PUBLIC COST:* This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with the Office of the Secretary of State, UCC Division, James C. Kirkpatrick State Information Center Room 302 or PO Box 1159, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 90—Uniform Commercial Code**

**PROPOSED RULE**

**15 CSR 30-90.180 Time Limit for Filing a Continuation Statement**

*PURPOSE:* This rule sets a time limit for filing a continuation statement.

(1) The filing office may refuse to file a continuation statement that is not filed within the time period provided by section 400.9-516, RSMo, for the proper filing of a continuation statement.

(2) The first day on which a continuation may be filed is the date of the month corresponding to the date six (6) months preceding the month in which the financing statement would lapse. If there is no such corresponding day, the first day on which a continuation may be filed is the last day of the sixth month preceding the month in which the financing statement would lapse.

(3) The last day on which a continuation may be filed is the date upon which the financing statement lapses.

*AUTHORITY:* section 400.9-526, RSMo Supp. 2001. Original rule filed Sept. 30, 2002.

*PUBLIC COST:* This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with the Office of the Secretary of State, UCC Division, James C. Kirkpatrick State Information Center Room 302 or PO Box 1159, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 90—Uniform Commercial Code**

**PROPOSED RULE**

**15 CSR 30-90.190 Errors in Filing**

*PURPOSE:* This rule provides procedure for handling filing office errors.

(1) The filing office may correct the errors of filing office personnel in the Uniform Commercial Code (UCC) information management system at any time. If the correction occurs after the filing officer has issued a certification date, the filing officer may file a filing officer statement in the UCC information management system identifying the UCC record to which it relates, the date of the correction, and an explanation of the corrective action taken. The record shall be preserved as long as the record is preserved in the UCC information management system.

(2) An error by a filer is the responsibility of the filer. The filer may correct the error by filing an amendment. Additionally, a debtor may file a correction statement to indicate that an error may exist in the filing.

*AUTHORITY:* section 400.9-526, RSMo Supp. 2001. Original rule filed Sept. 30, 2002.

*PUBLIC COST:* This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with the Office of the Secretary of State, UCC Division, James C. Kirkpatrick State Information Center Room 302 or PO Box 1159, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 90—Uniform Commercial Code**

**PROPOSED RULE**

**15 CSR 30-90.200 Notice of Bankruptcy**

*PURPOSE:* This rule provides procedures following receipt of a notice of bankruptcy.

(1) The filing officer shall take no action upon receipt of a notification, formal or informal, of a bankruptcy proceeding involving a debtor named in the Uniform Commercial Code (UCC) information management system. The filing officer shall obey all lawful orders of court served upon the officer.

*AUTHORITY:* section 400.9-526, RSMo Supp. 2001. Original rule filed Sept. 30, 2002.

*PUBLIC COST:* This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with the Office of the Secretary of State, UCC Division, James C. Kirkpatrick State Information Center Room 302 or PO Box 1159, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 90—Uniform Commercial Code**

**PROPOSED RULE**

**15 CSR 30-90.201 UCC Information Management System**

*PURPOSE:* This rule provides information about the UCC Information Management System.

(1) The filing officer uses an information management system to store, index, and retrieve information relating to financing statements. The information management system includes an index of the names of debtors named on financing statements and is maintained for public inspection.

*AUTHORITY:* section 400.9-526, RSMo Supp. 2001. Original rule filed Sept. 30, 2002.

*PUBLIC COST:* This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with the Office of the Secretary of State, UCC Division, James C. Kirkpatrick State Information Center Room 302 or PO Box 1159, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 90—Uniform Commercial Code**

**PROPOSED RULE**

**15 CSR 30-90.202 Non-XML Filing and Search**

*PURPOSE:* This rule establishes non-XML filing and search procedures.

(1) Direct online filing and search services are available to any person with Internet access to the Uniform Commercial Code (UCC) website. Online filings require payment by credit card, Automated Clearing House (ACH) account number or another specified payment method approved by the secretary of state.

(2) Initial financing statements and amendments may be filed electronically using the UCC website. A UCC record filed in this manner is subject to all of the provisions of this chapter as if it were a paper document submitted to the filing office.

(3) Searches performed electronically via the UCC website on a particular debtor name may be obtained at no charge. Images of filings that may be printed from the website are also available at no charge.

*AUTHORITY:* section 400.9-526, RSMo Supp. 2001. Original rule filed Sept. 30, 2002.

*PUBLIC COST:* This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with the Office of the Secretary of State, UCC Division, James C. Kirkpatrick State Information Center Room 302 or PO Box 1159, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS**  
**Division 30—Secretary of State**  
**Chapter 90—Uniform Commercial Code**

**PROPOSED RULE**

**15 CSR 30-90.203 XML Records**

*PURPOSE:* This rule establishes policies for the XML records system.

(1) This state shall use the Extensible Markup Language (XML format), as adopted by the International Association of Commercial Administrators, for electronic transmission of UCC records. At the request of an authorized XML remitter, the filing officer shall identify which versions and releases of the XML format are acceptable to the filing office.

(2) The implementation guide for the XML format and technical specifications are available online at the International Association of Commercial Administrators' website at [www.iaca.org/xml](http://www.iaca.org/xml).

*AUTHORITY:* section 400.9-526, RSMo Supp. 2001. Original rule filed Sept. 30, 2002.

*PUBLIC COST:* This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with the Office of the Secretary of State, UCC Division, James C. Kirkpatrick State Information Center Room 302 or PO Box 1159, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS**  
**Division 30—Secretary of State**  
**Chapter 90—Uniform Commercial Code**

**PROPOSED RULE**

**15 CSR 30-90.204 Primary Data Elements**

*PURPOSE:* This rule defines the data elements that the Uniform Commercial Code (UCC) information management system will use as primary data elements.

(1) The primary data elements used in the Uniform Commercial Code (UCC) information management system are the following:

(A) Identification numbers.

1. A file number as described identifies each initial financing statement. Identification of the initial financing statement is stamped on written UCC records or otherwise permanently associated with the record maintained for UCC records in the UCC information management system. A record is created in the information management system for each initial financing statement and all information comprising a record is maintained in the system. The record is identified by the same information assigned to the initial financing statement.

2. A unique filing number assigned by the filing officer identifies a UCC record other than an initial financing statement. In the information management system, records of all UCC records, other than initial financing statements, are linked to the record of their related initial financing statement;

(B) Type of record. The type of UCC record from which data is transferred is identified in the information management system from information supplied by the remitter;

(C) Filing date and filing time. The filing date and filing time of UCC records are stored in the information management system. The calculation of the lapse date of an initial financing statement is based upon the filing date;

(D) Identification of parties. The name and addresses of debtors and secured parties are transferred from UCC records to the UCC information management system using one or more data entry or transmittal techniques;

(E) Status of financing statement. Each financing statement has a status of active or inactive in the information management system;

(F) Page count. The total number of pages in a UCC record is maintained in the information management system; and

(G) Lapse indicator. The information management system uses an indicator to identify whether or not a financing statement will lapse and, if it does, when it will lapse. The lapse date is determined as provided in subsection (1)(C) of this rule.

*AUTHORITY:* section 400.9-526, RSMo Supp. 2001. Original rule filed Sept. 30, 2002.

*PUBLIC COST:* This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with the Office of the Secretary of State, UCC Division, James C. Kirkpatrick State Information Center Room 302 or PO Box 1159, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS**  
**Division 30—Secretary of State**  
**Chapter 90—Uniform Commercial Code**

**PROPOSED RULE**

**15 CSR 30-90.210 Searches**



*PURPOSE: This rule details the content of search requests and responsibility of the filing officer in regard to searches.*

(1) The filing officer shall maintain a searchable index of all Uniform Commercial Code (UCC) records for public inspection. The index shall allow retrieval of a record by the name of the debtor and by the file number of the initial financing statement, and each filed UCC record relating to the initial financing statement.

(2) A search request must be submitted on the National UCC-11 Information Request form and shall contain the information required by this section. The searcher must provide a separate UCC-11 form for each debtor name to be searched.

(3) Search requests shall contain the following information:

(A) The name of the debtor to be searched, specifying whether the debtor is an individual or an organization. A search request shall be processed using the name in the exact form it is submitted;

(B) The name and address of the person to whom the search report is to be sent must be included on the search request; and

(C) The appropriate fee, payable by a method approved by the filing officer.

(4) Search requests may contain any of the following information:

(A) A request for copies of UCC records identified on the search response; and

(B) A request may include lapsed and/or active records as indicated on the request.

*AUTHORITY: section 400.9-526, RSMo Supp. 2001. Original rule filed Sept. 30, 2002.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of the Secretary of State, UCC Division, James C. Kirkpatrick State Information Center Room 302 or PO Box 1159, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 90—Uniform Commercial Code**

**PROPOSED RULE**

**15 CSR 30-90.220 Search Logic**

*PURPOSE: This rule explains the method through which the filing officer shall conduct searches.*

(1) Search results shall be produced by applying standardized search logic to the name presented to the filing officer. Human judgment does not play a role in determining the results of the search, except with respect to supplemental responses regarding individual debtor names that are not automated. The following guidelines apply to searches:

(A) There is no limit to the number of matches that may be returned in response to the search criteria;

(B) The characters searched are letters “a” through “z” and numbers “0” through “9” and all other characters are disregarded;

(C) No distinction is made between upper and lower case letters;

(D) Punctuation marks, accents and suffixes are disregarded;

(E) Words and abbreviations at the end of a name that indicate the existence or nature of an organization are disregarded in the search. Such words include, but are not limited to: association, bank, church, college, company, corporation, club, foundation, fund, incorporated, institute, limited, society, syndicate, trust, union, limited partnership, LP, limited liability company, LLC, limited liability partnership, LLP, or like words or abbreviations of the foregoing. These words and abbreviations are set forth in the “Ending Noise Words” list as promulgated and adopted by the International Association of Commercial Administrators (IACA);

(F) The words “a” and “the” at the beginning of the search criteria are disregarded;

(G) All spaces are disregarded;

(H) For first and middle names of individuals, initials are treated as the logical equivalent of all names that begin with such initials, and the first name and no middle name or initial is equated with all middle names and initials. For example, a search request for “John A. Smith” would cause the search to retrieve all filings against all individual debtors with “John” or the initial “J” as the first name, “Smith” as the last name, and with the initial “A” or any name beginning with “A” in the middle name field or no name or initial in the middle name field. Additionally, a search request for “John Smith” (first and last names with no designation in the middle name field), would cause the search to retrieve all filings against individual debtors with “John” or the initial “J” as the first name, “Smith” as the last name and any name or initial or no name or initial in the middle name; and

(I) The word “and” and the symbol “&” are equated with each other.

(2) After using the preceding rules to modify the name of the requested debtor to be searched, the search results will reveal only active filings unless the search request explicitly states that lapsed filings are to be included in the search results.

*AUTHORITY: section 400.9-526, RSMo Supp. 2001. Original rule filed Sept. 30, 2002.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of the Secretary of State, UCC Division, James C. Kirkpatrick State Information Center Room 302 or PO Box 1159, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 90—Uniform Commercial Code**

**PROPOSED RULE**

**15 CSR 30-90.230 Search Reports**

*PURPOSE: This rule specifies the contents of search reports.*

(1) Reports created in response to a search request shall include the following:

(A) Identification of the filing officer and the certification of the search report if requested;

(B) The date the report was generated;

(C) Identification of the name searched;

(D) If requested the certification date and time for which the search is effective;

(E) Identification of each financing statement, that has not lapsed, filed on or prior to the certification date and time corresponding to the search criteria, by name of debtor, by financing statement file number, and by file date and file time. If requested by the searcher and available on the index, lapsed filings will be identified on the search report;

(F) For each initial financing statement on the report, a listing of all related Uniform Commercial Code (UCC) records filed by the filing officer on or prior to the certification date; and

(G) The number of pages of all UCC records revealed by the search report that may be requested by the searcher.

*AUTHORITY: section 400.9-526, RSMo Supp. 2001. Original rule filed Sept. 30, 2002.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of the Secretary of State, UCC Division, James C. Kirkpatrick State Information Center Room 302 or PO Box 1159, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 15—ELECTED OFFICIALS**  
**Division 30—Secretary of State**  
**Chapter 90—Uniform Commercial Code**

**PROPOSED RULE**

**15 CSR 30-90.240 Transition Searches**

*PURPOSE: This rule explains the manner in which searches will be conducted during the transition period.*

(1) During the transition period of July 1, 2001 to July 1, 2006, the secretary of state may provide public access to a database that produces search results beyond exact name matches. The supplemental database shall not be considered part of the standard search logic and shall not constitute an official search of the secretary of state.

*AUTHORITY: section 400.9-526, RSMo Supp. 2001. Original rule filed Sept. 30, 2002.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of the Secretary of State, UCC Division, James C. Kirkpatrick State Information Center Room 302 or PO Box 1159, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 19—DEPARTMENT OF HEALTH**  
**AND SENIOR SERVICES**

**Division 10—Office of the Director**

**Chapter 5—Procedures for the Collection and Submission**  
**of Data to Monitor Health Maintenance Organizations**

**PROPOSED AMENDMENT**

**19 CSR 10-5.010 Monitoring Health Maintenance Organizations**

**Definitions.** The department proposes to amend subsections (2)(B) and (C); subsection (3)(C) and (D); Section (4); Table A; Table B; and Table D.

*PURPOSE: The department proposes to amend this rule to clarify the requirements on submission if the submission date falls on a weekend or federally recognized holiday by modifying subsection (3)(D); to clarify the requirements on submission if the submission date falls on a weekend or federally recognized holiday; to update Table A to reflect consistency with standards of the National Quality Assurance Committee; to update Table B to reflect the data specifications for the quality indicators; and to revise Table D to update and expand health care access information.*

(2) Starting in 1998, health care plans shall submit annually to the department, member satisfaction survey data—

(B) The commercial and Medicaid member satisfaction data shall be submitted to the department in electronic form, through a certified survey vendor, and meet the specifications of Table A. Table A is *[incorporated]* **included** herein *[by reference]*;

(C) In 1998 the data shall be submitted by September 1. In subsequent years a final member-level data file~~/~~, *a summary level data file* and a CAHPS<sup>®</sup> component audit verification letter shall be submitted by June 15 or the date required by NCQA if other than June 15. **If the required submission date falls on a weekend or a federally recognized holiday, the due date will be the first working day following the weekend or federal holiday;** and

(3) Starting in 1998, health care plans shall provide annually to the department, audited quality indicator data—

(C) Each licensed health care plan shall submit separate quality indicator data files for their commercial, Medicaid and Medicare enrollees. Health care plans that contract with the Division of Medical Services to provide coverage in more than one Medicaid region, shall submit separate quality indicator data for the enrollees in each region. The quality indicator data shall be submitted to the department in electronic form and conform to the specifications listed in Table B. Table B is *[incorporated]* **included** herein *[by reference]*.

(D) In 1998 the data shall be submitted by September 1. In subsequent years a final data file shall be submitted by June 15 or the date required by NCQA if other than June 15. **If the required submission date falls on a weekend or a federally recognized holiday, the due date will be the first working day following the weekend or federal holiday.**

(4) In 1998 access to care data shall be submitted by September 1. In subsequent years the data shall be submitted by June 15. **If the required submission date falls on a weekend or a federally recognized holiday, the due date will be the first working day following the weekend or federal holiday.** Access to care data shall include the data elements and conform to the specifications listed in Table D. Table D is *[incorporated]* **included** herein *[by reference]*.

## Table A

### Member Satisfaction Survey Data File Specifications

#### **File Content**

**Commercial:** Member satisfaction survey data for commercial plans shall be based on the version of the NCQA-required Consumer Assessment of Health Plans Study (CAHPS®) Questionnaire, applicable for the reporting year. The data reported to the Department shall include the member level and *[summary level satisfaction survey data]* a **CAHPS® component audit verification letter** from the commercial adult core set of questions, plus any NCQA-mandated or -recommended items for the adult segment of the questionnaire. The data shall also include any HEDIS® measures specified in Table B, for a given product line and reporting year, that are collected via the CAHPS® survey tool.

**Medicaid:** Member satisfaction survey data for MC+ plans shall be based on the version of the NCQA-required Consumer Assessment of Health Plans Study (CAHPS®) Questionnaire, applicable for the reporting year. The data reported to the Department shall include the member level and *[summary level satisfaction survey data]* a **CAHPS® component audit verification letter** from the child **core** survey (Medicaid version) plus any additional questions required by the Division of Medical Services for the reporting year. The data shall also include any HEDIS® measures specified in Table B, for a given product line and reporting year, that are collected via the CAHPS® survey tool.

#### **File format and media**

The member level and *[summary level satisfaction survey data]* a **CAHPS® component audit verification letter** and their respective record layouts shall be submitted electronically, using the data submission tools (DST) specified by the Department. Other file specifications shall conform to those required by NCQA for submission of the CAHPS® Questionnaire results by the certified vendors.

#### **File consistency**

Plans that elect to submit separate files for sub-groups of their enrollment population must consistently do so for all data submission categories required by this rule.



**Table B**  
**Quality Indicator Data Specifications**  
**Reporting Period: CY 200[1]2**

Data reported for each of the indicators listed below shall conform to the NCQA HEDIS® Data Submission Tool and all other HEDIS® technical specifications for indicator descriptions and calculations. An “X” in the table below indicates data are to be reported for this quality indicator if the health care plan offers this product line to Missouri residents.

<b>Indicator</b>	<b>Applicable to:</b>		
	<b>Commercial</b>	<b>Medicaid</b>	<b>Medicare</b>
Childhood Immunization Status	X	X	
Adolescent Well-Care Visits	X	X	
Use of Appropriate Medications for People with Asthma	X	X	
Chlamydia Screening for Women	X	X	
Breast Cancer Screening[*]	X		X
Cervical Cancer Screening[*]		X	
<i>[Beta Blocker Treatment After Heart Attack</i>	X		X]
<b>Controlling High Blood Pressure</b>	<b>X</b>		<b>X</b>
Cholesterol Management After Acute Cardiovascular Event	X		X
Comprehensive Diabetes Care[*]	X		X
Antidepressant Medication Management	X		X
<i>[Flu Shots for Older Adults (CAHPS)</i>			X]
<b>Advising Smokers to Quit (CAHPS®)</b>	<b>X</b>		<b>X</b>
Annual Dental Visit		X	

*[\*The plan may elect to use the prior year's data when the indicator is subject to rotation and is off-cycle for NCQA reporting.]*

#### **File Content**

As applicable for each of the quality indicators listed above, except for those collected via the CAHPS® questionnaire, the plans shall report the following elements from the NCQA HEDIS® Data Submission Tool:

1. Data collection methodology (Administrative or Hybrid).
2. Eligible member population (i.e., members who meet all denominator criteria).
3. Minimum required sample size (MRSS) or other sample size.
4. Number of original sample records excluded because of valid data errors.
5. Number of records excluded because of contraindications identified through administrative data.
6. Number of records excluded because of contraindications identified through medical record review.
7. Additional records added from the auxiliary list.
8. Denominator.
9. Numerator events by administrative data.
10. Numerator events by medical record.
11. Reported rate.
12. Lower 95% confidence interval.
13. Upper 95% confidence interval.

All data elements above shall conform to the HEDIS® technical specifications, as outlined in the NCQA-published technical manuals.

**Table B**

**Quality Indicator Data Specifications**  
**Reporting Period: CY 200/1/2**  
(continued)

**File format and media**

The quality indicator data shall be submitted electronically, in a data file format to be specified by the Department. All other data specifications shall conform to those required by NCQA for submission of the audited quality indicator data.

**File Consistency**

Plans that elect to submit separate files for sub-groups of their enrollment population must consistently do so for all data submission categories required by this rule. Health care plans that contract with the Division of Medical Services to provide coverage in more than one Medicaid region, shall submit separate quality indicator data for the enrollees in each region.

**Table D**

**Managed Health Care Services**

**File Specifications**

Responses to the survey items in Table D must be submitted electronically, in a data file format specified by the Department.

Table D must be completed for each managed care product line (Commercial, Medicaid, or Medicare) offered by each licensed health care plan. Responses should be based on activity or status during the reporting period, within each product line (payer). Survey questions in Table D shall apply, except where otherwise noted, only to fully insured (ERISA exempt) enrollments.

**Table D**  
**Managed Health Care Services**  
**Reporting Period: CY 200[1]2**

**I. HEALTH PLAN INFORMATION**

**Instructions:** Submit one set of Table D information, Parts I and II, for each product line (i.e. type of payor) offered by your organization.

1.) Product Line (CHECK ONE):      ( ) Commercial    ( ) Medicare    ( ) Medicaid

2.) Missouri Department of Insurance Licensed Plan Name:

\_\_\_\_\_ Dba (if applicable): \_\_\_\_\_

3.) Extended NAIC Identification Number (7-digit): \_\_\_\_\_

4.) Name as marketed to your members (for Consumer's Guide display purposes):

\_\_\_\_\_

5.) List the following for each of your products within this product line:

Marketed	-----Phone Numbers-----		
a.) <u>Product Name</u>	b.) <u>HMO/POS</u>	c.) <u>Customer Service</u>	d.) <u>RN Hotline</u>
_____	_____	_____	_____
_____	_____	_____	_____

6.) Through what organization was your managed care organization accredited as of :  
*December 31, 200[1]2?*

Accrediting organization: ( ) NCQA      ( ) URAC      ( ) JCAHO      ( ) None  
Level of Accreditation:      \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_

7.) Managed Care Organization Contact Person for Table D Information:

a.) Name: \_\_\_\_\_ b.) Title: \_\_\_\_\_

c.) Phone: \_\_\_\_\_ d.) Fax: \_\_\_\_\_ e.) E-mail: \_\_\_\_\_



**Table D**  
**Managed Health Care Services**  
**Reporting Period: CY 200/1/2**

**II. HEALTH PLAN SERVICES**

1.) Please indicate for each of the following high risk conditions/diseases, if your managed care plan (A) has screening mechanisms, (B) provides case management, (C) provides specific educational materials to persons-at-risk, and (D) distributes educational material for all plan enrollees. (CHECK ALL THAT APPLY. SEE NOTE BELOW.)

<u>High Risk Conditions/Diseases</u>	<u>(A) Screening Mechanisms</u>	<u>(B) Case Management</u>	<u>(C) Education for Persons-at-risk</u>	<u>(D) Education for All Plan Enrollees</u>
Asthma	( )	( )	( )	( )
Stroke/Cardiovascular Disease	(NA)	( )	(NA)	( )
Breast Cancer	( )	( )	( )	( )
Cervical Cancer	( )	( )	( )	( )
Ovarian Cancer	(NA)	( )	(NA)	( )
Colorectal Cancer	( )	( )	( )	( )
Congestive Heart Failure (CHF)	(NA)	( )	(NA)	( )
Chronic Obstructive Pulmonary Disease (COPD)	(NA)	( )	(NA)	( )
Diabetes	( )	( )	( )	( )
Depression	(NA)	( )	(NA)	( )
HIV	( )	( )	( )	( )
Sickle Cell Disorders	( )	( )	( )	( )
High Risk Pregnancy	(NA)	( )	(NA)	( )
Obesity	(NA)	( )	(NA)	( )
Lead Poisoning	( )	( )	( )	( )
Chlamydia: Females	(NA)	( )	(NA)	( )
High Blood Pressure	(NA)	( )	(NA)	( )
Alcohol/Substance Abuse:				
Adolescents	(NA)	( )	(NA)	( )
Pregnant Women	(NA)	( )	(NA)	( )
Tobacco Use	(NA)	( )	(NA)	( )
Other _____	( )	( )	( )	( )
	(PLEASE SPECIFY)			

Note: [Screening Mechanisms for a specific condition means 1) there is an established protocol for the plan's entire membership (health fairs or special events do not qualify under this criterion), 2) this protocol is available through the PCP's or personal physician's daily practice and 3) the screening is proactively targeted to persons at risk for the condition.] Screening Mechanisms is a protocol by which the Managed Care Organization identifies through administrative data, members at risk for certain diseases or conditions, utilizing clinical guidelines, and then formally conveys to the network PCPs or personal physician to proactively screen these at-risk patients in their daily practice.

Case management is a protocol where case managers work with providers and physicians to coordinate the medical care that patients with complex or chronic illnesses need to receive. Case managers help patients take care of themselves and make sure they get the right specialists, equipment and medications.

2.) Please indicate if your managed care plan provides any of the following:

- a.) Routine distribution of educational materials on general health promotion, disease prevention and wellness ( ) YES ( ) NO
- b.) Distribution of pre- and post-surgical information to enrollees ( ) YES ( ) NO

Note: The term *reminder/recall* in Questions 3a – 3b refers to notices intended to insure timely scheduling of the specific preventive screening/test or service indicated. General education materials or notices tied to anniversary dates, such as birthdays or enrollment dates, do not meet this definition.

3a.) **Commercial or Medicaid only** (If completing for a Medicare plan, skip to Question 3b)

Do you send reminder/recall letters and/or make telephone calls from your managed care plan office to your members to ensure usage of the following preventive services?

- Mammograms ( ) YES ( ) NO
- Immunizations ( ) YES ( ) NO
- Pap smears ( ) YES ( ) NO
- Diabetic Screens/Tests ( ) YES ( ) NO

3b.) **Medicare only**

Do you send reminder/recall letters and/or make telephone calls from your managed care plan office to your members to ensure usage of the following preventive services?

- Mammograms ( ) YES ( ) NO
- Immunizations ( ) YES ( ) NO
- Well-woman checks ( ) YES ( ) NO
- Diabetic Screens/Tests ( ) YES ( ) NO

4.) **Commercial only:** During the reporting period, did your plan manage the following health services for your ASO group contracts? For each of the health services listed below, please indicate if it was elected as a covered benefit in all the ASO contracts with your plan, in some of the ASO contracts, or in none of the ASO contracts. (CHECK ONE COLUMN ONLY)

Selected Covered Benefits:

	<u>ASO Contracts</u>		
	<u>All</u> <u>Contracts</u>	<u>Some</u> <u>Contracts</u>	<u>None of the</u> <u>Contracts</u>
Immunizations.....	( )	( )	( )
Mammograms .....	( )	( )	( )
Pap Smears.....	( )	( )	( )

5.) During the reporting period, did your plan provide coverage to your non-ASO members for the following health benefits? Please indicate if the benefit item was offered as standard coverage for all non-ASO products within the product line (commercial, Medicaid or Medicare), as standard coverage only for some non-ASO products in the product line, offered only by rider clause (employer option), or not covered at all. (CHECK ONLY ONE FOR EACH BENEFIT LISTED)

	<u>Non-ASO Products Only</u>			
	<u>All Products</u>	<u>Some Products</u>	<u>Offered only by rider clause</u>	<u>Not Offered</u>
Rx coverage of:				
<i>/p/</i> Prenatal vitamins, including folic acid.....	( )	( )	( )	( )
<b>Non-Morbid Obesity:</b>				
<b>Prescriptions.....</b>	( )	( )	( )	( )
<b>Dietary Consultations...</b>	( )	( )	( )	( )
<b>Surgical Procedures.....</b>	( )	( )	( )	( )
Contraceptives:				
Birth control pills.....	( )	( )	( )	( )
IUDs.....	( )	( )	( )	( )
Norplant.....	( )	( )	( )	( )
Depo Provera.....	( )	( )	( )	( )
Immunizations:				
Hepatitis A.....	( )	( )	( )	( )
Hepatitis B.....	( )	( )	( )	( )
<b>Varivax (chicken pox)...</b>	( )	( )	( )	( )
Annual eye exam for refractive errors.....	( )	( )	( )	( )
Diabetic supplies..... (strips, lancets, etc.)	( )	( )	( )	( )
Insulin pumps.....	( )	( )	( )	( )
<i>/Autologous bone marrow transplants.....</i>	( )	( )	( )	( )
Stem cell rescue for:				
<b>Neuroblastoma.....</b>	( )	( )	( )	( )
<i>/b/</i> Breast cancer.....	( )	( )	( )	( )
Access to chiropractic services	( )	( )	( )	( )
Psychotherapy services				
Individual.....	( )	( )	( )	( )
Group.....	( )	( )	( )	( )
Family.....	( )	( )	( )	( )
Marital.....	( )	( )	( )	( )
Substance abuse services:				
Inpatient/residential.....	( )	( )	( )	( )
Outpt./partial hospitalization	( )	( )	( )	( )
Unrestricted annual flu shots	( )	( )	( )	( )



<b>Acupuncture.....</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Smoking cessation:[classes or cessation Medications] <b>Classes.....</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Medications/Patches....</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Conduct wellness surveys*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

\*A wellness survey is a questionnaire on health behaviors. It does not refer to a physical exam.

6.) For each preventive service listed below, please indicate (A) if your plan provided physicians routine status reports on the delivery of these services to their panel members and (B) if your plan sent comparative information to the physicians, during the reporting year. Following each response, enter a brief description of the report(s) or information that you sent.

	(CHECK IF YES)		(CHECK IF YES)	
	(A) Plan Provided <u>Reports</u>	Description of Report(s)	(B) Plan Sent Comparative <u>Data</u>	Description of Report(s)
Childhood Immunizations.....	<input type="checkbox"/>	_____	<input type="checkbox"/>	_____
Adolescent Immunizations.....	<input type="checkbox"/>	_____	<input type="checkbox"/>	_____
Breast Cancer Screenings.....	<input type="checkbox"/>	_____	<input type="checkbox"/>	_____
Pap Smears.....	<input type="checkbox"/>	_____	<input type="checkbox"/>	_____
<i>/Chlamydia Screenings: Females...</i>	<i>( )</i>	_____	<i>( )</i>	_____
Lead Screenings:				
12 and 24 months.....	<input type="checkbox"/>	_____	<input type="checkbox"/>	_____
Under 6 if no prior blood test.....	<input type="checkbox"/>	_____	<input type="checkbox"/>	_____
Cholesterol Management after Acute Cardiovascular Event: LDL-C Screenings	<input type="checkbox"/>	_____	<input type="checkbox"/>	_____
Beta Blocker Treatment After Heart Attack.....	<input type="checkbox"/>	_____	<input type="checkbox"/>	_____
Comprehensive Diabetic Care:				
Hemoglobin Testing.....	<input type="checkbox"/>	_____	<input type="checkbox"/>	_____
Retinal Disease Eye Exam.....	<input type="checkbox"/>	_____	<input type="checkbox"/>	_____
LDL-C (Lipids) Testing .....	<input type="checkbox"/>	_____	<input type="checkbox"/>	_____
Nephropathy Screenings.....	<input type="checkbox"/>	_____	<input type="checkbox"/>	_____
Annual Flu Shots for Older Adults.....	<input type="checkbox"/>	_____	<input type="checkbox"/>	_____
Tobacco Cessation Counseling.....	<input type="checkbox"/>	_____	<input type="checkbox"/>	_____
Other (Please specify)_____	<input type="checkbox"/>	_____	<input type="checkbox"/>	_____

7.) Does your plan routinely conduct continuing education with your providers to improve their knowledge on current clinical practice recommendations?

YES       NO



9.) The following questions pertain to your managed care product Internet site:

a.) Does the Internet site for your managed care products provide a lookup reference to a list of your network physicians or other providers? YES \_\_\_ NO \_\_\_ (if NO, skip to Question 10)

b.) Does your provider listing contain the following information?

- i) Name: YES \_\_\_ NO \_\_\_;  
↳ Able to search on this criteria? YES \_\_\_ NO \_\_\_
- ii) Specialty: YES \_\_\_ NO \_\_\_;  
↳ Able to search on this criteria? YES \_\_\_ NO \_\_\_
- iii) By product: YES \_\_\_ NO \_\_\_;  
↳ Able to search on this criteria? YES \_\_\_ NO \_\_\_
- iv) County: YES \_\_\_ NO \_\_\_;  
↳ Able to search on this criteria? YES \_\_\_ NO \_\_\_
- v) City: YES \_\_\_ NO \_\_\_;  
↳ Able to search on this criteria? YES \_\_\_ NO \_\_\_
- vi) Zip Code: YES \_\_\_ NO \_\_\_;  
↳ Able to search on this criteria? YES \_\_\_ NO \_\_\_
- vii) Hospital Affiliations: YES \_\_\_ NO \_\_\_  
↳ Able to search on this criteria? YES \_\_\_ NO \_\_\_

c.) How often is provider information updated?

- i) Weekly: YES \_\_\_ NO \_\_\_
- ii) Monthly: YES \_\_\_ NO \_\_\_
- iii) Semi-Annually: YES \_\_\_ NO \_\_\_
- iv) Annually: YES \_\_\_ NO \_\_\_
- v) Other (Please specify) \_\_\_\_\_
- vi) Is the date\_of the update displayed?  
YES \_\_\_ NO \_\_\_

d.) Is the provider information available to:

- i) Plan Members? YES \_\_\_ NO \_\_\_
- ii) Prospective Members (Without the need to register on the site)? YES \_\_\_ NO \_\_\_



**/9./10.)** For each of the practitioner categories below, indicate the number you had in your plan network during the reporting year and the number of that total which your MCO verified, within the past two years, as being board certified where applicable.

	<b><u>Number of Practitioners</u></b>	<b><u>Number Who Are Board Certified</u></b>
a.) Primary Care Physicians (excluding OB/GYNs)	_____	_____
b.) Medical/Surgical Specialists (excluding OB/GYNs)	_____	_____
c.) OB/GYNs	_____	_____
d.) Chiropractors	_____	_____
e.) Mental Health Providers	_____	_____
f.) General Dentists	_____	_____
g.) Advanced Practice Nurse	_____	_____

*AUTHORITY: section 192.068, RSMo 2000. Emergency rule filed Jan. 16, 1998, effective Jan. 26, 1998, terminated April 15, 1998. Original rule was filed Jan. 16, 1998, effective Aug. 30, 1998, For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 2, 2002.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Health and Senior Services, Center for Health Information Management and Evaluation, Garland Land, Director, PO Box 570, Jefferson City, MO, 65102, (573) 751-6272. To be considered, comments must be received within thirty (30) days following the publication of this document in the Missouri Register. No public hearing is scheduled.*

**Title 19—DEPARTMENT OF HEALTH  
AND SENIOR SERVICES  
Division 10—Office of the Director  
Chapter 10—Vital Records**

**PROPOSED AMENDMENT**

**19 CSR 10-10.050 Death Certificate Form.** The department is amending section (1).

*PURPOSE: This amendment removes the language relating to alcohol involvement as contributing to the cause of death.*

(1) The death certificate shall include the following items: registration district number; registrar's number; decedent's name, sex, date of death, Social Security number, age (under 1 year—months and days—under 1 day—hours, minutes), date of birth, birthplace, was decedent ever in United States armed forces—yes, no or unknown; place of death—hospital (specify inpatient, emergency room (ER)/outpatient or dead on arrival (DOA)) or other (specify nursing home, residence or other); facility name; city, town or location of death; county of death; marital status; surviving spouse's name; decedent's usual occupation; kind of business or industry; residence—state, county, city, town or location—zip code, street and number, inside city limits, years at present address; was decedent of Hispanic origin—no or yes—specify; race; decedent's education; father's name, mother's name; informant's name, mailing address; burial, cremation or other (specify); date of disposition; place of disposition; location; signature of funeral service licensee or person acting as such; name and address of facility; funeral establishment license number; immediate cause and underlying causes of death and approximate interval between onset and death; other significant conditions contributing to death; if deceased was female 10–49, was she pregnant in the last 90 days—yes, no or unknown; was autopsy performed—yes or no; were autopsy findings available prior to completion of cause of death—yes or no; manner of death; date of injury; time of injury; *[was injury alcohol-related—yes, no or unknown;]* injury at work—yes, no or unknown; describe how injury occurred; check whether certifying physician or medical examiner/coroner; signature and title of certifier; date signed; time of death; name and address of certifier, Missouri license number; case referred to medical examiner/coroner—yes or no; name of attending physician if other than certifier; registrar's signature; and date received by local registrar.

*AUTHORITY: section 193.145, RSMo [1986] 2000. This rule was previously filed as 13 CSR 50-150.050 and 19 CSR 30-10.050. Original rule filed Nov. 4, 1977, effective Feb. 11, 1978. Rescinded and readopted: Filed Sept. 12, 1988, effective Jan. 1, 1989. Changed to 19 CSR 10-10.050 July 30, 1998. Amended: Filed Oct. 2, 2002.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Center for Health Information Management and Evaluation (CHIME), Department of Health and Senior Services, Garland Land, Director, PO Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE  
Division 100—Division of Consumer Affairs  
Chapter 6—Privacy of Consumer Information**

**PROPOSED RULE**

**20 CSR 100-6.110 Standards for Safeguarding Customer Information**

*PURPOSE: This rule establishes standards for developing and implementing administrative, technical, and physical safeguards to protect the security, confidentiality, and integrity of customer information, pursuant to sections 501, 505(b), and 507 of the Gramm-Leach-Bliley Act, codified at 15 U.S.C. 6801, 6805(b), and 6807, and as authorized by section 362.422, RSMo Supp. 2001. This rule requires that the safeguards established pursuant to this rule shall apply to nonpublic personal information, including nonpublic personal financial information and nonpublic personal health information.*

(1) Definitions. For purposes of this rule, the following definitions apply:

(A) "Customer" means a customer of the licensee as the term customer is defined in subsection 20 CSR 100-6.100(1)(I);

(B) "Customer information" means nonpublic personal information as defined in 20 CSR 100-6.100 about a customer, whether in paper, electronic, or other form, that is maintained by or on behalf of the licensee;

(C) "Customer information systems" means the electronic or physical methods used to access, collect, store, use, transmit, protect, or dispose of customer information;

(D) "Licensee" means a licensee as that term is defined in 20 CSR 100-6.100(1)(N), except that "licensee" shall not include: a purchasing group; or an unauthorized insurer in regard to the surplus line business conducted pursuant to 20 CSR 200-6.100 to 20 CSR 200-6.500 and Chapter 384, RSMo;

(E) "Service provider" means a person that maintains, processes, or otherwise is permitted access to customer information through its provision of services directly to the licensee.

(2) Information Security Program. Each licensee shall implement a comprehensive written information security program that includes administrative, technical, and physical safeguards for the protection of customer information. The administrative, technical, and physical safeguards included in the information security program shall be

appropriate to the size and complexity of the licensee and the nature and scope of its activities.

(3) Objectives of Information Security Program. A licensee's information security program shall be designed to:

(A) Ensure the security and confidentiality of customer information;

(B) Protect against any anticipated threats or hazards to the security or integrity of the information; and

(C) Protect against unauthorized access to or use of the information that could result in substantial harm or inconvenience to any customer.

(4) Examples of Methods of Development and Implementation. The actions and procedures described in sections (5) through (9) of this regulation are examples of methods of implementation of the requirements of sections (2) and (3) of this regulation. These examples are non-exclusive illustrations of actions and procedures that licensees may follow to implement sections (2) and (3) of this regulation.

(5) Assess Risk. The licensee:

(A) Identifies reasonably foreseeable internal or external threats that could result in unauthorized disclosure, misuse, alteration, or destruction of customer information or customer information systems;

(B) Assesses the likelihood and potential damage of these threats, taking into consideration the sensitivity of customer information; and

(C) Assesses the sufficiency of policies, procedures, customer information systems, and other safeguards in place to control risks.

(6) Manage and Control Risk. The licensee:

(A) Designs its information security program to control the identified risks, commensurate with the sensitivity of the information, as well as the complexity and scope of the licensee's activities;

(B) Trains staff, as appropriate, to implement the licensee's information security program; and

(C) Regularly tests or otherwise regularly monitors the key control, systems, and procedures of the information security program. The frequency and nature of these tests or other monitoring practices are determined by the licensee's risk assessment.

(7) Oversee Service Provider Arrangements. The licensee:

(A) Exercises appropriate due diligence in selecting its service providers; and

(B) Requires its service providers to implement appropriate measures designed to meet the objectives of this regulation, and, where indicated by the licensee's risk assessment, takes appropriate steps to confirm that its service providers have satisfied these obligations.

(8) Adjust the Program. The licensee evaluates and adjusts, as appropriate, the information security program in light of any relevant changes in technology, the sensitivity of its customer information, internal or external threats to information, and the licensee's own changing business arrangements, such as mergers and acquisitions, alliances and joint ventures, outsourcing arrangement, and changes to customer information systems.

(9) Compliance Date. Each licensee shall establish and implement an information security program, including appropriate policies and systems pursuant to this regulation by May 1, 2003.

*AUTHORITY: sections 362.422, and 374.045, 375.948, 536.016, RSMo Supp. 2001. Original rule filed Oct. 1, 2002.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed rule at 10:00 a.m. on December 3, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to the proposed rule, until 5:00 p.m. on December 3, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.*

*SPECIAL NEEDS: If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.*

**Title 20—DEPARTMENT OF INSURANCE  
Division 400—Life, Annuities and Health  
Chapter 7—Health Maintenance Organizations**

**PROPOSED RESCISSION**

**20 CSR 400-7.095 Provider Network Adequacy Standards.** This rule set forth standards to ensure that health maintenance organizations maintain a network that is sufficient in number and types of providers to assure that all services to enrollees shall be accessible without unreasonable delay.

*PURPOSE: This rule is being rescinded because it is being replaced by a new rule, namely 20 CSR 400-7.095 HMO Access Plans.*

*AUTHORITY: sections 354.405 and 354.615, RSMo Supp. 1997. Original rule filed Nov. 3, 1997, effective May 30, 1998. Rescinded: Filed Oct. 1, 2002.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed rescission at 10:00 a.m. on December 3, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to the proposed rescission, until 5:00 p.m. on December 3, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.*

*SPECIAL NEEDS: If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.*

**Title 20—DEPARTMENT OF INSURANCE  
Division 400—Life, Annuities and Health  
Chapter 7—Health Maintenance Organizations**

**PROPOSED RULE**

**20 CSR 400-7.095 HMO Access Plans**

*PURPOSE: This rule clarifies the information required to be submitted as part of an access plan for a health maintenance organization's*



managed care plans pursuant to section 354.603, RSMo Supp. 2001, and the process for approval or disapproval of the access plans filed.

(1) Definitions.

(A) Access plan—The plan required to be filed with the Department of Insurance pursuant to section 354.603, RSMo, and in accordance with the requirements of this regulation.

(B) Categories of counties—

1. Urban access counties—Counties with a population of two hundred thousand (200,000) or more persons.

2. Basic access counties—Counties with a population between fifty thousand (50,000) persons and one hundred ninety-nine thousand, nine hundred ninety-nine (199,999) persons.

3. Rural access counties—Counties with a population of fewer than fifty thousand (50,000) persons.

4. Population figures shall be based on census data as reported in the latest edition of the *Official Manual of the State of Missouri*.

(C) Closed practice provider—A health care provider who does not accept new or additional patients from the health maintenance organization (HMO) that is reporting the provider as part of the managed care plan's network.

(D) Distance standard rate—The percentage of a managed care plan's enrollees within an HMO's approved service area who live or work within the distance standards for participating providers set forth in Exhibit A, which is included herein.

(E) Employer specific managed care plan—A managed care plan with a network created for a specific employer group that differs from the networks of all other managed care plans customarily offered by the HMO in either the identity or number of providers included within the network. An employer specific managed care plan is a distinct managed care plan for access plan filing purposes, and an employer specific managed care plan's network constitutes a different or reduced network for the purposes of section 354.603.1(4), RSMo.

(F) Health benefit plan—A policy, contract, certificate or agreement entered into, offered or issued by an HMO to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services, and identified by the form number or numbers used by the HMO when the health benefit plan was filed for approval pursuant to 20 CSR 400-7.010 and 20 CSR 400-8.200.

(G) Hospitals—

1. Basic—Hospitals with central services, dietary services, emergency services, medical records, nursing services, pathology and medical laboratory services, pharmaceutical services, radiology services, social work services and an inpatient care unit;

2. Secondary—Hospitals with all of the facilities listed under "Basic," plus one (1) or more operating rooms, obstetrics unit, and intensive care unit.

(H) Managed care plan—A health benefit plan that either requires an enrollee to use, or creates incentives, including financial incentives, for an enrollee to use an identified set of health care providers managed, owned, under contract with or employed by the HMO. A managed care plan is a type of health benefit plan. For purposes of this rule, a managed care plan consists of a health benefit plan and a network. If an HMO offers managed care plans where the health benefit plan, the network or both differ, the HMO is offering more than one (1) managed care plan. For example:

1. If the HMO offers the same health benefit plan with two (2) different networks, the HMO is offering two (2) managed care plans;

2. If the HMO offers two (2) different health benefit plans with the same network, the HMO is offering two (2) managed care plans;

3. If the HMO offers two (2) different health benefit plans each with a different network, the HMO is offering two (2) managed care plans.

(I) Network—The group of participating providers providing services to a managed care plan or pursuant to a health benefit plan established by an HMO. The meaning of the term network is further clarified for purposes of this rule: A network is one (1) component

of a managed care plan. A network is the identified set of health care providers managed, owned, under contract with or employed by the HMO, either directly or indirectly, for purposes of rendering medical services to all enrollees of a managed care plan.

(J) Offer—An HMO is offering a managed care plan when it is presenting that managed care plan for sale in Missouri.

(K) Participating provider—A provider who, under a contract with the HMO or with the HMO's contractors or subcontractors, has agreed to provide health care services to all enrollees of a managed care plan with an expectation of receiving payment directly or indirectly from the HMO. The following types of providers are not participating providers:

1. Providers to which an enrollee may not go for covered services, with or without a referral from a primary care provider, are not participating providers;

2. Providers that are only available in the event that an enrollee has a point-of-service benefit level, or other option attached to the HMO level of benefits, are not participating providers; and

3. A provider that has agreed to render services to an enrolled person in an isolated instance for purposes of treating a medical need that cannot otherwise be met within the network is not a participating provider.

(L) Pharmacy—Any pharmacy, drug store, chemical store or apothecary shop possessing a valid and current permit issued by the state of Missouri Board of Pharmacy and doing business for the purposes of compounding, dispensing and retailing any drug, medicine, chemical or poison to be used for filling a physician's prescription.

(M) Primary care provider (PCP)—A participating health care professional designated by the HMO to supervise, coordinate, or provide initial care or continuing care to an enrollee, and who may be required by the HMO to initiate a referral for specialty care and maintain supervision of health care services rendered to the enrollee. A PCP may be a professional who practices general medicine, family medicine, general internal medicine or general pediatrics. A PCP may be a professional who practices obstetrics and/or gynecology, in accordance with the provider contracts and health benefit plans of the HMO. A PCP may be an advanced practice nurse rendering care under a collaborative agreement pursuant to 4 CSR 200-4.200, and in accordance with the provider contracts and health benefit plans of the HMO.

(N) Specialist—A licensed health care provider whose area of specialization is in an area other than general medicine, family medicine or general internal medicine. A professional whose area of specialization is pediatrics, obstetrics and/or gynecology may be either a PCP or a specialist within the meaning of this rule. A specialist may be an advanced practice nurse rendering care under a collaborative agreement pursuant to 4 CSR 200-4.200, and in accordance with the provider contracts and health benefit plans of the HMO.

(O) Tertiary services—

1. Level I or Level II trauma unit—a secondary hospital with a Level I or Level II trauma unit according to the most recent *Hospital Profiles*;

2. Neonatal intensive care unit—any hospital offering a neonatal intensive care unit according to the most recent *Hospital Profiles*;

3. Perinatology services—a secondary hospital with active perinatologists on staff and offering perinatal items according to the most recent *Hospital Profiles*;

4. Comprehensive cancer services—a secondary hospital with active board certified oncologists on staff, according to the most recent *Hospital Profiles*, and offering all services related to cancer treatment listed in the most recent *Hospital Profiles*;

5. Cardiac catheterization—a secondary hospital with active cardiovascular disease physicians on staff and offering a cardiac catheterization lab and adult cardiac catheterizations according to the most recent *Hospital Profiles*;

6. Cardiac surgery—a secondary hospital with active cardiovascular disease physicians on staff and offering open heart surgery according to the most recent *Hospital Profiles*;

7. Pediatric subspecialty care—any hospital with active pediatricians and pediatric specialists on staff and offering staffed pediatric beds according to the most recent *Hospital Profiles*.

(2) Requirements for Filing Access Plans.

(A) Annual Filing—By March 1 of each year, an HMO must file an access plan for each managed care plan it was offering in this state on January 1 of that same year. An HMO may file separate access plans for each managed care plan it offers, or it may file a consolidated access plan incorporating information for multiple managed care plans that it offers, so long as the information submitted with the consolidated access plan clearly identifies the managed care plan or plans to which it applies. The access plan must contain the following information for each managed care plan to which it applies:

1. Pursuant to section 354.603.2(1), RSMo, either:

A. Information regarding the participating providers in each managed care plan's network and the enrollees covered by each managed care plan in a format to be determined by the Department of Insurance including, but not limited to, the following:

(I) The name, address, zip code, professional license number or other unique identifier as assigned by the appropriate licensing or oversight agency, and specialty or degree of each provider. For participating professionals, the practice address is required;

(II) Whether or not the provider is a closed practice provider, as defined in subsection (1)(C) of this regulation, above; and

(III) The number of enrollees by either work or residence zip code in each managed care plan to which the access plan applies; or

B. An affidavit in the form contained in Exhibit B, which is included herein, certifying that each managed care plan the HMO offers has met one (1) or more of the following standards:

(I) The managed care plan is a Medicare+Choice coordinated care plan offered by the HMO pursuant to a contract with the federal Centers for Medicare and Medicaid Services; or

(II) The managed care plan is accredited by the National Committee for Quality Assurance (NCQA) at a level of "accredited" or better, and such accreditation is in effect at the time the access plan is filed; or

(III) The managed care plan's network is accredited by the Joint Commission on the Accreditation of Healthcare Organizations (JCAHO) at a level of "accreditation without type I recommendations" or better, and such accreditation is in effect at the time the access plan is filed; or

(IV) The managed care plan or its network is accredited by any other nationally recognized managed care accrediting organization, similar to those above, that is approved by the Department of Insurance prior to the filing of the access plan, and such accreditation is in effect at the time the access plan is filed. Requests for approval of another nationally recognized managed care accrediting organization must be submitted to the department no later than October 15 of the year prior to the year the access plan is filed;

2. Pursuant to section 354.603.2(2) through (8), RSMo, a written description with any relevant supporting documentation addressing each of the requirements set forth in the statute;

3. Pursuant to section 354.603.2(9), RSMo, the following information:

A. For each managed care plan for which network and enrollee information is submitted pursuant to (2)(A)1.A., above, information demonstrating that:

(I) Emergency medical services—A written triage, treatment and transfer protocol for all ambulance services and hospitals is in place;

(II) Home health providers—Home health providers are contracted to serve enrollees in each county where enrollment is reported. This does not mean that a home health provider must be physically located or headquartered in each county, just that at least

one (1) home health provider is contracted to serve enrollees in each county if the need arose;

(III) If the managed care plan has been offered in a county for more than one (1) year, administrative measures are in place which ensure enrollees in that county timely access to appointments, based on the following guidelines:

(a) Routine care, without symptoms—within thirty (30) days from the time the enrollee contacts the provider;

(b) Routine care, with symptoms—within one (1) week or five (5) business days from the time the enrollee contacts the provider;

(c) Urgent care for illnesses/injuries which require care immediately, but which do not constitute emergencies as defined by section 354.600, RSMo—within twenty-four (24) hours from the time the enrollee contacts the provider;

(d) Emergency care—a provider or emergency care facility shall be available twenty-four (24) hours per day, seven (7) days per week for enrollees who require emergency care as defined by section 354.600, RSMo;

(e) Obstetrical care—within one (1) week for enrollees in the first or second trimester of pregnancy; within three (3) days for enrollees in the third trimester. Emergency obstetrical care is subject to the same standards as emergency care, except that an obstetrician must be available twenty-four (24) hours per day, seven (7) days per week for enrollees who require emergency obstetrical care; and

(f) Mental health care—Telephone access to a licensed therapist shall be available twenty-four (24) hours per day, seven (7) days per week;

B. For all managed care plans, a section demonstrating that the entire network is available to all enrollees of a managed care plan, including reference to contracts or evidences of coverage that clearly state the entire network is available and describing any network management practices that affect enrollees' access to all participating providers;

C. For employer specific managed care plans, a section demonstrating that the group contract holder agreed in writing to the different or reduced network. An employer specific managed care plan is subject to the standards in this rule.

(B) Updates to Annual Filing—An HMO must file an updated access plan for a managed care plan if, at any time between the time annual access plan filings are due, one (1) of the following occurs:

1. If an affidavit was submitted for a managed care plan pursuant to (2)(A)1.B., above, and the Medicare+Choice contract, NCQA accreditation, JCAHO accreditation or other approved accreditation specified in the affidavit is no longer in effect, the HMO must file within thirty (30) days of the date such accreditation or Medicare+Choice contract is no longer in effect either:

A. Network and enrollee information for the managed care plan as required by (2)(A)1.A., above; or

B. If the Medicare+Choice contract or accreditation has been replaced by alternative acceptable accreditation, an affidavit as required by (2)(A)1.B., above;

2. If network and enrollee information was submitted for a managed care plan pursuant to (2)(A)1.A., above, and changes in the network or number of enrollees may cause the managed care plan not to meet any of the distance standards set forth in Exhibit A, the HMO must file within thirty (30) days of such changes updated network and enrollee information as required by (2)(A)1.A., above.

(C) Prior to Offering a New Managed Care Plan—If at any time between the time annual access plan filings are due an HMO proposes to begin offering a new managed care plan in this state, the HMO must file an access plan for the new managed care plan prior to offering the new managed care plan, including an employer specific managed care plan.

(3) Evaluation of Access Plans.

(A) For the information submitted pursuant to section 354.603.2(1), RSMo, the information will be evaluated as follows:

1. If information regarding a managed care plan's network and enrollees is submitted, the department will calculate the distance standard rate for each type of provider in each county in the HMO's approved service area to determine if the average distance standard rate for each county and the average distance standard rate for all counties is greater than or equal to ninety percent (90%). In calculating the distance standard rates for a managed care plan, the department will give consideration to the following:

A. A managed care plan's network may include advance practice nurses with PCPs or specialists, if the health benefit plan and provider agreements applicable to the managed care plan expressly permit selection of an advance practice nurse as an enrollee's PCP or permit advance practice nurses to render specialty care to enrollees. A managed care plan's network may also include other types of health care professionals as physician extenders in addition to advance practice nurses if information is submitted justifying, to the satisfaction of the department, that the other types of health care professionals are able to provide the same services within the scope of their license;

B. Tertiary services may be contracted at one (1) hospital, or among multiple hospitals; and

C. With the department's approval, a managed care plan's network may receive an exception for one (1) or more of the distance standards set forth in Exhibit A under the following circumstances:

(I) Quality of care exception—An exception may be granted if the managed care plan's access plan is designed to significantly enhance the quality of care to enrollees, demonstrates that it does in fact enhance the quality of care, and imposes no greater cost on enrollees than would be incurred if they had access to contracted, participating providers as otherwise required under this rule;

(II) Noncompetitive market exception for PCPs and pharmacies—In the event an HMO can demonstrate to the department that there is not a competitive market among PCPs and/or pharmacies who meet the HMO's credentialing standards, and who are qualified within the scope of their professional license to provide appropriate care and services to enrollees, the department may grant an exception for the managed care plan's network that doubles the distance standard indicated in Exhibit A for PCPs or pharmacies;

(III) Noncompetitive market exception for other provider types—If no provider (exclusive of PCPs and pharmacies) of the appropriate type provides services to enrollees of a managed care plan in a county within the distance standards indicated in Exhibit A, an exception may be granted if the HMO can demonstrate that no fewer than ninety percent (90%) of the population of that county (or, at the HMO's discretion, ninety percent (90%) of the enrollees residing or working in the county) have access to a participating provider of the appropriate type, which provider is located no more than twenty-five (25) miles further than the provider closest to that county; or

(IV) Staff or Independent Practice Association (IPA) model exception—An exception may be granted for those health care services provided to enrollees of the managed care plan if substantially all of those services are provided by the HMO to its enrollees through qualified full-time employees of the HMO or qualified full-time employees of a medical group that does not provide substantial health care services other than on behalf of such HMO. In order to qualify for the exception provided for in this section, an HMO must demonstrate that all or substantially all of the type of health care services in question are provided by full-time employees, that enrollees have adequate access to such health care services as described in subparagraph (2)(A)3.A., above, and that the contract holder was made aware of the circumstances under which such services were to be provided prior to the decision to contract with the HMO for that managed care plan.

2. If an affidavit is submitted, the department will review it to make sure that it meets all the requirements of Exhibit B. If the access plan is a consolidated access plan including information for

more than one (1) managed care plan, the department will also review the affidavit for the following:

A. An affidavit that relies upon a managed care plan being a Medicare+Choice plan will only apply to the specific managed care plan that is a Medicare+Choice plan. All other managed care plans included in the access plan must be accompanied by either network information pursuant to (2)(A)1.A., above, or an affidavit indicating they are otherwise accredited pursuant to (2)(B)1.B., above;

B. An affidavit that relies upon a managed care plan being accredited by the NCQA will only apply to the specific managed care plans included with the accreditation. All other managed care plans included in the access plan must be accompanied by either network information pursuant to (2)(A)1.A., above, or an affidavit indicating they are otherwise accredited pursuant to (2)(B)1.B., above; and

C. An affidavit that relies upon a managed care plan's network being accredited by the JCAHO will only apply to that portion of the managed care plan's network that is included within the accreditation. For the remainder of the network, either network information pursuant to (2)(A)1.A., above, or an affidavit indicating the remaining network is otherwise accredited pursuant to (2)(B)1.B., above, must be submitted. All other managed care plans included in the access plan must be accompanied by either network information pursuant to (2)(A)1.A., above, or an affidavit indicating they are otherwise accredited pursuant to (2)(B)1.B., above.

(B) For information submitted pursuant to section 354.603.2(2) through (9), RSMo, the department evaluates the information to determine whether it is sufficient to meet the requirements of sections 354.600 to 354.636, RSMo, for each managed care plan to which the access plan applies.

#### (4) Approval or Disapproval of Access Plans.

(A) For a managed care plan for which network and enrollee information is submitted pursuant to (2)(A)1.A. above, the department will:

1. Approve the access plan or portion of a consolidated access plan that applies to that managed care plan when the distance standard rate across the entire network (all counties, all provider types) for that managed care plan is ninety percent (90%) or better, and the average distance standard rate in each county in an HMO's approved service area for that managed care plan is ninety percent (90%) or better, and the information submitted pursuant to (2)(A)2. and 3., above, is satisfactory; or

2. Conditionally approve the access plan or portion of a consolidated access plan that applies to that managed care plan when the distance standard rate across the entire network (all counties, all provider types) for that managed care plan is ninety percent (90%) or better, but the average distance standard rate in any county for that managed care plan is less than ninety percent (90%), and the information submitted pursuant to (2)(A)2. and 3., above, is satisfactory. If an access plan or portion of an access plan is conditionally approved, the department will require the HMO to present an action plan for increasing the distance standard rate for that managed care plan's network to ninety percent (90%) or better in those counties where this standard is not met; or

3. Disapprove the access plan or portion of a consolidated access plan that applies to that managed care plan when the distance standard rate across the entire network (all counties, all provider types) for that managed care plan is less than ninety percent (90%) and/or the information submitted pursuant to (2)(A)2. and 3., above, is unsatisfactory. Disapproval of the access plan or portion of the access plan will subject the HMO and its managed care plan to the enforcement mechanisms described in section (5), below, of this regulation.

(B) For a managed care plan for which an affidavit is submitted pursuant to (2)(A)1.B. above, the department will:

1. Approve the access plan or portion of a consolidated access plan that applies to that managed care plan when both the managed



care plan's affidavit and the information submitted pursuant to (2)(A)2. and 3., above, are satisfactory; or

2. Disapprove the access plan or portion of a consolidated access plan that applies to that managed care plan when the managed care plan's affidavit and/or the information submitted pursuant to (2)(A)2. and 3., above, are unsatisfactory. Disapproval of the access plan or portion of the access plan will subject the HMO and its managed care plan to the enforcement mechanisms described in section (5), below, of this regulation.

(C) Approval of an access plan or portion of an access plan is subject to the following:

1. Approval of an access plan shall not remove any HMO's obligations to provide adequate access to care as expressed in this regulation or in Exhibit A. In any case where a managed care plan's network has an insufficient number or type of participating providers to provide a covered benefit, the HMO shall ensure that the enrollee obtains the covered benefit at no greater cost than if the benefit was obtained from a participating provider, or shall make other arrangements acceptable to the director. This may include, but is not limited to, the following:

A. With regard to the types of providers listed in Exhibit A and only those types of providers, allowing an enrollee access to a nonparticipating provider at no additional cost when no participating provider of that same type is within the distance standard prescribed by Exhibit A; and

B. With regard to the services listed in (2)(A)3.A.(III), above, allowing an enrollee access to a nonparticipating provider at no additional cost when no participating provider is available to provide the service within the time prescribed for timely access to appointments;

2. If there is no participating provider in a managed care plan's network with the appropriate training and experience to meet the particular health care needs of an enrollee, the HMO shall make arrangements with an appropriate nonparticipating provider, pursuant to a treatment plan developed in consultation with the primary care provider, the nonparticipating provider and the enrollee or enrollee's designee, at no additional cost to the enrollee beyond what the enrollee would otherwise pay for services received within the network.

(5) Enforcement Process for Disapproved Access Plans.

(A) If a managed care plan's access plan has been disapproved pursuant to (4)(A)3., above, it is subject to the following:

1. The managed care plan may be placed on probationary status by the department for a period not to exceed ninety (90) days to allow the HMO time to bring the managed care plan's distance standard rate across the entire network up to ninety percent (90%) and/or submit satisfactory information pursuant to (2)(A)2. and 3., above. If information sufficient to allow the department to "approve" or "conditionally approve" the managed care plan's access plan is submitted prior to the expiration of the probationary period, the managed care plan will be removed from probationary status;

2. If the HMO fails to submit information sufficient to allow the department to "approve" or "conditionally approve" the managed care plan's access plan by the end of the probationary period, the department may, after notice and hearing pursuant to sections 354.470 and 354.490, RSMo, order the HMO to refrain from offering that managed care plan in part or all of the HMO's service area until such time as the HMO can demonstrate to the department's satisfaction that the managed care plan fully meets the requirements of this rule.

(B) If the managed care plan's access plan has been disapproved pursuant to (4)(B)2., above, it is subject to the following:

1. The managed care plan may be placed on probationary status for a period not to exceed ninety (90) days to allow the HMO time to remedy any problems with the affidavit submitted pursuant to (2)(A)1.B., above, and/or submit satisfactory information pursuant to (2)(A)2. and 3., above. If information sufficient to allow the depart-

ment to "approve" or "conditionally approve" the managed care plan's access plan is submitted prior to the expiration of the probationary period, the managed care plan will be removed from probationary status;

2. If the HMO fails to submit information sufficient to allow the department to "approve" or "conditionally approve" the managed care plan's access plan by the end of the probationary period, the department may, after notice and hearing pursuant to sections 354.470 and 354.490, RSMo, order the HMO to refrain from offering that managed care plan in part or all of the HMO's service area until such time as the HMO can demonstrate to the department's satisfaction that the managed care plan fully meets the requirements of this rule.

(C) If all of an HMO's managed care plans are disapproved at the time of renewal of the HMO's certificate of authority, the department may, after notice and hearing pursuant to section 354.490, RSMo, deny renewal of the HMO's certificate of authority until such time as the HMO demonstrates to the satisfaction of the department that one or more of its managed care plans meet the requirements of this regulation.

## Exhibit A

Provider/Service Type	Distance Standards		
	Urban County	Basic County	Rural County
<b>Physicians</b>			
PCPs	10	20	30
Obstetrics/Gynecology	15	30	60
Neurology	25	50	100
Dermatology	25	50	100
Physical Medicine/Rehab	25	50	100
Podiatry	25	50	100
Vision Care/Primary Eye Care	15	30	60
Allergy	25	50	100
Cardiology	25	50	100
Endocrinology	25	50	100
Gastroenterology	25	50	100
Hematology/Oncology	25	50	100
Infectious Disease	25	50	100
Nephrology	25	50	100
Ophthalmology	25	50	100
Orthopedics	25	50	100
Otolaryngology	25	50	100
Pediatric	25	50	100
Pulmonary Disease	25	50	100
Rheumatology	25	50	100
Urology	25	50	100
General surgery	15	30	60
Psychiatrist-Adult/General	15	30	60
Psychiatrist-Child/Adolescent	15	30	60
Psychologists/Other Therapists	10	20	40
Chiropractor	15	30	60
<b>Hospitals</b>			
Basic Hospital	30	30	30
Secondary Hospital	50	50	50
<b>Tertiary Services</b>			
Level I or Level II trauma unit	100	100	100
Neonatal intensive care unit	100	100	100
Perinatology services	100	100	100
Comprehensive cancer services	100	100	100
Cardiac catheterization	100	100	100
Cardiac surgery	100	100	100
Pediatric subspecialty care	100	100	100
<b>Mental Health Facilities</b>			
Outpatient-Adult	15	30	60
Outpatient-Child/Adolescent	15	30	60
Outpatient-Geriatric	15	30	60
Inpatient/Intensive Treatment-Adult	25	50	100
Inpatient/Intensive Treatment-Child/Adolescent	25	50	100
Inpatient/Intensive Treatment-Geriatric	38	75	100
Inpatient/Intensive Treatment-Alcohol/Chemical Dependency	38	75	100
<b>Ancillary Services</b>			
Physical Therapy	30	30	30
Occupational Therapy	30	30	30
Speech Therapy	50	50	50
Audiology	50	50	50
<b>Pharmacy</b>			
Pharmacy	10	20	30



*AUTHORITY: sections 354.405, 354.615, and 375.045, RSMo 2000; and 354.603, RSMo Supp. 2001. Original rule filed Nov. 3, 1997, effective May 30, 1998. Rescinded and readopted: Filed Oct. 1, 2002.*

*PUBLIC COST: This proposed rule is a modification of a current rule. It is being proposed in this form rather than as a proposed amendment because of the substantial changes to the rule's organizational structure. Any substantive changes to the rule's provisions, however, should not impose any greater burden on the Department of Insurance than the current rule. Accordingly, this proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule is a modification of a current rule. It is being proposed in this form rather than as a proposed amendment because of the substantial changes to the rule's organizational structure. Any substantive changes to the rule's provisions, however, should not impose any greater burden on health maintenance organizations than the current rule and may result in cost savings for health maintenance organizations due to greater flexibility in compliance. Accordingly, this proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed rule at 10:00 a.m. on December 3, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to the proposed rule, until 5:00 p.m. on December 3, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.*

*SPECIAL NEEDS: If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.*

**Title 20—DEPARTMENT OF INSURANCE**  
**Division 600—Statistical Reporting**  
**Chapter 1—Reports Other Than Annual Statement and**  
**Credit Insurance**

**PROPOSED RULE**

**20 CSR 600-1.020 Dram Shop Cost Data Reporting**

*PURPOSE: This rule interprets section 375.1730, RSMo Supp. 2002, and sets forth the types of cost data required to be reported to the department from insurers issuing coverage for dram shop liquor liability and provides for the form referred to in section (3) of this rule to be available on the department's website.*

(1) Definitions. When used in this regulation—

(A) Costs associated with coverage means those expenses and fees incurred by insurers relating to dram shop liability coverage that are required to be reported to the director as outlined in the data reporting form required by section (2) of this regulation;

(B) Director means the director of the Department of Insurance;

(C) Dram shop liability coverage means property and casualty liability insurance covering risk associated with commercial vendors licensed to sell intoxicating liquor by the drink for consumption on the premises; and

(D) Insurer means every insurance company authorized to transact insurance business in this state, every unauthorized insurance company transacting business pursuant to Chapter 384, RSMo, every risk

retention group, every insurance company issuing insurance to or through a purchasing group, and any other person providing insurance coverage in this state.

(2) Report.

(A) Every insurer providing dram shop liability coverage within the state shall submit to the director a report of all costs associated with coverage of its dram shop liability policies during the preceding year. With respect to any insurer transacting business pursuant to Chapter 384, RSMo, filing the report required by this regulation shall be the obligation of the surplus lines licensee originating or accepting the insurance.

(B) The report shall be in writing and shall be made to the director annually on or before March 31 of each year for the twelve (12) months ending December 31 next preceding on the form provided by the department.

(3) Forms. The data reporting form required by section (2) of this regulation can be accessed at the department's website at [www.insurance.state.mo.us](http://www.insurance.state.mo.us).

*AUTHORITY: sections 374.045 and 536.016, RSMo 2000 and 375.1730, RSMo Supp. 2002. Original rule filed Oct. 1, 2002.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed rule at 10:00 a.m. on December 3, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to the proposed rule, until 5:00 p.m. on December 3, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.*

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