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SALUS POPULI SUPREMA LEX ESTO

“The welfare of the people shall be the supreme law.”



ROBIN CARNAHAN
SECRETARY OF STATE

MISSOURI
REGISTER

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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.mo.gov/adrules/pubsched.asp>

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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. 28, *Missouri Register*, page 27. The approved short form of citation is 28 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 within 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—The most recent version of the statute containing the section number and the date.

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 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 23—Motor Vehicle**

EMERGENCY RESCISSION

12 CSR 10-23.428 All-Terrain Vehicles Modified For Highway Use. This rule established the titling and registration procedures required when an all-terrain vehicle is modified to qualify as a motor vehicle.

PURPOSE: This rule is being rescinded because all-terrain vehicles are not designed for operation on the roadways.

EMERGENCY STATEMENT: For the years 2000–2004, the Missouri State Highway Patrol has investigated fifty-one (51) fatalities and eight hundred twenty-one (821) instances of injury sustained as a result of the operation of all-terrain vehicles on publicly maintained roadways. From 2000–2004 the total number of injuries increased from one hundred thirty-two (132) to two hundred twenty-four (224) per year. On average over ten (10) Missourians die each year as a result of all-terrain vehicles operation on public roadway. Accordingly, this emergency rescission is necessary to prevent all-terrain vehicles from being altered so as to allow them to be licensed as a motor vehicle. This emergency rescission is necessary to inform the public that alterations allowed under the rule are not sufficient to allow all-terrain vehicles be licensed as motor vehicles. To that end,

the emergency rescission serves both to increase public awareness of the danger inherent in attempting to operate an all-terrain vehicle as a motor vehicle and to preserve the compelling governmental interest of protecting our citizens from serious bodily injury or death by requiring an early effective date, in that the rescission informs the public that the department will no longer issue modified all-terrain vehicles a motor vehicle license plate due to the increasing number of injuries and consistent number of deaths from 2000–2004. The director finds that there is an immediate danger to the public welfare, in continuing to allow modified all-terrain vehicles to operate on the public highways that can only be addressed through this emergency rescission. Even modified all-terrain vehicles are continuing to maintain the characteristics of an all-terrain vehicle and such vehicles are not capable of safely operating and blending with traffic at road speed and are not equipped with all safety equipment to make them visible and safe for regular operation on the public highway. The Missouri State Highway Patrol has seized some license plates from all-terrain vehicles that were unsafely operating, but the problem needs to be uniformly addressed. A proposed rescission covering this same material is published in this issue of the Missouri Register. The director has followed procedures calculated to assure fairness to all interested persons and parties and has complied with protections extended by the Missouri and United States Constitutions. The necessity for the emergency rescission was determined by the department, in coordination with the Missouri State Highway Patrol, to ensure that the department no longer registered all-terrain vehicles as passenger vehicles for operation on public roadways following the Missouri State Highway Patrol's study of injuries and deaths related thereto and its conclusion that all-terrain vehicles cannot be safely operated on public roadways as licensed motor vehicles. The director has limited the scope of the emergency rescission to the circumstances creating the emergency. Emergency rescission filed June 9, 2005, effective June 19, 2005, expires December 16, 2005.

AUTHORITY: section 301.010, RSMo Supp. 1989, 301.190, RSMo Supp. 1990 and 301.700, RSMo Supp. 1988. Original rule filed April 23, 1992, effective Dec. 3, 1992. Emergency rescission filed June 9, 2005, effective June 19, 2005, expires Dec. 16, 2005. A proposed rescission covering this same material is published in this issue of the Missouri Register.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 35—Children's Division
Chapter 80—Payment of Residential Facilities**

EMERGENCY AMENDMENT

13 CSR 35-80.020 Residential Care Agency Cost Reporting System. The division is amending section (5) and replacing Appendix A.

PURPOSE: This amendment adopts a new cost report and instructions for completion of the cost report as Appendix A. The uniform cost reporting system provides the data necessary for the determination of the costs for residential care facilities. This amendment also provides notice that failure to provide cost reports may result in the residential care facilities exclusion from contracts with the Children's Division.

EMERGENCY STATEMENT: The division has determined that this emergency amendment is necessary to adopt a new cost report in order to determine the cost incurred by residential facilities. The division finds that an immediate danger to the health, safety and welfare to the citizens of Missouri exists inasmuch as this action is necessary in order to obtain necessary cost data for determination of payments

and to ensure federal funding for the affected providers. The division finds that this emergency amendment is necessary to preserve a compelling governmental interest in maintaining continued federal funding for the treatment of children. A proposed amendment, which covers the 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 division believes the emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed on June 15, 2005, effective July 1, 2005, expires December 27, 2005.

(5) Reporting Period and Filing Requirements.

(A) The cost report must reflect actual audited costs incurred in the provision of residential child care and related services by an agency for the most recent fiscal year. **Cost reports must be submitted in accordance with the applicable instructions and in the cost report format prescribed in Appendix A, included herein. Failure to provide cost reports may result in the residential care facilities exclusion from contracts with the Children's Division.**

[(B) An initial cost report for the twelve (12) months which ended December 31, 2003 must be submitted by March 31, 2004.]

[(C)] (B) An annual cost report for fiscal years ending after December 31, 2003 must be submitted within ninety (90) days of the close of the fiscal year. **The division may grant an extension for submission of the annual cost report and/or audited financial statement. Cost reports which have not been submitted for fiscal years ending in calendar year 2004 must be submitted by August 15, 2005 on the current report format contained in Appendix A. A waiver from filing a fiscal year 2004 cost report will be provided for providers that will submit a fiscal year 2005 cost report by August 15, 2005.**

[(D)] (C) Audited financial statements must be submitted with cost reports. **An auditor's opinion does not have to be provided on the cost report. A preliminary fiscal year 2005 cost report may be submitted by August 15, 2005 without an audited financial statement. A final report and audited financial statement must be submitted in accordance with subsection (5)(B).**

(D) Providers must also participate in the statewide time study of direct care staff described in section (1).

APPENDIX A

Agency Information

NAME OF AGENCY

COUNTY

MAILING ADDRESS

- STREET

- CITY

- STATE

- ZIP CODE

FEDERAL EMPLOYER IDENTIFICATION NO.

NAME OF PERSON COMPLETING REPORT

JOB TITLE

TELEPHONE (Area Code & Number)

BEGIN DATE OF REPORT (MM-DD-YYYY)

END DATE OF REPORT (MM-DD-YYYY)

NUMBER OF PROGRAMS REPORTED ON CFR

ACTUAL COSTS (Enter A)

QUARTERS REPORTED (Enter 4)

TYPE OF OWNERSHIP: (Check one)

- NOT-FOR-PROFIT

- FOR-PROFIT

BASIS OF MAINTAINING ACCTG RECORDS

- ACCRUAL

- CASH

- OTHER

AGENCY ACCREDITATION COMPLETED BY

PROGRAM NAME			CONTRACT NUMBER or PROGRAM CODE				
PGM #	Description 1 <i>(12 characters)</i>	Description 2 <i>(12 characters)</i>	(Enter 10 digit Contract Number or Program Code - Do NOT Include Hyphens)				
			DSS	DSS Medicaid	DMH	OTHER	OTHER
1.	Residential	Basic					
2.	Residential	Infant					
3.	Residential	Residential					
4.	Residential	Intensive					
5.	Community	Based					
6.	Ed / School	Day Treatment					
7.							
8.							
9.							
10.							

REPORT OF SERVICE UNITS / For Period Ended
DAYS / NIGHTS

	Program 1 Residential Basic	Program 2 Residential Infant	Program 3 Residential Residential	Program 4 Residential Intensive	Program 5 Community Based	Program 6 Ed / School Day Treatment
Grant Programs:						
Service Unit Type						
Service Units Provided - Total	0	0	0	0	0	0
Service Units Provided - DSS Only	0	0	0	0	0	0
Purch. of Service / Fee For Svce:						
Service Units/Days Provided - Total	0	0	0	0	0	0
Service Units/Days Provided - DSS Only	0	0	0	0	0	0
Number of Days Program Operated	0	0	0	0	0	0
Lic. Capacity Beginning of Report Period	0	0	0	0	0	0
Lic. Capacity End of Report Period	0	0	0	0	0	0
Date of Change, if any (MM-DD-YYYY)						

