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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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## IN THIS ISSUE:

<b>EXECUTIVE ORDERS</b> .....	371	<b>IN ADDITIONS</b>	
<b>PROPOSED RULES</b>		<b>Department of Economic Development</b>	
<b>Department of Conservation</b>		Division of Credit Unions .....	396
Conservation Commission .....	374	<b>Department of Transportation</b>	
<b>Department of Public Safety</b>		Missouri Highways and Transportation Commission .....	396
Missouri Gaming Commission .....	376	<b>Department of Social Services</b>	
<b>Department of Social Services</b>		Family Support Division .....	397
Division of Medical Services .....	384	<b>CONSTRUCTION TRANSIENT LIST</b> .....	398
<b>Public Defender Commission</b>		<b>CONTRACTOR DEBARMENT LIST</b> .....	410
Office of State Public Defender .....	385	<b>DISSOLUTIONS</b> .....	411
<b>ORDERS OF RULEMAKING</b>		<b>SOURCE GUIDES</b>	
<b>Department of Economic Development</b>		<b>RULE CHANGES SINCE UPDATE</b> .....	413
State Board of Nursing .....	387	<b>EMERGENCY RULES IN EFFECT</b> .....	421
<b>Department of Revenue</b>		<b>EXECUTIVE ORDERS</b> .....	423
Director of Revenue .....	389	<b>REGISTER INDEX</b> .....	426
<b>Department of Social Services</b>			
Family Support Division .....	393		
<b>RULES UNDER CONSIDERATION</b>			
<b>Department of Mental Health</b>			
Division of Mental Retardation and Developmental Disabilities .....	394		

<b>Register Filing Deadlines</b>	<b>Register Publication Date</b>	<b>Code Publication Date</b>	<b>Code Effective Date</b>
January 3, 2006 January 17, 2006	<b>February 1, 2006</b> <b>February 15, 2006</b>	February 28, 2006 February 28, 2006	March 30, 2006 March 30, 2006
February 1, 2006 February 15, 2006	<b>March 1, 2006</b> <b>March 15, 2006</b>	March 31, 2006 March 31, 2006	April 30, 2006 April 30, 2006
March 1, 2006 March 15, 2006	<b>April 3, 2006</b> <b>April 17, 2006</b>	April 30, 2006 April 30, 2006	May 30, 2006 May 30, 2006
April 3, 2006 April 17, 2006	<b>May 1, 2006</b> <b>May 15, 2006</b>	May 31, 2006 May 31, 2006	June 30, 2006 June 30, 2006
May 1, 2006 May 15, 2006	<b>June 1, 2006</b> <b>June 15, 2006</b>	June 30, 2006 June 30, 2006	July 30, 2006 July 30, 2006
June 1, 2006 June 15, 2006	<b>July 3, 2006</b> <b>July 17, 2006</b>	July 31, 2006 July 31, 2006	August 30, 2006 August 30, 2006
July 3, 2006 July 17, 2006	<b>August 1, 2006</b> <b>August 15, 2006</b>	August 31, 2006 August 31, 2006	September 30, 2006 September 30, 2006
August 1, 2006 August 15, 2006	<b>September 1, 2006</b> <b>September 15, 2006</b>	September 30, 2006 September 30, 2006	October 30, 2006 October 30, 2006
September 1, 2006 September 15, 2006	<b>October 2, 2006</b> <b>October 16, 2006</b>	October 31, 2006 October 31, 2006	November 30, 2006 November 30, 2006
October 2, 2006 October 16, 2006	<b>November 1, 2006</b> <b>November 15, 2006</b>	November 30, 2006 November 30, 2006	December 30, 2006 December 30, 2006
November 1, 2006 November 15, 2006	<b>December 1, 2006</b> <b>December 15, 2006</b>	December 31, 2006 December 31, 2006	January 30, 2007 January 30, 2007
December 1, 2006 December 15, 2006	<b>January 2, 2007</b> <b>January 17, 2007</b>	January 29, 2007 January 29, 2007	February 28, 2007 February 28, 2007

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.

**T**he Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2005.

## EXECUTIVE ORDER

06-03

WHEREAS, according to the Centers for Medicare and Medicaid Services, healthcare expenditures in the United States totaled \$1.7 trillion in 2003; and

WHEREAS, according to the New England Journal of Medicine, 31 cents of every healthcare dollar spent in the United States goes toward administrative costs and other expenses; and

WHEREAS, a 2005 study by the RAND Corporation estimates that the U.S. healthcare system could save \$162 billion annually through the widespread use of healthcare information technology; and

WHEREAS, patient data is currently stored primarily in paper form and housed with individual providers, resulting in fragmentation of the healthcare industry; and

WHEREAS, individual providers have difficulty obtaining complete healthcare information in order to provide effective and beneficial treatment to their patients; and

WHEREAS, public health agencies are limited in their duties of disease surveillance, management and response capabilities by the current paper-based system for healthcare information storage and reporting; and

WHEREAS, there is a need to share healthcare information efficiently so that information is readily available to healthcare providers, consumers and public health agencies in order to make the best possible healthcare decisions; and

WHEREAS, healthcare information technology can improve patient safety and healthcare quality by reducing medical errors and adverse drug events through computerized physician order entry and E-prescribing and by facilitating better coordination of care through the availability of complete patient medical histories to multiple healthcare providers; and

WHEREAS, healthcare information technology can reduce healthcare costs through a reduction of duplicative medical tests, procedures and paperwork; and

WHEREAS, healthcare information technology has the potential to improve access to healthcare in underserved areas by supporting the advancement of telemedicine.

NOW THEREFORE, I, Matt Blunt, Governor of Missouri, by virtue and authority vested in me by the Constitution and laws of the state of Missouri, do hereby create and establish the Missouri Healthcare Information Technology Task Force.

The Task Force shall consist of fourteen (14) members appointed by the Governor. The Governor shall designate one (1) member to serve as Chair. All members shall serve at the pleasure of the Governor.

Members of the Task Force shall receive no compensation for their service to the people of Missouri.

The Task Force is assigned for administrative purposes to the Missouri Department of Health and Senior Services. The Director of the Missouri Department of Health and Senior Services shall be available to assist the Task Force as necessary, and shall provide the Task Force with any staff assistance the Task Force may require from time to time.

The Task Force shall meet at the call of its Chair, and the Chair shall call the first meeting of the Task Force as soon as possible.

The Task Force shall evaluate and make initial recommendations to me by July 1, 2006 on the following topics:

- Reviewing the current status of healthcare information technology adoption by the healthcare delivery system in Missouri;
- Addressing potential technical, scientific, economic, security, privacy and other issues related to the adoption of interoperable healthcare information technology in Missouri;
- Evaluating the cost of using interoperable healthcare information technology by the healthcare delivery system in Missouri;
- Identifying private resources and public/private partnerships to fund efforts to adopt interoperable healthcare information technology;
- Exploring the use of telemedicine as a vehicle to improve healthcare access to Missourians; and
- Recommending best practices or policies for state government and private entities to promote the adoption of interoperable healthcare information technology by the Missouri healthcare delivery system.

The Task Force shall prepare a final report and submit it to me by September 1, 2006.


The Task Force shall expire on December 31, 2006.



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 January, 2006.

  
\_\_\_\_\_  
**Matt Blunt**  
Governor

**ATTEST:**

  
\_\_\_\_\_  
**Robin Carnahan**  
Secretary of State

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

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

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

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

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

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

and transport fish, frogs, mussels, clams, turtles, crayfish, live bait, birds (except wild turkey) and mammals (except deer), and to sell furbearers taken by hunting. Fee: five dollars (\$5).

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Jan. 30, 2006.*

*PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately eleven thousand two hundred twenty-one dollars (\$11,221) annually. See attached fiscal note for more information.*

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

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

Proposed Amendment Text Reminder:

**Boldface text indicates new matter.**

*[Bracketed text indicates matter being deleted.]*

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 5—Wildlife Code: Permits**

**PROPOSED RULE**

**3 CSR 10-5.331 Resident National Guard and Reserve Service  
Small Game Hunting and Fishing Permit**

*PURPOSE: This rule establishes a new permit type available to resident National Guard and Reserve service members deployed to full-time active duty.*

For residents of Missouri who are currently, or have in the previous twelve (12) months, been mobilized and serving on full-time active military duty in either the National Guard (in Federal Status) or Reserve forces of the United States to chase, pursue, take, possess



**FISCAL NOTE  
PUBLIC ENTITY COST**

**I. RULE NUMBER**

Title 3 -- Department of Conservation

Division 10 -- Conservation Commission

Chapter 5 -- Wildlife Code: Permits

Type of Rulemaking: Proposed Rule

Rule Number and Name: **3 CSR 10-5.331 Resident National Guard and Reserve Service Hunting and Fishing Permit**

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Missouri Department of Conservation	\$56,105

**III. WORKSHEET**

Missouri Residents who could benefit under proposed new rule:

MO National Guard - active mobilized	1,800
Reserves - all branches mobilized	3,519
<b>Total number who could benefit:</b>	<b>5,319</b>

23% of the number above expected to fish:  $5,319 \times .23 = 1,223$

10% of the number above expected to hunt:  $5,319 \times .10 = 532$

Fiscal impact calculation:

1,223 potential fishing permits discounted by \$7:	\$8,561
532 potential hunting permits discounted by \$5:	<u>\$2,660</u>

**Total estimated annual fiscal impact: \$11,221**

Total impact over 5 years:  $\$11,221 \times 5 \text{ years} = \$56,105$

**IV. ASSUMPTIONS**

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 8—Accounting Records and Procedures; Audits**

**PROPOSED RULE**

**11 CSR 45-8.170 Accepting Checks**

*PURPOSE: This rule prohibits persons who have previously presented checks that remain unsatisfied from presenting additional checks for gambling purposes.*

(1) No Class A licensee shall accept a check for cash, chips, tokens, tickets, or any other monetary instrument used for gambling purposes, on the licensee's premises from an individual who has previously presented a check to the licensee that remains unsatisfied after the check was presented to a financial institution for payment and the licensee was notified of the non-payment or rejection of the check. For the purposes of this rule, a "check" means a draft that is payable on demand and drawn on a financial institution, but does not include cashier's checks, money orders, traveler's checks, or drafts for cash advances on credit cards.

(2) A check is unsatisfied unless the check is accepted by the financial institution ordered in the check to make payment, the licensee or check guarantee service receives payment for the entire amount of the check, or a period of five (5) years has elapsed from the date the licensee was notified of the non-payment or rejection of the check. A check does not become satisfied when a licensee, its agent, or a check guarantee service forgives payment of the amount of the check, when a check guarantee service pays the amount of the check, or if the check is deemed not collectible for accounting purposes.

(3) If a Class A licensee uses a check guarantee service, the licensee shall require the check guarantee service to notify the licensee within seven (7) calendar days of the check guarantee service receiving information that the check was not accepted by the financial institution ordered in the check to make payment.

(4) Each Class A licensee shall maintain in its accounting department a returned check log listing all checks received on the licensee's premises, including any checks processed by a check guarantee service, for which the licensee has been notified of the non-payment or rejection of the check. The documentation notifying the licensee of the check shall be date-stamped with the current date promptly upon receipt. The Class A licensee shall include all such unsatisfied checks on the returned check log within three (3) calendar days from the date the licensee received notice that the check was not accepted by the financial institution ordered in the check to make payment, and shall make identification information of all persons who currently have an unsatisfied returned check on the returned check log available to all of its employees who accept checks described in section (1) of this rule.

(5) The returned check log shall contain the following information:

- (A) The name and address of the person who presented the check;
- (B) The date of the check;
- (C) The amount of the check;
- (D) The check number;
- (E) The date the licensee received notification from either a financial institution or check guarantee service that the check was not accepted; and
- (F) The date(s) and amount(s) of any payments to the licensee by the person who presented the check or the date the check guarantee service received payment in full for the check.

(6) The Class A licensee's employees who accept checks as described in section (1) of this rule shall refer to the identification

information of all persons who currently have an unsatisfied returned check on the returned check log prior to accepting a check from any person.

*AUTHORITY: sections 313.004, 313.805 and 313.812.9, RSMo 2000. Original rule filed Jan. 27, 2006.*

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

*PRIVATE COST: This proposed rule will cost private entities approximately five thousand one hundred dollars (\$5,100) per month 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 rule 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 April 4, 2006, in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

FISCAL NOTE  
PRIVATE ENTITY COST

**I. RULE NUMBER**

Title: 11 - DEPARTMENT OF PUBLIC SAFETY

Division: 45 - Missouri Gaming Commission

Chapter: 8 – Accounting Records and Procedures; Audits

Type of Rulemaking: Proposed Rule

Rule Number and Name: 11 CSR 45-8.170 Check Cashing

**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:
11	Casinos	\$5,100 per month

**III. WORKSHEET**

Estimated number of returned checks received monthly by outside check guarantee services for all Missouri casinos = 5100 checks

5100 x 4 minutes = 20,400 minutes per month to process returned checks from the outside guarantee services.

20,400/60= 340 hours per month to process returned checks from the outside guarantee services.

340 x \$15= \$5,100 per month to pay an accounting clerk/clerical worker to enter the information.

**IV. ASSUMPTIONS**

1. An employee would need to spend four minutes for each unsatisfied check that was returned to the outside check guarantee service to:
  - a. Enter the returned check information in the casino's returned check log.
  - b. Record a note in the patron's account to indicate the suspension of check cashing privileges.

- c. Enter the date the outside check guarantee service received payment for the check.
  - d. Record a note in the patron's account to reinstate check cashing privileges.
2. The hourly cost of an accounting clerk/clerical employee with benefits is \$15 per hour.
3. The outside guarantee service may pass the cost of providing the returned check information on to the casinos in the form of a service fee. The amount of this potential service fee is unknown.
4. A cost savings may occur because this rule would reduce the overall number of bad checks accepted at the casinos because the casinos would not be allowed to cash checks from patrons who still have checks that remain unsatisfied with the check guarantee service. The amount of this potential savings is unknown.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 30—Bingo**

**PROPOSED AMENDMENT**

**11 CSR 45-30.035 Bingo Card.** The commission is adding new sections (6) through (13).

*PURPOSE:* This rule is being amended to allow the use of Braille bingo cards for sight-impaired bingo players.

(6) During an occasion, a licensee may allow a sight-impaired player to use a Braille bingo card(s) that is owned by the player or purchased from the licensee for use during that occasion. An equal amount of paper bingo cards must be marked as “Braille card sales,” dated and retained in accordance with 11 CSR 45-30.175.

(7) A bingo licensee shall obtain approval from the commission prior to purchasing any Braille bingo cards.

(8) Except when prior approval is obtained from the commission to purchase Braille bingo cards directly from a nonlicensed source, a licensee shall purchase all Braille bingo cards from a Missouri licensed supplier.

(9) A bingo licensee seeking prior approval from the commission to purchase Braille bingo cards from a nonlicensed source shall submit a written request to the commission that contains the name of the source, a sample of the actual Braille bingo card(s) to be purchased, and the purchase price for the Braille bingo card(s).

(10) A licensed Missouri supplier may purchase Braille bingo cards from a nonlicensed source only after receiving prior approval from the commission.

(11) A licensed Missouri supplier seeking prior approval from the commission to purchase Braille bingo cards from a nonlicensed source shall submit a written request to the commission that contains the name of the source, a sample of the actual Braille bingo card(s) to be purchased, and the purchase price for the Braille bingo card(s).

(12) The price for the use of a single Braille bingo card per occasion shall be the same price as all other bingo cards during that occasion.

(13) The use of any Braille bingo card for any purpose that is not defined within Chapter 313, RSMo, is prohibited.

*AUTHORITY:* section 313.065, RSMo 2000. Original rule filed Dec. 1, 2004, effective June 30, 2005. Amended: Filed Jan. 27, 2006.

*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 Department of Public Safety, Missouri Gaming Commission, Bingo Division, PO Box 1847, 3417 Knipp Dr., Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. Private entities who feel there is cost

which exceeds five hundred dollars (\$500) associated with this rule, are requested to submit the cost (estimated or actual, if available) with the comments. Public hearing is scheduled for 10 a.m. on April 4, 2006, in the commission hearing room, 3417 Knipp Dr., Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 30—Bingo**

**PROPOSED AMENDMENT**

**11 CSR 45-30.090 Additional Information.** The commission is adding a new section (2).

*PURPOSE:* This rule is being amended to require that information regarding persons associated with a bingo operation must be submitted and approved by the commission prior to such persons being involved in the management, conduct or operation of bingo as required in the *Missouri Constitution* and Chapter 313, RSMo.

(2) Also required with the application, each organization shall submit for approval a complete list of the officers of the applicant organization and a complete list of all two (2)-year bona fide members that will assist with the management, conduct, and operation of the bingo game. This list must include each individual's Social Security number and date of birth. Changes to the list must be reported to the commission as they occur.

*AUTHORITY:* section 313.065, RSMo [Supp. 1993] 2000. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995. Amended: Filed Jan. 27, 2006.

*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 Department of Public Safety, Missouri Gaming Commission, Bingo Division, PO Box 1847, 3417 Knipp Dr., Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. Private entities who feel there is cost which exceeds five hundred dollars (\$500) associated with this rule, are requested to submit the cost (estimated or actual, if available) with the comments. Public hearing is scheduled for 10 a.m. on April 4, 2006, in the commission hearing room, 3417 Knipp Dr., Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 30—Bingo**

**PROPOSED AMENDMENT**

**11 CSR 45-30.140 Worker—Player.** The commission is amending section (1) and adding new sections (2) and (3).

*PURPOSE:* The commission proposes to amend this rule by clarifying how a bingo worker may participate as a player in a bingo occasion or purchase pull-tab cards.

(1) Any eligible person may participate in the conduct, management, or operation of bingo and play bingo during the same occasion but may not be both a player and a worker during the same game. *[Workers]* An eligible person must pay to participate in the playing of a bingo game or pull-tab cards in the same manner and at the same cost as any other player. If an eligible person works the first portion of the occasion and then purchases bingo paper or pull-tab cards and becomes a player, the person may not assist with the management, conduct, or operation of bingo or the sale of pull-tab cards for the remainder of the occasion. If an eligible person plays the first portion of the bingo occasion and then ceases playing and becomes a worker, the person may not participate as a player of bingo or pull-tab cards during the remainder of the occasion. An eligible person may only switch from player to worker or worker to player once during an occasion, and a switch will only be permitted during the first half of the bingo occasion.

(2) Bingo workers are prohibited from purchasing bingo paper and/or pull-tabs and having another player play for them.

(3) Bingo workers are prohibited from playing bingo cards for a player.

*AUTHORITY:* section 313.065, RSMo [Supp. 1993] 2000. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995. Amended: Filed Jan. 27, 2006.

*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 April 4, 2006, in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 30—Bingo**

**PROPOSED AMENDMENT**

**11 CSR 45-30.175 Organization (Operator) Record Keeping Requirements.** The commission is amending sections (5), (6), (8), (9), and (10), and adding a new section (7).

*PURPOSE:* This rule is being amended to include record keeping requirements for the use of Braille bingo cards.

(5) Winning bingo cards or bingo sheets for values of two hundred dollars (\$200) or more must be signed by the winner, dated, and retained by the organization for a period of one (1) year. **If the winning pattern was achieved on a Braille bingo card, a photocopy of the Braille card must be signed, dated and retained for a period of one (1) year.**

(6) All pull-tab flares must be retained by the organization for a period of one (1) year *[for]* from the date the corresponding pull-tab game is completed or terminated upon prior approval by the com-

mission. Each winning pull-tab card for values of one hundred dollars (\$100) or more must be signed by the winner, dated, and retained by the organization for a period of one (1) year.

**(7) If sight-impaired players are sold Braille bingo cards for use during an occasion an equal amount of paper bingo cards shall be marked indicating "Braille Card Sale" and the date sold. The paper cards must be retained by the organization for a period of one (1) year.**

*[(7)]* (8) At the time each winning bingo card, bingo sheet, or pull-tab card is identified, it must be validated by either marking it with permanent ink or a hole punched by the operator so that it cannot be reused, resold or reclaimed. All pull-tab winners must be retained until the end of each occasion to determine prizes awarded.

*[(8)]* (9) All records not specified in sections (5), (6) or (7) of this rule, as well as all ledgers, receipts and invoices required by this rule and Chapter 313, RSMo, must be retained for a period of three (3) years, unless prior written approval is received from the commission to retain any such record, ledger, receipt, or invoice for a period less than three (3) years, and stored in such a manner as to be immediately available for inspection by the commission upon demand.

*[(9)]* (10) Operators are only allowed to buy bingo paper, pull-tabs and bingo equipment from suppliers licensed by the commission. If violations of this restriction or other restrictions listed in this rule, or Chapter 313, RSMo, are identified by the commission, the operator's license may be subject to suspension or revocation. The term bingo equipment and supplies does not include markers, cushions, bags and other incidentals.

*AUTHORITY:* section 313.065, RSMo 2000. Original rule filed Dec. 15, 1994, effective May 28, 1995. Amended: Filed Dec. 1, 2004, effective June 30, 2005. Amended: Filed Jan. 27, 2006.

*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 Department of Public Safety, Missouri Gaming Commission, Bingo Division, PO Box 1847, 3417 Knipp Dr., Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. Private entities who feel there is cost which exceeds five hundred dollars (\$500) associated with this rule, are requested to submit the cost (estimated or actual, if available) with the comments. Public hearing is scheduled for 10 a.m. on April 4, 2006, in the commission hearing room, 3417 Knipp Dr., Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 30—Bingo**

**PROPOSED AMENDMENT**

**11 CSR 45-30.390 Manufacturer Defined.** The commission is amending sections (1) and (4).

*PURPOSE:* This rule is being amended to further clarify the definition of a manufacturer.

(1) A manufacturer shall include any person, firm, partnership, corporation and/or business, which:

(A) [i]Invents, fabricates, concocts or assembles [materials to complete a piece of bingo equipment, cards and/or supplies, including but not limited to pull-tab cards, for sale in the state of Missouri] bingo cards, bingo supplies, pull-tab cards, coin boards or any electronic device used in the playing of bingo or pull-tabs;

(B) Adds prizes to any pull-tab or coin board game; or

(C) Invents, modifies, or seeks approval for use of any software used in conjunction with any electronic device.

(4) [This shall not include p]Printers who only print bingo tally cards or programs at the request of the licensed organization shall not be required to obtain a license.

*AUTHORITY: section 313.065, RSMo [Supp. 1996] 2000. Original rule filed Aug. 5, 1996, effective March 30, 1997. Amended: Filed Jan. 27, 2006.*

*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 Department of Public Safety, Missouri Gaming Commission, Bingo Division, PO Box 1847, 3417 Knipp Dr., Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. Private entities who feel there is cost which exceeds five hundred dollars (\$500) associated with this rule, are requested to submit the cost (estimated or actual, if available) with the comments. Public hearing is scheduled for 10 a.m. on April 4, 2006, in the commission hearing room, 3417 Knipp Dr., Jefferson City, Missouri.*

**Title 15—DEPARTMENT OF PUBLIC SAFETY  
Division 11—Missouri Gaming Commission  
Chapter 30—Bingo**

**PROPOSED AMENDMENT**

**11 CSR 45-30.480 Package Deals and Tying Arrangements Prohibited.** The commission is amending section (3).

*PURPOSE: This rule is being amended to clarify requirements regarding leases or purchases of bingo supplies and equipment and/or property leases.*

(3) No licensee shall enter into any agreement or understanding, [to purchase supplies from a particular vendor as a prerequisite to obtaining a particular premises for the conduct of bingo] either written, verbal or implied, whereby the licensee is required or encouraged to purchase supplies from a particular vendor as a prerequisite to obtaining equipment, supplies or a particular premises for the conduct of bingo.

*AUTHORITY: section 313.065, RSMo [Supp. 1993] 2000. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995. Amended: Filed Jan. 27, 2006.*

*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 Department of Public Safety, Missouri Gaming Commission, Bingo Division, PO Box 1847, 3417 Knipp Dr., Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. Private entities who feel there is cost which exceeds five hundred dollars (\$500) associated with this rule, are requested to submit the cost (estimated or actual, if available) with the comments. Public hearing is scheduled for 10 a.m. on April 4, 2006, in the commission hearing room, 3417 Knipp Dr., Jefferson City, Missouri.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 30—Bingo**

**PROPOSED AMENDMENT**

**11 CSR 45-30.600 Electronic Bingo Card Monitoring Devices.** The commission is amending sections (5), (6), (7), (13), (15), (27), and (28).

*PURPOSE: This rule is being amended to clarify requirements for approval to provide Electronic Bingo Card Monitoring Devices (EBCMD) in Missouri.*

(5) EBCMDs must be acquired by licensed suppliers from a licensed manufacturer and may only be rented or leased by licensed suppliers to licensed bingo operators. **Bingo operators using the EBCMD site system must procure and maintain a dedicated phone line at the bingo hall for the commission and the licensed supplier and/or licensed manufacturer to remotely connect to the system.**

(6) [A licensed manufacturer seeking approval of an EBCMD site system software, or other bingo equipment uniquely adapted for use with an EBCMD, will be required to submit a prototype of the device to a designated independent test laboratory as determined by the commission for approval prior to sale or installation in an approved bingo facility.] All aspects of an EBCMD unit and site system, including all hardware and software used therein, shall be subject to testing by the commission or an independent testing laboratory designated by the commission prior to the sale, installation, or use of the EBCMD network by a licensed bingo organization or in a licensed bingo facility and prior to any changes thereto following the initial installation, or at any other time the commission deems appropriate, the cost for which in all cases shall be borne by the licensed manufacturer. In addition, all aspects must be reviewed and approved by the commission and the licensed manufacturer will be required to provide the following before installation in a licensed bingo facility:

(A) A demonstration of the equipment and software to commission staff;

(B) A computer system to be housed at the commission which will allow the commission uninterrupted access to remotely connect to the licensed bingo facilities using the licensed manufacturer's system to verify sales information and to verify that the approved version of software is being utilized;

(C) Training for the system, as deemed necessary by the commission; and

(D) Additional information as deemed necessary by the commission. Any changes or upgrades to the approved system or system hardware or software must meet the same review and approval standards as original equipment and the changes or upgrades must also be made to the system housed at the commission.

(7) No EBCMD shall be able to monitor more than fifty-four (54) bingo cards per game.

(B) All downloading into the EBCMD, either from electronic bingo cards or disposable paper bingo cards, must be completed prior to the drawing of the first ball for that bingo game. If an EBCMD must be voided and reissued after the start of the game, the EBCMD must be reloaded with the same bingo face numbers or replaced with an EBCMD which was downloaded prior to the drawing of the first ball [as described in 11 CSR 45-30.190] for that game.

(13) If the commission detects or discovers any malfunction or problem with an EBCMD or site system that could affect the security or integrity of the bingo game or if the commission is unable to remotely connect to a licensed bingo facility, the commission may direct the supplier or licensed organization to cease providing or using the EBCMD or site system, as applicable. The commission may require the supplier to correct the problem or recall the devices or system immediately upon notification by the commission to the supplier.

(15) The licensed supplier shall invoice the licensed organization the next business day following usage and collect any and all payments for the rental or lease of the EBCMD used by the licensed organization, and the sale, rental or lease of the site systems to the licensed organization. The supplier shall also invoice the licensed organization the next business day following usage and collect any and all payments for the sale of electronic bingo cards, including the applicable taxes as described in accordance with section 313.055, RSMo.

(27) The site system must be capable of providing accounting and revenue reports on a daily basis. Additionally, the system must be capable of providing weekly and monthly summaries of the daily reports. These reports must include, at a minimum, the following:

(C) Adequate documentation must be maintained to explain any voids or cancellations/.; and

(D) The number of units sold, the number of bingo cards per game and the number of games played.

(28) The supplier is responsible for the collection and payment of all the taxes for electronic bingo cards sold and loaded into an EBCMD in accordance with section 313.055, RSMo and any rules and regulations promulgated thereunder. The tax computation will be based upon the information provided in the daily reports generated by the EBCMD site system. Copies of the reports used to compute the tax amount must be [provided with the supplier's monthly financial report] attached to the supplier's original sales invoices.

*AUTHORITY: section 313.065, RSMo [Supp. 1999] 2000. Original rule filed Nov. 10, 1998, effective June 30, 1999. Amended: Filed May 6, 1999, effective Dec. 30, 1999. Amended: Filed Oct. 4, 2000, effective June 30, 2001. Amended: Filed Dec. 1, 2004, effective June 30, 2005. Amended: Filed Jan. 27, 2006.*

*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 five thousand dollars (\$5,000) 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 Department of Public Safety, Missouri Gaming Commission, Bingo Division, PO Box 1847, 3417 Knipp Dr., Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. Private entities who feel there is cost which exceeds five hundred dollars (\$500) associated with this rule, are requested to submit the cost (estimated or actual, if available) with the comments. Public hearing is scheduled for 10 a.m. on April 4, 2006, in the commission hearing room, 3417 Knipp Dr., Jefferson City, Missouri.*



**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

Title: 11 - DEPARTMENT OF PUBLIC SAFETY

Division: 45 - Missouri Gaming Commission

Chapter: 30 - Bingo

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 11 CSR 45-30.600

**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:
5	Bingo Manufacturers	\$5,000

**III. WORKSHEET**

Five manufacturers licensed to provide electronic bingo card monitoring devices times approximately \$1,000 per device equal \$5,000.

**IV. ASSUMPTIONS**

We estimate the cost for each manufacturer to be in the area of \$1,000 for the equipment and any required updates, which they are already required to furnish to the commission. We currently have four systems; however, there is one other manufacturer licensed to do business in Missouri but they have not established any customers at this time. Therefore, our calculations are based on five manufacturers at \$1,000 each.

**Title 15—DEPARTMENT OF PUBLIC SAFETY**  
**Division 11—Missouri Gaming Commission**  
**Chapter 30—Bingo**

**PROPOSED RULE**

**11 CSR 45-30.610 Wireless Technology**

*PURPOSE: This rule sets forth the requirements for using wireless electronic products in the conduct of bingo games.*

(1) Wireless products used in conjunction with any bingo equipment as defined in section 313.005(3), RSMo and 11 CSR 45-30.155 must meet minimum standards as defined by the commission.

(2) The system manufacturer shall employ a security process that complies with Federal Information Protection Standard 1.40 (FIPS 140), et seq.

(3) The operating system used shall be validated to provide adequate security, including domain separation and non-bypassability in accordance with security requirements recommended by the National Institute of Standards and Technology.

(4) The system shall use approved cryptographic algorithms for encryption/decryption, authentication, and signature generation/verification; approved key generation techniques and FIPS 140-1 validated cryptographic modules.

(5) All data packets shall be encrypted before transmission, regardless of which protocol is used.

(6) The system shall employ an Extensible Authentication Protocol (EAP) utilizing Transport Layer Security (TLS) that is Internet Engineering Task Force (IETF)-standardized and a Public Key Infrastructure (PKI) security certificate-based authentication process, whereby mutual authentication between the supplicant and the authentication server occurs before any wireless communication takes place.

(7) The system shall use a dual-homed intermediary server to isolate the wireless network from the wired network, each having its own firewall. Networks and components must be designed/configured with IP forwarding and broadcast mode disabled.

(8) The system shall employ a stand-alone firewall for port blocking. The firewall must be configured in a manner that precludes any wireless product from gaining access to the network without first being scrutinized and passing the rules contained in the firewall.

(9) All aspects of a wireless network, including all hardware and software used therein, shall be subject to testing by the commission or an approved independent testing laboratory designated by the commission, and review and approval by the commission prior to the sale, installation, or use of the network by a licensed organization or in a licensed bingo facility and following installation, prior to any changes thereto, or at any other time the commission deems appropriate, the cost for which in all cases shall be borne by the licensed manufacturer.

(10) The licensed manufacturer shall ensure the commission is provided at least five (5) days advanced written notice of any proposed changes or upgrades to an existing wireless network by an authorized representative of the licensed manufacturer, which shall include, without limitation:

- (A) A description of the reason(s) for the proposed modification;
- (B) A list of the component(s) and program(s) or version(s) to be modified or replaced;

(C) A description of any operating process(es) that will be affected;

(D) The method to be used to complete the proposed modification;

(E) The date the proposed modification will be installed and the estimated time for completion;

(F) The name, title, and employer of the person(s) to perform the installation; and

(G) A diagrammatic representation of the proposed hardware design change.

(11) No device may be connected to or disconnected from a wireless network without the written approval of the commission.

*AUTHORITY: sections 313.004 and 313.065, RSMo 2000. Original rule filed Jan. 27, 2006.*

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

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

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Public Safety, Missouri Gaming Commission, Bingo Division, PO Box 1847, 3417 Knipp Dr., Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. Private entities who feel there is cost which exceeds five hundred dollars (\$500) associated with this rule, are requested to submit the cost (estimated or actual, if available) with the comments. Public hearing is scheduled for 10 a.m. on April 4, 2006, in the commission hearing room, 3417 Knipp Dr., Jefferson City, Missouri.*

**Title 13—DEPARTMENT OF SOCIAL SERVICES**  
**Division 70—Division of Medical Services**  
**Chapter 15—Hospital Program**

**PROPOSED AMENDMENT**

**13 CSR 70-15.010 Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology.** The Division of Medical Services is amending section (5).

*PURPOSE: This amendment clarifies the treatment of inpatient hospital rate adjustment requests for new or expanded inpatient hospital services.*

(5) Administrative Actions.

(C) New, Expanded or Terminated Services. **A hospital, at times, may offer to the public new or expanded inpatient services which may require Certificate of Need (CON) approval, or may permanently terminate a service.**

1. *[A hospital, at times, may offer to the public new or expanded services for the provision of allowable inpatient services which require Certificate of Need (CON) approval or permanently terminate a service. For a] A state hospital, i.e., one owned or operated by the board of curators as provided for in Chapter 172, RSMo, or one owned or operated by the Department of Mental Health, [the state hospital] may offer new or expanded inpatient services to the public, provided it receives legislative appropriations for the project. [and the project meets the CON costs threshold. Within six (6) months after this event, the hospital must submit a request for rate reconsideration with a*

*budget which shall take into consideration new, expanded or terminated services. Since a state hospital is not subject to the CON approval process, a state hospital will have six (6) months after the effective date of this amendment to file a budget for CON type projects completed after its base year cost report and will then have six (6) months after the completion of the new or expanded service is offered to the public. The budgets will be subject to desk review and audit. Upon completion of the desk review, reimbursement rates may be adjusted, if indicated. Failure to submit a request for rate reconsideration and budget within the six (6)-month period shall disqualify the hospital from receiving a rate increase. Failure to submit a request shall not prohibit the division from reducing the rate in the case of a terminated service.] A state hospital may submit a request for inpatient rate reconsideration if the project meets or exceeds a cost threshold of one (1) million dollars for capital expenditures or one (1) million dollars for major medical equipment expenditures as described in 19 CSR 60-50.300.*

2. Nonstate hospitals may also offer new or expanded inpatient services to the public, and incur costs associated with the additions or expansions which may qualify for inpatient rate reconsideration requests. Such projects may require a Certificate of Need (CON). Rate reconsideration requests for projects requiring CON review must include a copy of the CON program approval. Nonstate hospitals may request inpatient rate reconsiderations for projects not requiring review by the CON program, provided each project meets or exceeds a cost threshold of one (1) million dollars for capital expenditures as described in 19 CSR 60-50.300.

3. A hospital (state or nonstate) will have six (6) months after the new or expanded service project is completed and the service is offered to the public to submit a request for inpatient rate reconsideration, along with a budget of the project's costs. The rate reconsideration request and budget will be subject to desk review and audit. Upon completion of the desk review and audit, the hospital's inpatient reimbursement rates may be adjusted, if indicated. Failure to submit a request for rate reconsideration and project budget within the six (6)-month period shall disqualify the hospital from receiving a rate increase prior to recognizing the increase through the trended cost calculation (direct Medicaid payments). Failure to submit a request shall not prohibit the division from reducing the rate in the case of a terminated service.

[2.] 4. Failure to submit a budget concerning terminated services may result in the imposition of sanctions as described in 13 CSR 70-3.030.

5. The effective date for any increase granted under this subsection shall be no earlier than the first day of the month following the Division of Medical Services' final determination on rate reconsideration.

6. Any inpatient rate reconsideration request for new, expanded, or terminated services must be submitted in writing to the Division of Medical Services and must specifically and clearly identify the issue and total dollar amount involved. The total dollar amount must be supported by generally accepted accounting principles. The hospital shall demonstrate the adjustment is necessary, proper and consistent with efficient and economical delivery of covered patient care services. The hospital will be notified in writing of the agency's decision within sixty (60) days of receipt of the hospital's written request or within sixty (60) days of receipt of any additional documentation or clarification which may be required, whichever is later. Failure to submit requested information within the sixty (60)-day period shall be grounds for denial of the request. If the state does not respond within the sixty (60)-day period, the request shall be deemed denied.

[3.] 7. Rate adjustments due to new or expanded services will be determined as total allowable project cost (i.e., the sum of annual depreciation, annualized interest expense and annual additional operating costs) multiplied by the ratio of total inpatient costs (less SNF and swing bed cost) to total hospital cost as submitted on the most recent cost report filed with the agency as of the review date divided by total acute care patient days including all special care units and nursery, but excluding swing bed days.

[4.] 8. Total acute care patient days (excluding nursery and swing bed days) must be at least sixty percent (60%) of total possible bed days. Total possible bed days will be determined using the number of licensed beds times three hundred sixty-five (365) days. If the days, including neonatal units, are less than sixty percent (60%), the sixty percent (60%) number plus newborn days will be used to determine the rate increase. This computation will apply to capital costs only.

9. Major medical equipment costs included in rate reconsideration requests shall not include costs to replace current major medical equipment if the replacement does not result in new or expanded inpatient services. The replacement of inoperative or obsolete major medical equipment, by itself, does not qualify for rate reconsideration, even if the new equipment costs at least one (1) million dollars.

*AUTHORITY: sections 208.152 and 208.471, RSMo Supp. [2004] 2005, and 208.153 and 208.201, RSMo 2000. This rule was previously filed as 13 CSR 40-81.050. Original rule filed Feb. 13, 1969, effective Feb. 23, 1969. For intervening history, please consult the Code of State Regulations. Amended: Filed Feb. 1, 2006.*

*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 Social Services, 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.*

**Title 18—PUBLIC DEFENDER COMMISSION  
Division 10—Office of State Public Defender  
Chapter 3—Guidelines for the Determination of  
[Indigency] Indigence**

**PROPOSED AMENDMENT**

**18 CSR 10-3.010 Guidelines for the Determination of [Indigency] Indigence.** The commission is changing the chapter title, the rule title, amending the purpose section, adding a new section (1) and amending and renumbering old sections (1)–(3).

*PURPOSE: This amendment allows the State Public Defender greater discretion in finding eligibility for public defender representation for individuals accused of crimes.*

*PURPOSE: This rule establishes the guidelines for the determination of [indigency] indigence and prescribes a form for that purpose.*

**(1) Eligibility for Representation.**

(A) A person shall be considered eligible for representation when it appears from all the circumstances of the case including his/her ability to make bond, his/her income and the number of persons dependent on him/her for support that the person does not have the means at his/her disposal or available to him/her to obtain counsel in his/her behalf and is indigent as hereafter determined.

(B) The determination of indigence of any person seeking the services of the State Public Defender System shall be made by the defender or anyone serving under him/her at any stage of the proceeding. Upon motion by either party, the court in which the case is pending shall have authority to determine whether the services of the public defender may be utilized by the defendant. Upon the court's finding that the defendant is not indigent, the public defender shall no longer represent the defendant.

**[[1]] (2) Public Assistance, Unemployment Compensation and Income Maintenance Payments.**

(A) Unemployed defendants receiving public assistance are eligible for defense services provided by the Office of State Public Defender regardless of the amount of the benefits. If the defendant is receiving public assistance and has a part-time job, or other asset/s, the weekly amount of benefits and the additional source of income should be added together and compared to the maximum Qualifying Income Scale to Determine *[[Indigency]] Indigence*.

(B) If a defendant is receiving disability payments, pension, unemployment compensation or Social Security, this is considered income and the amount of the payment must be considered.

**[[2]] (3) Maximum Qualifying Income Scale.**

(A) A defendant may be considered indigent if his/her gross pay and other sources of income do not exceed the federal poverty guideline as issued in the *Federal Register* by the U.S. Department of Health and Human Services.

(B) When making the financial determination, the following factors should be taken into consideration:

1. **Debts and Expenses**—Debts should be taken into consideration to the extent that *[payments reduce the take-home pay of the defendant.] they are reasonable and necessary. Debts [caused by hospital bills, taxes, fines, child support and alimony are allowable only if actual payments on debts are being made.] are considered only if actual payments are being made;*

*[2. Bond—If the defendant has been released on bail on any case in the amount of five thousand dollars (\$5,000) or more, a presumption is created that the defendant is not indigent and the ability of the defendant to meet the bail must be given consideration;]*

*[3.] 2. Spouse's Income—The spouse's [income should be considered if the spouse is employed and supports the defendant. The income shall also be considered if they share the household expenses;] financial status shall be considered unless the spouse is the alleged victim.*

*[4.] 3. Parent's Income—The parent's income should be considered if they support the defendant and the defendant is under eighteen (18) years of age unless a parent is an alleged victim of the charged offense. Defendants eighteen (18) years or older shall be considered independent from family income unless they are full-time students or are dependent upon their parents or when [the] one or both parents [or a relative] post bond;*

*[5. Mortgage—If the defendant owns or is buying a home, the defendant's equity must be determined. If defendant's equity exceeds ten thousand dollars (\$10,000), the defendant would not qualify for a public defender; and]*

*[6.] 4. Assets—[Unless the defendant is charged with a Class A felony, cash in excess of one thousand dollars*

*(\$1,000) creates a presumption of non-indigency.] If the person owns or is buying a home, the equity must be determined and considered on the question of indigence. Bank accounts, stocks, bonds, jewelry, equity in insurance and any other financial assets must be considered. [All vehicles are assets and must also be considered. If the total value of the asset(s) is more than two thousand dollars (\$2,000), the defendant is presumed not to be indigent.]*

**[[3]] (4) Discretionary Aspects of Determining *[[Indigency]] Indigence*.**

(A) The previously mentioned financial criteria are to be applied in all cases and considered with the probable expense and burden of defending the case. If a person is determined to be eligible for the services provided by the State Public Defender System and if, at the time such determination is made, s/he is able to provide a limited cash contribution toward the cost of representation without imposing a substantial hardship upon himself/herself or his/her dependents, such contribution shall be required as a condition of his/her representation by the State Public Defender System. If at any time, either during or after the disposition of his/her case, such defendant becomes financially able to meet all or some part of the cost of services rendered to him/her, s/he shall be required to reimburse the commission in such amounts as s/he can reasonably pay, either by a single payment or by installments of reasonable amounts, in accordance with a schedule of charges for public defender services prepared by the commission;

*[[B] If a defendant is found not indigent and not eligible for a public defender, s/he has the right to appeal that decision to the court;]* and

*[[C]] (B) An individual requesting public defender service shall complete and sign an Application for Public Defender Services.*

*AUTHORITY: sections 600.017(10), 600.086 and 600.090, RSMo 2000. Original rule filed Nov. 12, 1985, effective Feb. 13, 1986. Amended: Filed Feb. 14, 2002, effective Aug. 30, 2002. Amended: Filed Jan. 20, 2006.*

*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 State Public Defender Commission, 3402 Buttonwood, Columbia, Missouri 65201, attn: Daniel Gralike. 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.*

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

**T**he agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 200—State Board of Nursing  
Chapter 6—Intravenous Fluid Treatment  
Administration**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Nursing under section 335.017, RSMo 2000, the board rescinds a rule as follows:

**4 CSR 200-6.010** Intravenous Fluid Treatment Administration  
is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 3, 2005 (30 MoReg 2022). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 200—State Board of Nursing  
Chapter 6—Intravenous Infusion Treatment  
Administration**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Nursing under sections 335.017 and 335.036, RSMo 2000, the board adopts a rule as follows:

**4 CSR 200-6.020** Definitions is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 3, 2005 (30 MoReg 2022–2024). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 200—State Board of Nursing  
Chapter 6—Intravenous Infusion Treatment  
Administration**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Nursing under sections 335.017 and 335.036, RSMo 2000, the board adopts a rule as follows:

4 CSR 200-6.030 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 3, 2005 (30 MoReg 2024–2025). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Fourteen (14) comments were received.

COMMENT: The board received one (1) comment from Gloria Carlile, Texas County Technical Institute. Ms. Carlile congratulated the board on an outstanding undertaking with rewriting the Intravenous Therapy Rules stating that one (1) of the issues with the existing rule was the lack of specificity. Ms. Carlile commented that having tasks delineated for both the non-IV-Certified and the IV-Certified Qualified licensed practical nurse (LPN) is much less confusing than the existing rule.

RESPONSE: The board thanks Ms. Carlile for her comments.

COMMENT: The board received comments from Randall Blake, Missouri State Association of Licensed Practical Nurses, Michelle Crum, Ozark Technical Community College, Jeff M. Hawkins, St. John's Hospital, Barbara Marcus, and Lynne Ott, Fitzgibbon's Medical Center. The comments were in regard to subsection (6)(E) "Administer continuous or intermittent fluid infusions via electronic infusion pumps and controllers, which includes assembling and programming of the electronic infusion pump or controller." The comments centered around an assumption that the use of pumps could not be included in the teaching of an IV-therapy course since the statement is in the section indicating that additional education and experience would be necessary for an IV-Certified LPN to perform these functions.

RESPONSE AND EXPLANATION OF CHANGE: The intent of the requirement is to emphasize that employers need to verify and document that the IV-Certified LPN knows how to properly use the equipment within a particular facility. The board determined that the

situation could be resolved by moving the statement to section (5) making it (5)(H) and eliminating it as (6)(E).

COMMENT: The board received comments from Randall Blake, President, Missouri State Association of Licensed Practical Nurses, Gloria Carlile, Texas County Technical Institute, Michelle Crum, Ozark Technical Community College, Jeff M. Hawkins, St. John's Hospital, Barbara Marcus, and Lynne Ott, Fitzgibbon's Medical Center. The comments were in regard to 4 CSR 200-6.030(6)(D) "Administer premixed drugs that will infuse over a minimum of thirty (30) minutes via mechanical infusion devices, including, but not limited to, syringe pumps and disposable elastomeric devices." The central issue again was the need for additional education by the IV-Certified LPN before being allowed to perform this function.

RESPONSE AND EXPLANATION OF CHANGE: The board felt that by moving (6)(E) and making it (5)(H) that this removed the objection to (6)(D) and the intent was more clear.

COMMENT: The board received comments from Michelle Crum, Ozark Technical Community College, Barbara Marcus, and Lynne Ott, Fitzgibbon's Medical Center. The comments were in regard to subsection (7)(A) which lists the functions that graduate and licensed practical nurses shall NOT perform. Subsection (7)(A) states "Administer anti-neoplastic drugs, commonly referred to as chemotherapy, via any intravenous infusion treatment modality;" The primary concern was that if an LPN observes a patient experiencing an adverse reaction or a complication while receiving an intravenous chemotherapeutic agent, the LPN should be permitted to stop the flow of the infusion and immediately report the incident to a registered professional nurse (RN) for assessment of the situation. RESPONSE AND EXPLANATION OF CHANGE: The board voted to change the statement at subsection (7)(A).

COMMENT: The board received a comment from Randall Blake, Missouri State Association of Licensed Practical Nurses, stating that the proposed IV-therapy rules do not address the LPN's role in neonate IV-therapy. The current rule allows an IV-Certified LPN who has had additional education and experience to "participate in IV-therapy with neonates." Members of both the expanded and smaller task force of the board were in agreement that LPNs should not have any role in IV-treatment modalities for neonates due to the changing and precarious status of neonates and had not addressed this function in the proposed rules.

RESPONSE AND EXPLANATION OF CHANGE: The board agreed with the task force members that very few, if any, LPNs are employed in Neonatal Intensive Care Units. The board voted to add a statement to section (7) which addresses functions NOT to be performed by graduate and licensed practical nurses.

#### **4 CSR 200-6.030 Intravenous Infusion Treatment Administration by Qualified Practical Nurses; Supervision by a Registered Professional Nurse**

(5) In addition to the functions and duties set forth in section (4), a graduate practical nurse who graduated after February 28, 1999 from a generic practical nursing program approved by the board, and IV-Certified licensed practical nurses who have documented competency verification by the individual's employer, may:

(A) Calculate the flow of intravenous parenteral fluid infusions including total parenteral nutrition, peripheral parenteral nutrition, blood, and blood products;

(B) Initiate peripheral venous access sites using devices that do not exceed three inches (3") in length, excluding mid-line catheters;

(C) Administer parenteral intravenous fluid infusions including total parenteral nutrition and peripheral parenteral nutrition through established, patent peripheral venous lines and central venous lines;

(D) Change peripheral venous administration set tubings and dressings;

(E) Administer premixed drugs and solutions through established, patent peripheral and central venous lines either by continuous infusion or intermittent intravenous piggyback methods;

(F) Maintain the patency of "locked" peripheral and central venous catheters with saline and/or heparin flush solutions;

(G) Administer packaged drug systems containing diluent and drug through established, patent peripheral and central venous lines; and

(H) Administer continuous or intermittent parenteral fluid infusions via electronic infusion pumps and controllers, which includes assembling and programming of the electronic infusion pump or controller.

(6) In addition to the functions and duties set forth in sections (4) and (5), and with additional individualized education and experience that includes documented competency verification by the individual's employer, IV-Certified licensed practical nurses may:

(A) Change central venous line administration set tubings and site dressings;

(B) Obtain blood specimens for laboratory testing from established central venous catheters, which includes implanted vascular access port devices that have already been accessed;

(C) Administer premixed pain medications via patient controlled analgesia pump (PCA), which includes assembling and programming of the pump; and

(D) Administer premixed drugs that will infuse over a minimum of thirty (30) minutes via mechanical infusion devices, including, but not limited to, syringe pumps and disposable elastomeric devices.

(7) Graduate and licensed practical nurses shall NOT, under any condition, perform the following functions or duties:

(A) Administer anti-neoplastic drugs, commonly referred to as chemotherapy, via any intravenous infusion treatment modality. However, the qualified practical nurse may stop the flow of an infusion if an adverse reaction or complication is observed and immediately notify a RN to assess the situation;

(B) Begin the initial or sequential administration of a transfusion of whole blood or blood product including, but not limited to, serum albumin;

(C) Access the port reservoir of a central venous implanted vascular access port device;

(D) Perform an intravenous admixture in which a syringe/needle is used to add drug(s) to a parenteral fluid container, prior to the administration of the infusion;

(E) Add drug(s) to the fluid container of an existing intravenous infusion;

(F) Add drug(s) to an existing volume control set chamber;

(G) Administer drug(s) via the intravenous push or intravenous bolus mode of delivery except when life-threatening circumstances require such administration;

(H) Remove a mid-line catheter or any type of central venous catheter; and

(I) Participate in any intravenous infusion treatment modality involving neonates.

### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 200—State Board of Nursing Chapter 6—Intravenous Infusion Treatment Administration**

#### **ORDER OF RULEMAKING**

By the authority vested in the State Board of Nursing under sections 335.017 and 335.036, RSMo 2000, the board adopts a rule as follows:

**4 CSR 200-6.040 Venous Access and Intravenous Infusion Treatment Modalities Course Requirements is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 3, 2005 (30 MoReg 2025-2031). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Five (5) comments were received.

COMMENT: The board received comments from Gloria Carlile, Texas County Technical Institute and Billye McCrary, St. Francis Medical Center regarding subsection (3)(C) "A course shall, at a minimum, consist of 1. Thirty (30) hours of classroom and skills laboratory instruction or its equivalent (e.g., faculty-student interactive study." The concern was that there is difficulty in completing the necessary classroom and skills laboratory instruction in forty (40) hours as required by the current rules.

RESPONSE: The board decided that the proposed rule does not prohibit course providers from having more than thirty (30) hours in the course they present. The intent of decreasing the number of required classroom and skills laboratory hours was to facilitate the presentation of a course using various formats such as self-study modules, on line didactic, etc. The proposed rules require eight (8) hours of supervised clinical practice just as the current rules do. Therefore, the board made no changes to the text of the proposed rule.

COMMENT: The board received comments from Angie Cosgrove and Diane Davis, Interlock Pharmacy Systems, Inc., Barbara Marcus, and Lynne Ott, Fitzgibbon's Medical Center. The statement was interpreted by Ms. Cosgrove and Ms. Davis to mean that a course participant had to have a successful "stick" or access on the first attempt. The comment was in regard to subsection (6)(C) "Perform at least one (1) successful peripheral venous access and initiate an intravenous infusion treatment modality on an individual." This statement is in the section addressing requirements for successful completion of an intravenous infusion treatment modalities course.

RESPONSE: The intent of the rule is that a course participant must perform both functions successfully at least once, access a vein and insert a device and start the flow of an infusion. The rule would not require that both functions have to be successfully performed on the same patient/individual. It is recognized that any nurse may not be able to successfully access a vein on the first or even second attempt. Therefore, the board made no changes to the text of the rule.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 200—State Board of Nursing  
Chapter 6—Intravenous Infusion Treatment Administration**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Nursing under sections 335.017 and 335.036, RSMo 2000, the board adopts a rule as follows:

**4 CSR 200-6.050 Approval Process for a Venous Access and Intravenous Infusion Treatment Modalities Course is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 3, 2005 (30 MoReg 2032). No changes have been made to the text of the pro-

posed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 200—State Board of Nursing  
Chapter 6—Intravenous Infusion Treatment Administration**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Nursing under sections 335.017 and 335.036, RSMo 2000, the board adopts a rule as follows:

**4 CSR 200-6.060 Requirements for Intravenous Therapy Administration Certification is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 3, 2005 (30 MoReg 2032-2033). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 16—Cigarette Tax**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under sections 66.380, 136.030, 136.120, 149.021 and 210.320, RSMo 2000 and 149.015, RSMo Supp. 2005, the director rescinds a rule as follows:

**12 CSR 10-16.010 Prior Rulings is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 1, 2005 (30 MoReg 2298-2299). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 16—Cigarette Tax**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under sections 66.380, 136.030, 136.120, 149.021 and 210.320, RSMo 2000 and 149.015, RSMo Supp. 2005, the director rescinds a rule as follows:

**12 CSR 10-16.020 Definitions is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 1, 2005 (30 MoReg 2299). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 16—Cigarette Tax**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under sections 66.380, 136.030, 136.120, 149.021 and 210.320, RSMo 2000 and 149.015, RSMo Supp. 2005, the director rescinds a rule as follows:

**12 CSR 10-16.030** Cigarette Tax Levied is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 1, 2005 (30 MoReg 2299). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 16—Cigarette Tax**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under sections 66.380, 136.030, 136.120, 149.021, and 210.320, RSMo 2000 and 149.015, RSMo Supp. 2005, the director withdraws a proposed amendment as follows:

**12 CSR 10-16.040** Tax Evidenced by Stamps is withdrawn.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2005 (30 MoReg 2299–2300). This proposed amendment is withdrawn.

SUMMARY OF COMMENTS: The department is withdrawing this proposed amendment after meeting with members of the Joint Committee on Administrative Rules.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 16—Cigarette Tax**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under sections 66.380, 136.030, 136.120, 149.021 and 210.320, RSMo 2000, the director rescinds a rule as follows:

**12 CSR 10-16.050** Use of Tax Stamps is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 1, 2005 (30 MoReg 2300). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 16—Cigarette Tax**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under sections 66.380, 136.030, 136.120, 149.021 and 210.320, RSMo 2000 and 149.015, RSMo Supp. 2005, the director amends a rule as follows:

**12 CSR 10-16.060** Sample Cigarettes is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2005 (30 MoReg 2300). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 16—Cigarette Tax**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under sections 66.380, 136.030, 136.120, 149.021 and 210.320, RSMo 2000 and 149.015, RSMo Supp. 2005, the director amends a rule as follows:

**12 CSR 10-16.070** Discount Allowed is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2005 (30 MoReg 2300–2301). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 16—Cigarette Tax**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under sections 66.380, 136.030, 136.120, 149.021 and 210.320, RSMo 2000, and 149.015, RSMo Supp. 2005, the director amends a rule as follows:

12 CSR 10-16.090 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1,



2005 (30 MoReg 2301). The section with change is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received one (1) comment on the proposed amendment.

COMMENT: The commenter suggested that the proposed deletion of language referring to surety bonds be reconsidered.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the suggestion and has clarified the language regarding surety bonds to address these concerns.

**12 CSR 10-16.090 Purchase on Deferred Payment Basis**

(3) The surety bond required under section 149.025, RSMo, to purchase stamps on the deferred payment basis may be in cash, certificate of deposit, irrevocable letter of credit, or surety bond. A surety bond must be issued by an authorized corporate surety company on a bond form approved by the director. Any surety on a bond furnished by a cigarette wholesaler shall be released and discharged from any and all prospective liability to the state occurring after the expiration of ninety (90) days from the date upon which the surety shall have lodged with the director a written request to be released and discharged, but this provision shall not operate to relieve, release or discharge the surety from any liability already accrued or which shall accrue before the expiration of the ninety (90)-day period. The director, promptly upon receiving any request, shall notify the cigarette wholesaler who furnished the bond, and unless the wholesaler shall file, on or before the expiration of the ninety (90)-day period, with the director a new bond fully complying with the provisions of section 149.025, RSMo, the director shall forthwith revoke all credit privileges and notify the wholesaler that all purchases must be made in cash.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 16—Cigarette Tax**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under sections 66.380, 136.030, 136.120, 149.021 and 210.320, RSMo 2000 and 149.015, RSMo Supp. 2005, the director amends a rule as follows:

**12 CSR 10-16.100 Payment on Deferred Payment Basis  
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2005 (30 MoReg 2301–2302). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 16—Cigarette Tax**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under sections 66.380, 136.030, 136.120, 149.021 and 210.320, RSMo 2000 and 149.015, RSMo Supp. 2005, the director amends a rule as follows:

**12 CSR 10-16.110 Unsaleable Packages of Cigarettes  
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2005 (30 MoReg 2302). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 16—Cigarette Tax**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under sections 66.380, 136.030, 136.120, 149.021 and 210.320, RSMo 2000 and 149.015, RSMo Supp. 2005, the director withdraws a proposed amendment as follows:

**12 CSR 10-16.120 Missouri Cigarette Wholesaler's License  
is withdrawn.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2005 (30 MoReg 2302–2303). This proposed amendment is withdrawn.

SUMMARY OF COMMENTS: The department is withdrawing this proposed amendment after meeting with members of the Joint Committee on Administrative Rules.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 16—Cigarette Tax**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under sections 66.380, 136.030, 136.120, 149.021 and 210.320, RSMo 2000 and 149.015, RSMo Supp. 2005, the director amends a rule as follows:

**12 CSR 10-16.130 Record Keeping Requirements is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2005 (30 MoReg 2303). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 16—Cigarette Tax**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under sections 66.380, 136.030, 136.120, 149.021 and 210.320, RSMo 2000 and 149.015, RSMo Supp. 2005, the director amends a rule as follows:

**12 CSR 10-16.140** Common Carriers, Bonded Warehousemen and Bailees **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2005 (30 MoReg 2303–2304). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 16—Cigarette Tax**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under sections 66.380, 136.030, 136.120, 149.021 and 210.320, RSMo 2000 and 149.015, RSMo Supp. 2005, the director amends a rule as follows:

**12 CSR 10-16.150** Possession of Unstamped Cigarettes **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2005 (30 MoReg 2304–2305). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 16—Cigarette Tax**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under sections 66.380, 136.030, 136.120, 149.021 and 210.320, RSMo 2000, the director rescinds a rule as follows:

**12 CSR 10-16.160** Release of Bonding Requirement **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 1, 2005 (30 MoReg 2305). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 16—Cigarette Tax**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under section 66.350, RSMo 2000, the director amends a rule as follows:

**12 CSR 10-16.170** Adjustments to the Distribution of St. Louis County Cigarette Tax Funds Pursuant to the Federal Decennial Census **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2005 (30 MoReg 2305–2306). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 405—Homestead Preservation Credit**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under section 137.106, RSMo Supp. 2005, the director amends a rule as follows:

12 CSR 10-405.100 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2005 (30 MoReg 2388–2389). Changes have been made in the text of the proposed amendment, and those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department was contacted by the Joint Committee on Administrative Rules (JCAR) and by a member of the General Assembly who noted discrepancies in comparing the rule to the underlying legislation. After the department investigated further, it was noted that a change was needed. The section needing change has been amended.

**12 CSR 10-405.100** Homestead Preservation Credit—Procedures (2005)

(2) Definition of Terms.

(I) Homestead exemption limit—a single, statewide percentage increase in property tax liability from the prior year to the application year.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 405—Homestead Preservation Credit**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under section 137.106, RSMo Supp. 2005, the director adopts a rule as follows:

12 CSR 10-405.105 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 15, 2005 (30 MoReg 2389–2392). Changes have been made in the text of the proposed rule, and those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department was contacted by the Joint Committee on Administrative Rules (JCAR) and by a member of the General Assembly who noted discrepancies in comparing the rule to the underlying legislation. After the department investigated further, it was noted that a change was needed. The sections needing changes have been amended.

**12 CSR 10-405.105 Homestead Preservation Credit—Procedures**

(2) Definition of Terms.

(I) Homestead exemption limit—a single, statewide percentage increase in property tax liability from the base year to the prior year.

(3) Application of Rule.

(C) The Department of Revenue will calculate the level of appropriations necessary to set the homestead exemption limit for all verifiable eligible owners as follows:

1. In even application years, the appropriation amount will be the amount by which the aggregate tax liability for the prior year exceeds a five percent (5%) increase from the base year's aggregate tax liability for all qualifying homestead property; and

2. In odd application years, the appropriation amount will be the amount by which the aggregate tax liability for the prior year exceeds a two and one-half percent (2.5%) increase from the base year's aggregate tax liability for all qualifying homestead property.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 405—Homestead Preservation Credit**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under section 137.106, RSMo Supp. 2005, the director amends a rule as follows:

**12 CSR 10-405.200 Homestead Preservation Credit—Qualifications and Amount of Credit (2005) is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2005 (30 MoReg 2393–2394). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 405—Homestead Preservation Credit**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under section 137.106, RSMo Supp. 2005, the director adopts a rule as follows:

12 CSR 10-405.205 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 15, 2005 (30 MoReg 2394–2398). Changes have been made in the text of the proposed rule, and those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department was contacted by the Joint Committee on Administrative Rules (JCAR) and by a member of the General Assembly who noted discrepancies in comparing the rule to the underlying legislation. After the department investigated further, it was noted that a change was needed. The section needing change has been amended.

**12 CSR 10-405.205 Homestead Preservation Credit—Qualifications and Amount of Credit**

(4) Application of Rule.

(J) The amount of the credit is the amount by which the increase in the taxpayer's liability from the base year to the prior year, exclusive of any increase due to improvements to the homestead, exceeds a single, statewide percentage increase calculated to use all of the amount appropriated by the General Assembly to fund the credit.

(K) The credit is calculated annually based on the increase in liability from two (2) years prior to the application year to the year immediately prior to the application year and does not carry forward to future years.

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 40—Family Support Division  
Chapter 2—Income Maintenance**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Social Services, Family Support Division under section 207.020, RSMo 2000, the division amends a rule as follows:

**13 CSR 40-2.030 Definitions Relating to Real and Personal Property is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 17, 2005 (30 MoReg 2176–2177). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.