

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

Entirely new rules are printed without any special 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 If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission.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.

An 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.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least 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*.

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

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

(B) The authority will issue certificates of guaranty covering a first loss guarantee up to *[twenty-five percent (25%)] fifty percent (50%)* of the loan on a declining principal basis made by lenders to independent livestock producers to finance livestock production.

(2) Definitions. As used in this rule, the following terms shall mean:

(B) Certificates of guaranty means evidence of obligation of the authority to guarantee up to but no more than *[twenty-five percent (25%)] fifty percent (50%)* of the loan on a declining principal basis made by lenders to independent livestock producers to finance livestock production;

(F) Single-purpose animal facilities loan guarantee fund means a fund established in the state treasury consisting of money appropriated to it by the general assembly, charges, gifts, grants and bequests from federal, private or other sources, to be used to guarantee up to *[twenty-five percent (25%)] fifty percent (50%)* of loans made by lenders to borrowers qualifying for loans through the single-purpose animal facilities loan guarantee program;

(4) Procedure for Making Eligible Loans.

(E) Upon determining that all requirements for the loan guarantee are met, the authority will issue to the lender a certificate of guaranty for up to *[twenty-five percent (25%)] fifty percent (50%)* of any loss of the loan amount on a declining principal basis, and for a period not exceeding ten (10) years.

(5) Procedures for Collecting Loans.

(C) After a lender has foreclosed upon a borrower who has defaulted on a loan made through the program, the authority will reimburse the lender for any loss up to *[twenty-five percent (25%)] fifty percent (50%)* of the principal outstanding.

AUTHORITY: sections [348.190] 348.195 and 348.210, RSMo Supp. 2003. Original rule filed Feb. 15, 1995, effective July 30, 1995. Amended: Filed Sept. 15, 2003.

PUBLIC COST: This proposed amendment will cost state agencies and political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities less 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 Agricultural and Small Business Development Authority, Tony Stafford, Executive Director, PO Box 630, 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.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

**Title 2—DEPARTMENT OF AGRICULTURE
Division 100—Missouri Agricultural and Small Business
Development Authority
Chapter 6—Single Purpose Animal Facilities Loan
Guarantee Program**

PROPOSED AMENDMENT

2 CSR 100-6.010 Description of Operation, Definitions, Fee Structures, Applicant Requirements, and Procedures for Making and Collecting Loans and Amending the Rules for the Single Purpose Animal Facilities Loan Guarantee Program. The director is amending sections (1), (2), (4) and (5).

PURPOSE: This amendment changes loan guarantee amount from twenty-five to fifty percent (25%-50%).

(1) General Organization.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 30—Missouri Board for Architects, Professional
Engineers, Professional Land Surveyors, and Landscape
Architects
Chapter 4—Applications**

PROPOSED RESCISSION

4 CSR 30-4.060 Evaluation—Comity Applications—Architects. This rule insured that applications for licensure as architects met the minimum requirements for initial licensure in Missouri.

PURPOSE: This rule is being rescinded and a new rule is being filed in its place which would require all individuals applying for licensure as an architect under section 327.381 to first obtain an NCARB certificate and file.

AUTHORITY: sections 327.041 and 327.381, RSMo Supp 2001. Original rule filed Dec. 8, 1981, effective March 11, 1982. Amended: Filed Dec. 9, 2002, effective June 30, 2003. Rescinded: Filed Sept. 8, 2003.

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 Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, Jefferson City, MO 65102, by faxing to (573) 751-8046, or e-mailing to moapels@mail.state.mo.us. 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.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, Jefferson City, MO 65102, by faxing to (573) 751-8046, or e-mailing to moapels@mail.state.mo.us. 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 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 30—Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects

Chapter 4—Applications

PROPOSED RULE

4 CSR 30-4.060 Evaluation—Comity Applications—Architects

PURPOSE: This rule requires all individuals applying for licensure as an architect under section 327.381, RSMo to first obtain an NCARB certificate and file.

(1) Individuals applying for licensure as an architect under section 327.381, RSMo who were originally licensed in another state, territory or possession of the United States or in another country shall be required to first obtain a National Council of Architectural Registration Board (NCARB) certificate and file.

(2) The board shall only consider comity licensure applications when accompanied by an NCARB file.

AUTHORITY: section 327.041, 327.131 and 327.381, RSMo Supp. 2002. Original rule filed Dec. 8, 1981, effective March 11, 1982. Amended: Filed Dec. 9, 2002, effective June 30, 2003. Rescinded and readopted: Filed Sept. 8, 2003.

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 cost private entities an estimated six thousand five hundred dollars (\$6,500) annually for the life of the rule. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE ENTITY FISCAL NOTE**I. RULE NUMBER**

Title 4 -Department of Economic Development

Division: 30 - Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects

Chapter 4 - Applications

Proposed Rule - 4 CSR 30-4.060 Evaluation - Comity Applications - Architects

Prepared June 5, 2003 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
25	NCARB Council Certificate (\$260)	\$6,500.00
	Estimated Annual Cost of Compliance for the Life of the Rule	\$6,500.00

III. WORKSHEET

1. The board annually licenses an average of 175 architects by comity. Of those 175, only 25 will not have a NCLARB Council Record. In order for applicants to meet the requirements of the rule, applicants will need to obtain a NCARB Council Record at a cost of \$260 per applicant.

IV. ASSUMPTION

1. The above figures were based on FY03 actuals. The board anticipates 25 applicants per year will be required to obtain a NCARB Council Record.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 30—Missouri Board for Architects, Professional
Engineers, Professional Land Surveyors, and Landscape
Architects**

Chapter 4—Applications

PROPOSED AMENDMENT

4 CSR 30-4.090 Evaluation—Comity Applications—Landscape Architects. The board is proposing to delete section (2) and renumber the remaining section accordingly.

PURPOSE: Since the board is no longer administering the Missouri Plant Materials examination, this rule is being amended to delete section (2), which makes reference to the Missouri Plant Materials examination.

[(2) Landscape architect applicants for comity are required to take and pass the Missouri Plant Materials exam, unless the board determines that they have passed a plant materials exam administered by another state that is deemed substantially similar to Missouri's.]

[(3)] (2) Applications shall be typewritten on forms provided by the board and shall be accompanied by the required fee.

AUTHORITY: sections 327.041 and 327.623, RSMo Supp. [2001] 2002. Original rule filed Oct. 30, 2002, effective April 30, 2003. Amended: Filed Sept. 8, 2003.

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 save private entities an estimated three hundred dollars (\$300) annually for the life of the rule. It is anticipated that the total savings will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost savings, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects, PO Box 184, Jefferson City, MO 65102, by faxing to (573) 751-8046, or e-mailing to moapels@mail.state.mo.us. 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.

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 4 -Department of Economic Development

Division: 30 - Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects

Chapter 4 - Applications

Proposed Rule - 4 CSR 30-4.090 Evaluation - Comity Applications - Landscape Architects

Prepared June 5, 2003 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
3	Applicants (\$100 cost savings - Missouri Plant Materials Examination)	\$300.00
	Estimated Annual Cost Savings for the Life of the Rule	\$300.00

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above figures were based on FY03 actuals.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 30—Missouri Board for Architects, Professional
Engineers, Professional Land Surveyors, and Landscape
Architects**

Chapter 5—Examinations

PROPOSED AMENDMENT

4 CSR 30-5.140 CLARB Examinations—Landscape Architects.
The board is proposing to delete section (2).

PURPOSE: The board no longer administers the Missouri Plant Materials examination; therefore this rule is being amended to delete section (2), which makes reference to the Missouri Plant Materials examination.

[(2) All applicants taking a national examination prescribed by the board may also be required, at the discretion of the landscape architect division, to take and pass an examination, which demonstrates the applicant's knowledge of plant materials, native and adapted, to Missouri.]

AUTHORITY: sections 327.041 and 327.617, RSMo Supp. [2001] 2002. Original rule filed Oct. 30, 2002, effective April 30, 2003. Amended: Filed Sept. 8, 2003.

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 Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects, PO Box 184, Jefferson City, MO 65102, by faxing to (573) 751-8046, or e-mailing to moapels@mail.state.mo.us. 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 30—Missouri Board for Architects, Professional
Engineers, Professional Land Surveyors, and Landscape
Architects**

Chapter 5—Examinations

PROPOSED AMENDMENT

**4 CSR 30-5.150 Standards for Admission to Examination—
Landscape Architects.** The board is proposing to amend section (1).

PURPOSE: The board no longer administers the Missouri Plant Materials examination; therefore, this rule is being amended to delete the reference to the Missouri Plant Materials examination.

(1) A Missouri applicant shall have a degree in landscape architecture from an accredited school of landscape architecture and have acquired at least three (3) years[,]; satisfactory landscape architectural experience after acquiring that degree to qualify for the Council of Landscape Architectural Registration Boards' (CLARB) Landscape Architect Registration Examination (LARE), or its successor [and the landscape architect division's plant material examination].

AUTHORITY: sections 327.041 and 327.612, RSMo Supp. [2001] 2002. Original rule filed Oct. 30, 2002, effective April 30, 2003. Amended: Filed Sept. 8, 2003.

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 save private entities an estimated nine hundred dollars (\$900) annually for the life of the rule. It is anticipated that the total savings will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, Jefferson City, MO 65102, by faxing to (573) 751-8046, or e-mailing to moapels@mail.state.mo.us. 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.

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 4 -Department of Economic Development

Division: 30 - Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects

Chapter 4 - Applications

Proposed Amendment - 4 CSR 30-5.150 Standards for Admission to Examination - Landscape Architects

Prepared June 5, 2003 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
9	Applicants (\$100 cost savings - Missouri Plant Materials Examination)	\$900.00
	Estimated Annual Cost Savings for the Life of the Rule	\$900.00

III. WORKSHEET

1. See table above.

IV. ASSUMPTION

1. The above figures were based on FY01, FY02 and FY03 actuals.
2. It is anticipated that the total cost savings will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee

Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT

Division 30—Missouri Board for Architects, Professional
Engineers, Professional Land Surveyors, and Landscape
Architects
Chapter 6—Fees

PROPOSED AMENDMENT

4 CSR 30-6.015 Application, Renewal, Reinstatement, Reregistration and Miscellaneous Fees. The board is proposing to delete subsection (1)(J) and renumber the remaining subsections accordingly.

PURPOSE: Since the board no longer administers the Missouri Plant Materials examination, this rule is being amended to delete subsection (1)(J), which is the fee for the Missouri Plant Materials Examination, and to then reletter the remaining subsections.

(1) The following fees are established by the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects:

/(J) Missouri Plant Material Examination	\$ 100/
/(K) (J) 327.391 Application Filing Fee	\$200
/(L) (K) Engineer Intern Application Filing Fee	\$ 10
/(M) (L) Land Surveyor-in-Training Application Filing Fee	\$ 10
/(N) (M) Individual Renewal Fee	\$100
/(O) (N) Individual Reactivation Fee	\$100
/(P) (O) Individual Reinstatement Fee	\$150
/(Q) (P) Individual Relicensure Fee	\$200
/(R) (Q) Corporate Application Fee	\$300
/(S) (R) Corporate Renewal Fee	\$200
/(T) (S) Corporate Reinstatement Fee	\$250
/(U) (T) Corporate Reauthorization Fee	\$300
/(V) (U) Certification Fee	\$ 10
/(W) (V) Duplicate Certificate License Fee	\$ 10
/(X) (W) Architectural Routing Fee	\$ 25
/(Y) (X) Insufficient Funds Check Charge	\$ 25
/(Z) (Y) Evaluation of Non-Accredited Engineering Degrees	\$300

AUTHORITY: section 327.041, RSMo Supp. [2001] 2002. Emergency rule filed Aug. 12, 1981, effective Aug. 22, 1981, expired Dec. 10, 1981. Original rule filed Aug. 12, 1981, effective Nov. 12, 1981. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 8, 2003.

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 Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects, PO Box 184, Jefferson City, MO 65102, by faxing to (573) 751-8046, or e-mailing to moapels@mail.state.mo.us. 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT

Division 30—Missouri Board for Architects, Professional
Engineers, Professional Land Surveyors, and Landscape
Architects
Chapter 6—Fees

PROPOSED AMENDMENT

4 CSR 30-6.020 Reexamination Fees. The board is proposing to delete subsection (1)(G).

PURPOSE: Since the board no longer administers the Missouri Plant Materials examination, this rule is being amended to delete subsection (1)(G), which is the reexamination fee for the Missouri Plant Materials Examination.

(1) The following reexamination/rescheduling application filing fees are established by the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects:
~~/(G)~~ Landscape Architect Missouri Plant Material \$ 75/

AUTHORITY: section 327.041, RSMo Supp. [2001] 2002. Original rule filed March 16, 1970, effective April 16, 1970. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 8, 2003.

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 Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects, PO Box 184, Jefferson City, MO 65102, by faxing to (573) 751-8046, or e-mailing to moapels@mail.state.mo.us. 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT

Division 232—Missouri State Committee of Interpreters
Chapter 3—Ethical Rules of Conduct

PROPOSED AMENDMENT

4 CSR 232-3.010 General Principles. The committee is proposing to amend section (19).

PURPOSE: This amendment requires an interpreter to respond in writing to the committee's inquiry within thirty (30) days.

(19) Within the limits of the law, and after receiving written consumer consent, an interpreter *[shall]* **must** respond *[to all requests for information and correspondence]* **in writing, within thirty (30) days from the date of a written request or inquiry** from the committee, **mailed to the interpreter's address currently registered with the committee.**

AUTHORITY: section 209.328.1, RSMo 2000 and 209.334, RSMo Supp. 2002. Original rule filed Feb. 18, 1999, effective July 30, 1999. Amended: Filed Dec. 1, 2000, effective May 30, 2001. Amended: Filed Nov. 6, 2002, effective May 30, 2003. Amended: Filed Sept. 8, 2003.

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 or in opposition to this proposed amendment with the Missouri State Committee of Interpreters, Pamela Groose, Executive Director, PO Box 1335, Jefferson City, MO 65102, by facsimile to (573) 526-3489, or by e-mail at interp@mail.state.mo.us. 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 3—Applications for License; License
Examinations**

PROPOSED AMENDMENT

4 CSR 250-3.020 License Examinations. The commission is proposing to delete the annotation immediately following this rule in the *Code of State Regulations*.

PURPOSE: The amendment deletes the annotation immediately following this rule in the *Code of State Regulations*.

AUTHORITY: section 339.120, RSMo [Supp. 1993] 2000. Original rule filed Nov. 14, 1978, effective Feb. 11, 1979. Amended: Filed Oct. 2, 1985, effective Dec. 26, 1985. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994. Amended: Filed Sept. 8, 2003.

PUBLIC COST: The cost to state agencies and political subdivisions for this proposed amendment is estimated to be less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: The cost to private entities for this proposed amendment is estimated to be less 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 Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by faxing comments to (573) 751-2777 or via e-mail to realesta@mail.state.mo.us. 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 8—Business Conduct and Practice**

PROPOSED AMENDMENT

4 CSR 250-8.160 Retention of Records. The board is proposing to amend the original purpose statement.

PURPOSE: This amendment brings the purpose statement into conformity with the current regulation.

PURPOSE: This rule mandates that all records relating to each real estate transaction handled by the broker be retained for [five] three

(3) years and the broker make them available for commission inspection at all times.

AUTHORITY: sections 339.120, RSMo 2000 and 339.770, RSMo Supp. [1999] 2002. Original rule filed Nov. 14, 1978, effective Feb. 11, 1979. Amended: Filed March 16, 1988, effective July 1, 1988. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994. Amended: Filed Dec. 1, 1997, effective Sept. 1, 1998. Amended: Filed Jan. 14, 2000, effective July 30, 2000. Amended: Filed Sept. 8, 2003.

PUBLIC COST: The cost to state agencies and political subdivisions for this proposed amendment is estimated to be less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: The cost to private entities for this proposed amendment is estimated to be less 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 Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by faxing comments to (573) 751-2777 or via e-mail to realesta@mail.state.mo.us. 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 10—Continuing Education**

PROPOSED AMENDMENT

4 CSR 250-10.010 Requirements. The commission is proposing to add a new subsection (2)(D) and renumber the remaining subsections accordingly.

PURPOSE: The amendment expands the continuing education core curriculum choices.

(2) At least three (3) hours of the twelve (12) hours of approved instruction shall consist of one (1) of the following core curriculum courses, each of which shall include thirty (30) minutes of instruction on current laws and regulations:

(D) Cultural diversity;

[(D)] (E) Property management; or

[(E)] (F) Commercial brokerage.

AUTHORITY: sections 339.040, 339.045 and 339.120, RSMo 2000. Original rule filed March 14, 1984, effective June 11, 1984. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Sept. 8, 2003.

PUBLIC COST: The cost to state agencies and political subdivisions for this proposed amendment is estimated to be less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: The cost to private entities for this proposed amendment is estimated to be less 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 Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by faxing comments to (573) 751-2777 or via e-mail to realesta@mail.state.mo.us. 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 800—Educator Certification
PROPOSED AMENDMENT**

5 CSR 80-800.200 Application for Certificate of License to Teach. The State Board of Education is amending the Purpose, sections (1), (2), (3), (5), deleting section (6), amending and renumbering sections (7) and (8), renumbering the existing sections and amending the *Compendium of Missouri Certification Requirements* which is incorporated by reference.

PURPOSE: This amendment incorporates the recent legislative changes and updates the certification requirements in the Compendium of Missouri Certification Requirements.

PURPOSE: The State Board of Education is authorized to grant certificates of license to teach in any of the public schools of the state and establish requirements and qualifications for those certificates. This rule outlines the procedures for application for a certificate of license to teach where the applicant has a recommendation from a state-approved teacher preparation program or has earned a [Doctor of Philosophy] doctoral degree.

(1) An applicant for a Missouri certificate of license to teach who possesses good moral character and has successfully completed a state-approved teacher preparation program or earned a [Doctor of Philosophy] doctoral degree may be granted an initial Missouri certificate of license to teach in their major area of study subject to the specific certification requirements found in the *Compendium of Missouri Certification Requirements (compendium)* which is incorporated by reference and made a part of this rule.

(2) Applications for a Missouri certificate of license to teach shall be submitted on the forms provided by the State Board of Education (the board), **accompanied by the appropriate fee** and may be obtained by writing the Educator Certification Section of the Department of Elementary and Secondary Education (DESE) at PO Box 480, Jefferson City, MO 65102 or downloading from the Internet.

(3) An application is not considered officially filed with the board until it has been determined by the board or DESE staff to be complete and the application is submitted on the forms provided by the board, signed and accompanied by two (2) full sets of fingerprints with the appropriate fee as set by the Missouri State Highway Patrol and/or the Federal Bureau of Investigation (FBI) and any other applicable forms **and/or fees**. All information should be received by the board within ninety (90) days of the date of the application.

(5) An applicant for a Missouri certificate of license to teach who has successfully completed a state-approved teacher preparation program *[and does not possess five (5) years teaching experience in the same school district in the curriculum area and approximate grade levels in another state,]* must comply with the following additional criteria:

(B) The applicant must possess a grade point average of 2.5 or higher on a 4.0 scale, *[both overall and in the major area of study];*

[[6] An applicant for a Missouri certificate of license to teach who possesses a valid certificate of license to teach from another state; possesses good moral character; and has five (5) years teaching experience in the same school district in the curriculum area and approximate grade levels in another state may be granted a Missouri certificate of license to teach upon completion of the following:

*(A) Five (5) years teaching in Missouri public schools; and
(B) Submission of two (2) full sets of fingerprints on cards provided by the board.*

1. The applicant is responsible for the payment of any fees required by the Missouri Highway Patrol and/or FBI.

2. For the purposes of this rule, the fingerprint cards shall be completed by any law enforcement agency and sent directly to DESE.]

*[[7]](6) In addition to the above criteria, an applicant for a Missouri certificate of license to teach who has successfully obtained certification by the National Board for Professional Teaching Standards (NBPTS) and possesses good moral character may be granted a Missouri certificate of license to teach in their area of NBPTS certification most closely aligned with the current areas of certification approved by the board. The certificate of license to teach will be an **initial** professional classification *[[I (PC II)]]* or a **career** continuous professional classification (CCPC), if the applicant possesses *[a master's degree]* **four (4) years teaching experience.***

[[8]](7) An applicant for an initial Missouri certificate of license to teach who has earned a [Doctor of Philosophy] doctoral degree [[Ph.D.]] from an institution of higher education accredited by a regional accreditation agency including but not limited to North Central Association of Colleges and Schools must comply with the following additional criteria:

(A) The applicant must have completed and provide documentation of a valid [Ph.D.] doctoral degree being conferred; [in their major area of post-graduate study; and]

(B) The applicant must achieve a score equal to or in excess of the qualifying score on the Praxis II assessment, Principals of Learning and Teaching for the specific grade levels as defined in the rules promulgated by the board. The official score report shall be submitted to DESE; and

*[[B]](C) The applicant may only be granted an **initial** professional classification *[[I (PC I)] (IPC) level [and/or a PC II level]* certificate of license to teach **in their major area of study** pursuant to the rules promulgated by the board. A CCPC level certificate of license to teach will not be issued.*

[[9]](8) Additional certificates of license to teach may be granted as follows:

(A) The applicant may take the appropriate content knowledge or specialty area exit assessment(s) for certification and must achieve a score equal to or in excess of the qualifying score on the content knowledge or specialty area exit assessment(s) as defined in the rules promulgated by the board; or

(B) If the board has not designated a content knowledge or specialty area exit assessment(s) for a particular certification area or grade level or the applicant chooses not to take the appropriate content knowledge or specialty area exit assessment(s), the applicant must meet the certification standards for the area of certification as set forth in the compendium.

[[10]](9) Following review by DESE, the applicant shall be informed in writing of the decision regarding the application for a certificate of license to teach.

[[11]](10) The holder of a certificate of license to teach shall ensure that DESE has their current legal name and address.

(A) A holder of a certificate of license to teach whose name is changed by marriage or court order shall notify DESE within ninety (90) days of the name change and provide a copy of the appropriate documents verifying the name change.

(B) A holder of a certificate of license to teach whose address has changed shall inform DESE in writing of the change within ninety (90) days of the effective date of the change.

AUTHORITY: sections 168.011, [168.021,] 168.405 and 168.409, RSMo 2000 and 161.092, **168.021**, 168.071, 168.081 and 168.400, RSMo Supp. [2002] **2003**. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001, effective Oct. 30, 2001. Amended: Filed Aug. 13, 2002, effective March 30, 2003. Amended: Filed Sept. 12, 2003.

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 is estimated to cost private entities three hundred forty-five thousand six hundred ninety dollars (\$345,690) in Fiscal Year 2004 with that cost recurring annually over the life of the rule.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in the support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attention: Dr. Charles Brown, Assistant Commissioner, Division of Teacher Quality and Urban 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
PRIVATE COST**

I. RULE NUMBER

Title: 5 - Department of Elementary and Secondary Education
 Division: 80 - Urban and Teacher Education
 Chapter: 800 – Educator Certification
 Type of Rulemaking: Proposed Amendment
 Rule Number and Name: 5 CSR 80-800.200 Application for Certificate of License to Teach

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification of 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:
10,986 individuals	Out-of-state teachers/administrators and others applying for a Missouri certificate of license to teach and individuals upgrading to a new career continuous professional classification certificate of license to teach	\$345,690 in FY04 with the cost recurring annually over the life of the rule.

III. WORKSHEET

3,882	out-of-state educators x \$25 increase*	\$ 97,050
7,104	upgrade to career continuous professional certificate - \$35 new fee**	\$248,640
		\$345,690

*this is an increase of current fees

** this is a new fee

IV. ASSUMPTIONS

There currently is a \$25 fee for out-of-state applicants. Missouri is proposing a \$50 fee that is comparable to surrounding states. The new fee for upgrading is comparable to surrounding states.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 80—Teacher Quality and Urban Education
Chapter 800—Educator Certification**

PROPOSED AMENDMENT

5 CSR 80-800.220 Application for Certificate of License to Teach for Administrators. The State Board of Education is amending sections (2), (3), subsection (12)(C) and the *Compendium of Missouri Certification Requirements* which is incorporated by reference.

PURPOSE: This amendment incorporates recent legislative changes and updates the certification requirements in the Compendium of Missouri Certification Requirements.

(2) Applications for an administrator Missouri certificate of license to teach shall be submitted on the forms provided by the board, **accompanied by the appropriate fee** and may be obtained by writing the Educator Certification Section of the Department of Elementary and Secondary Education (DESE) at PO Box 480, Jefferson City, MO 65102 or by downloading from the Internet.

(3) An application is not considered officially filed with the board until it has been determined by the board or DESE staff to be complete and the application is submitted on the forms provided by the board, signed and accompanied by two (2) full sets of fingerprints with the appropriate fee as set by the Missouri State Highway Patrol and/or the Federal Bureau of Investigation (FBI) and any other applicable forms **and/or fees**. All information should be received by the board within ninety (90) days of the date of the application.

(12) The applicant for an administrator certificate of license to teach as a vocational director must comply with the following additional criteria:

(C) The applicant must possess two (2) years of full-time teaching experience at the level grade seven (7)—adult level, as approved by DESE or two (2) years of full-time experience at grade seven (7) *[through]*—adult level other than teaching.

AUTHORITY: sections 161.092, 168.071, 168.081 and 168.400, RSMo Supp. [2002] 2003 and 168.011, 168.021, 168.405 and 168.409, RSMo 2000. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001, effective Oct. 30, 2001. Amended: Filed Aug. 13, 2002, effective March 30, 2003. Amended: Filed Sept. 12, 2003.

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 is estimated to cost private entities five thousand three hundred seventy-five dollars (\$5,375) in the Fiscal Year 2004 with that cost recurring annually over the life of the rule.

NOTICE TO SUBMIT COMMENTS: Any one may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attention: Dr. Charles Brown, Assistant Commissioner, Division of Teacher Quality and Urban 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
 PRIVATE COST**

I. RULE NUMBER

Title: 5 - Department of Elementary and Secondary Education
 Division: 80 - Urban and Teacher Education
 Chapter: 800 – Educator Certification
 Type of Rulemaking: Proposed Amendment
 Rule Number and Name: 5 CSR 80-800.220 Application for Certificate of License to Teach for Administrators.

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification of 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:
215 individuals	Out-of-state individuals applying for a Missouri administrators certificate of license to teach	\$5,375 in FY04 with that cost recurring annually over the life of the rule

III. WORKSHEET

215	Out-of-state administrators x \$25 fee increase	\$5,375
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IV. ASSUMPTIONS

There currently is a \$25 fee for out-of-state applicants. Missouri is proposing a \$50 fee that is comparable to surrounding states.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 80—Teacher Quality and Urban Education
Chapter 800—Educator Certification
PROPOSED AMENDMENT**

5 CSR 80-800.230 Application for a Student Services Certificate of License to Teach. The State Board of Education is proposing to amend the Purpose, sections (2), (3), (11), (24), subsections (1)(B), (1)(C), (5)(B), (7)(B), (18)(B), (18)(D), the *Compendium of Missouri Certification Requirements* which is incorporated by reference, add subsection (1)(D), new sections (13), and (26), delete section (15) and renumber sections as needed.

PURPOSE: This amendment incorporates recent legislative changes, updates the certification requirements in the *Compendium of Missouri Certification Requirements* and adds the requirements for a new certificate of license to teach as a speech-language pathologist.

PURPOSE: The State Board of Education is authorized to grant certificates of license to teach in any of the public schools of the state and establish requirements and qualifications for those certificates. This rule outlines the procedures for application for a student services certificate of license to teach for counselors, advanced counselors, school psychological examiners, school psychologists, vocational adult education supervisors, post-secondary vocational counselors, vocational placement coordinators, [and] vocational evaluators[,] and speech-language pathologists.

(1) An applicant for a student services certificate of license to teach may be granted in the following areas subject to the specific certification requirements found in the *Compendium of Missouri Certification Requirements* (compendium) which is incorporated by reference and made a part of this rule and criteria established in the rules promulgated by the State Board of Education (*the* board), to an individual who possesses good moral character:

(B) School Psychological Services Personnel:

1. School psychological examiner, grades K-12; and/or
2. School psychologist, grades K-12; [and/or]

(C) Vocational Services Personnel:

1. Vocational adult education supervisor;
2. Post-secondary vocational counselor (excluding K-12);
3. Vocational [P]placement coordinator; and/or
4. Vocational evaluator[.]; and/or

(D) Speech-Language Services Personnel:

1. Speech-language pathologist, birth-grade 12.

(2) Applications for a student services Missouri certificate of license to teach shall be submitted on the forms provided by the board, accompanied by the appropriate fee, and may be obtained by writing the Educator Certification Section of the Department of Elementary and Secondary Education (DESE) at PO Box 480, Jefferson City, MO 65102 or by downloading from the Internet.

(3) An application is not considered officially filed with the board until it has been determined by the board or DESE staff to be complete and the application is submitted on the forms provided by the board, signed and accompanied by two (2) full sets of fingerprints with the appropriate fee as set by the Missouri State Highway Patrol and/or the Federal Bureau of Investigation (FBI) and any other applicable forms and/or fees. All information should be received by the board within ninety (90) days of the date of the application.

(5) The applicant for a student services certificate of license to teach as a school counselor or advanced school counselor must comply with the following additional criteria:

(B) The applicant must possess either:

1. A master's or higher degree in school counseling from a state-approved school counselor preparation program; or

2. A master's or higher degree in counseling or counseling psychology, with additional graduate [coursework] course work specific to school counseling, as designated by the state-approved recommending certification official, including a supervised internship or field experience of at least **three hundred** (300) hours in an appropriate school setting; and

(7) The applicant for a student services certificate of license to teach as a school psychological examiner must comply with the following additional criteria:

(B) The applicant must possess either:

1. A master's or higher degree from a state-approved school counselor preparation program; or

2. A master's or higher degree in counseling and counseling psychology, or an approved related field; and complete a designated graduate curriculum in the practice of the school psychological examiner, as specified by the recommending certification program, including a supervised internship or field experience in school psychological assessment of at least **one hundred and fifty** (150) hours in an appropriate school setting.

(11) The applicant for a student services certificate of license to teach as a vocational placement coordinator must comply with the following additional criteria:

(A) The applicant must possess a valid, unencumbered, undisciplined professional license or certificate from Missouri as a counselor; [or]

(B) The applicant must possess a Missouri certificate of license to teach as a counselor; or

(C) The applicant must possess a Missouri vocational-technical certificate of license to teach [as a vocational teacher].

(13) The applicant for a student services certificate of license to teach as a speech-language pathologist must meet all the additional requirements in one (1) of the following areas:

(A) State Board of Registration for the Healing Arts:

1. The applicant must possess a master's or higher degree from a state-approved program for speech-language pathologists;

2. The applicant must possess a valid, unencumbered, undisciplined Missouri license as a speech-language pathologist from the State Board of Registration for the Healing Arts; and

3. The applicant must achieve a score equal to or in excess of the qualifying score on the exit assessment(s), not to include the principals of learning and teaching, as defined in the rules promulgated by the board. An official score report shall be submitted to DESE; or

(B) Teacher Preparation Program:

1. The applicant must possess a master's or higher degree from a state-approved program for speech-language pathologists;

2. The applicant must obtain the recommendation of the designated certification official for a state-approved program for the preparation of a speech-language pathologist; and

3. The applicant must achieve a score equal to or in excess of the qualifying score on the exit assessment(s), not to include the principals of learning and teaching, as defined in the rules promulgated by the board. An official score report shall be submitted to DESE.

[[13]] (14) Additional certificates of license to teach may be granted pursuant to rules promulgated by the board.

[[14]] (15) An applicant for a Missouri student services certificate of license to teach who possesses a valid certificate of license to teach from another state closely aligned to a current certification area approved by the board; possesses good moral character [but does not possess five (5) years teaching experience in the same school district in the curriculum area and approximate grade

levels in another state] may be granted a Missouri certificate of license to teach.

(A) The applicant must achieve a score equal to or in excess of the qualifying score on the exit assessment(s), not to include the principles of learning and teaching, as defined in the rules promulgated by the board. The official score report shall be submitted to DESE.

(B) The applicant shall request that each state or United States territory regulatory entity in which a professional license including a certificate of license to teach is held or has ever been held to submit verification of certification or licensure directly to DESE, including information regarding any disciplinary action.

(C) The applicant shall submit two (2) full sets of fingerprints on cards provided by the board.

1. The applicant is responsible for the payment of any fees required by the Missouri Highway Patrol and/or FBI.

2. For the purpose of this rule, the fingerprint cards shall be completed by any law enforcement agency and sent directly to DESE.

[(15)] An Applicant for a Missouri student services certificate of license to teach who possess a valid certificate of license to teach from another state, possesses good moral character and has five (5) years teaching experience in the same school district in the curriculum area and approximate grade levels in another state may be granted a Missouri student services certificate of license to teach upon completion of the following:

(A) Five (5) years teaching experience in Missouri public schools; and

(B) Submission of two (2) full sets of fingerprints on cards provided by the board.

1. The applicant is responsible for the payment of any fees required by the Missouri Highway Patrol and/or FBI.

2. For the purposes of this rule, the fingerprint cards shall be completed by any law enforcement agency and sent directly to DESE.]

(18) A student services certificate of license to teach may be issued for an advanced school counselor for a period of ten (10) years and may be renewed an unlimited number of times. The requirements for renewal are as follows:

(B) Verification of two (2) years experience as a school counselor in a school setting;

(D) Submission of an official transcript showing six (6) semester hours appropriate to counselors from a state-approved college or university; *[appropriate to school counselors]* or documentation verifying ninety (90) clock hours of professional workshops/in-services appropriate for school counselors.

(24) A nonrenewable student services certificate of license to teach may be issued for a **vocational** placement coordinator for a period of five (5) years. A ten (10)-year student services certificate of license to teach as a **vocational** placement coordinator may be issued and renewed an unlimited number of times by the individual meeting the criteria for the five (5)-year certificate and the following additional criteria:

(B) Possession of two (2) years out of the previous five (5) years experience as a **vocational** placement coordinator;

(26) A student services certificate of license to teach may be issued for a speech-language pathologist for a period of five (5) years and may be renewed an unlimited number of times by the individual meeting all the following criteria in one (1) of the following areas:

(A) State Board of Registration for the Healing Arts:

1. Written request for renewal; and

2. Verification of a valid, unencumbered and undisciplined Missouri license as a speech-language pathologist from the Missouri Board of Registration for the Healing Arts; or

(B) Teacher Preparation Program:

1. Written request for renewal;

2. Verification by the employing school district that the certificate holder has completed fifteen (15) contact hours of professional development per year:

A. Individuals who do not complete fifteen (15) contact hours of professional development each year, may within two (2) years make up the missing hours. The individual must first meet the fifteen (15) hour requirement for the current year and then count the excess hours as make up hours;

B. A student services certificate of license to teach becomes inactive if the individual does not make up the requisite hours within two (2) years; and/or

C. A student services certificate of license to teach may be reactivated by the individual completing twenty-four (24) contact hours of professional development within six (6) months prior to or after the reactivation of the certificate. Failure of the individual to complete the twenty-four (24) contact hours within six (6) months will result in the certificate becoming inactive;

3. The student services certificate of license to teach holder is exempt from the fifteen (15) contact hours of professional development, if the holder has a local professional development plan in place with the school district and at least two (2) of the following:

A. Ten (10) years of state-approved teaching experience;

B. A master's degree from an accredited college or university; and/or

C. Certification from the National Board for Professional Teaching Standards; and

4. For the purposes of this rule, one (1) contact hour of professional development is defined as:

A. Sixty (60) minutes of professional development; or

B. One (1) hour college credit equals at least fifteen (15) contact hours of professional development.

[(26)](27) The holder of a student services certificate of license to teach shall ensure that DESE has their current legal name and address.

(A) A holder of a student services certificate of license to teach whose name is changed by marriage or court order shall notify DESE within ninety (90) days of the name change and provide a copy of the appropriate documents verifying the name change.

(B) A holder of a student services certificate of license to teach whose address has changed shall inform DESE in writing of the change within ninety (90) days of the effective date of the change.

AUTHORITY: sections [161.092, 168.071, 168.081 and 168.400,] 168.011, RSMo [Supp. 2002] 2000 and [168.011 and] 161.092, 168.021, 168.071, 168.081 and 168.400, RSMo [2000] Supp. 2003. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001, effective Oct. 30, 2001. Amended: Filed Aug. 13, 2002, effective March 30, 2003. Amended: Filed Sept. 12, 2003.

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 is estimated to cost private entities one thousand six hundred twenty-five dollars (\$1,625) in Fiscal Year 2004 with that cost recurring over the life of the rule.

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, Attention: Dr. Charles Brown, Assistant Commissioner, Division of Teacher Quality and Urban 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
PRIVATE COST**

I. RULE NUMBER

Title: 5 - Department of Elementary and Secondary Education

Division: 80 - Urban and Teacher Education

Chapter: 800 – Educator Certification

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 5 CSR 80-800.230 Application for a Student Services Certificate of License to Teach

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification of 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:
65 individuals	Out-of-state individuals seeking a Missouri student services certificate of license to teach	\$1,625 in FY04 with that cost recurring annually over the life of the rule.

III. WORKSHEET

4,300 total out-of-state teachers, with approximately 1-2% in student services = 65 people x \$25 fee increase = \$1,625 in Fiscal Year 2004 with that cost recurring annually over the life of the rule.

IV. ASSUMPTIONS

There currently is a \$25 fee for out-of-state applicants. Missouri is proposing a \$50 fee that is comparable to surrounding states.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 80—Teacher Quality and Urban Education
Chapter 800—Educator Certification**

PROPOSED AMENDMENT

5 CSR 80-800.260 Temporary Authorization Certificate of License to Teach. The State Board of Education is amending sections (1), (3), (6), (7), (8), (9), (12) and the *Compendium of Missouri Certification Requirements* which is incorporated by reference and adding new sections (6) and (12) and renumbering sections as needed.

PURPOSE: This amendment updates certification requirements in the *Compendium of Missouri Certification Requirements* and changes the requirements for renewal of the certificate of license to teach.

(1) An applicant for a Missouri temporary authorization certificate of license to teach (temporary authorization certificate) who possesses good moral character may be granted a temporary authorization certificate upon joint application with a Missouri public school district or accredited nonpublic school. The temporary authorization certificate is limited to the employing Missouri public school district or accredited nonpublic school. *[An applicant for a temporary authorization certificate may apply for only one (1) area of certification at a time.]*

(3) An application is not considered officially filed with the board until it has been determined by the board or DESE staff to be complete and the application is submitted on the forms provided by the board, signed and accompanied by two (2) full sets of fingerprints with the appropriate fee as set by the Missouri State Highway Patrol and/or the Federal Bureau of Investigation (FBI), and any other applicable forms. All information should be received by the board within ninety (90) days of the date of the application.

(B) For the purposes of this rule, the fingerprint cards shall be completed by any law enforcement agency and sent directly to *[the]* DESE.

(6) The temporary authorization certificate will not include the areas of elementary education, grades one through six (1-6); early childhood, grades birth through three (B-3); early childhood special education, grades birth through three (B-3); blind and partially sighted, grades kindergarten through twelve (K-12); and/or deaf and hearing impaired, grades kindergarten through twelve (K-12). Applicants for the areas of driver's education, English for speakers of other languages, gifted, and special reading must hold a certificate of license to teach or must seek a certificate of license to teach in a stand-alone area.

[(6)](7) The applicant for a temporary authorization certificate (excluding a temporary authorization administrator's certificate) must comply with the following criteria:

(A) Possession of a baccalaureate or higher degree from an accredited college or university in the subject area to be taught or a closely related field or demonstration of exceptional experience in the subject area to be taught¹;

1. Applicants for a special education temporary authorization certificate must possess a baccalaureate or higher degree from an accredited college or university;

(B) Possession of a grade point average of 2.5 or higher on a 4.0 scale¹, both overall and in the major area of study¹; and

(C) Submission of a joint application verifying contracted employment with a Missouri public school district or accredited nonpublic school¹;

[(D)] If this is the applicant's initial certificate of license to teach, documentation of a plan of an academic program of study from a state-approved teacher preparation program must be submitted. If the applicant holds an initial Missouri professional or life certificate of license to teach and is seeking an additional certificate of license to teach, a transcript analysis from DESE based on the requirements set forth in the *Compendium of Missouri Certification Requirements (compendium)* which is incorporated by reference and made a part of this rule must be submitted; and

(E) The temporary authorization certificate will not include the areas of elementary education, grades one through six (1-6); early childhood, grades birth through three (B-3); early childhood special education, grades birth through three (B-3). Applicants for the areas of driver's education, English for speakers of other languages, gifted, and special reading must hold a certificate of license to teach or must also submit an academic program of study for a certificate of license to teach in a stand-alone area, as these areas cannot stand alone.]

[(7)](8) The applicant for a temporary authorization administrator's certificate for an administrator must comply with the following criteria:

(A) Possession of a valid Missouri certificate of license to teach;

(B) Completion of five (5) years teaching experience at the appropriate grade levels for which the temporary authorization administrator's certificate is sought in a public school or an accredited nonpublic school, or a combination of such schools;

(C) Possession of a master's or higher degree or currently enrolled in a state-approved master's or higher degree program for the preparation of *[an]* a school administrator; and

(D) Submission of a joint application verifying contracted employment with a Missouri public school district or accredited nonpublic school.

[(8)](9) The temporary authorization certificate (excluding a temporary authorization administrator's certificate) is valid for up to one (1) school year. It may be renewed annually by joint application from the certificate holder and the employing Missouri public school district or accredited nonpublic school upon demonstration of the following:

(A) Continued contracted employment with a Missouri public school district or accredited nonpublic school;

(B) Documentation of successful Performance Based Teacher Evaluation by the sponsoring Missouri public school district or accredited nonpublic school;

(C) Documentation of participation in a mentoring program by the sponsoring Missouri public school district or accredited nonpublic school; *[and]*

(D) Taking both the Praxis II assessments, one (1) content knowledge or specialty area assessment and two (2) principles of learning and teaching for the specific grade levels as promulgated by the rules adopted by the board if this is the certificate holder's first renewal. An individual who currently possesses a professional certificate of license to teach will be exempted from taking the principles of learning and teaching;

1. Failure to achieve the Missouri qualifying score on either of these assessments shall be used by the certificate holder and a teacher preparation program to identify priority classes for further study; and

[(D)](E) *[One of the following:*

1.]Completion of nine (9) semester hours of course work toward the professional certificate of license to teach in the area of assignment¹. The appropriate hours will be determined by the state-approved teacher education institution if this is the applicant's initial certificate of license to teach or by DESE if it is an additional certificate of license to teach; or] based

upon the requirements set forth in the *Compendium of Missouri Certification Requirements* (compendium) which is incorporated by reference and made a part of this rule.

[2. Completion of six (6) semester hours of course work toward the professional certificate of license to teach in the area of assignment and successful completion of the Missouri New Teacher Institute. The appropriate hours will be determined by the state-approved teacher education institution if this is the applicant's initial certificate of license to teach or by DESE if it is an additional certificate of license to teach.]

[(9)](10) The temporary authorization administrator's certificate is valid for up to one (1) school year and may only be renewed annually for four (4) subsequent years. It may be renewed **annually** by joint application from the certificate holder and the employing Missouri public school district upon demonstration of the following:

(A) Continued contracted employment as an administrator with a Missouri public school district or accredited nonpublic school;

(B) Documentation of participation in a mentoring program by the sponsoring Missouri public school district or accredited nonpublic school; and

(C) Completion of nine (9) semester hours of course work toward the administrator's certificate of license to teach. The appropriate hours will be determined by the state-approved program for the preparation of an administrator's certificate of license to teach.

[(10)](11) The applicant shall be informed in writing of the decision regarding the application for a temporary authorization certificate.

(12) An individual may qualify for a professional classification certificate of license to teach (excluding an administrator's certificate) upon documentation of the following:

(A) The certificate holder has been teaching under a temporary authorization certificate of license to teach for a minimum of three (3) years;

(B) Achievement of the Missouri qualifying score on both the Praxis II assessments, one (1) content knowledge or specialty area assessment and two (2) principles of learning and teaching for the specific grade levels as promulgated by the rules adopted by the board;

(C) Documentation of successful Performance Based Teacher Evaluation by the sponsoring Missouri public school district or accredited nonpublic school;

(D) Documentation of participation in a mentoring program by the sponsoring Missouri public school district or accredited nonpublic school; and

(E) Documentation of key course work in education as listed below:

1. Course work in education not to exceed twenty-four (24) credit hours for any temporary authorization certificate (excluding an administrator's and/or special education temporary certificate) to include competencies in:

- A. Psychology of the Exceptional Child;
- B. Behavioral Management Techniques;
- C. Measurement and Evaluation;
- D. Teaching Methods/Instructional Strategies;
- E. Methods of Teaching Reading at the appropriate level;
- F. Developmental Psychology at the appropriate level;

and

G. Beginning Teacher Assistance; or

2. Course work in education not to exceed twenty-nine (29) credit hours for a special education temporary authorization certificate to include competencies in:

- A. Psychology of the Exceptional Child;
- B. Behavioral Management Techniques;
- C. Evaluation of Abilities and Achievement (to include Intelligence Testing);

D. Introduction to Cross-Categorical Disabilities;
E. Methods of Teaching Students with Cross-Categorical Disabilities;

F. Methods of Teaching Reading:

(I) Reading Methods; and

(II) Analysis and Correction of Reading Disabilities;

G. Methods of Teaching Mathematics:

(I) Mathematics Methods; and

(II) Methods of Teaching Remedial Mathematics; and
H. Counseling Techniques.

[(11)](13) The holder of a temporary authorization certificate shall ensure that DESE has their current legal name and address.

(A) A holder of a temporary authorization certificate whose name is changed by marriage or court order shall notify DESE within ninety (90) days of the name change and provide a copy of the appropriate documents verifying the name change.

(B) A holder of a temporary authorization certificate whose address has changed shall inform DESE in writing of the change within ninety (90) days of the effective date of the change.

[(12)](14) All Missouri public school districts are required to disclose the certification status of teachers holding a temporary authorization certificate [of license to teach] by public notice in a form established by the board and consistent with applicable state laws and regulations.

AUTHORITY: sections 161.092, 168.021, 168.071, 168.081 and 168.083, RSMo Supp. [2002] 2003 and 168.011, RSMo 2000. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001, effective Oct. 30, 2001. Amended: Filed Aug. 13, 2002, effective March 30, 2003. Amended: Filed Sept. 12, 2003.

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 is estimated to cost private entities one hundred forty-eight thousand nine hundred twenty-five dollars (\$148,925) in Fiscal Year 2004 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 amendment with the Missouri Department of Elementary and Secondary Education, Attention: Dr. Charles Brown, Assistant Commissioner, Division of Teacher Quality and Urban 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
PRIVATE COST**

I. RULE NUMBER

Title: 5 - Department of Elementary and Secondary Education

Division: 80 - Teacher Quality and Urban Education

Chapter: 800 - Educator Certification

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 5 CSR 80-800.260 Temporary Authorization Certificate of License to Teach

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 type 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:
805 per year	Applicants for a Temporary Authorization Certificate of License to Teach who wish to advance to Professional Classification	\$148,925 in the Fiscal Year 2004 recurring annually over the life of the rule

III. WORKSHEET

A. Individuals holding a Temporary Authorization Certificate of License to Teach wishing to receive a Professional Classification must take two (2) Praxis tests at a total of \$185 (\$35 registration fee + Praxis test \$70 + \$80)

B. 805 applicants for Professional Classification x \$185 testing fees = \$148,925.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 80—Teacher Quality and Urban Education
Chapter 800—Educator Certification
PROPOSED AMENDMENT**

5 CSR 80-800.270 Application for a Vocational-Technical Certificate of License to Teach. The State Board of Education is amending sections (2), (3) and the *Compendium of Missouri Certification Requirements* which is incorporated by reference.

PURPOSE: This amendment incorporates the recent legislative changes and updates the certification requirements in the Compendium of Missouri Certification Requirements.

(2) Applications for a Missouri certificate of license to teach shall be submitted on the forms provided by the State Board of Education (*the* board), **accompanied by the appropriate fee** and may be obtained by writing *[and should be submitted to the coordinator for Vocational Technical Education, or for Junior Reserve Officer Training Corps (ROTC) certificates to]* the Educator Certification Section, *Missouri* of the Department of Elementary and Secondary Education (DESE) at PO Box 480, Jefferson City, MO 65102 or downloading from the Internet.

(3) An application is not considered officially filed with the board until it has been determined by the board or DESE staff to be complete and the application is submitted on the forms provided by the board, signed and accompanied by two (2) full sets of fingerprints with the appropriate fee as set by the Missouri State Highway Patrol and/or the Federal Bureau of Investigation (FBI) and any other applicable forms **and/or fees**. All information should be received by the board within ninety (90) days of the date of the application.

AUTHORITY: sections 168.011 [and 168.021], RSMo 2000[,] and 161.092, 168.021, 168.071 and 168.081 [and 161.092], RSMo Supp. [2002] 2003. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001, effective Oct. 30, 2001. Amended: Filed Aug. 13, 2002, effective March 30, 2003. Amended: Filed Sept. 12, 2003.

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

PRIVATE COST: This proposed amendment is estimated to cost private entities one thousand six hundred twenty-five dollars (\$1,625) in Fiscal Year 2004 with that cost recurring annually over the life of the rule.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in the support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attention: Dr. Charles Brown, Assistant Commissioner, Division of Teacher Quality and Urban 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
PRIVATE COST**

I. RULE NUMBER

Title: 5 - Department of Elementary and Secondary Education
Division: 80 - Urban and Teacher Education
Chapter: 800 – Educator Certification
Type of Rulemaking: Proposed Amendment
Rule Number and Name: 5 CSR 80-800.270 Application for a Vocational-Technical Certificate of License to Teach

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification of 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:
65 individuals	Out-of-state individuals applying for a Missouri vocational-technical certificate of license to teach	\$1,625 in FY04 with that cost recurring annually over the life of the rule.

III. WORKSHEET

4,300 total out-of-state teachers with approximately 1.5% in vocational-technical fields = 65 people at \$25 fee increase = \$1,625 in Fiscal Year 2004 with that cost recurring annually over the life of the rule..

IV. ASSUMPTIONS

There currently is a \$25 fee for out-of-state applicants. Missouri is proposing a \$50 fee that is comparable to surrounding states.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 80—Teacher Quality and Urban Education
Chapter 800—Educator Certification
PROPOSED AMENDMENT**

5 CSR 80-800.280 Application for an Adult Education and Literacy Certificate of License to Teach. The State Board of Education is amending sections (2), (3), (4), (11), and the *Compendium of Missouri Certification Requirements* which is incorporated by reference.

PURPOSE: This amendment incorporates the recent legislative changes and updates the certification requirements in the Compendium of Missouri Certification Requirements.

(2) Applications for a Missouri certificate of license to teach shall be submitted on the forms provided by the State Board of Education (*the* board), **accompanied by the appropriate fee** and may be obtained by writing [*and should be submitted to*] the [*Director for Adult Education, Missouri*] **Educator Certification Section of the Department of Elementary and Secondary Education (DESE)** at PO Box 480, Jefferson City, MO 65102 **or by downloading from the Internet.**

(3) An application is not considered officially filed with the board until it has been determined by the board or DESE staff to be complete and the application is submitted on the forms provided by the board, signed and accompanied by two (2) full sets of fingerprints with the appropriate fee as set by the Missouri State Highway Patrol and/or the Federal Bureau of Investigation (FBI) and any other applicable forms **and/or fees**. All information should be received by the board within ninety (90) days of the date of the application.

(4) The applicant shall request that each state or United States territory regulatory entity in which a professional license including a certificate of license to teach is held or has ever been held to submit verification of certification or licensure directly to [*the adult education section of*] DESE, including information regarding any disciplinary action.

(11) The holder of an AEL certificate of license to teach shall ensure that DESE has their current legal name and address.

(A) A holder of an AEL certificate of license to teach whose name is changed by marriage or court order shall notify [*the adult education section of*] DESE within ninety (90) days of the name change and provide a copy of the appropriate documents verifying the name change.

(B) A holder of an AEL certificate of license to teach whose address has changed shall inform [*the adult education section of*] DESE in writing of the change within ninety (90) days of the effective date of the change.

AUTHORITY: sections [161.092, 168.071 and 168.081] 168.011, RSMo [Supp. 2002,] 2000 [168.011] and 161.092, 168.021, 168.071 and 168.081, RSMo Supp. [2000] 2003. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001, effective Oct. 30, 2001. Amended: Filed Aug. 13, 2002, effective March 30, 2003. Amended: Filed Sept. 12, 2003.

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 is estimated to cost private entities one thousand seventy-five dollars (\$1,075) in Fiscal Year 2004 with that cost recurring annually over the life of the rule.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in the support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attention: Dr. Charles Brown, Assistant Commissioner, Division of Teacher Quality and Urban 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
PRIVATE COST**

I. RULE NUMBER

Title: 5 - Department of Elementary and Secondary Education
Division: 80 - Urban and Teacher Education
Chapter: 800 – Educator Certification
Type of Rulemaking: Proposed Amendment
Rule Number and Name: 5 CSR 80-800.280 Application for an Adult Education and Literacy Certificate of License to Teach

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification of 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:
43	Out-of-state individuals applying for a Missouri adult education and literacy certificate of license to teach	\$1,075 in FY04 with that cost recurring annually over the life of the rule.

III. WORKSHEET

Approximately 1 percent of 4,300 out-of-state educators are in the adult education and literacy field = 43 people at \$25 fee increase = \$1,075 in Fiscal Year 2004 with that cost recurring annually over the life of the rule.

IV. ASSUMPTIONS

There currently is a \$25 fee for out-of-state applicants. Missouri is proposing a \$50 fee that is comparable to surrounding states.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 80—Teacher Quality and Urban Education
Chapter 800—Educator Certification**

PROPOSED AMENDMENT

5 CSR 80-800.290 Application for Substitute Certificate of License to Teach. The State Board of Education is amending sections (1) and (2), deleting sections (3) and (4), renumbering section (5) and renumbering and amending section (6).

PURPOSE: This amendment incorporates changes due to recent legislative changes and reorganization within the agency.

(1) An applicant for a substitute Missouri certificate of license to teach who has successfully completed sixty (60) semester hours or more of credit from an academic degree granting institution which is contained within the United States Department of Education's *Directory of Post-Secondary Institutions*, or approved by the Commissioner of Education and possesses good moral character may be granted a substitute Missouri certificate of license to teach for the period August 1 to July 31. Applicants may reapply through the school district for another substitute certificate of license to teach pursuant to the rules [and regulations] promulgated by the [state] **State Board of Education** (board).

(2) Applications for a substitute Missouri certificate of license to teach shall be submitted by the school district either through the Internet or on the forms provided by the [State Board of Education which] board and may be obtained by writing the [Teacher] Educator Certification Section of the Department of Elementary and Secondary Education (DESE) at P./O./] Box 480, Jefferson City, MO 65102[-0480] or by downloading from the Internet.

[(3)] An applicant for a substitute Missouri certificate of license to teach must also complete and submit the background check form containing—

(A) Applicant's residential address;

(B) Applicant's date of birth and Social Security number;

(C) Details regarding teaching certificates or similar titles and/or other professional licenses or similar titles, including but not limited to disciplinary actions, denials, restrictions, revocations, voluntary surrenders, suspensions, reprimands, and/or investigations;

(D) Details regarding being found guilty, plea of guilty, receipt of a suspended imposition of sentence or entering a plea of nolo contendere for any violation of any law of a state or the United States other than a minor traffic violation; and

(E) Details regarding any pending complaints and/or investigations before any regulatory board or agency.]

[(4)] The background check form is provided by the State Board of Education and may be obtained by writing the Professional Conduct and Investigations Section of the Department of Elementary and Secondary Education at P.O. Box 480, Jefferson City, MO 65102-0480 or by calling (573) 522-1999.]

[(5)](3) An applicant for a substitute Missouri certificate of license to teach shall submit to a Missouri State Highway Patrol records check and any other background check required by the local school district.

[(6)](4) An application is not considered officially filed with the [State Board of Education] board until it has been determined by the [State Board of Education] board or [department] DESE

staff to be complete and the application is submitted on the forms provided by the [State Board of Education] board signed, and accompanied by any other applicable forms and/or fees. All information should be received by the board within ninety (90) days of the date of the application.

AUTHORITY: sections [161.092,] 168.011 [and 168.081], RSMo [1994,] 2000 and 161.092, 168.021 [and], 168.071 and 168.081, RSMo Supp. [1998] 2003. Emergency rule filed July 30, 1999, effective Aug. 9, 1999, expired Jan. 26, 2000. Original rule filed July 30, 1999, effective Feb. 29, 2000. Amended: Filed Sept. 12, 2003.

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 the support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attention: Dr. Charles Brown, Assistant Commissioner, Division of Teacher Quality and Urban 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 800—Educator Certification**

PROPOSED AMENDMENT

5 CSR 80-800.300 Discipline and Denial of Certificates of License to Teach. The State Board of Education is amending the Purpose, sections (1), (6) and adding a new section (10).

PURPOSE: This amendment incorporates recent legislative changes.

PURPOSE: The State Board of Education is authorized to grant certificates of license to teach in any of the public schools of the state, establish requirements and qualifications for those certificates and cause those certificates to be revoked, suspended, invalidated or deleted in a manner provided in [section 168.071, RSMo] state law. This rule establishes procedures for action by the State Board of Education.

(1) The State Board of Education (the board) may discipline, refuse to issue, or renew a certificate of license to teach for any one (1) or combination of the following:

(6) Upon documentation from a court of a plea of guilty or conviction of the following crime(s) whether or not sentence is imposed, an individual's certificate of license to teach shall be revoked, or in the case of an applicant, not issued:

(U) Enticement of a Child;

(V) Attempting to Entice a Child;

[(U)](W) Incest;

[(V)](X) Abandonment of Child 1st Degree;

[(W)](Y) Abandonment of Child 2nd Degree;

[(X)](Z) Endangering the Welfare of a Child 1st Degree;

[(Y)](AA) Abuse of Child;

[(Z)](BB) Child Used in a Sexual Performance;

[(AA)](CC) Promoting Sexual Performance by a Child;

[(BB)](DD) Trafficking in Children; and
[(CC)](EE) Offenses Involving Child Pornography and Related Offenses:

1. Promoting obscenity 1st degree;
2. Promoting obscenity 2nd degree if penalty is enhanced to Class D Felony;
3. Promoting child pornography 1st degree;
4. Promoting child pornography 2nd degree;
5. Possession of child pornography 1st degree;
6. Possession of child pornography 2nd degree;
7. Furnishing child pornography to a minor;
8. Furnishing pornographic materials to minors;
9. Coercing acceptance of obscene material.

(10) When a local board of education learns that a certificate holder has pled guilty or is found guilty of any felony or misdemeanor involving moral turpitude; whether or not sentence is imposed under the laws of this state, or any other state, of the United States or any other country, the local board of education shall immediately provide written notice to DESE and the Office of the Attorney General.

(A) Written notice shall contain the following information, if known:

1. Certificate holder's name;
2. Social Security number;
3. Date of birth;
4. Last known address; and/or
5. Information regarding the criminal record.

AUTHORITY: sections [161.092, 168.071 and 168.081,] 168.011, RSMo [Supp. 2002] 2000[,] and [168.011 and] 161.092, 168.021, 168.071 and 168.081, RSMo Supp. [2000] 2003. Emergency rule filed March 22, 1999, effective April 1, 1999, expired Sept. 27, 1999. Original rule filed March 22, 1999, effective Sept. 30, 1999. Amended: Filed Aug. 13, 2002, effective March 30, 2003. Amended: Filed Sept 12 , 2003.

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 Elementary and Secondary Education, Attention: Dr. Charles Brown, Assistant Commissioner, Division of Teacher Quality and Urban 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 800—Educator Certification**

PROPOSED AMENDMENT

5 CSR 80-800.350 Certificate of License to Teach Content Areas. The State Board of Education is amending subsections (2)(A), (2)(E), (2)(I), section (3), Appendix A and the *Compendium of Missouri Certification Requirements* which is incorporated by reference.

PURPOSE: This amendment updates the certification requirements in the Compendium of Missouri Certification Requirements, deletes

the zip code numbers in the Appendix and adds student services certificate of license to teach as a speech-language pathologist.

(2) Certificates of license to teach are issued and renewed by the State Board of Education (board) pursuant to the certification requirements found in the *Compendium of Missouri Certification Requirements* (compendium) which is incorporated by reference and made a part of this rule and the rules promulgated by the board in the specialized areas as follows:

- (A) Early childhood education, birth *[through]*-grade 3;
- (E) Special education in one (1) or more of the following areas:
 1. Blind and partially sighted, **birth**-grade/s K-12 ;
 2. Deaf and hearing impaired, **birth**-grade/s K-12;
 3. Early childhood special education, birth-grade 3;
 4. Mild/moderate behavioral disordered, grades K-12 **to be discontinued 8-15-2005;**
 5. Mild/moderate cross-categorical, grades K-12;
 6. Mild/moderate learning disabled, grades K-12 **to be discontinued 8-15-2005;**
 7. Mild/moderate mentally handicapped, grades K-12 **to be discontinued 8-15-2005;**
 8. Mild/moderate physical and/or other health impairments, grades K-12 **to be discontinued 8-15-2005; and/or**
 9. Severely developmentally disabled, **birth**-grade/s K-12; *[and/or]*
 10. *Speech and language specialist, grades K-12;]*

(I) Student services certificates of license to teach may be issued in one (1) or more of the following areas:

1. School counselor, grades K-8, 7-12, and/or K-12;
2. Advanced school counselor, grades K-12;
3. School psychological examiner, grades K-12;
4. School psychologist, grades K-12;
5. Vocational adult education supervisor;
6. Post-secondary vocational counselor;
7. **Vocational [P]placement coordinator; [and/or]**
8. Vocational evaluator; **and/or**
9. **Speech-language pathologist, birth-grade 12;**

(3) Certification requirements will be reviewed on a five (5) calendar-year cycle. The Missouri Advisory Council of Certification for Educators (MACCE) will submit recommendations to the *[State Board of Education] board* and commissioner of education for their consideration, beginning September 1, 2004, regarding the status of certification requirements.

Appendix A—Vocational-Technical Certificates

Agricultural Education

- [01.0000 Agricultural Education*
- 01.0101 Agricultural Business*
- 01.0201 Agricultural Mechanics*
- 01.0301 Agricultural Production*
- 01.0401 Agricultural Processing*
- 01.0501 Agricultural Services/Supplies*
- 01.0601 Horticulture*
- 03.0101 Agricultural Resources*
- 03.0401 Forestry]*

Agricultural Business

- Agricultural Education**
- Agricultural Mechanics**
- Agricultural Processing**
- Agricultural Production**
- Agricultural Resources**
- Agricultural Services/Supplies**
- Forestry**
- Horticulture**

Business Education

52.0302 Accounting
52.0407 Information Processing
52.0407 Network Administration
52.0408 General Office
52.1202 Computer Programming
80.000015 Business Education with Coop]

Accounting

Computer Programming/Network Administration

General Office and Information Processing

Vocational Business Education

Vocational Business Education with Coop

Family and Consumer Sciences Education

120.0201 Child Care and Guidance Workers and Managers
20.0301 Apparel and Textile Workers and Managers
20.0401 Institutional Food Workers and Administrators-Dietetic Technology
20.0501 Home Furnishings and Equipment Installers and Consultants
20.0601 Custodial, Housekeeping and Home Services Workers and Managers
20.9999 Vocational Family and Consumer Sciences]

Apparel and Textiles

Dietetic Services

Food Production, Management and Related Services

Housing and Home Environments

Human Development/Adult Development and Aging

Human Development/Child Care

Vocational Family and Consumer Sciences, Other

Health Sciences

12.0301* Funeral Service and Mortuary Science
51.0000* Health Occupations Coop
51.0205* Sign Language Interpreter
51.0601* Dental Assistant
51.0602* Dental Hygienist
51.0603 Dental Laboratory Technician
51.0699 Dental Services, Other
51.0703 Health Unit Coordinator/Ward Clerk
51.0707* Medical Record Technology/Technician (Health Information Technology)
51.0708* Medical Transcription
51.0801* Medical Assistant
51.0802* Medical Laboratory Assistant
51.0803* Occupational Therapy Assistant
51.0805* Pharmacy Technician/Assistant
51.0806* Physical Therapy Assistant
51.0808 Veterinarian Assistant/Animal Health Technician
51.0899 Health and Medical Assistants, Other
51.0904* Emergency Medical Technology/Technician
51.0907* Medical Radiologic Technology/Technician
51.0908* Respiratory Therapy Technician
51.0909* Surgical/Operating Room Technology
51.0910* Diagnostic Medical Sonography Technician
51.1004* Medical Laboratory Technician
51.1501* Alcohol/Drug Abuse Counseling
51.1502* Psychiatric/Mental Health Services Technician
51.1599 Medical Health Services, Other
51.1601* Registered Nursing (RN Training)
51.1613* Licensed Practical Nursing (LPN Training)
51.1614* Nursing Assistant/Aide

51.1615* Home Health Aide
51.1699* Nursing, Other
51.2601* Health Aide (Health Services Assistant)
51.9999 Health Professions and Related Sciences, Other]

Dental Assistant *

Dental Hygienist *

Dental Laboratory Technician

Diagnostic Medical Sonography Technician *

Emergency Medical Technology/Technician *

Funeral Service and Mortuary Science *

Health Aide (Health Services Assistant) *

Health Occupations Coop *

Health Professions and Related Sciences, Other

Health Unit Coordinator/Ward Clerk

Licensed Practical Nursing (LPN Training) *

Massage Therapy *

Medical Assistant *

Medical Health Services, Other

Medical Laboratory Assistant *

Medical Laboratory Technician *

Medical Radiologic Technology/Technician *

Medical Record Technology/Technician (Health Information Technology) *

Medical Transcription *

Nursing Assistant/Aide *

Nursing, Other *

Occupational Therapy Assistant *

Pharmacy Technician/Assistant *

Physical Therapy Assistant *

Registered Nursing (RN Training) *

Respiratory Therapy Technician *

Sign Language Interpreter *

Surgical/Operating Room Technology *

Marketing [&] and Cooperative Education

104.0000 Marketing Education Post-Secondary Marketing
03.0000 Cooperative Occupational Education
05.0000 Cooperative Industrial Education]

Cooperative Vocational Education

Marketing Education

Trade and Industrial Education

110.0101 Educational/Instructional Media Technology/Technician
10.0104 Radio and Television Broadcasting Technology/Technician
12.0403* Cosmetologist
12.0499 Cosmetic Services, Other
12.0501 Baker/Pastry Chef
12.0503 Culinary Arts
12.0504 Food and Beverage/Restaurant Operations Manager
12.0599 Culinary Arts and Related Services, Other
15.0101 Architectural Engineering Technology/Technician
15.0201 Civil Engineering/Civil Technology/Technician
15.0301 Computer Engineering Technology/Technician
15.0303 Electrical, Electronic and Communications Engineering Technology/Technician
15.0304 Laser and Optical Technology/Technician
15.0399 Electrical and Electronic Engineering-Related Technologies/Technicians, Other

15.0401	<i>Biomedical Engineering-Related Technology/Technician</i>	47.0201	<i>Heating, Air Conditioning and Refrigeration Mechanic and Repairer</i>
15.0402	<i>Computer Maintenance Technology/Technician</i>	47.0302	<i>Heavy Equipment Maintenance and Repairer</i>
15.0403	<i>Electromechanical Technology/Technician</i>	47.0303	<i>Industrial Machinery Maintenance and Repairer</i>
15.0404	<i>Instrumentation Technology/Technician</i>	47.0399	<i>Industrial Equipment Maintenance and Repairer, Other</i>
15.0405	<i>Robotics Technology/Technician</i>	47.0501	<i>Stationary Energy Sources Installer and Operator</i>
15.0499	<i>Electromechanical Instrumentation and Maintenance Technologies/Technicians, Other</i>	47.0603	<i>Auto/Automotive Body Repairer</i>
15.0501	<i>Heating, Air Conditioning and Refrigeration Technology/Technician</i>	47.0604	<i>Auto/Automotive Mechanic/Technician</i>
15.0506	<i>Water Quality and Wastewater Treatment Technology/Technician</i>	47.0605	<i>Diesel Engine Mechanic and Repairer</i>
15.0599	<i>Environmental Control Technologies/Technicians, Other</i>	47.0606	<i>Small Engine Mechanic and Repairer</i>
15.0601	<i>Chemical Manufacturing Technology</i>	47.0607*	<i>Aircraft Mechanic/Technician, Airframe</i>
15.0603	<i>Industrial/Manufacturing Technology/Technician</i>	47.0608*	<i>Aircraft Mechanic/Technician, Powerplant</i>
15.0604	<i>Manufacturing Technology</i>	47.0609*	<i>Aviation Systems and Avionics Maintenance Technologist/Technician</i>
15.0699	<i>Industrial Production Technologies/Technicians, Other</i>	47.0611	<i>Motorcycle Mechanic and Repairer</i>
15.0701	<i>Occupational Safety and Health Technology/Technician</i>	47.0699	<i>Vehicle and Mobile Equipment Mechanics and Repairer, Other</i>
15.0702	<i>Quality Control Technology/Technician</i>	48.0101	<i>Drafting, General</i>
15.0799	<i>Quality Control and Safety Technologies/Technicians, Other</i>	48.0102	<i>Architectural Drafting</i>
15.0801	<i>Aeronautical Technology</i>	48.0103	<i>Civil/Structural Drafting</i>
15.0803	<i>Automotive Engineering Technology/Technician</i>	48.0104	<i>Electrical/Electronics Drafting</i>
15.0805	<i>Mechanical Engineering/Mechanical Technology/Technician</i>	48.0105	<i>Mechanical Drafting</i>
15.1001	<i>Construction/Building Technology/Technician</i>	48.0199	<i>Drafting, Other</i>
20.0309	<i>Drycleaner and Launderer (Commercial)</i>	48.0201	<i>Graphic and Printing Equipment Operator, General</i>
23.1101	<i>English Technical and Business Writing</i>	48.0205	<i>Mechanical Typesetter and Composer</i>
27.0301	<i>Applied Mathematics, General</i>	48.0206	<i>Lithographer and Platemaker</i>
41.0301	<i>Chemical Technology/Technical</i>	48.0208	<i>Printing Press Operator</i>
43.0107	<i>Law Enforcement/Police Science</i>	48.0211	<i>Computer Typography and Composition Equipment Operator</i>
43.0201	<i>Fire Protection and Safety Technology/Technician</i>	48.0212	<i>Desktop Publishing Equipment Operator</i>
43.0203	<i>Fire Science/Firefighting</i>	48.0299	<i>Graphic and Printing Equipment Operator, Other</i>
46.0101	<i>Mason and Tile Setter</i>	48.0303	<i>Upholsterer</i>
46.0201	<i>Carpenter</i>	48.0501	<i>Machinist/Machine Technologist</i>
46.0301	<i>Electrical and Power Transmission Installer, General</i>	48.0503	<i>Machine Shop Assistant</i>
46.0302	<i>Electrician</i>	48.0506	<i>Sheet Metal Worker</i>
46.0303	<i>Lineworker</i>	48.0507	<i>Tool and Die Maker/Technologist</i>
46.0399	<i>Electrical and Power Transmission Installer, Other</i>	48.0508	<i>Welder/Welding Technologist</i>
46.0401	<i>Building/Property Maintenance and Manager</i>	48.0599	<i>Metal Fabrication</i>
46.0403	<i>Construction/Building Inspector</i>	48.0701	<i>Woodworkers, General</i>
46.0408	<i>Painter and Wall Coverer</i>	48.0702	<i>Furniture Designer and Maker</i>
46.0499	<i>Construction and Building Finishers and Managers, Other</i>	48.0703	<i>Cabinet Maker and Millworker</i>
46.0501	<i>Plumber and Pipefitter</i>	48.0799	<i>Woodworkers, Other</i>
46.9999	<i>Construction Trades, Other</i>	49.0202	<i>Construction Equipment Operator</i>
47.0101	<i>Electrical and Electronics Equipment Installer and Repairer, General</i>	49.0205	<i>Truck, Bus and Other Commercial Vehicle Operator</i>
47.0102	<i>Business Machine Repairer</i>	49.0299	<i>Vehicle and Equipment Operators, Other</i>
47.0103	<i>Communications Systems Installer and Repairer</i>	49.0306	<i>Marine Maintenance and Ship Repairer</i>
47.0104	<i>Computer Installer and Repairer</i>	50.0201	<i>Crafts, Folk Art and Artisanry</i>
47.0105	<i>Industrial Electronics Installer and Repairer</i>	50.0402	<i>Graphic Design, Commercial Art and Illustration</i>
47.0106	<i>Major Appliance Installer and Repairer</i>	50.0404	<i>Industrial Design</i>
47.0199	<i>Electrical and Electronics Equipment Installer and Repairer, Other</i>	50.0406	<i>Commercial Photography</i>
		50.0605	<i>Photography</i>
		06.2002	<i>Trade and Industrial Internship]</i>
			Aircraft Mechanic/Technician, Airframe *
			Aircraft Mechanic/Technician, Powerplant *
			Applied Mathematics, General
			Architectural Engineering Technology/Technician
			Auto/Automotive Body Repairer
			Auto/Automotive Mechanic/Technician
			Automotive Engineering Technology/Technician
			Aviation Systems and Avionics Maintenance Technologist/Technician *

Biomedical Engineering-Related Technology/Technician
 Building/Property Maintenance and Manager
 Cabinet Maker and Millworker
 Carpenter
 Chemical Technology/Technical
 Civil Engineering/Civil Technology/Technician
 Civil/Structural Drafting
 Commercial Photography
 Communications Systems Installer and Repairer
 Communications Technology
 Computer Installer and Repairer
 Computer Maintenance Technology/Technician
 Construction and Building Finishers and Managers, Other
 Construction Equipment Operator
 Construction Trades, Other
 Construction/Building Technology/Technician
 Cosmetic Services, Other
 Cosmetologist *
 Culinary Arts
 Desktop Publishing Equipment Operator
 Diesel Engine Mechanic and Repairer
 Drafting, General
 Drafting, Other
 Drycleaner and Launderer (Commercial)
 Educational/Instructional Media Technology/Technician
 Electrical and Electronics Equipment Installer and Repairer,
 General
 Electrical and Electronics Equipment Installer and Repairer,
 Other
 Electrical and Power Transmission Installer, General
 Electrical, Electronic and Communications Engineering
 Technology/Technician Electrician
 Electromechanical Technology/Technician
 English Technical and Business Writing
 Fire Protection and Safety cian
 Fire Science/Firefighting
 Food and Beverage/Restaurant Operations Manager
 Graphic and Printing Equipment Operator, General
 Graphic and Printing Equipment Operator, Other
 Graphic Design, Commercial Art and Illustration
 Heating, Air Conditioning and Refrigeration Mechanic and
 Repairer
 Heating, Air Conditioning and Refrigeration Technology/
 Technician
 Heavy Equipment Maintenance and Repairer
 Industrial Design
 Industrial Electronics Installer and Repairer
 Industrial Equipment Maintenance and Repairer, Other
 Industrial Machinery Maintenance and Repairer
 Industrial Production Technologies/Technicians, Other
 Industrial Technology/Technician
 Instrumentation Technology/Technician
 Ironworking/Ironworker
 Laser and Optical Technology/Technician
 Law Enforcement/Police Science
 Machinist/Machine Technologist
 Major Appliance Installer and Repairer
 Manufacturing Technology
 Marine Maintenance and Ship Repairer
 Mason and Tile Setter
 Mechanical Engineering/Mechanical Technology/Technician
 Motorcycle Mechanic and Repairer
 Occupational Safety and Health Technology/Technician
 Painter and Wall Coverer
 Pipefitting/Pipefitter and Sprinkler Fitter
 Plumbing Technology/Plumber
 Quality Control Technology/Technician
 Radio and Television Broadcasting Technology/Technician

Robotics Technology/Technician
 Sheet Metal Worker
 Small Engine Mechanic and Repairer
 Tool and Die Maker/Technologist
 Trade and Industrial Internship
 Truck, Bus and Other Commercial Vehicle Operator
 Upholsterer
 Vehicle and Mobile Equipment Mechanics and Repairer, Other
 Water Quality and Wastewater Treatment
 Technology/Technician
 Welder/Welding Technologist

* Requires Professional Licensing

AUTHORITY: sections 168.011, 168.021, and 168.405, RSMo 2000 and 161.092, 168.021, 168.071, 168.081 and 168.400, RSMo Supp. [2002] 2003. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001, effective Oct. 30, 2001. Amended: Filed Aug. 13, 2002, effective March 30, 2003. Amended: Filed Sept. 12, 2003.

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 Elementary and Secondary Education, Attention: Dr. Charles Brown, Assistant Commissioner, Division of Teacher Quality and Urban 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 800—Educator Certification**

PROPOSED AMENDMENT

5 CSR 80-800.360 Certificate of License to Teach Classifications.
 The State Board of Education is amending sections (1), (4), (5), (7), (9), (12), (13), the *Compendium of Missouri Certification Requirements* which is incorporated by reference, deleting section (6), making a new section (6) out of old section (5), adding new sections (5) and (9) and renumbering the sections.

PURPOSE: This amendment updates certification requirements in the *Compendium of Missouri Certification Requirements*, adds a provisional certificate of license to teach as a speech implementor.

(1) Certificates of license to teach are issued and renewed by the State Board of Education (*the* board) pursuant to the certification requirements found in the *Compendium of Missouri Certification Requirements* (compendium), which is incorporated by reference and made a part of this rule, and the rules promulgated by the board.

(4) Certificates of license to teach may be issued pursuant to the rules promulgated by the board, to individuals *[completing a state-approved teacher preparation program, and/or a Ph.D. program]* in the following classifications:

(A) **Initial** Professional Classification *II (PC II) (IPC)*; and/or
[(B) Professional Classification II (PC II); and/or]

[(C)](B) Career Continuous Professional Classification (CCPC) [*Ph.D.*] doctoral applicants are ineligible to advance to the CCPC level).

(5) For the purpose of this rule, one (1) contact hour for professional development is defined as:

(A) Sixty (60) minutes of professional development; or

(B) One (1) hour college credit equals at least fifteen (15) contact hours of professional development.

[(5)](6) Initial Professional Classification [*PC I*]—**(IPC)**:

(A) A [*three (3)*] **four (4)** year [*PC I*] **IPC** classification will be issued to applicants who meet the certification requirements and possess less than [*three (3)*] **four (4)** years of state-approved teaching experience[.];

(B) During the valid dates of the [*PC I*] **IPC** classification, the certificate holder shall complete the following requirements:

1. Verification of [*three (3)*] **four (4)** years of state-approved teaching experience;

2. Develop and implement a detailed professional development plan of **at least thirty (30) contact hours**, approved by the local board of education, to include clearly stated goals for improvement and enrichment;

3. Participate in a [*n entry-year*] mentoring program for a **minimum of two (2) years**, the guidelines for which shall be established by the local board of education;

4. Participate in a beginning teacher assistance program from a Missouri college or university [*if the teacher education program was completed in a Missouri institution*]. The assistance may include retraining, internships, counseling and in-service training; **and**

[5. Continue professional growth to include thirty (30) clock hours of in-service training as defined in criteria established by the board; and]

[6.]5. Participate in the district's Performance-Based Teacher Evaluations (PBTEs)[.]; **and/or**

[(C)] If the holder of a *PC I* has not met the above-mentioned criteria for upgrade to a *PC II*, the certificate of license to teach may be extended once for three (3) years upon written request.]

[(D)](C) Individuals who have not been employed in a school setting may renew their certificate upon a showing of good cause and the following:

1. Written request for renewal; and

2. [*Submission of an official transcript showing six (6) semester hours appropriate to education from an approved college or university or upon completion of a master's degree in education or an area of certification.*] **Documentation of completion of a plan to complete twenty-four (24) contact hours of professional development within six (6) months prior to or after returning to an educational position.**

[(6) Professional Classification II (PC II)—

(A) A seven (7) year *PC II* classification will be issued to:

1. Applicants who hold a *PC I* and provide documentation of completing all the requirements for advancement to this level of classification; or

2. Applicants who meet the certification requirements and have three (3) years of state-approved teaching experience.

(B) During the valid dates of the *PC II* classification, the certificate holder shall complete the following requirements:

1. An additional seven (7) years of state-approved teaching experience;

2. Implement or continue a detailed professional development plan approved by the local board of education, to include clearly stated goals for continued improvement and enrichment;

3. Earn twelve (12) semester hours, other than internship credit, appropriate to teaching area(s) or toward a planned master's degree. The master's degree shall be in education or in an area of certification. An exception from this twelve (12)-hour requirement exists if the certificate holder has already earned a master's degree in education or in an area of certification;

4. Continue professional growth to include thirty (30) clock hours of in-service training as defined in criteria as established by the board or serve as a mentor in the entry-year mentor program, the guidelines for which shall be established by the local board of education; and

5. Participate in the district's PBTEs.

(C) If the holder of a *PC II* has not met the above-mentioned criteria for upgrade to a *CPC*, the *PC II* may be extended once for three (3) years upon written request. Additional renewals for seven (7) years may be granted upon completion of the following:

1. An additional seven (7) years of state-approved teaching experience;

2. Continuation of a detailed professional development plan approved by the local board of education, to include clearly stated goals for continued improvement and enrichment;

3. Earning twelve (12) semester hours, other than internship credit, appropriate to teaching area(s) or toward a planned master's degree. The master's degree shall be in education or in an area of certification. An exception from this twelve (12)-hour requirement exists if the certificate holder has already earned a master's degree in education or in an area of certification;

4. Continuation of professional growth to include thirty (30) clock hours of in-service training as defined in criteria as established by the board or serve as a mentor in the entry-year mentor program, the guidelines for which shall be established by the local board of education; and

5. Participation in the district's PBTEs.

(D) Individuals who have not been employed in a school setting may renew their certificate upon a showing of good cause and the following:

1. Written request; and

2. Submission of an official transcript showing six (6) semester hours appropriate to education from an approved college or university or upon completion of a master's degree in education or an area of certification.]

(7) Career Continuous Professional Classification (CCPC)[—]:

(A) A [*ten (10)-year*] CCPC classification will be issued to **an applicant upon completion and verification of the following:**

[1. Applicants who hold a PC II, provide documentation of completing all the requirements for advancement to this level of classification and have completed a master's degree in education or an area of certification; or]

[2. Applicants who have earned a master's degree in education or an area of certification and have a minimum of ten (10) years of state-approved teaching experience.]

1. Four (4) years of state-approved teaching experience;

2. The development and implementation of a detailed professional development plan of at least thirty (30) contact hours approved by the local board of education to include clearly stated goals for improvement and enrichment;

3. Participation in a mentoring program for a minimum of two (2) years, the guidelines for which shall be established by the local school board of education;

4. Participation in a beginning teacher assistance program from a Missouri college or university. The assistance may include retraining, internship, counseling and in-service training; and

5. Participation in the district's PBTEs;

(B) The CCPC classification [*may be renewed an unlimited number of times*] is continuous upon verification by the employing school district that the certificate holder has completed fifteen (15) contact hours of professional development per year;

1. Individuals possessing a CCPC who do not complete fifteen (15) contact hours of professional development each year, may within two (2) years make up the missing hours. The individual must first meet the fifteen (15) hour requirement for the current year and then count the excess hours as makeup hours;

2. A CCPC becomes inactive if the individual does not make up the requisite hours within two (2) years; and/or

3. A CCPC may be reactivated by the individual completing twenty-four (24) contact hours of professional development within six (6) months prior to or after the reactivation of the certificate. Failure of the individual to complete the twenty-four (24) contact hours within six (6) months will result in the certificate becoming inactive; and

(C) The CCPC holder is exempt from the fifteen (15) contact hours of professional development, if the holder has a local professional development plan in place with the school and at least two (2) of the following:

1. Ten (10) years of state-approved teaching experience;

2. A master's degree from an accredited college or university; and/or

3. Certification from the National Board for Professional Teaching Standards.

(9) Individuals who have not been employed in a school setting for three (3) or more years may reactivate the appropriate level of professional classification certificate of license to teach by completing twenty-four (24) contact hours of professional development within six (6) months prior to or after returning to an educational position.

[[9]](10) The local district and teacher shall submit, on an upgrade application form provided by DESE, a request for renewal and/or continuation of a particular classification level; verification that the teacher has completed the requirements of a particular classification level and/or the request for advancement to the next classification level.

[[10]](11) Any certificate holder denied certification by the board pursuant to this rule may appeal the decision pursuant to the rules promulgated by the board.

[[11]](12) Any certificate holder's disagreement with the school district's verification of requirements for the classification levels shall be dealt with through an appeal process developed by the school district's local board of education.

[[12]](13) Approved teaching experience, as described in the rules promulgated by the board, must be in Missouri public schools, schools approved or accredited by the state education agency in states other than Missouri, or in nonpublic schools accredited by an affiliate of the National Federation of Nonpublic School State Accrediting Associations, or one (1) of the six (6) regional accrediting associations for schools and colleges, or by the University of Missouri-Columbia, or other schools accredited by a DESE-approved accrediting agency which incorporates standards that include an entry-year mentor program, professional development plans for faculty, in-service training for faculty, and PBTEs. Teaching experience must be contracted and at least half-time. Substitute teaching or serving as a teacher's aide or assistant will not be counted as teaching experience.

[[13]](14) Provisional certificates of license to teach may be issued to an individual for two (2) years and may be extended upon a showing of good cause [*or issued for five (5) years*]. Provisional certificates of license to teach may be issued in the following situations:

(A) A two (2)-year provisional certificate of license to teach may be issued to an individual who has completed the academic requirements for a certificate of license to teach, but has not taken or passed the exit assessment(s) designated by the board; or

[[B]] A two (2)-year provisional certificate of license to teach may be issued to an individual who has been admitted into a state-approved post-baccalaureate or alternative professional education program at a Missouri institution of higher education and is actively engaged in coursework to satisfy the requirements of the program;

[[C]](B) A two (2)-year provisional certificate of license to teach may be issued to an individual who has completed a teacher preparation program and is generally within twelve (12) semester hours of completion of the certification requirements as set forth in the compendium; or/.

[[D]] A five (5)-year provisional certificate of license to teach may be issued to an individual who possess a valid certificate of license to teach from another state and has five (5) years teaching experiences in the same school district in the curriculum area and appropriate grade levels in another state.]

[[14]](15) Administrator certificates of license to teach may be issued to an individual for five (5) or ten (10) years and may be renewed pursuant to the requirements found in the compendium and the rules promulgated by the board.

[[15]](16) Student services certificates of license to teach may be issued to an individual for five (5) or ten (10) years and may be renewed pursuant to the requirements found in the compendium and the rules promulgated by the board.

[[16]](17) Substitute certificates of license to teach may be issued to an individual for one (1) year pursuant to the requirements found in the compendium and the rules promulgated by the board.

[[17]](18) Vocational-technical certificates of license to teach may be issued to an individual for two (2) or five (5) years and may be renewed pursuant to the requirements found in the compendium and the rules promulgated by the board.

[[18]](19) Adult education and literacy certificates of license to teach may be issued to an individual for three (3) or ten (10) years and may be renewed pursuant to the requirements found in the compendium and the rules promulgated by the board.

[[19]](20) Temporary authorization certificates of license to teach may be issued to an individual for one (1) year and may be renewed pursuant to the requirements found in the compendium and the rules promulgated by the board.

AUTHORITY: sections [161.092, 168.071, 168.081 and 168.400, RSMo Supp. 2002,] 168.011, [168.021,] 168.128, 168.405 and 168.409, RSMo 2000 and 161.092, 168.021, 168.071, 168.081 and 168.400, RSMo Supp. 2003. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001, effective Oct. 30, 2001. Amended: Filed Oct. 25, 2001, effective June 30, 2002. Amended: Filed Aug. 13, 2002, effective March 30, 2003. Amended: Filed Sept. 12, 2003.

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 Elementary and Secondary Education, Attention: Dr. Charles Brown, Assistant Commissioner, Division of Teacher Quality and Urban 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.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attention: Dr. Charles Brown, Assistant Commissioner, Division of Teacher Quality and Urban 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 800—Educator Certification**

PROPOSED AMENDMENT

5 CSR 80-800.370 Fees. The State Board of Education is amending sections (1) and (2).

PURPOSE: This amendment incorporates recent legislative changes to the fees assessed.

(1) A fee, sufficient to recover costs of processing and issuing certificates of license to teach, will be charged to applicants who completed an approved teacher *[education]* **preparation** program in a state other than Missouri. All applicants or certificate of license to teach holders may be charged additional fees to recover costs associated with the issuance of certificates of license to teach, other than the initial **professional** certificate of license to teach.

(2) The following fees are established by the State Board of Education (*[the]* board) and are payable in the form of a cashier's check or money order to the Treasurer, State of Missouri:

- (A) Application for a Certificate of License to Teach (Individuals who completed a teacher preparation program from a non-Missouri school *[and do not possess five (5) years teaching experience in the same school district in the curriculum area and appropriate grade level]*) ~~/\$25.00~~**\$50.00**
- (B) Application for a Career Continuous Professional Certificate of License to Teach \$35.00**
- ~~[(B)]~~**(C) Reprint or Duplicate Certificate of License to Teach /\$ 10.00****\$25.00**
- ~~[(C)]~~**(D) Additional Certificate for the Addition of an Advanced Degree /\$ 10.00****\$25.00**
- ~~[(D)]~~**(E) Copy Cost (per page) \$.50**
- ~~[(E)]~~**(F) Research Fee (per hour) \$35.00**
- ~~[(F)]~~**(G) Fingerprint Card Check—Amount determined by the Missouri State Highway Patrol and/or the Federal Bureau of Investigation.**
- ~~[(G)]~~**(H) Missouri Open Records Check—Amount determined by the Missouri State Highway Patrol.**

AUTHORITY: sections [161.092, 168.071, 168.081 and 168.400,] **168.011, 168.405 and 168.409, RSMo [Supp. 2002,] 2000 and [168.011,] 161.092, 168.021, [168.405 and 168.409,] 168.071, 168.081 and 168.400, RSMo [2000] Supp. 2003. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed Aug. 13, 2002, effective March 30, 2003. Amended: Filed Sept. 12, 2003.**

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 is estimated to cost private entities four hundred eighty-one thousand six hundred forty dollars (\$481,640) in Fiscal Year 2004 with that cost recurring annually over the life of the rule.

**FISCAL NOTE
PRIVATE COST**

I. RULE NUMBER

Title: 5 - Department of Elementary and Secondary Education

Division: 80 - Urban and Teacher Education

Chapter: 800 – Educator Certification

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 5 CSR 80-800.370 Fees

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification of 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:
16,424 individuals	Individuals from out-of-state applying for a Missouri certificate of license to teach, individuals upgrading to the new career continuous professional classification certificate of license to teach, and Missouri educators who request a duplicate certificate.	\$481,640 in FY04 with that cost recurring annually over the life of the rule

III. WORKSHEET

3,882	Out-of-state educators x \$25 fee increase	\$ 97,050
65	Out-of-state vocational-technical teachers x \$25 fee increase	\$ 1,625
43	Out-of-state adult ed. & literacy teachers x \$25 fee increase	\$ 1,075
65	Out-of-state student services/counselors x \$25 fee increase	\$ 1,625
215	Out-of-state administrators x \$25 fee increase	\$ 5,375
7,104	Eligible current educators x new \$35 fee to upgrade from their initial certification to a career continuous professional classification	\$248,640
5,050	Duplicate certificates x \$25 fee increase	\$126,250
16,424		\$481,640

IV. ASSUMPTIONS

There currently is a \$25 fee for out-of-state applicants and Missouri is proposing to change that to \$50. There currently is a \$10 fee for duplicate/updated certificates and Missouri is proposing to change that to \$25. Missouri is proposing a new, \$35 application fee to upgrade initial teaching certificates to career (CCPC) certificates. The fee amounts are comparable to surrounding states' fees.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 80—Teacher Quality and Urban Education
Chapter 800—Educator Certification**

PROPOSED AMENDMENT

5 CSR 80-800.380 Required Assessments for Professional Education Certification in Missouri. The State Board of Education is amending the Purpose, subsection (1)(A), the Appendix, and the *Compendium of Missouri Certification Requirements* which is incorporated by reference.

PURPOSE: This amendment clarifies the appropriate exit assessments to be used with specific special education and temporary authorization certificates of license to teach, and updates the requirements found in the Compendium of Missouri Certification Requirements.

PURPOSE: The State Board of Education is authorized to grant certificates of license to teach in any of the public schools of the state and to establish requirements and qualifications for those certificates. This rule establishes required assessments for [candidates for certification who have completed a state-approved professional education program] individuals applying for an initial or additional certificate of license to teach.

(1) Each applicant seeking a Missouri certificate of license to teach will successfully complete an exit assessment to measure the applicant's competency in subject matter, pedagogical knowledge, or both, prior to being granted the certificate. An exemption exists if the applicant holds a valid certificate of license to teach from another state and has five (5) years teaching experience in the same school district in the curriculum area and approximate grade levels in another state. That applicant may obtain a Missouri certificate of license to teach upon completion of five (5) years teaching in Missouri public schools.

(A) The State Board of Education (board) has selected the Praxis II: Content Knowledge or Specialty Area assessments and the Principles of Learning and Teaching assessments developed by the Educational Testing Service (ETS) as the exit assessments for certificates of license to teach. Qualifying scores are established by the board and published by ETS for each assessment designated for an area of certification.

1. Applicants seeking initial certificates of license to teach must complete and achieve a Missouri qualifying score in the content knowledge or specialty area assessment in their major area of preparation or the appropriate principles of learning and teaching assessment if no content knowledge or specialty area assessment is designated, except in the areas of special education, student services, and administration (see Appendix A, which is included herein).

2. Applicants for a Missouri certificate of license to teach, having a valid certificate of license to teach in the same or a closely aligned area of certification from another state, having taken that state's required subject or specialty area assessment(s) for that certification and achieved that state's passing score(s), and having at least two (2) years of full-time professional experience in education in the area for which they are seeking Missouri certification, shall not be required to take the designated assessment(s) in Missouri in order to receive the Missouri certificate of license to teach. If no subject or specialty area assessment is required in the state from which the applicant holds a valid certificate of license to teach, the applicant shall successfully complete the assessment(s) designated by the board in order to receive the Missouri certificate of license to teach.

3. Applicants holding a valid Missouri professional or life certificate of license to teach in a content area who are seeking addi-

tional certificate(s) of license to teach in other content area(s), will receive the additional certificate(s) upon meeting either of the following conditions:

A. Complete and achieve a Missouri qualifying score for the Praxis II content knowledge or specialty area assessment designated for the certificate of license to teach, except for the areas of unified science, special education other than mild/moderate cross-categorical disabilities, speech-language specialist, student services, administration, vocational-technical, and adult education and literacy; or

B. Successfully complete the applicable certification requirements as set forth in the *Compendium of Missouri Certification Requirements* (compendium), which is incorporated by reference and made a part of this rule.

4. Applicants holding a valid Missouri professional or life certificate of license to teach in a secondary content area who are seeking additional certification for middle school in the same content area, will receive the additional certification upon meeting either of the following conditions:

A. Complete and achieve a Missouri qualifying score for the Praxis II: Principles of Learning and Teaching, grades five through nine (5-9), assessment; or

B. Successfully complete the applicable certification requirements for middle school education, grades five through nine (5-9), as set forth in the compendium.

APPENDIX A
ASSESSMENTS DESIGNATED FOR CERTIFICATION IN MISSOURI

The Praxis® assessments listed below have been designated by the State Board of Education to fulfill the assessment requirement for certification in Missouri. The assessments are listed beside the certificates to which they correspond.

<u>Missouri Certificate of License to Teach</u>	<u>Test Code</u>	<u>Designated Assessment</u>
Early Childhood Education, Birth–Grade 3	10020	Early Childhood Education
Early Childhood Special Education, Birth–Grade 3	10690	Special Education: Preschool/Early Childhood
Elementary Education, Grades 1–6	10011	Elementary Education: Curriculum, Instruction, and Assessment
Middle School Education, Grades 5–9	—	—
Language Arts	10049	MS English–Language Arts: Content Knowledge
Mathematics	20069	MS Mathematics: Content Knowledge
Science	10439	MS Science: Content Knowledge
Social Science	20089	MS Social Studies: Content Knowledge
Other Middle School Subject Areas	30523	Principles of Learning and Teaching, Grades 5–9
Secondary Education, Grades 9–12 (except as noted)	—	—
Agriculture	10700	Agriculture
Art K–12, 9–12	10133	Art: Content Knowledge
Business Education	10100	Business Education
English	10041	English Language, Literature and Composition: Content Knowledge
Family and Consumer Science ¹	10120	Family and Consumer Science
Vocational and Non-Vocational Foreign Language: K–12		
French K–12	20173	French: Content Knowledge
German K–12	20181	German: Content Knowledge
Spanish K–12	10191	Spanish: Content Knowledge
Health K–12, 9–12	20550	Health Education
Industrial Technology	10050	Technology Education
Library Media Specialist, K–12	10310	Library Media Specialist
Marketing and Distributive Education	10560	Marketing Education
Mathematics	10061	Mathematics: Content Knowledge
Music: Instrumental, Vocal K–12	10113	Music: Content Knowledge
Physical Education K–9, K–12, 9–12	10091	Physical Education: Content Knowledge
Science:		
Biology	20235	Biology: Content Knowledge
Chemistry	20245	Chemistry: Content Knowledge
Earth Science	20571	Earth Science: Content Knowledge
General Science	10435	General Science: Content Knowledge
Physics	10265	Physics: Content Knowledge
Social Science	10081	Social Studies: Content Knowledge
Special Education, K–12		
Blind and Partially Sighted ²	10280	Teaching Students with Visual Impairments
Deaf and Hearing Impaired ²	10271	Education of Deaf and Hard of Hearing Students
Mild-Moderate Disabilities: Learning Disabled, Behavioral Disordered, Mentally Handicapped, or Physical and Other Health Impairments ²	20353	Education of Exceptional Students: Core Knowledge
Mild-Moderate Cross-Categorical Disabilities ^[2]	20353 and 10542	Education of Exceptional Students: Core Content Knowledge Education of Exceptional Students: Mild to Moderate Disabilities
Severely Developmentally Disabled ²	20353 and 10544	Education of Exceptional Students: Core Knowledge Education of Exceptional Students: Severe to Profound Disabilities
[Special Education, K–12 ³ Mild-Moderate Disabilities (except cross-categorical), Blind/Partially Sighted, Hearing Impaired, Severely Developmentally Disabled]	10350	Special Education
Speech/Theatre	10220	Speech Communication
Speech and Language Specialist K–12 ^{[5]4}	20330	Speech-Language Pathology

APPENDIX A—continued

<u>Missouri Certificate of License to Teach</u>	<u>Test Code</u>	<u>Designated Assessment</u>
Unified Science ^{/4/3}	—	—
Biology	20235	Biology: Content Knowledge
Chemistry	20245	Chemistry: Content Knowledge
Earth Science	20571	Earth Science: Content Knowledge
Physics	10265	Physics: Content Knowledge
K-12 or 9-12 [teaching certification] certificate of license to teach for which no specialty area assessment or content knowledge assessment is designated.	30524	Principles of Learning and Teaching, Grades 7-12
School Counselor K-8, 7-12 ^{/5/4}	20420	School Guidance and Counseling
School Psychologist K-12 ^{/5/4}	10400	School Psychologist
Building-Level Administrator ^{/5/4}	11010	School Leaders Licensure Assessment (SLLA)
Principal K-8, 5-9, 9-12		
Special Education Administrator K-12		
Vocational School Director		
District-Level Administrator (Superintendent) K-12 ^{/5/4}	11020	School Superintendent Assessment (SSA)

¹. Additional certification by completion of the designated assessment only is limited to Non-Vocational.

². Additional certification by completion of the designated assessments only is limited to Mild-Moderate Cross-Categorical Disabilities.

³. Additional certification by completion of the designated assessment only is not applicable in these categories of special education.]

². **Not available by completion of the designated assessment only; also requires completion of a program of study in special education with the area of specialization from a state-approved institution.**

^{4.3}. Not available by completion of the designated assessment only; also requires completion of a program of study [for] in the unified science core with the area of specialization from a state-approved institution.

^{5.4}. Not available by completion of the designated assessment only; also requires completion of a program of study and a recommendation from a state-approved institution.

AUTHORITY: sections 161.092, 168.071, 168.081 and 168.400, RSMo Supp. 2002 and 168.011, 168.021, 168.405 and 168.409, RSMo 2000. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001, effective Oct. 30, 2001. Amended: Filed March 1, 2002, effective Sept. 30, 2002. Amended: Filed Aug. 13, 2002, effective March 30, 2003. Amended: Filed Sept. 12, 2003.

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 is estimated to cost private entities six hundred sixty dollars (\$660) in the aggregate for the Fiscal Year 2004, 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 amendment with the Department of Elementary and Secondary Education. Attn: Dr. Mike Lucas, Director of Educator Preparation, 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
PRIVATE COST**

I. RULE NUMBER

Title: 5 - Department of Elementary and Secondary Education
 Division: 80 - Teacher Quality and Urban Education
 Chapter: 800 - Educator Certification
 Type of Rulemaking: Proposed Amendment
 Rule Number and Name: 5 CSR 80-800.380, Required Assessments for Professional Education Certification in Missouri

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
Applicants for Initial Missouri Certificate of License to Teach = 12 per year	Applicants for Initial Missouri Certificate of License to Teach in Special Education: Severely Developmentally Disabled, K-12	\$ 55 per person per year \$ 660 aggregate cost for Fiscal Year 2004 with that cost recurring over the life of the rule.

III. WORKSHEET

Following are estimated costs to applicants for taking the Praxis II assessments as a requirement for certification of license to teach in Missouri:

- Applicants for certification in Special Education: Severely Developmentally Disabled, K-12, will incur an extra cost for an additional assessment required for that area of certification.
- The cost includes the price of the additional assessment but not the registration fee, which is already included in the cost of the current assessment.
- Based upon information provided by DESE the following per year costs are estimated for applicants for the following area(s) of certification:

<u>Certification Area</u>	<u>No. of Applicants</u>		<u>Cost</u>		<u>Total</u>
Special Education: Severely Developmentally Disabled, K-12	12 applicants	X	\$ 55	=	\$ 660
Total Cost = \$ 660/year*					

*The total private entity annual cost is based upon the cost estimates of each component.

IV. ASSUMPTIONS

This cost may recur each year for the life of the rule and may vary slightly due to inflation.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 80—Teacher Quality and Urban Education
Chapter 800—Educator Certification**

PROPOSED AMENDMENT

5 CSR 80-800.400 Procedure for Potential Candidates for Missouri Certificate of License to Teach with a Criminal History to Petition the State Board of Education for Background Clearance. The State Board of Education is amending the Purpose, sections (1), (2), (3), (4) and (5).

PURPOSE: This amendment incorporates changes due to reorganization within the agency.

PURPOSE: This rule outlines the procedure for a potential candidate for Missouri certificate of license to teach with a criminal history to petition the State Board of Education for **provisional** background clearance.

(1) Potential candidates for a Missouri certificate of license to teach who are currently enrolled in professional education courses in conjunction with state-approved teacher preparation programs may petition the State Board of Education (**board**) for **provisional** clearance of their background, enabling possible issuance of a Missouri certificate of license to teach upon completion of their teacher preparation program/s/ and pursuant to the rules promulgated by the board.

(2) A potential candidate may apply to petition the *[State Board of Education]* **board** for background clearance by completing and submitting the background check form. The form is provided by the *[State Board of Education]* **board** and may be obtained by writing the *[Professional Conduct and Investigations]* **Educator Certification** Section of the Department of Elementary and Secondary Education (**DESE**) at P./O./ Box 480, Jefferson City, MO 65102, or the form may be downloaded from the Internet. The form contains the following:

(D) Details regarding being found guilty, plea of guilty, receipt of a suspended imposition of sentence or entering a plea of *nolo contendere* for any violation of any laws of a state *[or]*, the United States **or any other country**, other than a traffic violation; and

(3) A potential candidate wishing to petition the *[State Board of Education]* **board** shall request and obtain documentation of current enrollment in a professional education course in conjunction with a state-approved teacher preparation program from the designated official of the institution.

(4) A potential candidate wishing to petition the *[State Board of Education]* **board** for background clearance shall request that each state or United States territory regulatory entity in which a *[teaching certificate or similar title(s) and/or other]* professional license *[or similar title(s)]* **including a certificate of license to teach** is held or has ever been held to submit verification of certification or licensure directly to *[the department]* **DESE**,/. *The verification shall include the certification or license issued, the number, status, issue and expiration dates, information regarding any disciplinary action, method of certification or licensure, the name and title of person verifying information with the date and seal]* **including information regarding any disciplinary action.**

(5) The background check form is not considered officially filed with the board until it has been determined by the board or *[department]* **DESE** staff to be complete and the application is submitted on the forms provided by the board, signed and accompanied by two (2) full sets of fingerprints *[on cards provided by the board]* with the appropriate fee/s/ as set by the Missouri State Highway Patrol and/or the Federal Bureau of Investigations (FBI) and any other

applicable *[documentation]* forms and/or fees. All information should be received by the board within ninety (90) days of the date of the application.

(A) For the purpose of this rule, the fingerprint cards shall be completed by any law enforcement agency and sent directly to *[the department]* **DESE** *[from the law enforcement agency]*.

AUTHORITY: sections 168.011, 168.021, RSMo [1994] 2000 and 161.092, *[and]* 168.071[,], and 168.081, RSMo Supp. [1999] 2003. Original rule filed Jan. 19, 2000, effective Aug. 30, 2000. Amended: Filed Sept. 12, 2003.

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 Elementary and Secondary Education, Attention: Dr. Charles Brown, Assistant Commissioner, Division of Teacher Quality and Urban 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 90—Vocational Rehabilitation
Chapter 7—Personal Care Assistance Program**

PROPOSED AMENDMENT

5 CSR 90-7.010 Definitions. The State Board of Education is amending subsections (1)(F), (1)(O) and adding a new subsection (1)(P).

PURPOSE: This amendment is needed to clarify and implement program changes.

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

(F) Participant-directed. Hiring, training, supervising and directing of the personal care attendant by the physically disabled person; **excluding, but not limited to, the following:**

1. Any individual with a legal designation, including guardianship, conservator, power of attorney, etc., that involves the authorization of another person to act as the agent for any of the duties required by the participant-directed program;

(O) Medicaid state plan (MSP) program. The MSP program provides PCA services, through a combination of federal and state funding sources, for the Medicaid-eligible client/consumers with physical disabilities who are "employed or ready for employment" to maintain or seek such employment or "live independently/./"; **and/or**

(P) **Cost Neutral. Overall cost of services to receiving agency should not exceed cost of services from transferring agency.**

AUTHORITY: sections 161.092, RSMo Supp. 2003, 178.661 and 178.673, RSMo 2000. Original rule filed Jan. 10, 1985, effective May 13, 1985. Amended: Filed Aug. 1, 1988, effective Nov. 25, 1988. Emergency amendment filed Aug. 31, 1992, effective Sept. 10, 1992, expired Jan. 9, 1993. Amended: Filed Aug. 31, 1992, effective April 8, 1993. Amended: Filed May 31, 1994, effective Dec. 30, 1994. Amended: Filed Oct. 31, 1996, effective June 30, 1997. Amended: Filed June 28, 2001, effective Jan. 30, 2002. Amended: Filed Sept. 12, 2003.

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, Division of Vocational Rehabilitation, Attention: Mr. Ronald W. Vessell, Assistant Commissioner, 3024 Dupont Circle, 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 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 90—Vocational Rehabilitation
Chapter 7—Personal Care Assistance Program**

PROPOSED AMENDMENT

5 CSR 90-7.100 Eligibility. The State Board of Education is amending sections (2), (3), (4) and subsection (1)(C).

PURPOSE: This amendment is needed to clarify and implement program changes.

(1) Subject to legislative appropriations, the Division of Vocational Rehabilitation (DVR) shall provide financial assistance for the personal care assistance (PCA) program services through eligible providers to each client/consumer selected to participate and meeting the criteria:

(C) In addition to the above general criteria, persons eligible for Medicaid PCA services shall meet the following:

1. Document proof of Medicaid eligibility under Title XIX of the Social Security Act pursuant to federal/state laws and regulations; and

2. Participate in an assessment with the assessment team or the **Department of Health and Senior Services, Division of Senior Services (Division of Senior Services)** that utilizes a level of care evaluation tool that is approved by the state Medicaid agency and assigns a point value pursuant to federal/state laws and regulations.

A. The initial assessment shall be conducted in the individual's home or current place of residence at the time of application. If the individual is in the process of relocation, the assessment shall be conducted at the new residence.

(2) Individuals eligible for Medicaid under Title XIX of the Social Security Act who do not meet the above criteria for PCA shall be referred to the Division of *[Aging]* **Senior Services** or other agencies as appropriate, to determine eligibility for PCA services pursuant to state laws and regulations.

(3) The assessment team must consist of an independent living specialist, rehabilitation counselor, and a medical professional from physical therapy, occupational therapy, or a registered nurse. Other team members may include additional service providers, including Division of *[Aging]* **Senior Services** personnel. When a client/consumer is currently receiving PCA services from another agency and wishes to transfer PCA services to DVR, the other agency's case manager should be consulted for planning purposes:

(4) The PCA services plan (plan of care) is based on the **assessment/evaluation** performed by the assessment team or **Division of Senior Services** and determines the appropriateness and adequacy of services, ensures the services furnished are consistent with the nature

and severity of the individual's disability. **If a client/consumer transfers from or is shared with the Division of Senior Services, a new evaluation and PCA services plan (POC) is required but must maintain cost neutrality through the next regularly scheduled assessment date, unless undue hardship is documented.** The plan of care will be available for review **upon proper release** by the client's/consumer's physician:

AUTHORITY: sections 161.092, RSMo Supp. 2003, 178.662, 178.666 and 178.673, RSMo 2000. Original rule filed June 28, 2001, effective Jan. 30, 2002. Amended: Filed Sept. 12, 2003.

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 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, Division of Vocational Rehabilitation, Attention: Mr. Ronald W. Vessell, Assistant Commissioner, 3024 Dupont Circle, 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 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 90—Vocational Rehabilitation
Chapter 7—Personal Care Assistance Program**

PROPOSED AMENDMENT

5 CSR 90-7.200 Providers. The State Board of Education is amending subsections (2)(D), (3)(C), (3)(D), (3)(I), (3)(J), (3)(K), (3)(L), (3)(M), (3)(N) and (3)(R).

PURPOSE: This amendment is needed to clarify and implement program changes.

(2) DVR will monitor the certified PCA providers' responsibilities. In addition, DVR will administer the following fiscal services:

(D) One (1) hour of PCA service equals *[one (1)]* **four (4)** units; and

(3) Certified PCA providers shall be responsible for the following:

(C) Maintaining a list of personal care attendants available for selection by the client/consumer. The attendants are employees of the client/consumer only for the time period subsidized with PCA funds, but are never employees of DVR or the state of Missouri. The attendants must meet the following qualifications:

1. Be at least eighteen (18) years of age;

2. Meet the physical and mental demands required to perform specific tasks required by a particular client/consumer;

3. Agree to maintain confidentiality;

4. Be emotionally mature and dependable;

5. Be able to handle emergency type situations; *[and]*

6. Not be the client's spouse; **and**

7. Register with the Family Care Safety Registry pursuant to applicable state laws and regulations;

(D) Public information, outreach and education activities to ensure that persons with disabilities are informed of the services available and have maximum opportunity for participation/;

1. PCA providers shall not solicit any person to become a client/consumer;

(I) Maintain confidentiality of client/consumer records and eligibility information from DVR **pursuant to applicable federal/state laws and regulations**;

(J) Conduct assessments and re-evaluations for determining eligibility and the need for continued attendant care **based on unmet need**;

(K) Document that a valid written plan of care was developed by the assessment team, **Department of Health and Senior Services, Division of Senior Services** and/or qualified individuals for each client/consumer prior to the provision of PCA services;

(L) Perform case management activities **with the consumer** at least monthly, to provide ongoing monitoring of the provision of services in the plan of care and other services as needed to live independently;

(M) Ensure that the client's/consumer's case file contains at a minimum, the following:

1. Written plan of care that documents the type of services and quantity of units to be provided;
2. The client's/consumer's service time sheets contain the following information:

- A. Attendant's name;
- B. Client's/consumer's name;
- C. Dates of service delivery;
- D. Time spent;
- E. Types of activities performed on each date;
- F. Attendant's signature each day; and
- G. Client's/consumer's verifying signature;

3. Copies of all correspondence with DVR, the client's/consumer's physician or other service providers, including but not limited to other administrative agencies;

4. Signed documentation that indicates the client/consumer has been informed of their rights concerning background checks, advanced directives, hearings and participant responsibilities[;];

A. Hearing rights and participant choice and responsibilities forms must comply with Medicaid and/or DVR requirements;

5. Documentation of training provided to client/consumer **in the skills needed to understand and perform the essential functions of an employer**;

6. For clients/consumers eligible for services under Title XIX of the Social Security Act, the assessment shall be available for review **upon proper release** by a physician possessing a valid license pursuant to state laws and regulations;

7. Evaluations and/or assessments;

8. Annual financial documentation for the non-medicaid eligible (NME) program to include the financial application or documentation of Medicaid eligibility for the Medicaid state plan program; and

9. Any pertinent documentation regarding the client/consumer;

(N) Perform duties necessary to coordinate accounting processing requirements, including the following but not limited to:

1. **Utilize DVR approved time sheets, [A]accumulate time sheets, certify accuracy and forward a copy to DVR for processing;**
2. File original time sheet in client's/consumer's case file;
3. Maintain required client/consumer payroll information on a computer system compatible with DVR's PCA computer system;
4. Monitor utilization of hours by the client/consumer at least monthly;

5. Be responsible for any federal and/or state funds for attendant services that are deferred or ultimately disallowed arising from a failure to comply with a federal and/or state requirement; and

6. Provide as requested by DVR, the information necessary to conduct state or federal audits or both;

(R) Submit an annual audit by a properly licensed independent practitioner (certified public accountant licensed in the state of Missouri) *[in accordance with all]* **pursuant to applicable federal/ [and] state laws and regulations, including any audit parameters as established by DVR.** The audit report must be submitted to

DVR within ninety (90) days after the end of the provider's fiscal year.

AUTHORITY: sections 161.092, RSMo Supp. 2003, 178.662, 178.664, 178.666, 178.669 and 178.673, RSMo 2000. Original rule filed June 28, 2001, effective Jan. 30, 2002. Amended: Filed Sept. 12, 2003.

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, Division of Vocational Rehabilitation, Attention: Mr. Ronald W. Vessell, Assistant Commissioner, 3024 Dupont Circle, 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 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 90—Vocational Rehabilitation Chapter 7—Personal Care Assistance Program

PROPOSED AMENDMENT

5 CSR 90-7.320 Hearings. The State Board of Education is amending sections (2), (3), (5) and (6).

PURPOSE: This amendment is needed to clarify and implement program changes.

(2) An applicant or client/consumer may request a hearing in writing by contacting the assistant commissioner, Division of Vocational Rehabilitation (DVR) within *[thirty (30)] ninety (90)* days of denial of eligibility, denial of financial assistance, the determination of financial assistance, discontinuation, **suspension or reduction of services**, *or the signing of the plan of care*].

(3) A hearing will be held by the assistant commissioner, or his/her designee (**impartial** hearing officer), within forty-five (45) days of the request unless a party requests a specified time extension.

(5) Copies of all correspondence, reports of contact and written decisions rendered by the **impartial** hearing officer shall be placed in the applicant's or client's/consumer's case file at the center for independent living.

(6) The **impartial** hearing officer will make a decision based upon the provisions of the approved state plan, the federal act and/or applicable regulations, and appropriate state laws and/or regulations. A written report will be submitted to the applicant or client/consumer, or if appropriate, the individual's representative, the case file and to the assistant commissioner within a timely manner.

AUTHORITY: sections 161.092, RSMo Supp. 2003, 178.671 and 178.673, RSMo 2000. Original rule filed June 28, 2001, effective Jan. 30, 2002. Amended: Filed Sept. 12, 2003.

PUBLIC COST: This proposed amendment is estimated to cost state agencies or political subdivisions five thousand one hundred dollars (\$5,100) in Fiscal Year 2004 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, Division of Vocational Rehabilitation, Attention: Mr. Ronald W. Vessell, Assistant Commissioner, 3024 Dupont Circle, 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.

**FISCAL NOTE
PUBLIC COST**

I. RULE NUMBER

Title: 5 - Department of Elementary and Secondary Education
 Division: 90 - Division of Vocational Rehabilitation
 Chapter: 7 - Personal Care Assistance Program
 Type of Rulemaking: Proposed Amendment
 Rule Number and Name: 5 CSR 90-7.320 Hearings

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Elementary and Secondary Education	\$5,100 in FY04 with that cost recurring annually over the life of the rule

III. WORKSHEET

FY03 – 51 appeals
 Contract cost for hearing officers \$50.00 per hour
 Two hours per appeal – one for the hearing and one for documentation / report preparation.
 51 appeals x \$50 per hour x 2 hours = \$5,100

Expenses	Amount
Hearing Officers	\$5,100

IV. ASSUMPTIONS

- Hearings will remain consistent with current growth of program.
- Hearing officers can be contracted at a rate of \$50 per hour for services.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 45—Division of Mental Retardation and
Developmental Disabilities
Chapter 5—Standards for *Community-Based Services***

PROPOSED RULE

9 CSR 45-5.105 Definitions for Fire Safety Rules

PURPOSE: This rule establishes definitions for the fire safety rules promulgated under this chapter.

(1) The following terms shall mean:

(A) Alterations, changes made to the structure or floor plan of the facility by removing or adding walls and doors or adding space;

(B) Commercial range is any range or stovetop classified as commercial by the manufacturer or larger in size than a common residential range, equipped with four (4) or more burners/elements and may be equipped with a cooking grill or griddle surface;

(C) Dead-end is a corridor or hallway with no exit at the end that causes occupants to retrace their path to reach an exit;

(D) Exit is the portion of a means of egress that is separated from all other areas of the building or structure by construction or equipment required to provide a protected way of travel to the exit discharge. Exits include exterior exit doors, exit passageways, horizontal exits, separated exit stairs, and separated exit ramps;

(E) Exit access is the portion of a means of egress that leads to an exit;

(F) Exit discharge is the portion of a means of egress between the termination of an exit and a public way;

(G) Fire barrier is a structural element, either vertical or horizontal, such as a wall or floor assembly that is designed and constructed with a specified fire resistance rating to limit the spread of fire and restrict the movement of smoke. Such barriers may have protected openings;

(H) Fire door is a combination of the fire door, frame, hardware and other accessories which together provide a specific degree of fire protection to the opening;

(I) Fire resistance rating is the length of time in minutes or hours that materials or structural elements can withstand fire exposure;

(J) Flame resistant material is the property of material or their structural elements that prevents or retards the passage of excessive heat, hot gases, or flames under the conditions in which they are used;

(K) Flame retardant is a chemical applied to material or other substance that is designed to retard ignition or the spread of fire;

(L) Home type range is a typical home type cooking stove;

(M) Interior finish includes the interior wall and ceiling finish, and interior floor finish;

(N) Level exit discharge is a horizontal plane that is located from the point at which an exit terminates and the exit discharge begins. The horizontal plane shall not vary more than two inches (2") in rise or fall;

(O) Level is the portion of a building included between the upper surface of a floor and the ceiling above it, or any upper surface of a floor and the ceiling above it that is separated by more than five (5) steps on a stairway;

(P) Means of egress is a continuous and unobstructed way of travel from any point in a building or structure to a public way. A means of egress consists of three (3) distinct parts: the exit access, the exit, and the exit discharge;

(Q) Means of escape is a way out of a residential unit that does not conform to the strict definition of means of egress but does meet the intent of the definition by providing an alternative way out of a building;

(R) Mixed occupancy is when a facility is located in the same building or structure as another occupancy. This may include a business or place of assembly;

(S) Public way is a street, alley, or other similar parcel of land essentially open to the outside air that is deeded, dedicated, or otherwise permanently appropriated to the public for public use and having a clear width and height of not less than ten feet (10');

(T) Remote exit or means of egress is when two (2) exits or two (2) exit access doors are required. Each exit or exit access door shall be placed at a distance apart equal to at least one-half (1/2) the length of the maximum overall diagonal dimension of the building or area to be used;

(U) Self-closing means to be equipped with an approved device that will ensure closing after having been opened;

(V) Smoke barrier is a structural element, either vertical or horizontal, such as a wall, floor, or ceiling assembly that is designed and constructed to restrict the movement of smoke. A smoke barrier may or may not have a fire resistance rating; and

(W) Supervised automatic sprinkler system is a system with the initiating devices monitored by the fire alarm control panel. This may include switches used to monitor the position of valves, a low air pressure switch, a water flow switch, and a tamper switch.

(2) In the context of rules promulgated under 9 CSR 45, the term department shall mean the Department of Mental Health (DMH).

(3) Terms not defined in this rule shall be understood as defined in the fire safety code of the National Fire Protection Association.

AUTHORITY: section 630.655, RSMo 2000. Original rule filed Sept. 5, 2003.

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 by writing to Donna Haley, Mental Health Manager, Division of Mental Retardation and Developmental Disabilities, 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 45—Division of Mental Retardation and
Developmental Disabilities
Chapter 5—Standards for *Community-Based Services***

PROPOSED RULE

9 CSR 45-5.110 Fire Safety for On-Site Day Habilitation

PURPOSE: This rule establishes fire safety requirements for on-site day habilitation funded through the Medicaid home and community-based waiver. The department delegates its authority for fire safety inspections under this rule to the Department of Public Safety, Division of Fire Safety.

(1) General Requirements.

(A) People participating in on-site day habilitation shall be restricted to using the floor of the building that is at ground level exit discharge. Exception: People participating in on-site day habilitation may use the floor below and above the level of exit discharge if the entire building is protected throughout with an approved automatic sprinkler system.

(B) No on-site day habilitation shall be located in the same building as a high hazard occupancy.

(C) The staff of the facility shall conduct at least one (1) fire drill at least once a month. In addition, a disaster drill will be conducted at least twice per year. The staff shall maintain a written record at the facility of the date, type of drill, time required to evacuate the building, whether the evacuation was completed, notation of any problems evacuating, and the number of occupants present during the drill.

(D) Unscheduled drills shall be held at the state fire marshal inspector's discretion.

(E) During severe weather, fire drills may be postponed.

(F) Each fire drill shall evacuate all persons from the building and shall be conducted as follows:

1. Drills shall simulate an actual fire condition;
2. Occupants and staff members shall not obtain clothing or personal effects after the alarm has sounded;
3. The occupants and staff members shall proceed to a predetermined point outside the building that is sufficiently remote to avoid fire danger, or to a predetermined point inside of the building to defend in place; and
4. Occupants and staff members shall remain in place until a recall is issued or until they are dismissed.

(G) No window in a facility shall have bars or any other item placed over it in a stationary manner that would impede a rescue or evacuation attempt.

(H) All flammable/combustible liquids, matches, toxic cleaning supplies, poisonous materials, medicines, or other hazardous items shall be stored so as to be inaccessible to the occupants.

(I) The building numbers shall be plainly visible from the street in case of emergency.

(J) Good housekeeping practices ensuring fire safety will be maintained daily.

(K) Stairways, walks, ramps, and porches shall be kept free of ice and snow.

(L) No fresh-cut Christmas trees shall be used unless they are treated with a flame resistant material. Documentation of the treatment shall be on file at the facility and available for review by the state fire marshal inspector.

(M) The facility shall notify the nearest fire department that the facility is in operation and have required signed documentation (fire department notification form) on file at the facility.

(N) Facilities served by a volunteer or membership fire department shall be a member in good standing with the fire department. A copy of the membership or receipt for membership shall be on file at the facility and available for review.

(O) The facility shall as soon as practical report any fire in the facility to the state fire marshal's office and the Department of Mental Health.

(P) The Division of Fire Safety may make additional requirements that provide adequate life safety protection if it is determined that the safety of the occupants is endangered. Every building or structure shall be constructed, arranged, equipped, maintained, and operated to avoid danger to the lives and safety of its occupants from fire, smoke, fumes, or resulting panic during the period of time necessary for escape from the building.

(Q) Prior to new construction, remodeling existing structures, and any structural alterations to existing facilities, the provider shall submit two (2) copies of plans and specifications prepared to scale for review and approval. One (1) copy shall be submitted to the Department of Mental Health's Licensure and Certification Unit; the second copy to the state fire marshal. The plans shall include a narrative indicating the utilization of each area of the facility. The architect or contractor shall certify in writing that the plans are in compliance with these certification rules. The provider shall not begin construction until the plans have been reviewed by the state fire marshal inspector. All plans for new construction, remodeling or additions shall comply with the Americans with Disabilities Act, Accessibility Guidelines.

(R) During the construction or remodeling process, the provider shall request a framing and wiring inspection and an inspection for the rough-in wiring for the fire alarm system by the Division of Fire Safety before the walls are enclosed. Failure to request these inspections in a timely manner may result in an unapproved fire inspection from the Division of Fire Safety.

(S) The ceiling height in all facilities shall be a minimum of seven feet six inches (7'6"). An allowance will be made by the state fire marshal inspector for some areas that are below seven feet six inches (7'6") for the installation of ductwork and plumbing.

(T) Facilities shall comply with all local building codes, fire codes and ordinances.

(U) The latest edition of the National Fire Protection Association, Chapter 101, *Life Safety Code* shall prevail in the interpretation of these rules.

(V) Each certified day program facility shall be inspected at least once annually by a state fire marshal inspector. The Department of Mental Health will initiate the fire safety inspection. If a facility is found out of compliance with the fire safety rules, the department will apply procedures for achieving compliance as promulgated under 9 CSR 45-5.060.

(2) Means of Egress Requirements.

(A) Each floor occupied in the facility shall have not less than two (2) remotely located means of egress. Each exit door shall not be less than thirty-two inches (32") wide and shall be thirty-six inches (36") wide in all new construction.

(B) In addition to the primary route, each room or occupied space shall have a second means of escape that consists of one (1) of the following:

1. A door, stairway, passage, or hall providing a way of unobstructed travel to the outside of the dwelling at street or ground level that is independent of and remotely located from the primary means of escape.

2. A passage through an adjacent non-lockable space, independent of and remotely located from the primary means of escape, to any approved means of escape.

(C) No door in the path of travel to the means of egress shall be less than thirty-two inches (32") wide in an existing facility.

(D) At no time shall the occupants of the facility exit through a bathroom, storage room, furnace room, kitchen, garage, or any other room deemed hazardous by the state fire marshal inspector.

(E) All exit doors shall swing in the direction of egress travel and have door closures attached. In smaller facilities that care for ten (10) or fewer clients, the exit doors may swing inward providing all of the clients are ambulatory. Door closures are not required in smaller facilities.

(F) Emergency lighting that has a battery backup shall be installed to light the path of egress. The location and number of emergency lights shall be determined by the state fire marshal.

(G) Lighted exit signs with a battery backup shall be installed above exit doors and as needed throughout the facility to direct the occupants to the exits.

(H) No dead bolt locks that require a key to unlock the lock from the inside shall be allowed.

(I) Overhead garage doors are not recognized as exit doorways.

(J) Mirrors shall not be placed on exit doors or adjacent to any exit in such a manner to confuse the direction of the exit. All exit doors shall be readily recognizable.

(K) All hallways shall have a clear width of at least thirty-six inches (36") wide and shall be kept free of all articles that might impede the occupants' evacuation from the home.

(L) Dead-end corridors/hallways shall not exceed twenty feet (20').

(M) All facilities that have a set of stairs or use stairs as a fire escape shall be constructed as follows:

1. All stairs shall be at least thirty-six inches (36") wide. Fire escapes shall be constructed of non-combustible materials;

- 2. The maximum rise shall be eight inches (8");
- 3. The minimum tread shall be nine inches (9");
- 4. The maximum height between landings shall be twelve feet (12');
 - 5. The minimum landing size shall be forty-four inches (44");
- 6. Handrails shall be placed on both sides and shall be of sturdy construction and positioned thirty-four to thirty-eight inches (34"-38") above the tread;
- 7. The outside diameter of the handrails shall be at least one and one-fourth inches (1 1/4") and no greater than two inches (2") in size;
- 8. Handrails shall provide a clearance of at least one and one-half inches (1 1/2") between the handrail and the wall or upright to which it is attached; and
- 9. Spiral staircase or winder is not permitted.

(N) Every ramp used in the component of the means of egress shall be a minimum of forty-four inches (44") wide, and have landings at the top and bottom being the same width as the ramp. Ramp height shall comply with the following:

- 1. Ramps less than three inches (3") in height shall have a slope of one inch (1") per eight inches (8") of run.
- 2. Ramps with a height of three to six inches (3"-6") shall have a slope of one inch (1") per ten inches (10") of run.
- 3. Ramps with a height greater than six inches (6") shall have a slope of one inch (1") per twelve inches (12") of run.

(O) All ramps shall have a slip-resistant surface and shall be designed so that water or snow shall not accumulate on their surface.

(P) All ramps over ten inches (10") in height shall have guardrails and handrails on both sides.

(3) Windows for Emergency Rescue and Ventilation.

(A) Every room or space greater than three hundred (300) square feet used by clients shall have at least one (1) outside window for emergency rescue and ventilation. The window shall be operable from the inside without the use of tools and shall provide a clear opening of at least twenty inches (20") wide, twenty-four inches (24") in height. The total clear opening space shall be no less than 5.7 square feet in size. The bottom of the opening shall be no more than forty-four inches (44") above the floor and any latching device shall be operated easily. The clear opening shall be a rectangular solid, with a minimum width and height that provides the required 5.7 square feet opening and a minimum depth of twenty inches (20") to allow passage through the opening. The windows shall be accessible by the fire department and shall open into an area having access to a public way.

(B) Subsection (3)(A) does not apply in the following situations:

- 1. In buildings protected throughout by an approved, supervised automatic sprinkler system; or
- 2. When the room or space has a door leading directly to the outside of the building.

(4) Travel Distance to Exits.

(A) The travel distance between any room door intended as an exit access or an exit shall not exceed one hundred feet (100').

(B) The travel distance between any point in a room and an exit shall not exceed one hundred fifty feet (150').

(C) The travel distance in (A) and (B) above shall be permitted to be increased by fifty feet (50') in buildings protected throughout by a supervised automatic sprinkler system that is approved by the state fire marshal inspector, based on the National Fire Protection Association Standards for Sprinkler Systems.

(5) Protection.

(A) Any vertical openings and stairwells shall be enclosed and protected with a one (1)-hour fire barrier and self-closing device attached to the door.

(B) All furnace rooms, rooms containing water heaters, boiler rooms and storage rooms shall be separated from the remainder of

the building by construction having not less than a one (1)-hour fire resistance rating. All doors to these rooms shall have a self-closing device attached and shall have a one (1)-hour fire resistive rating. The one (1)-hour rating required for these rooms or areas are not required if the facility installs an automatic sprinkler head supplied by the domestic water supply or has an approved automatic sprinkler system. A fire alarm initiating device shall be installed in the rooms or areas.

(C) On-site developmental habilitation shall be separated from other occupancies in the same building in accordance with the following:

Use Group	Fire Wall Separation in Hours
Place of assembly	2
Business	1
Mercantile	2
Institutional restrained	1
Hotels or dormitories	2

(6) Interior Finish.

(A) Interior wall and ceiling finishes throughout shall be a minimum Class B finish, as specified in the definition section of these fire safety rules. Textile material having a napped, tufted, looped, woven, non-woven, or similar surface shall not be applied to walls or ceilings. Foam plastic materials or other highly flammable or toxic materials shall not be used as an interior wall, ceiling, or floor finish.

(B) All wall studs, ceiling joists, and floor joists shall be covered with a minimum of Class B finish, and no exposed studs or joists shall be allowed.

(C) Hangings or draperies shall not be placed over exit doors or be located to conceal or obscure any exit. All other hangings and draperies shall be treated with a flame retardant material with verification to this effect on file for the state fire marshal inspector to review. An exception can be made for window valances and shall be noted by the inspector on the fire inspection survey.

(7) Detection, Alarms, Extinguishment.

(A) All on-site day habilitation programs serving fifty (50) people or less shall have smoke detectors installed on each level, in all occupied spaces, storage rooms and throughout all corridors and in all other locations as deemed necessary by the state fire marshal inspector. All smoke detectors shall be powered by the building's electrical system and have a nine (9)-volt battery backup and be interconnected. Smoke detectors shall be installed and arranged so that the activation of any smoke detector causes the operation of an alarm in all detectors that is clearly audible throughout the building, including in bathrooms, corridors, and activity rooms, and above the noise of radios, televisions, and noises of normal activity.

(B) All on-site developmental habilitation serving fifty (50) people or more shall have a full coverage electrical fire alarm system. Pull stations shall be mounted at each exit door and at least one (1) horn shall be installed in a central location on each floor. Smoke detectors shall be installed in all rooms, throughout all corridors, in all living spaces, storage rooms and offices. Additional smoke detectors may be required by the state fire marshal inspector as deemed necessary. Heat detectors shall be installed in all mechanical rooms, kitchens and throughout the attic. The battery backup control panel shall be Underwriters Laboratories, Inc. (UL) or Factory Mutual (F.M.) listed and installed on a dedicated circuit in the breaker box. The fire alarm system shall be installed and maintained in good working order.

(C) The fire alarm system shall be monitored by a monitoring company or transmitted directly to the fire department when fifty (50) or more clients are present.

(D) All facilities shall have the fire alarm system tested, inspected, and approved annually by a fire alarm company. A copy of the

test report and approval of the system shall be kept on file at the facility for review by the state fire marshal inspector and the department.

(E) Occupant notification shall be provided automatically without delay. Pre-signal systems shall be prohibited.

(F) Any day program that has hearing-impaired occupants shall make adequate provisions so that the activation of any fire alarm system shall notify the occupants of the building. The state fire marshal inspector may require additional requirements for the hearing-impaired occupants to insure adequate modification.

(G) All smoke detectors that are ten (10) years old or older shall be replaced with new smoke detectors of the same style. The new smoke detectors shall have the installation date written on the side of the detector for the state fire marshal to reference. All smoke detectors that are connected to a fire alarm system shall be replaced after ten (10) years of service, or recalibrated by the smoke detectors manufacturer. If the smoke detectors are recalibrated, temporary smoke detectors shall be installed so that the fire alarm system continues working properly and providing protection to the occupants while the original smoke detectors are being serviced.

(H) Facilities using equipment or appliances that pose a potential carbon monoxide risk, including facilities with attached garages, shall install a carbon monoxide detector(s). The detector(s) shall be installed according to the manufacturer's instructions. The state fire marshal may require additional carbon monoxide detectors if the state fire marshal inspector determines that the safety of the occupants is endangered.

1. Carbon monoxide detectors shall be in good operating condition. If a battery-operated detector is not operational, the facility shall install a detector that is powered by the building's electrical system with a battery backup.

2. If an elevated carbon monoxide level is detected during a fire inspection, the facility shall have all gas-fired appliances checked by a heating and air conditioning company to identify the source of the carbon monoxide. Until the facility has documentation on file at the facility verifying that all gas-fired appliances were checked by a heating and air conditioning company and are in safe working order, and the facility is determined safe by the state fire marshal inspector, the fire inspection shall not be approved.

3. If a level of carbon monoxide is determined that endangers the lives of the occupants in care, the state fire marshal shall take measures necessary to protect the occupants. This may include evacuation of the building or closing the facility. The facility shall obtain and have on file at the facility, documentation verifying that all gas-fired appliances were checked by a heating and air conditioning company and are in safe working order. The facility shall be reinspected by the state fire marshal inspector and determined safe before the occupants can return to the building or the facility can reopen.

(I) At least one (1) portable (five pound (5 lb)) 2A-10B:C fire extinguisher shall be required in all facilities. One (1) fire extinguisher shall be located in the kitchen. Additional fire extinguishers shall be placed throughout the facility and the travel distance shall be no greater than seventy-five feet (75') between fire extinguishers. Additional fire extinguishers may be required by the state fire marshal inspector depending on the floor plan arrangement of space and the number of levels used.

(J) Fire extinguishers shall be installed and maintained according to the instructions of the state fire marshal and shall be inspected and approved annually by a fire extinguisher company. Documentation of the inspection and approval shall be on file at the facility and available for review by the state fire marshal inspector.

(8) Heating, Ventilating, Air Conditioning, and Mechanical Equipment.

(A) Unvented fuel-fired room heaters, portable electric space heaters and floor furnaces shall not be permitted for use.

(B) No facility shall be allowed to heat the facility with a wood burning stove, fireplace, or wood burning furnace located inside of the structure.

(C) All gas and electric heating equipment shall be equipped with thermostatic controls. All hot water heaters shall have a properly sized pressure relief valve and be properly vented by galvanized flue pipe and screws at every joint in the pipe or by material recommended by the manufacturer if they are gas fired. The drip leg pipe on the pressure relief valve shall extend to approximately six inches (6") above the floor and shall be copper or chlorinated polyvinyl chloride (CPVC) and cannot be reduced in size.

(D) Facilities with a water heater over two hundred thousand British thermal units (200,000 Btus) per hour input or larger, or that is heating with a boiler, shall have a valid permit from the Division of Fire Safety posted on the premises. A copy of the permit shall be kept on file at the Division of Fire Safety.

(E) All furnace rooms shall be properly vented. Furnace flue pipes shall be constructed of galvanized pipe or material recommended by the manufacturer. All galvanized pipe shall be secured by screws at every joint in the pipe.

(F) All joints in the gas supply pipe shall be located outside of the furnace cabinet housing.

(G) Gas shutoff valve shall be located next to all gas appliances, furnaces, hot water heaters.

(H) All furnaces shall be equipped with an electrical fused switch to protect the unit from electrical overloading and to disconnect the electrical supply.

(I) If a furnace or hot water heater is located inside a garage, it shall be at least eighteen inches (18") above the finished floor and enclosed inside a fire resistant room having a fire rating of thirty (30) minutes. The door to this room shall also have a fire rating of thirty (30) minutes and have a door closure attached.

(J) All furnace rooms and rooms containing the hot water heater shall have adequate combustion air for the units. The vent size opening for the combustion air shall be measured at one (1) square inch per one thousand (1,000) Btus input if the combustion air is drawn from inside the structure and one (1) square inch per four thousand (4,000) Btus input if the air is drawn from outside of the structure. There shall be two (2) combustion air vent openings in each furnace room, one (1) located at the lower level and the other at the upper level.

(K) One (1) combustion air vent opening shall be permitted if the vent opening communicates directly to the outside of the structure. This opening shall be one (1) square inch per three thousand (3,000) Btus input of the total gas appliances located in this room. The gas appliances must have a clearance around them, of one inch (1") from the sides and back, and six inches (6") from the front of the unit.

(L) Air conditioning, heating, ventilating ductwork, and related equipment shall be installed in a safe manner and be in good operating condition as determined by the state fire marshal.

(M) All elevators shall be inspected annually by a state licensed elevator inspector and shall obtain an annual state operating permit form from the Division of Fire Safety and post it as required.

(9) Electrical Services.

(A) Electrical wiring shall be installed and maintained in good working order. If the state fire marshal considers the wiring to be unsafe for the occupants or it is installed improperly, an inspection by a licensed electrician may be required prior to fire safety approval. The inspection by the licensed electrician shall be based on National Fire Protection Association, Chapter 70, *National Electrical Code*.

(B) No electrical extension cords will be allowed, unless approved in writing by the state fire marshal inspector.

(10) Equivalency Concepts. Nothing in this rule is intended to prevent the use of systems, methods, or devices of equivalent or superior quality, strength, fire resistance, effectiveness, durability, and safety as alternatives required by this rule. These alternatives may be used only if technical documentation to demonstrate equivalency

and the system, method, or device is submitted and approved by the Missouri Division of Fire Safety.

AUTHORITY: section 630.655, RSMo 2000. Original rule filed Sept. 5, 2003.

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

PRIVATE COST: The department conducted two (2) surveys, published this proposed rule as a Rule Under Consideration and sent this to its providers via e-mail with a request to evaluate the rule in terms of content and fiscal impact. Only five (5) responses were received and they were from department staff making minor comments on substance but no comment on fiscal impact. Therefore, the information available to the division at this time leads it to conclude that the proposed rule will not have a fiscal impact of more than five hundred dollars (\$500).

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule by writing to Donna Haley, Mental Health Manager, Division of Mental Retardation and Developmental Disabilities, 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 45—Division of Mental Retardation and
Developmental Disabilities
Chapter 5—Standards for Community-Based Services**

PROPOSED RULE

9 CSR 45-5.130 Fire Safety for Residential Habilitation for 4-9 People

PURPOSE: This rule establishes fire safety requirements for residential habilitation homes serving four to nine (4-9) people funded through the Medicaid home and community-based waiver. The department delegates its authority for fire safety inspections under this rule to the Department of Public Safety, Division of Fire Safety.

(1) General Requirements.

(A) The staff shall conduct at least one (1) fire drill and one (1) disaster/weather drill per quarter, with a minimum of one (1) fire and one (1) disaster/weather drill per year conducted while the residents are sleeping. A drill must be conducted within one (1) week of the arrival of a new resident. The staff shall maintain a written record at the facility of the date, type of drill, time required to evacuate the building, whether the evacuation was completed, notation of any problems evacuating, and number of occupants present during the drill.

(B) Unscheduled drills shall be held at the state fire marshal inspector's discretion.

(C) During severe weather, fire drills may be postponed.

(D) Each fire drill shall evacuate all persons from the building, or evacuate to an area of refuge and defend in place. Each fire drill shall be conducted as follows:

1. Drills shall simulate an actual fire condition;
2. Occupants and staff members shall not obtain clothing or personal effects after the alarm has sounded;
3. The occupants and staff members shall proceed to a predetermined point outside the building that is sufficiently remote to avoid fire danger, or in case of disaster/weather drill to a predetermined point inside of the building; and

4. Occupants and staff members shall remain in place until a recall is issued or until they are dismissed.

5. Exception. If there is potential harm to residents during drills because a resident is medically fragile, the provider may arrange the drill to not involve the medically fragile. However, all residents who are medically fragile must participate in a drill at least once per year. This must be documented in the home.

(E) No window in a facility shall have bars or any other item placed over them in a stationary manner that would impede a rescue or evacuation.

(F) All flammable/combustible liquids, matches, toxic cleaning supplies, poisonous materials, or other hazardous items shall be stored so as to be inaccessible to the occupants if the occupants cannot handle the materials safely. If there are firearms and/or ammunition on the premises, they shall be kept in a locked space and residents shall not have access.

(G) Clothes dryers shall be vented and maintained properly.

(H) The house numbers shall be plainly visible from the street in case of emergency.

(I) Good housekeeping practices ensuring fire safety will be maintained daily.

(J) Stairways, walks, ramps, and porches shall be kept free of ice and snow.

(K) No fresh-cut Christmas trees shall be used unless they are treated with a flame resistant material. Documentation of the treatment shall be on file at the facility and available for review by the state fire marshal inspector.

(L) Candles and other devices that have an open flame shall not be used indoors. However, short-term supervised use of candles for special occasions or dinners is permitted.

(M) The facility shall notify the nearest fire department that the facility is in operation and have required signed documentation (fire department notification form) on file at the facility.

(N) Facilities served by a volunteer or membership fire department shall be a member in good standing with the fire department. A copy of the membership or receipt for membership shall be on file at the facility and available for review.

(O) The facility shall as soon as practical report any fire in the facility to the state fire marshal's office and the Department of Mental Health.

(P) The Division of Fire Safety may make additional requirements that provide adequate life safety protection if it is determined that the safety of the occupants is endangered. Every building or structure shall be constructed, arranged, equipped, maintained, and operated to avoid danger to the lives and safety of its occupants from fire, smoke, fumes, or resulting panic during the period of time necessary for escape from the building.

(Q) Prior to new construction, remodeling existing structures, and any structural alterations to existing facilities, the provider shall submit two (2) copies of plans and specifications prepared to scale for review and approval. One (1) copy shall be submitted to the Department of Mental Health's Licensure and Certification Unit, the second copy to the state fire marshal. The plans shall include a narrative indicating the utilization of each area of the facility. The architect or contractor shall certify in writing that the plans are in compliance with these certification rules. The provider shall not begin construction until the plans have been reviewed by the state fire marshal inspector. All plans for new construction, remodeling or additions shall comply with the Americans with Disabilities Act, Accessibility Guidelines.

(R) During the construction or remodeling process, the provider shall request a framing and wiring inspection and an inspection for the rough-in wiring for the fire alarm system by the Division of Fire Safety before the walls are enclosed. Failure to have these inspections constitutes cause for disapproval by the Division of Fire Safety.

(S) Facilities that were certified and areas approved for care prior to the effective date of this rule shall have ceilings at least seven feet (7') in height. Facilities initially certified and areas initially approved

for care on or after the effective date of this rule shall meet all the requirements of this rule and shall have ceilings at least seven feet, six inches (7'6") in height. If structural alterations are made in facilities certified prior to the effective date of this rule, those facilities shall meet all the requirements of this rule and shall have ceilings at least seven feet, six inches (7'6") in height in the altered space. Allowance will be made by the state fire marshal inspector for the installation of ductwork and plumbing. No more than forty percent (40%) of the ceiling in each room shall be below minimal height.

(T) Facilities shall comply with all local building codes, fire codes and ordinances.

(U) The latest edition of the National Fire Protection Association, Chapter 101, *Life Safety Code* shall prevail in the interpretation of these rules.

(V) Each certified residential facility shall be inspected at least once annually by a state fire marshal inspector. The Department of Mental Health will initiate the fire safety inspection. If a facility is found out of compliance with the fire safety rules, the department will apply procedures for achieving compliance as promulgated under 9 CSR 45-5.060.

(2) Means of Egress Requirements.

(A) Each floor occupied in the home shall have not less than two (2) remotely located means of egress. Required means of egress shall not be a window. Each exit door shall not be less than thirty inches (30") wide, except that newly constructed doorways shall be at least thirty-six inches (36") wide.

(B) Wheelchairs, walkers, and other support equipment shall not be stored in corridors.

(C) No door in the path of travel to the means of egress shall be less than thirty inches (30") wide. Except that newly constructed doorways shall be at least thirty-six inches (36").

(D) No primary means of escape or planned exit shall lead through a bathroom, storage room, furnace room, garage, or any other room deemed hazardous by the fire inspector. Exception: Kitchens shall not be considered hazardous unless they have commercial stoves without extinguishing equipment or other features that lend themselves to rapid fire development.

(E) All required outside exit doors shall swing in the direction of egress travel if there are more than six (6) residents living in the home and one (1) or more person(s) is nonambulatory. In other words, if there are six (6) residents or less and all are ambulatory, the required exit doors do NOT have to swing in the direction of egress travel.

(F) Emergency lighting that has a battery backup shall be installed to light the path of egress. The state fire marshal inspector shall determine the location and number of emergency lights.

(G) No dead bolt locks that require a key to unlock the lock from the inside shall be allowed.

(H) Overhead garage doors are not recognized as exit doorways.

(I) Mirrors shall not be placed on exit doors or adjacent to any exit in such a manner to confuse the direction of the exit. All exit doors shall be readily recognizable.

(J) All hallways shall have a clear width of at least thirty-six inches (36") wide and shall be kept free of all articles that might impede the occupants' evacuation from the home.

(K) Dead-end corridors/hallways shall not exceed twenty feet (20').

(L) Facilities initially certified and areas initially approved on or after the effective date of this rule, shall meet the following requirements. All facilities that have a set of stairs or use stairs as a fire escape shall be constructed as follows:

1. All stairs shall be at least thirty-six inches (36") wide. New fire escapes shall be constructed of noncombustible materials. Existing fire escapes shall be of sturdy construction and, at the discretion of the fire marshal, may be required to be load tested.

2. The maximum rise shall be eight inches (8").

3. The minimum tread shall be nine inches (9").

4. The maximum height between landings shall be twelve feet (12').

5. The minimum landing size shall be forty-four inches by forty-four inches (44" x 44").

6. Handrails shall be placed on both sides and shall be of sturdy construction and positioned thirty-four to thirty-eight inches (34"-38") above the tread.

7. The outside diameter of the handrails shall be at least one and one-fourth inches (1 1/4") and no greater than two inches (2") in size.

8. Handrails shall provide a clearance of at least one and one-half inches (1 1/2") between the handrail and the wall or upright to which it is attached.

9. Spiral staircases or winders are not permitted.

(M) Every ramp used in the component of the means of egress shall be a minimum of forty-four inches (44") wide, and have landings at the top and bottom being the same width as the ramp. Ramp height shall comply with the following:

1. Ramps less than three inches (3") in height shall have a slope of one inch (1") per eight inches (8") of run.

2. Ramps with a height of three to six inches (3"-6") shall have a slope of one inch (1") per ten inches (10") of run.

3. Ramps with a height greater than six inches (6") shall have a slope of one inch (1") per twelve inches (12") of run.

(N) All ramps shall have a slip-resistant surface and shall be designed so that water or snow shall not accumulate on their surface.

(O) All ramps over ten inches (10") in height shall have guardrails and handrails on both sides.

(3) Travel Distance to Exits.

(A) The travel distance between any room door intended as an exit access and an exit shall not exceed one hundred feet (100').

(B) The travel distance between any point in a room and an exit shall not exceed one hundred fifty feet (150').

(C) The travel distance between any point in a sleeping room and an exit access door in that room shall not exceed fifty feet (50'). Exception: The travel distance in (A) and (B) of this subsection shall be permitted to be increased by fifty feet (50') in buildings protected throughout by a supervised automatic sprinkler system that is approved by the state fire marshal inspector, based on the National Fire Protection Association, Standards for Sprinkler Systems.

(4) Protection.

(A) Vertical openings shall be protected so that no primary means of escape is exposed to an unprotected vertical opening. The vertical opening shall be considered protected if the opening is cut off and enclosed in a manner that provides a fire-resisting capability of not less than twenty (20) minutes and resists the passage of smoke. All doors or openings shall have fire- and smoke-resisting capability equivalent to that of the enclosure and shall be self-closing or automatic closing.

(B) Exception. Specific residential facilities that were certified prior to the effective date of this rule without twenty (20)-minute fire barriers in interior stairways as required by subsection (4)(A) shall be considered in compliance with current requirements, unless renovations or significant changes have occurred in the way the building is being used or the number of residents are increased.

(C) All furnace rooms, rooms containing water heaters, boiler rooms, storage rooms, laundry rooms and all other rooms or areas deemed hazardous by the state fire marshal inspector shall be separated from the remainder of the building by a construction having not less than a twenty (20)-minute fire resistance rating. Doors to these rooms must be closed at all times. Doors to these rooms shall also have a twenty (20)-minute fire rating or be a minimum of one and three-fourths inches (1 3/4") thick solid core. The door(s) shall also have door closure(s) attached.

(D) Exception. The twenty (20)-minute fire resistance rating required for rooms or areas listed in subsection (4)(C) of this rule is

not required if the facility installs a sprinkler head off the domestic water supply or has an approved automatic sprinkler system and a fire alarm initiating device shall be installed in the high hazard area.

(E) Every unoccupied attic space shall be subdivided by draft stops having a one (1)-hour fire rating, into areas not to exceed three thousand (3,000) square feet. Exception: Subdivisions described in this subsection are not required if the space is protected throughout by an approved, automatic sprinkler system.

(5) Interior Finish.

(A) Interior wall and ceiling finishes throughout shall be a minimum Class B finish, as specified in the definition section of these fire safety rules. Textile material having a napped, tufted, looped, woven, non-woven, or similar surface shall not be applied to walls or ceilings. Foam plastic materials or other highly flammable or toxic materials shall not be used as an interior wall, ceiling, or floor finish.

(B) All wall studs, ceiling joists, and floor joists shall be covered with a minimum of Class B finish, and no exposed studs or joists shall be allowed.

(C) Hangings or draperies shall not be placed over exit doors or be located to conceal or obscure any exit. All other hangings and draperies shall be treated with a flame retardant material with verification to this effect on file for the fire inspector to review. Exception shall be made for small window valances. These exceptions shall be noted on the fire inspection survey.

(6) Detection, Alarms, Extinguishment.

(A) Smoke detectors shall be installed in all sleeping rooms, throughout all corridors, in all living spaces, storage rooms, offices, and any other areas that are deemed necessary by the state fire marshal inspector. Smoke detectors shall be in good operating condition and functional at all times. Smoke detectors may be battery powered. However, if smoke detectors are not operational during two (2) separate inspections, the facility will be required to install smoke detectors that are powered by the home's electrical system and have a nine (9)-volt battery backup. These detectors shall be interconnected so that the activation of one (1) detector will cause an alarm in all detectors. Smoke detectors that are not operational must be documented on inspection surveys.

(B) All smoke detectors that are ten (10) years old or older shall be replaced with new smoke detectors of the same style. The new smoke detectors shall have the installation date written on the side of the detector for the state fire marshal inspector to reference.

(C) All smoke detectors that are connected to a fire alarm system shall be replaced after ten (10) years of service, or recalibrated by the smoke detector's manufacturer. If the smoke detectors are recalibrated, temporary smoke detectors shall be installed so that the fire alarm system continues working properly and providing protection to the occupants while the original smoke detectors are being serviced.

(D) Any residence that has hearing-impaired occupants shall make adequate provisions so that the activation of any fire alarm system shall notify the occupants of the home. The state fire marshal inspector may require additional requirements for the hearing-impaired occupants to insure adequate notification.

(E) Occupant notification shall be provided automatically without delay. Pre-signal systems shall be prohibited.

(F) All homes with fire alarm systems shall have the fire alarm system tested, inspected, and approved annually by a fire alarm company. A copy of the test report and approval of the system shall be kept on file at the residence for review by the state fire marshal inspector.

(G) Residences using equipment or appliances that pose a potential carbon monoxide risk, including facilities with attached garages, shall install a carbon monoxide detector(s). The detector(s) shall be installed according to the manufacturer's instructions. The state fire marshal inspector may require additional carbon monoxide detectors

if the state fire marshal inspector determines that the safety of the occupants is endangered.

1. Carbon monoxide detectors shall be in good operating condition. If a battery operated detector is not operational, the facility shall install a detector that is powered by the home's electrical system with a battery backup.

2. If an elevated carbon monoxide level is detected during a fire inspection, the residence shall have all gas-fired appliances checked by a heating and air conditioning company to identify the source of the carbon monoxide. Until the residence has documentation on file at the home verifying that all gas-fired appliances were checked by a heating and air conditioning company and are in safe working order, and the facility is determined safe by the state fire marshal, the fire inspection shall not be approved.

3. If a level of carbon monoxide is determined that endangers the lives of the occupants, the state fire marshal inspector shall take measures necessary to protect the occupants. This may include evacuation of the home or closing the residence. The residence shall obtain and have on file at the home, documentation verifying that all gas-fired appliances were checked by a heating and air conditioning company and are in safe working order. The residence shall be reinspected by the state fire marshal inspector and determined safe before the occupants can return to the home or the residence can reopen.

(H) At least one (1) portable (five pound (5 lb)) 2A-10B:C fire extinguisher shall be required in all homes. One (1) fire extinguisher shall be located in the kitchen. Additional fire extinguishers shall be placed throughout the home and the travel distance shall be no greater than seventy-five feet (75') between fire extinguishers. Additional fire extinguishers may be required by the state fire marshal depending on the floor plan arrangement of space and the number of levels used.

(I) Fire extinguishers shall be installed and maintained according to the instructions of the state fire marshal and shall be inspected and approved annually by a fire extinguisher company. Documentation of the inspection and approval shall be on file at the facility and available for review by the state fire marshal inspector.

(J) Homes initially obtaining certification and areas initially certified on or after the effective date of this rule shall meet the following requirements of subsections (6)(J) and (6)(K) of this rule. Homes using a commercial stove, deep fryer, or two (2) home type ranges placed side by side, shall be equipped with a range hood and extinguishing system with an automatic cutoff of the fuel supply and exhaust system in case of fire. The state fire marshal inspector shall inspect these systems to insure they are in good working condition and installed/maintained correctly. The state fire marshal inspector shall base this inspection on National Fire Protection Association, Chapter 96, Standard for Fire Protection of Commercial Cooking Operations. Exceptions: 1) Home type ranges separated by an eighteen inch (18") cabinet shall not be required to have an extinguishing system installed above them. 2) Facilities that cook on a home type range with no more than four (4) burners and/or grill, does not need to install a fire extinguishing system above the range.

(K) The range hood fire extinguishment system shall be connected to the control panel of the fire alarm system. The activation of the range hood fire extinguishment system shall cause the fire alarm system to activate throughout the building.

(7) Heating, Ventilating, Air Conditioning, and Mechanical Equipment.

(A) Unvented fuel-fired room heaters, portable electric space heaters and floor furnaces shall not be permitted for use.

(B) No facility shall be allowed to heat the home with a wood burning stove, fireplace, or wood burning furnace located inside of the structure as a primary source of heat. Fireplaces need to be approved for use by the state fire marshal inspector.

(C) All gas and electric heating equipment shall be equipped with thermostatic controls. All hot water heaters shall have a properly

sized pressure relief valve and properly vented by galvanized flue pipe and screws at every joint in the pipe or by material recommended by the manufacturer if they are gas fired. The drip leg pipe on the pressure relief valve shall extend to approximately six inches (6") above the floor and shall be copper or chlorinated polyvinyl chloride (CPVC) and cannot be reduced in size.

(D) Facilities with a water heater over two hundred thousand British thermal units (200,000 Btus) per hour input or larger, or that are heating with a boiler, shall have a valid permit from the Division of Fire Safety posted on the premises. A copy of the permit shall be kept on file at the Division of Fire Safety.

(E) All furnace rooms shall be properly vented. Furnace flue pipes shall be constructed of galvanized pipe or material recommended by the manufacturer. All galvanized pipe shall be secured by screws at every joint in the pipe.

(F) All joints in the gas supply pipe shall be located outside of the furnace cabinet housing.

(G) A gas shutoff valve shall be located next to all gas appliances, furnaces, and hot water heaters.

(H) All furnaces shall be equipped with an electrical fused switch to protect the unit from electrical overloading and to disconnect the electrical supply.

(I) If a furnace or hot water heater is located inside a garage, it shall be at least eighteen inches (18") above the finished floor and enclosed inside a fire resistant room having a fire rating of thirty (30) minutes. The door to this room shall also have a minimum thirty (30)-minute fire rating and have a door closure attached.

(J) All furnace rooms and rooms containing the hot water heater shall have adequate combustion air for the units. The vent size opening for the combustion air shall be measured at one (1) square inch per one thousand (1,000) Btus input if the combustion air is drawn from inside the structure and one (1) square inch per four thousand (4,000) Btus input if the air is drawn from outside of the structure. There shall be two (2) combustion air vent openings in each furnace room, one (1) located at the lower level and the other at the upper level.

(K) One (1) combustion air vent opening shall be permitted if the vent opening communicates directly to the outside of the structure. This opening shall be one (1) square inch per three thousand (3,000) Btus input of the total gas appliances located in this room. The gas appliances must have a clearance around them, of one inch (1") from the sides and back, and six inches (6") from the front of the unit.

(L) Air conditioning, heating, ventilating ductwork, and related equipment shall be installed in a safe manner and be in good operating condition as determined by the state fire marshal inspector.

(M) Any furnace or air handling equipment that has airflow of two thousand (2,000) cubic feet per minute or more, shall have a fan shutdown switch that is interconnected with the fire alarm system.

(N) All elevators shall be inspected annually by a state licensed elevator inspector and shall obtain an annual state operating permit form from the Division of Fire Safety and post it as required.

(8) Electrical Services.

(A) Electrical wiring shall be installed and maintained in good working order. If the state fire marshal considers the wiring to be unsafe for the occupants or it is installed improperly, an inspection by a licensed electrician may be required prior to fire safety approval. The inspection by the licensed electrician shall be based on National Fire Protection Association, Chapter 70, *National Electrical Code*.

(B) No electrical extension cords will be allowed, unless approved in writing by the state fire marshal inspector. Extension cords shall not be permanently affixed to the structure or replace permanent wiring. Exception: The use of Underwriters Laboratories, Inc. (UL) approved fused power surge strips is acceptable.

(9) Equivalency Concepts. Nothing in this rule is intended to prevent the use of systems, methods, or devices of equivalent or superior

quality, strength, fire resistance, effectiveness, durability, and safety as alternatives required by this rule. These alternatives may be used only if technical documentation to demonstrate equivalency and the system, method, or device is submitted and approved by the Missouri Division of Fire Safety.

AUTHORITY: section 630.655, RSMo 2000. Original rule filed Sept. 5, 2003.

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

PRIVATE COST: The department conducted two (2) surveys, published this proposed rule as a Rule Under Consideration and sent this to its providers via e-mail with a request to evaluate the rule in terms of content and fiscal impact. Only five (5) responses were received and they were from department staff making minor comments on substance but no comment on fiscal impact. Therefore, the information available to the division at this time leads it to conclude that the proposed rule will not have a fiscal impact of more than five hundred dollars (\$500).

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule by writing to Donna Haley, Mental Health Manager, Division of Mental Retardation and Developmental Disabilities, 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 45—Division of Mental Retardation and Developmental Disabilities Chapter 5—Standards for *Community-Based Services*

PROPOSED RULE

9 CSR 45-5.140 Fire Safety for Residential Habilitation for 10-16 People

PURPOSE: This rule establishes fire safety requirements for residential habilitation homes serving ten to sixteen (10-16) people funded through the Medicaid home and community-based waiver. The department delegates its authority for fire safety inspections under this rule to the Department of Public Safety, Division of Fire Safety.

(1) General Requirements.

(A) The staff shall conduct at least one (1) fire drill and disaster drill at least once a month, with a minimum of two (2) drills conducted annually while the residents are sleeping. The staff shall maintain a written record at the facility of the date, type of drill, time required to evacuate the building whether the evacuation was completed, notation of any problems evacuating, and number of occupants present during the drill.

(B) Unscheduled drills shall be held at the state fire marshal inspector's discretion.

(C) During severe weather, fire drills may be postponed.

(D) Each fire drill shall evacuate all persons from the building, or evacuate to an area of refuge and defend in place. Each fire drill shall be conducted as follows:

1. Drills shall simulate an actual fire condition;
2. Occupants and staff members shall not obtain clothing or personal effects after the alarm has sounded;
3. The occupants and staff members shall proceed to a predetermined point outside the building that is sufficiently remote to avoid fire danger, or to a predetermined point inside of the building; and

4. Occupants and staff members shall remain in place until a recall is issued or until they are dismissed.

(E) No window in a facility shall have bars or any other item placed over them in a stationary manner that would impede a rescue or evacuation.

(F) All flammable/combustible liquids, matches, toxic cleaning supplies, poisonous materials, or other hazardous items shall be stored so as to be inaccessible to the occupants if the occupants cannot handle the materials safely. No firearms and/or ammunition are allowed on the premises.

(G) Clothes dryers shall be vented and maintained properly.

(H) The house numbers shall be plainly visible from the street in case of emergency.

(I) Good housekeeping practices ensuring fire safety will be maintained daily.

(J) Stairways, walks, ramps, and porches shall be kept free of ice and snow.

(K) No fresh-cut Christmas trees shall be used unless they are treated with a flame resistant material. Documentation of the treatment shall be on file at the facility and available for review by the state fire marshal.

(L) Candles and other devices that have an open flame shall not be used indoors. However, short-term supervised use of candles for special occasions or dinners is permitted.

(M) The facility shall notify the nearest fire department that the facility is in operation and have required signed documentation (fire department notification form) on file at the facility.

(N) Facilities served by a volunteer or membership fire department shall be a member in good standing with the fire department. A copy of the membership or receipt for membership shall be on file at the facility and available for review.

(O) The facility shall as soon as practical report any fire in the facility to the state fire marshal's office and the Department of Mental Health.

(P) The Division of Fire Safety may make additional requirements that provide adequate life safety protection if it is determined that the safety of the occupants is endangered. Every building or structure shall be constructed, arranged, equipped, maintained, and operated to avoid danger to the lives and safety of its occupants from fire, smoke, fumes, or resulting panic during the period of time necessary for escape from the building.

(Q) Prior to new construction, remodeling existing structures, and any structural alterations to existing facilities, the provider shall submit two (2) copies of plans and specifications prepared to scale for review and approval. One (1) copy shall be submitted to the Department of Mental Health's Licensure and Certification Unit; the second copy to the state fire marshal. The plans shall include a narrative indicating the utilization of each area of the facility. The architect or contractor shall certify in writing that the plans are in compliance with these certification rules. The provider shall not begin construction until the plans have been reviewed by the state fire marshal inspector. All plans for new construction, remodeling or additions shall comply with the Americans with Disabilities Act, Accessibility Guidelines.

(R) During the construction or remodeling process, the provider shall request a framing and wiring inspection and an inspection for the rough-in wiring for the fire alarm system by the Division of Fire Safety before the walls are enclosed. Failure to request these inspections in a timely manner may result in an unapproved fire inspection from the Division of Fire Safety.

(S) The ceiling height in all facilities shall be a minimum of seven feet six inches (7'6"). An allowance will be made by the state fire marshal for some areas that are below seven feet six inches (7'6") for the installation of ductwork and plumbing. No more than forty percent (40%) of the ceiling in each room shall be below minimal height.

(T) Facilities shall comply with all local building codes, fire codes and ordinances.

(U) The latest edition of the National Fire Protection Association, Chapter 101, *Life Safety Code* shall prevail in the interpretation of these rules.

(V) Each certified residential facility shall be inspected at least once annually by a state fire marshal inspector. The department will initiate the fire safety inspection. If a facility is found out of compliance with the fire safety rules, the department will apply procedures for achieving compliance as promulgated under 9 CSR 45-5.060.

(2) Means of Egress Requirements.

(A) Each floor occupied in the home shall have not less than two (2) remotely located means of egress. Required means of egress shall not be a window. Each exit door shall not be less than thirty inches (30") wide, except that newly constructed doorways shall be at least thirty-six inches (36").

(B) Wheelchair, walkers and other support equipment shall not be stored in corridors.

(C) No door in the path of travel to the means of egress shall be less than thirty inches (30") wide. Except that newly constructed doorways shall be at least thirty-six inches (36").

(D) No primary means of escape shall lead through a bathroom, storage room, furnace room, kitchen, garage, or any other room deemed hazardous by the fire marshal.

(E) All exit doors shall swing in the direction of egress travel and shall have door closures attached.

(F) Emergency lighting that has a battery backup shall be installed to light the path of egress. The location and number of emergency lights shall be determined by the state fire marshal inspector.

(G) Lighted exit signs with a battery backup shall be installed above exit door and as needed throughout the facility to direct the occupants to the exits.

(H) No dead bolt locks that require a key to unlock the lock from the inside shall be allowed.

(I) Overhead garage doors are not recognized as exit doorways.

(J) Mirrors shall not be placed on exit doors or adjacent to any exit in such a manner to confuse the direction of the exit. All exit doors shall be readily recognizable.

(K) All hallways shall have a clear width of at least thirty-six inches (36") wide and shall be kept free of all articles that might impede the occupants' evacuation from the home.

(L) Dead-end corridors/hallways shall not exceed twenty feet (20').

(M) Each wing or corridor of the facility shall be separated into fire compartment areas by fire doors and walls, having not less than a one (1) hour rating. All fire doors shall be equipped with a door closure and may be held open at all times with an electrical magnetic switch that is interconnected to the fire alarm system.

(N) Facilities initially certified and areas initially approved on or after the effective date of this rule, shall meet the following requirements. All facilities that have a set of stairs or use stairs as a fire escape shall be constructed as follows:

1. All stairs shall be at least thirty-six inches (36") wide. Fire escapes shall be constructed of noncombustible materials. Existing fire escapes shall be of sturdy construction and, at the discretion of the fire marshal, may be required to be load tested.

2. The maximum rise shall be eight inches (8").

3. The minimum tread shall be nine inches (9").

4. The maximum height between landings shall be twelve feet (12').

5. The minimum landing size shall be forty-four inches (44").

6. Handrails shall be placed on both sides and shall be of sturdy construction and positioned thirty-four to thirty-eight inches (34"-38") above the tread.

7. The outside diameter of the handrails shall be at least one and one-fourth inches (1 1/4") and no greater than two inches (2") in size.

8. Handrails shall provide a clearance of at least one and one-half inches (1 1/2") between the handrail and the wall or upright to which it is attached.

9. Spiral staircase or winder is not permitted.

(O) Every ramp used in the component of the means of egress shall be a minimum of forty-four inches (44") wide, and have landings at the top and bottom being the same width as the ramp. Ramp height shall comply with the following:

1. Ramps less than three inches (3") in height shall have a slope of one inch (1") per eight inches (8") of run.

2. Ramps with a height of three to six inches (3"-6") shall have a slope of one inch (1") per ten inches (10") of run.

3. Ramps with a height greater than six inches (6") shall have a slope of one inch (1") per twelve inches (12") of run.

(P) All ramps shall have a slip-resistant surface and shall be designed so that water or snow shall not accumulate on their surface.

(Q) All ramps over ten inches (10") in height shall have guardrails and handrails on both sides.

(3) Travel Distance to Exits.

(A) The travel distance between any room door intended as an exit access and an exit shall not exceed one hundred feet (100').

(B) The travel distance between any point in a room and an exit shall not exceed one hundred fifty feet (150').

(C) The travel distance between any point in a sleeping room and an exit access door in that room shall not exceed fifty feet (50'). Exception: The travel distance in (A) and (B) of this section shall be permitted to be increased by fifty feet (50') in buildings protected throughout by a supervised automatic sprinkler system that is approved by the fire marshal, based on the National Fire Protection Association, Standards for Sprinkler Systems.

(4) Protection.

(A) Vertical openings shall be protected so that no primary means of escape is exposed to an unprotected vertical opening. The vertical opening shall be considered protected if the opening is cut off and enclosed in a manner that provides a fire-resisting capability of not less than twenty (20) minutes and resists the passage of smoke. Any doors or openings shall have fire- and smoke-resisting capability equivalent to that of the enclosure and shall be self-closing or automatic closing.

(B) Interior stairways shall be closed with one (1)-hour-fire barriers, with all openings equipped with smoke actuated automatic-closing or self-closing doors having a fire resistance comparable to that required for the enclosure.

(C) All furnace rooms, rooms containing water heaters, boiler rooms, storage rooms, laundry rooms and all other rooms or areas deemed hazardous by the state fire marshal inspector shall be separated from the remainder of the building by construction having not less than a one (1)-hour fire-resistance rating. All doors to these rooms shall have a self-closing device attached and shall have a minimum one (1)-hour fire rating.

(D) Exception. The one (1)-hour fire resistance rating required for rooms or areas listed in subsection (4)(C) of this rule is not required if the facility installs a sprinkler head off the domestic water supply or has an approved automatic sprinkler system and a fire alarm initiating device shall be installed in the high hazard area.

(E) Every unoccupied attic space shall be subdivided by draft stops having a one (1)-hour fire rating, into areas not to exceed three thousand (3,000) square feet. Exception: Subdivisions described in this subsection are not required if the space is protected throughout by an approved, automatic sprinkler system.

(F) All doors to sleeping rooms shall have a fire resistance rating of twenty (20) minutes.

(5) Interior Finish.

(A) Interior wall and ceiling finishes throughout shall be a minimum Class B finish, as specified in the definition section of these

fire safety rules. Textile material having a napped, tufted, looped, woven, non-woven, or similar surface shall not be applied to walls or ceilings. Foam plastic materials or other highly flammable or toxic materials shall not be used as an interior wall, ceiling, or floor finish.

(B) All wall studs, ceiling joists, and floor joists shall be covered with a minimum of Class B finish, and no exposed studs or joists shall be allowed.

(C) Hangings or draperies shall not be placed over exit doors or be located to conceal or obscure any exit. All other hangings and draperies shall be treated with a flame retardant material with verification to this effect on file for the state fire marshal to review. Exception shall be made for small window valances. These exceptions shall be noted on the fire inspection survey.

(6) Detection, Alarms, Extinguishment.

(A) All facilities shall have a full coverage electrical fire alarm system. Pull stations shall be mounted at each exit door and at least one (1) horn/strobe shall be installed in a central location on each floor. Smoke detectors shall be installed in all sleeping rooms, throughout all corridors, in all living spaces, storage rooms and offices. Additional smoke detectors may be required by the state fire marshal inspector as deemed necessary. Heat detectors shall be installed in all mechanical rooms, kitchens and throughout the attic. The battery backup control panel shall be Underwriters Laboratory (UL) or Factory Mutual (F.M.) listed and installed on a dedicated circuit breaker box. The fire alarm system shall be installed and maintained in good working order and shall be UL or F.M. listed. The fire alarm system shall be installed and maintained per the National Fire Alarm Code (NFPA 72) and the *National Electrical Code*.

(B) All smoke detectors that are ten (10) years old or older shall be replaced with new smoke detectors of the same style. The new smoke detectors shall have the installation date written on the side of the detector for the state fire marshal to reference.

(C) All smoke detectors that are connected to a fire alarm system shall be replaced after ten (10) years of service, or recalibrated by the smoke detector's manufacturer. If the smoke detectors are recalibrated, temporary smoke detectors shall be installed so that the fire alarm system continues working properly and providing protection to the occupants while the original smoke detectors are being serviced.

(D) Any residence that has hearing-impaired occupants shall make adequate provisions so that the activation of any fire alarm system shall notify the occupants of the home. The state fire marshal may require additional requirements for the hearing-impaired occupants to insure adequate notification.

(E) Occupant notification shall be provided automatically without delay. Pre-signal systems shall be prohibited.

(F) All facilities shall have the fire alarm system tested, inspected, and approved annually by a fire alarm company. A copy of the test report and approval of the system shall be kept on file at the facility for review by the state fire marshal.

(G) Facilities using equipment or appliances that pose a potential carbon monoxide risk, including facilities with attached garages, shall install a carbon monoxide detector(s). The detector(s) shall be installed according to the manufacturer's instructions. The state fire marshal inspector may require additional carbon monoxide detectors if the state fire marshal determines that the safety of the occupants is endangered.

1. Carbon monoxide detectors shall be in good operating condition. If a battery-operated detector is not operational, the facility shall install a detector that is powered by the home's electrical system with a battery backup.

2. If an elevated carbon monoxide level is detected during a fire inspection, the facility shall have all gas-fired appliances checked by a heating and air conditioning company to identify the source of the carbon monoxide. Until the facility has documentation on file at the home verifying that all gas-fired appliances were checked by a heating and air conditioning company and are in safe working order, and

the facility is determined safe by the state fire marshal, the fire inspection shall not be approved.

3. If a level of carbon monoxide is determined that endangers the lives of the occupants, the state fire marshal shall take measures necessary to protect the occupants. This may include evacuation of the building or closing the facility. The facility shall obtain and have on file at the facility, documentation verifying that all gas-fired appliances were checked by a heating and air conditioning company and are in safe working order. The facility shall be reinspected by the state fire marshal and determined safe before the occupants can return to the building or the facility can reopen.

(H) At least one (1) portable (five pound (5 lb)) 2A-10B:C fire extinguisher shall be required in all facilities. One (1) fire extinguisher shall be located in the kitchen. Additional fire extinguishers shall be placed throughout the facility and the travel distance shall be no greater than seventy-five feet (75') between fire extinguishers. Additional fire extinguishers may be required by the state fire marshal inspector depending on the floor plan arrangement of space and the number of levels used.

(I) Fire extinguishers shall be installed and maintained according to the instructions of the state fire marshal inspector and shall be inspected and approved annually by a fire extinguisher company. Documentation of the inspection and approval shall be on file at the facility and available for review by the state fire marshal inspector.

(J) Facilities using a commercial stove, deep fryer, or two (2) home type ranges placed side by side, or a home type range that produces a grease laden vapor shall be equipped with a range hood and extinguishing system with an automatic cutoff of the fuel supply and exhaust system in case of fire. The state fire marshal inspector shall inspect these systems to insure they are in good working condition and installed/maintained correctly. The state fire marshal inspector shall base this inspection on National Fire Protection Association, Chapter 96, Standard for Fire Protection of Commercial Cooking Operations. Exception: 1) Home type ranges separated by an eighteen inch (18") cabinet shall not be required to have an extinguishing system installed above them. 2) Facilities that cook on a home type range, and have a menu that does not include frying, or emitting a grease laden vapor, and has approval letter from the Department of Mental Health, does not need to install a fire extinguishing system above the range.

(K) The range hood fire extinguishment system shall be connected to the control panel of the fire alarm system. The activation of the range hood fire extinguishment system shall cause the fire alarm system to activate throughout the building.

(7) Heating, Ventilating, Air Conditioning, and Mechanical Equipment.

(A) Unvented fuel-fired room heaters, portable electric space heaters and floor furnaces shall not be permitted for use.

(B) No facility shall be allowed to heat the home with a wood burning stove, fireplace, or wood burning furnace located inside of the structure as a primary source of heat.

(C) All gas and electric heating equipment shall be equipped with thermostatic controls. All hot water heaters shall have a properly sized pressure relief valve and be properly vented by galvanized flue pipe and screws at every joint in the pipe or by material recommended by the manufacturer if they are gas fired. The drip leg pipe on the pressure relief valve shall extend to approximately six inches (6") above the floor and shall be copper or chlorinated polyvinyl chloride (CPVC) and cannot be reduced in size.

(D) Facilities with a water heater over two hundred thousand British thermal units (200,000 Btus) per hour input or larger, or that is heating with a boiler, shall have a valid permit from the Division of Fire Safety posted on the premises. A copy of the permit shall be kept on file at the Division of Fire Safety.

(E) All furnace rooms shall be properly vented. Furnace flue pipes shall be constructed of galvanized pipe or material recom-

mended by the manufacturer. All galvanized pipe shall be secured by screws at every joint in the pipe.

(F) All joints in the gas supply pipe shall be located outside of the furnace cabinet housing.

(G) A gas shutoff valve shall be located next to all gas appliances, furnaces, hot water heaters.

(H) All furnaces shall be equipped with an electrical fused switch to protect the unit from electrical overloading and to disconnect the electrical supply.

(I) If a furnace or hot water heater is located inside a garage, they shall be at least eighteen inches (18") above the finished floor and enclosed inside a fire resistant room as described in subsection (4)(C) of this rule.

(J) All furnace rooms and rooms containing the hot water heater shall have adequate combustion air for the units. The vent size opening for the combustion air shall be measured at one (1) square inch per one thousand (1,000) Btus input if the combustion air is drawn from inside the structure and one (1) square inch per four thousand (4,000) Btus input if the air is drawn from outside of the structure. There shall be two (2) combustion air vent openings in each furnace room, one (1) located at the lower level and the other at the upper level.

(K) One (1) combustion air vent opening shall be permitted if the vent opening communicates directly to the outside of the structure. This opening shall be one (1) square inch per three thousand (3,000) Btus input of the total gas appliances located in this room. The gas appliances must have a clearance around them, of one inch (1") from the sides and back, and six inches (6") from the front of the unit.

(L) Air conditioning, heating, ventilating ductwork, and related equipment shall be installed in a safe manner and be in good operating condition as determined by the state fire marshal.

(M) Any furnace or air handling equipment that has air flow of two thousand (2,000) cubic feet per minute or more, shall have a fan shutdown switch that is interconnected with the fire alarm system.

(N) All elevators shall be inspected annually by a state licensed elevator inspector and shall obtain an annual state operating permit form from the Division of Fire Safety and post it as required.

(8) Electrical Services.

(A) Electrical wiring shall be installed and maintained in good working order. If the state fire marshal considers the wiring to be unsafe for the occupants or if it is installed improperly, an inspection by a licensed electrician may be required prior to fire safety approval. The inspection by the licensed electrician shall be based on National Fire Protection Association, Chapter 70, *National Electrical Code*.

(B) No electrical extension cords will be allowed, unless approved in writing by the state fire marshal. Extension cords shall not be permanently affixed to the structure or replace permanent wiring. Exception: The use of Underwriters Laboratories, Inc. (UL) approved fused power surge strips is acceptable.

(9) Equivalency Concepts. Nothing in this rule is intended to prevent the use of systems, methods, or devices of equivalent or superior quality, strength, fire resistance, effectiveness, durability, and safety as alternatives required by this rule. These alternatives may be used only if technical documentation to demonstrate equivalency and the system, method, or device is submitted and approved by the Missouri Division of Fire Safety.

AUTHORITY: section 630.655, RSMo 2000. Original rule filed Sept. 5, 2003.

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

PRIVATE COST: The department conducted two (2) surveys, published this proposed rule as a Rule Under Consideration and sent this to its providers via e-mail with a request to evaluate the rule in terms of content and fiscal impact. Only five (5) responses were received and they were from department staff making minor comments on substance but no comment on fiscal impact. Therefore, the information available to the division at this time leads it to conclude that the proposed rule will not have a fiscal impact of more than five hundred dollars (\$500).

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule by writing to Donna Haley, Mental Health Manager, Division of Mental Retardation and Developmental Disabilities, 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 45—Division of Mental Retardation and
Developmental Disabilities
Chapter 5—Standards for Community-Based Services

PROPOSED RULE

9 CSR 45-5.150 Fire Safety for Residential Habilitation for 17 or More People

PURPOSE: This rule establishes fire safety requirements for residential habilitation homes serving seventeen (17) or more people funded through the Medicaid home and community-based waiver. The department delegates its authority for fire safety inspections under this rule to the Department of Public Safety, Division of Fire Safety.

(1) General Requirements.

(A) The staff shall conduct at least one (1) fire drill and one (1) disaster drill per month, with a minimum of two (2) drills, one (1) fire and one (1) disaster, conducted annually while the residents are sleeping. The staff shall maintain a written record at the facility of the date, type of drill, time required to evacuate the building, whether the evacuation was completed, notation of any problems evacuating, and number of occupants present during the drill.

(B) Unscheduled drills shall be held at the state fire marshal inspector's discretion.

(C) During severe weather, fire drills may be postponed.

(D) Each fire drill shall evacuate all persons from the building, or evacuate to an area of refuge and defend in place. Each fire drill shall be conducted as follows:

1. Drills shall simulate an actual fire condition;
2. Occupants and staff members shall not obtain clothing or personal effects after the alarm has sounded;
3. The occupants and staff members shall proceed to a pre-determined point outside the building that is sufficiently remote to avoid fire danger, or in case of disaster drill to a pre-determined point inside of the building; and
4. Occupants and staff members shall remain in place until a recall is issued or until they are dismissed.

(E) No window in a facility shall have bars or any other item placed over them in a stationary manner that would impede a rescue or evacuation.

(F) All flammable/combustible liquids, matches, toxic cleaning supplies, poisonous materials, or other hazardous items shall be stored so as to be inaccessible to the occupants if the occupants cannot handle the materials safely. No firearms and/or ammunition are allowed on the premises.

(G) Clothes dryers shall be vented and maintained properly.

(H) The house numbers shall be plainly visible from the street in case of emergency.

(I) Good housekeeping practices ensuring fire safety will be maintained daily.

(J) Stairways, walks, ramps, and porches shall be kept free of ice and snow.

(K) No fresh-cut Christmas trees shall be used unless they are treated with a flame resistant material. Documentation of the treatment shall be on file at the facility and available for review by the fire inspector.

(L) Candles and other devices that have an open flame shall not be used indoors. However, short-term supervised use of candles for special occasions or dinners is permitted.

(M) The facility shall notify the nearest fire department that the facility is in operation and have required signed documentation (fire department notification form) on file at the facility.

(N) Facilities served by a volunteer or membership fire department shall be a member in good standing with the fire department. A copy of the membership or receipt for membership shall be on file at the facility and available for review.

(O) The facility shall as soon as practical report any fire in the facility to the state fire marshal's office and the Department of Mental Health.

(P) The Division of Fire Safety may make additional requirements that provide adequate life safety protection if it is determined that the safety of the occupants is endangered. Every building or structure shall be constructed, arranged, equipped, maintained, and operated to avoid danger to the lives and safety of its occupants from fire, smoke, fumes, or resulting panic during the period of time necessary for escape from the building.

(Q) Prior to new construction, remodeling existing structures, and any structural alterations to existing facilities, the provider shall submit two (2) copies of plans and specifications prepared to scale for review and approval. One (1) copy shall be submitted to the Department of Mental Health's Licensure and Certification Unit; the second copy to the state fire marshal. The plans shall include a narrative indicating the utilization of each area of the facility. The architect or contractor shall certify in writing that the plans are in compliance with these certification rules. The provider shall not begin construction until the plans have been reviewed by the state fire marshal inspector. All plans for new construction, remodeling or additions shall comply with the Americans with Disabilities Act, Accessibility Guidelines.

(R) During the construction or remodeling process, the provider shall request a framing and wiring inspection and an inspection for the rough-in wiring for the fire alarm system by the Division of Fire Safety before the walls are enclosed. Failure to have these inspections conducted will result in an unapproved fire inspection from the Division of Fire Safety.

(S) The ceiling height in all facilities shall be a minimum of seven feet six inches (7'6"). An allowance will be made by the state fire marshal for some areas that are below seven feet six inches (7'6") for the installation of ductwork and plumbing. No more than forty percent (40%) of the ceiling in each room shall be below minimal height.

(T) Facilities shall comply with all local building codes, fire codes and ordinances.

(U) The latest edition of the National Fire Protection Association, Chapter 101, *Life Safety Code* shall prevail in the interpretation of these rules.

(V) Each certified residential facility shall be inspected at least once annually by a state fire marshal inspector. The department will initiate the fire safety inspection. If a facility is found out of compliance with the fire safety rules, the department will apply procedures for achieving compliance as promulgated under 9 CSR 45-5.060.

(2) Means of Egress Requirements.

(A) Each floor occupied in the home shall have not less than two (2) remotely located means of egress. Required means of egress shall not be a window. Each exit door shall not be less than thirty-six inches (36") wide.

(B) Wheelchair, walkers and other support equipment shall not be stored in corridors.

(C) No door in the path of travel to the means of egress shall be less than thirty-six inches (36") wide.

(D) No primary means of escape shall lead through a bathroom, storage room, furnace room, kitchen, garage, or any other room deemed hazardous by the state fire marshal inspector.

(E) All exit doors shall swing in the direction of egress travel and shall have door closures attached.

(F) Emergency lighting that has a battery backup shall be installed to light the path of egress. The location and number of emergency lights shall be determined by the state fire marshal inspector.

(G) Lighted exit signs with a battery backup shall be installed above exit door and as needed throughout the facility to direct the occupants to the exits.

(H) No dead bolt locks that require a key to unlock the lock from the inside shall be allowed.

(I) Overhead garage doors are not recognized as exit doorways.

(J) Mirrors shall not be placed on exit doors or adjacent to any exit in such a manner to confuse the direction of the exit. All exit doors shall be readily recognizable.

(K) All hallways shall have a clear width of at least thirty-six inches (36") wide and shall be kept free of all articles that might impede the occupants' evacuation from the home.

(L) Dead-end corridors/hallways shall not exceed twenty feet (20').

(M) Each wing or corridor of the facility shall be separated into fire compartment areas by fire doors and walls, having not less than a one (1) hour rating. All fire doors shall be equipped with a door closure and may be held open at all times with an electrical magnetic switch that is interconnected to the fire alarm system.

(N) Facilities initially certified and areas initially approved on or after the effective date of this rule, shall meet the following requirements. All facilities that have a set of stairs, or use stairs as a fire escape shall be constructed as follows:

1. All stairs shall be at least thirty-six inches (36") wide. Fire escapes shall be constructed of noncombustible materials. Existing fire escapes shall be of sturdy construction and, at the discretion of the fire marshal, may be required to be load tested.

2. The maximum rise shall be eight inches (8").

3. The minimum tread shall be nine inches (9").

4. The maximum height between landings shall be twelve feet (12').

5. The minimum landing size shall be forty-four inches (44").

6. Handrails shall be placed on both sides and shall be of sturdy construction and positioned thirty-four to thirty-eight inches (34"-38") above the tread.

7. The outside diameter of the handrails shall be at least one and one-fourth inches (1 1/4") and no greater than two inches (2") in size.

8. Handrails shall provide a clearance of at least one and one-half inches (1 1/2") between the handrail and the wall or upright to which it is attached.

9. Spiral staircase or winder is not permitted.

(O) Every ramp used in the component of the means of egress shall be a minimum of forty-four inches (44") wide, and have landings at the top and bottom being the same width as the ramp. Ramp height shall comply with the following:

1. Ramps less than three inches (3") in height shall have a slope of one inch (1") per eight inches (8") of run.

2. Ramps with a height of three to six inches (3"-6") shall have a slope of one inch (1") per ten inches (10") of run.

3. Ramps with a height greater than six inches (6") shall have a slope of one inch (1") per twelve inches (12") of run.

(P) All ramps shall have a slip-resistant surface and shall be designed so that water or snow shall not accumulate on their surface.

(Q) All ramps over ten inches (10") in height shall have guardrails and handrails on both sides.

(3) Travel Distance to Exits.

(A) The travel distance between any room door intended as an exit access or an exit shall not exceed one hundred feet (100').

(B) The travel distance between any point in a room and an exit shall not exceed one hundred fifty feet (150').

(C) At the discretion of the state fire marshal inspector and in consideration of the presence of an automated sprinkler system, the distances in subsections (A) and (B) of this section may be extended by fifty feet (50').

(4) Protection.

(A) Vertical openings shall be protected so that no primary means of escape is exposed to an unprotected vertical opening. The vertical opening shall be considered protected if the opening is cut off and enclosed in a manner that provides a fire-resisting capability of not less than twenty (20) minutes and resists the passage of smoke. Any doors or openings shall have fire- and smoke-resisting capability equivalent to that of the enclosure and shall be self-closing or automatic closing.

(B) Interior stairways shall be closed with one (1)-hour fire barriers, with all opening equipped with smoke-actuated automatic-closing or self-closing doors having a fire resistance comparable to that required for the enclosure.

(C) All furnace rooms, rooms containing water heaters, boiler rooms, storage rooms, laundry rooms and all other rooms or areas deemed hazardous by the state fire marshal inspector shall be separated from the remainder of the building by construction having not less than a one (1)-hour fire resistance rating. All doors to these rooms shall have a self-closing device attached and shall have a minimum one (1)-hour fire rating.

(D) All doors to sleeping rooms shall have a fire resistance rating of twenty (20) minutes.

(E) All buildings shall be protected throughout by an approved, automatic sprinkler system installed in accordance with the National Fire Protection Association, Standards for Installation of Sprinkler Systems. Quick response or residential sprinkler heads shall be installed throughout the structure.

(F) The sprinkler system shall initiate the fire alarm system upon activation of water flow.

(G) Tamper switches shall be installed on the sprinkler system valves and shall transmit a supervisory signal to the fire alarm control panel.

(H) All facilities shall have the sprinkler system tested, inspected, and approved annually by a fire sprinkler company. A copy of the test report and approval of the system shall be kept on file at the facility for review by the state fire marshal inspector.

(5) Interior Finish.

(A) Interior wall and ceiling finishes throughout shall be a minimum Class B finish, as specified in the definition section of these fire safety rules. Textile material having a napped, tufted, looped, woven, non-woven, or similar surface shall not be applied to walls or ceilings. Foam plastic materials or other highly flammable or toxic materials shall not be used as an interior wall, ceiling, or floor finish.

(B) All wall studs, ceiling joists, and floor joists shall be covered with a minimum of Class B finish, and no exposed studs or joists shall be allowed.

(C) Hangings or draperies shall not be placed over exit doors or be located to conceal or obscure any exit. All other hangings and draperies shall be treated with a flame retardant material with verification to this effect on file for the fire inspector to review. Exception

shall be made for small window valances. These exceptions shall be noted on the fire inspection survey.

(6) Detection, Alarms, Extinguishment.

(A) All facilities shall have a full coverage electrical fire alarm system. Pull stations shall be mounted at each exit door and at least one (1) horn/strobe shall be installed in a central location on each floor. Smoke detectors shall be installed in all sleeping rooms, throughout all corridors, in all living spaces, storage rooms and offices. Additional smoke detectors may be required by the state fire marshal as deemed necessary. Heat detectors shall be installed in all mechanical rooms, kitchens and throughout the attic. The battery backup control panel shall be Underwriter's Laboratories, Inc. (UL) or Factory Mutual (F.M.) listed and installed on a dedicated circuit in the breaker box. The fire alarm system shall be installed and maintained in good working order and should be Underwriter's Laboratories, Inc. (UL) or Factory Mutual (F.M.) listed. The fire system shall be installed and maintained per the National Fire Alarm Code (NFPA 72) and the *National Electrical Code*.

(B) All smoke detectors that are ten (10) years old or older shall be replaced with new smoke detectors of the same style. The new smoke detectors shall have the installation date written on the side of the detector for the state fire marshal to reference.

(C) All smoke detectors that are connected to a fire alarm system shall be replaced after ten (10) years of service, or recalibrated by the smoke detector's manufacturer. If the smoke detectors are recalibrated, temporary smoke detectors shall be installed so that the fire alarm system continues working properly and providing protection to the occupants while the original smoke detectors are being serviced.

(D) Any facility that has hearing-impaired occupants shall make adequate provisions so that the activation of any fire alarm system shall notify the occupants of the home. The state fire marshal inspector may require additional requirements for the hearing impaired occupants to insure adequate notification.

(E) Occupant notification shall be provided automatically without delay. Pre-signal systems shall be prohibited.

(F) All facilities shall have the fire alarm system tested, inspected, and approved annually by a fire alarm company. A copy of the test report and approval of the system shall be kept on file at the facility for review by the state fire marshal inspector.

(G) Facilities using equipment or appliances that pose a potential carbon monoxide risk, including facilities with attached garages, shall install a carbon monoxide detector(s). The detector(s) shall be installed according to the manufacturer's instructions. The state fire marshal inspector may require additional carbon monoxide detectors if the state fire marshal inspector determines that the safety of the occupants is endangered.

1. Carbon monoxide detectors shall be in good operating condition. If a battery-operated detector is not operational, the facility shall install a detector that is powered by the home's electrical system with a battery backup.

2. If an elevated carbon monoxide level is detected during a fire inspection, the facility shall have all gas-fired appliances checked by a heating and air conditioning company to identify the source of the carbon monoxide. Until the facility has documentation on file at the home verifying that all gas-fired appliances were checked by a heating and air conditioning company and are in safe working order, and the facility is determined safe by the state fire marshal inspector, the fire inspection shall not be approved.

3. If a level of carbon monoxide is determined that endangers the lives of the occupants, the state fire marshal inspector shall take measures necessary to protect the occupants. This may include evacuation of the building or closing the facility. The facility shall obtain and have on file at the facility, documentation verifying that all gas-fired appliances were checked by a heating and air conditioning company and are in safe working order. The facility shall be reinspected by the fire inspector and determined safe before the occupants can return to the building or the facility can reopen.

(H) At least one (1) portable (five pound (5 lb)) 2A-10B:C fire extinguisher shall be required in all facilities. One (1) fire extinguisher shall be located in the kitchen. Additional fire extinguishers shall be placed throughout the facility and the travel distance shall be no greater than seventy-five feet (75') between fire extinguishers. Additional fire extinguishers may be required by the state fire marshal inspector depending on the floor plan arrangement of space and the number of levels used.

(I) Fire extinguishers shall be installed and maintained according to the instructions of the state fire marshal inspector and shall be inspected and approved annually by a fire extinguisher company. Documentation of the inspection and approval shall be on file at the facility and available for review by the state fire marshal inspector.

(J) Facilities using a commercial stove, deep fryer, or two (2) home type ranges placed side by side, or a home type range that produces a grease laden vapor shall be equipped with a range hood and extinguishing system with an automatic cutoff of the fuel supply and exhaust system in case of fire. The state fire marshal inspector shall inspect these systems to insure they are in good working condition and installed/maintained correctly. The state fire marshal inspector shall base this inspection on National Fire Protection Association, Chapter 96, Standard for Fire Protection of Commercial Cooking Operations.

(K) The range hood fire extinguishment system shall be connected to the control panel of the fire alarm system. The activation of the range hood fire extinguishment system shall cause the fire alarm system to activate throughout the building.

(7) Heating, Ventilating, Air Conditioning, and Mechanical Equipment.

(A) Unvented fuel-fired room heaters, portable electric space heaters and floor furnaces shall not be permitted for use.

(B) No facility shall be allowed to heat the home with a wood burning stove, fireplace, or wood burning furnace located inside of the structure as a primary source of heat.

(C) All gas and electric heating equipment shall be equipped with thermostatic controls. All hot water heaters shall have a properly sized pressure relief valve and be properly vented by galvanized flue pipe and screws at every joint in the pipe or by material recommended by the manufacturer if they are gas fired. The drip leg pipe on the pressure relief valve shall extend to approximately six inches (6") above the floor and shall be copper or chlorinated polyvinyl chloride (CPVC) and cannot be reduced in size.

(D) Facilities with a water heater over two hundred thousand British thermal units (200,000 Btus) per hour input or larger, or that is heating with a boiler, shall have a valid permit from the Division of Fire Safety posted on the premises. A copy of the permit shall be kept on file at the Division of Fire Safety.

(E) All furnace rooms shall be properly vented. Furnace flue pipes shall be constructed of galvanized pipe or material recommended by the manufacturer. All galvanized pipe shall be secured by screws at every joint in the pipe.

(F) All joints in the gas supply pipe shall be located outside of the furnace cabinet housing.

(G) A gas shutoff valve shall be located next to all gas appliances, furnaces, hot water heaters.

(H) All furnaces shall be equipped with an electrical fused switch to protect the unit from electrical overloading and to disconnect the electrical supply.

(I) If a furnace or hot water heater is located inside a garage, they shall be at least eighteen inches (18") above the finished floor and enclosed inside a fire resistant room as described in subsection (4)(C) of this rule.

(J) All furnace rooms and rooms containing the gas hot water heater shall have adequate combustion air for the units. The vent size opening for the combustion air shall be measured at one (1) square inch per one thousand (1,000) Btus input if the combustion air is drawn from inside the structure and one (1) square inch per

four thousand (4,000) Btus input if the air is drawn from outside of the structure. There shall be two (2) combustion air vent openings in each furnace room, one (1) located at the lower level and the other at the upper level.

(K) One (1) combustion air vent opening shall be permitted if the vent opening communicates directly to the outside of the structure. This opening shall be one (1) square inch per three thousand (3,000) Btus input of the total gas appliances located in this room. The gas appliances must have a clearance around them, of one inch (1") from the sides and back, and six inches (6") from the front of the unit.

(L) Air conditioning, heating, ventilating ductwork, and related equipment shall be installed in a safe manner and be in good operating condition as determined by the state fire marshal inspector.

(M) Any furnace or air handling equipment that has airflow of two thousand (2,000) cubic feet per minute or more, shall have a fan shutdown switch that is interconnected with the fire alarm system.

(N) All elevators shall be inspected annually by a state licensed elevator inspector and shall obtain an annual state operating permit form from the Division of Fire Safety and post it as required.

(8) Electrical Services.

(A) Electrical wiring shall be installed and maintained in good working order. If the state fire marshal considers the wiring to be unsafe for the occupants or if it is installed improperly, an inspection by a licensed electrician may be required prior to fire safety approval. The inspection by the licensed electrician shall be based on National Fire Protection Association, Chapter 70, *National Electrical Code*.

(B) No electrical extension cords will be allowed, unless approved in writing by the state fire marshal. Extension cords shall not be permanently affixed to the structure or replace permanent wiring. Exception: The use of UL approved fused power surge strips is acceptable.

(9) Equivalency Concepts. Nothing in this rule is intended to prevent the use of systems, methods, or devices of equivalent or superior quality, strength, fire resistance, effectiveness, durability, and safety as alternatives required by this rule. These alternatives may be used only if technical documentation to demonstrate equivalency and the system, method, or device is submitted and approved by the Missouri Division of Fire Safety.

AUTHORITY: section 630.655, RSMo 2000. Original rule filed Sept. 5, 2003.

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

PRIVATE COST: The department conducted two (2) surveys, published this proposed rule as a Rule Under Consideration and sent this to its providers via e-mail with a request to evaluate the rule in terms of content and fiscal impact. Only five (5) responses were received and they were from department staff making minor comments on substance but no comment on fiscal impact. Therefore, the information available to the division at this time leads it to conclude that the proposed rule will not have a fiscal impact of more than five hundred dollars (\$500).

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule by writing to Donna Haley, Mental Health Manager, Division of Mental Retardation and Developmental Disabilities, 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 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division**

PROPOSED AMENDMENT

11 CSR 50-2.010 Definitions. The division proposes to amend subsection (1)(J).

PURPOSE: This amendment is being made to bring the definitions for the different types of school buses into conformity with those addressed in the *National School Transportation Specifications and Procedures*.

(1) The following words and terms as used in these rules shall have the following meaning:

(J) School bus is any motor vehicle used solely to transport students to and from school or to transport students to or from any place for educational purposes.

1. A Type "A" school bus is a **van conversion or [body] bus** constructed [upon a van-type or] **utilizing** a cutaway front-section vehicle with a left side driver's door[, designed for carrying more than ten (10) persons]. **The entrance door is behind the front wheels.** This definition [shall] include two (2) classifications: Type A[-I]1, with a Gross Vehicle Weight Rating (GVWR) [over] **less than or equal to ten thousand pounds (10,000 lbs.);** and Type A[-II]2, with a GVWR of **greater than ten thousand pounds (10,000 lbs.) [and under].**

2. A Type "B" school bus is [a conversion or body] constructed [and installed upon a van or front-section vehicle chassis or] **utilizing** a stripped chassis[, with a GVWR of more than ten thousand pounds (10,000 lbs.), designed for carrying more than ten (10) persons. Part of the engine is beneath and/or beneath the windshield, and beside the driver's seat]. The entrance door is behind the front wheels. **This definition includes two (2) classifications: Type B1, with a GVWR less than or equal to ten thousand pounds (10,000 lbs.); and Type B2, with a GVWR greater than ten thousand pounds (10,000 lbs.).**

3. A Type "C" school bus is [a body installed upon a flat-back cowl chassis and has a GVWR of more than ten thousand pounds (10,000 lbs.), designed for carrying more than ten (10) persons] **constructed utilizing a chassis with a hood and fender assembly. [All of the engine is in front of the windshield and t]The entrance door is behind the front wheels.**

4. A Type "D" school bus is [a body installed upon] **constructed utilizing a stripped chassis[, with the engine mounted in the front, midship or rear, with a gross vehicle rating of more than ten thousand pounds (10,000 lbs.), designed for carrying more than ten (10) persons. The engine may be behind the windshield and beside the driver's seat; it may be at the rear of the bus, behind the rear wheels; or midship between the front and rear axles].** The entrance door is ahead of the front wheels;

AUTHORITY: section 307.360, RSMo [1994] 2000. Original rule filed Nov. 4, 1968, effective Nov. 14, 1968. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Sept. 15, 2003.

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 Public Safety, Missouri State Highway Patrol, PO Box

568, Jefferson City, MO 65102-0568. 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 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division**

PROPOSED AMENDMENT

11 CSR 50-2.020 Minimum Inspection Station Requirements. The division proposes to amend subsections (1)(A)1. and (1)(G).

PURPOSE: This amendment is being made to clarify the premises requirements for Class A, B and D inspection stations. Also, stations would be required to notify the patrol should the station no longer have a licensed inspector/mechanic employed.

(1) Premises.

(A) Each inspection station must have an inspection area within an enclosed building of sufficient length, [and] width **and height** to accommodate [a full-size domestic made passenger vehicle.] **the type of vehicle being inspected. Class A and D stations are required to accommodate a commercial vehicle. Class B stations must accommodate a full-size domestic made passenger vehicle.** Class C stations are required to have sufficient length and width to inspect full-size motorcycles.

1. In addition to an inside area, an outside inspection area may be approved for the inspection of commercial vehicles at **Class B stations**, if it is of **sufficient** length and width of the vehicle or combination of vehicles being inspected.

2. The area shall be substantially level and constructed of hard material, such as asphalt or concrete. It shall be a part of and adjacent to the official vehicle inspection station.

(G) Operational changes, except the addition or deletion of inspector/mechanics, **unless the deletion of an inspector/mechanic results in no inspector/mechanic for the station**, affecting the current station application must be submitted to the Missouri State Highway Patrol immediately.

AUTHORITY: section 307.360, RSMo 2000. Original rule filed Nov. 4, 1968, effective Nov. 14, 1968. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Sept. 15, 2003.

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 Public Safety, Missouri State Highway Patrol, PO Box 568, Jefferson City, MO 65102-0568. 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 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division**

PROPOSED AMENDMENT

11 CSR 50-2.050 Inspection Station Permits. The division proposes to amend this rule by deleting the Motor Vehicle Inspection Application form at the end.

PURPOSE: This amendment is being made to delete the form at the end of the rule.

AUTHORITY: section 307.360, RSMo [1994] 2000. Original rule filed Nov. 4, 1968, effective Nov. 14, 1968. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Sept. 15, 2003.

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 Public Safety, Missouri State Highway Patrol, PO Box 568, Jefferson City, MO 65102-0568. 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 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division**

PROPOSED AMENDMENT

11 CSR 50-2.160 Brake Components. The division proposes to amend subsection (2)(A).

PURPOSE: This proposed amendment attempts to clarify the rule by including calipers as an item to be inspected.

(2) Drums, Discs and Internal Brake Components. At least one (1) front or one (1) rear wheel and drum must be removed on each passenger vehicle, one-half (1/2) ton and three-quarter (3/4) ton pickup trucks, or similar type vehicles not equipped with dual rear wheels. Only the wheel must be removed on vehicles equipped with disc brakes. Identification marks shall be made on the wheel and lug before removal so the wheel can be remounted in the same position to insure wheel balance. On drum brake systems, a new cotter pin must always be used when remounting a wheel and drum. The removal of a wheel and/or drum is not required if the brake performance test has been administered using an approved computerized brake testing machine. When an approved computerized brake testing machine is used, and no wheel is removed, the inspector shall mark through the space on the MVI-2 form provided for "Brake Inspected" with the letters "CBTM". When removal of a wheel is required, a wheel appearing to leak brake fluid or grease, shall be the wheel removed to inspect for contamination. Wheels on four (4)-wheel drive vehicles equipped exclusively with drum-type brakes are not required to be removed.

(A) Inspect drums, discs, **calipers**, linings, pads, wheel cylinders, hoses, lines and other internal brake components.

1. Reject vehicle if:

A. There are substantial cracks on the friction surface extending to open edge of drum or to the edge of a disc;

B. A brake drum or disc has external cracks;

C. Friction surface of disc brake pads, rotor, brake linings or brake drum is contaminated with oil, grease or brake fluid;

D. A brake lining is worn into the friction surface of the brake drum where the brake drum cannot be removed after loosening.

ing the adjusting screw (backing off of the self-adjusting mechanism);

E. Thinnest point of bonded lining is less than one-thirty-second inch (1/32");

F. Rivets are loose or missing or if lining or pad is not firmly attached to shoe;

G. Riveted lining is worn to less than one-thirty-second inch (1/32") above any rivet head at thinnest point;

H. Wire is visible on the friction surface of wire-backed linings;

I. Lining is broken or cracked, does not include heat cracks;

J. A primary or secondary shoe and lining is improperly installed;

K. Bonded pads are worn at any one (1) point to less than one-thirty-second inch (1/32");

L. Riveted pads are worn at any one (1) point to less than five-thirty-seconds inch (5/32"). If unable to determine if pads are riveted or bonded, pads will be considered to be bonded pads;

M. A wheel cylinder or caliper leaks a sufficient amount of hydraulic brake fluid to cause droplets. Do not mistake assembly fluid for hydraulic fluid;

N. Hoses or tubing leak or are cracked, chafed, flattened, restricted, bubbled or insecurely fastened;

O. Mechanical parts are missing, broken or badly worn;

P. There is excessive friction in brake pedal, linkage or other components;

Q. Pedal levers are improperly positioned or misaligned; or

R. Brake components are misaligned, binding, obstructed or will not function properly.

AUTHORITY: section 307.360, RSMo [1994] 2000. Original rule filed Nov. 4, 1968, effective Nov. 14, 1968. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 15, 2003.

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 Public Safety, Missouri State Highway Patrol, PO Box 568, Jefferson City, MO 65102-0568. 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 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division**

PROPOSED AMENDMENT

11 CSR 50-2.200 Steering Mechanisms. The division proposes to amend subsections (2)(A), (2)(C), (2)(D) and (2)(E), subparagraphs (2)(E)1.D. and (2)(E)1.E. and paragraph (3)(B)1., insert a new paragraph (3)(B)2. and renumber the remaining paragraph to (3)(B)3., amend subsections (4)(A)–(4)(H) and delete Tables 1–3 from the *Code of State Regulations*.

PURPOSE: This amendment attempts to clarify the rule by enumerating additional steering mechanisms to be inspected.

(2) Front [A]and Rear Wheel Play.

(A) An inspection for front and rear wheel play, which includes steering linkage, pitman arm, idler arm, stabilizer **bar(s)**, **connec-**

tions, link(s), wheel bearings, [and] tie rod ends **and adjusting sleeves**, can only be made by putting the ball joints under load. To load ball joints, the vehicle must be hoisted—

1. Under the frame if the spring or torsion bar is on the lower control arm (Figure 1, **included herein**);

2. Under lower control arm, close to ball joint, if spring or torsion bar is on upper control arm (Figure 2, **included herein**); and

3. From the underside of axle (Figure 3, **included herein**) if the vehicle is equipped with king pins or Twin I-Beams with ball joints (Figure 17, **included herein**).

(C) Inspect front wheels, king pin (spindle bolts) and idler arm for play. On vehicles with power steering, the engine must be running. Eliminate all wheel bearing movement by first applying the service brake. Grasp front and rear of tire and attempt to turn assembly right and left. Then grasp top and bottom of tire and attempt to rock it in and out. Observe movement at extreme front and rear—top and bottom—of tire (Figures 4 and 5, **included herein**).

(D) Inspect all steering linkage, pitman arm, stabilizer **bar(s)**, **connections**, link(s), [and] tie rods **and adjusting sleeves** for locked joints and looseness by working them up and down and back and forth by hand.

(E) Inspect condition of all upper and lower control arms, pivot shafts, pivot shaft mountings, **radius arms**, and **all** bushings.

1. Reject vehicle if:

A. Wheel bearing looseness allows relative movement between drum and backing plate (disc and splash shield) more than one-eighth inch (1/8") measured at the outer circumference of the tire for vehicles ten thousand pounds (10,000 lbs.) Gross Vehicle Weight Rating (GVWR) or less or one-quarter inch (1/4") for vehicles more than ten thousand pounds (10,000 lbs.) GVWR. A wheel bearing falls apart when a wheel is removed to inspect a brake or if the bearing is broken;

B. Front wheel movement is in excess of one-fourth inch (1/4") for wheels sixteen inches (16") or less, three-eighths inch (3/8") for wheels over sixteen inches (16") to and including eighteen inches (18") and one-half inch (1/2") for wheels over eighteen inches (18") (see Figures 3, 4 and 5, **included herein**). (An idler arm or king pin must meet this criteria before being rejected.);

C. Excessive vertical (up and down) or lateral (side) movement is evident in any of the steering linkage sockets or if tapered studs are loose in their mounting holes. Any movable joints are locked. Any joints are not secured with cotter pins or other devices;

D. A control arm or **radius arm** is badly bent or broken, or if a pivot shaft or a pivot shaft mounting or **any control arm, radius arm, pivot shaft** bushing is badly worn or missing; or

E. Stabilizer **bar(s)**, links, [or bushings] **connections** are badly worn, [or] missing, **loose or broken**.

(3) Springs and Shock Absorbers.

(B) Reject vehicle if:

1. Springs or torsion bars are **loose**, broken [or if shackles or "U" bolts are worn or loose; or] or **spring pieces or torsion bars are missing**;

2. **Spring shackles or "U" bolts are worn, missing, loose; or**

[2.] 3. A shock absorber is missing, disconnected, not securely attached, broken, or if rubber bushings or mounting bolts are worn-out or missing.

(4) Ball Joints.

(A) An inspection for ball joint wear can only be made when the joints are unloaded, except those ball joints having a wear indicator. An inspection of a ball joint which has a wear indicator must be made while the ball joint is under load with the weight of the vehicle on its wheels. To unload ball joints, the vehicle must be hoisted:

1. Under lower control arm if spring or torsion bar is on lower control arm (Figure 6, **included herein**). The lower ball joint is the load-carrying ball joint and the upper ball joint is the nonload-carrying ball joint; and

2. Under frame if spring or torsion bar is on upper control arm (Figure 7, **included herein**). The upper ball joint is the load-carrying ball joint and the lower ball joint is the nonload-carrying ball joint.

(B) In checking the condition of an unloaded ball joint, a ball joint gauge need not be used if the inspector is absolutely certain that the ball joint movement does not exceed the prescribed tolerances. A vehicle will not be rejected unless the vertical (up and down) or horizontal (side-to-side) movement in the load carrying ball joint has been accurately measured by a ball joint gauge and the measurement exceeds the prescribed tolerances. A vehicle requiring a special tool or method to measure ball joint movement will not be rejected unless the ball joint is obviously dangerous. Inspector/mechanics will **either** contact the Motor Vehicle Inspection Division at the nearest troop headquarters **or visit the division's website at www.mshp.state.mo.us** to obtain [information] **manufacturer's specifications** on ball joints [not listed in this manual]. If the ball joint movement exceeds the prescribed tolerances, the measured movement shall be listed with the defective part on the MVI-2 form (see 11 CSR 50-2.120).

(C) Unless a dial indicator or a gauge of the type which screws into a grease fitting is used, it is recommended that the most accurate method of determining vertical (up and down) movement of the ball joint using a gauge which has a roller and pointer, is to remove the dust cup from the spindle and place the pointer rollers of the ball joint gauge on top of the spindle nut (Figures 6 and 7, **included herein**). In the event that the rollers of a particular brand gauge are too large to rest on top of the spindle nut, the rollers should then be positioned against the bottom of the spindle nut. To measure horizontal (side) movement, place rollers of gauge against tire sidewall and work wheel in and out (Figures 8 and 9, **included herein**).

(D) Inspect ball joints with wear indicator, as shown in Figure 10, **included herein**. Wipe the grease fitting and boss free from dirt and grease. Observe if boss is flush or inside the cover surface.

(E) Inspect ball joints without wear indicator by hoisting and unloading the ball joint as indicated in either Figure 6 or Figure 7, **included herein**. Position a pry bar under the front tire and wheel and with pressure sufficient only to lift the weight of the wheel assembly, move the wheel up and down and observe movement (Figures 6 and 7, **included herein**). Under no circumstances should there be more upward lifting force exerted than necessary to determine the actual movement of the ball joint stud within the housing. Grasp the tire and wheel assembly at the eleven (11) and five (5) o'clock positions. Work the wheel in and out to detect any looseness. Move hands to the one (1) and seven (7) o'clock positions and repeat (Figures 8 and 9, **included herein**).

(F) Inspect ball joints on front-wheel drive vehicles as illustrated in Figures 11, 12 and 16, **included herein**. Inspect vehicles equipped with MacPherson Strut Suspension System as illustrated in Figure 13, **included herein**.

(G) Inspect ball joints on Twin I-Beam axles using the following procedure. Eliminate all wheel bearing play by applying the service brake. Raise the vehicle by hoisting under the I-Beam axle beneath the spring as shown in Figure 17, **included herein**. Grasp the lower edge of the tire and move the wheel in and out. While the wheel is being moved, observe the lower spindle arm and the lower part of the axle jaw. Grasp the upper edge of the tire and move the wheel in and out. While the wheel is being moved, observe the upper spindle arm and the lower part of the axle jaw. Movement of .031" (thirty-one thousandths inch) or greater between the lower or upper portion of the I-Beam and ball joint indicates that a measurement should be made at the circumference of the wheel adjacent to the ball joint that exhibits movement.

(H) Reject vehicle if:

1. The grease fitting boss on the wear indicator type ball joint is flush or inside the cover surface;

2. MacPherson Strut Suspension System has severely worn or missing thrust bearing or mounting bushings. If piston rod is bent or unit is not securely mounted to vehicle;

3. There is free play in any direction in a nonload-carrying ball joint. If vertical (up and down) movement in a load-carrying ball joint exceeds [tolerances] prescribed [in Tables 1-3] **tolerances**;

4. Horizontal (side) movement at tire sidewalls is in excess of prescribed tolerances [as shown in Tables 1-3];

5. Twin I-Beam axle has movement greater than .031" (thirty-one thousandths inch) when measured at the outer circumference of the wheel; or

6. Any joints are not secured with cotter pins or other devices, or if ball stud is loose in the mounting hole.

AUTHORITY: section 307.360, RSMo [1994] 2000. Original rule filed Nov. 4, 1968, effective Nov. 14, 1968. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 15, 2003.

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 Public Safety, Missouri State Highway Patrol, PO Box 568, Jefferson City, MO 65102-0568. 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 50—Missouri State Highway Patrol Chapter 2—Motor Vehicle Inspection Division

PROPOSED AMENDMENT

11 CSR 50-2.270 Glazing (Glass). The division proposes to amend subsection (5)(C) and delete paragraph (5)(C)1.

PURPOSE: This amendment attempts to update the glazing requirements due to changes in section 307.173, RSMo.

(5) Reject vehicle if:

(C) After-market vision reducing material [is applied to the vehicle's side and/or rear windows which allows less than 35% +/- 3% light transmission.] **or other conditions that obscure the driver's vision is on the windshield;**

[1. Inspector/mechanics will determine whether tinted glass is factory installed or an after-market application. All tinted windows, except those with factory installed tinted glass, will be inspected for light transmission by use of window tint comparison strips or other devices capable of measuring light transmission. Once a comparison or reading is taken, the results will be recorded on the MVI-2 form in the space entitled "Defective Parts" identifying the windows measured and the results of the comparison or readings;]

AUTHORITY: section 307.360, RSMo 2000. Original rule filed Nov. 4, 1968, effective Nov. 14, 1968. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 15, 2003.

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 Public Safety, Missouri State Highway Patrol, PO Box 568, Jefferson City, MO 65102-0568. 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 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division**

PROPOSED AMENDMENT

11 CSR 50-2.320 School Bus Inspection. The division proposes to amend subsections (2)(D), (7)(A) and (18)(B) and paragraph (18)(E)3.

PURPOSE: This proposed amendment attempts to clarify items required to be inspected on school buses and to bring the rule into conformity with the *National School Transportation Specifications and Procedures*.

(2) Lighting Equipment and Signalling Devices.

(D) Stop/Taillights. Types A/-I/2, B, C and D school buses shall be equipped with two (2) red stoplights seven inches (7") in diameter (prior to December 1988, six (6") in diameter), or if a shape other than round, a minimum of thirty-eight (38) square inches of illuminated area and two (2) red stop/taillights four inches (4") in diameter, or if a shape other than round, a minimum of twelve (12) square inches of illuminated area. The four-inch (4") stop/taillights shall operate in combination with the seven-inch (7") stoplights on school buses manufactured after December 31, 1988, when the service brake is applied. All stop/taillights must operate if so equipped. Type A/-I/1 buses with bodies supplied by chassis manufacturer may have manufacturer's standard stop and tail lamps.

(7) Bumper.

(A) Rear Bumper. Types A/-I/2, B, C and D school buses shall be equipped with a rear bumper of pressed steel at least three-sixteenths inch (3/16") thick and eight inches (8") wide (nine and one-half inches (9 1/2") if manufactured after January 1, 1997). The bumper shall wrap around the back corners of the school bus and extend forward at least twelve inches (12"). The bumper shall extend at least one inch (1") beyond the rearmost part of the body surface and shall be properly attached to prevent the hitching of rides. Type A/-I/1 school buses may be equipped with the manufacturer's standard rear bumper.

(18) Tires.

(B) Inspect Type A/-I/2, B, C, or D school bus for dual rear tires.

(E) Reject any school bus if:

1. Any tire has knots or exposed cord;
2. The tread depth is less than four-thirty-secondths inch (4/32") for the front tires or less than two-thirty-secondths inch (2/32") of the rear tires when measured in any two (2) adjacent major grooves at three (3) locations equally spaced around the outside of the tire;
3. A Type A/-I/2, B, C or D school bus is not equipped with dual rear tires;
4. regrooved, recapped or retreaded tires are used on the front wheels; or
5. The tires on a given axle are of a different size or type.

AUTHORITY: section 307.360.2, RSMo 2000 and 307.375, RSMo Supp. [2001] 2002. Original rule filed Nov. 4, 1968, effective Nov.

14, 1968. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Sept. 15, 2003.

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 Public Safety, Missouri State Highway Patrol, PO Box 568, Jefferson City, MO 65102-0568. 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 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division**

PROPOSED AMENDMENT

11 CSR 50-2.340 Off-Highway Use Vehicles (ATV-OHV). The division proposes to amend section (1).

PURPOSE: This amendment will make the rule conform to sections 301.010 and 301.700, RSMo.

(1) Vehicles which are designed and primarily intended by the manufacturer for off-highway use are commonly referred to as all-terrain vehicles (ATV) or off-highway vehicles (OHV). These vehicles, when operated as intended and for which designed, need not be inspected. If operated on a public highway, however, these vehicles must be inspected and registered as passenger vehicles [, trucks] or motor tricycles.

AUTHORITY: section 307.360, RSMo [1994] 2000. Original rule filed Nov. 9, 1971, effective Nov. 19, 1971. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Sept. 15, 2003.

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 Public Safety, Missouri State Highway Patrol, PO Box 568, Jefferson City, MO 65102-0568. 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 75—Peace Officer Standards and Training
Program
Chapter 13—Peace Officer Licenses**

PROPOSED AMENDMENT

11 CSR 75-13.090 Cause to Discipline Peace Officer Licensee. The department is amending subsection (2)(A).

PURPOSE: This amendment changes the word “act” to “offense” to properly reflect the phrase used in section 590.080.1, RSMo.

(2) As used in section 590.080.1, RSMo:

(A) The phrase has “committed any criminal [act] offense” includes a person who has pleaded guilty to, been found guilty of, or been convicted of any criminal offense.

AUTHORITY: section 590.080.1(6), RSMo Supp. [2001] 2002. Original rule filed May 1, 2002, effective Oct. 30, 2002. Amended: Filed Sept. 5, 2003.

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 Jeremy Spratt, POST Program, Missouri Department of Public Safety, PO Box 749, 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 13—DEPARTMENT OF SOCIAL SERVICES Division 70—Division of Medical Services Chapter 15—Hospital Program

PROPOSED AMENDMENT

13 CSR 70-15.110 Federal Reimbursement Allowance (FRA).
The division is changing section (11).

PURPOSE: This proposed amendment changes section (11). This amendment will establish the Federal Reimbursement Allowance (FRA) assessment for SFY 2004 at five and twenty-three hundredths percent (5.23%).

(11) Federal Reimbursement Allowance (FRA) for State Fiscal Year 2004. The FRA assessment for State Fiscal Year (SFY) 2004 shall be determined at the rate of [~~five and sixty-four~~] **five and twenty-three** hundredths percent [~~(5.64%)~~] **(5.23%)** of the hospital’s total operating revenue less tax revenue/other government appropriations plus non-operating gains and losses as published by the Missouri Department of Health and Senior Services, Section of Health Statistics. The base financial data for 2000 will be annualized, if necessary, and will be adjusted by the trend factor listed in 13 CSR 70-15.010(3)(B) to determine revenues for the current state fiscal year. The financial data that is submitted by the hospitals to the Missouri Department of Health and Senior Services is required as part of 19 CSR 10-33.030, Reporting Financial Data by Hospitals. If the pertinent information is not available through the Department of Health and Senior Services’ hospital database, the Division of Medical Services will use the Medicaid data similarly defined from the Medicaid cost report that is required to be submitted pursuant to 13 CSR 70-15.010(5)(A).

AUTHORITY: sections 208.201, 208.453 and 208.455, RSMo 2000. Emergency rule filed Sept. 21, 1992, effective Oct. 1, 1992, expired Jan. 28, 1993. Emergency rule filed Jan. 15, 1993, effective Jan. 25, 1993, expired May 24, 1993. Original rule filed Sept. 21, 1992, effective June 7, 1993. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed April 29, 2003, effective May 9, 2003, terminated Sept. 18, 2003. Amended: Filed April 29, 2003. Emergency amendment filed Sept. 8, 2003,

effective Sept. 18, 2003, expires March 15, 2004. Amended: Filed Sept. 8, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate in SFY 2004.

PRIVATE COST: This proposed amendment is expected to cost private entities \$544,753,070 in SFY 2004.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of the Director, Division of Medical Services, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication in the *Missouri Register*. If to be hand-delivered, comments must be brought to the Division of Medical Services at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.

FISCAL NOTE

PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	13 CSR 70-15.110 Federal Reimbursement Allowance (FRA)
Type of Rulemaking:	Proposed Amendment

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:
131	Hospitals	SFY 2004 – \$544,753,070

III. WORKSHEET

The fiscal note is based on establishing the SFY 2004 FRA assessment percentage at 5.23%.

IV. ASSUMPTIONS

This amendment changes the estimated FRA assessment of 5.64% as published on June 2, 2003 to 5.23%. This change will cost hospitals less than what was originally proposed on June 2, 2003. The original cost estimate at 5.64% was \$588,038,698. The new cost estimate at 5.23% is \$544,753,070.

The 131 hospitals reported above include 37 hospitals that are owned or controlled by state, county, city or hospital districts. The cost to these hospitals at 5.23% is \$67,099,392. The original cost estimate at 5.64% was \$79,180,433.

**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)(D); section (4); Table B; and Table D.

PURPOSE: The department proposes to amend this rule to eliminate the exception clause to Table A requirements, subsection (2)(B); to clarify which HEDIS® measures shall be reported annually based on standards of the National Quality Assurance Committee. This amendment shall eliminate the need for annual revisions to 19 CSR 10-5.010 by modifying subsections (2)(B) and (C); subsection (3)(D); section (4); Table B; and Table D; 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 included herein. *[An exception to this requirement shall be made for those Medicaid health care plans that are required to participate in a member satisfaction survey conducted by the Division of Medical Services. For these plans, the department will obtain the member satisfaction data from the Division of Medical Services];*

(C) In 1998 the data shall be submitted by September 1. In subsequent years a final member-level data file and a CAHPS® 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. **The data year (reporting period) for the CAHPS® submission shall be the calendar year (CY) immediately preceding the June 15 submission date;** and

(3) Starting in 1998, health care plans shall provide annually to the department, audited quality indicator data—

(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. **The data year (reporting period) for the HEDIS® (Table B) submission shall be the calendar year (CY) immediately preceding the June 15 submission date.**

(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. **The data year (reporting period) for Table D (access to care) submission shall be the calendar year (CY) immediately preceding the June 15 submission date.** Access to care data shall include the data elements and conform to the specifications listed in Table D. Table D is included herein.

Table B

Quality Indicator Data Specifications
[Reporting Period: CY 2002]

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. **NCQA rotates certain measures every year. Rotated measures shall be reported in accordance with current HEDIS® technical specifications for reporting rotated measures. Measures followed by an asterisk (*) shall be reported every year regardless of NCQA’s rotation strategy.**

<u>Indicator</u>	<u>Applicable to:</u>		
	<u>Commercial</u>	<u>Medicaid</u>	<u>Medicare</u>
Childhood Immunization Status*	X	X	
Adolescent 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	X	
Beta Blocker Treatment After Heart Attack	X		X
Controlling High Blood Pressure	X		X
Cholesterol Management After Acute Cardiovascular Event	X		X
Comprehensive Diabetes Care	X		X
Antidepressant Medication Management	X		X
Flu Shots for Older Adults (CAHPS®)			X
Advising Smokers to Quit (CAHPS®)	X		X
Annual Dental Visit		X	

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® a technical specifications, as outlined in the NCQA-published technical manuals.

Table B**Quality Indicator Data Specifications**
[Reporting Period: CY 2002]
(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 2002]

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, 2002] the last day of the reporting period?

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 2002]

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]* distributes educational material for all plan enrollees, (C) provides specific educational materials to persons-at-risk, *[and]* (D) *[distributes educational material for all plan enrollees]* provides case management, and (E) provides disease management. (CHECK ALL THAT APPLY. SEE NOTE BELOW.)

High Risk Conditions/Diseases	(A) Screening Mechanisms	(B) [Case Management] Education for All Plan Enrollees	(C) Education for Persons-at-Risk	(D) [Education for All Plan Employees] Case Management	(E) Disease Management
Asthma	(NA)	()	(NA)	()	()
Stroke/Cardiovascular Disease	(NA)	()	(NA)	()	()
Breast Cancer	()	()	()	()	()
Cervical Cancer	()	()	()	()	()
Ovarian Cancer	(NA)	()	(NA)	()	()
Colorectal Cancer	(NA)	()	(NA)	()	()
Sickle Cell Disorders	(NA)	()	(NA)	()	()
Congestive Heart Failure (CHF)	(NA)	()	(NA)	()	()
Chronic Obstructive Pulmonary Disease (COPD)	(NA)	()	(NA)	()	()
Diabetes	(NA)	()	(NA)	()	()
Depression	(NA)	()	(NA)	()	()
HIV	(NA)	()	(NA)	()	()
High Risk Pregnancy	(NA)	()	(NA)	()	()
Obesity	(NA)	()	(NA)	()	()
Lead Poisoning	(NA)	()	(NA)	()	()
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 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.

Education strategies for plan enrollees may include but are not limited to newsletters, periodicals, direct mailings and similar types of media campaigns.

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.]* members obtain services and medical equipment as ordered by their physicians.

Disease management is a strategy where nurses and other health professionals help members learn to self-manage their chronic condition effectively through disease-specific education, general health promotion and reinforcement of the treatment plan designed by each member's physician.

[Education strategies for all plan enrollees may include but are not limited to newsletters, periodicals, direct mailings and similar types of media campaigns.]

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
- c.) Promotion of the use of the National Asthma Education Prevention Program (NAEPP) among providers? () 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:				
Prenatal vitamins, including folic acid.....	()	()	()	()
Non-Morbid Obesity:				
Prescriptions.....	()	()	()	()
Dietary Consultations...	()	()	()	()
Surgical Procedures.....	()	()	()	()
Contraceptives:				
Birth control pills.....	()	()	()	()
IUDs.....	()	()	()	()
Norplant.....	()	()	()	()
Depo Provera.....	()	()	()	()
Immunizations:				
Hepatitis A.....	()	()	()	()
Hepatitis B.....	()	()	()	()
Varivax (chicken pox)...	()	()	()	()
Annual eye exam for				
refractive errors.....	()	()	()	()
Diabetic supplies.....	()	()	()	()
(strips, lancets, etc.)				
Insulin pumps.....	()	()	()	()
Stem cell rescue for:				
Neuroblastoma.....	()	()	()	()
Breast cancer.....	()	()	()	()
Access to chiropractic services	()	()	()	()
Psychotherapy services				
Individual.....	()	()	()	()
Group.....	()	()	()	()
Family.....	()	()	()	()
Marital.....	()	()	()	()
Substance abuse services:				
Inpatient/residential.....	()	()	()	()
Outpt./partial hospitalization	()	()	()	()
Unrestricted annual flu shots	()	()	()	()
Acupuncture.....	()	()	()	()
Smoking cessation:				
Classes.....	()	()	()	()

Medications/patches... () () () ()
 Conduct wellness surveys* () () () ()

*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)		(B)	
	Plan		Plan Sent	
	<u>Provided</u>	<u>Description</u>	<u>Comparative</u>	<u>Description</u>
	<u>Reports</u>	<u>of Report(s)</u>	<u>Data</u>	<u>of Report(s)</u>
Childhood Immunizations.....	()	_____	()	_____
Adolescent Immunizations.....	()	_____	()	_____
Breast Cancer Screenings.....	()	_____	()	_____
Pap Smears.....	()	_____	()	_____
Lead Screenings:				
12 and 24 months.....	()	_____	()	_____
Under 6 if no prior blood test.....	()	_____	()	_____
Cholesterol Management after Acute Cardiovascular Event: LDL-C Screenings	()	_____	()	_____
Beta Blocker Treatment After Heart Attack.....	()	_____	()	_____
Comprehensive Diabetic Care:				
Hemoglobin Testing.....	()	_____	()	_____
Retinal Disease Eye Exam.....	()	_____	()	_____
LDL-C (Lipids) Testing	()	_____	()	_____
Nephropathy Screenings.....	()	_____	()	_____
Annual Flu Shots for Older Adults.....	()	_____	()	_____
Tobacco Cessation Counseling.....	()	_____	()	_____
Other (Please specify) _____	()	_____	()	_____

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 ___

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.

	<u>Number of Practitioners</u>	<u>Number Who Are Board Certified</u>
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 Sept. 12, 2003.

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

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 15—Division of Senior Services
Chapter 4—Older Americans Act**

PROPOSED AMENDMENT

19 CSR 15-4.060 State Long-Term Care Ombudsman Program.
The department proposes to amend section (1).

PURPOSE: This amendment sets forth the procedures for notification of the state ombudsman if the regional coordinator or volunteer determines that a nursing home administrator is not willing to work with the ombudsman program to resolve complaints, in accordance with S.B. 556.

(1) The statewide long-term care [(LTC)] ombudsman program (LTCOP) consists of the state office, regional offices and volunteers. The regional programs are housed in or subcontracted by the designated Area Agencies on Aging. The LTCOP—

(A) Identifies, [I]investigates and resolves complaints made by or [for older persons] on behalf of residents in long-term care (LTC) facilities [about administrative actions that] relating to action, inaction, or decisions of providers, or their representatives, of long-term care services, of public agencies or of social service agencies, which may adversely affect [their] the health, safety, welfare or rights of such residents[;]. If regional LTCOP coordinators, staff or volunteers determine that a nursing home administrator is not willing to work with the ombudsman program to resolve complaints, the regional LTCOP coordinator, staff or volunteer shall notify the state ombudsman in writing.

1. The state ombudsman, or his/her designee, may facilitate a meeting with the nursing home administrator, and the regional LTCOP coordinator, staff and/or volunteer. If deemed appropriate, the state ombudsman or his/her designee may notify the nursing facility's corporate staff (if applicable) of the meeting and its results.

2. The regional LTCOP coordinator or staff or the LTCOP state office staff may contact the section for long-term care (SLTC). The LTCOP state office staff will monitor cases where the nursing home administrator is unwilling to work with the LTCOP and monitor the involvement and/or investigation conducted by SLTC;

(C) Provides information to public agencies about the problems of [older individuals] residents in LTC facilities;

(D) Trains LTCOP staff and volunteers and promotes and assists in the development of citizen organizations [to participate in the ombudsman program];

(E) Implements additional activities, as appropriate, that enhance the [LTC ombudsman program] LTCOP and are consistent with federal and state requirements and guidelines;

(F) Develops procedures to assure that representatives of the [LTC ombudsman program] LTCOP are given appropriate access to LTC facilities, appropriate private access to residents and appropriate access to the residents' personal and medical records; and

AUTHORITY: sections 660.050, RSMo [1986] 2000 and 660.603, RSMo Supp. 2003. This rule was previously filed as 13 CSR 15-6.065 and 13 CSR 15-4.060. Original rule filed Jan. 6, 1986, effective April 30, 1986. Moved to 19 CSR 15-4.060, effective Aug. 28, 2001. Emergency amendment filed Sept. 12, 2003, effective Sept. 22, 2003, expires March 19, 2004. Amended: Filed Sept. 12, 2003.

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 Health and Senior Services, Division of Senior Services and Regulation, David S. Durbin, Director, PO Box 570, Jefferson City, MO 65102-0570. 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 30—Division of Health Standards and Licensure
Chapter 82—General Licensure Requirements**

PROPOSED RULE

19 CSR 30-82.015 Long-Term Care Receiverships

PURPOSE: This rule establishes guidelines for the determination of qualified receivers, maintenance of the list of receivers, and the selection and removal of receivers.

(1) A person requesting to act as a receiver shall submit a completed application to the department. The application shall include the following information:

(A) Full name of the receiver, date of birth and Social Security number;

(B) Information that establishes the receiver has the necessary experience to operate a long-term care facility or the ability to contract with another party for the operation of a facility; and

(C) Information that establishes the receiver has the financial capacity to operate a long-term care facility as a receiver in compliance with state laws and regulations.

(2) Based on the information submitted in the application, if the applicant has the necessary experience to operate a long-term care facility or the ability to contract with another party for the operation of a facility and the financial capacity to operate a facility, and the applicant does not have any disqualifying characteristics, the applicant will be approved to be a receiver. Disqualifying characteristics are defined as:

(A) The applicant has been convicted of a felony offense in any state or federal court arising out of conduct involving the operation or management of a long-term care facility or other health care facility or the provision or receipt of health care;

(B) The applicant has ever knowingly acted or knowingly failed to perform any duty which materially and adversely affected the health, safety, welfare or property of a resident of a long-term care facility, while acting in a management capacity; or

(C) The applicant is under exclusion from participation in the Title XVIII (Medicare) or Title XIX (Medicaid) program of any state or territory.

(3) Once a completed application is received and approved, the person will be placed on the list of qualified receivers. Receivers will be placed on the list in the order their completed application was received. If two (2) or more completed applications are received on the same day, and any two (2) or more are approved, they will be placed on the list of qualified receivers in alphabetical order according to the receivers' last names.

(4) If any of the information in an application changes, or if a qualified receiver has any change of status, including a change in disqualifying characteristics, that could affect his/her ability to serve as a receiver, he/she must notify the department in writing within ten (10) working days. Given the additional information, the department

will make a determination as to whether the receiver remains qualified to act as a receiver. If the receiver is no longer qualified, his/her name will be removed from the list of qualified receivers. The department will notify the receiver in writing of the removal.

(5) If the department otherwise becomes aware of a change in any information in the application or a change in status of a qualified receiver that affects the receiver's ability to serve as a receiver, the department may remove the receiver from the list of qualified receivers. The department will notify the receiver in writing of the removal.

(6) If a receiver no longer wishes to be included on the list of qualified receivers, the receiver shall notify the department in writing of his/her desire to be removed from the list and the effective date of the removal.

AUTHORITY: sections 198.105, RSMo Supp. 2003 and 198.009, RSMo 2000. Emergency rule filed Sept. 12, 2003, effective Sept. 22, 2003, expires March 19, 2004. Original rule filed Sept. 12, 2003.

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 Health and Senior Services, Division of Senior Services and Regulation, David S. Durbin, Director, PO Box 570, Jefferson City, MO 65102-0570. 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 30—Division of Health Standards and Licensure Chapter 82—General Licensure Requirements

PROPOSED RULE

19 CSR 30-82.080 Nursing Facility Quality of Care Improvement Program

PURPOSE: This rule explains the requirements for receiving funding from the Nursing Facility Quality of Care (NFQC) Fund to improve the quality of service the facility provides to its residents.

(1) Definitions.

(A) Qualified Facility—Any facility licensed pursuant to Chapter 198, RSMo, that has received a Class I or Uncorrected Class II Notice of Noncompliance within the past twelve (12) months in one (1) of the following areas:

1. For Residential Care Facility I (RCF I) and Residential Care Facility II (RCF II):

A. Administrative, Personnel and Resident Care (19 CSR 30-86.042);

B. Dietary (19 CSR 30-86.052); or

C. Resident Rights (19 CSR 30-88.010);

2. For Skilled Nursing Facility (SNF) and Intermediate Care Facility (ICF):

A. Administration and Resident Care (19 CSR 30-85.042)

B. Dietary (19 CSR 30-85.052); or

C. Resident Rights (19 CSR 30-88.010).

(B) Quality Improvement Project for Missouri (QIPMO) consultation—Provides technical assistance and support to nursing facility staff throughout the state in order to improve the quality of care in nursing facilities using the Minimum Data Set (MDS) and on-site clinical consultation.

(2) Selection of Qualified Facilities.

(A) Qualified facilities may submit a written request to the department for funds from the Nursing Facility Quality of Care (NFQC) Fund to pay for QIPMO assistance and support. The department will provide a written response to the qualified facility's request approving or disapproving the use of NFQC funding for QIPMO assistance. In the absence of extraordinary circumstances, a qualified facility shall receive no more than one thousand dollars (\$1,000) per request. A qualified facility which wishes to receive more than one thousand dollars (\$1,000) per request must separately justify reimbursement in excess of one thousand dollars (\$1,000) by setting forth the extraordinary circumstances justifying reimbursement in excess of one thousand dollars (\$1,000). The department may, in its sole discretion, approve reimbursement in excess of one thousand dollars (\$1,000).

(B) Qualified facilities may also submit to the department proposals describing implementation of a quality improvement program, in lieu of the QIPMO Program. Such proposals shall address areas of noncompliance that have been cited in the notice of noncompliance issued in the past twelve (12) months. Upon approval of the proposal by the department, the department may use funds in the NFQC Fund that have been collected from state civil money penalties to fund the qualified facility's proposal. In the absence of extraordinary circumstances, a qualified facility shall receive no more than one thousand dollars (\$1,000) per proposal. A qualified facility which wishes to receive more than one thousand dollars (\$1,000) per proposal must separately justify reimbursement in excess of one thousand dollars (\$1,000) by setting forth the extraordinary circumstances justifying reimbursement in excess of one thousand dollars (\$1,000). The department may, in its sole discretion, approve reimbursement in excess of one thousand dollars (\$1,000).

(C) The department may impose upon a qualified facility a directed plan of correction, as set forth in section 198.066, RSMo, which includes QIPMO consultation. Funding for the QIPMO consultation may be taken from the NFQC Fund, not to exceed one thousand dollars (\$1,000), unless the department, in its sole discretion, determines reimbursement in excess of one thousand dollars (\$1,000) is justified by extraordinary circumstances.

(3) The qualified facility will submit to the department the paid invoice(s) for the QIPMO consultation or other quality improvement program. The department will reimburse the qualified facility for the amount granted.

AUTHORITY: section 198.067.6, RSMo Supp. 2003. Emergency rule filed Sept. 12, 2003, effective Sept. 22, 2003, expires March 19, 2004. Original rule filed Sept. 12, 2003.

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 Health and Senior Services, Division of Senior Services and Regulation, David S. Durbin, Director, PO Box 570, Jefferson City, MO 65102-0570. 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 30—Division of Health Standards and Licensure
Chapter 83—Definition of Terms**

PROPOSED AMENDMENT

19 CSR 30-83.010 Definition of Terms. The department proposes to amend definition (24) and add new definition (32).

PURPOSE: This amendment revises the definition of protective oversight and adds a definition for voluntary leave, as included in S.B. 534.

(24) Protective oversight—Shall mean [having continuous] an awareness **twenty-four (24) hours a day of the location** of a resident [’s whereabouts], the ability to intervene [if a crisis arises for] **on behalf of** the resident, supervision of nutrition, or medication, or actual provisions of care and [a twenty-four (24)-hour] **the responsibility for the welfare of the resident, except where the resident is on voluntary leave.**

(32) Voluntary leave—Shall mean an off-premise leave initiated by: a) a resident that has not been declared mentally incompetent or incapacitated by a court; or b) a legal guardian of a resident that has been declared mentally incompetent or incapacitated by a court.

AUTHORITY: sections 198.006, RSMo Supp. 2003 and 198.009, RSMo [1986] 2000. Emergency rule filed Sept. 7, 1979, effective Sept. 28, 1979, expired Jan. 24, 1980. This rule originally filed as 13 CSR 15-11.010. Original rule filed Sept. 7, 1979, effective Jan. 12, 1980. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Sept. 12, 2003, effective Sept. 22, 2003, expires March 19, 2004. Amended: Filed Sept. 12, 2003.

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 Health and Senior Services, Division of Senior Services and Regulation, David S. Durbin, Director, PO Box 570, Jefferson City, MO 65102-0570. 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 30—Division of Health Standards and Licensure
Chapter 85—Intermediate Care and Skilled Nursing
Facility**

PROPOSED AMENDMENT

19 CSR 30-85.042 Administration and Resident Care Requirements for New and Existing Intermediate Care and Skilled Nursing Facilities. The department proposes to amend section (66).

PURPOSE: This amendment identifies the minimum voluntary leave procedures that a nursing facility must have in place, as included in S.B. 534.

(66) Each resident shall receive twenty-four (24)-hour protective oversight and supervision. For residents departing the premises on voluntary leave, the facility shall have, at a minimum, a procedure to ensure that the resident or the resident’s guardian notifies the facility of the resident’s departure, that the resident or the resident’s guardian notifies the facility of the resident’s estimated length of absence from the facility, and that the resident or the resident’s guardian notifies the facility of the resident’s whereabouts while on voluntary leave. I/II

AUTHORITY: sections 198.006, RSMo Supp. 2003 and 198.079, RSMo [1994] 2000. This rule originally filed as 13 CSR 15-14.042. Original rule filed July 13, 1983, effective Oct. 13, 1983. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Sept. 12, 2003, effective Sept. 22, 2003, expires March 19, 2004. Amended: Filed Sept. 12, 2003.

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 Health and Senior Services, Division of Senior Services and Regulation, David S. Durbin, Director, PO Box 570, Jefferson City, MO 65102-0570. 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 30—Division of Health Standards and Licensure
Chapter 86—Residential Care Facilities I and II**

PROPOSED AMENDMENT

19 CSR 30-86.042 Administrative, Personnel and Resident Care Requirements for New and Existing Residential Care Facilities I and II. The department proposes to amend section (35).

PURPOSE: This amendment identifies the minimum voluntary leave procedures that a residential care facility must have in place, as included in S.B. 534.

(35) Protective oversight shall be provided twenty-four (24) hours a day. For residents departing the premises on voluntary leave, the facility shall have, at a minimum, a procedure to ensure that the resident or the resident’s guardian notifies the facility of the resident’s departure, that the resident or the resident’s guardian notifies the facility of the resident’s estimated length of absence from the facility, and that the resident or the resident’s guardian notifies the facility of the resident’s whereabouts while on voluntary leave. I/II

AUTHORITY: sections 198.006, RSMo Supp. 2003 and 198.076, RSMo [1994] 2000. This rule originally filed as 13 CSR 15-15.042. Original rule filed July 13, 1983, effective Oct. 13, 1983. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Sept. 12, 2003, effective Sept. 22, 2003, expires March 19, 2004. Amended: Filed Sept. 12, 2003.

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