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MATT BLUNT

SECRETARY OF STATE

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.state.mo.us/adrules/pubsched.asp>

Missouri Depository Libraries

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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 26, *Missouri Register*, page 27. The approved short form of citation is 26 MoReg 27.

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

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

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

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

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

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 50—Missouri State Highway Patrol Chapter 2—Motor Vehicle Inspection Division

EMERGENCY AMENDMENT

11 CSR 50-2.430 Verification of Homemade Trailers. The division proposes to amend subsection (6)(A), delete subsection (6)(B) and amend and renumber subsection (6)(C).

PURPOSE: This amendment deletes the requirement to issue an inspection decal upon completing a trailer verification.

EMERGENCY STATEMENT: This emergency amendment is necessary and justified as meeting a compelling governmental interest. The Department of Revenue initiated a statutorily required online registration process last year. At a meeting with revenue officials on February 20, 2003, it was determined that it would be possible to fraudulently register a motorcycle using the MVI-2 form number and a decal number which were required through a trailer verification. The elimination of the decal requirement should assure this fraudulent situation cannot occur. A proposed amendment to the rule covering this same material is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The patrol believes this emergency amendment is fair to all interested per-

sons and parties under the circumstances. This emergency amendment was filed March 17, 2003, effective March 27, 2003, and expires September 22, 2003.

(6) Forms Procedure.

(A) List the trailer owner's name, street, city and county in the appropriate spaces on the MVI-2 form (see 11 CSR 50-2.120). If the trailer is determined to be homemade write the word "Homemade" in the space for make, cross through the space for year and vehicle identification number (VIN). Either write the words "Trailer Verification" in large letters across the form in the space for defective part or check the applicable box on the MVI-2 form **and enter "NONE" in the space for the sticker/decal number.** [Complete the MVI-2 form in the normal manner.]

[(B)] Issue a trailer decal for the trailer listing the decal number in the appropriate space on the MVI-2 form. In addition to punching the decal for the month and year, also punch the decal through the words "Safety Inspected" to indicate the decal has been issued for a trailer verification. Immediately affix the decal to the trailer near the left front or on the left side of the trailer tongue.]

[(C)] (B) If the trailer is determined to be one made by a regular manufacturer, list the trailer make and VIN in the appropriate space on the MVI-2 form. Fill in the year of the trailer, if known. [Issue a decal for the trailer as indicated in subsection (6)(B).] If a Department of Revenue special number has been previously issued for the trailer, list the number on the MVI-2 form in the space for Defective Part.

[(D)] (C) If a trailer is examined and it appears to be a trailer made by a regular manufacturer, but the inspector/mechanic is unable to locate the trailer name, identification number, or both, contact the Missouri State Highway Patrol. In these cases, the inspector/mechanic shall record the vehicle identification number on the form as "unknown." If the make of the manufactured trailer cannot be determined, the inspector shall record the make as "umfg" or "unknown" on the inspection certificate.

AUTHORITY: section 307.360, RSMo [1994] 2000. Emergency rule filed Aug. 15, 1984, effective Sept. 1, 1984, expired Dec. 30, 1984. Original rule filed Sept. 12, 1984, effective Jan. 1, 1985. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed March 17, 2003, effective March 27, 2003, expires Sept. 22, 2003. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 50—Missouri State Highway Patrol Chapter 2—Motor Vehicle Inspection Division

EMERGENCY AMENDMENT

11 CSR 50-2.440 Vehicle Identification Number and Odometer Reading Verification. The division proposes to amend subsection (6)(A), delete subsections (6)(B) and (6)(C) and amend and renumber subsection (6)(D).

PURPOSE: This amendment deletes the requirement to issue an inspection sticker or decal when completing a vehicle identification number and odometer reading verification.

EMERGENCY STATEMENT: This emergency amendment is necessary and justified as meeting a compelling governmental interest. The Department of Revenue initiated a statutorily required online registration process last year. At a meeting held with revenue officials on February 20, 2003, it was determined that it would be possible to

fraudulently register a motor vehicle using the MVI-2 form number and sticker or decal number which were required through a vehicle identification and odometer reading verification. The elimination of the sticker/decal requirement should assure this fraudulent situation cannot occur. Immediate action regarding this action is necessary to assure this potentially fraudulent situation is averted at the earliest possible time. A proposed amendment to the rule covering this same material is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The patrol believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed March 17, 2003, effective March 27, 2003, and expires September 22, 2003.

(6) Forms Procedure.

(A) List the motor vehicle owner's name, street, city and county in the appropriate spaces on the MVI-2 form (see 11 CSR 50-2.120). If the VIN and odometer reading are correctly displayed, either write the words "ID/OD Verification" in large letters across the form in the space for defective part or check the applicable box on the MVI-2 form and enter "**NONE**" in the space for the sticker/decal number. [Complete the MVI-2 form in the normal manner.]

[(B) Issue an inspection sticker for a passenger vehicle listing the sticker number in the appropriate space on the approval certificate. In addition to punching the sticker for the month and year also punch the sticker through the words "Safety Inspected" to indicate the sticker has been issued for a VIN/odometer verification. Immediately affix the sticker to the inside of the lower left-hand corner of the windshield.]

(C) Issue an inspection decal for a motorcycle or a vehicle without a windshield listing the decal number in the appropriate space on the approval certificate. In addition to punching the decal for the month and year, also punch the decal through the words "Safety Inspected" to indicate the decal has been issued for a VIN/odometer verification. When a decal is issued for a motorcycle, it will be immediately affixed in an upright position on the left side of the steering fork sleeve at a visible location near the slider tube. On motor vehicles not equipped with a windshield, the inspector/mechanic will immediately affix the decal to the vehicle's dash or steering column. Previous years' decals do not have to be removed.]

[(D)] (B) If the VIN appears to be incorrectly displayed in any manner, such as altered, forged, incorrectly attached or a substitute plate used, do not issue a verification, [approval or inspection sticker,] instead call the patrol headquarters located in your area for immediate assistance.

AUTHORITY: sections 301.190 [and], 307.190[, RSMo Supp. 1999] and 307.360, RSMo [1994] 2000. Original rule filed May 21, 1986, effective Aug. 25, 1986. For intervening history, please consult the Code of State Regulations. Emergency amendment filed March 17, 2003, effective March 27, 2003, expires Sept. 22, 2003. A proposed amendment covering this same material is published in this issue of the Missouri Register.

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2002.

Executive Order 03-07

WHEREAS, all Missourians deserve the ability to pursue an education after high school that enhances economic opportunity; and

WHEREAS, research has shown that investments in higher education are key to Missouri's economic growth and the quality of life for all Missourians; and

WHEREAS, Missouri's system of higher education must focus on and be responsive to the needs of all its customers and of the state as a whole; and

WHEREAS, Missouri's system of higher education must improve efforts to assist in preparing elementary and secondary students for successful postsecondary education; and

WHEREAS, Missouri's participation and completion rates in higher education must be improved to better compete with other states, and opportunities for successful participation must be improved for Missourians at all income levels and stages of life; and

WHEREAS, Missouri's system of higher education is dedicated to improving the learning process and focusing on high-demand fields of study in the 21st-century economy; and

WHEREAS, Missouri's system of higher education is committed to improving its quality and performance through measuring, reporting, and analyzing data; and

WHEREAS, Missouri higher education is concerned with revitalizing its policies and procedures to increase efficiency and cost-effectiveness; and

WHEREAS, adequate resources must be developed to sustain the mission and goals of Missouri higher education.

NOW, THEREFORE, I, Bob Holden, Governor of the State of Missouri, by the power vested in me by the Constitution and Laws of the State of Missouri, do hereby create and establish the Commission on the Future of Higher Education.

The purpose of the Commission on the Future of Higher Education shall be to develop plans to strengthen and improve postsecondary education in Missouri. The commission's objectives will include, but are not limited to: identifying ways to increase the number of Missourians prepared to pursue training and education after high school, including technical, community college, and college or university education; increasing the number of high school students who enroll in and complete such programs; enhancing the affordability of postsecondary education for students from families at all income levels; and increasing the civic and economic benefits of advanced education for individuals, their families, communities, and the state of Missouri.

The Commission on the Future of Higher Education shall be composed of not more than 29 members appointed by the Governor. Members shall include eight representatives from the Missouri General Assembly, four of whom shall be from the Senate, four of whom shall be from the House of Representatives. Not more than four of the legislative members shall be from the same political party. The commission membership shall also include business and community leaders. The Governor shall appoint the chairperson of the commission. The members of the Commission on the Future of Higher Education shall serve at the pleasure of the Governor and shall serve without compensation, except that the members may be reimbursed for reasonable and necessary expenses arising from commission activities or business. Such expenses shall be paid by the Department of Higher Education, to which the commission is assigned for administrative purposes.

In the interest of keeping the public informed, the Commission on the Future of Higher Education shall report its recommendations and strategies for implementing such recommendations to the Governor, The Speaker of the Missouri House of Representatives, the President Pro Tem of the Senate, the members of the Coordinating Board for Higher Education, the Commissioner of Higher Education, the Commissioner of Elementary and Secondary Education and the Director of the Department of Economic Development. Such report shall be submitted by January 1, 2004. The commission may also submit such interim reports as are necessary to keep the public informed of its progress. The Governor shall appoint an Academic Resource Team of not more than twelve members from the academic community who shall provide technical and policy-related information and other assistance as requested by the commission in fulfilling its mission.

Members of the Commission shall serve until January 1, 2004.

The Missouri Commission on the Future of Higher Education shall convene no later than May 1, 2003.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson on this 17th day of March, 2003.



Bob Holden
Governor

ATTEST:



Matt Blunt
Secretary of State

Executive Order
03-09

WHEREAS, section 105.454(5), RSMo, of the Missouri Ethics Law requires the Governor to designate those members of his staff who have supervisory authority over each department, division, or agency of state government.

NOW, THEREFORE, I, BOB HOLDEN, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and Laws of the State of Missouri, do hereby designate the following members of my staff as having supervisory authority over the following departments, divisions, or agencies:

Office of Administration	Daniel Hall
Transportation	Patrick Lynn
Agriculture	Caleb Weaver
Conservation	Caleb Weaver
Elementary and Secondary Education	Caleb Weaver
Higher Education	Caleb Weaver
Public Service Commission	Patrick Lynn
Revenue	Caleb Weaver
Social Services	Patrick Lynn
Labor	Chris Bauman
Public Safety	Chris Bauman
Corrections	Chris Bauman
Natural Resources	Daniel Hall
Health and Senior Services	Tina Shannon
Insurance	Patrick Lynn
Economic Development	Daniel Hall
Mental Health	Tina Shannon
MHDC	Jennifer Deaver

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson on this 18th day of March, 2003.



ATTEST:

Bob Holden

Bob Holden
Governor

Matt Blunt

Matt Blunt
Secretary of State

**EXECUTIVE ORDER
03-10**

WHEREAS, federal and state governments are responding to tremendous changes in energy markets and an evolving energy industry; and

WHEREAS, these changes require consideration of public energy policies that ensure reliable, affordable energy supplies, environmentally-sound energy resources, and consumer protections; and

WHEREAS, Missourians will benefit from state energy policies that lead the state to increase energy independence, economic vitality, and environmental quality; and

WHEREAS, the State of Missouri recognizes the significant economic, environmental, and energy-security benefits associated with energy efficiency and domestic renewable energy resource development and therefore identifies such efficiency and development as fundamental components of Missouri energy policy.

NOW, THEREFORE, I, BOB HOLDEN, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and the Laws of the State of Missouri, do hereby create and establish the Missouri Energy Policy Council (hereinafter, the Council). For administrative purposes, the Council shall be assigned to the Department of Natural Resources.

The Council shall be composed of not more than 20 individuals appointed by the Governor. Members shall include the Director of the Department of Natural Resources, the Director of the Department of Economic Development, the Chairman of the Public Service Commission, and the Public Counsel of the Office of the Public Counsel, or their designees. Council membership shall also include one Senator and one Representative, a member or members of the public at large, a representative of utilities and other energy providers, a representative of business and industry, a representative of the buildings sector, a representative of labor, a representative of energy efficiency organizations, a representative of renewable energy organizations or businesses, a representative of environmental organizations, and other members as the Governor may appoint. The Director of the Department of Natural Resources or his or her designee shall serve as the Council chair. Members of the Council shall serve without compensation except that task force members may be reimbursed for reasonable and necessary expenses arising from the Council's activities or business.

The Council shall meet at least annually.

The Council shall serve in an advisory capacity to the Governor on matters of local, state, regional, and national energy policy. In this respect, the Council shall consider and make recommendations on, among other issues:

- major aspects of energy policy, energy supplies, and energy prices,
- consumer protections, including consumer education, universal access, low-income assistance funding, and the impact of regulatory changes,
- new energy technologies and trends,
- opportunities to increase energy efficiency, and
- opportunities to increase the use of diverse and clean energy supplies to improve the economic vitality and environmental quality of Missouri residences, businesses, farms, and transportation.

The initial focus of the Council shall be to prepare a report, which shall be sent to the Governor no later than June 1, 2003, that includes:

- analysis of Missouri's current and future energy supplies and demand,
- analysis of the impact of Standard Market Design rules proposed by the Federal Energy Regulatory Commission, and
- recommendations for how Missouri state government may demonstrate its leadership in energy efficiency.

The Council shall also publish, in cooperation with the Department of Natural Resources, an annual Green Progress Report that assesses how Missouri's public and private sectors are reducing their energy use and increasing their use of domestic renewable energy sources. This report shall be published on or before December 31 of each year beginning in the year 2003.

With this executive order, Executive Order 01-04, which created and established the Missouri Energy Policy Task Force, is rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 13th day of March, 2003.



Handwritten signature of Bob Holden in cursive script.

Bob Holden
Governor

ATTEST:

Handwritten signature of Matt Blunt in cursive script.

Matt Blunt
Secretary of State

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.

per hundred weight on milk imported from areas beyond the points of routine inspection.

AUTHORITY: section 196.939, RSMo, 2000. Original rule filed April 12, 1977, effective Sept. 11, 1977. For intervening history, please consult the Code of State Regulations. Amended: Filed Feb. 28, 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: The State Milk Board estimates that the following private entities will be affected by this proposed amendment in the given numbers: seven (7) producer marketing agencies and six (6) additional Grade A dairy plants located in the state of Missouri (to be assessed five cents (5¢) per hundred weight on milk produced and/or handled) and five (5) producer marketing agencies and thirty-eight (38) individual Grade A dairy plants (to be assessed at four cents (4¢) per hundred weight on milk inspected from areas beyond the points of routine inspection). The State Milk Board further estimates the aggregate cost of the compliance with this proposed amendment by the enumerated entities to be \$1,380,574 for the period July 1, 2003 through June 30, 2004.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Milk Board office, Terry S. Long, Executive Secretary, 911-D Leslie Blvd., Jefferson City, MO 65101. Telephone 573-751-3830. 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 80—State Milk Board Chapter 5—Inspections

PROPOSED AMENDMENT

2 CSR 80-5.010 Inspection Fees. The board is amending section (1) on inspection fees.

PURPOSE: This rule is being amended by changing the time period for which the fees apply and publish the fees established by the State Milk Board for that period. This amendment updates the reference to the time period for which milk inspection fees apply.

(1) The inspection fee for fiscal year *[2003 (July 1, 2002–June 30, 2003)] 2004 (July 1, 2003–June 30, 2004)* shall be five cents (5¢) per hundred weight on milk produced on farms inspected by the State Milk Board or its contracted local authority and four cents (4¢)

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: Title 2 - DEPARTMENT OF AGRICULTURE
 Division: Division 80 - State Milk Board
 Chapter: Chapter 5 - Inspections
 Type of Rulemaking: PROPOSED AMENDMENT
 Rule Number and Name: 2 CSR 80-5.010 Inspection Fees

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:
7	Producer Mktg. Agencies	5¢ c.w.t.*
6	Grade A Dairy Plants/Missouri	5¢ c.w.t.*
5	Producer Mktg. Agencies	4¢ c.w.t.*
38	Grade A Dairy Plants Outside Missouri	4¢ c.w.t.*

TOTAL COST ESTIMATE: \$1,380,574

III. WORKSHEET

PRIVATE ENTITY COSTS:

FY 2004

7	Producer Marketing Agencies and	
6	Grade A Dairy Plants of Missouri	5¢ c.w.t.*
5	Producer Marketing Agencies and	
38	Grade A Dairy Plants Outside Missouri	4¢ c.w.t.*
TOTAL COST ESTIMATE:		\$1,380,574

* c.w.t. = per hundred weight (cost per pound)

IV. ASSUMPTIONS

The estimates contained in this fiscal note are based upon the following assumptions:

All estimates shown are based upon milk inspection fees collected during FY '02. Varying conditions (drought, severe cold weather, market conditions, etc.) effect total pounds of milk marketed, thereby effecting cost to private entities.

**Title 5—DEPARTMENT OF ELEMENTARY
AND SECONDARY EDUCATION**
**Division 50—Division of [Instruction] School
Improvement**
Chapter 350—State Programs

PROPOSED AMENDMENT

5 CSR 50-350.040 A+ Schools Program. The State Board of Education proposes to amend sections (1), (2), (4), (6), (7), (8), (9), (10), (11), (12) and subsections (1)(D), (2)(A), (2)(B), (2)(G), (5)(C), (5)(G), (6)(C), (9)(A), (9)(B), (12)(A) and (12)(B).

PURPOSE: To keep the cost of the A+ Schools Program within legislative appropriation and to prevent students from realizing a profit from the resale of textbooks.

(1) The Department of Elementary and Secondary Education (DESE), Division of [Instruction] School Improvement (the division) is authorized to establish procedures for the implementation of the A+ Schools Program including:

(D) Initial and continued student eligibility to receive reimbursement for the cost of tuition, [books and] general fees and up to fifty percent (50%) of the book cost subject to legislative appropriation to attend any Missouri public community college or vocational or technical school.

(2) To participate in the A+ Schools Program, the chief administrator of a public secondary school district must[—]:

(A) Demonstrate a commitment to the established program goals. These goals are to ensure that all students[—]:

1. Graduate from high school;
2. Complete a selection of high school studies that is challenging and has identified learning expectations; and
3. Proceed from high school graduation to a college or postsecondary vocational or technical school, or high wage job with work place skill development opportunities;

(B) Provide assurance that the district will[—]:

1. Establish measurable district-wide performance standards for the program;
2. Specify the knowledge, skills and competencies in measurable terms, that students must demonstrate to successfully complete any individual course offered by the school, and any course of studies which will qualify students for graduation from the school;
3. Establish student performance standards that lead to or qualify students for graduation, and that these standards will be revised to meet or exceed the performance standards adopted by the board;
4. Not offer a general track of courses that, upon completion, can lead to a high school diploma;
5. Require rigorous coursework with standards of competency in basic academic subjects for students pursuing vocational or technical education or employment; and
6. Develop a partnership plan in cooperation and with the advice of local business persons, labor leaders, parents and representatives of colleges and postsecondary vocational or technical schools, with the plan then approved by the local board of education. The plan shall specify a mechanism to receive information on an annual basis from those who developed the plan in addition to senior citizens, community leaders and teachers to update the plan in order to best meet the goals of the program. The plan shall detail the procedures used in the school to identify students that may drop out of school and the intervention services to be used to meet the needs of such students. The plan shall outline counseling and mentoring services provided to students who will enter the work force upon graduation from high school, address apprenticeship and intern programs, and shall contain procedures for the recruitment of volunteers from the community to serve in the school;

(G) Be classified by the board as an accredited or provisionally accredited school district under [the department's] DESE's Missouri School Improvement Program;

(4) As funds are available, a request for proposals will be made available to eligible school districts by the division by January of each fiscal year. **Grants shall be funded with the amount subject to legislative appropriation, less those funds necessary to reimburse eligible students. Existing grants, if any, will be given priority.** Applicants must develop a grant proposal and forward it to the division no later than March 31 of each fiscal year in order to receive consideration for a grant. Grant awards will be effective July 1 of each year.

(5) Grant proposals must contain at least the following:

(C) Statement(s) of assurance that the school district will[—]:

1. Demonstrate a commitment to the established goals of the A+ Schools Program and to implement its proposed plan to receive designation as an A+ School;

2. Designate a qualified salaried employee to serve as the A+ Schools Program coordinator;

3. Establish student performance standards that lead to or qualify students for graduation, and that these standards will be revised to meet or exceed the performance standards adopted by the board;

4. Expend local funds in an amount equal to or greater than fifty percent (50%) of the grant award expenditure for the A+ Schools Program coordinator and the coordinator's related activities;

5. Expend local funds in an amount equal to or greater than twenty-five percent (25%) of any remaining grant award expenditures to implement the proposed A+ Schools Program;

6. Provide fiscal control, property management control and fund accounting procedures;

7. Deliver, implement and annually update a partnership plan;

8. Establish a data and accountability system necessary to determine and report at least student demographics and enrollment, student completion and performance of coursework, student follow-up after leaving high school, program outcomes and student success relating to the implementation of the partnership plan, and student eligibility to receive student financial incentives available through the A+ Schools Program;

9. Comply with all reporting requirements of [the department] DESE relating to this grant award program;

10. Develop and implement a plan in compliance with all applicable state law and regulations; and to report students who drop out of school; and

11. Make their facilities and services available for adult literacy training;

(G) A description of the process of the identification of and planned services for students considered to be at risk of educational failure and dropping out of school, including those services supported by funds made available by line fourteen (14) of the school foundation formula;

(6) As funds are available, the division will review all grant proposals submitted by public high school districts based upon the extent to which the grant proposal[—]:

(C) Is educationally significant to produce[—]:

1. Curricular and instructional change;

2. Lower drop-out rates;

3. Student mastery of measurable learning expectations; and

4. Successful transition from high school to continued education or employment; and

(7) After year one (1) of this grant award program, the division will give, **subject to legislative appropriation**, continued funding priority to those high school districts that have previously had grant proposals approved and are seeking additional annual funding to implement their three (3)-year plan.

(8) The designated A+ Schools Program coordinator shall be employed no less than half time without additional district responsibilities, and have specified coordination and implementation duties to administer the district's proposed A+ Schools Program objectives. In addition, the designated individual must possess a valid Missouri *[secondary teacher or]* **certificate of license to teach in the secondary grade levels or an administrator certificate of license to teach.**

(9) To maintain eligibility to continued funding, **subject to legislative appropriation**, under this grant award program, participating public high school districts must~~/—/~~:

(A) Accomplish at least the following requirements during the first grant award year:

1. Establish measurable district-wide performance standards for each of the three (3) established program goals and specific measures to determine attainment of each standard;

2. Demonstrate that developmental activities have taken place within the district or high school to specify the knowledge, skills and competencies, in measurable terms, that students must demonstrate to successfully complete all of the individual courses offered by the school, and in any course of studies which will qualify students for graduation from high school;

3. Demonstrate that developmental activities have taken place within the district or high school to measure and record mastery of each item of knowledge, skill or competency identified;

4. Demonstrate that procedures have been implemented within the district or school to eliminate the offering of a general track of courses that do not provide sufficient preparation for students upon graduation to successfully enter and progress in employment or post-secondary studies;

5. Establish a schedule of rigorous coursework with standards of competency in basic academic subjects for students pursuing vocational or technical education;

6. Organize a local advisory committee of individuals representing each of the following groups to cooperatively develop the school's partnership plan and document formal meetings of the committee:

- A. Business person(s);
- B. Labor leaders;
- C. Parents;
- D. Community college and postsecondary vocational or technical schools;
- E. Senior citizens;
- F. Teachers; and
- G. Students; and

7. Develop the school's partnership plan as specified in this rule; and

(B) Accomplish at least the following requirements during the second grant award year:

1. Demonstrate that specific knowledge, skills and competencies have been identified, in measurable terms, that students must demonstrate to successfully complete all individual courses offered by the school, and any course of studies which qualify students for graduation from the school and are a part of the school's curriculum;

2. Demonstrate that specific measurement and student mastery record keeping procedures have been developed for each item of knowledge, skill or competency identified for each individual course that the school offers;

3. Demonstrate that continued action has taken place within the district or school to eliminate the offering of a general track of courses;

4. Demonstrate that a review for the purposes of updating the school's partnership plan has taken place with information received from the individuals who originally assisted in developing the plan; as well as senior citizens, community leaders and teachers;

5. Show evidence that a reduction in the number of high school students dropping out of school has occurred;

6. Show evidence that procedures to ensure students who plan to participate in the A+ Schools Program financial incentives understand that~~/—/~~:

A. Student financial incentives will be available for a period of four (4) years after high school graduation;

B. To be eligible, each student must enter into a written agreement with the school prior to high school graduation and~~/—/~~:

(I) Have attended a designated A+ School for three (3) consecutive years prior to high school graduation;

(II) Graduated from high school with an overall grade point average of two and five-tenths (2.5) points or higher on a four (4)-point scale, or graduated from a high school with documented mastery of institutionally identified skills that would equate to a two and five-tenths (2.5) grade point average or higher;

(III) Have at least a ninety-five percent (95%) attendance record overall for grades nine through twelve (9–12);

(IV) Performed fifty (50) hours of unpaid tutoring or mentoring for younger students; and

(V) Maintained a record of good citizenship and avoidance of the unlawful use of drugs and/or alcohol;

C. To maintain eligibility, each participating student must during the four (4)-year period of incentive availability~~/—/~~:

(I) Have enrolled and attend on a full-time basis a Missouri public community college or vocational or technical school; and

(II) Maintain a grade point average of two and five-tenths (2.5) points or higher on a four (4)-point scale;

D. The tuition incentives will be made available, **subject to legislative appropriation**, only after the student has made a documented good faith effort to first secure all available federal postsecondary student financial assistance funds that do not require repayment; and

E. The tuition incentives will only be made available to reimburse the unpaid balance of the cost of tuition, *[books and]* **general fees and up to fifty percent (50%) of the book cost subject to legislative appropriation** after the federal postsecondary student financial assistance funds have been applied to these costs~~/;~~:

(I) If changes must be made to the above incentives due to legislative appropriation, DESE will endeavor to reimburse:

(a) First, the full amount of tuition;

(b) Second, the general fees; and

(c) Third, up to fifty percent (50%) of the book cost;

7. Show evidence that procedures are in place to document student attainment of the qualifications of the A+ Schools Program student financial incentives while in high school as specified in this rule, and the ability to provide this information to the institutions that graduates choose to attend as well as to *[the department]* **DESE**;

8. Provide the results of the evaluation of the school's first year implementation of the A+ Schools Program and a plan for improvement for any negative findings; and

9. Show evidence that the local advisory committee established during the first grant year has continued to meet on a formal basis; and

(10) Public high schools may be designated by the board as A+ Schools when they demonstrate that they have~~/—/~~:

(11) In order to maintain designated A+ School status, a public high school must~~/—/~~:

(12) Missouri public community colleges or vocational or technical schools shall verify, for each student intending to participate in the A+ Schools Program student financial incentives at their institution that~~/—/~~:

(A) During the first semester of the student's participation~~/—/~~:

1. Verification of student eligibility has been received from the high school from which the student graduated;

2. The eligible student is enrolled as a full-time student;

3. A good faith effort has been made to secure federal postsecondary student financial assistance funds; and

4. *[The amount of A+ Schools Program student financial incentive funds necessary to cover the remaining costs of tuition, books and fees to attend, after applying any secured federal postsecondary student financial assistance funds]* After federal postsecondary student financial assistance funds are applied, the A+ Schools Program student will receive financial incentive funds. The amount of funds will depend on the remaining costs of tuition, general fees and up to fifty percent (50%) of the book cost subject to legislative appropriation to attend that institution; and

(B) During the second and subsequent semesters of the student's participation/—/:

1. The eligible student continues to be enrolled as a full-time student;

2. Good faith efforts continue to be made to secure federal postsecondary student financial assistance funds;

3. The student has earned and maintains a grade point average of two and five-tenths (2.5) points or higher on a four (4)-point scale; and

4. *[The amount of A+ Schools Program student financial incentive funds necessary to cover the remaining costs of tuition, books and fees to attend, after applying any secured federal postsecondary student financial assistance funds.]* After federal postsecondary student financial assistance funds are applied, the A+ Schools Program student will receive financial incentive funds. The amount of funds will depend on the remaining costs of tuition, general fees and up to fifty percent (50%) of the book cost subject to legislative appropriation to attend that institution.

AUTHORITY: sections 160.545 and 161.092, RSMo Supp. [1994] 2002. This rule was previously filed as 5 CSR 60-120.060. Original rule filed Nov. 10, 1993, effective June 6, 1994. Changed to 5 CSR 50-350.040 and amended: Filed Sept. 27, 2000, effective May 30, 2001. Amended: Filed Feb. 28, 2003.

PUBLIC COST: The proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate; but actually will save the Department of Elementary and Secondary Education \$2,956,000 and reduce the cost of the rule from \$20,003,000 to \$17,047,000.

PRIVATE COST: This proposed amendment will cost private entities in the aggregate of approximately \$2,956,000 for Fiscal Year 2004, with that cost recurring annually for 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, ATTN: Willard Worts, Director, A+ Schools Program, Division of School Improvement, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST**

I. RULE NUMBER

Title: 5 Department of Elementary and Secondary Education
 Division: 50 Division of School Improvement
 Chapter: 350 State Programs
 Type of Rulemaking: Proposed Amendment
 Rule Number and Name: 5 CSR 50-350.040 A+ Schools Program

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Elementary and Secondary Education (Reimburse Education Agencies)	\$17,047,000 amount for FY2004 with this cost recurring annually for the life of the rule based upon yearly appropriations from the General Assembly. The proposed amendment will not add additional cost to the implementation of the rule.

III. WORKSHEET

Postsecondary institutions are reimbursed for the actual cost of tuition, general fees and up to fifty percent (50%) of the cost of books subject to legislative appropriation for each eligible A+ student who attends the institution on a full-time basis.

Expenses	Amount
Tuition and Fees for Continuing Students	\$12,764,200
Books for Continuing Students	\$2,687,200
Tuition and Fees for New Students	\$1,276,800
Books for New Students	\$268,800
Administrative Costs	\$ 50,000
Project Total	\$ 17,047,000

**FISCAL NOTE
PRIVATE COST**

I. RULE NUMBER

Title: 5 Department of Elementary and Secondary Education
 Division: 50 Division of School Improvement
 Chapter: 350 State Programs
 Type of Rulemaking: Proposed Amendment
 Rule Number and Name: 5 CSR 50-350.040 A+ Schools Program

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the proposed amendment:	Classification by type of the entities which would likely be affected:	Estimate in the aggregate as to the cost of the compliance with the amendment by the affected entities:
6,718 continuing students and 672 new students.	Individual student/families who are participating in the A+ Schools Program	\$200 per person, per semester. \$2,956,000 for FY2004 with the cost recurring annually over the life of the rule.

III. WORKSHEET

The average cost of textbooks at 50% paid by the private entity is at the estimated cost of \$200 per person, per semester. DESE estimates that 6,718 continuing students and 672 new students will be participating in this program in FY2004. Therefore, the cost for FY 2004 is two million nine hundred and fifty-six thousand dollars (\$2,956,000). The estimate will vary annually based upon increases and decreases in student enrollment and increases in the number of A+ schools participating in the program.

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

PROPOSED AMENDMENT

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

PURPOSE: This amendment increases compliance status from one (1) to three (3) years.

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

(D) Compliance status for a period of *[one (1) year] three (3) years* shall be awarded to an organization which, upon a site survey by the department, is found to meet all standards relating to quality of care and the safety, health and welfare of persons served. *[A two (2)-year time period of certification may be granted when an organization achieves compliance for three (3) consecutive surveys with no deficiencies related to quality of care and the safety, health and welfare of persons served.]*

AUTHORITY: sections 630.050 and 630.055, RSMo 2000. Original rule filed Feb. 28, 2001, effective Oct. 30, 2001. Amended: Filed March 3, 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 by writing to Dewey Price, Mental Health Manager, Division of Alcohol and Drug Abuse, Department of Mental Health, PO Box 687, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

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

PROPOSED RESCISSION

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

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

AUTHORITY: section 650.215, RSMo 1994. Original rule filed May 12, 1986, effective Oct. 27, 1986. Amended: Filed Oct. 3, 1995, effective April 30, 1996. Readopted: Filed Sept. 25, 2002. Rescinded: Filed March 10, 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 Division of Fire Safety, PO Box 844, Jefferson City MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

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

PROPOSED RESCISSION

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

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

AUTHORITY: section 650.215, RSMo Supp. 1998. Original rule filed May 12, 1986, effective Oct. 27, 1986. Amended: Filed Dec. 1, 1987, effective Feb. 11, 1988. Amended: Filed Sept. 27, 1990, effective Feb. 14, 1991. Amended: Filed Oct. 3, 1995, effective April 30, 1996. Amended: Filed March 15, 1999, effective Sept. 30, 1999. Rescinded: Filed March 10, 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 Division of Fire Safety, PO Box 844, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

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

PROPOSED RESCISSION

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

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

AUTHORITY: section 650.215, RSMo 1994. Original rule filed May 12, 1986, effective Oct. 27, 1986. Amended: Filed Dec. 1, 1987, effective Feb. 11, 1988. Amended: Filed Sept. 27, 1990, effective Feb. 14, 1991. Amended: Filed Oct. 3, 1995, effective April 30, 1996. Readopted: Filed Sept. 25, 2002. Rescinded: Filed March 10, 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 Division of Fire Safety, PO Box 844, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

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

PROPOSED RESCISSION

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

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

AUTHORITY: section 650.215, RSMo 1994. Original rule filed May 12, 1986, effective Oct. 27, 1986. Amended: Filed Sept. 27, 1990, effective Feb. 14, 1991. Amended: Filed Oct. 3, 1995, effective April 30, 1996. Readopted: Filed Sept. 25, 2002. Rescinded: Filed March 10, 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 Division of Fire Safety, PO Box 844, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

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

PROPOSED RESCISSION

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

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

AUTHORITY: section 650.215, RSMo 1994. Original rule filed May 12, 1986, effective Oct. 27, 1986. Amended: Filed Oct. 3, 1995, effective April 30, 1996. Readopted: Filed Sept. 25, 2002. Rescinded: Filed March 10, 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 Division of Fire Safety, PO Box 844, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

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

PROPOSED RESCISSION

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

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

AUTHORITY: section 650.215, RSMo 1994. Original rule filed May 12, 1986, effective Oct. 27, 1986. Amended: Filed Dec. 1, 1987, effective Feb. 11, 1988. Amended: Filed Sept. 27, 1990, effective Feb. 14, 1991. Amended: Filed Oct. 3, 1995, effective April 30, 1996. Rescinded: Filed March 10, 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 Division of Fire Safety, PO Box 844, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 5—Elevators**

PROPOSED AMENDMENT

11 CSR 40-5.110 Fees and Penalties. The Division of Fire Safety is amending subsection (1)(B) and section (4) to clarify the installation/alteration fee and increase the annual inspector license fee.

PURPOSE: This amendment changes the annual fee of a state licensed elevator inspector from twenty-five dollars (\$25) to one hundred twenty-five dollars (\$125) and clarifies the permit fee for an installation/alteration permit.

(1) New Construction.

(B) **Installation/Alteration Permit Fee.** [Permit fees are included in the plan review fees.] **The installation/alteration permit fee shall be twenty dollars (\$20).**

(4) **Inspector License Fee.** The annual license fee shall be [twenty-five dollars (\$25)] **one hundred twenty-five dollars (\$125).**

AUTHORITY: section 701.355, RSMo [1994] 2000. Original rule filed Aug. 26, 1998, effective July 1, 1999. Amended: Filed Feb. 20, 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 eight thousand dollars (\$8,000) 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 Division of Fire Safety, William Farr, State Fire Marshal, PO Box 844 Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PRIVATE COST**

I. RULE NUMBER

Rule Number and Name:	11 CSR 40-5.110
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:
64	Independent Elevator Inspectors	\$8,000

II. WORKSHEET

Currently there are sixty-four (64) state licensed independent elevator inspectors.

$$64 \times \$125.00 = \$8,000$$

IV. ASSUMPTIONS

The Division of Fire Safety issues a state license to qualified independent elevator inspectors to conduct annual safety inspections on elevators and related equipment per state law. There are currently sixty-four (64) individuals that have obtained such a license. These individuals are hired by owners of elevators and related equipment to perform annual safety inspections per compliance with state law.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 10—Licensee's Responsibilities**

PROPOSED AMENDMENT

11 CSR 45-10.030 Licensee's Duty to Report and Prevent Misconduct. The commission is adding a new section (4).

PURPOSE: The commission proposes to amend this rule by adding a requirement that licensees take appropriate actions to safeguard assets and information and obey directions of commission employees or agents.

(4) All Class A, Level I, and Level II licensees shall:

(A) Avoid leaving gaming assets unsecured, unattended, or otherwise at risk of loss by closing doors, securing locked compartments, turning in and securing keys, prohibiting unauthorized access, reporting and/or investigating suspicious activities and taking other action as may be appropriate to safeguard all tokens, tickets, chips, checks, funds, and other gaming-related assets;

(B) Route, process, handle, file, store, secure, and take other actions as may be appropriate to safeguard all gaming-related reports, records, files, automated data, and data systems from loss, tampering, alteration, destruction, and unauthorized access; and

(C) Comply with any direction related to public safety, the conduct, operation, management of gaming, or the safeguarding of any gaming-related assets or records, when that direction is communicated in any manner to the licensee from a commission employee or agent.

AUTHORITY: sections 313.004, 313.800, 313.805, 313.807 and 313.812, RSMo [Supp. 1993.] 2000. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed Feb. 28, 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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for 10 a.m. on Wednesday, May 7, 2003, in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division**

PROPOSED AMENDMENT

11 CSR 50-2.430 Verification of Homemade Trailers. The division proposes to amend sections (2), (3) and (5), amend subsection (6)(A), delete subsection (6)(B) and amend renumbered subsections (6)(B) and (6)(C).

PURPOSE: This amendment brings the rule into conformity with recent legislative changes to sections 301.191 and 301.380, RSMo and deletes the requirement to issue an inspection decal upon completing a trailer verification.

(2) The person seeking to title a trailer **less than sixteen feet (16')** which is alleged to have been made by someone who is not a manufacturer using readily distinguishable manufacturer identifying numbers or a certificate of origin shall secure a written statement from a motor vehicle inspection station that the trailer has been examined and that it is not one made by a regular manufacturer.

(3) Verification of trailers **less than sixteen feet (16')** shall be made by a licensed inspector/mechanic at a licensed inspection station. Trailer verifications shall be conducted at Class A, B or D inspection stations. The actual examination of the trailer shall be made on the inspection station premises.

(5) Examination Procedure.

(A) Examine trailer to determine **length and** if the trailer has been manufactured by a regular manufacturer or if the trailer is homemade. **Do not examine further if length (tip of tongue to rearmost part) is sixteen feet (16') or longer, refer the owner to either the county sheriff or the Missouri State Highway Patrol. (/t/Trailers must be complete except for minor parts which may be missing.)/.**

(6) Forms Procedure.

(A) List the trailer owner's name, street, city and county in the appropriate spaces on the MVI-2 form [(see 11 CSR 50-2.120)]. If the trailer is determined to be homemade write the word "Homemade" in the space for make, cross through the space for year and vehicle identification number (VIN). Either write the words "Trailer Verification" in large letters across the form in the space for defective part or check the applicable box on the MVI-2 form **and enter "NONE" in the space for the sticker/decal number. [Complete the MVI-2 form in the normal manner.]**

[(B)] **Issue a trailer decal for the trailer listing the decal number in the appropriate space on the MVI-2 form. In addition to punching the decal for the month and year, also punch the decal through the words "Safety Inspected" to indicate the decal has been issued for a trailer verification. Immediately affix the decal to the trailer near the left front or on the left side of the trailer tongue.]**

[(C)] (B) If the trailer is determined to be one made by a regular manufacturer, list the trailer make and VIN in the appropriate space on the MVI-2 form. Fill in the year of the trailer, if known. **Issue a decal for the trailer as indicated in subsection (6)(B).** If a Department of Revenue special number has been previously issued for the trailer, list the number on the MVI-2 form in the space for Defective Part.

[(D)] (C) If a trailer is examined and it appears to be a trailer made by a regular manufacturer, but the inspector/mechanic is unable to locate the trailer name, identification number, or both, **or it is sixteen feet (16') or longer, contact the Missouri State Highway Patrol.** In these cases, the inspector/mechanic shall record the vehicle identification number on the form as "unknown," **except when the length is sixteen feet (16') or longer, the owner must be referred to the local sheriff or Missouri State Highway Patrol.** If the make of the manufactured trailer cannot be determined, the inspector shall record the make as "umfg" or "unknown" on the inspection certificate.

AUTHORITY: section 307.360, RSMo [1994] 2000. Emergency rule filed Aug. 15, 1984, effective Sept. 1, 1984, expired Dec. 30, 1984. Original rule filed Sept. 12, 1984, effective Jan. 1, 1985. For intervening history, please consult the Code of State Regulations.

Emergency amendment filed March 17, 2003, effective March 27, 2003, expires Sept. 22, 2003. Amended: Filed March 17, 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 50-2.440 Vehicle Identification Number and Odometer Reading Verification. The division proposes to amend subsection (6)(A), delete subsections (6)(B) and (6)(C), and amend and renumber subsection (6)(D).

PURPOSE: This amendment deletes the requirement to issue an inspection sticker or decal when completing a vehicle identification number and odometer reading verification.

(6) Forms Procedure.

(A) List the motor vehicle owner's name, street, city and county in the appropriate spaces on the MVI-2 form *[(see 11 CSR 50-2.120)]*. If the VIN and odometer reading are correctly displayed, either write the words "ID/OD Verification" in large letters across the form in the space for defective part or check the applicable box on the MVI-2 form **and enter "NONE" in the space for the sticker/decal number.** *[Complete the MVI-2 form in the normal manner.]*

[(B) Issue an inspection sticker for a passenger vehicle listing the sticker number in the appropriate space on the approval certificate. In addition to punching the sticker for the month and year also punch the sticker through the words "Safety Inspected" to indicate the sticker has been issued for a VIN/odometer verification. Immediately affix the sticker to the inside of the lower left-hand corner of the windshield.

[(C) Issue an inspection decal for a motorcycle or a vehicle without a windshield listing the decal number in the appropriate space on the approval certificate. In addition to punching the decal for the month and year, also punch the decal through the words "Safety Inspected" to indicate the decal has been issued for a VIN/odometer verification. When a decal is issued for a motorcycle, it will be immediately affixed in an upright position on the left side of the steering fork sleeve at a visible location near the slider tube. On motor vehicles not equipped with a windshield, the inspector/mechanic will immediately affix the decal to the vehicle's dash or steering column. Previous years' decals do not have to be removed.]

[(D)] (B) If the VIN appears to be incorrectly displayed in any manner, such as altered, forged, incorrectly attached or a substitute plate used, do not issue a verification, [approval or inspection sticker,] instead call the patrol headquarters located in your area for immediate assistance.

AUTHORITY: sections 301.190 [and], 307.190[, RSMo Supp. 1999] and 307.360, RSMo [1994] 2000. Original rule filed May 21, 1986, effective Aug. 25, 1986. For intervening history, please consult the Code of State Regulations. Emergency amendment filed March 17, 2003, effective March 27, 2003, expires Sept. 22, 2003. Amended: Filed March 17, 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 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 40—Optical Program**

PROPOSED AMENDMENT

13 CSR 70-40.010 Optical Care Benefits and Limitations—Medicaid Program. The division is amending sections (4), (6), (7), and (8).

PURPOSE: This amendment changes optical services offered for adults by providing eyeglass coverage for adults.

(4) Types of Service Reimbursed by Medicaid for Each Profession.

(A) Optometrist or Optometric Clinic.

1. Eye examinations.

2. Eyeglasses *[for adults, only following cataract surgery]*.

3. Artificial eyes.

4. Special ophthalmological services.

(B) Opticians or Optical Dispensers.

1. Eyeglasses *[for adults, only following cataract surgery]*.

2. Artificial eyes.

(D) Physicians (MD or DO).

1. Eye examinations.

2. Eyeglasses *[for adults, only following cataract surgery]*.

3. Artificial eyes.

4. Special ophthalmological services.

(6) Covered Services.

(C) Glasses (frames and lenses, under 4.00 diopters *[for adults, only following cataract surgery]*).

(D) Frames.

(E) Temple.

(F) Lenses, single vision.

(G) Lenses, bifocal, Kryptok.

(H) Lenses, bifocal, Flat top.

(I) Lenses, bifocal, Executive.

(J) Lenses, trifocal.

[(D)](K) Lenses, cataract.

[(E)](L) Special frames (prior authorization required).

[(F)](M) Special lens (medical necessity required).

[(G)](N) Miscellaneous repairs (medical necessity required).

[(H)](O) Scleral shell, stock or custom.

[(I)](P) Artificial eye, stock or custom.

[(J)](Q) Artificial eye, refitting.

[(K)](R) Artificial eye prosthesis check/polishing/cleaning.

[(L)](S) Rose I and Rose II tints (medical necessity required).

/(M)/(T) Photochromatic (prior authorization required).

/(N)/(U) Orthoptic and/or pleoptic training, with continuing optometric direction and evaluation (visual therapy/training) (prior authorization required).

/(O)/(V) Fitting of contact lens for treatment of disease, including supply of lens (therapeutic bandage lens) (medical necessity required).

/(P)/(W) Visual field examination with optometric diagnostic evaluation; tangent screen, Autoplot or equivalent (prior authorization required).

/(Q)/(X) Electro-oculography, with medical diagnostic evaluation (prior authorization required).

/(R)/(Y) Visually evoked potential (response) study, with medical diagnostic evaluation (prior authorization required).

/(S)/(Z) Quantitative perimetry, for example, several isopters on Goldmann perimeter or equivalent (prior authorization required).

/(T)/(AA) Static and kinetic perimetry or equivalent.

/(U)/(BB) Serial tonometry with optometric diagnostic evaluation (separate procedure), one (1) or more sessions, same day.

/(V)/(CC) Tonography with optometric diagnostic evaluation, recording indentation tonometer method or perilimbal suction method.

/(W)/(DD) Color vision examination, extended, for example, anomaloscope or equivalent.

/(X)/(EE) Dark adaptation examination, with optometric diagnostic evaluation.

(7) Program Limitations.

(D) Eyeglasses are covered by Medicaid when the prescription is at least 0.75 diopters for one (1) eye or 0.75 diopters for each eye.

(E) Only one (1) pair of eyeglasses is allowed every two (2) years (within any twenty-four (24)-month period of time) for all Medicaid recipients regardless of age.

(F) All claims for eyeglasses or lenses must contain the prescription and the name of the prescribing physician (MD or DO) or optometrist (OD).

(G) The original eyeglass prescription and laboratory invoices listing costs for optical materials, lenses and/or frames provided; and the charge for grinding, edging or assembling of glasses must be kept on file by the provider for five (5) years and furnished to the Department of Social Services (DOSS) upon request.

(H) Special frames are covered under the Missouri Medicaid program if they are required for medical reasons and are prior authorized by DOSS. Special frames may be authorized if the patient requires special lenses (over 4.00 diopters for one (1) eye or over 4.00 diopters for each eye and are extra thick or heavy), the structure of the patient's face requires special frames (a very large face, wide-set eyes) or the patient needs glasses with pads because of nose surgery. The Prior Authorization Request Form must be completed and signed by the prescribing physician or optometrist.

(I) Special lenses are covered under the Missouri Medicaid program if they are medically justified and the prescription is plus or minus 4.00 diopters for one (1) eye or 4.00 diopters for each eye, cataract lenses or special bifocal lenses (for example, plastic Executive lenses). A Medical Necessity Form stating the reason special lenses are required must be completed and signed by the prescribing physician or optometrist and attached to the claim form.

(J) Plastic lenses may be dispensed under the Missouri Medicaid program. Reimbursement will be at the same rate as comparable glass lenses. Additional payment will be allowed for plastic lenses that meet the definition of special lenses and are medically justified.

(K) Photochromatic lenses are covered only if medically necessary and prior authorized by the DOSS medical consultant. The

Prior Authorization Request Form must be completed and signed by the prescribing physician or optometrist.

(L) Tinted lenses (Rose I and Rose II) are covered if medically necessary. A Medical Necessity Form completed and signed by the prescribing physician or optometrist must be attached to the claim form for the glasses.

(M) Replacement of optical materials and repairs in excess of program limitations may be covered if medically necessary or required for employment training, or educational purposes as follows:

1. Replacement of complete eyeglasses (frames and lenses)—Prior authorization required.

A. Lenses and frames broken (recipient must show provider the broken glasses or Medicaid will not pay for the glasses).

B. Lost.

C. Destroyed.

D. Stolen.

E. Repair of existing glasses would exceed the Medicaid allowable amount for new frames and lenses;

2. Lenses—Medical Necessity Form required.

A. Scratched.

B. Broken.

C. Prescription change or at least 0.50 diopters or greater (old and new prescription must appear on the Medical Necessity and claim forms); or

3. Frames—Prior authorization required. Temples, fronts or both broken and repair would exceed the Medicaid allowable amount for new frames.

(N) Repair of frames or replacement of parts of frames (temples) are covered as follows (Medical Necessity Form required):

1. The cost of the repairs do not exceed the Medicaid allowable amount for new frames; and

2. Repair would provide a serviceable frame for the recipient.

(O) Temples may never be billed in addition to complete new eyeglasses and new frames.

/(D)/(P) Prior authorization is required for all optical services for Missouri Medicaid recipients residing in a nursing home, boarding home or domiciliary home when the service is provided in the nursing home. The provider must submit a Prior Authorization Request Form to DOSS before the service is provided in order for Medicaid payment to be made.

/(E)/(Q) An eye refraction is included in the reimbursement for a comprehensive or limited eye examination. Because the eye refraction is not covered by Medicare but is covered by Medicaid, providers may bill Medicaid for an eye refraction when the patient has Medicare and Medicaid coverage.

/(F)/(R) Eyeglasses may be covered by Medicaid for [adults following cataract surgery] a prescription of less than 0.75 diopters if medically necessary. A Medical Necessity Form must be completed by the prescribing physician or optometrist and attached to the claim form. Eyeglasses less than 0.75 diopters will be approved for the following reasons:

1. Child under age eighteen (18) who requires glasses for school performances;

2. Visual acuity 20/40 or less; or

3. Protective eyewear for persons with sight in only one (1) eye.

/(G)/(S) Any warranties extended by optical companies for optical materials to private-pay patients must also apply to those same materials dispensed to Medicaid recipients.

/(H)/(T) Medicaid allows one (1) artificial eye per eye (one (1) left and one (1) right) within a five (5)-year period. If the artificial eye is lost, destroyed, cracked or deteriorated, payment will be allowed for replacement if a Medical Necessity Form is completed and attached to the claim.

[(I)](U) Optometrist may be reimbursed for visual therapy training when there is a prognosis for substantial improvement or correction of an ocular or vision condition. These conditions include amblyopia, eccentric (nonfoveal) monocular fixation, suppression, inadequate motor or sensory fusion and strabismus (squint). Orthoptic and pleoptic training must be prior authorized by the DOSS Optometric Consultant. The number of training sessions are limited to one (1) per day, two (2) per week and a maximum of twenty (20) sessions may be requested on the Prior Authorization Request Form. If the patient shows significant improvement after the initial twenty (20) sessions and the optometrist feels that further progress could be made, DOSS may grant prior authorization for additional training sessions not to exceed a total of forty (40) sessions.

[(J)](V) Fitting of contact lens for treatment of disease, including supply of lens (therapeutic bandage lens) is covered if it is prescribed by a physician, (MD or DO), as a bandage to cover a diseased condition of the eye, such as a bandage over an abrasion of the skin. The lens must be plain with no corrective power. Diagnosis for which the lens should be reimbursed are Bullous Keratopathy, Corneal Ulcers, Ocular Pemphigoid and other corneal exposure problems. A Medical Necessity Form completed and signed by the prescribing physician must be attached to the claim form.

[(K)](W) Visual field examination with optometric diagnosis evaluation, tangent screen, Autoplot or equivalent, are covered when performed by an optometrist and prior authorized by DOSS. The following criteria will be considered in granting prior authorization:

1. Elevated intraocular pressure;
2. Best corrected visual acuity of 20/40 or less in either eye;
3. Headaches not attributed to refractive error; and
4. Reduction of confrontation fields.

[(L)](X) Quantitative perimetry, for example, several isopters on Goldmann perimeter, or equivalent is covered.

[(M)](Y) Serial tonometry with optometric diagnostic evaluation (separate procedure), one (1) or more sessions on the same day is covered when performed by an optometrist. Routine tonometry is included in the reimbursement for a comprehensive examination and cannot be billed separately.

(8) Noncovered Services.

[(W) Eyeglasses for adults, except one (1) pair following cataract surgery.]

AUTHORITY: sections 208.152, 208.153, and 208.201, RSMo 2000. This rule was previously filed as 13 CSR 40-81.170. Emergency rule filed April 10, 1981, effective April 20, 1981, expired July 10, 1981. Original rule filed April 10, 1981, effective July 11, 1981. Emergency amendment filed June 27, 2002, effective July 7, 2002, [expired Feb. 27, 2003] terminated Feb. 23, 2003. Amended: Filed July 15, 2002, effective Feb. 28, 2003. Amended: Filed March 3, 2003.

PUBLIC COST: This proposed amendment will cost the state agency \$648,053 general revenue annually and \$1,013,622 federal funds, for a total of \$1,661,675 annually.

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 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

PUBLIC COST

I. RULE NUMBER

Rule Number and Name	13 CSR 70-40.010
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Social Services	\$648,053 general revenue
Centers for Medicare and Medicaid Services	\$1,013,622 federal funds

III. WORKSHEET

IV. ASSUMPTIONS

More than 99,000 of 463,000 Missouri adults eligible for Medicaid services received covered frames and lenses in State Fiscal Year 2002 according to Medicaid paid claims history.