

**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 If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission.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.

*by consumers. The amendment also places limits on certifying agents from charging fees and on vendors, certifying agents, and consumer support entities from engaging in publicity without written approval. The amendment also further defines requirements for consumer support services.*

(3) Applicant Eligibility.

(A) Eligible applicants shall:

1. Be certified by a licensed physician, audiologist, speech pathologist, hearing instrument specialist or qualified agency as unable to use traditional telecommunications equipment due to disability;
2. Have specific adaptive telecommunications equipment designated by an approved agent;
3. Be residents of Missouri;
4. Meet financial income standards;
5. Have access to basic **in-home** telephone equipment and service if applying for adaptive telephone equipment or have access to basic *[[Internet]* **in-home computer** equipment and **Internet** service if applying for adaptive computer equipment.

(B) Applicants shall be eligible for one adaptive equipment system that provides access to basic telecommunication. Applicants shall not be eligible for more than one equipment system to provide access in more than one location, for example, equipment for both upstairs and downstairs in a residence *[or equipment for both work and home]*.

(4) General Application and Certification Procedures.

(A) Individuals shall apply for equipment from the program, on forms approved by the program administrator, that include:

1. Applicant name, address, home and work phone, date of birth, Social Security number;
2. Assurance of Missouri residency, assurance of current access to basic *[telephone]* **telecommunications** equipment and service, assurance of income level;
3. Identification of current or past use of adaptive equipment;
4. Specific request for specialized equipment or request for assistance in selecting equipment **and agreement to allow the program to release their name, address, and phone number to an agency that provides consumer support**;
5. Original applicant signature and date.

*[[B)] Applicants may elect to allow the program to release their name, address, and phone number to an agency that provides consumer support. Applicants who have a hearing disability may elect to allow the program to release their name, address, and date of birth to the Missouri Commission for the Deaf to be used solely for completing the commission's census.]*

*[[C)] (B) In addition to information required on the application and certification form, applicants shall supply any additional information which the program administrator deems reasonably necessary to determine the applicant's eligibility and to assist in determining the adaptive equipment which best meets the applicant's needs.*

*[[D)] (C) Certifying agents shall, on forms approved by the program administrator, certify that the applicant, by name, is unable to use traditional telecommunications equipment because of a specific category of disability. [Equipment approving agents shall designate that the applicant needs specific adaptive equipment as identified on forms approved by the program administrator.] The certifying agent shall sign and date the certification and provide state license number if certifying as a physician, audiologist, hearing instrument specialist or speech pathologist. Certifiers shall possess full licensure, not temporary or provisional. Approved agency representatives certifying shall provide the name of the approved agency. All certifying agents shall provide their name, address, and phone*

Proposed Amendment Text Reminder:

**Boldface text indicates new matter.**

*[Bracketed text indicates matter being deleted.]*

*[Title 1—OFFICE OF ADMINISTRATION  
Division 70—Missouri Assistive Technology Advisory  
Council*

*Chapter 1—Assistive Technology Programs]  
Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION*

*Division 110—Missouri Assistive Technology Advisory  
Council*

*Chapter 1—Assistive Technology Programs*

## PROPOSED AMENDMENT

**[1 CSR 70-1.010] 5 CSR 110-1.010 Telecommunications Access Program.** The council proposes to move this rule from Title 1 to Title 5 and to amend sections (3), (4), (5), (8), (9), and (10).

**PURPOSE:** *This amendment is being proposed to move rules from the Office of Administration to the Department of Elementary and Secondary Education and to ensure appropriate access to equipment*

number to enable the program administrator to contact them as necessary. *[Equipment approving agents shall sign the equipment designation form and shall provide their approval number.]*

(5) *[Approval of]* Certifying *[and Equipment Approving Agencies and]* Agents.

*[(B) Entities desiring to be designated as an equipment approval agent shall participate in periodic training provided by the program administrator. Such training shall include specific information about adaptive telecommunications equipment to support appropriate equipment selection. Upon satisfactory completion of initial training, the program administrator will provide equipment approval designation and will thereafter renew equipment approval designation based on subsequent participation in required training. Equipment approval agents who do not participate in periodic training shall not retain approval designation.]*

*[(C)] (B)* The program administrator will maintain a list of approved certifying *[and equipment approval]* agencies and those personnel of the agency who are approved to certify *[and designate equipment matches. A list of approved certifying and equipment approval agencies will be included with applicant education information and otherwise made available as widely as possible]*.

**(C) Agencies or individuals who charge a fee to certify that the applicant is unable to use traditional telecommunications equipment due to disability, shall provide the applicant with information about certifying agents who will provide that service free of charge. The program administrator will make a list of such certifying agencies readily available on the Internet or upon request.**

(8) Confidentiality. All applicant information shall be kept confidential except for approved release of information for purposes specified on the application form or long-term loan agreement.

**(9) Publicity. Vendors responsible for distributing adaptive equipment under contract with the program, certifying agents, and entities providing consumer support services shall not engage in or be party to any publicity that includes or in any way references the Telecommunications Access Program or consumer eligibility for such program without the express written approval of the Missouri Assistive Technology Advisory Council.**

*[(9)] (10)* TAP for Telephone Specific Procedures.

(A) Equipment Provided—Adaptive telephone equipment shall be provided in sufficient scope to meet the needs of individuals with all types of disabilities and shall be procured in a cost effective manner.

1. The program administrator shall develop and maintain a list of adaptive telephone equipment designed to provide reasonable access to basic telephone service for individuals with a wide range of disabilities. The list will be provided with the application and certification form. The program will monitor the market for devices that might be added to the program to better meet individual needs and will update the list as necessary to remain current with the market.

2. Adaptive telephones or adaptive devices that attach to the telephone shall be considered first to provide access. For the majority of program applicants, adaptive equipment that attaches to or replaces the typical end-unit telephone will be available on the approved list to meet their needs. Equipment that does not directly attach to or replace the phone will be provided by the program when no other device will deliver the needed access.

3. The program may provide equipment not on the list if such equipment is necessary for basic telephone access and is cost effective as compared to devices on the list.

4. The program shall not provide adaptive devices needed for one-to-one personal communication such as hearing aids, artificial larynx, or other augmentative communication devices.

5. The program shall maintain a list of vendors with which it has contracted to provide adaptive telephone equipment in a cost-effective manner.

**6. The program shall only provide captioned telephone voice carry-over equipment when the applicant is unable to effectively utilize an amplified telephone due to degree of hearing loss and significantly impaired speech discrimination.**

(C) Consumer Support—The program administrator shall deliver consumer support services directly or through contracts or other working relationships with qualified individuals, organizations, vendors, or other entities.

1. Consumer support providers shall:

*[1.]A.* Have expertise and experience of sufficient depth and breadth to assist consumers in identifying adaptive telephone equipment that will meet their needs;

*[2.]B.* Be able to provide adaptive telephone equipment orientation and use training;

*[3.]C.* Participate in training activities as may be required by the program administrator to assure equipment competency; and

*[4.]D.* Be able to demonstrate equipment knowledge and competency as requested by the program administrator.

**2. Individuals or agencies desiring to provide consumer support services shall participate in periodic training as deemed necessary by the program administrator. Such training shall include specific information about adaptive telephone equipment necessary to support appropriate equipment selection and use ensuring appropriate match of person and equipment. Individuals or agencies eligible to provide consumer support include:**

**A. Licensed or certified professionals whose scope of practice of record allows them to designate rehabilitative and habilitative equipment as part of their licensure or certification; and**

**B. Non-profit agencies who regularly work with persons with disabilities and/or have specialized knowledge about adaptive telephone equipment and access to equipment for demonstration and trial purposes. Agencies with narrowly focused contact with individuals with disabilities can be approved to provide consumer support limited to that focus.**

**3. Specific non-profit agencies shall be designated by the program administrator to provide consumer support for captioned telephone voice carry-over equipment. Designated agencies shall satisfactorily participate in periodic training provided by the program administrator that includes information critical to support appropriate matching of applicants to this specialized equipment.**

(D) Equipment Ownership, Usage, Repair and Replacement—

1. Adaptive telephone equipment purchased for an individual applicant may be owned by that applicant or may be provided on a long-term loan basis at the discretion of the program administrator based on determination of effectiveness.

2. Adaptive telephone equipment will be covered by the product warranty or by a one (1)-year express warranty provided via the Missouri Lemon Law for Assistive Devices.

3. The program administrator may provide a repair and replacement program.

4. Miscellaneous supplies, such as Text Telephone (TTY) paper, are the applicant's responsibility.

5. An applicant shall be eligible for replacement equipment every four (4) years, unless their disability needs change. The program administrator may approve equipment replacement within this time period for extenuating circumstances.

6. If an applicant's disability changes, rendering the adaptive telephone equipment inappropriate to meet their needs, the applicant may reapply for new equipment and shall provide a description of the disability change.

**7. Adaptive telephone equipment, in particular the captioned telephone voice carry-over system, shall not be used as an accommodation for in-person communications, meetings, or other interactions in place of real-time captioning or interpreter services.**

*[(10)] (11) TAP for Internet Specific Procedures.*

(A) Equipment Provided—Adaptive equipment needed for Internet access shall be provided in sufficient scope to meet the needs of individuals with all types of disabilities and shall be procured in a cost effective manner.

1. The program administrator shall develop and maintain a list of adaptive equipment designed to provide reasonable access to basic Internet service for individuals with a wide range of disabilities. The equipment list shall include adaptive computer equipment that is compatible with a wide range of commonly used computers, operating systems, browsers and electronic mail applications. The list will be provided with the application and certification form. The program will monitor the market for devices that might be added to the program to better meet individual needs and will update the list as necessary to remain current with the market.

2. The program may provide equipment not on the list if such equipment is necessary for basic Internet access and is cost effective when compared to devices on the list.

3. The program will not provide:

A. Base computer equipment or connection equipment needed for Internet access such as a standard computer, monitor, keyboard, mouse, modem, dial-up application, browser, electronic mail application, or other standard Internet related hardware and software;

B. Service from an Internet service provider;

C. Print output devices such as laser printers and braille embossers;

D. Adaptive devices needed for one-to-one personal communication such as hearing aids, artificial larynx, or other augmentative communication devices;

E. Devices needed for Internet access beyond computer adaptations, such as adaptive devices for cable television-based Internet access;

F. Keyboarding or other training beyond consumer support in the use of adaptive equipment.

4. The program shall not be obligated to provide adaptive equipment necessary for access to every Internet browser application, electronic mail application, dial-up application, or other Internet related software.

5. The program shall maintain a list of vendors with which it has contracted to provide adaptive computer equipment.

(B) Application Processing—The program administrator shall process TAP for Internet applications and deliver equipment and services that assure an appropriate match between an individual with a disability and adaptive equipment.

1. Each application shall be reviewed for completeness. If any information is incomplete, the applicant will be contacted and requested to supply such information.

2. Each applicant's eligibility will be verified by information provided on the application form.

3. If the application:

A. Requests equipment on the approved list, and no installation or usage support is needed, the request will be matched with disability certification and approved;

B. Includes an equipment worksheet completed by an approved consumer support provider, verifying applicant needs for the adaptive computer equipment identified, the application will be approved and authorization for consumer support services provided as needed;

C. Requests equipment not on the approved list, the explanation will be reviewed to determine if the equipment is necessary for basic Internet access and is cost effective as compared to devices on the list. If so, the equipment request will be approved.

4. Upon verification of applicant eligibility and determination of equipment/disability match, the program administrator shall order the equipment from an approved vendor and will notify the applicant that the equipment has been ordered.

5. Equipment orders shall include applicant name, make and model of equipment ordered, applicant or consumer support provider shipping address, and date of order. The program administrator shall transmit equipment orders directly to the vendor by facsimile or via other time expedient mechanism that is mutually agreeable.

6. Applicants will be notified if their equipment request cannot be approved as submitted and will be asked to revise their equipment request accordingly.

7. Upon receipt of equipment order, the vendor shall ship the equipment directly to the applicant's Missouri residence or to an approved consumer support provider by verifiable delivery mechanism.

8. The vendor shall provide the program administrator with a monthly invoice of all equipment ordered and delivered.

9. The program administrator may establish alternative and pilot programs to increase program quality and consumer satisfaction.

(C) Consumer Support—The program administrator shall deliver consumer support services directly or through contracts with individuals, organizations, vendors, or other entities. Consumer support providers shall:

1. Have expertise and experience of sufficient depth and breadth to assist consumers in identifying adaptive computer equipment that will meet their needs for Internet access;

2. Be able to provide adaptive computer equipment installation, orientation and use training;

3. Participate in training activities as may be required by the program administrator to assure equipment competency; and

4. Be able to demonstrate equipment knowledge and competency as required by the program administrator.

(D) Equipment Ownership, Repair and Replacement—

1. Adaptive computer equipment purchased for an individual applicant shall be owned by that applicant and applicants are in general responsible for service, repair, and replacement.

2. Configuration and compatibility adjustments, such as those created by Internet service provider changes or changes in operating system software, are the applicant's responsibility.

3. An applicant shall be eligible for replacement equipment every three years. The program administrator may approve equipment replacement within this time period for extenuating circumstances.

4. The program administrator will regularly review all upgrades to software products on contract for the program. If the upgrade is determined to be necessary for product efficiency and is cost effective, the upgrade will be provided notwithstanding the replacement cycle. All applicants who received a product eligible for an upgrade will be notified by the program and asked to submit an upgrade request.

5. If an applicant's disability changes, rendering the adaptive equipment needed for Internet access inappropriate to meet their needs, the applicant may reapply for new equipment and shall provide a description of the disability change.

*AUTHORITY: section 209.253, RSMo 2000. This rule originally filed as 8 CSR 70-1.010. Emergency rule filed July 28, 2000, effective Aug. 28, 2000, expired Feb. 23, 2001. Original rule filed July 28, 2000, effective Jan. 30, 2001. For intervening history, please consult the Code of State Regulations. Moved to 5 CSR 110-1.010 and amended: Filed Dec. 5, 2007.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Assistive Technology Advisory Council, 4731 South Cochise, Suite 114, Independence, MO 64015 or email at matp-mo@swbell.net. To be considered, comments must be received within thirty (30) days after publication in the Missouri Register. No public hearing is scheduled.*

*[Title 1—OFFICE OF ADMINISTRATION  
Division 70—Missouri Assistive Technology Advisory Council  
Chapter 1—Assistive Technology Programs]  
Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 110—Missouri Assistive Technology Advisory Council  
Chapter 1—Assistive Technology Programs*

**PROPOSED AMENDMENT**

**[1 CSR 70-1.020] 5 CSR 110-1.020 Assistive Technology Loan Program.** The council proposes to move this rule from Title 1 to Title 5 and to amend sections (4), and (6).

*PURPOSE: This amendment is being proposed to move rules from the Office of Administration to the Department of Elementary and Secondary Education and to allow the council to establish interest rates and maximum loan amounts that meet the needs of consumers.*

(4) Equipment Eligible for Assistive Technology Loan Funds.

(A) Allowable devices shall include, but not be limited to:

1. Wheelchairs, motorized scooters and other mobility aids;
2. Braille equipment;
3. Scanners;
4. Hearing aids and other assistive listening systems;
5. Augmentative communication systems;
6. Environmental control units;
7. Computers and adaptive computer peripherals;
8. Building modifications for accessibility limited to the cost of the modifications;

9. Motor vehicle modifications for accessibility. *[Motor vehicles such as automobiles, vans, or trucks are not eligible items for revolving loans.]*

(6) Loan Standards.

(A) Interest Rates. As a Special Purpose Credit Program under Section 8 of Regulation B of the Equal Credit Opportunity Act, the loan program may base interest rates on economic need rather than credit risk factors. The council shall establish an interest rate formula for borrowers based on individual payment abilities. *[The interest rate for individuals with an adjusted gross annual income of sixty thousand dollars (\$60,000) or more shall be one (1) percentage point above the prime interest rate or higher. The interest rate for individuals with an adjusted gross annual income of at least thirty thousand dollars (\$30,000) but less than sixty thousand dollars (\$60,000) shall be the prime interest rate or lower. The interest rate for individuals with an adjusted gross annual income of at least fifteen thousand dollars (\$15,000) but less than thirty thousand dollars (\$30,000) shall be one (1) percentage point below the prime interest rate or lower. The interest rate for individuals with an adjusted gross income of less than fifteen thousand dollars (\$15,000) shall be two (2) percentage points below the*

*prime interest rate or lower.]* Loans may be made with no interest.

(D) Loan Amount. *[The maximum loan amount per applicant for revolving loans for the fiscal year immediately following adoption of this rule shall be fifteen thousand dollars (\$15,000). Thereafter, t]The council shall have the authority to review and adjust the maximum loan amount.*

*AUTHORITY: section 191.865, RSMo 2000. This rule originally filed as 8 CSR 70-1.020. Original rule filed July 10, 2001, effective Jan. 30, 2002. Amended: Filed Feb. 4, 2004, effective Aug. 30, 2004. Moved to 1 CSR 70-1.020 and amended: Filed May 23, 2005, effective Dec. 30, 2005. Moved to 5 CSR 110-1.020 and amended: Filed Dec. 5, 2007.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Assistive Technology Advisory Council, 4731 South Cochise, Suite 114, Independence, MO 64015 or email at matp-mo@swbell.net. To be considered, comments must be received within thirty (30) days after publication in the Missouri Register. No public hearing is scheduled.*

**Title 6—DEPARTMENT OF HIGHER EDUCATION  
Division 10—Commissioner of Higher Education  
Chapter 10—Out-of-State Public Institutions**

**PROPOSED RULE**

**6 CSR 10-10.010 Out-of-State Public Institutions**

*PURPOSE: This rule describes the requirements with which out-of-state public institutions that offer instruction in Missouri must comply.*

(1) Definitions.

(A) CBHE: The Coordinating Board for Higher Education created by section 173.005(2), RSMo.

(B) MDHE: The Missouri Department of Higher Education created by section 173.005(1), RSMo.

(C) Out-of-state public institution: An educational institution as defined by section 173.005.11(a), RSMo.

(D) Course: A defined and unique educational offering with discrete objectives and requirements in support of a program, whether conducted in person, by mail, or through any telecommunication medium.

(E) Program: A complete academic or vocational educational offering that fulfills the requirements for the awarding of a certificate or a degree. A program may consist of one (1) or more courses and shall, upon satisfactory completion, fulfill an academic, occupational, or other training objective.

(F) Offer: To enroll or seek to enroll anyone residing in the state of Missouri in a course or program beyond the high school level.

(2) No out-of-state public institution shall offer programs or courses in Missouri without receiving prior approval of the CBHE to do so. Failure to seek and receive approval prior to the delivery of instruction and/or the enrollment of students shall be sufficient cause to deny approval to offer courses or programs.

(3) Approval from the CBHE to offer programs or courses shall be valid for a period of no more than three (3) years. During the period of approval, the out-of-state public institution must provide annual data reports concerning their operations in Missouri as specified by the MDHE.

(4) Degree Program Approval: As of July 1, 2008, the standards for approving degree programs of out-of-state public institutions will be substantially identical to the standards for Missouri public institutions of higher education, with the exception of the standards relating to program financing. The proposal components will be those required by the MDHE under the "Policies and Procedures for the Review of Academic Program Proposals" adopted by the CBHE on April 17, 1997, and standards for approval will be those specified in that policy.

(5) Course Approval: All courses offered by an out-of-state public institution that are not creditable toward a degree program approved by the MDHE for delivery in Missouri must meet, as determined by the MDHE, the following criteria in order to be approved by the CBHE:

(A) The course must be applicable to a recognized program offered by the delivering institution on its home campus;

(B) The course must be of adequate content and duration so as to be considered consistent with similar coursework offered on the institution's home campus or with coursework in the same subject area offered by other higher education institutions;

(C) The course must be taught by regular institutional faculty with educational and experiential qualifications that, in the judgment of the MDHE, are in excess of the level of the program to which the course is applicable;

(D) Students enrolling in the course must have access to adequate academic and student support services, including but not limited to advising, library, financial assistance, and technical assistance;

(E) Students enrolling in the course must have access to adequate information regarding the course content and objectives, all costs associated with enrollment, and the applicability of the course to degree programs offered by the delivering institution; and

(F) Courses offered by telecommunication means must have evidence of sufficient support from the home campus to ensure students have the means to achieve the stated objectives in a manner consistent with students enrolled on the home campus and must be aligned with the "Principles of Good Practice for Distance-Learning/Web-Based Courses" adopted by the CBHE on April 13, 2000.

(6) In order to be approved, the applicant institution must:

(A) Provide documentation that the courses and programs offered by the institution in Missouri are included within the scope of accreditation currently granted by the institution's recognized accrediting body and, as applicable, any applicable programmatic accrediting agency; and

(B) Agree to comply with all CBHE policies relating to data collection, cooperation, and resolution of disputes.

(7) Nothing in this regulation shall be construed or interpreted so that students attending an out-of-state public institution of higher education are considered to be attending a Missouri public institution of higher education for purposes of obtaining student financial assistance.

*AUTHORITY:* section 173.005, RSMo 2007. Original rule filed Dec. 17, 2007.

*PUBLIC COST:* This proposed rule will not cost any public entity more than five hundred dollars (\$500) in the aggregate.

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

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Higher Education, 3515 Amazonas Drive, Jefferson City, Missouri 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 20—Clean Water Commission  
Chapter 4—Grants**

**PROPOSED AMENDMENT**

**10 CSR 20-4.010 Construction Grant/s] and Loan Priority System.** The Clean Water Commission is amending the rule title and sections (1), (2), and (5) and deleting sections (3) and (4).

*PURPOSE:* This amendment changes the way in which the commission will prioritize projects for the Clean Water State Revolving Fund (CWSRF) and certain state grant and loan programs. This amendment also changes the methods used by the commission to develop and modify lists of projects eligible for funding under the CWSRF program and certain state grant and loan programs.

(1) Priority Point System. The commission will prioritize potential grant and loan projects, with the exception of unsewered community reserve projects, by assigning priority points under subsection (1)(A) of this section. In certain unique situations, the commission may award special priority under subsection (1)(B) of this section. [The commission will prioritize unsewered community reserve projects by assigning priority points under subsection (1)(C) of this section.]

(A) [Basic] Priority Points. The commission will [use the mathematical formula contained in this subsection to award basic] award priority points to each potential grant or loan project, based on the total points awarded for the following seven (7) sections. Factors D, E, and F apply only to proposed nonpoint source projects. Proposed nonpoint source projects must be consistent with the current Missouri Nonpoint Source Management Plan. [with the exception of unsewered community reserve projects. The description of each of the factors contained in this formula is contained in paragraphs (1)(A)1.-10. of this rule.

$$\text{Basic Priority Points} = \left[ \frac{\text{Log } 10(A + 1) + B + C + D + \text{Log } 10(E) + F + (G \div 10)}{\frac{(A \div J) + H}{H}} + V \right] \times 10$$

For the purpose of assigning points under factors A and B below, the receiving water is considered to be the immediate water course into which the discharge flows; however, in those cases where the immediate receiving water is not classified in Water Quality Standards, 10 CSR 20-7.031, a downstream classified water body will be considered to be the receiving water if the publicly-owned treatment works (POTW) discharge is either within one (1) mile of the classified water, or is farther away than one (1) mile, but has a demonstrated or predicted use impairment on the classified water.]

1. Factor A—watershed. Factor A [expresses the seven (7)-day  $Q_{10}$  streamflow of the stream receiving discharge from existing POTWs to be improved or eliminated by the proposed grant project. This factor is expressed in cubic feet per second. For lake discharges, factor A equals ten (10). In the case of those proposed grant projects which will not improve or eliminate existing POTWs, factor A equals zero (0);] points are awarded if the proposed project will maintain, improve, protect, or enhance the overall water quality within the watershed. Points will be assigned for each of the areas identified in subparagraphs 1.A. through 1.E. of this paragraph. For the purpose of assigning points under factors A-1 and A-2 below, the receiving water is considered to be the immediate water course into which the discharge flows; however, in those cases where the immediate receiving water is not classified in Water Quality Standards, 10 CSR 20-7.031, a downstream classified water body will be considered to be the receiving water if the publicly-owned treatment works (POTW) discharge or Nonpoint Source (NPS) area is within two (2) miles of the classified water.

A. Factor A-1 expresses the beneficial uses of the water body receiving discharge from existing POTWs or NPS areas to be improved or eliminated by the proposed grant or loan project. The values for Factor A-1 are calculated by adding the total values calculated under part (1)(A)1.A.(I) through part (1)(A)1.A.(III) of this subparagraph.

(I) Fifteen (15) points are awarded for each of the following beneficial uses identified in rule 10 CSR 20-7.031: whole body contact recreation and drinking water supply.

(II) Ten (10) points are awarded for each of the following beneficial uses identified in rule 10 CSR 20-7.031: cool water fisheries, cold water fisheries, protection of warm water aquatic life/human health (fish consumption) or secondary contact recreation.

(III) Five (5) points are awarded for each of the following beneficial uses identified in rule 10 CSR 20-7.031 and not contained in part (1)(A)1.A.(I) through part (1)(A)1.A.(II).

B. Factor A-2 awards points for proposed grant projects which will improve or eliminate existing POTWs or NPS areas which directly discharge to certain sensitive waters. The value for Factor A-2 is calculated by awarding fifteen (15) points for each of the following: losing stream as designated by the Division of Geology and Land Survey; Outstanding National Resource Waters; and Outstanding State Resource Waters. Ten (10) points are awarded for lakes or metropolitan no-discharge streams as identified in rule 10 CSR 20-7.031.

C. Factor A-3 awards points for targeted water bodies. A targeted water body is one in which a Total Maximum Daily Load (TMDL) has been promulgated or is listed on the most recent 303(d) list. Fifteen points (15) will be awarded where a TMDL has been promulgated for the receiving water body and the pro-

posed project addresses an identified problem. Ten (10) points will be awarded if the receiving water body is listed on the most recent 303(d) list and the proposed project addresses an identified problem. No more than fifteen (15) points shall be awarded for Factor A-3.

D. Factor A-4 awards points for watershed planning. Five (5) points will be awarded if the proposed project is part of a comprehensive watershed plan.

E. Factor A-5 awards points for regionalization or consolidation. Fifteen (15) points shall be awarded if the proposed project serves more than one (1) community or the proposed project will eliminate multiple wastewater treatment facilities.

2. Factor B/. Factor B expresses the beneficial uses of the stream or lake receiving discharge from existing POTWs to be improved or eliminated by the proposed grant project. The values for Factor B were calculated by adding the total values calculated under subparagraphs (1)(A)2.A. and B. of this rule. Factor B equals zero (0) for all proposed grant projects which will not improve or eliminate existing POTWs or which do not qualify under subparagraphs (1)(A)2.A. or B. of this rule.

A. Two (2) points are awarded for each of the following beneficial uses identified in rule 10 CSR 20-7.031: whole body contact recreation, drinking water supply and cold water sport fisheries.

B. One (1) point is awarded for each beneficial use identified in rule 10 CSR 20-7.031 and not contained in subparagraph (1)(A)2.A. of this rule.]—POTW. Factor B points will be awarded if the proposed project will address a potential or existing water pollution problem. Points will be assigned for each of the areas identified in subparagraphs 2.A. through 2.D. of this paragraph.

A. Factor B-1 equals fifteen (15) points if the proposed project will eliminate or adequately treat combined or sanitary sewer overflows.

B. Factor B-2 equals fifteen (15) points if the proposed project is for the construction of a new wastewater treatment facility, an increase in capacity or an increase in the level of treatment at an existing wastewater treatment facility. Factor B-2 equals ten (10) points if the project is for the rehabilitation or process improvement of an existing wastewater treatment facility.

C. Factor B-3 equals ten (10) points if the proposed project is primarily to address a documented water quality or public health problem attributable to failing or failed on-site wastewater disposal systems. If incidental, factor B-3 equals five (5) points. Documentation to be provided by any local, county, or state health or environmental professional.

D. Factor B-4 equals fifteen (15) points if the proposed project is for collection system rehabilitation to reduce or eliminate inflow or infiltration. Factor B-4 equals ten (10) points for a new collection system, the expansion of or an upgrade to an existing collection system.

3. Factor C/. Factor C equals two (2) points for proposed grant projects lying in the Ozark area. For purposes of this paragraph, the Ozark area is defined as areas of exposed Ordovicianage and older formations, and Burlington limestone in southwest Missouri. For projects lying outside the Ozark area, factor C equals zero (0).]—sustainability and readiness to proceed. Points will be assigned for each of the areas identified in subparagraphs 3.A. through 3.F. of this paragraph.

A. Factor C-1 equals fifteen (15) points if the applicant

has maintained adequate user charge rates for the existing systems operation and maintenance for the past five (5) years.

B. Factor C-2 equals ten (10) points if the applicant has maintained an inflow/infiltration reduction program for the past five (5) years.

C. Factor C-3 equals five (5) points if the applicant has a water and/or energy conservation plan.

D. Factor C-4 equals five (5) points if the median household income of the applicant, is less than seventy-five percent (75%) of the state median household income as reported in the most recent decennial census.

E. Factor C-5 equals twenty-five (25) points if the applicant has submitted, as part of their application, a complete engineering report/facility plan and has an acceptable debt instrument including any necessary funding commitments from other state and/or federal agencies.

F. Factor C-6 equals five (5) points if the applicant's project is specifically identified in a master wastewater or capital improvement plan.

G. Factor C-7 equals ten (10) points if the applicant's governing board has received training related to the management and operation of wastewater infrastructure.

4. Factor D/. *Factor D awards additional points for proposed grant projects which will improve or eliminate existing POTW's which directly discharge to certain sensitive waters. The value for factor D is calculated by awarding two (2) points for each of the following: losing stream as designated by the Division of Geology and Land Survey; Wild and Scenic Riverways as designated by the National Forest Service or the National Park Service; lakes; or, metropolitan no-discharge streams as identified in rule 10 CSR 20-7.031. For all other projects, factor D equals zero (0).—untreated/uncontrolled runoff. Stormwater runoff from agricultural, suburban, and urban areas such as farms, homes, buildings, roads or parking lots, resulting in flooding of local streams, erosion of stream banks, or increased pollutant transport. Points will be assigned for each of the areas identified in subparagraphs 4.A. through 4.C. of this paragraph.*

A. Factor D-1 equals ten (10) points if the proposed project is for a structural device designed to receive stormwater runoff, and detain it for a period of time in order to reduce pollutant transport and stream erosion.

B. Factor D-2 equals five (5) points if the proposed project entails conservation measures that protect water quality and make land areas more productive.

C. Factor D-3 equals ten (10) points if the proposed project is to address water quality issues at a landfill. A landfill is any site where the disposal of non-hazardous wastes and/or sludge occurs or has occurred by placing them in or on the land, compacting, and covering with a layer of soil. Proper elements such as a capping system, leachate collection system, side slope seepage prevention and control system, monitoring wells are needed to prevent water quality degradation.

5. Factor E/. *Factor E expresses the 1980 population or population equivalent. In most cases, factor E equals the estimated 1980 population contained in the proposed project's service area. However, in those cases known to have significant industrial organic loadings, factor E equals the estimated 1980 population plus the estimated industrial organic loadings expressed as population equivalents.—Groundwater pollution. Points will be assigned for each of the areas identified in subparagraphs 5.A. through 5.E. of this paragraph.*

A. Factor E-1 expresses the beneficial uses of the groundwater area being impacted by nonpoint source pollution. The value for factor E-1 is calculated by adding the total values expressed under part (1)(A)5.A.(I) and part (1)(A)5.A.(II) of this subparagraph. Factor E-1 equals zero (0) for all proposed pro-

jects that will not improve or eliminate nonpoint source pollution from groundwater.

(I) Fifteen (15) points are awarded if the groundwater is a drinking water supply source; and

(II) Five (5) points are awarded if the groundwater is used for industrial purposes, irrigation, and/or livestock/wildlife watering.

B. Factor E-2 equals ten (10) points if the proposed project primarily addresses a documented water quality or public health problem attributable to failing or failed on-site wastewater disposal systems. If incidental, factor B-3 equals five (5) points. Documentation to be provided by any local, county, or state health or environmental professional.

C. Factor E-3 equals five (5) points if the proposed project addresses water quality problems caused by petroleum storage tanks.

D. Factor E-4 equals ten (10) points if the proposed project addresses water quality problems caused by a hazardous waste site that is participating in the department's Voluntary Cleanup Program.

E. Factor E-5 equals ten (10) points if the proposed project addresses water quality problems caused by inadequate landfill leachate collection and treatment.

6. Factor F/. *Factor F equals three (3) points for known problems or one (1) point for potential problems resulting from industrial discharge to an existing POTW of priority pollutants identified by Environmental Protection Agency (EPA). These points will only apply to those projects which propose to improve or eliminate the existing POTW having these industrial discharges. Factor F equals zero (0) for all other projects.—Aquatic/riparian habitat. Aquatic/riparian habitat is a vegetated or potentially vegetated ecosystem along a water body through which energy, materials, and water pass thereby providing nutrient recycling and biological diversity. Factor F equals ten (10) points if the proposed project is to restore aquatic/riparian habitat and/or to prevent aquatic/riparian habitat degradation.*

7. Factor G. *Factor G equals the monthly average concentration, in milligrams per liter, of the biochemical oxygen demand<sub>5</sub> (BOD<sub>5</sub>) in excess of the National Pollutant Discharge Elimination System (NPDES) permit limits for existing POTWs to be improved or eliminated by the proposed grant project. The concentration of BOD<sub>5</sub> being discharged is calculated by averaging BOD<sub>5</sub> values reported to the department by the permittee in the discharge monitoring reports required in the NPDES permit. The department will adjust values downward where excessively high BOD<sub>5</sub> is thought to result from lack of proper operation and maintenance, rather than physical plant problems (See also subsection (4)(A) of this rule).*

8. Factor H. *Factor H equals the estimated effluent flow expressed in cubic feet per second. These estimates were based upon 1980 population estimates, assuming one hundred (100) gallons of effluent will be generated per capita per day. The department will add any known, significant flows to this estimated domestic flow.*

9. Factor J. *Factor J expresses a dilution factor adjustment. Values for this factor are calculated for proposed grant projects which will improve or eliminate existing POTWs in subparagraphs (1)(A)9.A.–C. of this rule.*

A. *Factor J equals five hundred (500) if the existing POTW discharge does not meet applicable NPDES limits for fecal coliform and discharge is to a stream or lake designated for whole body contact recreation in rule 10 CSR 20-7.031.*

B. *Factor J equals fifty (50) if the factor C equals two (2) under paragraph (1)(A)3. of this rule and if the project does not qualify for five hundred (500) points under*

subparagraph (1)(A)9.A. of this rule.

C. Factor J equals five (5) if discharge is to a prairie stream or to a stream in the Mississippi Embayment area and if the project does not qualify for five hundred (500) points under subparagraph (1)(A)9.A. of this rule.

10. Factor V. Factor V expresses the impact of POTWs to be improved or eliminated by the proposed grant project, on the receiving stream or lake. Factor V is assigned a value of from zero to twelve (0–12) points, based on the classification of the receiving water in 10 CSR 20-7.031, the severity of the impact and the length of the affected receiving water reach. Data from direct observations are used, and impacts are estimated, based on similar situations, where no specific data are available.]

(B) Special Priority. The commission may assign special priority and override the priority points assigned to a project under subsection (1)(A) of this rule and place that project on the planning, fundable or contingency priority lists in a position decided by the commission. In order to award special priority, the commission must determine that unique or unusual needs exist which do not logically fit into the rating system described in subsection (1)(A) of this rule. In addition, the commission may award special priority for projects impacting enterprise zones as authorized under state law.

(C) [Unsewered Community Reserve Priority Points. The commission will use the mathematical formula contained in this subsection to award priority points to projects competing for funds from the unsewered community reserve. The description of each of the factors contained in this formula is contained in paragraphs (1)(C)1.–5. of this rule.

Unsewered Community Reserve

$$\text{Points} = K + L + \frac{(M - N)}{100} + V(2)$$

1. Factor K. Factor K expresses the potential for groundwater pollution wastewater treatment systems. The numerical value for Factor K will be calculated by the Missouri Division of Geology and Land Survey following a site survey and application of the groundwater criteria contained in Engineering Geology Report Number 7, *Geologic Aspects of Home Liquid-Waste Disposal in Missouri*.

2. Factor L. Factor L expresses the potential for surface water contamination from waste treatment systems. The numerical value for Factor L will be calculated by the Missouri Division of Geology and Land Survey following a site survey and application of the surface water criteria contained in Engineering Geology Report Number 7, *Geologic Aspects of Home Liquid-Waste Disposal in Missouri*.

3. Factor M. Factor M equals the 1980 population as contained in the official 1980 census.

4. Factor N. Factor N equals the 1960 population as contained in the official 1960 census.

5. Factor V. Factor V expresses the observed impact of waste treatment systems on surface waters of the state. Factor V is calculated as stated under paragraph (1)(A)10. of this rule.] **Phased/Segmented Projects.** Projects that are phased or segmented due to limited program funding or project complexity may receive an additional fifty (50) points. Additional priority points shall not be assigned until the first phase or segment of the proposed project has been funded.

(D) Debt Refinancing/Refunding. For projects that have initiated construction activities or have completed construction and are applying for financial assistance to refinance or refund the debt, five (5) priority points will be assigned. Projects primarily related to refinancing or refunding will not receive any other priority points.

(E) For the purposes of assigning priority points, the following definitions shall apply.

1. Increase capacity. Increasing the treatment capacity for existing treatment plants, biosolids handling facilities, decentralized treatments systems, and NPS Best Management Practices (BMPs) with respect to flow or tonnage.

2. Increase level of treatment. Improving the degree of treatment. This refers to any improvement in unit processes or BMPs that improves the effluent quality or decreases the concentration of most water quality variables from runoff or other nonpoint sources. The addition of nutrient removal is considered to be an improvement in effluent quality.

3. Rehabilitation. Restoring or repairing parts of existing treatment plants, combined or separate sewer systems, biosolids handling facilities, individual on-site systems, and NPS BMPs with no increase in capacity or level of treatment.

4. Replacement. An existing facility is considered to be obsolete and is demolished, and a new facility is constructed on the same site.

5. Process improvement. Any improvement to a facility that does not increase the capacity, increase the level of treatment, expand the service area, or make a similar change to existing treatment plants, biosolids handling facilities, decentralized treatment systems, and NPS BMPs.

(F) Priority Point Tiebreaker. In the event two (2) or more proposed projects have the same priority point total, the project with the greater service area population shall be given funding priority.

(2) Priority Lists. Each year, following a public hearing, the commission shall establish priority lists for using future anticipated federal grant allocations. These lists shall contain several parts, as described in subsections (2)(A)–(E) through (2)(D) of this rule. These lists shall become effective annually with the adoption of an Intended Use Plan. However, the commission may bypass projects on these lists for failure to proceed to grant award or loan closing in an expeditious manner.

(A) Fundable List/s/. The fundable priority list/s identify/ identifies those projects which the commission intends to fund during a given [federal] state fiscal year. [from anticipated federal grants allocations. The commission shall develop fundable priority lists as described in paragraphs (2)(A)1.–5. of this rule. Projects will not be considered for the fundable lists if the applicant fails to update the cost estimates by February 1 prior to the fiscal year for which funds are requested. These lists shall become effective after a federal allotment of grant funds is announced by EPA. However, the commission may bypass projects on these lists prior to their effective date.] The commission will not consider placing a proposed project on the fundable list unless a complete engineering report/facility plan is submitted and information indicating that the public entity has an appropriate debt instrument in place. A debt instrument includes, but is not limited to, general obligation bonds, revenue bonds, and/or an annually appropriated debt structure approved by the Environmental Improvement and Energy Resources Authority.

1. Metropolitan St. Louis Sewer District fundable list. The commission shall determine the amount of the anticipated federal grants allocations to be awarded to projects under the jurisdiction of the Metropolitan St. Louis Sewer District (MSD). The MSD fundable priority list shall consist of the highest priority projects under the jurisdiction of the Metropolitan St. Louis Sewer District which the commission determines will be ready for an award by April 1 of the federal fiscal year for which the federal funds are anticipated.

2. Kansas City fundable list. For fiscal years after FY86, the commission shall determine the amount of the anticipated federal grants allocations to be awarded to projects under the jurisdiction of Kansas City. The Kansas City fundable priority list shall consist of the highest priority projects under

the jurisdiction of Kansas City which the commission determines will be ready for an award by April 1 of the federal fiscal year for which the federal funds are anticipated.

3. **Primary treatment fundable list.** The commission shall determine the amount of federal grant allocations to be awarded to projects eliminating or upgrading POTWs providing only primary treatment and having average dry-weather flows in excess of one hundred thousand (100,000) gallons per day. The primary treatment fundable list shall consist of the highest priority projects meeting this criteria. Projects qualifying for this list are also limited to those which the commission determines will be ready to proceed prior to April 1 of the federal fiscal year for which the funds are anticipated.

4. **Outstate fundable list.** The commission shall determine the amount of the anticipated federal grants allocations to be awarded to projects under the jurisdiction of applicants other than those described in paragraphs (2)(A)1. and 2. of this rule. The outstate fundable priority list shall consist of the highest priority projects eligible for this list which the commission determines will be ready for an award by April 1 of the federal fiscal year for which the federal funds are anticipated.

5. **Unsewered community reserve fundable list.** The commission shall determine the amount of the anticipated federal grants allocations to be awarded to projects competing for unsewered community reserve funds. The unsewered community reserve fundable list shall consist of the highest priority unsewered community reserve projects which submit their facilities plan prior to January 1 of the fiscal year prior to the fiscal year for which federal funds are anticipated.

6. **Small community alternative fundable list.** The commission shall determine the amount of federal grants allocations to be awarded to projects competing for small community alternative reserve funds. The small community alternative reserve fundable list shall consist of the highest priority small community alternative reserve projects which submit their facilities plan before January 1 prior to the fiscal year for which federal funds are anticipated and which meet the criteria stated in subsection (3)(E). This facility plan must recommend Innovative Alternative (I/A) technology as the selected alternative.]

(B) **Fundable Contingency Priority List.** The fundable contingency priority list(s) identifies those projects [which may be considered for funding during a given fiscal year if unanticipated or uncommitted EPA grant funds become available. The commission shall develop contingency priority lists as described in paragraphs (2)(B)1.–5. of this rule. Projects will not be considered for the contingency lists if the applicant fails to update the cost estimates by February 1 of the fiscal year for which funds are requested. These lists shall become effective after a federal allotment of grant funds for the fiscal year is announced by EPA.

1. **MSD contingency list.** The MSD contingency list shall consist of the highest priority projects under the jurisdiction of MSD remaining after removal of the fundable list projects. Projects qualifying for this list also are limited to those which the commission determines will be ready for an award by July 1 of the federal fiscal year for which the federal funds are anticipated.

2. **Kansas City contingency list.** The Kansas City contingency list shall consist of the highest priority projects under the jurisdiction of Kansas City remaining after removal of the fundable list projects. Projects qualifying for this list also are limited to those which the commission determines will be ready for an award by July 1 of the federal fiscal year for which the federal funds are anticipated.

3. **Primary treatment contingency list.** The primary treatment contingency list shall consist of the highest priority projects meeting the treatment level and size criteria of paragraph (2)(A)1. which remain after removal of the fundable list projects. Projects qualifying for this list also are limited to those which the commission determines will be ready to proceed prior to July 1 of the federal fiscal year for which funds are anticipated.

4. **Outstate contingency list.** The outstate contingency list shall consist of the highest priority projects under the jurisdiction of applicants other than MSD remaining after removal of the fundable list projects. Projects qualifying for this list also are limited to those which the commission determines will be ready for an award by July 1 of the federal fiscal year for which the federal funds are anticipated.

5. **Unsewered community reserve contingency list.** The unsewered community reserve contingency list shall consist of the highest priority unsewered community reserve projects remaining after removal of the fundable list projects. Projects qualifying for this list also are limited to those which submit their facilities plan prior to January 1 of the fiscal year prior to the fiscal year for which the federal funds are anticipated.

6. **Small community alternative contingency list.** The small community alternative contingency list shall consist of the highest priority small community alternative reserve projects remaining after removal of the fundable list projects. Projects qualifying for this list also are limited to those which submit their facilities plan prior to January 1 of the fiscal year prior to the fiscal year for which the federal funds are anticipated and which meet the criteria stated in subsection (3)(E). This facility plan must recommend I/A technology as the selected alternative.] meeting all programmatic criteria to receive funds. This list is created due to insufficient available funds. Projects will be listed in priority point order regardless of the date which all programmatic criteria are met.

(C) **Contingency Priority List.** The contingency priority list identifies those projects which may be considered for funding during a given fiscal year if unanticipated or uncommitted funds become available. Projects will not be considered for the contingency priority list unless a complete engineering report/facility plan has been submitted for review.

[(C)](D) **Planning List.** The planning list(s) identify] identifies all potential grant or loan projects not contained on a fundable priority list. [The commission shall develop planning lists as described in paragraphs (2)(C)1.–3. of this rule. These lists shall become effective upon adoption by the commission.

1. **General planning list.** The general planning list shall contain all potential projects which are not on a fundable priority list.

2. **Unsewered community reserve planning list.** The unsewered community reserve planning lists shall contain all potential unsewered community reserve projects not on the unsewered community reserve fundable list which submit their facilities plan prior to January 1 of the fiscal year prior to the fiscal year for which the federal funds are anticipated.

3. **Small community alternative planning list.** The small community alternative planning list shall contain all potential small community alternative projects which submit their facilities plan prior to January 1 of the fiscal year prior to the fiscal year for which the federal funds are anticipated and which meet the criteria stated in subsection (3)(E).

4. **Primary treatment planning list.** The primary treatment planning list shall contain all projects meeting the treatment level and size criteria of paragraph (2)(A)2.] **Planning list projects may advance to the contingency or fundable lists, with commission approval, upon submission of an acceptable**

debt instrument and/or a complete engineering report/facility plan.

*(D) Reserves.* The commission shall determine the amount of the anticipated federal grants allocations to be placed into each reserve discussed in section (3) of this rule. The amount of funds assigned to each reserve shall become effective after a federal allocation of grant funds for the fiscal year is announced by EPA.

*(E) Carryover Priority List.* The commission shall maintain a carryover priority list identifying unfunded projects approved for funding in a prior federal fiscal year which retain their funding eligibility in the current federal fiscal year.

*(3) Reserves Management.* The special reserves to which the commission may distribute portions of anticipated federal grants allocations are listed as subsections (3)(A)–(G) of this rule.

*(A) State Management Assistance Reserve.* The commission may place a portion of anticipated federal grants allocations in the state management assistance reserve. Any funds placed in this reserve by the commission will be granted to the department by the EPA for use in administering portions of the department's water pollution control activities.

*(B) Water Quality Management Reserve.* The commission shall place a portion of anticipated grants federal allocations in the water quality management reserve. Funds placed in this reserve will be granted to the department by the EPA to support water quality management planning by the department.

*(C) Step 1-2 Advance Reserve.* The commission may place a portion of anticipated federal grants allocations in the advance reserve. Funds placed in this reserve will be granted to the department by EPA to support a program of advancing grant funds to certain grantees of less than twenty thousand (20,000) population to help offset the cost of project engineering work which must precede an EPA grant for construction.

*(D) Innovative/Alternative Reserve.* The commission shall place a portion of anticipated federal grants allocations in the innovative and alternative reserve. Funds placed in this reserve shall only be used to provide an increase in the federal grant percentage on those projects or portions of projects using I/A technology. The department will ask EPA to award these funds to qualifying projects on a first-come, first-serve basis until this reserve is depleted.

*(E) Small Community Alternative Reserve.* The commission shall place a portion of anticipated grants allocations in the small community alternative reserve. Funds placed in this reserve shall be used to award grants to applicants having projects or project portions qualifying under federal law for these funds and which have been placed on the small community alternative fundable list. In order to compete for these funds, a project must meet the criteria in paragraphs (3)(E)1.–3. of this rule.

1. The applicant must have a population of thirty-five hundred (3500) people or less.

2. The project or project portion must make use of innovative or alternative technology.

3. Other EPA funds are available to support the portions of the project not qualifying as innovative or alternative. (The commission will consider exceptions where the project requires less than one hundred thousand dollars (\$100,000) in outstate general funds.)

*(F) Unsewered Community Reserve.* The commission may place a portion of anticipated grants allocations in the unsewered community reserve. Funds placed in this reserve

shall be used to award grants to applicants placed on the unsewered reserve fundable list and not having a POTW of greater than seventy-five (75) population equivalents.

*(G) Grant Increase Reserve.* The commission may place a portion of anticipated grant allocations in the grant increase reserve. Funds placed in this reserve shall be used to award needed grant increases to projects which are funded or which are on a current fundable priority list or a current carryover priority list. The department will review each request for these funds on a case-by-case basis to determine the reasonableness of the request, relative need, eligibility for funding under this program and availability of funds in this reserve. Following this review, the department will ask EPA to award funds from this reserve to those projects approved for a grant increase by the department or the commission. Projects under the jurisdiction of the MSD will not qualify for funds from this reserve. Projects under the jurisdiction of Kansas City will not qualify for funds from this reserve in fiscal years following FY86.

*(4) Limits on Eligibility.* In addition to the limitations on eligibility established by EPA, the commission limitations on grant eligibility stated in subsections (4)(A)–(O) of this rule will apply to all EPA construction grant projects.

*(A) Projects will not be eligible if the applicant is in non-compliance with commission regulations, policies or with the requirements of a NPDES permit. Exceptions may be granted for failure to meet effluent limitations and sewage bypass restrictions due to inadequate physical facilities.*

*(B) The cost of land purchase for the purpose of effluent irrigation will not be eligible unless the wastewater is applied at rates approaching the maximum rates allowed for land treatment.*

*(C) The cost of tractors, mowers, pickups or other multiple use equipment will not be eligible.*

*(D) The cost of locating and uncovering manholes for inspection or flow monitoring will not be eligible.*

*(E) The cost of constructing collector sewers and appurtenances will not be eligible. Exceptions may be made if the commission and the governor decide to use a portion of the federal grant funds to construct collection sewers.*

*(F) The cost of constructing laboratory facilities will not be eligible unless construction and operation of a laboratory is more cost effective than use of cooperative facilities or the use of contractual arrangements for laboratory testing.*

*(G) Replacement of pump stations that are otherwise eligible which are at or near their design life, yet are structurally sound and capable of handling existing and design flows for the project, will not be eligible. Those needing modifications to bring them to current design standards will have eligibility limited to the cost of the modifications required to meet existing standards at existing flows for the project. For those projects qualifying for grandfathering of reserve capacity under the Clean Water Act, eligibility will include modifications required to meet existing standards at design flows for the project.*

*(H) The total EPA grant assistance on a project shall not exceed five thousand dollars (\$5000) per connection. For sewer communities the number of connections will be those in existence on the date of grant award. For unsewered communities, the number of connections will be the number of connections anticipated at the completion of the grant project.*

*(I) The cost of land for sludge landfills will not be eligible.*

*(J) The cost of dry weather bypass elimination will not be eligible if the bypass problem is caused by improper operation and maintenance.]*

*[(5)] (3) [Transfer of Funds] Modifications.* After the commission adopts the *[priority lists and establishes reserves under section (2) of this rule, the commission may transfer funds among the reserves, the fundable priority lists and the carryover priority lists. The commission also may add or remove projects from the fundable, carryover and contingency priority lists in accordance with the procedures stated in subsections (5)(A)–(D) of this rule]* **Intended Use Plan, it may modify the priority lists or redistribute the available funds in accordance with subsections (3)(A) through (3)(D) of this rule. The commission may only take this action after providing notice to those projects directly affected.**

(A) Inadequate Allocations. If the actual *[federal grants allocations are]* **funding is** less than the allocations anticipated by the commission in the development of the *[fundable priority list and reserves]* **Intended Use Plan**, or if previous allocations are reduced, the commission may find it necessary to reduce their commitments to projects on the fundable *[or carryover lists or to the various reserves listed in section (3) of this rule]* **lists**. The commission may take formal action to reduce the number of commitments in accordance with paragraphs *[(5)(A)1.–3.] (3)(A)1. through (3)(C)3.* of this rule.

1. The commission may reduce the amount of funds allocated to each *[reserve identified in section (3) of this rule]* **purpose as shown in the Intended Use Plan**.

2. The commission may remove the lowest priority projects from the *[carryover or]* fundable priority lists, placing these projects on the **appropriate** contingency priority list in a position dictated by their priority relative to others on *[the]* **that** contingency priority list.

3. The commission may bypass projects on the fundable *[or carryover]* priority lists in accordance with subsection *[(5)](3)(C)* of this rule.

(B) Unanticipated and Uncommitted Funds. If unanticipated or uncommitted funds become available, the commission may take formal action to distribute them in accordance with paragraphs *[(5)(B)1.–3.] (3)(B)1. through (3)(B)3.* of this rule, *[if they become available before July 1 of the federal fiscal year. All funds that become available after July 1 of the fiscal year may be distributed in accordance with paragraphs (5)(B)2.–4. of this rule].*

1. The commission may use the unanticipated or uncommitted funds to move the highest priority project(s) from contingency priority list to the proper fundable priority list. *[This action is limited to those contingency list projects which the commission determines will be ready for award by July 1 of the federal fiscal year. This paragraph does not prohibit the transfer of funds among the various fundable and contingency lists.]*

2. The commission may use the unanticipated or uncommitted funds to increase the amount of funds allocated to the various *[reserves listed under section (3) of this rule]* **purposes as shown in the Intended Use Plan**.

3. The commission may use the unanticipated or uncommitted funds to *[award grants to projects receiving special priority under subsection (1)(C) of this rule. The commission may not take this action without previous notification of intent to applicants for those projects on the contingency priority lists.*

4. *The commission may use the unanticipated or uncommitted funds to award grants to the highest priority projects on any contingency list which have met all requirements for an EPA construction grant. If enough projects are not available to use all unanticipated or uncommitted funds, the commission may distribute these funds on a first-come, first-serve basis to any project on contingency lists as they complete all requirements for an EPA construction grant]* **increase the amount of funds allocated to projects on the fund-**

**able priority list or to provide increased assistance to projects which have already received assistance.**

(C) Project Bypass. The commission may bypass any project on the *[carryover or]* fundable priority list which is not, in the commission's opinion, making satisfactory progress in satisfying requirements for *[an EPA construction grant]* **assistance**. Bypassed projects will be removed from the *[carryover and]* fundable priority list(s) and placed on the proper contingency priority **or planning** list in a position dictated by the commission. In determining whether a project is making satisfactory progress in satisfying the requirements for *[an EPA construction grant]* **assistance**, the commission shall use the criteria contained in paragraphs *[(5)(C)1.–3.] (3)(C)1. through (3)(C)2.* of this rule. The commission may reinstate any bypassed projects on the fundable *[or carryover]* priority lists after first giving notice to applicants for those projects on the contingency lists of the commission's intent to reinstate bypassed projects. Funds released through project bypass will be considered uncommitted and available for distribution in accordance with subsection *[(5)](3)(B)* of this rule.

1. All projects originally on the fundable *[or carryover]* lists, when *[they become effective in accordance with section (2) of this rule]* **adopted**, may be bypassed if the applicant fails to submit all documents required for *[an EPA construction grant award by February 1 of the federal fiscal year and if the department does not give formal approval to all these documents by April 1 of the federal fiscal year, with the exception of the facilities plan which must have a finding of no significant impact, or its equivalent, issued by April 1]* **assistance at least sixty (60) days prior to the quarter for which assistance is anticipated.**

*[2. All projects on a current fundable or carryover list, which were placed on these lists after they become effective in accordance with section (2) of this rule, may be bypassed if the applicant fails to submit all documents required for an EPA construction grant award by May 1 of the federal fiscal year and if the department does not give formal approval to all these documents by July 1 of the federal fiscal year, with the exception of the facilities plan which must be approvable by July 1.]*

*[3.]2.* The commission may use individual project schedules developed by the department to determine whether *[an EPA grants]* a project on the current fundable *[or carryover]* list(s) is making satisfactory progress at those times during the *[federal]* fiscal year *[not addressed in paragraphs (5)(C)1. or 2. of this rule].*

**3. Carryover projects may be automatically bypassed if they do not have all documents required for assistance submitted and approved on or before February 1. This is the deadline for projects wishing to receive a grant or loan prior to the end of the state fiscal year within the two (2)-year application cycle.**

(D) Project Removal. The department will remove projects from the contingency, fundable, *[carryover]* or planning lists if they meet any one (1) of the criteria stated in paragraphs *[(5)(D)1.–5.] (3)(D)1. through (3)(D)5.* of this rule.

1. The department will remove a project if it is funded by *[EPA]* **other funding sources**.

2. The department will remove a project if it is determined to be ineligible for funding *[under the EPA wastewater treatment construction grants program].*

3. The department will remove projects from these lists if directed by commission action under subsections *[(5)](3)(A)* or (C) of this rule.

4. The department will remove projects from these lists if directed to do so by EPA in accordance with federal law.

5. The department will consider removing projects from these lists at the request of the applicant.

*AUTHORITY: section 644.026, RSMo [Supp. 1987] 2000. Original rule filed Dec. 4, 1975, effective Dec. 14, 1975. For*

*intervening history, please consult the Code of State Regulations. Amended: Filed Nov. 14, 2007.*

*PUBLIC COST: This proposed amendment will not cost state agencies, public entities 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 Department of Natural Resources, Water Protection Program, Douglas A. Garrett, PO Box 176, Jefferson City, MO 65102. Comments may be sent through e-mail to [doug.garrett@dnr.mo.gov](mailto:doug.garrett@dnr.mo.gov). Public comments must be received by March 19, 2008. A public hearing is scheduled at a meeting of the Clean Water Commission to be held at 9 A.M., March 12, 2008, at the Renaissance St. Louis Airport, 9801 Natural Bridge Road, St. Louis, Missouri 63134.*

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 20—Clean Water Commission  
Chapter 7—Water Quality**

**PROPOSED AMENDMENT**

**10 CSR 20-7.031 Water Quality Standards.** The Department of Natural Resources is amending subsection (2)(D) to create a reference to a new procedure developed to implement the antidegradation policy.

*PURPOSE: This amendment fulfills an obligation under 40 CFR 131.12, that requires a state to develop and adopt a statewide anti-degradation policy and identify the methods for implementing such policy pursuant to the federal rule. The state previously developed and promulgated an antidegradation policy in section (2) of this rule and is now proposing to incorporate into subsection (D) of this rule a reference to the implementation methods adopted by the Clean Water Commission on April 20, 2007.*

*PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(2) Antidegradation. The antidegradation policy shall provide three (3) levels of protection.

(D) The three (3) levels of protection provided by the antidegradation policy in subsections (A) through (C) of this section shall be implemented according to procedures [developed by the department. The antidegradation implementation procedure shall go through stakeholder development and the finalized procedure shall be referenced by this rule before it becomes effective] hereby incorporated by reference and known as the "Missouri Antidegradation Rule and Implementation Procedure, April 20, 2007" published by the Missouri Department of Natural Resources. No later amendments or additions are included. This document shall be made available to anyone upon written request to the Department of Natural Resources, Water Protection Program, Water Pollution Control Branch, PO Box 176, Jefferson City, MO 65102-0176.

*AUTHORITY: sections 644.021, RSMo Supp. [2004] 2007 and 644.026, RSMo 2000. Original rule filed May 13, 1977, effective Dec. 11, 1977. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 13, 2007.*

*PUBLIC COST: This proposed amendment will cost the Department of Natural Resources eighty-nine thousand, seven hundred one dollars (\$89,701) annually and publicly-owned wastewater treatment facilities \$2,384,795 annually. The total estimated aggregate cost to public entities is \$2,474,496. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*PRIVATE COST: This proposed amendment will cost privately-owned wastewater treatment facilities \$1,476,302 annually. The total annual aggregate cost to private entities is expected to recur for the life of the rule, vary with inflation and increase at the rate projected by the Legislative Oversight Committee.*

*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 Natural Resources, Division of Environmental Quality, Water Protection Program, Philip A. Schroeder, PO Box 176, Jefferson City, MO 65102. Comments may be sent with name and address through email to [phil.schroeder@dnr.mo.gov](mailto:phil.schroeder@dnr.mo.gov). Public comments must be received by March 19, 2008. A public hearing is scheduled at a meeting of the Clean Water Commission to be held at 9 a.m., March 12, 2008, in the Renaissance St. Louis Hotel Airport, 9801 Natural Bridge Road, St. Louis, Missouri.*

**FISCAL NOTE  
PUBLIC COST**

- I. Department Title: Department of Natural Resources**
- Division Title: Clean Water Commission**
- Chapter Title: Water Quality**

<b>Rule Number and Name:</b>	10 CSR 20-7.031 Water Quality Standards
<b>Type of Rulemaking:</b>	Proposed Rule Amendment

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
<b>Department of Natural Resources</b>	<b>\$89,701 annually for 1 FTE</b>
<b>Publicly Owned Wastewater Treatment Facilities</b>	<b>The cost of compliance is \$2, 384, 795 annually.</b>

**WORKSHEET**

<b>Costs - Department of Natural Resources</b>			
Personal Service Costs (1 FTE) - EE III (\$53,928 Range 32 Step L)	\$46,288	\$57,212	\$58,929
Fringe Benefits @ 42.2% (Based on FY08 Rate)	\$19,534	\$24,143	\$24,868
Equipment and Expense (Standard FY08 EE Coding)	\$17,220	\$5,731	\$5,904
<b>Total Costs - Department of Natural Resources</b>	<b>(\$83,042)</b>	<b>(\$87,086)</b>	<b>(\$89,701)</b>
<b>ESTIMATED NET EFFECT ON PERMIT FEE FUND</b>	<b>(\$83,042)</b>	<b>(\$87,086)</b>	<b>(\$89,701)</b>
<b>Lowest Cost Scenario</b>			
<b>Part 1. Analysis of No Discharge Alternative</b>			
Personal Service Cost - Engineer (\$120 per hour * 50 hours = \$6,000)	\$ 6,180	\$ 6,365	\$ 6,556
Personal Service Cost - Technician (\$80 per hour * 65 hours = \$5,200)	\$ 5,356	\$ 5,517	\$ 5,682

<b>Total Estimated Costs Per Facility:</b>	<b>\$ 11,536</b>	<b>\$ 11,882</b>	<b>\$ 12,239</b>
<b>Estimated Annual Aggregate Cost (21 apps per yr):</b>	<b>\$ 207,648</b>	<b>249,524</b>	<b>257,009</b>
<b>(18 Applicants the first partial year and 21 per year thereafter)</b>			
<b>Highest Cost Scenario</b>			
<b>Part 1. Analysis of No Discharge Alternative</b>			
Personal Service Cost - Engineer (\$120 per hour * 100 hours = \$12,000)	\$ 12,360	\$ 12,731	\$ 13,113
Personal Service Cost - Technician (\$80 per hour * 130 hours = \$10,400)	\$ 10,712	\$ 11,033	\$ 11,364
<b>Total:</b>	<b>\$ 23,072</b>	<b>\$ 23,764</b>	<b>\$ 24,477</b>
<b>Part 2. Determining Existing Water Quality of the Receiving Water</b>			
Sampling Labor - Operator (\$15 per hour * 100 hours = \$1,500)	\$ 1,545	\$ 1,591	\$ 1,639
Laboratory Costs - Lab Tech & Equipment (\$25,000 per year)	\$ 25,750	\$ 26,523	\$ 27,318
Sampling & Analysis Plan - Consultant (\$100 per hour * 200 hours)	\$ 20,600	\$ 21,218	\$ 21,855
<b>Total:</b>	<b>\$ 47,895</b>	<b>\$ 49,332</b>	<b>\$ 50,812</b>
<b>Part 3. Analysis of Minimally Degrading Alternatives</b>			
Personal Service Cost - Engineer (\$120 per hour * 120 hours = \$14,400)	\$ 14,832	\$ 15,277	\$ 14,400
Personal Service Cost - Technician (\$80 per hour * 52 hours = \$4,160)	\$ 4,285	\$ 4,413	\$ 4,160
<b>Total:</b>	<b>\$ 19,117</b>	<b>\$ 19,690</b>	<b>\$ 18,560</b>
<b>Part 4. Documentation of Socio-Economic Importance</b>			
Personal Service Cost - Planner (\$120 per hour * 36 hours = \$4,320)	\$ 4,450	\$ 4,583	\$ 4,721
Personal Service Cost - Engineer (\$120 per hour * 21 hours = \$2,520)	\$ 2,596	\$ 2,673	\$ 2,754
<b>Total:</b>	<b>\$ 7,045</b>	<b>\$ 7,257</b>	<b>\$ 7,474</b>
<b>Total Estimated Costs Per Facility:</b>	<b>\$ 97,129</b>	<b>\$ 100,043</b>	<b>\$ 101,323</b>
<b>Estimated Annual Aggregate Cost (21 apps per yr):</b>	<b>1,748,322</b>	<b>2,100,900</b>	<b>2,127,786</b>
<b>(18 Applicants the first partial year and 21 per year thereafter )</b>			

IV.

**ASSUMPTIONS**

The duration of the proposed rule is indefinite. There is no sun-set clause. Costs imposed by the proposed rule are shown on an annual basis. It is assumed that additional years will be consistent with the assumptions used to calculate the annual costs identified in this fiscal note.

Because certain costs imposed on the permit applicant cannot be completely quantified at this time, this fiscal analysis does not fully delineate these costs. These costs include, but not limited to those associated with:

- 1) hiring additional personal or third-party contractors to comply with this rule
- 2) modeling associated with the antidegradation analysis
- 3) implementing additional technology beyond what is currently contemplated by existing rules
- 4) indirect costs related to inflation and loss of revenues caused by potential delays in permit issuance

For the department the costs of the employee's salary is calculated using the annual salary multiplied by the FY 2008, 42.2 % fringe benefit rate. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee. Equipment and expense are calculated according to a standard code for FY 2008, Environmental Engineer III . First-year equipment and expense costs are highest, reflecting the initial office set-up for the employee.

It is anticipated that all costs are expected to increase at the rate projected by the Legislative Oversight Committee. A 3% rate of inflation is applied to personnel costs. The FY2009 reflects that portion of the first full fiscal year the rule is effective, or 10 months, including the number of applications that may be received.

Complex technical review of an antidegradation analysis performed by a permit applicant, prior to construction permit issuance, requires an Engineer, Level III, with expertise in water quality analysis and engineering economics in the permitting and engineering section of the Water Pollution Control Branch.

The public fiscal note for this rule only reflects the cost resulting from the required technical review and analyses of approximately 42 applications per year.

For municipalities and other public entities, the documented fiscal impact associated with implementing the rule is based on cost information from the Missouri Public Utilities Alliance (MPUA):

The MPUA estimate was selected, based on discussions with several smaller municipalities, representing a small municipality (6,000 population) of \$68,744. The estimates from this municipality may be less than that required on more complex treatment systems or where significant wastewater contributions come from industrial facilities. This estimate also involved one stream, whereas other facilities may involve more.

For municipal engineer and technician salaries and lab tech operator and consultant expenses it is expected that the costs will increase at the rate projected by the Legislative Oversight Committee. A 3% rate of inflation is applied to MPUA per hour expense costs. The FY2009 reflects that portion of the first full fiscal year the rule is effective, or 10 months.

The worksheet containing the estimated costs to Publicly Owned Treatment Works (POTWs) considers costs associated with performing basic antidegradation review. Under the low cost scenario, a Part 1 Analysis of No-Discharge Alternative is required, under the high cost scenario, a Part 1 Analysis of No-Discharge Alternative, a Part 2 Determining Existing Water Quality of the Receiving Water, a Part 3 Analysis of Minimally Degrading Alternatives and a Part 4 Documentation of Socio-Economic Importance is required.

Actual costs will depend on the complexity of the situation, that is, how many different types of pollutants in the wastewater, the existing quality of the stream receiving the discharge, the size and type of the treatment system, the number of receiving streams affected by the discharge, and the unquantifiable costs as stated above. The highest cost scenario represents the probable costs associated with performing an antidegradation review on the largest and most complex systems. These costs do not include the unquantifiable costs previously stated. The low cost scenario is associated with the least complex. The range of cost reflects the size and complexity of POTWs in Missouri.

The number of antidegradation reviews of public facilities correlate with the number of facilities normally receiving Water Quality Reviews (WQRS) as part of a permit application review for a new or expanded treatment system. The average yearly number of WQRSs written on facilities requesting new or expanded treatment systems since April 2005 is 42.

The department receives an estimated 100 permit applications requiring Water Quality Review sheets per year. Of the approximately 55 written on the public wastewater treatment facilities, it is estimated that 77% of them, or 42, will involve new or expanded treatment systems requiring an antidegradation review.

Without taking the unquantifiable costs into consideration, the costs to Publicly Owned Treatment Works is estimated to be \$2,384,795.39 annually. This reflects the cost of performing antidegradation reviews on 42 applications per year. It is assumed that one-half (21) of the annual applications expected for new or expanded permits, would complete a full review under the high cost scenario and the other half would complete, a minimal review, in comparison, under the low cost scenario. In the partial fiscal year of 10 months, the assumption is that 18 applicants would complete a full review.

**Lowest Cost Scenario: \$257,009.39** - For systems that identify a no discharge option in the early phase of the antidegradation review. This estimate accounts only for the costs to identify the no discharge option and does not include costs for sampling and analysis to determine existing water quality in the stream, an alternative analysis for minimal-degrading options or for documenting the socio-economic importance of the discharging activity.

**Highest Cost Scenario: \$2,127,786.00** - For systems involving a large number of pollutants, all 4 parts are required for a full antidegradation review.

**FISCAL NOTE  
PRIVATE COST**

- I. Department Title: Department of Natural Resources  
Division Title: Clean Water Commission  
Chapter Title: Water Quality**

<b>Rule Number and Title:</b>	10 CSR 20-7.031 Water Quality Standards
<b>Type of Rulemaking:</b>	Proposed Rule Amendment

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the 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:
<b>26 annually</b>	Privately owned wastewater treatment systems including businesses, subdivisions, mobile home parks, restaurants, camp grounds.	Lowest Cost Scenario - \$159,101 13 facilities  Highest Cost Scenario - \$1,317,201 13 facilities  Total Costs Annually: \$1,476,302

**II. WORKSHEET**

PRIVATE FISCAL IMPACT			
	FY 2009	FY 2010	FY 2011
<b>Lowest Cost Scenario</b>			
<b>Part 1. Analysis of No Discharge Alternative</b>			
Personal Service Cost - Engineer (\$120 per hour * 50 hours = \$6,000)	\$ 6,180	\$ 6,365	\$ 6,556.36
Personal Service Cost - Technician (\$80 per hour * 65 hours = \$5,200)	\$ 5,356	\$ 5,517	\$ 5,682.18
<b>Total Estimated Costs Per Facility:</b>	<b>\$ 11,536</b>	<b>\$ 11,882</b>	<b>\$ 12,239</b>
<b>Estimated Annual Aggregate Cost (13 apps per yr):</b>	<b>\$ 126,896</b>	<b>154,467</b>	<b>159,101</b>
<b>(11 Applicants the first partial year and 13 per year thereafter)</b>			
<b>Highest Cost Scenario</b>			
<b>Part 1. Analysis of No Discharge Alternative</b>			
Personal Service Cost - Engineer (\$120 per hour * 100 hours = \$12,000)	\$ 12,360	\$ 12,731	\$ 13,113
Personal Service Cost - Technician (\$80 per hour * 130 hours = \$10,400)	\$ 10,712	\$ 11,033	\$ 11,364
<b>Total:</b>	<b>\$ 23,072</b>	<b>\$ 23,764</b>	<b>\$ 24,477</b>

<b>Part 2. Determining Existing Water Quality of the Receiving Water</b>			
Sampling Labor - Operator (\$15 per hour * 100 hours = \$1,500)	\$ 1,545	\$ 1,591	\$ 1,639
Laboratory Costs - Lab Tech & Equipment (\$25,000 per year)	\$ 25,750	\$ 26,523	\$ 27,318
Sampling & Analysis Plan - Consultant (\$100 per hour * 200 hours)	\$ 20,600	\$ 21,218	\$ 21,855
<b>Total:</b>	<b>\$ 47,895</b>	<b>\$ 49,332</b>	<b>\$ 50,812</b>
<b>Part 3. Analysis of Minimally Degrading Alternatives</b>			
Personal Service Cost - Engineer (\$120 per hour * 120 hours = \$14,400)	\$ 14,832	\$ 15,277	\$ 14,400
Personal Service Cost - Technician (\$80 per hour * 52 hours = \$4,160)	\$ 4,285	\$ 4,413	\$ 4,160
<b>Total:</b>	<b>\$ 19,117</b>	<b>\$ 19,690</b>	<b>\$ 18,560</b>
<b>Part 4. Documentation of Socio-Economic Importance</b>			
Personal Service Cost - Planner (\$120 per hour * 36 hours = \$4,320)	\$ 4,450	\$ 4,583	\$ 4,721
Personal Service Cost - Engineer (\$120 per hour * 21 hours = \$2,520)	\$ 2,596	\$ 2,673	\$ 2,754
<b>Total:</b>	<b>\$ 7,045</b>	<b>\$ 7,257</b>	<b>\$ 7,474</b>
<b>Total Estimated Costs Per Facility:</b>	<b>\$ 97,129</b>	<b>\$ 100,043</b>	<b>\$ 101,323</b>
<b>Estimated Annual Aggregate Cost (13 apps per yr):</b>	<b>1,068,419</b>	<b>1,300,557</b>	<b>1,317,201</b>
<b>(11 Applicants the first partial year and 13 per year thereafter )</b>			

**ASSUMPTIONS**

The duration of the proposed rule is indefinite. There is no sun-set clause. Costs imposed by the proposed rule are shown on an annual basis. It is assumed that additional years will be consistent with the assumptions used to calculate the annual costs identified in this fiscal note.

The scope of an antidegradation review (i.e. alternative analysis and demonstration of socio-economic importance) is the same whether the entity is private or public (municipality). Therefore, the cost for a private entity to perform an antidegradation review is assumed to be same as the cost for a public entity. Costs for the public entities have been determined from discussions with several municipalities. Because the antidegradation reviews are identical in scope, the same methods used to estimate the costs to public entities were used to estimate the costs for private entities.

A Missouri Public Utilities estimate was selected, based on discussions with several smaller municipalities, representing a small municipality (6,000 population) of \$68,744. The estimates from this municipality may be less than that required on more complex treatment systems or where significant wastewater contributions come from industrial facilities. This estimate also involved one discharge point, whereas other facilities may involve more than one point.

Salaries for an engineer, equipment technician, laboratory technician, consultant and operator are expected to increase at the rate projected by the Legislative Oversight Committee. A 3% rate of inflation was applied to the per hour expense costs. The FY2009 reflects that portion of the first full fiscal year the rule is effective, or 10 months, including the number of applications that may be received.

The worksheet estimates consider costs associated with performing basic antidegradation review. Under the low cost scenario, a Part 1 Analysis of No-Discharge Alternative is required, under the high cost scenario, a Part 1 Analysis of No-Discharge Alternative, a Part 2 Determining Existing Water Quality of the Receiving Water, a Part 3 Analysis of Minimally Degrading Alternatives and a Part 4 Documentation of Socio-Economic Importance is required.

Costs will depend on the complexity of the situation, that is, how many different types of pollutants are in the wastewater, the existing quality of the stream receiving the discharge, and the size and type of the treatment system. The highest cost scenario represents the probable costs associated with performing an antidegradation review on the

largest and most complex systems. The low cost scenario is associated with the least complex. The range of cost reflects the size and complexity.

Facilities required to perform antidegradation reviews correlate with the number of facilities normally receiving Water Quality Reviews (WQRS) as part of a permit application review for a new or expanded treatment system. The average yearly number of WQRSs written on facilities requesting new or expanded treatment systems since April, 2005 is 26.

The department receives an estimated 100 permit applications per year requiring Water Quality Review sheets. Of the approximately 45 written on the private systems, it is estimated that 58% of them, or 26, will involve new or expanded treatment systems requiring an antidegradation review.

The cost in the aggregate to privately owned wastewater treatment facilities is estimated to be \$1,476,302 annually. This reflects the cost of performing 26 antidegradation reviews per year. It is assumed that one-half (13) of the reviews expected for new or expanded permits, would require a full review under the high cost scenario and the other half, a minimal review, in comparison, under the low cost scenario.

Lowest Cost Scenario (13 reviews): \$159,101 (FY2011) - For systems that identify a no discharge option in the early phase of the antidegradation review. This estimate accounts only for the costs to identify the no discharge option and does not include costs for sampling and analysis to determining existing water quality in the stream, an alternative analysis for minimal-degrading options or for documenting the socio-economic importance of the discharging activity.

Highest Cost Scenario (13 reviews): \$1,317,201 (FY2011) - For systems involving a large number of pollutants, requiring a full 4 part antidegradation review.

**Title 13—DEPARTMENT OF SOCIAL SERVICES**  
**Division 70—[Division of Medical Services]**  
**MO HealthNet Division**  
**Chapter 92—Adult Day Health Care Program**

**PROPOSED AMENDMENT**

**13 CSR 70-92.010 Adult Day Health Care Program.** The division is amending the Purpose and sections (1), (2), (3) and (4).

*PURPOSE: This amendment changes the name of the state's medical assistance program to MO HealthNet and revises the name of the program's administering agency to MO HealthNet Division to comply with state law. It updates a reference in the definition section. The amendment also changes reference to program recipients to participants. It updates reference to the Division of Aging to Department of Health and Senior Services and updates reference to the Division of Family Services to Family Support Division.*

*PURPOSE: This rule establishes the regulatory basis for administration of a [medical assistance] program of adult day care/treatment as mandated by House Bill 1086, 81st General Assembly. More specific details of the conditions of provider participation, criteria and methodology of provider reimbursement, [recipient] participant eligibility and amount, duration and scope of services covered are included in the provider program manual and the enrollment process documentation.*

(1) Definitions.

(C) Associated adult day health care program—An adult day health care program which is connected physically with a licensed long-term care facility or hospital but has separate designated space for an adult day health care program which is above their licensed space requirement for their residents. An associated adult day health care program may share, in part, staff, equipment, utilities, dietary and security with the connected long-term care facility. **[Recipients/Participants]** in the adult day health care program may participate with the residents of the long-term care facility or hospital for some activities and programs.

(D) Direct care staff—Those staff assigned to take care of the direct needs of the **[recipients] participants**.

(F) Individual plan of care—The provider's written description of the amount, duration and scope of treatment and services to be provided to each individual **[recipient] participant** of care.

(H) Nursing facility—As defined in **[13 CSR 70-10.010(4)(Q)] 13 CSR 70-10.015(4)(LL)**.

(I) Provider—Any natural person, corporation, not-for-profit corporation, professional corporation, business, partnership or other entity providing services or goods to Title XIX-eligible **[recipients/ participants]** under a Title XIX participation agreement currently in effect with the Department of Social Services pursuant to Chapter 208, RSMo.

(2) Eligibility.

(A) Persons eligible for adult day health care services shall be—

1. Adult persons otherwise eligible for Title XIX benefits as determined by the **[Division of Family Services] Family Support Division**; and who are

2. Also assessed by the **[Division of Aging] Department of Health and Senior Services** to be in need of at least a nursing facility level of care where provision of the adult day health care services would preclude or delay the necessity of institutional nursing care.

A. The **[Division of Aging] Department of Health and Senior Services** assessment must be performed prior to the initial delivery of adult day health care services. If the completed assessment documents a need for adult day health care, the **[Division of Aging] Department of Health and Senior Services** will authorize,

in writing, services to be effective, the date of initial service or the date of the assessment, whichever is later.

B. Each **[Division of Aging] Department of Health and Senior Services** assessment or reassessment shall include, for each **[recipient] participant**, a care plan and the reviewing physician's certification of the level of care need and recommendation for adult day health care services.

C. Reassessment of a **[recipient] participant** in continuing receipt of adult day health care services shall be conducted by the **[Division of Aging] Department of Health and Senior Services** within at least six (6) calendar months from the date of the initial assessment or from the date of the last preceding reassessment.

D. The **[recipient] participant** will be informed by the **[Division of Aging] Department of Health and Senior Services** of the level of care determination, the assessment findings and the services available through the adult day health care program; and

3. Adult persons who do not reside in a long-term residential care facility licensed by the **[Division of Aging] Department of Health and Senior Services** or the Department of Mental Health.

(3) Requirements for Providers of Adult Day Health Care Services.

(A) Unless otherwise exempt from licensure by statute, **[Medicaid] MO HealthNet** providers of adult day health care must be licensed by the **[Division of Aging of the Department of Social Services] Department of Health and Senior Services** as an adult day care facility in accordance with 13 CSR 15-8.010–13 CSR 15-8.080.

(D) The provider of adult day health care services must have a signed **[Medicaid] MO HealthNet** participation agreement in effect with the Department of Social Services.

(E) The provider shall maintain adequate records fully documenting all adult health care services provided in accordance with provisions of 13 CSR 70-3.030 and shall maintain the following specific service and administrative records:

1. Each provider shall have its personnel policies in writing and there shall be a written position description for each job which specifies at least the qualifications for the job, a delineation of the tasks, to whom the person is responsible and the salary range;

2. **[Recipient] Participant** records—

A. Identifying information consisting of name, address, telephone number, sex, age; the name of the person to be notified in case of emergency; next of kin; travel directions between home and center when indicated; **[Medicaid] MO HealthNet** identification number and identifying numbers related to other health care benefits; and **[recipient] participant** religious preference;

B. Functional assessment, original and revised versions noting **[recipient] participant** progress;

C. Assessment of the home environment if a home visit is made;

D. Individual **[recipient] participant** plan of care;

E. Physician's report, including admission medical assessment and subsequent additional information;

F. Daily records of attendance and services provided, as defined in paragraphs (3)(H)1.–14.;

G. Medications administration and drug reactions; and

H. Accident or incident reports;

3. Individual personnel records for staff and consultants—

A. Name, address, telephone, age and sex;

B. Licensure, certification or other documentation demonstrating required qualifications;

C. Educational background;

D. Employment history and notes on references;

E. Evaluation of performance and attendance;

F. Person to be notified in case of emergency; and

G. Copies of formalized agreements with nonstaff member consultants listing the services to be provided; and

4. Administrative and fiscal records—

A. Expenditures with substantiating documentation in accordance with generally accepted accounting procedures;

B. Current and projected annual budgets, including specific cost allocations and formula for arriving at projected expenditures and including accurate service costs that are maintained and revised annually;

C. Fees charged and fee schedule, if appropriate;

D. Annual program evaluation report, with supportive summary statistics, to include information on—the number of adult day health care persons served; demographic data on the adult day health care persons served; cost of delivering services, descriptions of the social, health and functional characteristics of the persons served; the range of services provided and the outcome of services. Recommendations for administrative changes to improve the adult day health care program must be summarized;

E. Records of in-service training offered by the center;

F. A permanent record of all *[recipients] participants* admitted to the center;

G. Current inspection reports from the health and fire departments;

H. The daily schedule of activities;

I. Daily menu of meals served during the previous calendar month; and

J. Staff and *[recipients'] participants'* attendance records.

(F) The provider shall make provision for and operate in accordance with the following standards requirements:

1. Space Requirements.

A. Minimum space requirements of eighty (80) square feet per *[recipient] participant* for up to twenty (20) *[recipients] participants* and an additional fifty (50) square feet per *[recipient] participant* for additional *[recipients] participants* is required. Space requirements do not include office space, bathrooms, storage, examining room or dining room unless the latter is also used for activities. Adult day health care programs shall not have less than three hundred twenty (320) square feet of required space regardless of the number of participants.

B. The adult day health care program shall have a large room where all of the *[recipients] participants* can gather as well as rooms or divided areas for small group activities including a quiet area for rest. A room with a bed and with adequate provisions for privacy shall be available for medical examination and for temporary holdover for *[recipients] participants* who become ill or upset.

C. Associated adult day health care program. Where adult day health care services are being provided within the physical setting of any long-term care facility or hospital, the facility shall have eighty (80) square feet per adult day health care participant for up to twenty (20) participants and an additional fifty (50) square feet per *[recipient] participant* for additional *[recipients] participants*. Regardless of the number of the participants, the long-term care facility shall have a minimum of three hundred twenty (320) square feet which can be designated towards the square feet requirement. The required space as previously specified in this subparagraph is to be space that is above the particular facility's required licensed space for providing long-term or hospital care in the area of the dining room, activities room, therapy rooms and community areas;

2. Furnishings and equipment.

A. Furniture shall be appropriate for use by impaired persons. It shall be sturdy and secure so that it cannot easily tip when used for support while walking or seating. Furniture shall be of a size so that it is easily used by persons with limited agility, shall permit feet to rest on the floor and shall have armrests.

B. All rugs and floor coverings shall be tacked down securely. Throw rugs may not be used. All equipment and furnishings shall be in good condition and safe for usage by *[recipients] participants* and staff.

C. All adult day health care programs shall have at least—

(I) One (1) chair for each *[recipient] participant* and staff person;

(II) Table space adequate for all *[recipients] participants* to be served a meal at a table at the same time;

(III) Reclining lounge chairs or other comfortable furniture, the number to be determined by the needs and numbers of *[recipients] participants*; and

(IV) One (1) bed to be available for temporary use of *[recipients] participants* who become ill or upset.

D. The provider shall provide equipment to encourage active participation and group interaction and materials shall be geared to the interest and backgrounds of the *[recipients] participants*;

3. Staffing.

A. There shall be one (1) full-time person in charge of the adult day health care program who is responsible for day-to-day operations, either a director or his/her designee. If an adult day health care program is associated with another facility, it shall have its own full-time director and designated full-, part-time, or both, direct care staff. A long-term care facility is not to use the adult day health care direct care staff to meet the required staff ratio for the licensing of its long-term care facility and vice versa. If a facility has an associated adult day health care program with a daily participant census under five (5), the adult day health care director also may be responsible for other sections of the facility.

B. The director shall be a qualified person with demonstrated competence by specialized background, education, experience, or both, in working with the care of the elderly, disabled and infirm.

C. Direct care staff to *[recipient] participant* shall be no less than one to eight (1:8). Direct care staff shall be sufficiently qualified and in sufficient numbers to meet the needs of the adult day health care program *[recipients] participants*. Trained volunteers may be counted in the staff ratio, provided a volunteer program description is submitted and approved by the department specifying the formal training and regular work scheduling of the volunteers. Secretaries, cooks, accountants and other nondirect care staff members must not be considered in calculating this one to eight (1:8) ratio. It is required that in any case there should always be at least one (1) person besides the director or his/her designee on the premises so that *[recipients] participants* are never left unattended. Provision shall be made for experienced, competent relief personnel during vacations, absences or other periods necessitating substitute staff.

D. Because of the type of participant(s) and the services offered by an adult day health care program, a registered or licensed nurse must be available to the adult day health care *[recipients] participants* at all times and readily available in the event of an emergency during the adult day health care program's operating hours. The registered or licensed nurse must be available by being a staff member of the adult day health care program or located in the same building provided that a formalized agreement is executed which outlines the responsibilities of the registered nurse (RN) or licensed practical nurse (LPN) to the adult day health care program. Part of each day must be committed by the RN or LPN to the adult day health care program. If the RN or LPN is employed by another party, that party must co-sign the agreement. In the event an adult day health care program does not have a registered nurse or licensed nurse as a staff member or available in the building, a certified medication technician may be employed as a full-time staff member provided that an RN or LPN consultant monitors patient charting, medication distribution and assists in medical planning.

E. All personnel, paid and volunteer, shall be given a general orientation to the facility, its normal routine, fire and safety measures and policies and regulations;

4. Fire safety.

A. Providers located in organized areas or municipalities shall obtain, annually, written approval from local fire safety officials certifying that the provider complies with local fire codes. If there are not applicable codes, or if the division determines that the codes are not adequate to insure the safety of older or handicapped persons, the provisions of the National Fire Protection Association *Life Safety*

Code (NFPA No. 101, 1976 edition) for places of assembly shall apply. This rule subparagraph is not applicable if the facility has a current participating agreement for provision of long-term care for either Title XVIII or Title XIX or a current license issued by the *[Division of Aging] Department of Health and Senior Services*.

B. Each provider shall install and maintain in operable condition an adequate number of smoke detectors and fire extinguishers of the appropriate type as determined in consultations with state or local fire authorities. All smoke detectors and fire extinguishers shall be located according to the recommendations of state and local fire authorities.

C. A written plan for assuring the safety of *[recipients] participants*, staff and volunteers in case of fire or other disaster shall be developed in consultation with state or local fire authorities and shall include, but not necessarily be limited to:

(I) A written assessment of potential fire or safety hazards present on the premises and actions and procedures to follow to minimize potential danger;

(II) A written schedule for periodic check of smoke detectors and fire extinguishers to assure adequate pressure or battery strength is maintained; and

(III) A written training plan and schedule for staff and volunteers on safety responsibilities and actions to be taken if an emergency situation occurs and documentations of training sessions provided;

5. General safety, sanitation and housekeeping.

A. The building in which the center is located shall be of sound construction and maintained in good repair.

B. Ventilation by natural or mechanical means shall be provided. All screen doors shall be equipped with self-closing devices and shall fit tightly. Doors and windows and other openings to the outside shall be screened when necessary to prevent entrance of insects or vermin. The wire screen or its equal shall be of at least sixteen (16) meshes per linear inch.

C. The heating system shall be in compliance with the National Fire Protection Code (NFPA) and all state and local codes. Exposed heating pipes, hot water pipes or radiators in rooms and areas used by *[recipients] participants* and within reach of *[recipients] participants* shall be covered or protected and insulated when appropriate.

D. Illumination shall be adequate in all areas and commensurate with the type of activity. Glare shall be kept at a minimum by providing shades at all windows exposed to direct sunlight and using shaded light fixtures.

E. Stairways and hallways shall be kept free of obstructions and shall be well lighted. All stairways and ramps shall have nonslip surface or treads. Handrails shall be available for all inside and outside stairs and ramps.

F. Drugs, cleaning agents, pesticides and poisonous products shall be stored apart from food and out of the reach of the *[recipients] participants* and shall be used in a manner which insures safety of the *[recipient] participant* and the staff.

G. If wheelchair and physically handicapped persons are accepted, the provider shall provide ramps or other means of accessibility for handicapped persons and shall meet the standards of the American National Standards Institute publication (ANSI) A117.1 *Making Buildings and Facilities Accessible to, and Useable by, the Physically Handicapped*; and

6. Water supply and drinking water.

A. An adequate supply of water, the source of which is approved by the state water control authority, under sufficient pressure to properly serve the facility shall be provided. The potable water system shall be installed to preclude the possibility of back-flow.

B. Drinking water shall be easily accessible to the participants and provided by either an angle jet drinking fountain with mouth guard or by a running water supply with individual service drinking cups. Drinking facilities may not be located in a toilet room.

C. Toilet rooms. At least one (1) toilet and washbowl shall be available for each ten (10) *[recipients] participants*. The washbowl shall be in proximity to each toilet and shall be equipped with hot and cold running water. The toilet room shall be within easy access of the activity areas and the *[recipient] participant* shall have the right to privacy. Each toilet room shall be equipped with approved natural or mechanical ventilation. All toilets shall have grabrails. Individual paper towels, a trash receptacle, soap and toilet paper shall be provided at all times and shall be within reach of the participants. All toilet rooms shall otherwise meet ANSI standards of equipment and construction for access and usage by handicapped persons.

D. All plumbing and plumbing fixtures shall conform to applicable local codes. There shall be no cross-connection between the potable water supply nor any source of pollution through which the potable water supply might become contaminated.

E. Garbage shall be stored and disposed of in a sanitary manner.

F. Insects and rodents. Buildings used for day care shall be maintained free of insects and rodents. Control measures shall be maintained to prevent rodent and insect infestation.

G. Housekeeping and maintenance. All centers shall provide sufficient housekeeping and maintenance service to maintain the facility in good repair and in safe, clean, orderly, attractive and sanitary manner.

(G) The provider shall require a written assessment by the *[recipient's] participant's* physician of the *[recipient's] participant's* medical condition, activities needs and restrictions, dietary modifications, indicated therapies and medication orders. This assessment shall be required prior to the provision of service and is to be separate from the assessment described in subsection (2)(A).

(H) Adult day health care services provided within a long-term care facility or hospital shall be so structured, administered and monitored by the provider as to ensure there shall be no resultant diminishment of quality and level of services provided to *[recipients] participants* of long-term nursing care or hospital care residing within the same facility.

(I) The provider must provide the following services:

1. Individual plan of care. The provider must develop a written individual plan of care for each *[recipient] participant* within five (5) contact days following the entry of the *[recipient] participant* into the adult day health care program. The plan shall be designed to maintain the *[recipient] participant* at, or to restore to, optimal capability for self-care. The plan shall be based on information obtained from the *[recipient] participant*, *[recipient's] participant's* family and physician and the person or agency recommending the *[recipient] participant*, including a functional assessment. The plan shall include the *[recipient's] participant's* physical, social, psychological needs, *[or both,]* short and long-term goals, means of goal accomplishment, daily activities, person(s) responsible for activities, location of activities and the *[recipient's] participant's* planned days of attendance and arrival time. The plan of care shall be continued or revised as frequently as warranted by the *[recipient's] participant's* condition, and in any event, not less frequently than each six (6) months. Revision of the plan of care shall not be required when modifications to physician-ordered medical services do not result in substantive changes in the plan objectives or means of accomplishment;

2. Nutrition services. The provider shall assure the availability of meals and supplemental snacks in accordance with each *[recipient's] participant's* individual plan of care. Meals served by the provider shall provide at least one-third (1/3) of the recommended dietary allowance of the National Research Council. Supplemental snacks shall consist of nourishing food and beverage.

A. Food may be prepared, stored and served on site if the requirements of the local health department or applicable rules established by the Missouri Department of Health and Senior Services are met.

B. Food prepared away from the site shall be prepared in a facility which meets the requirements of the local health department or applicable rules established by the Missouri Department of Health and Senior Services;

3. Transportation. The provider shall arrange for or shall provide for transportation to enable persons to access the services and to participate in outings. A *[recipient] participant* should be in transit no more than one (1) hour and may not be brought to the service center, or left at the center, when staff is not in attendance;

4. Leisure-time activities. The provider shall provide planned recreational and social activities suited to the needs of the *[recipients] participants* and designed to stimulate interests, rekindle motivations and encourage physical exercise through small and large group activities;

5. Exercise and rest. Opportunity for physical exercise designed in relation to the individual's impairments and needs shall be provided and shall be alternated with rest periods or quiet activities;

6. Activities of daily living. Assistance in walking, toileting, feeding and other activities *[or]* of daily living shall be provided in accordance with each *[recipient's] participant's* individual plan of care;

7. Emergency services. Arrangements to respond to emergency situations shall be made.

A. Emergency numbers for each *[recipient] participant* shall be available to staff at all times.

B. First aid and cardiopulmonary resuscitation (CPR). At least one (1) staff member, trained in first aid and CPR shall be on the premises at all times. First aid and CPR training shall be taken from the American Red Cross or from another comparable source. At a minimum, those first aid supplies recommended by the *Red Cross Standard First Aid and Personal Safety* shall be readily available.

C. Emergency medical plan. Each provider shall have an established emergency medical plan which assures transportation to a hospital or other type facility providing emergency care. A written agreement, signed by the *[recipient] participant*, if capable, or responsible caretaker, shall be on file in the facility granting permission to transport the *[recipient] participant* in need of emergency care to the designated hospital or other type facility;

8. Observation. The health, functional and psycho-social status of each *[recipient] participant* shall be observed and documented by the licensed nurse, certified medication technician, or both, in the *[recipient's] participant's* record at least monthly. In the case of the certified medication technician, the licensed consultant nurse must review and summarize, at least monthly, the notes on each *[recipient's] participant's* health status. Therapy services provided must be summarized in the *[recipient] participant* record and progress noted at least monthly. Notes shall be made immediately of any accident, injury or illness and emergency procedures taken;

9. Medical consultation and treatment. The licensed nurse, certified medication technician, or nurse consultant, *[or both,]* shall communicate with each *[recipient's] participant's* physician to report observed changes in health status, including reaction to medicine and treatment and to obtain current medical recommendations regarding such items as diet, treatment and medications. Ordered medical services shall be recorded, signed and dated by the physician.

A. Orders concerning treatments, therapy, modified diets and medication shall be in effect for a specified number of days as indicated by the physician. If not specified, the period may not exceed sixty (60) days.

B. Physician *[phone]* verbal orders may be taken only by a licensed nurse or certified medication technician.

C. *[Phone]* Verbal orders shall be written into the *[recipient's] participant's* record by the licensed nurse receiving them and shall be signed and dated by that person. The physician shall sign and date the order within five (5) working days after giving the *[phone]* verbal order;

10. Nursing services. A licensed nurse or certified medication technician with a nurse consultant shall be available at all times during the program's daily operating hours. Nursing services must be provided in accordance with the particular needs of each *[recipient] participant* and must include the following:

A. Supervision of the administration of medication as prescribed by the *[recipient's] participant's* physician;

B. Coordination of the development of the *[recipient] participant* care plan;

C. On-going monitoring of each *[recipient's] participant's* health status;

D. Maintenance-therapy treatment as recommended by a therapist and which has been prescribed by a physician; and

E. Coordination among the *[recipient] participant*, his/her family and program staff members of orders from the *[recipient's] participant's* physician;

11. Diet modifications. The provider shall provide special diets and other diet modifications as ordered by a physician. These diets shall be reviewed by a dietician, nutritionist, physician or nurse at least every six (6) months;

12. Medication administration distribution, storage and recording. Medicine or drugs shall be restricted to those prescribed for the *[recipient] participant* by his/her personal physician. All medications shall be labeled accurately and plainly and retained in their original container issued by the pharmacy. The containers shall be labeled with the *[recipient's] patient's* name; physician's name; prescription number; name of medication; dosage; date of issuance; expiration date of all time-date drugs; and name, address and phone number of the pharmacy issuing the drug.

A. *[Recipients] Participants* who are responsible for taking their own medication at home shall be permitted and encouraged to continue to be responsible for taking their own medications during the hours spent in the center.

B. Medication may not be administered without a written order signed by a licensed physician. Injectable medications may only be given by a licensed nurse. A certified medication technician who has been trained by the licensed nurse may give insulin injections. Medications are to be distributed by the licensed nurse, certified medication technician, or both. The licensed nurse, certified medication technician, or both, assigned the responsibility of medication distribution shall complete the procedure by personally preparing the dose, observing the act of swallowing oral medicines and recording it in the *[recipient's] participant's* record on a medication sheet.

C. If a reaction to medication is observed by the licensed nurse or certified technician, the *[recipient's] participant's* physician shall be called immediately. If contact cannot be made with the personal physician, emergency medical procedures shall be followed.

D. Medication storage. The provider shall be responsible to provide a safe, secure, locked place for medicines or drugs and make them available to the *[recipient] participant* according to the instructions of his/her personal physician. Schedule II drugs shall be kept in a locked box. Medications requiring refrigeration shall be kept in a separate locked refrigerator or in a locked box within the refrigerator. Household-type medications which can be purchased without prescription, such as aspirin or antacids, may be retained in the center for administration as ordered by *[recipient's] participant's* physician.

E. A written record of medications administered or distributed shall be maintained. Records shall be kept of all Schedule II drugs. Written policies shall specify that the only individual authorized to receive, control and manage the medication and drug program is the licensed nurse.

F. The system for administering, distributing and storing medications shall be reviewed not less than every three (3) months by the licensed nurse;

13. Counseling services. A professional staff member (social worker, nurse or other) must offer assistance to clients and families

with personal, social, family or adjustment problems related to the primary, secondary diagnosis, or both. If professional counseling, psycho-therapeutic services, or both, are necessary for a [recipient] participant or his/her family, the program must refer the [recipient] participant or family to the appropriate community resource; and

14. Rehabilitative services. The provider must provide and coordinate rehabilitative services to be performed by qualified therapists as prescribed by a physician. Rehabilitative services must include occupational, physical and speech therapy. The provider must establish agreements with individual licensed or certified physical, speech and occupational therapists (unless they are employed as staff members), or their employers, to provide consultant services to the program and, where necessary, provide direct therapeutic services to a [recipient] participant.

(4) Reimbursement.

(A) Payment will be made in accordance with a fixed fee per unit of service, as defined and determined by the [Division of Medical Services] MO HealthNet Division, to be based on an efficient and economical provider of these services. Provider of service will receive the fixed fee for the appropriate time period as defined in paragraphs (4)(A)1. and 2. Fees will be established for—

1. Units of service with a minimum duration of six (6) hours to a maximum of ten (10) hours; and

2. Units of service with less than six (6) hours with a minimum of three (3) hours.

(D) Maximum payment for adult day health care services in combination with other alternative services including personal care and Home and Community-Based Waiver Services for the Elderly provided to a [recipient] participant within a calendar month shall be limited to a monthly payment not in excess of one hundred percent (100%) of the average statewide monthly cost to the state for care in a nursing facility, (excluding state mental hospitals and state mental institutions for mental retardation).

(F) The provider must maintain accurate records in accordance with the provisions of 13 CSR 70-3.030 and is subject to sanctions provided in it for false, fraudulent, abusive practices and in violation of Title XIX ([Medicaid] MO HealthNet) policies, procedures and regulations.

*AUTHORITY: sections 208.153[, RSMo Supp. 1991,] and 208.201, RSMo Supp. [1987] 2007 and 208.159 and 208.168, RSMo [1986] 2000.\* Original rule filed May 13, 1983, effective Aug. 11, 1983. Amended: Filed June 3, 1993, effective Dec. 9, 1993. Amended: Filed April 4, 1994, effective Oct. 30, 1994. Amended: Filed Dec. 14, 2007.*

*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, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. If to be hand-delivered, comments must be brought to the MO HealthNet Division at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.*

**Title 13—DEPARTMENT OF SOCIAL SERVICES**  
**Division 70—[Division of Medical Services]**  
**MO HealthNet Division**  
**Chapter 95—Private Duty Nursing Care Under the**  
**Healthy Children and Youth Program**

**PROPOSED AMENDMENT**

**13 CSR 70-95.010 Private Duty Nursing.** The division is amending the Purpose and sections (1)–(4) and (6)–(10).

*PURPOSE: This amendment changes the name of the state’s medical assistance program to MO HealthNet and revises the name of the program’s administering agency to MO HealthNet Division to comply with state law. The amendment also changes reference to program recipients to participants and updates the division website address.*

*PURPOSE: This rule establishes the basis for [Medicaid] MO HealthNet enrollment and reimbursement of providers of private duty nursing care for children under Missouri’s Healthy Children and Youth Program.*

(1) Service Definition. Private duty nursing is the provision of individual and continuous care (in contrast to part-time or intermittent care) provided according to an individual plan of care approved by a physician, by licensed nurses acting within the scope of the Missouri Nurse Practice Act. Services within the [Medicaid] MO HealthNet private duty nursing program include:

(2) Persons Eligible for Private Duty Nursing Care. [Medicaid] MO HealthNet-eligible children under the age of twenty-one (21) may be eligible for private duty nursing care under the Healthy Children and Youth Program (HCY) when there is a medical need for a constant level of care, exceeding the family’s ability to independently care for the child at home on a long-term basis without the assistance of at least a four (4)-hour shift of home nursing care per day. Private duty nursing services for children are prior authorized by the Bureau of Special Health Care Needs of the Department of Health and Senior Services.

(3) Criteria for Providers of Private Duty Nursing Care for Children.

(A) A provider of private duty nursing care must have a valid [Medicaid] MO HealthNet Private Duty Nursing Provider Agreement in effect with the Department of Social Services, [Division of Medical Services] MO HealthNet Division. To enroll, the applicant must either submit a written proposal, or be a Medicare-certified and [Medicaid] MO HealthNet-enrolled home health agency, or be accredited by Joint Commission for Accreditation of Health Organization (JCAHO), or be accredited by Community Health Accreditation Program (CHAPS). The written proposal (required by agencies who are not Medicare certified, or accredited by JCAHO or CHAPS), must describe the agency and its service delivery system, assure understanding of and compliance with the standards of the Private Duty Nursing Care Program and document the agency’s administrative and fiscal ability to provide the services in accordance with these standards. Proposals will be reviewed by qualified medical staff or designees of the Department of Social Services (DSS).

(B) All applicants to provide [Medicaid] MO HealthNet private duty nursing care, enrolling on the basis of a written proposal, may be subject to on-site reviews, performed at the discretion of the department, by DSS staff or designees prior to enrollment. These reviews will monitor compliance with the administrative requirements of the program and service delivery.

(C) On-site reviews to monitor compliance with these standards will be conducted at the discretion of the department subsequent to

*[Medicaid]* MO HealthNet enrollment, when *[Medicaid]* MO HealthNet has reimbursed for services.

(D) Agencies found to be out of compliance with the standards set forth in this rule may have a penalty imposed. Penalties may be as follows:

1. The agency will be required to submit a written plan of correction, with a follow-up monitoring by DSS staff within ninety (90) days;
2. New prior authorization requests will not be approved for a specified period of time; and
3. The *[Medicaid]* MO HealthNet provider enrollment agreement will be terminated.

(4) Administrative Requirements for Private Duty Providers.

(A) The provider shall immediately notify the provider enrollment unit of the *[Division of Medical Services]* MO HealthNet Division of any change in location, telephone number, administrative or corporate status. A thirty (30)-day written notice to the *[Division of Medical Services]* MO HealthNet Division will be required of the provider prior to the voluntary termination of the provider agreement.

(D) The provider must have a policy for responding to emergency situations. Services reimbursed by *[Medicaid]* MO HealthNet may not exceed the prior authorization approved by the Bureau of Special Health Care Needs, therefore, any emergency situation resulting in service delivery beyond the limits of the prior authorization must be reported in writing to the Bureau of Special Health Care Needs within seventy-two (72) hours.

(E) The provider shall have a written statement of the *[recipient's]* participant's Bill of Rights, which shall be given to the caretaker (if the *[recipient]* participant is a minor) at the time the service is initiated. At a minimum, the statement should say that the *[recipient]* participant has the right to the following:

- A. Be treated with respect and dignity;
- B. Have all personal and medical information kept confidential;
- C. Have direction over the services provided, to the degree possible, within the service plan approved by the Bureau of Special Health Care Needs;
- D. Know the provider's established grievance procedure and how to make a complaint about the service and receive cooperation to reach a resolution, without fear of retribution;
- E. Receive services without regard to race, creed, color, age, sex or national origin; and
- F. Receive a copy of this Bill of Rights.

(F) The provider shall have a written grievance policy which shall be provided to each *[recipient]* participant or caretaker upon initiation of services. The grievance policy must also include the phone number of the Bureau of Special Health Care Needs and the *[Division of Medical Services, recipient]* MO HealthNet Division, participant services unit.

(6) Requirements for Training for Private Duty Staff.

(A) All direct care staff (LPNs and RNs) must have at least four (4) hours of orientation training prior to service provision. Orientation training should include general information about the *[Medicaid]* MO HealthNet Private Duty Nursing Program, the HCY program, relationship of the provider agency with the *[Division of Medical Services]* MO HealthNet Division and the Bureau of Special Health Care Needs, the prior authorization process, child abuse/neglect indicators and reporting, *[recipient]* participant rights, *[recipient]* participant grievance procedures, internal agency policy and a review of universal precaution procedures as defined by the Center for Disease Control.

(7) Requirements for Supervision of Private Duty Nursing Staff.

(C) Frequency of Supervisory Visits.

1. *[Recipients]* Participants of private duty nursing care shall have a personal visit by a supervisory RN at least once every sixty (60) days if the *[recipient]* participant is authorized for LPN service. Supervisory visits by an RN will not be separately reimbursed.

2. Patients who have received RN shift care through the Private Duty Nurse Program or intermittent visits by an RN under the home health program (if those services were provided by an agency affiliated with the private duty provider) are not required to have a separate supervisory visit.

3. Supervisory visits, or explanation of why there are no separate supervisory visits for the month (that is, RN shifts were delivered) are to be documented in the *[recipient]* participant record.

(8) Requirements for the Contents of Medical Records. Appropriate medical records for each *[Medicaid recipient]* MO HealthNet participant served must be maintained at the private duty nursing agency. Records should be kept confidential and access should be limited to private duty nursing staff and representatives of the Departments of Social Services and Health and Senior Services.

(A) Medical records shall contain the following:

1. Identifying information about the *[recipient]* participant, such as name, birthdate, *[Medicaid]* MO HealthNet participant identification number, caretaker and emergency contact person;
2. All forms or correspondence to and from the Bureau of Special Health Care Needs regarding the services which have been prior authorized;
3. Signed physician orders prior to service delivery which must be updated each time the prior authorization is due for approval by the Bureau of Special Health Care Needs;
4. Consent from the child's legal custodian for treatment prior to service delivery;
5. The plan of care, documenting the amount, duration and scope of the service. The level of care indicated in the plan of care (RN or LPN) must be based on acceptable standards of nursing practice. Reimbursement is based on the prior authorization approved by the Bureau of Special Health Care Needs, with that prior authorization based upon the plan of care, specifying the number of hours and the skill level of the service, for periods of up to six (6) months;
6. Weekly documentation of all services provided and any supervisory visits;
7. Documentation of the LPN's competency demonstration before an RN when the plan of care includes the services of an LPN as required in subsection (6)(C); and
8. Documentation that a copy of the *[recipient's]* participant's Bill of Rights was given to the *[recipient]* participant, parent or guardian.

(9) Reimbursement.

(A) Payment will be made in accordance with the fee per unit of service as defined and determined by the *[Division of Medical Services]* MO HealthNet Division.

1. A unit of service is fifteen (15) minutes.
2. The fee per unit of service will be based on the determination by the state agency of the reasonable cost of providing the covered services on a statewide basis and within the mandatory maximum payment limitations.
3. Payment will be made on the lower of the established rate per service unit or the provider's billed charges. The charge billed to *[Medicaid]* MO HealthNet may not be more than a provider's ordinary charge to the general public for the same services.

(10) *[Medicaid]* MO HealthNet Private Duty Nursing Provider Manual. A private duty nursing provider manual shall be produced by the *[Division of Medical Services]* MO HealthNet Division and shall be distributed to all private duty nursing providers participating in the Missouri *[Medicaid]* MO HealthNet Program at its website at [www.dss.mo.gov/dms](http://www.dss.mo.gov/dms) [www.dss.mo.gov/mhd](http://www.dss.mo.gov/mhd). The *[Medicaid]* MO HealthNet Private Duty Nursing Provider Manual

and bulletins, which are incorporated by reference and made a part of this rule as published by the Department of Social Services, 615 Howerton Court, Jefferson City, MO 65109, at its website at [www.dss.mo.gov/dms](http://www.dss.mo.gov/dms), July 1, 2006] [www.dss.mo.gov/mhd](http://www.dss.mo.gov/mhd), January 16, 2008, shall contain information about *[Medicaid]* MO HealthNet eligibility, third party liability, procedures for requesting prior authorization, claim filing instructions, instructions for filing adjustments, reimbursement methodology and current *[Medicaid]* MO HealthNet maximum rates of reimbursement for services, benefits and limitations of services and other applicable information about the program. This rule does not incorporate any subsequent amendments or additions.

*AUTHORITY:* sections 208.152, *[RSMo Supp. 2005 and] 208.153 and 208.201, RSMo [2000] Supp. 2007. Original rule filed Sept. 2, 1993, effective April 9, 1994. Amended: Filed April 4, 1994, effective Oct. 30, 1994. Amended: Filed Jan. 15, 2004, effective Aug. 30, 2004. Amended: Filed June 1, 2006, effective Dec. 30, 2006. Amended: Filed Dec. 14, 2007.*

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**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2150—State Board of Registration for the  
Healing Arts  
Chapter 1—Organization**

**PROPOSED AMENDMENT**

**20 CSR 2150-1.015 Public Records.** The board is proposing to amend sections (3) and (4).

*PURPOSE:* Pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration, Title 20. Therefore, references to 4 CSR 150 are being amended throughout the rule. Also, a gender correction is being made.

(3) When a party requests copies of the records, the board may collect the appropriate fee for costs for inspecting and copying the records and may require payment of the fee prior to making the records available *[(see 4 CSR 150-3.080)]* (see **20 CSR 2150-3.080**).

(4) When the custodian believes that requested access is not required under Chapter 610, RSMo, the custodian shall inform the requesting party that compliance cannot be made, specifying what sections of Chapter 610, RSMo require that the record remain closed. Correspondence or documentation of the denial shall be copied to the

board's general counsel. The custodian also shall inform the requesting party that *[s/he]* they may appeal directly to the board for access to the records requested. The appeal and all pertinent information shall be placed on the agenda for the board's next regularly scheduled meeting. If the board reverses the decision of the custodian, the board shall direct the custodian to advise the requesting party and supply access to the information during regular business hours at the party's convenience.

*AUTHORITY:* section 334.125, *RSMo [1986] 2000 and Chapter 610, RSMo Supp. 2007. This rule originally filed as 4 CSR 150-1.015. Original rule filed Dec. 23, 1988, effective May 1, 1989. Moved to 20 CSR 2150-1.015, effective Aug. 28, 2006. Amended: Filed Dec. 14, 2007.*

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

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

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Registration for the Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing (573) 751-3166 or by emailing [healingarts@pr.mo.gov](mailto:healingarts@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2150—State Board of Registration for the  
Healing Arts  
Chapter 2—Licensing of Physicians and Surgeons**

**PROPOSED AMENDMENT**

**20 CSR 2150-2.010 Applicants for Licensing by Examination.** The board is proposing to amend sections (1), (5), (6), and (8) and delete the annotations that follow the rule in the *Code of State Regulations*.

*PURPOSE:* Pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration, Title 20. Therefore, references to 4 CSR 150 are being amended throughout the rule. This amendment also deletes the annotations immediately following the rule and makes grammatical corrections throughout the rule. Also, gender corrections are being made throughout the rule.

(1) The applicant shall furnish satisfactory evidence as to *[his/her]* their innocence of unprofessional or dishonorable conduct and good moral character, including postgraduate reference letters from the applicant's training programs.

(5) For applicants desiring to take the board's examination after January 1, 1994, the applicant shall furnish satisfactory evidence of having passed—

(A) Component 1 of the Federation Licensing Examination (FLEX); or

(B) Both—

1. Part I of the *[NBME (National Board of Medical Examiners)]* (NBME) examination, Part I of the *[NBOE (National*

Board of Osteopathic Examiners)] (NBOE) examination or Step 1 of the [USMLE (United States Medical Licensing Examination)] (USMLE); and

2. Part II of the NBME examination or Part II of the NBOE examination or Step 2 of the USMLE.

(6) For applicants desiring to take the examination after January 1, 1994, the applicant shall provide evidence that the applicant will have met the board's postgraduate training requirements as stated in [4 CSR 150-2.004] 20 CSR 2150-2.004, within sixty (60) days of the examination.

(8) The board does not necessarily accept the operative and hospital work of any medical or osteopathic school outside the United States and Canada; therefore an applicant from an international school may be required to have at least three (3) years of AMA/AOA approved training in a hospital in the United States approved for resident training by the board before making application for examination.

(A) This applicant must furnish to the board a copy of [his/her] their credentials in the original form with translated copy of each attached and shall be verified to the board by the school of graduation direct or documents bearing the evidence shall be visaed by the United States consul in the country the school of graduation is or was located.

(B) This applicant is required to get a certificate from the Educational Commission for Foreign Medical Graduates or show evidence to the board that [s/he has] they have passed the equivalent examination in another state or national board.

*AUTHORITY: section 334.125, RSMo [Supp. 1995] 2000. This rule originally filed as 4 CSR 150-2.010. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 14, 2007.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing (573) 751-3166 or by emailing healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2150—State Board of Registration for the  
Healing Arts**

**Chapter 2—Licensing of Physicians and Surgeons**

**PROPOSED AMENDMENT**

**20 CSR 2150-2.030 Licensing by Reciprocity.** The board is proposing to amend sections (1), (4), (5), and (12) and delete the annotations that follow the rule in the *Code of State Regulations*.

*PURPOSE: Pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration, Title 20. Therefore, references to 4 CSR 150 are being amended throughout*

*the rule. This amendment also makes a gender correction and deletes the annotations immediately following the rule.*

(1) The applicant shall furnish a postgraduate reference letter from each institution where [s/he is] they are a house officer, meaning either intern or resident.

(4) Applicants for licensing by reciprocity who have been examined successfully by any professional board considered competent by the State Board of Registration for the Healing Arts, and having received grades not less than those required by the board, and holding certificates as physicians and surgeons in any state or territory of the United States or the District of Columbia and, in addition, presenting to the board satisfactory certificates that they in every way fulfilled all the scholastic and other requirements of the [Missouri] State Board of Registration for the Healing Arts, at the discretion of the board, and upon showing to the State Board of Registration for the Healing Arts may receive from the board a license to practice as a physician and surgeon in Missouri without further examination. Applicants may be required to appear before the board in person.

(5) The applicant is required to make application [see 4 CSR 150-2.040] (see 20 CSR 2150-2.040) upon a form prepared by the board.

(12) When an applicant has filed [his/her] their application and an appropriate fee, to be established by the board, for licensure by reciprocity and the application is denied by the board or subsequently withdrawn by the applicant, an appropriate fee established by the board will be retained by the State Board of Registration for the Healing Arts as a service charge.

*AUTHORITY: section 334.125, RSMo 2000. This rule originally filed as 4 CSR 150-2.030. This version of rule filed Dec. 19, 1975, effective Dec. 29, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 14, 2007.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Registration for the Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing (573) 751-3166 or by emailing healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2150—State Board of Registration for the  
Healing Arts**

**Chapter 2—Licensing of Physicians and Surgeons**

**PROPOSED AMENDMENT**

**20 CSR 2150-2.050 Annual Registration Penalty.** The board is proposing to amend section (1) and delete the annotation following the rule in the *Code of State Regulations*.

*PURPOSE:* Pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration, Title 20. Therefore, references to 4 CSR 150 are being amended throughout the rule. This amendment also deletes the annotation immediately following the rule.

(1) Whenever a licensed practitioner fails to renew his/her registration for any period in excess of six (6) months after the expiration of his/her last registration, his/her application for renewal of registration shall be denied unless it is accompanied by all fees required by statute, [4 CSR 150-2.125] **20 CSR 2150-2.125** and this rule, together with a completed renewal application. The application shall be made under oath on a form furnished by the board. The application shall include, but not be limited to, disclosure of the following: the applicant's full name and the office and residence addresses and the issuance date and number of the license; all final disciplinary actions taken against the applicant by any professional medical or osteopathic association or society, licensed hospital or medical staff of the hospital, state, territory, federal agency or country; and information concerning the applicant's current physical and mental fitness to practice as a physician and surgeon.

*AUTHORITY:* sections 334.075, 334.080 and 334.125, RSMo 2000. This rule originally filed as 4 CSR 150-2.050. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Dec. 14, 2007.

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

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

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Registration for the Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing (573) 751-3166 or by emailing [healingarts@pr.mo.gov](mailto:healingarts@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2150—State Board of Registration for the  
Healing Arts**

**Chapter 2—Licensing of Physicians and Surgeons**

**PROPOSED AMENDMENT**

**20 CSR 2150-2.063 Provisional Temporary Licensure.** The board is proposing to amend sections (2), (5), and (10).

*PURPOSE:* Pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration, Title 20. Therefore, references to 4 CSR 150 are being amended throughout the rule. This amendment also makes gender corrections throughout the rule.

(2) An applicant is required to make application upon a form [(see 4 CSR 150-2.060)] (see **20 CSR 2150-2.060**) prepared by the board.

(5) An applicant shall present evidence to the board that [s/he holds] **they hold** a current license to practice as a physician and surgeon in another state.

(10) The director of the applicant's residency program shall identify the name of the institution or organization where the applicant will be practicing, the name of the Missouri licensed physician who will supervise the applicant, the date that the applicant's practice in Missouri will begin and end, and what portion of the applicant's residency program is covered in [his/her] **their** Missouri-based training.

*AUTHORITY:* sections 334.046[, RSMo Supp. 1989] and 334.125, RSMo [1986] 2000. This rule originally filed as 4 CSR 150-2.063. Original rule filed April 1, 1991, effective Aug. 30, 1991. Moved to 20 CSR 2150-2.063, effective Aug. 28, 2006. Amended: Filed Dec. 14, 2007.

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

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

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing (573) 751-3166 or by emailing [healingarts@pr.mo.gov](mailto:healingarts@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2150—State Board of Registration for the  
Healing Arts**

**Chapter 2—Licensing of Physicians and Surgeons**

**PROPOSED AMENDMENT**

**20 CSR 2150-2.065 Temporary Licenses to Teach or Lecture in Certain Programs.** The board is proposing to amend subsection (6)(A).

*PURPOSE:* Pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration, Title 20. Therefore, references to 4 CSR 150 are being amended throughout the rule.

(6) Applicants seeking a visiting professor license under this rule shall utilize the following procedure:

(A) The applicant is required to make application, under oath, upon either the fourteen (14)-day visiting professor license application form prepared by the board or the regular visiting professor license application form [(see 4 CSR 150-2.060)] (see **20 CSR 2150-2.060**) prepared by the board, depending upon the type of license desired by the applicant;

**AUTHORITY:** sections 334.046 and 334.125, RSMo [Supp. 1999] 2000. This rule originally filed as 4 CSR 150-2.065. Original rule filed Jan. 19, 1988, effective April 15, 1988. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Dec. 14, 2007.

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

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

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing (573) 751-3166 or by emailing [healingarts@pr.mo.gov](mailto:healingarts@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2150—State Board of Registration for the  
Healing Arts**

**Chapter 2—Licensing of Physicians and Surgeons**

**PROPOSED AMENDMENT**

**20 CSR 2150-2.125 Continuing Medical Education.** The board is proposing to amend subsection (1)(A), sections (2) through (4), add new language in section (5), renumber the remaining sections accordingly and amend the newly renumbered section (10).

**PURPOSE:** Pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration, Title 20. Therefore, references to 4 CSR 150 are being amended throughout the rule. This amendment also corrects grammatical errors.

(1) Effective February 1, 2007, each licensee shall complete and report at least fifty (50) hours of continuing medical education every two (2) years. The board shall not issue a renewal of a licensee's certificate of registration unless the licensee demonstrates completion of fifty (50) hours of continuing medical education accredited by the American Osteopathic Association (AOA) as Category 1-A or 2-A, by the American Medical Association (AMA) as Category 1 or by the American Academy of Family Practice Prescribed Credit, in the two (2) immediately preceding reporting periods. A licensee is not required to complete any continuing medical education hours in the renewal period in which the licensee is initially licensed to practice the healing arts in Missouri if the licensee has not previously held a permanent license to practice the healing arts in Missouri or any other state in the United States of America. The period for completion of the continuing medical education requirements shall be the twenty-four (24)-month period beginning January 1 of each even-numbered year and ending December 31 of each odd-numbered year. A licensee who has failed to obtain and report, in a timely fashion, fifty (50) hours of continuing medical education shall not engage in the practice of medicine unless an extension is obtained pursuant to section (4) of this rule.

(A) A licensee shall be deemed to have complied with section (1) of this rule if the licensee completes forty (40) hours of continuing medical education and each course, seminar or activity includes a post-test of the material covered in the forty (40) continuing medical

education hours. The **forty** (40) hours must all be accredited by the AOA as Category 1-A or by the AMA as Category 1.

(2) Each licensee shall certify by attestation, under penalty of perjury, that *[s/he has]* **they have** completed the required hours of continuing medical education on the renewal form *[(see 4 CSR 150-2.040)]* (see **20 CSR 2150-2.040**).

(3) Each licensee shall retain records documenting *[his/her]* **their** attendance at and completion of the required hours of continuing medical education for a minimum of three (3) years after the reporting period in which the continuing medical education was completed. The records shall document the titles of the courses taken, dates, locations, course sponsors, category of hours earned and number of hours earned. The board may conduct an audit of licensees to verify compliance with the continuing medical education requirement. Licensees shall assist the board in its audit by providing timely and complete responses to the board's inquiries.

(4) A licensee who cannot complete the required hours of continuing medical education because of personal illness, *[military service]* or other circumstances beyond the licensee's control which the board deems to be sufficient to impose an insurmountable hardship may apply for an extension of time to complete the continuing medical education requirements. Any extension of time to complete the continuing medical education requirements will be granted solely in the discretion of the board. The licensee must make a written application for extension of time prior to the December 31 deadline for completion of the continuing medical education requirement. The application for extension shall be accompanied by a processing fee of fifty dollars (\$50), together with the application for extension. The licensee shall provide full and complete written documentation of the grounds supporting the reasons for which an extension is sought. A licensee who requests an extension of time to complete the required hours of continuing medical education shall not engage in the active practice of the healing arts until the board grants the licensee's request for extension and the licensee receives express written authorization to do so.

*[(A) Licensees in the military are exempt from obtaining continuing medical education if they are called to active duty under competent orders for at least a majority of the reporting period due to his/her military service commitment. At a minimum, the licensee must submit written documentation from the appropriate military authorities verifying the licensee's military service commitment.]*

*[(B)](A)* Illness extensions may be granted only to a licensee who has suffered a personal illness or personal disability of a nature as to prevent *[him/her]* **them** from engaging in the active practice of medicine for at least a majority of the reporting period. At a minimum, the licensee shall provide the board with written documentation from the licensee's treating physician stating the nature of the illness or disability, the period of the illness or disability, any limitations on the licensee's activities which resulted from the illness or disability, the number of hours earned in the reporting **/year/ period** and a plan for completing the balance of the requirement.

*[(C)](B)* The board, solely in its discretion, may grant an extension based on unforeseeable circumstances beyond the licensee's control which impose an insurmountable hardship precluding the licensee from obtaining the required continuing medical education. At a minimum, the licensee must provide written documentation explaining specifically and in detail the nature of the circumstances, why the circumstances were unforeseeable and beyond the licensee's control, the period during which the circumstances were in existence, the number of continuing medical education credits earned in the reporting period and the licensee's plan for completing the balance of the requirements. The board, in its discretion, shall determine if the situation described in the licensee's application constitutes unforeseeable circumstances beyond the licensee's control

which impose an *[unsurmountable]* **insurmountable** hardship precluding the licensee from obtaining the required continuing medical education.

*[(D)](C)* A licensee who is granted an extension of time shall complete the balance of his/her continuing medical education requirements no later than February 28 immediately following the end of the reporting period for which an extension was sought and shall provide the board with written documentation of *[his/her]* **their** completion of the continuing medical education requirements no later than March 10 immediately following the end of the reporting period for which an extension was sought. Failure to complete the continuing medical education requirements by February 28 or to file the documentation with the board by March 10 shall constitute a violation of section 334.075, RSMo and this rule.

*[(E)](D)* An extension of time shall not be granted to any licensee who obtained an extension in the immediately preceding reporting period in which the licensee held an active license, except in the case of a licensee who is unable to complete the requirements due to military service commitment pursuant to a combat or national emergency assignment.

**(5) Licensees in the military will be granted an extension of time to complete the continuing medical education requirements if they are called to active duty under competent orders for any period of thirty (30) days or more during the reporting period in accordance with section 41.950(10), RSMo. If the licensee is called to active duty for a majority of the reporting period, they will be exempt from obtaining continuing medical education. The licensee must submit written documentation from the appropriate military authorities verifying the licensee's military service commitment.**

*[(5)](6)* A licensee who has obtained American Specialty Board certification or recertification during the reporting period shall be deemed to have obtained the required hours of continuing medical education. The licensee shall provide the board with documentation evidencing the certification or recertification upon request.

*[(6)](7)* A licensee who participated in an AMA or AOA-approved internship or residency program during the reporting period shall be deemed to have obtained the required hours of continuing medical education if at least sixty (60) days of the reporting period were spent in the internship or residency.

*[(7)](8)* A licensee who participated in a fellowship program in an approved teaching institution shall be deemed to have obtained the required hours of continuing medical education if at least sixty (60) days of the reporting period were spent in the fellowship and the fellowship is determined to be advanced training. Upon request, the licensee shall provide documentation from the fellowship program director verifying the number of days in the program and that the program is advanced training.

*[(8)](9)* A licensee who holds a limited license to practice medicine in the state of Missouri shall obtain and report to the board ten (10) hours of AMA Category 1 or AOA Category 1-A or 2-A continuing medical education each reporting period. The period for completion of the continuing medical education requirements for a licensee who holds a limited license shall be the twenty-four (24)-month period beginning January 1 of each even-numbered year and ending December 31 of each odd-numbered year.

*[(9)](10)* For purposes of section 334.075, RSMo concerning waiver of the continuing medical education requirements for retired physicians, a retired physician is one who has neither engaged in the active practice of medicine nor held *[him/herself]* **themselves** out as an active practicing physician and, pursuant to section 334.110, RSMo, has executed and filed with the board a retirement affidavit. A retired

physician may keep *[his/her]* **their** wall-hanging certificate after execution of a retirement affidavit but shall surrender, upon retirement, all other indicia of licensure.

*[(10)](11)* To reinstate the license of a physician whose license has been in a noncurrent state for any reason, including retirement, for a period of two (2) years or less, that physician shall obtain, in addition to any other requirements of law, twenty-five (25) hours of continuing medical education for each calendar year in which the license was in a noncurrent state. To reinstate the license of any physician whose license has been in a noncurrent state for any reason, including retirement, for more than two (2) years, that physician shall comply with *[4 CSR 150-2.150]* **20 CSR 2150-2.150** and any other requirements of law. No license of a physician whose license has been noncurrent shall be reinstated unless and until all required continuing medical education is obtained and reported to the board and all other requirements of law have been satisfied.

*[(11)](12)* Violation of any provision of this rule shall be deemed by the board to constitute misconduct, fraud, misrepresentation, dishonesty, unethical conduct or unprofessional conduct in the performance of the functions or duties of a physician depending on the licensee's conduct. In addition, a licensee who has failed to complete and report in a timely fashion the required hours of continuing medical education and engages in the active practice of the healing arts without the express written authority of the board shall be deemed to have engaged in the unauthorized practice of medicine.

*AUTHORITY: sections 41.950, RSMo Supp. 2007 and 334.075 and 334.125, RSMo 2000. This rule originally filed as 4 CSR 150-2.125. Original rule filed Oct. 16, 1991, effective March 9, 1992. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 14, 2007.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Registration for the Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing (573) 751-3166 or by emailing healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2150—State Board of Registration for the  
Healing Arts  
Chapter 2—Licensing of Physicians and Surgeons**

**PROPOSED AMENDMENT**

**20 CSR 2150-2.153 Reinstatement of an Inactive License.** The board is proposing to amend section (5).

*PURPOSE: Pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration, Title 20. Therefore, references to 4 CSR 150 are being amended throughout the rule.*

(5) All applicants for reinstatement of an inactive license must submit a fee as specified in [4 CSR 150-2.080] **20 CSR 2150-2.080**. The fee shall be submitted in the form of a cashier's check or money order drawn on a United States bank made payable to the Missouri Board of Healing Arts.

*AUTHORITY:* sections 334.090.2 and 334.125, RSMo 2000. This rule originally filed as 4 CSR 150-2.153. Original rule filed March 1, 2005, effective Aug. 30, 2005. Moved to 20 CSR 2150-2.153, effective Aug. 28, 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 Missouri Board of Registration for the Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing (573) 751-3166 or by emailing [healingarts@pr.mo.gov](mailto:healingarts@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2150—State Board of Registration for the  
Healing Arts  
Chapter 3—Licensing of Physical Therapists and  
Physical Therapist Assistants**

**PROPOSED AMENDMENT**

**20 CSR 2150-3.030 Examination.** The board is proposing to amend subsection (1)(A).

*PURPOSE:* Pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration, Title 20. Therefore, references to 4 CSR 150 are being amended throughout the rule.

(1) The applicant shall:

(A) Meet all requirements as set forth in [4 CSR 150-3.010] **20 CSR 2150-3.010**;

*AUTHORITY:* sections 334.125, RSMo 2000 and 334.530 and 334.550, RSMo Supp. [2005] 2007. This rule originally filed as 4 CSR 150-3.030. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Dec. 14, 2007.

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

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

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Registration for the Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing

Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing (573) 751-3166 or by emailing [healingarts@pr.mo.gov](mailto:healingarts@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2150—State Board of Registration for the  
Healing Arts**

**Chapter 3—Licensing of Physical Therapists and  
Physical Therapist Assistants**

**PROPOSED AMENDMENT**

**20 CSR 2150-3.040 Licensing by Reciprocity.** The board is proposing to amend sections (1) and (3) and remove an annotation following the rule in the *Code of State Regulations*.

*PURPOSE:* Pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration, Title 20. Therefore, references to 4 CSR 150 are being amended throughout the rule. This amendment also deletes the annotation immediately following the rule.

(1) Upon proper application, the State Board of Registration for the Healing Arts may recommend for licensure without examination legally qualified persons who hold certificates or licenses in any state or territory of the United States or the District of Columbia authorizing them to practice in the same manner and to the same extent as professional physical therapists are authorized to practice by this act if the applicant has been successfully examined by any professional board considered competent by the [Missouri] State Board of Registration for the Healing Arts, has received examination scores equivalent to those set forth in [4 CSR 150-3.030] **20 CSR 2150-3.030** and has fulfilled all the scholastic and other requirements for licensure in Missouri. Applicants for licensure by reciprocity may be required to appear before the board in person.

(3) In all instances where the board, by rule or in the application form [(see 4 CSR 150-3.020)] **(20 CSR 2150-3.020)**, has provided that it will accept copies in lieu of an original document, the applicant shall provide copies notarized by a notary public to verify that those copies are true and correct copies of the original document. The board will not recognize foreign notaries. The board shall accept the notarization of the United States consul.

*AUTHORITY:* section 334.125, RSMo [Supp. 1993] 2000. This rule originally filed as 4 CSR 150-3.040. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed July 3, 1989, effective Dec. 1, 1989. Amended: Filed June 4, 1991, effective Oct. 31, 1991. Moved to 20 CSR 2150-3.040, effective Aug. 28, 2006. Amended: Filed Dec. 14, 2007.

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

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

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Registration for the Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing

(573) 751-3166 or by emailing [healingarts@pr.mo.gov](mailto:healingarts@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2150—State Board of Registration for the  
Healing Arts**

**Chapter 3—Licensing of Physical Therapists and  
Physical Therapist Assistants**

**PROPOSED AMENDMENT**

**20 CSR 2150-3.050 Temporary Licenses.** The board is proposing to amend section (1) and delete the annotation immediately following the rule.

*PURPOSE:* Pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration, Title 20. Therefore, references to 4 CSR 150 are being amended throughout the rule. This amendment also deletes the annotation immediately following the rule.

(1) A temporary license may be issued to a first-time applicant for licensure by examination who meets the qualifications of section 334.530.1, RSMo, has complied with [4 CSR 150-3.010] **20 CSR 2150-3.010** and [4 CSR 150-3.020] **20 CSR 2150-3.020**, and submits an agreement to supervise form signed by the applicant's supervising physical therapist. A temporary license will not be issued to an applicant who has failed the Missouri licensure examination or a licensure examination in any jurisdiction.

*AUTHORITY:* sections 334.125, RSMo 2000 and 334.530, 334.540 and 334.550, RSMo Supp. [2005] 2007. This rule originally filed as 4 CSR 150-3.050. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Dec. 14, 2007.

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

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

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Registration for the Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing (573) 751-3166 or by emailing [healingarts@pr.mo.gov](mailto:healingarts@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2150—State Board of Registration for the  
Healing Arts**

**Chapter 3—Licensing of Physical Therapists and  
Physical Therapist Assistants**

**PROPOSED AMENDMENT**

**20 CSR 2150-3.150 Physical Therapist Assistant Temporary Licensure.** The board is proposing to amend section (5).

*PURPOSE:* Pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration, Title 20. Therefore, references to 4 CSR 150 are being amended throughout the rule.

(5) A Missouri permanently licensed physical therapist shall direct and supervise the temporarily licensed physical therapist assistant at all times, pursuant to section 334.650, RSMo and [4 CSR 150-3.090] **20 CSR 2150-3.090**.

*AUTHORITY:* sections 334.125, 334.650 and 334.670, RSMo 2000 and 334.665, RSMo Supp. [2005] 2007. This rule originally filed as 4 CSR 150-3.150. Original rule filed Sept. 4, 1997, effective March 30, 1998. Amended: Filed Jan. 3, 2006, effective June 30, 2006. Moved to 20 CSR 2150-3.150, effective Aug. 28, 2006. Amended: Filed Dec. 14, 2007.

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

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

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Registration for the Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing (573) 751-3166 or by emailing [healingarts@pr.mo.gov](mailto:healingarts@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2150—State Board of Registration for the  
Healing Arts**

**Chapter 3—Licensing of Physical Therapists and  
Physical Therapist Assistants**

**PROPOSED AMENDMENT**

**20 CSR 2150-3.180 Physical Therapist Assistant Registration—Supervision, Name and Address Changes.** The board is proposing to amend section (5).

*PURPOSE:* Pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration, Title 20. Therefore, references to 4 CSR 150 are being amended throughout the rule.

(5) Licensees who retire from practice as physical therapist assistants shall file an affidavit, on a form furnished by the board, stating the date of retirement. Licensees shall submit documentation verifying retirement as requested by the board. Licensees who reengage in practice as physical therapist assistants after submitting an affidavit of retirement shall reapply for licensure as required in sections 334.650 and 334.685, RSMo and pursuant to the provisions of [4 CSR 150-3.160] **20 CSR 2150-3.160**.

**AUTHORITY:** sections 334.125 and 334.675, *RSMo 2000 and 334.660*, 334.670, and *RSMo Supp. 1997*] and 334.655, *RSMo Supp. 2007*. This rule originally filed as 4 CSR 150-3.180. Original rule filed Sept. 4, 1997, effective March 30, 1998. Amended: Filed Sept. 10, 1998, effective March 30, 1999. Moved to 20 CSR 2150-3.180, effective Aug. 28, 2006. Amended: Filed Dec. 14, 2007.

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

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

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Registration for the Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing (573) 751-3166 or by emailing [healingarts@pr.mo.gov](mailto:healingarts@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2150—State Board of Registration for the  
Healing Arts**

**Chapter 3—Licensing of Physical Therapists and  
Physical Therapist Assistants**

**PROPOSED AMENDMENT**

**20 CSR 2150-3.201 Continuing Education Requirements.** The board is proposing to amend sections (1) through (3).

**PURPOSE:** Pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration, Title 20. Therefore, references to 4 CSR 150 are being amended throughout the rule.

(1) All licensed physical therapists and physical therapist assistants shall biennially, on even-numbered years, complete and report at least thirty (30) hours of acceptable continuing education as specified in rule [4 CSR 150-3.203] **20 CSR 2150-3.203**. The renewal of a license which has lapsed shall not be issued unless and until the licensee submits documentation confirming completion of all continuing education hours as would have been necessary and applicable during the period the license was not current. The continuing education hours must qualify as acceptable continuing education activity as specified in rule [4 CSR 150-3.203] **20 CSR 2150-3.203**.

(2) The period for completion of the continuing education requirements shall be the twenty-four (24)-month period beginning January 1 and ending December 31 of each reporting period. Continuing education hours can not be carried over into another or the next reporting period. A licensee who fails to obtain and report, in a timely fashion, the required thirty (30) hours of continuing education shall not engage in practice as a physical therapist and/or physical therapist assistant unless an extension is requested and granted pursuant to [4 CSR 150-3.202] **20 CSR 2150-3.202**.

(3) All licensees shall certify by [signature] attestation, on the licensure registration renewal form, under oath and penalty of per-

jury, that the licensee completed the required thirty (30) hours of continuing education, and that the continuing education obtained meets the acceptable continuing education criteria specified in [4 CSR 150-3.203] **20 CSR 2150-3.203**.

**AUTHORITY:** sections 334.125, 334.507 and 334.650, *RSMo [Supp. 1998] 2000*, and 334.100 and 334.610, *RSMo Supp. 2007*. This rule originally filed as 4 CSR 150-3.201. Original rule filed May 14, 1999, effective Dec. 30, 1999. Moved to 20 CSR 2150-3.201, effective Aug. 28, 2006. Amended: Filed Dec. 14, 2007.

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

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

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Registration for the Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing (573) 751-3166 or by emailing [healingarts@pr.mo.gov](mailto:healingarts@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2150—State Board of Registration for the  
Healing Arts**

**Chapter 3—Licensing of Physical Therapists and  
Physical Therapist Assistants**

**PROPOSED AMENDMENT**

**20 CSR 2150-3.202 Continuing Education Extensions.** The board is proposing to amend section (1).

**PURPOSE:** Pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration, Title 20. Therefore, references to 4 CSR 150 are being amended throughout the rule. This amendment also clarifies continuing education requirements for licensees actively enrolled in the military. This amendment also makes a gender correction.

(1) A licensee who cannot complete the required thirty (30) hours of continuing education due to personal illness, [military service] or other circumstances beyond the licensee's control which the board and advisory commission deem sufficient to impose an insurmountable hardship to such an extent as to prevent or preclude the licensee from obtaining continuing education hours, may apply for an extension of time to complete the continuing education requirements specified in section 345.507, *RSMo*. Requests for an extension of time to complete the continuing education requirements will be granted solely in the discretion of the board with recommendation from the advisory commission for physical therapists. Licensees requesting an extension of time to complete the required continuing education hours shall submit a statement requesting such extension prior to the December 31 deadline for completion. Requests for an extension of time to complete the continuing education requirement shall be accompanied with the processing fee specified in rule [4 CSR 150-3.080] **20 CSR 2150-3.080**. All licensees shall further provide sufficient documentation and justification for such request from the

appropriate source(s) supporting the reason(s), which prevented the licensee from completing the required continuing education hours. A licensee who requests an extension of time to complete the required thirty (30) hours of continuing education hours shall not engage in active practice as a physical therapist and/or physical therapist assistant until the licensee receives written authorization from the board approving the extension request and specifically authorizing the licensee to continue practicing in the interim.

(A) *[Military service extensions may be granted to a licensee who is or was absent from the United States for at least a majority of the reporting period due to the fulfillment of a military service commitment under combat circumstances or pursuant to a state of national emergency. At a minimum, the licensee must have written documentation submitted to the board from the appropriate military authorities verifying the military service commitment, the dates/periods during which the commitment was being fulfilled and specifying if such service was due to combat or national emergency. The licensee shall further submit written correspondence to the board specifying and documenting the number of continuing education hours the licensee earned during the reporting period and the licensee's plan for completing the balance of the required continuing education hours.]* Licensees in the military will be granted an extension of time to complete the continuing education requirements if they are called to active duty under competent orders for any period of thirty (30) days or more during the reporting period in accordance with section 41.950(10), RSMo. If the licensee is called to active duty for a majority of the reporting period, they will be exempt from obtaining continuing education. The licensee must submit written documentation from the appropriate military authorities verifying the licensee's military service commitment.

(B) Illness extensions may be granted only to a licensee who has or is suffering from a personal illness and/or personal disability of a nature which prevents or prevented the licensee from engaging in active practice as a physical therapist and/or physical therapist assistant for at least a majority of the reporting period. At a minimum, the licensee shall instruct *[his/her]* their treating physician(s) to provide written documentation to the board specifying the nature of the illness or disability, the duration of the illness and/or disability and any limitations on the licensee's activities which resulted or will result from this illness and/or disability. The licensee shall also submit written documentation and evidence as to the number of continuing education hours earned during the reporting period as well as the licensee's plan for completing the balance of the required continuing education hours.

*AUTHORITY: sections 334.125 and 334.507, RSMo [Supp. 1998] 2000 and 41.950 and 334.100, RSMo Supp. 2007. This rule originally filed as 4 CSR 150-3.202. Original rule filed May 14, 1999, effective Dec. 30, 1999. Moved to 20 CSR 2150-3.202, effective Aug. 28, 2006. Amended: Filed Dec. 14, 2007.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Registration for the Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing (573) 751-3166 or by emailing [healingarts@pr.mo.gov](mailto:healingarts@pr.mo.gov). To be considered, comments must be received within thirty (30) days after pub-*

*lication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2150—State Board of Registration for the  
Healing Arts  
Chapter 4—Licensing of Speech-Language Pathologists  
and Audiologists**

**PROPOSED AMENDMENT**

**20 CSR 2150-4.030 Reexamination.** The board is proposing to amend section (1).

*PURPOSE: Pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration, Title 20. Therefore, references to 4 CSR 150 are being amended throughout the rule.*

(1) A candidate whose license has lapsed for more than three (3) years, pursuant to section 345.055(1), RSMo, must submit a new application *[see 4 CSR 150-4.010 pursuant to 4 CSR 150-4.010 and 4 CSR 150-4.020]* (see 20 CSR 2150-4.010) pursuant to 20 CSR 2150-4.010 and 20 CSR 2150-4.020. The board may require such applicants to be reexamined pursuant to section 345.055(1), RSMo.

*AUTHORITY: sections 345.030, 345.050 and 345.055, RSMo Supp. [1998] 2007. This rule originally filed as 4 CSR 150-4.030. Original rule filed July 1, 1988, effective Oct. 27, 1988. Amended: Filed Nov. 16, 1998, effective July 30, 1999. Moved to 20 CSR 2150-4.030, effective Aug. 28, 2006. Amended: Filed Dec. 14, 2007.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing (573) 751-3166 or by emailing [healingarts@pr.mo.gov](mailto:healingarts@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2150—State Board of Registration for the  
Healing Arts  
Chapter 4—Licensing of Speech-Language Pathologists  
and Audiologists**

**PROPOSED AMENDMENT**

**20 CSR 2150-4.040 Internationally Trained Applicants.** The board is proposing to amend section (1).

*PURPOSE: Pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration, Title 20. Therefore, references to 4 CSR 150 are being amended throughout the rule.*

(1) All internationally trained applicants applying for a license to practice shall complete the requirements specified in rules [4 CSR 150-4.010 and 4 CSR 150-4.020] **20 CSR 2150-4.010 and 20 CSR 2150-4.020** and submit the nonrefundable application fee.

*AUTHORITY: sections 345.020, RSMo 2000 and 345.050, RSMo [2000] Supp. 2007. This rule originally filed as 4 CSR 150-4.040. Original rule filed July 1, 1988, effective Oct. 27, 1988. Amended: Filed Nov. 16, 1998, effective July 30, 1999. Amended: Filed April 15, 2004, effective Oct. 30, 2004. Moved to 20 CSR 2150-4.040, effective Aug. 28, 2006. Amended: Filed Dec. 14, 2007.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing (573) 751-3166 or by emailing healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2150—State Board of Registration for the  
Healing Arts  
Chapter 4—Licensing of Speech-Language Pathologists  
and Audiologists**

**PROPOSED AMENDMENT**

**20 CSR 2150-4.054 Continuing Education Extensions.** The board is proposing to amend section (1).

*PURPOSE: Pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration, Title 20. Therefore, references to 4 CSR 150 are being amended throughout the rule.*

(1) A licensee who cannot complete the required hours of continuing education because of personal illness, military service or other circumstances beyond the licensee's control which the board deems to be sufficient to impose an insurmountable hardship may apply for an extension of time to complete the continuing education requirements. Any extension of time to complete the continuing education requirements will be granted solely in the discretion of the board. The licensee must make a written application for extension of time prior to the December 31 deadline for completion of the continuing education requirement. The application for extension shall be accompanied by a processing fee as specified in rule [4 CSR 150-4.060] **20 CSR 2150-4.060**, together with the application for extension. The licensee shall provide full and complete written documentation of the

grounds supporting the reasons for which an extension is sought. A licensee who requests an extension of time to complete the required hours of continuing education shall not engage in active practice of speech-language pathology and/or audiology until the board grants the licensee's request for extension and the licensee receives express written authorization to do so.

*AUTHORITY: sections 345.030 RSMo Supp. 2007 and 345.051 and 345.075, RSMo [Supp. 1998] 2000. This rule originally filed as 4 CSR 150-4.054. Original rule filed Nov. 17, 1997, effective June 30, 1998. Amended: Filed Nov. 16, 1998, effective July 30, 1999. Moved to 20 CSR 2150-4.054, effective Aug. 28, 2006. Amended: Filed Dec. 14, 2007.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing (573) 751-3166 or by emailing healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2150—State Board of Registration for the  
Healing Arts  
Chapter 4—Licensing of Speech-Language Pathologists  
and Audiologists**

**PROPOSED AMENDMENT**

**20 CSR 2150-4.110 Supervision Requirements.** The board is proposing to amend subsection (3)(A).

*PURPOSE: Pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration, Title 20. Therefore, references to 4 CSR 150 are being amended throughout the rule.*

(3) The supervising speech-language pathologist and/or audiologist is responsible for all of the aide's activities.

(A) It is the responsibility of the supervising speech-language pathologist or supervising audiologist (respective of aide's registration) to protect the interests of all patients and/or clients at all times during which the aide is practicing and/or interacting with patients and/or clients; this responsibility includes the supervisor's and the aide's compliance with the ethical standards of practice as specified in rule [4 CSR 150-4.080] **20 CSR 2150-4.080**.

*AUTHORITY: sections 345.015 and 345.030, RSMo Supp. [1999] 2007. This rule originally filed as 4 CSR 150-4.110. Original rule filed April 2, 1992, effective Dec. 3, 1992. Rescinded and readopted: Filed July 25, 2000, effective Dec. 30, 2000. Moved to 20 CSR 2150-4.110, effective Aug. 28, 2006. Amended: Filed Dec. 14, 2007.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing (573) 751-3166 or by emailing healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2150—State Board of Registration for the  
Healing Arts  
Chapter 4—Licensing of Speech-Language Pathologists  
and Audiologists**

**PROPOSED AMENDMENT**

**20 CSR 2150-4.201 Supervision Requirements.** The board is proposing to amend section (3).

*PURPOSE: Pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration, Title 20. Therefore, references to 4 CSR 150 are being amended throughout the rule.*

(3) The supervising speech-language pathologist has the responsibility of ensuring and protecting the interests of all patients and/or clients at all times during which the assistant is practicing and/or interacting with patients and/or clients; this responsibility includes the supervisor's and the assistant's compliance with the ethical standards of practice as specified in rule [4 CSR 150-4.080] **20 CSR 2150-4.080**.

*AUTHORITY: sections 345.015, 345.022 and 345.030, RSMo Supp. [1999] 2007. This rule originally filed as 4 CSR 150-4.201. Original rule filed July 31, 2000, effective Feb. 28, 2001. Moved to 20 CSR 2150-4.201, effective Aug. 28, 2006. Amended: Filed Dec. 14, 2007.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing (573) 751-3166 or by emailing healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2150—State Board of Registration for the  
Healing Arts  
Chapter 5—General Rules**

**PROPOSED AMENDMENT**

**20 CSR 2150-5.100 Collaborative Practice.** The board is proposing to amend subsections (2)(C) and (D) and (4)(G).

*PURPOSE: Pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration, Title 20. Therefore, references to 4 CSR 150 are being amended throughout the rule. This amendment also corrects the name of the board to make it consistent throughout the rules.*

(2) Geographic Areas.

(C) An advanced practice nurse who desires to enter into a collaborative practice arrangement to provide health care services that include the diagnosis and treatment of acutely or chronically ill or injured persons at a location where the collaborating physician is not continuously present shall practice at the same location with the collaborating physician for a period of at least one (1) calendar month before the collaborating advanced practice nurse practices at a location where the collaborating physician is not present. The provision of the above specified health care services pursuant to a collaborative practice arrangement shall be limited to only an advanced practice nurse. This provision applies to all collaborative practice arrangements between a physician and an advanced practice nurse unless a waiver is obtained as provided in [4 CSR 150-5.100] **20 CSR 2150-5.100(2)(D)**.

(D) If an advanced practice nurse has been continuously providing health care services pursuant to a collaborative practice arrangement with the same physician for at least one (1) year and the collaborating physician terminates the collaborative practice arrangement with less than thirty (30) days notice for reasons unrelated to the advanced practice nurse, [4 CSR 150-5.100] **20 CSR 2150-5.100(2)(C)** may be waived by the board of nursing and the board of healing arts if the requirement for one (1) calendar month same-site collaboration would result in health care services at the location where the advanced practice nurse practices being discontinued or reduced. The request for the waiver with supporting documentation shall be submitted to the board of nursing or the board of healing arts by the advanced practice nurse or the collaborating physician and shall specify all information necessary for the board of nursing and the board of healing arts to evaluate the request including, but not limited to, the date and reasons for the termination of the collaborative practice arrangement, number of patients affected and plan for a new collaborative practice arrangement.

(4) Review of Services.

(G) The [Missouri] State Board of Registration for the Healing Arts and the [Missouri] State Board of Nursing separately retain the right and duty to discipline their respective licensees for violations of any state or federal statutes, rules, or regulations regardless of the licensee's participation in a collaborative practice arrangement.

*AUTHORITY: sections 334.104.3, [RSMo Supp. 2002,] and 335.036, RSMo [2000] Supp. 2007 and 334.125, RSMo 2000. This rule originally filed as 4 CSR 150-5.100. Original rule filed Jan. 29, 1996, effective Sept. 30, 1996. Amended: Filed April 1, 1998, effective Oct. 30, 1998. Amended: Filed Oct. 30, 2002, effective June 30, 2003. Moved to 20 CSR 2150-5.100, effective Aug. 28, 2006. Amended: Filed Dec. 14, 2007.*

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

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

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Registration for the Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing (573) 751-3166 or by emailing [healingarts@pr.mo.gov](mailto:healingarts@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2150—State Board of Registration for the  
Healing Arts  
Chapter 6—Licensure of Athletic Trainers**

**PROPOSED AMENDMENT**

**20 CSR 2150-6.050 Fees.** The board is proposing to delete subsection (1)(A) and renumber the subsections thereafter.

*PURPOSE:* Since the board no longer administers the examination, this amendment deletes the licensure with examination fee.

(1) The following fees are established by the State Board of Registration for the Healing Arts:

<i>[(A)]</i> Licensure With Examination Fee	\$ 150.00
<i>[(B)]</i> (A) Licensure Fee	\$ 100.00
<i>[(C)]</i> (B) Renewal Fee	\$ 50.00
<i>[(D)]</i> (C) Reinstatement Fee	\$ 10.00
<i>[(E)]</i> (D) Endorsement Fee	\$ 25.00
<i>[(F)]</i> (E) Returned Check Fee	\$ 25.00

*AUTHORITY:* sections 334.125, RSMo 2000 and 334.706.3(2), RSMo Supp. [2004] 2007. This rule originally filed as 4 CSR 150-6.050. Emergency rule filed April 5, 1985, effective April 15, 1985, expired Aug. 13, 1985. Original rule filed May 3, 1985, effective Aug. 15, 1985. For intervening history, please consult the *Code of State Regulation*. Amended: Filed Dec. 5, 2007.

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

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

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Board of Healing Arts, Attn: Tina Steinman, Executive Director, 3605 Missouri Boulevard, PO Box 4, Jefferson City, Missouri 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2150—State Board of Registration for the  
Healing Arts  
Chapter 6—Licensure of Athletic Trainers**

**PROPOSED RULE**

**20 CSR 2150-6.062 Late Registration and Reinstatement**

*PURPOSE:* This rule implements new rules regarding the process for late registration and reinstatement applications.

(1) Whenever a licensed athletic trainer fails to renew their license before the license expiration date, their application for renewal of license shall be denied unless it is accompanied by all fees required by statute and rule together with the renewal form provided by the board and made under oath. The renewal form shall include:

(A) All addresses where they have practiced and resided since the expiration of their last period of licensure;

(B) The nature of their practice since expiration;

(C) Whether, since expiration, any registration or license, or right of theirs to practice in any other state or country has been suspended or revoked;

(D) Whether they have been the subject of any disciplinary action by any licensing agency of any state or country or by any professional organization or society;

(E) Whether they have been charged or convicted of any crime in any court of any state or country;

(F) Whether they have been addicted to a drug habit or have been guilty of any unprofessional or dishonorable conduct as defined by section 334.100, RSMo; and

(G) All details pertaining to all those occurrences outlined in subsections (1)(C) through (1)(F).

(2) All applicants must provide, on the application form, a recent unmounted photograph, in size no larger than three and one-half inches by five inches (3 1/2" × 5").

(3) All applications shall be sent to the Missouri State Board of Registration for the Healing Arts, PO Box 4, Jefferson City, MO 65102.

(4) All applicants shall submit the renewal fee along with the reinstatement fee established by the board. This fee shall be drawn on a United States bank made payable to the State Board of Registration for the Healing Arts.

(5) All applicants shall have verification of licensure, registration and/or certification submitted from every state and/or country in which the applicants have ever held privileges to practice. This verification must be submitted directly from the licensing agency and include the type of license, registration or certification, the issue and expiration date, and information concerning any disciplinary or investigative actions.

(6) All applicants shall be actively certified with the National Athletic Trainers' Association.

(7) Applicants whose license has been revoked, suspended or inactive for more than two (2) years shall submit any other documentation requested by the board necessary to verify that the licensee is competent to practice and is knowledgeable of current athletic training techniques, procedures and treatments, as evidenced by continuing education hours, re-examination, or other applicable documentation acceptable and approved by the board pursuant to the provisions of section 334.100.6, RSMo.

(8) The board may require an applicant to make a personal appearance before the board and/or committee prior to rendering a final decision regarding license renewal/reinstatement.

(9) An applicant may withdraw their application for license anytime prior to the board's vote on the applicant's candidacy for license renewal/reinstatement.

*AUTHORITY: sections 334.125, RSMo 2000 and 334.706.3(2), RSMo Supp. 2007. Original rule filed Dec. 5, 2007.*

*PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately eighteen dollars and ninety-five cents (\$18.95) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*PRIVATE COST: This proposed rule will cost private entities approximately two hundred twenty-nine dollars and sixty-four cents (\$229.64) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Healing Arts, Attn: Tina Steinman, Executive Director, 3605 Missouri Boulevard, PO Box 4, Jefferson City, Missouri 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.*

## PUBLIC ENTITY FISCAL NOTE

## I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2150 - State Board of Registration for the Healing Arts

Chapter 6 - Licensure of Athletic Trainers

Proposed Rule - 20 CSR 2150-6.062 Late Registration and Reinstatement

Prepared November 6, 2007 by the Division of Professional Registration

## II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance
State Board of Registration for the Healing Arts	\$18.95
<b>Total Annual Cost of Compliance</b>	<b>\$18.95</b>

## III. WORKSHEET

The licensing technician II reviews applications for completeness, updates PROMO, prepares and sends follow up letters, responds to telephone and email inquiries, processes all documentation, prepares application for executive director's review, notifies applicant of any deficiencies noted by the executive director, and mails the license. The executive director reviews the application for approval. The licensing supervisor prepares the license for issuance. The office support assistant mails the

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE	HOURLY SALARY	COST PER MINUTE	TIME PER EVENT	COST PER EVENT	TOTAL COST
Office Support Assistant	\$21,348	\$31,785.04	\$15.28	\$0.25	15 seconds	\$0.06	\$0.13
Licensure Technician II	\$23,856	\$35,519.20	\$17.08	\$0.28	15 minutes	\$4.27	\$8.54
Licensure Supervisor	\$31,896	\$47,489.95	\$22.83	\$0.38	3 minutes	\$1.14	\$2.28
Executive Director	\$74,061	\$110,269.42	\$53.01	\$0.88	3 minutes	\$2.65	\$5.30
<b>Total Personal Services Cost for Healing Arts</b>						<b>\$8.13</b>	<b>\$16.25</b>

**Expense and Equipment Dollars for Initial Licensure**

Application Printing	\$0.80	\$1.60		
Application Envelope	\$0.16	\$0.32		
Application Postage	\$0.39	\$0.78		
<b>Total Expense and Equipment Cost</b>	<b>\$1.77</b>	<b>\$2.70</b>	<b>Total Expense and Equipment Costs</b>	<b>\$2.70</b>

**IV. ASSUMPTION**

1. Employee's salaries were calculated using the annual salary multiplied by 48.89% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

NOTE: The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual cost incurred by the office, which includes personal service, expense and equipment and transfers.

**PRIVATE ENTITY FISCAL NOTE****I. RULE NUMBER****Title 20 - Department of Insurance, Financial Institutions and Professional Registration****Division 2150 - State Board of Registration for the Healing Arts****Chapter 6 - Licensure of Athletic Trainers****Proposed Rule - 20 CSR 2150-6.062 Late Registration and Reinstatement**

Prepared November 6, 2007 by the Division of Professional Registration

**II. SUMMARY OF FISCAL IMPACT**

<b>Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:</b>	<b>Classification by type of the business entities which would likely be affected:</b>	<b>Estimated cost of compliance with the rule by affected entities:</b>
2	Late Registration (Application Fee @ \$60)	\$120
2	Reinstatement (Renewal Fee @ \$50)	\$100
4	Notary (Fee @ \$2.00)	\$8
4	Postage (Postage @ \$0.41)	\$1.64
	<b>Estimated Annual Cost of Compliance for the Life of the Rule</b>	<b>\$229.64</b>

**III. WORKSHEET**

See table above.

**IV. ASSUMPTION**

1. The figures reported above are based on FY07 actuals.
2. The office estimates that the number of late registration and reinstatement applicants will grow by four (4) each year.
3. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2150—State Board of Registration for the  
Healing Arts**

**Chapter 6—Licensure of Athletic Trainers**

**PROPOSED RULE**

**20 CSR 2150-6.066 Reinstatement of an Inactive License**

*PURPOSE:* This rule provides the requirements athletic trainers must follow to request reinstatement of a license that has been inactive pursuant to SB 1182 of the 91st General Assembly (2002).

- (1) All applicants shall make application for reinstatement of an inactive license upon a form prepared by the board.
- (2) No application will be considered unless fully and completely made out on the specified form and properly attested.
- (3) All applicants must provide, on the application form, a recent unmounted photograph, in size no larger than three and one-half inches by five inches (3 1/2" × 5").
- (4) All applications shall be sent to the Missouri State Board of Registration for the Healing Arts, PO Box 4, Jefferson City, MO 65102.
- (5) All applicants for reinstatement of an inactive license must submit the licensure fee as specified in 20 CSR 2150-6.050. The fee shall be drawn on a United States bank made payable to the Missouri Board of Healing Arts.
- (6) No application will be processed prior to the submission of the required fee in the appropriate form.
- (7) All applicants must submit an activity statement documenting all employment, professional and nonprofessional activities since the date the license was placed on inactive status.
- (8) All applicants shall have licensure, registration, or certification verification submitted from every state and country in which they have ever held privileges to practice as an athletic trainer. This verification must be submitted directly from the licensing agency and include the type of license, registration, or certification, the issue and expiration date, and information concerning any disciplinary or investigative actions.
- (9) An applicant for reinstatement of an inactive license who has not actively practiced as an athletic trainer in another state or country throughout the period their Missouri license was inactive, shall submit upon request any documentation requested by the board necessary to verify that the applicant is competent to practice in Missouri. Such documentation may include continuing education, additional training, or applicable documentation acceptable to the board. If an applicant under this section has been in inactive status for more than five (5) years, the board may require the applicant to successfully complete reexamination prior to reinstatement.

*AUTHORITY:* sections 334.125, RSMo 2000 and 334.706 and 334.710, RSMo Supp. 2007. Original rule filed Dec. 5, 2007.

*PUBLIC COST:* This proposed rule will cost state agencies or political subdivisions approximately nine dollars and forty-eight cents (\$9.48) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are

*expected to increase at the rate projected by the Legislative Oversight Committee.*

*PRIVATE COST:* This proposed rule will cost private entities approximately one hundred fourteen dollars and eighty-two cents (\$114.82) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Healing Arts, Attn: Tina Steinman, Executive Director, 3605 Missouri Boulevard, PO Box 4, Jefferson City, Missouri 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.

## PUBLIC ENTITY FISCAL NOTE

## I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2150 - State Board of Registration for the Healing Arts

Chapter 6 - Licensure of Athletic Trainers

Proposed Rule - 20 CSR 2150-6.066 Reinstatement of an Inactive License

Prepared November 6, 2007 by the Division of Professional Registration

## II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance	
State Board of Registration for the Healing Arts	\$9.48	
	Total Annual Cost of Compliance for the Life of the Rule	\$9.48

## III. WORKSHEET

The licensing technician II reviews applications for completeness, updates PROMO, prepares and sends follow up letters, responds to telephone and email inquiries, processes all documentation, prepares application for executive director's review, notifies applicant of any deficiencies noted by the executive director, and mails the license. The executive director reviews the application for approval. The licensing supervisor prepares the license for issuance. The office support assistant mails the license.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER EVENT	COST PER EVENT	TOTAL COST
Office Support Assistant	\$21,348	\$31,785.04	\$15.28	\$0.25	15 seconds	\$0.06	\$0.06
Licensure Technician II	\$23,856	\$35,519.20	\$17.08	\$0.28	15 minutes	\$4.27	\$4.27
Licensure Supervisor	\$31,896	\$47,489.95	\$22.83	\$0.38	3 minutes	\$1.14	\$1.14
Executive Director	\$74,061	\$110,269.42	\$53.01	\$0.88	3 minutes	\$2.65	\$2.65
<b>Total Personal Services Cost for Healing Arts</b>						<b>\$8.13</b>	<b>\$8.13</b>

**Expense and Equipment Dollars for Initial Licensure**

Application Printing	\$0.80		
Application Envelope	\$0.16		
Application Postage	\$0.39		
<b>Total Expense and Equipment Cost</b>	<b>\$1.35</b>	<b>Total Expense and Equipment Costs</b>	<b>\$1.35</b>

**IV. ASSUMPTION**

1. Employee's salaries were calculated using the annual salary multiplied by 48.89% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

NOTE: The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual cost incurred by the office, which includes personal service, expense and equipment and ~~transfer~~

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

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration**  
**Division 2150 - State Board of Registration for the Healing Arts**  
**Chapter 6 - Licensure of Athletic Trainers**  
**Proposed Rule - 20 CSR 2150-6.066 Reinstatement of an Inactive License**  
 Prepared November 6, 2007 by the Division of Professional Registration

**II. SUMMARY OF FISCAL IMPACT**

<b>Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:</b>	<b>Classification by type of the business entities which would likely be affected:</b>	<b>Estimated cost of compliance with the rule by affected entities:</b>
1	Inactive License (Application Fee @ \$100)	\$60
1	Reinstatement (Renewal Fee @ \$50)	\$50
2	Notary (Fee @ \$2.00)	\$4
2	Postage (Postage @ \$0.41)	\$0.82
	<b>Estimated Annual Cost of Compliance for the Life of the Rule</b>	<b>\$114.82</b>

**III. WORKSHEET**

See table above.

**IV. ASSUMPTION**

1. The figures reported above are based on FY07 actuals.
2. The office estimates that the number of late registration and reinstatement applicants will grow by one (1) each year.
3. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2150—State Board of Registration for the  
Healing Arts**

**Chapter 7—Licensing of Physician Assistants**

**PROPOSED AMENDMENT**

**20 CSR 2150-7.122 Supervision, Name and Address Change Requirements, Retirement Affidavits.** The board is proposing to amend section (4).

*PURPOSE:* Pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration, Title 20. Therefore, references to 4 CSR 150 are being amended throughout the rule.

(4) Licensed physician assistants who retire from practice as a physician assistant shall file an affidavit, on a form furnished by the board, stating the date of retirement. The licensee shall submit any other documentation requested by the board to verify retirement. Licensees who reengage in practice as a physician assistant after submitting an affidavit of retirement shall reapply for licensure as required in sections 334.735 and 334.738, RSMo and pursuant to the provisions of rule [4 CSR 150-7.125] **20 CSR 2150-7.125**.

*AUTHORITY:* sections 334.125, 334.738 and 334.743, RSMo [Supp. 1999] **2000** and 334.735, RSMo Supp. **2007**. This rule originally filed as 4 CSR 150-7.122. Original rule filed Jan. 3, 1997, effective July 30, 1997. Amended: Filed July 25, 2000, effective Dec. 30, 2000. Moved to 20 CSR 2150-7.122, effective Aug. 28, 2006. Amended: Filed Dec. 14, 2007.

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

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

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Registration for the Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing (573) 751-3166 or by emailing [healingarts@pr.mo.gov](mailto:healingarts@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2150—State Board of Registration for the  
Healing Arts**

**Chapter 7—Licensing of Physician Assistants**

**PROPOSED AMENDMENT**

**20 CSR 2150-7.300 Applicants for Temporary Licensure.** The board is proposing to amend sections (4), (14), (15), and (16).

*PURPOSE:* Pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance,

*Financial Institutions and Professional Registration, Title 20. Therefore, references to 4 CSR 150 are being amended throughout the rule. This amendment also corrects grammatical errors. This amendment also deletes obsolete information.*

(4) The fee for temporary licensure shall be an appropriate fee, to be established by the board. The fee shall be sent in the form of a cashier's check or money order drawn on a United States bank or firm; payable to the State Board of Registration for the Healing Arts. [Personal and/or corporate checks will not be accepted.] No application will be processed until the licensure fee is received.

(14) The temporary license shall automatically terminate if the temporary licensee fails the examination or does not sit for the examination as scheduled. The temporary licensee may apply for temporary licensure renewal pursuant to rule [4 CSR 150-7.310] **20 CSR 2150-7.310**.

(15) Temporary licensees may be issued permanent licensure upon successful passage of the National Commission on Certification of Physician Assistants Examination as determined by the National Commission on Certification of Physician Assistants; submission/completion of all the requirements specified in rule [4 CSR 150-7.100] **20 CSR 2150-7.100**, an updated activities statement, the application form and application fee.

(16) When an applicant has filed his/her application and the appropriate fee for temporary licensure, and the applicant is denied by the board pursuant to the provisions of section 334.100, RSMo and/or rule [4 CSR 150-7.140] **20 CSR 2150-7.140**, or is subsequently withdrawn by the applicant, the fee will be retained by the board pursuant to the provisions of rule [4 CSR 150-7.200] **20 CSR 2150-7.200**.

*AUTHORITY:* sections 334.125, 334.736, 334.738, 334.742, 334.743[,] and 334.745, RSMo **2000**, and 334.100, 334.735 and 334.749, RSMo Supp. [1999] **2007**. This rule originally filed as 4 CSR 150-7.300. Original rule filed July 25, 2000, effective Dec. 30, 2000. Moved to 20 CSR 2150-7.300, effective Aug. 28, 2006. Amended: Filed Dec. 14, 2007.

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

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

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Registration for the Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing (573) 751-3166 or by emailing [healingarts@pr.mo.gov](mailto:healingarts@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2150—State Board of Registration for the  
Healing Arts**

**Chapter 7—Licensing of Physician Assistants**

**PROPOSED AMENDMENT**

**20 CSR 2150-7.310 Applicants for Temporary Licensure Renewal.** The board is proposing to amend sections (5), (13) and (14).

*PURPOSE:* Pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration, Title 20. Therefore, references to 4 CSR 150 are being amended throughout the rule. This amendment also deletes obsolete information.

(5) The fee for temporary licensure renewal shall be an appropriate fee, to be established by the board. The fee shall be sent in the form of a cashier's check or money order drawn on a United States bank and/or firm, payable to the State Board of Registration for the Healing Arts. *[Personal and/or corporate checks will not be accepted.]* No application will be processed until the temporary licensure renewal fee is received.

(13) Temporary licensees may be issued permanent licensure upon successful passage of the National Commission on Certification of Physician Assistants Examination as determined by the National Commission on Certification of Physician Assistants; submission/completion of all the requirements specified in rule *[4 CSR 150-7.100]* **20 CSR 2150-7.100**, an updated activities statement, the application form and application fee.

(14) When an applicant has filed his/her application and the appropriate fee for temporary licensure renewal, and the applicant is deemed to be ineligible or denied by the board pursuant to the provisions of section 334.100, RSMo and/or rule *[4 CSR 150-7.140]* **20 CSR 2150-7.140**, or is subsequently withdrawn by the applicant, the fee will be retained by the board pursuant to the provisions of rule *[4 CSR 150-7.200]* **20 CSR 2150-7.200**.

*AUTHORITY:* sections 334.125, 334.736, 334.738, 334.742, 334.743[,] and 334.745, RSMo 2000 and 334.100, 334.735 and 334.749, RSMo Supp. [1999] 2007. This rule originally filed as 4 CSR 150-7.310. Original rule filed July 25, 2000, effective Dec. 30, 2000. Moved to 20 CSR 2150-7.310, effective Aug. 28, 2006. Amended: Filed Dec. 14, 2007.

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

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

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Registration for the Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing (573) 751-3166 or by emailing [healingarts@pr.mo.gov](mailto:healingarts@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2150—State Board of Registration for the  
Healing Arts  
Chapter 9—Licensing of Anesthesiologist Assistants  
  
PROPOSED AMENDMENT**

**20 CSR 2150-9.030 Applicants for Licensure.** The board is proposing to amend sections (8) and (11).

*PURPOSE:* Pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration, Title 20. Therefore, references to 4 CSR 150 are being amended throughout the rule.

(8) Applicants shall submit the licensure application fee as defined in *[4 CSR 150-9.080]* **20 CSR 2150-9.080** in the form of a personal check, money order or cashier's check drawn on a United States bank and/or firm made payable to the State Board of Registration for the Healing Arts.

(11) When an applicant has filed an application and an appropriate fee and the application is denied by the board or subsequently withdrawn by the applicant, the fee will be retained by the board pursuant to the provisions of *[4 CSR 150-9.080]* **20 CSR 2150-9.080** and section 334.104.1, RSMo.

*AUTHORITY:* sections 334.125, RSMo 2000 and 334.400, 334.404, 334.406 and 334.414, RSMo Supp. [2005] 2007. This rule originally filed as 4 CSR 150-9.030. Original rule filed Jan. 17, 2006, effective Aug. 30, 2006. Moved to 20 CSR 2150-9.030, effective Aug. 28, 2006. Amended: Filed Dec. 14, 2007.

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

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

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Registration for the Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing (573) 751-3166 or by emailing [healingarts@pr.mo.gov](mailto:healingarts@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2150—State Board of Registration for the  
Healing Arts  
Chapter 9—Licensing of Anesthesiologist Assistants  
  
PROPOSED AMENDMENT**

**20 CSR 2150-9.060 Licensure Renewal.** The board is proposing to amend section (1).

*PURPOSE:* Pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration, Title 20. Therefore, references to 4 CSR 150 are being amended throughout the rule.

(1) A license shall be renewed on or before January 31 of the year the license is due for renewal, by submitting the renewal application and fee to the board. The license renewal fee shall be established in *[4 CSR 150-9.080]* **20 CSR 2150-9.080**.

*AUTHORITY: sections 334.125, RSMo 2000 and 334.414, RSMo Supp. [2005] 2007. This rule originally filed as 4 CSR 150-9.060. Original rule filed Jan. 17, 2006, effective Aug. 30, 2006. Moved to 20 CSR 2150-9.060, effective Aug. 28, 2006. Amended: Filed Dec. 14, 2007.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Registration for the Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing (573) 751-3166 or by emailing [healingarts@pr.mo.gov](mailto:healingarts@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2150—State Board of Registration for the  
Healing Arts  
Chapter 9—Licensing of Anesthesiologist Assistants**

**PROPOSED AMENDMENT**

**20 CSR 2150-9.070 Continuing Education.** The board is proposing to amend sections (4) and (5).

*PURPOSE: Pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration, Title 20. Therefore, references to 4 CSR 150 are being amended throughout the rule. This amendment also makes gender corrections.*

(4) A licensee who cannot complete the required hours of continuing education because of personal illness, military service or other circumstances beyond the licensee's control which the board deems to be sufficient to impose an insurmountable hardship may apply for an extension of time to complete the continuing education requirements. Any extension of time to complete the continuing education requirements will be granted solely in the discretion of the board. The licensee must make a written application for extension of time prior to the deadline for completion of the continuing education requirement. The application for extension shall be accompanied by a processing fee as required in [4 CSR 150-9.080] **20 CSR 2150-9.080**. The licensee shall provide full and complete written documentation of the grounds supporting the reasons for which an extension is sought.

(5) For purposes of section 334.420, RSMo concerning waiver of the continuing education requirements for retired anesthesiologist assistants, a retired anesthesiologist assistant is one who has neither engaged in active practice as an anesthesiologist assistant nor held [him/herself] themselves out as an active practicing anesthesiologist assistant and, pursuant to section 334.410, RSMo, has executed and filed with the board a retirement affidavit. A retired anesthesiologist assistant may keep [his/her] their wall-hanging certificate after execution of a retirement affidavit but shall surrender, upon retirement, all other indicia of licensure.

*AUTHORITY: sections 334.125, RSMo 2000 and 334.414, RSMo Supp. [2005] 2007. This rule originally filed as 4 CSR 150-9.070. Original rule filed Jan. 17, 2006, effective Aug. 30, 2006. Moved to 20 CSR 2150-9.070, effective Aug. 28, 2006. Amended: Filed Dec. 14, 2007.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing (573) 751-3166 or by emailing [healingarts@pr.mo.gov](mailto:healingarts@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2150—State Board of Registration for the  
Healing Arts  
Chapter 9—Licensing of Anesthesiologist Assistants**

**PROPOSED AMENDMENT**

**20 CSR 2150-9.090 Late Registration.** The board is proposing to amend sections (3), (4), and (5).

*PURPOSE: Pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration, Title 20. Therefore, references to 4 CSR 150 are being amended throughout the rule. This amendment also corrects the name of the board to make it consistent throughout the rules.*

(3) All applications shall be sent to the [Missouri] State Board of Registration for the Healing Arts, PO Box 4, Jefferson City, MO 65102.

(4) All applicants shall submit the renewal fee along with the delinquent fee pursuant to [4 CSR 150-9.080] **20 CSR 2150-9.080**. This fee shall be submitted in the form of a personal check, cashier's check or money order drawn on a United States bank and/or firm made payable to the State Board of Registration for the Healing Arts.

(5) All applicants shall submit proof of active certification in compliance with [4 CSR 150-9.070] **20 CSR 2150-9.070**.

*AUTHORITY: sections 334.125, RSMo 2000 and 334.414, RSMo Supp. [2005] 2007. This rule originally filed as 4 CSR 150-9.090. Original rule filed Jan. 17, 2006, effective Aug. 30, 2006. Moved to 20 CSR 2150-9.090, effective Aug. 28, 2006. Amended: Filed Dec. 14, 2007.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Registration for the Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing (573) 751-3166 or by emailing healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2210—State Board of Optometry  
Chapter 1—Organization and Description of Board**

**PROPOSED AMENDMENT**

**20 CSR 2210-1.010 General Organization.** The board is proposing to amend subsections (6)(C) and (6)(D), and sections (7), (8) and (9).

*PURPOSE: This amendment clarifies the board's superintending control and makes grammatical corrections.*

(6) The board has superintending control over the practice of optometry within this state. The board's primary duties consist of—

(C) Accrediting continuing education programs for [annual] license renewal; and

(D) **Censuring**, [S/suspending, **probating**, or revoking licenses of any doctor found guilty of violating the prohibitions of Chapter 336, RSMo.

(7) The board is required to meet at least once in every six (6) months and such other meetings as determined by the board. The time and location for each meeting may be obtained by contacting the [board's executive director at PO Box 672, Jefferson City, MO 65102-0672] **State Board of Optometry**.

(8) Unless otherwise provided by statute or regulation, regular and special meetings of the board [shall be governed] **are guided by Robert's Rules of Order [(Newly Revised 10th Edition)]**.

(9) The public may obtain information from the board or make submissions or requests to the board by writing the State Board of Optometry[, P.O. Box 672, Jefferson City, MO 65102-0672].

*AUTHORITY: sections 336.130.4, RSMo 2000 and 336.140, 336.160 and 536.023.3, RSMo Supp. [2006] 2007. This rule originally filed as 4 CSR 210-1.010. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Rescinded and readopted: Filed Oct. 14, 1981, effective Jan. 14, 1982. Amended: Filed Sept. 13, 1995, effective March 30, 1996. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 5, 2007.*

*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 Board of Optometry, Executive Director, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 751-8216 or by e-mail at optometry@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2210—State Board of Optometry  
Chapter 1—Organization and Description of Board**

**PROPOSED AMENDMENT**

**20 CSR 2210-1.020 Board Member Compensation.** The board is proposing to delete section (1), amend the original section (2) and renumber sections accordingly.

*PURPOSE: This amendment deletes obsolete information.*

*[(1) Each member of the State Board of Optometry whose term of office began before September 28, 1981 shall receive the sum of twenty-five dollars (\$25) as compensation for each day that member devotes to the affairs of the board.]*

*[(2)] (1) Each member of the [State B]board [of Optometry whose term of office begins on or after September 28, 1981] shall receive the sum of fifty dollars (\$50) as compensation for each day that member devotes to the affairs of the board.*

*[(3)] (2) In addition to the compensation fixed in this rule, each member is entitled to reimbursement of his/her expenses necessarily incurred in the discharge of his/her official duties.*

*[(4)] (3) No request for compensation provided shall be processed for payment unless sufficient funds are available for that purpose within the appropriations for this board.*

*AUTHORITY: sections 336.140 and 336.160, RSMo Supp. [(1986)] 2007. This rule originally filed as 4 CSR 210-1.020. Emergency rule filed Sept. 17, 1981, effective Sept. 28, 1981, expired Dec. 28, 1981. Original rule filed Sept. 17, 1981, effective Jan. 14, 1982. Moved to 20 CSR 2210-1.020, effective Aug. 28, 2006. Amended: Filed Dec. 5, 2007.*

*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 Board of Optometry, Executive Director, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 751-8216 or by e-mail at optometry@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2210—State Board of Optometry  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**20 CSR 2210-2.010 Application for Licensure.** The board is proposing to amend sections (1) and (2).

*PURPOSE:* This amendment amends terminology to be consistent with Chapter 336, RSMo and provides information available on the board's website.

(1) Application for a Missouri [certificate of registration] license as an optometrist must be made on the forms provided by the board. All applications must be complete prior to board consideration. All documents and transcripts which are necessary to complete the application, must be received in the board office prior to board consideration. An application more than one (1) year old must be updated prior to licensure.

(2) Application forms and a list of currently approved colleges may be obtained by writing the [board's executive director at P.O. Box 672, Jefferson City, MO 65102-0672] State Board of Optometry. A copy of the current statutory provisions and board rules regarding the practice of optometry shall be provided with the application form. **A copy of the application form, approved colleges, and the statutes and rules can also be downloaded from the board's website. The website address is <http://pr.mo.gov/optometrists.asp>.**

*AUTHORITY:* sections 336.040 and 336.160.1, RSMo [2000] Supp. 2007. This rule originally filed as 4 CSR 210-2.010. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed March 13, 1980, effective June 12, 1980. Rescinded and readopted: Filed Oct. 14, 1981, effective Jan. 14, 1982. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 5, 2007.

*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 Board of Optometry, Executive Director, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573)751-8216 or by e-mail at [optometry@pr.mo.gov](mailto:optometry@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2210—State Board of Optometry  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**20 CSR 2210-2.020 Licensure by Examination.** The board is proposing to amend sections (1), (3), (4) and (5).

*PURPOSE:* Pursuant to House Bill 780 and Senate Bill 308 of the 94th General Assembly (2007) the board is amending the text of the rule to be consistent with Chapter 336, RSMo. This amendment also explains the examinations of the State Board of Optometry.

(1) Every person applying for licensure as an [registered] optometrist shall have [been] graduated from a school of optometry approved by the board [prior to taking any practical examination required for licensure].

(3) All applicants must pay the application [and licensing] fee[s]

and submit proof of fingerprints to the Missouri State Highway Patrol's approved vendor for both a Missouri State Highway Patrol and Federal Bureau of Investigation fingerprint background check. Any fees due for fingerprint background checks shall be paid by the applicant directly to the Missouri State Highway Patrol or its approved vendor.

(4) All applicants for a [certificate of registration] license as an **optometrist** shall pass all parts of the [written] examination administered by the National Board of Examiners in Optometry (NBEO) [and shall pass the Clinical Skills and Patient Assessment and Management (PAM) examination known as the Clinical Skills/Patient Care examination administered by the NBEO in July 1991 or later]. Each applicant also shall pass an examination on Missouri Optometric law with a score of seventy-five percent (75%) or greater within one (1) year prior to licensure.

(5) In addition to the above requirements, all applicants for a [certificate of registration] license as an **optometrist** must be certified by the board as qualified to use [diagnostic pharmaceutical agents and therapeutic] pharmaceutical agents in accordance with the guidelines stated in 20 CSR 2210-2.080.

*AUTHORITY:* sections 336.050, 336.160.1, and 336.220.1, RSMo [2000] Supp. 2007. This rule originally filed as 4 CSR 210-2.020. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed Nov. 10, 1976, effective March 11, 1977. Amended: Filed Aug. 30, 1979, effective Feb. 11, 1980. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 5, 2007.

*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 Board of Optometry, Executive Director, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573)751-8216 or by e-mail at [optometry@pr.mo.gov](mailto:optometry@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2210—State Board of Optometry  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**20 CSR 2210-2.030 License Renewal.** The board is proposing to amend sections (1) through (6), (8), (9), paragraph (10)(C)3., and subsections (10)(D) and (10)(F).

*PURPOSE:* Pursuant to House Bill 780 and Senate Bill 308 of the 94th General Assembly (2007) the board is amending the text of the rule to be consistent with Chapter 336, RSMo. This amendment also clarifies the license renewal requirements and procedures.

(1) Every [registered] licensed optometrist shall notify the board of [every] any change of mailing address(es) at which s/he is practicing] within thirty (30) days.

(2) Every [registered] licensed optometrist shall prominently display

his/her *[certificate of]* renewal license in his/her principal place of practice.

(3) Whenever a *[registered]* licensed optometrist has additional offices, *[s/he]* he/she, in lieu of delivering a certificate of identification to each patient in his/her care pursuant to section 336.070, RSMo, may prominently display a duplicate *[certificate of registration and a duplicate]* renewal *[certificate]* license in each additional office.

(4) A period of sixty (60) days grace is established following the date by which every *[registered]* optometrist must renew his/her *[certificate of registration]* license. The board shall cause a *[certificate]* license to be renewed if the renewal is sought and fees are paid before the expiration of the grace period. No *[certificate]* license shall be renewed after the grace period unless, within five (5) years, the holder submits the required reactivation fee plus satisfactory evidence of his/her attendance, for a minimum of twenty-four (24) hours, at continuing education programs approved by the board. **Effective November 1, 2008, the minimum number of continuing education hours required for renewal of an expired license sought after the grace period and before the expiration of the five (5) year period shall be forty-eight (48).**

(5) **Effective with the two (2)-year continuing education reporting period beginning on November 1, 2008, [E]very optometrist currently licensed in Missouri shall obtain, during each continuing education reporting period,** a minimum of *[sixteen (16)]* **thirty-two (32)** hours of approved continuing education (herein "C.E." credits) relevant to the practice of optometry. *[A licensee shall obtain no less than eight (8) hours of approved continuing education during the first year of the continuing education reporting period and no less than eight (8) hours of approved continuing education in the second year of the reporting period.]*

(6) The **two (2)-year** continuing education reporting period shall begin on *[September]* **November 1** and end on *[August]* **October 31** *[of each even-numbered year]*. C.E. credits earned after *[August]* **October 31** *[of each even-numbered year]* the **second year of the reporting period** shall apply to the next reporting *[cycle]* period unless the licensee pays the continuing education penalty fee. Payment of the continuing education penalty fee will provide a licensee with the ability to earn C.E. credits *[between]* **on or after [September] November 1 and before December 31** *[of that even-numbered year]* and **apply any needed C.E. credits to the prior reporting period.** *[In any odd-numbered year, C.E. credits earned between September 1 and December 31 of that year may apply to the first year of the continuing education reporting period if the licensee pays the continuing education penalty fee. A renewal license will not be issued until all renewal requirements have been met.]* If the licensee pays the continuing education penalty fee for C.E. credits earned late, those credits shall not be applied to the next reporting *[cycle]* period. **A renewal license will not be issued until all renewal requirements have been met.**

(8) Every licensed optometrist shall maintain full and complete records of all approved C.E. credits earned for the two (2) previous reporting periods in addition to the current reporting period. The records shall document the titles of the courses taken, dates, locations, course sponsors, *[category of hours earned (general optometric study or glaucoma training)]* and number of hours earned. The board may conduct an audit of licensees to verify compliance with the continuing education requirement. Licensees shall assist the board in its audit by providing timely and complete responses to the board's inquiries.

(9) Violation of any provision of this rule shall be deemed by the board to constitute misconduct, fraud, misrepresentation, dishonesty, unethical conduct or unprofessional conduct in the performance of the functions or duties of an optometrist depending on the licensee's conduct. In addition, a licensee who has failed to complete and report in a timely fashion the required *[sixteen (16)]* **thirty-two (32)** hours of continuing education and engages in the active practice of optometry without the express written authority of the board shall be deemed to have engaged in the unauthorized practice of optometry.

(10) The following guidelines govern the attendance of educational optometric programs for license renewal:

(C) Educational programs that currently are approved, except as noted in subsection (10)(B), as meeting the minimum standards, include the following:

1. Educational meetings of the American Optometric Association (AOA);

2. Educational meetings of the National Optometric Association (NOA);

3. Educational meetings of the Missouri Optometric Association or any other state or regional optometric association affiliated with the American Optometric Association;

4. Scientific sections and continuing education courses of the American Academy of Optometry;

5. Postgraduate courses offered at any accredited college of optometry;

6. Educational meetings of the Southern Council of Optometrists;

7. Educational meetings approved by the Council on Optometric Practitioner Education (COPE);

8. Educational meetings of the North Central States Optometric Council;

9. Educational meetings of the Heart of America Optometric Congress and the Heart of America Contact Lens Society;

10. Educational meetings of the College of Optometrists in Vision Development;

11. Educational meetings of the Optometric Extension Program; and

12. Optometric related meetings of any accredited school of medicine.

(D) With the exception of any of the previously mentioned educational organizations, any other regularly organized group of optometrists that wishes to sponsor an educational program to meet the standard for license renewal in Missouri shall submit *[two (2) copies]* **one (1) copy** of the program schedule and outline to the board's executive director not fewer than *[sixty (60)]* **thirty (30)** days prior to the date of the program and shall pay the continuing education sponsor fee. The outline must indicate the program's subject matter, the number of hours required for its presentation and the identity and qualifications of the speakers and instructors. The board shall review the schedule and outline. If the program meets the standards set out in subsections (10)(A)-(B), the board may grant approval. The board will not consider requests for approval of any program submitted following the meeting;

(F) Licensees who are enrolled in a postgraduate residency program accredited by the Council on Optometric Education will receive *[eight (8)]* **sixteen (16)** hours of continuing education credit to satisfy one (1) year of the two (2)-year reporting period; and

*AUTHORITY: sections 336.080 and 336.160.1, RSMo [2000] Supp. 2007. This rule originally filed as 4 CSR 210-2.030. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed Aug. 30, 1979, effective Feb. 11, 1980. Amended: Filed Sept. 12, 1980, effective Dec. 13, 1980. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 5, 2007.*

*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 approximately four hundred ninety-six thousand eight hundred dollars to nine hundred ninety-three thousand six hundred dollars (\$496,800–\$993,600) biennially for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Optometry, Executive Director, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573)751-8216 or by e-mail at [optometry@pr.mo.gov](mailto:optometry@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

## PRIVATE ENTITY FISCAL NOTE

**I. RULE NUMBER****Title 20 - Department of Insurance, Financial Institutions and Professional Registration****Division 2210 - State Board of Optometry****Chapter 2 - General Rules****Proposed Amendment - 20 CSR 2210-2.030 License Renewal**

Prepared November 14, 2007 by the Division of Professional Registration

**II. SUMMARY OF FISCAL IMPACT**

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
1242	Continuing Education (Continuing Education Credit @ \$25-\$50 per hour)	\$496,800 - \$993,600
	<b>Estimated Biennial Cost of Compliance for the Life of the Rule</b>	<b>\$496,800 - \$993,600</b>

**III. WORKSHEET**

See table above.

**IV. ASSUMPTION**

1. The above figures were based on actual revenue from FY 03 through FY 07.
2. It is anticipated that the total costs will recur biennially for the life of the rule, may vary with inflation and is expected to increase biennially at the rate projected by the Legislative Oversight Committee.

NOTE: The division is statutorily obligated to enforce and administer the provisions of sections 336.010-336.225, RSMo. Pursuant to Section 336.050, RSMo, the division shall by rule and regulation set the amount of fees authorized by sections 336.010-336.225, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 336.010-336.225, RSMo.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2210—State Board of Optometry  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**20 CSR 2210-2.040 Public Complaint Handling and Disposition.**  
The board is proposing to amend sections (1) and (2).

*PURPOSE:* This amendment makes grammatical corrections in sections (1) and (2) of the rule.

(1) The [State B]board [of Optometry] shall receive and process each complaint made against any licensee or unlicensed individual or entity, which complaint alleges certain acts or practices which may constitute one (1) or more violations of the provisions of Chapter 336, RSMo. Any member of the public or the profession or any federal, state or local official may make and file a complaint with the board. Complaints shall be received from sources [without] outside Missouri and processed in the same manner as those originating within Missouri. No member of the [State B]board [of Optometry] shall file a complaint with this board while [s/he] he/she holds that office, unless that member excuses himself/herself from further board deliberations or activity concerning the matters alleged within that complaint. The executive [secretary] director or any staff member of the board may file a complaint pursuant to this rule in the same manner as any member of the public.

(2) Complaints should be mailed or delivered to the [following address:] State Board of Optometry[, P.O. Box 672, Jefferson City, MO 65102-0672]. However, actual receipt of the complaint by the board at its administrative offices in any manner shall be sufficient. Complaints may be made based upon personal knowledge, or upon information and belief, reciting information received from other sources.

*AUTHORITY:* sections 336.160.1 and 610.010.15(6), RSMo [2000] Supp. 2007. This rule originally filed as 4 CSR 210-2.040. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Rescinded and readopted: Filed Oct. 14, 1981, effective Jan. 14, 1982. Amended: Filed Dec. 6, 1982, effective March 11, 1983. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 5, 2007.

*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 Board of Optometry, Executive Director, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573)751-8216 or by e-mail at optometry@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2210—State Board of Optometry  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**20 CSR 2210-2.050 Professional Optometric Corporations.** The board is proposing to amend section (1) and subsection (1)(A).

*PURPOSE:* This amendment makes terminology and grammatical corrections throughout the rule.

(1) No person [registered] licensed under the provisions of Chapter 336, RSMo shall organize, form or, at any time, participate as incorporator, director, shareholder or officer of any corporation organized under the provisions of the Professional Corporation Law of Missouri, except—

(A) All incorporators, directors and officers, other than the secretary of the corporation, shall be registered under the provisions of Chapter 336, RSMo, shall have paid all fees due under that chapter and must be in good standing with the [Missouri State B]board [of Optometry], except that, if more than one (1) type of professional service is practiced by the professional corporation pursuant to the provisions of subsection (1)(C), then the incorporators, directors and officers other than secretary of the corporation, shall be in good standing with the Missouri State Board of Registration for the Healing Arts and duly licensed to practice one (1) or more of the professional services referred to in subsection (1)(C);

*AUTHORITY:* section 336.160, RSMo [1986] Supp. 2007. This rule originally filed as 4 CSR 210-2.050. This version of rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed May 14, 1987, effective Sept. 11, 1987. Moved to 20 CSR 2210-2.050, effective Aug. 28, 2006. Amended: Filed Dec. 5, 2007.

*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 Board of Optometry, Sharlene Rimiller, Executive Director, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573)751-8216 or by e-mail at optometry@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2210—State Board of Optometry  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**20 CSR 2210-2.060 Professional Conduct Rules.** The board is proposing to amend section (1), subsection (2)(A), sections (3), (7), (9) and (10) and delete the annotations immediately following this rule in the Code of State Regulations.

*PURPOSE:* The terminology of this rule is being amended to be consistent with Chapter 336, RSMo and amend the definition of advertising. This amendment also deletes the annotations that immediately follow this rule in the Code of State Regulations.

(1) Every [registered] licensed optometrist whose name, office address, phone number or place of practice appears or is mentioned in any advertisement of any kind or character shall be presumed to have caused, allowed, permitted, approved and sanctioned the advertisement and shall be personally and professionally responsible for

the content and character of the advertisement.

(2) The term advertising, as used in section 336.110, RSMo and this rule, shall include, but not be limited to, advertising by means of any of the following media:

(A) Newspapers, magazines, periodicals, programs, circulars, handbills, stationery, **web pages**, **Internet communications**, or any other forms of printed, mimeographed, offset, typewritten or otherwise reproduced material;

(3) No optometrist *[registered]* **licensed** in this state shall use or employ deception, fraud, false pretense, false promise, misrepresentation or the concealment, suppression or omission of any material fact in connection with the advertisement of any ophthalmic goods or services.

(7) It shall be considered dishonesty in the practice of optometry for an optometrist to permit, allow or cause a person who is not a *[registered]* **licensed** optometrist or a licensed physician or surgeon to use the optometrist's prescription or optometric findings to fit a contact lens upon a patient or member of the public.

(9) It shall be considered dishonesty in the practice of optometry for an optometrist to enter into an agreement or arrangement where s/he permits, allows or causes a person who is not a *[registered]* **licensed** optometrist or a licensed physician or surgeon to do any of the following acts upon a patient or member of the public:

(10) Every *[registered]* **licensed** optometrist providing optometric services prominently shall display his/her name at the entrance of his/her office(s) any times during which these services are offered. The *[registered]* **licensed** optometrist so displaying his/her name shall identify his/her profession by including the word optometrist, doctor of optometry or O.D. following his/her name.

*AUTHORITY: sections 336.110, RSMo [1986] 2000 and 336.160.1, RSMo Supp. 2007. This rule originally filed as 4 CSR 210-2.060. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed March 10, 1977, effective Aug. 11, 1977. Amended: Filed Aug. 30, 1979, effective Feb. 11, 1980. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 5, 2007.*

*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 Board of Optometry, Executive Director, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573)751-8216 or by e-mail at [optometry@pr.mo.gov](mailto:optometry@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2210—State Board of Optometry  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**20 CSR 2210-2.070 Fees.** The board is proposing to amend subsections (1)(A), (1)(B), (1)(H), (1)(J), (1)(L), (1)(N) and delete footnotes \* and \*\* and renumber the remaining footnote accordingly.

*PURPOSE: Pursuant to House Bill 780 and Senate Bill 308 of the 94th General Assembly (2007) this rule is being amended to be consistent with Chapter 336, RSMo.*

(1) The following fees are established by the State Board of Optometry:

(A) Application Fee	\$225[*]
(B) Missouri Law Exam Fee	\$50[**]
(H) <i>[Reciprocity]</i> <b>Endorsement</b> Certification Fee	\$20
(J) Pharmaceutical Certification Fee <i>[(for certification to use DPA and therapeutic pharmaceutical agents)]</i>	\$75
(L) Law Book Requests Fee	\$5[**]
(N) Continuing Education Penalty Fee (reporting continuing education hours obtained after the end of the reporting period)	<i>[\$50] \$150</i>

*[\*This fee includes the license fee and the pharmaceutical certification fee.*

*\*\*When administered separately from the National Board of Examiners in Optometry (NBEO) Patient Assessment and Management (PAM) exam.]*

*[\*\*\*]This fee will not apply to the initial copy of the law book which is automatically mailed to all applicants for licensure or to accredited schools of optometry. Furthermore, this fee will not be charged to licensees or any other individual for additions or corrections to the law book after the initial copy is mailed.*

*AUTHORITY: sections 336.140 and 336.160, RSMo [2000] Supp. 2007. This rule originally filed as 4 CSR 210-2.070. Emergency rule filed June 30, 1981, effective July 9, 1981, expired Nov. 11, 1981. Original rule filed June 30, 1981, effective Oct. 12, 1981. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 5, 2007.*

*PUBLIC COST: This proposed amendment will save state agencies or political subdivisions approximately two thousand four hundred dollars (\$2,400) biennially for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*PRIVATE COST: This proposed amendment will cost private entities approximately two thousand four hundred dollars (\$2,400) biennially for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Optometry, Executive Director, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573)751-8216 or by e-mail at [optometry@pr.mo.gov](mailto:optometry@pr.mo.gov). 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.*

**PUBLIC ENTITY FISCAL NOTE**

**I. RULE NUMBER**

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration**

**Division 2210 - State Board of Optometry**

**Chapter 2 - General Rules**

**Proposed Amendment - 20 CSR 2210-2.070 Fees**

Prepared September 18, 2007 by the Division of Professional Registration

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Increase in Revenue	
State Board of Optometry	<b>\$2,400.00</b>	
	<b>Total Increase of Revenue Biennially for the Life of the Rule</b>	<b>\$2,400.00</b>

**III. WORKSHEET**

The board is statutorily obligated to enforce and administer the provisions of sections 336.010-336.225, RSMo. Pursuant to Section 336.050, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 336.010-336.225, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 336.010-336.225, RSMo. The board estimates the projections calculated in the Private Entity Fiscal Notes will be total increase in revenue for the board.

**IV. ASSUMPTION**

1. The above figures were based on actual revenue for FY05, FY06, and FY07.
2. It is anticipated that the total increase in revenue will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

## PRIVATE ENTITY FISCAL NOTE

**I. RULE NUMBER****Title 20 - Department of Insurance, Financial Institutions and Professional Registration****Division 2210 - State Board of Optometry****Chapter 2 - General Rules****Proposed Amendment - 20 CSR 2210-2.070 Fees**

Prepared September 18, 2007 by the Division of Professional Registration

**II. SUMMARY OF FISCAL IMPACT**

<b>Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:</b>	<b>Classification by type of the business entities which would likely be affected:</b>	<b>Estimated cost of compliance with the rule by affected entities:</b>
24	Continuing Education Penalty Fee (CE penalty fee @ \$100 increase)	\$2,400.00
	<b>Estimated Biennial Cost for the Life of the Rule</b>	<b>\$2,400.00</b>

**III. WORKSHEET**

See table above.

**IV. ASSUMPTION**

1. The above figures were based on actual revenue for FY05, FY06, and FY07.
2. It is anticipated that the total costs will recur biennially for the life of the rule, may vary with inflation and is expected to increase biennially at the rate projected by the Legislative Oversight Committee.

NOTE: The division is statutorily obligated to enforce and administer the provisions of sections 336.010-336.225, RSMo. Pursuant to Section 336.050, RSMo, the division shall by rule and regulation set the amount of fees authorized by sections 336.010-336.225, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 336.010-336.225, RSMo.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2231—Division of Professional Registration  
Chapter 1—Organization and Description of Division**

**PROPOSED RESCISSION**

**20 CSR 2231-1.010 General Organization.** This rule complied with section 536.023(3), RSMo 1986, which required each agency to adopt as a regulation a description of its operation and the methods and procedures where the public may obtain information or make submissions or requests.

*PURPOSE: This rule is being rescinded and readopted to update the existing rule with a current list of boards and other clean-up.*

*AUTHORITY: section 620.010.15(2), RSMo 1986. This rule originally filed as 4 CSR 231-1.010. Original rule filed Feb. 9, 1982, effective May 13, 1982. Amended: Filed Jan. 5, 1989, effective April 13, 1989. Moved to 20 CSR 2231-1.010, effective Aug. 28, 2006. Rescinded: Filed Dec. 7, 2007.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Division of Professional Registration, David Broeker, Division Director, PO Box 1335, Jefferson City, MO 65102, or via email at profreg@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2231—Division of Professional Registration  
Chapter 1—Organization and Description of Division**

**PROPOSED RULE**

**20 CSR 2231-1.010 General Organization**

*PURPOSE: This regulation complies with section 536.023(3), RSMo Supp. 2007, which requires each agency to adopt as a regulation a description of its operation and the methods and procedures where the public may obtain information or make submissions or requests.*

(1) The Division of Professional Registration is an agency of the Department of Insurance, Financial Institutions and Professional Registration.

(2) The division was created in 1974 by Senate Bill 1 passed by the First Extraordinary Session of the 77th General Assembly.

(3) The division is headed by a director appointed by the governor with the advice and consent of the senate.

(4) Boards, commissions, and committees assigned to the division are:

- (A) Missouri State Board of Accountancy;
- (B) Missouri Acupuncturist Advisory Committee;

- (C) Advisory Commission for Anesthesiologist Assistants;
- (D) Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects;
- (E) Missouri Athletic Trainer Advisory Committee;
- (F) Office of Athlete Agents;
- (G) Office of Athletics;
- (H) State Board of Chiropractic Examiners;
- (I) Board of Cosmetology and Barber Examiners;
- (J) Committee for Professional Counselors;
- (K) Missouri Dental Board;
- (L) Advisory Commission for Dental Hygienists;
- (M) State Committee of Dietitians;
- (N) Office of Endowed Care Cemeteries;
- (O) State Board of Embalmers and Funeral Directors;
- (P) Board of Geologist Registration;
- (Q) State Board of Registration for the Healing Arts;
- (R) Missouri Board of Examiners for Hearing Instrument Specialists;
- (S) Interior Design Council;
- (T) Missouri State Committee of Interpreters;
- (U) State Committee for Marital and Family Therapists;
- (V) Board of Therapeutic Massage;
- (W) Missouri State Board of Nursing;
- (X) Missouri State Board of Occupational Therapy;
- (Y) State Board of Optometry;
- (Z) Advisory Commission for Clinical Perfusionists;
- (AA) State Board of Pharmacy;
- (BB) Advisory Commission for Physical Therapists;
- (CC) Advisory Commission for Physician Assistants;
- (DD) State Board of Podiatric Medicine;
- (EE) Board of Private Investigator Examiners;
- (FF) State Committee of Psychologists;
- (GG) Missouri Real Estate Appraisers Commission;
- (HH) Missouri Real Estate Commission;
- (II) Missouri Board for Respiratory Care;
- (JJ) State Committee for Social Workers;
- (KK) Advisory Commission for Speech-Language Pathologists and Audiologists;
- (LL) Office of Tattooing, Body Piercing and Branding; and
- (MM) Missouri Veterinary Medical Board.

(5) The primary duties of the division consist of the following:

(A) Establishing renewal dates for licenses or certificates of the boards, commissions, committees, and other licensing agencies assigned to the division;

(B) Providing clerical, other staff services, and financial management relating to the issuance and renewal of licenses for all boards, commissions, committees, and other licensing agencies assigned to the division;

(C) Establishing a system of accounting and budgeting, in cooperation with the director of the department, the Office of Administration, and the state auditor's office, to insure proper charges are made to the various boards for services rendered to them;

(D) Collecting and accounting for all monies received by the division and its component agencies, and transmitting monies to the Department of Revenue;

(E) Providing each board, commission, or committee with all relevant financial information in a timely fashion;

(F) Reviewing the expense vouchers of each board, commission, or committee and submitting the results to the board, commission, or committee reviewed and to the house and senate appropriations committees annually;

(G) Maintaining for each board, commission, committee, or other licensing agency of the division a registry of each person holding a current license, permit, or certificate issued by that licensing agency;

(H) Operating a central investigative unit;

(I) Coordinating and supporting the use of optical imaging and other processes to preserve the records of the boards, commissions,

and committees;

(J) Allocating and assigning facility space, personnel other than board personnel, and equipment; and

(K) Maintaining the central personnel records of the division, and each of the boards, commissions, and committees.

(6) Process may be served on the division by delivering it to either the director of the division or any member of the senior staff within the director's office.

(7) The director's personnel officer is designated as the division's custodian of records.

(8) The following records shall be deemed closed under the Sunshine Law (Chapter 610, RSMo):

(A) Legal actions, causes of action or litigation involving a public governmental body (section 610.021(1), RSMo);

(B) Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefore (section 610.021(2), RSMo);

(C) Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded (section 610.021(3), RSMo);

(D) Nonjudicial mental or physical health proceedings involving identifiable persons, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment (section 610.021(5), RSMo);

(E) The use of testing and examination materials, before the test or examination is given or, if it is to be given again, before so given again (section 610.021(7), RSMo);

(F) Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups (section 610.021(9), RSMo);

(G) The use of software codes for electronic data processing and documentation thereof (section 610.021(10), RSMo);

(H) Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid (section 610.021(11), RSMo);

(I) Sealed bids and related documents, until the bids are opened, and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected (section 610.021(12), RSMo);

(J) The maintenance of individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such (section 610.021(13), RSMo);

(K) Records which are protected from disclosure by law (section 610.021(14), RSMo);

(L) Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest (section 610.021(15), RSMo);

(M) Confidential or privileged communications between a public governmental body and its auditor, including all auditor work product; however, all final audit reports issued by the auditor are to be considered open records (section 610.021(17), RSMo);

(N) Existing or proposed security systems and structural plans of real property owned or leased by a public governmental body, the public disclosure of which would threaten public safety, except that records related to the procurement of or expenditures relating to security systems purchased with public funds shall be open; such disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property, and the public interest in nondisclosure outweighs the public interest in disclosure of the records (section 610.021(19), RSMo);

(O) Records that identify the configuration of components or the operation of a computer, computer system, computer network, or telecommunications network, and would allow unauthorized access to or unlawful disruption of a computer, computer system, computer network, or telecommunications network of a public governmental body, however, this exception shall not be used to limit or deny access to otherwise public records in a file, document, data file or database containing public records and records related to the procurement of or expenditures relating to such computer, computer system, computer network, or telecommunications network, including the amount of moneys paid by, or on behalf of, a public governmental body for such computer, computer system, computer network, or telecommunications network (section 610.021(20), RSMo); and

(P) Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between a public governmental body and a person or entity doing business with a public governmental body, however, nothing in this section shall be deemed to close the record of a person or entity using a credit card held in the name of a public governmental body or any record of a transaction made by a person using a credit card or other method of payment for which reimbursement is made by a public governmental body (section 610.021(21), RSMo).

(9) Any person may contact the Division of Professional Registration, 3605 Missouri Blvd., PO Box 1335, Jefferson City, MO 65102-1335, telephone number (573) 751-0293 or via the division's website at <http://pr.mo.gov> for information.

*AUTHORITY: section 536.023(3), RSMo Supp. 2007. This rule originally filed as 4 CSR 231-1.010. Original rule filed Feb. 9, 1982, effective May 13, 1982. For intervening history, please consult the Code of State Regulations. Rescinded and readopted: Filed Dec. 7, 2007.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Division of Professional Registration, David Broeker, Division Director, PO Box 1335, Jefferson City, MO 65102, or via email at [profreg@pr.mo.gov](mailto:profreg@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2231—Division of Professional Registration  
Chapter 2—Designation of License Renewal Dates and  
Related Information**

**PROPOSED AMENDMENT**

**20 CSR 2231-2.010 Designation of License Renewal Dates and Related Renewal Information.** The board is proposing to amend subsections (1)(C) and (2)(C), move the language from the old subsection (2)(C) to the new subsection (2)(D), renumber subsection (2)(D), add a new subsection (2)(F), delete the old subsection (2)(F), renumber subsections (2)(E)–(2)(K), add a new subsection (2)(M), renumber subsections (2)(L)–(2)(AA), add a new subsection

(2)(DD), renumber subsections (2)(BB)–(2)(JJ), and to delete language in subsection (3)(B).

*PURPOSE: This amendment cleans up language due to the transfer of Professional Registration to the Department of Insurance, Financial Institutions and Professional Registration. It also updates the list of boards and their renewal dates.*

(1) For the purposes of this rule, definitions of the following terms are:

(C) Division means the Division of Professional Registration in the Department of *[Economic Development]* **Insurance, Financial Institutions and Professional Registration**;

(2) The license renewal dates designated for each agency assigned to the division are—

**(C) Advisory Commission for Anesthesiologist Assistants—February 1;**

*[(C)](D)* Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects—

1. Architects, engineers, land surveyors—January 1;
2. Landscape architects—January 1; and
3. Firms/corporations—January 1;

*[(D)](E)* Athletic Trainer Advisory Committee—January 31;

**(F) Office of Athlete Agents—July 1;**

*[(E)](G)* Office of Athletics—July 1;

*[(F)] State Board of Barber Examiners—*

*1. Barber instructors, barber shops, barbers—March 1; and*

- 2. Barber schools—March 1;*

*[(G)](H)* Missouri State Board of Chiropractic Examiners—March 1;

*[(H)](I)* State Board of Cosmetology and Barber Examiners—October 1;

*[(I)](J)* The Missouri Dental Board—December 1;

*[(J)](K)* State Committee of Dietitians—April 2;

**(L) Advisory Commission for Dental Hygienists—December 1;**

*[(K)](M)* State Board of Embalmers and Funeral Directors—

1. Embalmers, funeral directors—June 1;
2. Preneed providers, preneed sellers—November 1; and
3. Funeral establishments—January 1;

*[(L)](N)* Endowed Care Cemeteries—September 1;

*[(M)](O)* Board of Geologist Registration—May 1;

*[(N)](P)* The State Board of Registration for the Healing Arts—February 1;

*[(O)](Q)* Missouri Board of Examiners for Hearing Instrument Specialists—January 1;

*[(P)](R)* Interior Design Council—September 1;

*[(Q)](S)* Missouri State Committee of Interpreters—February 1;

*[(R)](T)* State Committee of Marital and Family Therapists—March 1;

*[(S)](U)* Board of Therapeutic Massage—

1. Massage Therapy License—February 1; and
2. Massage Therapy Business License—February 1;

*[(T)](V)* The Missouri State Board of Nursing—

1. Registered nurses—May 1; and
2. Licensed practical nurses—June 1;

*[(U)](W)* Missouri Board of Occupational Therapy—July 1;

*[(V)](X)* The State Board of Optometry—November 1;

*[(W)](Y)* Advisory *[Committee]* Commission for Clinical Perfusionists—February 1;

*[(X)](Z)* The Missouri Board of Pharmacy—

1. Pharmacists, pharmacies—November 1;
2. Pharmacy interns—January 1;
3. Drug distributors—November 1; and
4. Pharmacy technicians—June 1;

*[(Y)](AA)* Advisory Commission for *[Professional]* Physical Therapists—February 1;

*[(Z)](BB)* Advisory Commission for *[Registered]* Physician Assistants—February 1;

*[(AA)](CC)* State Board of Podiatric Medicine—March 1;

**(DD) Missouri Board of Private Investigator Examiners—to be announced;**

*[(BB)](EE)* Committee for Professional Counselors—July 1;

*[(CC)](FF)* State Committee of Psychologists—February 1;

*[(DD)](GG)* Missouri Real Estate Appraisers Commission—July 1;

*[(EE)](HH)* Missouri Real Estate Commission—

1. Association, brokers, broker-associates, broker-officers, broker-partners, corporations, partnerships, inactive brokers, professional corporation-broker salespersons, broker-salespersons—July 1; and

2. Inactive salespersons, professional corporation-salespersons, salespersons—October 1;

*[(FF)](II)* Missouri Board for Respiratory Care—August 1;

*[(GG)](JJ)* State Committee for Social Workers—October 1;

*[(HH)](KK)* Advisory *[Committee]* Commission for Speech-Language Pathologists and *[Clinical]* Audiologists—February 1;

*[(II)](LL)* Office of Tattooing, Body Piercing and Branding—July 1; and

*[(JJ)](MM)* Missouri Veterinary Medical Board—

1. Veterinarians, veterinary technicians—December 1; and
2. Veterinary facilities—April 1.

(3) For the purpose of paying license renewal fees, the following shall apply:

(B) *[Effective as of the date the division has its on-line renewal system in place and fully operating, t]*The division will accept payment by credit card, as defined by section 407.432(4), RSMo, for the purpose of renewing licenses via the Internet. Payment of license renewal fees by credit card shall be restricted to renewal submitted via the Internet only;

*AUTHORITY: section 620.010.14(2), RSMo Supp. [2003] 2007. This rule originally filed as 4 CSR 231-2.010. Original rule filed Feb. 9, 1982, effective May 13, 1982. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 7, 2007.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Division of Professional Registration, David Broeker, Division Director, PO Box 1335, Jefferson City, MO 65102, or via email at profreg@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2232—Missouri State Committee of Interpreters  
Chapter 3—Ethical Rules of Conduct**

**PROPOSED AMENDMENT**

**20 CSR 2232-3.010 General Principles.** The board is proposing to amend subsections (3)(A) and (4)(A), and section (6), delete section (8) and renumber the remaining sections, and amend the new sections (8), (16), (17), (18), and (19).

*PURPOSE: Pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration, Title 20. Therefore, references to 4 CSR 232 are being amended throughout the rule. This amendment defines exploitive relationship and what, when, and how a licensee responds to the committee. This amendment also makes grammatical changes throughout the rule.*

(3) An interpreter shall not interpret in a setting beyond his or her certification level, as provided for in 5 CSR 100-200.170.

(A) This rule does not apply to a licensed, certified interpreter acting in a mentee role as outlined in [4 CSR 232-3.030] **20 CSR 2232-3.030**.

(4) A person is not considered to be interpreting pursuant to sections 209.319 to 209.339, RSMo if, in a casual setting, a person is acting as an interpreter gratuitously or is engaged in interpreting incidental to traveling.

(A) A casual setting is defined as any event in which the sole purpose of communication is social or family [intersection] interaction and at which no decisions are made with long-term effects of a legal, financial, or medical nature.

(6) An interpreter shall not accept or continue an assignment if the interpreter does not possess the ability, education, training, experience, and qualifications as defined in [4 CSR 232-3.010(2)] **20 CSR 2232-3.010(2)**.

*[(8) An interpreter shall not extend or lengthen an assignment for the sole purpose of financial gain.]*

*[(9)](8)* An interpreter shall not misrepresent her/his licensure, ability, education, training, educational credentials, or certification as defined in [4 CSR 232-3.010(2)] **20 CSR 2232-3.010(2)**.

*[(10)](9)* The interpreter shall not interject personal opinion during an assignment or on matters pertaining to the assignment.

*[(11)](10)* The interpreter shall safeguard any information obtained relating to an assignment. If an interpreting assignment is an event open to the public, the interpreter may disclose information regarding the location of the assignment and general nature of the event.

*[(12)](11)* When an assignment is not an event open to the public, an interpreter shall not disclose information relating to the assignment to include location, nature of the assignment, or individuals present during the assignment without the written consent of the consumer.

(A) For the purpose of this rule, an interpreter may disclose the general location of an assignment for the purpose of contacting the interpreter, in the event of an emergency. However, the interpreter shall remain responsible for any unauthorized disclosure of information relating to an interpreting assignment.

(B) An interpreter may reveal such information as reasonably necessary to establish a claim or defense in a legal proceeding.

*[(13)](12)* The interpreter shall not accept or continue an assignment when the objectivity or competency of the interpreter is or can reasonably be expected to be impaired because of an emotional, mental, psychological, or substance abuse disorder.

*[(14)](13)* The interpreter shall not accept or continue an assignment if the interpreter's inability to remain neutral affects the interpretation.

*[(15)](14)* The interpreter shall not accept or continue an interpreting assignment when the objectivity or competency of the interpreter is

impaired because of the interpreter's familial, sexual, and/or emotional relationship with the consumer or consumer's family.

*[(16)](15)* If the interpreter discovers a need to withdraw from an assignment, the interpreter shall advise the consumer.

*[(17)](16)* An interpreter shall not delegate an assignment to a person who is not qualified or does not possess the appropriate certification, as defined in rule [4 CSR 232-3.010(2)] **20 CSR 2232-3.010(2)**, for the service to be provided.

*[(18)](17)* An interpreter shall not engage in an exploitive relationship with a consumer. For the purposes of these ethical rules of conduct, an exploitive relationship is any relationship between the interpreter and consumer that may take advantage of, or cause harm to, the consumer. **Examples of exploitive relationships include, but are not limited to:**

(A) **Extending or lengthening an assignment for the purpose of financial gain.**

(B) **Requesting a consumer reset an appointment so that the interpreter can attend another appointment, for the purpose of financial gain.**

(C) **Suggesting to a consumer that the interpreter has special skills or abilities that make him or her specially suited for an assignment, unless the suggestion is based on fact.**

(D) **Suggesting to a consumer that another interpreter is not qualified or able to interpret for a particular consumer, deaf person, or in a particular setting, unless the suggestion is based on fact.**

*[(19)](18)* An interpreter shall maintain an appearance that does not interfere with the message as defined in [4 CSR 232-3.010(7)(A)] **20 CSR 2232-3.010(7)(A)**.

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

(A) **A request for an extension of time to respond to the committee's written request or inquiry shall include a good faith explanation of the need for additional time and an estimate of when the response can be expected. Requests shall be granted at the committee's discretion.**

(B) **If an interpreter cannot disclose relevant information in response to the committee's written request or inquiry, the interpreter shall so state in the timely response. Such a response shall fully state the nature of any privilege or privacy right asserted. Any non-privileged or non-private information relevant to the committee's request or inquiry shall be included in the response.**

*[(21)](20)* An interpreter shall not practice interpreting as defined in section 209.285(20), RSMo upon the lapse, expiration, suspension, or revocation of a certification.

*AUTHORITY: sections 209.328.1, RSMo 2000 and 209.285, 209.321 and 209.334, RSMo Supp. [2005] 2007. This rule originally filed as 4 CSR 232-3.010. Original rule filed Feb. 18, 1999, effective July 30, 1999. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 14, 2007.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Committee of Interpreters, Pam Groose, Executive Director, PO Box 1335, Jefferson City, MO 65102, or via email at interpreters@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Committee of Interpreters, Pam Groose, Executive Director, PO Box 1335, Jefferson City, MO 65102, or via email at interpreters@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2232—Missouri State Committee of Interpreters  
Chapter 3—Ethical Rules of Conduct**

**PROPOSED AMENDMENT**

**20 CSR 2232-3.030 Mentorship.** The board is proposing to amend subsection (1)(A) and subsection (4)(D).

*PURPOSE: Pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration, Title 20. Therefore, references to 4 CSR 232 are being amended throughout the rule. This amendment also cleans up language throughout the rule to clarify requirements for mentorship applications.*

(1) For the purpose of this rule, a mentorship is a supervised professional experience in which a mentor interpreter provides instruction, guidance, and oversight to a mentee interpreter while engaged in a series of instructional activities designed with the purpose of attaining clearly defined, specific professional development goals.

(A) Applications for mentorship shall be submitted to the committee/[division] on forms prescribed by the committee/[division] and furnished to the applicant[, sixty (60) days] prior to the start of the mentorship. The application shall contain statements demonstrating the education, professional experience, and certification by either the National Registry of Interpreters for the Deaf, National Association of the Deaf, or Missouri Interpreters Certification System and such other information as the committee may require. The application shall also contain a description of the professional development goals for the mentorship, the instructional activities that will be used to accomplish those goals, and the methods of assessment that will be used to evaluate those goals.

(4) While engaged in a mentorship approved by the committee and while under the direct supervision of a mentor interpreter, a mentee interpreter may interpret in an interpreting assignment that is one (1) skill level above the mentee's current certification level as prescribed in the Skill Level Standards, 5 CSR 100-200.170.

(D) Prior to the interpreting assignment, all participants in the assignment must be informed of the license and certification level held by the mentor interpreter and mentee interpreter as required in [4 CSR 232-3.020] **20 CSR 2232-3.020** and of the responsibilities of the mentor interpreter and mentee interpreter as defined in [4 CSR 232-3.030(4)] **20 CSR 2232-3.030(4)**.

*AUTHORITY: section 209.328.1, RSMo 2000. This rule originally filed as 4 CSR 232-3.030. Original rule filed March 18, 2005, effective Sept. 30, 2005. Moved to 20 CSR 2232-3.030, effective Aug. 28, 2006. Amended: Filed Dec. 14, 2007.*

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

**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 1—OFFICE OF ADMINISTRATION  
Division 50—Missouri Ethics Commission  
Chapter 1—Organization**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Ethics Commission under section 105.955.14(7), RSMo 2000, the commission amends a rule as follows:

**1 CSR 50-1.010 General Organization is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2007 (32 MoReg 1906). 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 1—OFFICE OF ADMINISTRATION  
Division 50—Missouri Ethics Commission  
Chapter 2—Hearing Procedures for Contested Cases**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Ethics Commission under section 105.955.14(7), RSMo 2000, the commission amends a rule as follows:

**1 CSR 50-2.015 Initiation of Contested Case is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2007 (32 MoReg 1906-1907). 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 1—OFFICE OF ADMINISTRATION  
Division 50—Missouri Ethics Commission  
Chapter 2—Hearing Procedures for Contested Cases**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Ethics Commission under section 105.955.14(7), RSMo 2000, the commission amends a rule as follows:

**1 CSR 50-2.020 Pleadings is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2007 (32 MoReg 1907). 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 1—OFFICE OF ADMINISTRATION  
Division 50—Missouri Ethics Commission  
Chapter 2—Hearing Procedures for Contested Cases**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Ethics Commission under section 105.955.14(7), RSMo 2000, the commission amends a rule as follows:

**1 CSR 50-2.060 Subpoenas and Subpoenas *Duces Tecum* is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2007 (32 MoReg 1907). 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 1—OFFICE OF ADMINISTRATION  
Division 50—Missouri Ethics Commission  
Chapter 2—Hearing Procedures for Contested Cases**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Ethics Commission under section 105.955.14(7), RSMo 2000, the commission amends a rule as follows:

**1 CSR 50-2.070 Continuances is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2007 (32 MoReg 1907-1908). 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 1—OFFICE OF ADMINISTRATION  
Division 50—Missouri Ethics Commission  
Chapter 2—Hearing Procedures for Contested Cases**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Ethics Commission under section 105.955.14(7), RSMo 2000, the commission amends a rule as follows:

**1 CSR 50-2.080 Conduct of the Hearing is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2007 (32 MoReg 1908). 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 1—OFFICE OF ADMINISTRATION  
Division 50—Missouri Ethics Commission  
Chapter 2—Hearing Procedures for Contested Cases**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Ethics Commission under section 105.955.14(7), RSMo 2000, the commission amends a rule as follows:

**1 CSR 50-2.090 Evidence is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2007 (32 MoReg 1908). 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 1—OFFICE OF ADMINISTRATION  
Division 50—Missouri Ethics Commission  
Chapter 2—Hearing Procedures for Contested Cases**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Ethics Commission under section 105.955.14(7), RSMo 2000, the commission amends a rule as follows:

**1 CSR 50-2.150 Certification of Record is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2007 (32 MoReg 1908-1909). 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 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 4—Wildlife Code: General Provisions**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-4.130 Owner May Protect Property; Public Safety  
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2007 (32 MoReg 2129). 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 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 5—Wildlife Code: Permits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-5.205 is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2007 (32 MoReg 2129-2130). 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: No comments were received.

EXPLANATION OF CHANGE: The Apprentice Hunter Permit is being retitled to Apprentice Hunter Authorization to better reflect that this is an authorization which allows the purchase of hunting permits without hunter education certification. The term "permit" had the potential of causing confusion with the public, permit vendors and staff since it implies hunting is allowed without the additional purchase of a hunting permit.

**3 CSR 10-5.205 Permits Required; Exceptions**

(1) Any person who chases, pursues, takes, transports, ships, buys, sells, possesses or uses wildlife in any manner must first obtain the prescribed hunting, fishing, trapping or other permit, or be exempted under 3 CSR 10-9.110, with the following exceptions:

(G) Any person born on or after January 1, 1967 and at least sixteen (16) years of age and who does not possess a valid hunter education certificate card may purchase an Apprentice Hunter Authorization for no more than two (2) consecutive permit years (March 1 through the last day of February). The Apprentice Hunter Authorization allows the holder to purchase any firearms hunting permit as provided in this chapter (except the Youth Deer and Turkey Hunting Permit) without display of a hunter education certificate card. Such person must hunt in the immediate presence of a properly licensed adult hunter who is twenty-one (21) years of age or older and who has in his/her possession a valid hunter education certificate card.

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

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-5.215 Permits and Privileges: How Obtained; Not Transferable is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2007 (32 MoReg 2130–2131). 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 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 5—Wildlife Code: Permits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-5.220 Resident and Nonresident Permits is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2007 (32 MoReg 2131). 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 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 5—Wildlife Code: Permits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-5.225 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2007 (32 MoReg 2131). 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: No comments were received.

EXPLANATION OF CHANGE: The Apprentice Hunter Permit is being retitled to Apprentice Hunter Authorization to better reflect that this is an authorization which allows the purchase of hunting permits without hunter education certification. The term “permit” had the potential of causing confusion with the public, permit vendors and staff since it implies hunting is allowed without the additional purchase of a hunting permit.

**3 CSR 10-5.225 Permits: Permit Issuing Agents; Service Fees; Other Provisions**

(6) Firearms hunting permits may not be sold to any persons born on or after January 1, 1967, unless an approved hunter education certificate card is displayed, or hunter education certification can be verified through direct access to computer data files; except that:

(A) Any firearms hunting permit (except Youth Deer and Turkey Hunting Permit) may be sold to any person born on or after January 1, 1967 and at least sixteen (16) years of age who purchases an Apprentice Hunter Authorization without display of a hunter education certificate card.

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

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission adopts a rule as follows:

3 CSR 10-5.300 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2007 (32 MoReg 2131–2132). 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: No comments were received.

EXPLANATION OF CHANGE: The Apprentice Hunter Permit is being retitled to Apprentice Hunter Authorization to better reflect that this is an authorization which allows the purchase of hunting permits without hunter education certification. The term “permit” had the potential of causing confusion with the public, permit vendors and staff since it implies hunting is allowed without the additional purchase of a hunting permit.

**3 CSR 10-5.300 Apprentice Hunter Authorization**

*PURPOSE: This rule provides for an Apprentice Hunter Authorization which will allow a person born on or after January 1, 1967 but at least sixteen (16) years of age to purchase firearms hunting permits so that they may hunt without hunter education certification in the presence of a properly licensed hunter education certified adult who is twenty-one (21) years of age or older.*

To allow the purchase of firearms hunting permits (except the Youth Deer and Turkey Hunting Permit) by persons born on or after January 1, 1967 and at least sixteen (16) years of age without display of a hunter education certificate card. This authorization may be purchased annually for two (2) consecutive permit years (March 1 through the last day of February). Fee: ten dollars (\$10).

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

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-5.310 Resident Lifetime Conservation Partner Permit is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2007 (32 MoReg 2134). 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 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 5—Wildlife Code: Permits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-5.315 Resident Lifetime Fishing Permit is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2007 (32 MoReg 2134). 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 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 5—Wildlife Code: Permits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-5.320 Resident Lifetime Small Game Hunting Permit is amended.**

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

2007 (32 MoReg 2134). 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 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 6—Wildlife Code: Sport Fishing: Seasons,  
Methods, Limits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-6.410 Fishing Methods is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2007 (32 MoReg 2134-2135). 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 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 6—Wildlife Code: Sport Fishing: Seasons,  
Methods, Limits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-6.510 Channel Catfish, Blue Catfish, Flathead Catfish is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2007 (32 MoReg 2135). 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 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 6—Wildlife Code: Sport Fishing: Seasons,  
Methods, Limits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-6.530 Goggle-eye (Ozark Bass, Rock Bass and Shadow Bass) and Warmouth is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2007 (32 MoReg 2135). 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 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 6—Wildlife Code: Sport Fishing: Seasons,  
Methods, Limits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-6.540 Walleye and Sauger is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2007 (32 MoReg 2135-2136). 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 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 6—Wildlife Code: Sport Fishing: Seasons,  
Methods, Limits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-6.605 Live Bait is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2007 (32 MoReg 2136). 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 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,  
Limits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-7.431 Deer Hunting Seasons: General Provisions  
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2007 (32 MoReg 2136). 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 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,  
Limits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-7.445 Bullfrogs and Green Frogs: Seasons, Methods,  
Limits is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2007 (32 MoReg 2136-2137). 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 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,  
Limits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-7.450 Furbearers: Hunting Seasons, Methods  
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2007 (32 MoReg 2137). 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 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,  
Limits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.455 is amended.

This amendment establishes hunting seasons and limits and is excepted by section 536.021, RSMo from the requirement for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-7.455 by establishing seasons and limits for hunting turkeys during the 2008 youth spring season.

### 3 CSR 10-7.455 Turkeys: Seasons, Methods, Limits

*PURPOSE: This amendment extends shooting hours during the 2008 youth spring turkey season to sunset.*

(1) Turkeys may be pursued, taken, killed, possessed or transported only as permitted in this rule.

(D) Youth Spring Season. The two (2)-day youth spring season will begin annually on the Saturday nine (9) days prior to the Monday opening of the spring season, except that when the youth season would overlap with Easter weekend the season will open on the Saturday prior to Easter weekend. A Missouri resident possessing a Youth Deer and Turkey Hunting Permit or the prescribed turkey hunting permit and who is at least six (6) but not older than fifteen (15) years of age on the opening day of the youth spring season may take only one (1) male turkey or turkey with visible beard during the youth spring season. A turkey harvested during the youth spring season will count towards an individual's spring season bag limit; individuals hunting under the prescribed turkey hunting permit may not harvest a second bird during the first week of the spring season. Turkeys may be taken only by shotgun with shot no larger than No. 4, or longbow, without the use of dogs, bait, electronic calls or live decoys, from one-half (1/2) hour before sunrise to sunset. Possession of electronic calls or shotshells loaded with shot larger than No. 4 is prohibited while hunting turkeys.

SUMMARY OF PUBLIC COMMENT: Seasons and limits are excepted from the requirement of filing as a proposed amendment under section 536.021, RSMo.

This amendment filed December 17, 2007 effective **January 1, 2008**.

### Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 8—Wildlife Code: Trapping: Seasons, Methods

#### ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-8.515** Furbearers: Hunting Seasons, Methods **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2007 (32 MoReg 2137). 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 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 9—Wildlife Code: Confined Wildlife: Privileges, Permits, Standards

#### ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-9.353** Privileges of Class I and Class II Wildlife Breeders **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2007 (32 MoReg 2137-2138). 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 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 9—Wildlife Code: Confined Wildlife: Privileges, Permits, Standards

#### ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-9.359** Class I and Class II Wildlife Breeder: Records Required **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2007 (32 MoReg 2138-2139). 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 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 10—Wildlife Code: Commercial Permits: Seasons, Methods, Limits

#### ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-10.711** Resident Fur Handlers Permit **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2007 (32 MoReg 2139). 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 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 10—Wildlife Code: Commercial Permits:  
Seasons, Methods, Limits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-10.720 Commercial Fishing Permit is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2007 (32 MoReg 2139). 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 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 10—Wildlife Code: Commercial Permits:  
Seasons, Methods, Limits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-10.722 Resident Shovelnose Sturgeon Commercial Harvest Permit is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2007 (32 MoReg 2139-2140). 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 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 10—Wildlife Code: Commercial Permits:  
Seasons, Methods, Limits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-10.724 Nonresident Mississippi River Shovelnose Sturgeon Commercial Harvest Permit is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2007 (32 MoReg 2140). 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 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 10—Wildlife Code: Commercial Permits:  
Seasons, Methods, Limits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-10.725 Commercial Fishing: Seasons, Methods is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2007 (32 MoReg 2140). 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 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 10—Wildlife Code: Commercial Permits:  
Seasons, Methods, Limits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-10.767 Taxidermy; Tanning: Permits, Privileges, Requirements is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2007 (32 MoReg 2140-2141). 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 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 11—Wildlife Code: Special Regulations for  
Department Areas**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-11.115 Closings is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2007 (32 MoReg 2141-2142). 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 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 11—Wildlife Code: Special Regulations for  
Department Areas**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-11.120** Pets and Hunting Dogs **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2007 (32 MoReg 2142). 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 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 11—Wildlife Code: Special Regulations for  
Department Areas**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-11.135** Wild Plants, Plant Products, and Mushrooms **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2007 (32 MoReg 2142). 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 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 11—Wildlife Code: Special Regulations for  
Department Areas**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-11.160** Use of Boats and Motors **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2007 (32 MoReg 2142-2143). 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 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 11—Wildlife Code: Special Regulations for  
Department Areas**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-11.165** Bullfrogs and Green Frogs **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2007 (32 MoReg 2143). 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 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 11—Wildlife Code: Special Regulations for  
Department Areas**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-11.180** Hunting, General Provisions and Seasons **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2007 (32 MoReg 2143-2144). 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 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 11—Wildlife Code: Special Regulations for  
Department Areas**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission adopts a rule as follows:

**3 CSR 10-11.181** Turkeys: Special Hunts **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2007 (32 MoReg 2144). No changes have been made in 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 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 11—Wildlife Code: Special Regulations for  
Department Areas**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-11.186 Waterfowl Hunting is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2007 (32 MoReg 2144–2145). 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 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 11—Wildlife Code: Special Regulations for  
Department Areas**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-11.205 Fishing, Methods and Hours is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2007 (32 MoReg 2145). 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 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 11—Wildlife Code: Special Regulations for  
Department Areas**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-11.210 Fishing, Daily and Possession Limits  
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2007 (32 MoReg 2145–2146). 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 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 11—Wildlife Code: Special Regulations for  
Department Areas**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-11.215 Fishing, Length Limits is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2007 (32 MoReg 2146–2147). 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 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 12—Wildlife Code: Special Regulations for  
Areas Owned by Other Entities**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-12.109 Closed Hours is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2007 (32 MoReg 2147). 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 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 12—Wildlife Code: Special Regulations for  
Areas Owned by Other Entities**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-12.110 Use of Boats and Motors is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2007 (32 MoReg 2148). 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 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 12—Wildlife Code: Special Regulations for  
Areas Owned by Other Entities**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-12.125 Hunting and Trapping is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2007 (32 MoReg 2148-2149). 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 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 12—Wildlife Code: Special Regulations for  
Areas Owned by Other Entities**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-12.130 Fishing, General Provisions and Seasons  
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2007 (32 MoReg 2149). 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 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 12—Wildlife Code: Special Regulations for  
Areas Owned by Other Entities**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-12.150 Fishing, Trout Parks is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2007 (32 MoReg 2149). 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 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 20—Wildlife Code: Definitions**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-20.805 Definitions is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2007 (32 MoReg 2149-2150). 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 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 25—Motor Carrier Operations**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission under sections 142.617, 226.130, and 301.275, RSMo 2000 and 226.008, RSMo Supp. 2007, the commission amends a rule as follows:

**7 CSR 10-25.030 Apportioned Registration Pursuant to the  
International Registration Plan is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 17, 2007 (32 MoReg 1550-1555). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective on **July 1, 2008**.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 25—Motor Carrier Operations**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission under sections 226.130 and 301.275, RSMo 2000 and 226.008, RSMo Supp. 2007, the commission amends a rule as follows:

**7 CSR 10-25.050 Reciprocity with Other States—Registration  
of Trailers is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 17, 2007 (32 MoReg 1575-1576). 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 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 25—Motor Carrier Operations**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission under sections 142.830, 226.130, 301.265, 301.267, and 301.275, RSMo 2000 and 226.008 and 390.136, RSMo Supp. 2007, the commission amends a rule as follows:

**7 CSR 10-25.060** Trip Permits and Hunter's (Unladen) Permits **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 17, 2007 (32 MoReg 1577-1578). 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 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 25—Motor Carrier Operations**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission under sections 142.617, 226.130, and 301.275, RSMo 2000 and 226.008, RSMo Supp. 2007, the commission amends a rule as follows:

**7 CSR 10-25.070** Definitions **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 17, 2007 (32 MoReg 1578-1579). 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 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 25—Motor Carrier Operations**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission under sections 142.617, 226.130, and 301.275, RSMo 2000 and 226.008, RSMo Supp. 2007, the commission amends a rule as follows:

**7 CSR 10-25.071** Application for International Fuel Tax Agreement License **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 17, 2007 (32 MoReg 1579-1580). 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 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 25—Motor Carrier Operations**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission under sections 142.617, 226.130, and 301.275, RSMo 2000 and 226.008, RSMo Supp. 2007, the commission amends a rule as follows:

**7 CSR 10-25.072** Fuel Tax Returns **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 17, 2007 (32 MoReg 1580-1582). 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 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 25—Motor Carrier Operations**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission under sections 142.617 and 301.275, RSMo 2000 and 226.008, RSMo Supp. 2007, the commission amends a rule as follows:

**7 CSR 10-25.073** Record Keeping Requirements **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 17, 2007 (32 MoReg 1582). 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 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 25—Motor Carrier Operations**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission under sections 226.130 and 301.275, RSMo 2000 and

226.008, RSMo Supp. 2007, the commission amends a rule as follows:

**7 CSR 10-25.080 Investigation and Audits is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 17, 2007 (32 MoReg 1576-1577). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective on **July 1, 2008**.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 25—Motor Carrier Operations**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission under sections 142.617, 226.130, and 301.275, RSMo 2000 and 226.008, RSMo Supp. 2007, the commission amends a rule as follows:

**7 CSR 10-25.090 Appeals is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 17, 2007 (32 MoReg 1583). 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 3—State Sales Tax**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director rescinds a rule as follows:

**12 CSR 10-3.184 Electricity, Water and Gas is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 17, 2007 (32 MoReg 1555-1556). 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 3—State Sales Tax**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director rescinds a rule as follows:

**12 CSR 10-3.466 Revocation Orders is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 17, 2007 (32 MoReg 1556). 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 3—State Sales Tax**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director rescinds a rule as follows:

**12 CSR 10-3.468 Retail Sales Tax License Necessary  
is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 17, 2007 (32 MoReg 1556). 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 6—Motor Vehicle Fuel Tax**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under sections 142.818 and 142.824, RSMo 2000 and 136.035 and 144.030, RSMo Supp. 2007, the director adopts a rule as follows:

**12 CSR 10-6.100 Motor Fuel Tax Exemption for Operators of  
Public Mass Transportation Service is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 17, 2007 (32 MoReg 1556-1558). No changes have been made in 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 22—Senior Citizens Tax Relief**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under section 143.961, RSMo 2000, the director rescinds a rule as follows:

**12 CSR 10-22.010 Senior Citizen Claim Form is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 17, 2007 (32 MoReg 1559). 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 22—Senior Citizens Tax Relief**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under section 143.961, RSMo 2000, the director rescinds a rule as follows:

**12 CSR 10-22.020** Eligibility to File Claim(s) by Married Persons **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 17, 2007 (32 MoReg 1559). 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 23—Motor Vehicle**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under section 301.218, RSMo Supp. 2007, the director rescinds a rule as follows:

**12 CSR 10-23.365** Issuance of Nonresident Salvage-Buyer's Identification Card **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 17, 2007 (32 MoReg 1559). 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 24—Driver License Bureau Rules**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under sections 302.755, RSMo Supp. 2007 and 302.765, RSMo 2000, the director amends a rule as follows:

**12 CSR 10-24.444** Ten-Year Disqualification **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 17,

2007 (32 MoReg 1559–1560). 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 26—Dealer Licensure**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under sections 301.553, RSMo 2000 and 301.566, RSMo Supp. 2007, the director adopts a rule as follows:

**12 CSR 10-26.200** Out-of-State Dealer Request to Participate in Missouri Recreational Vehicle Show or Exhibit **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 17, 2007 (32 MoReg 1560). No changes have been made in 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 103—Sales/Use Tax—Imposition of Tax**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director amends a rule as follows:

**12 CSR 10-103.380** Photographers, Photofinishers and Photoengravers, as Defined in Section 144.030, RSMo **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 17, 2007 (32 MoReg 1560–1561). 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 103—Sales/Use Tax—Imposition of Tax**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under sections 144.270, RSMo 2000 and 144.054, RSMo Supp. 2007, the director adopts a rule as follows:

**12 CSR 10-103.381** is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 17, 2007

(32 MoReg 1561). Changes have been made 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 received one (1) letter of formal comment.

COMMENT: The commenter suggests that the department amend the rule to include “and use” after the phrase “state sales” and suggests this change be made to section (1) and subsections (3)(A) and (4)(A).

RESPONSE AND EXPLANATION OF CHANGE: After review the department has changed the rule to read, “state tax and local use tax.” Changes have been made to the purpose, section and subsections addressed.

**12 CSR 10-103.381 Items Used or Consumed by Photographers, Photofinishers and Photoengravers, as Defined in Section 144.054, RSMo**

*PURPOSE: Section 144.054.2, RSMo, exempts from state tax and local use tax, but not local sales tax, machinery, equipment, materials and chemicals used or consumed in manufacturing, processing, compounding, mining or producing any product or used in research and development related to manufacturing, processing, compounding, mining or producing any product. This rule explains the exemption for photographers, photofinishers and photoengravers.*

(1) In general, purchases of machinery, equipment, materials and chemicals used or consumed in manufacturing, processing, compounding, mining or producing of any product or used in research and development related to manufacturing, processing, compounding, mining or producing any product are exempt from state tax and local use tax, but not local sales tax.

(3) Basic Application of Tax.

(A) Supplies such as film, chemicals and other materials purchased for the photographer’s use or consumption are exempt from state tax and local use tax, but not local sales tax.

(4) Examples.

(A) A photographer purchases chemicals and other supplies used to develop photographs. These chemicals and supplies are not intended to remain with the photograph. These purchases are exempt from state tax and local use tax, but not local sales tax, because they are consumed in the developing process.

*AUTHORITY: sections 144.270, RSMo 2000 and 144.518, RSMo Supp. 2007. Emergency rule filed Aug. 14, 2007, effective Aug. 28, 2007, expired Feb. 23, 2008. Original rule filed Aug. 14, 2007.*

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 103—Sales/Use Tax—Imposition of Tax**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under section 144.270, RSMo 2000 and 144.518, RSMo Supp. 2007, the director amends a rule as follows:

12 CSR 10-103.400 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 17, 2007 (32 MoReg 1561–1562). Changes have been made and those

sections are 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) letter of formal comment.

COMMENT: The commenter states that the proposed amendment should not cite section 144.054, RSMo, as the section defining the sales tax on vending machine sales.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment and the reference to section 144.054, RSMo has been removed from the title of the rule.

**12 CSR 10-103.400 Sales Tax on Vending Machine Sales**

*AUTHORITY: sections 144.270, RSMo 2000 and 144.518, RSMo Supp. 2007. Original rule filed May 1, 2006, effective Nov. 30, 2006. Emergency amendment filed Aug. 14, 2007, effective Aug. 28, 2007, expired Feb. 23, 2008. Amended: Filed Aug. 14, 2007.*

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 103—Sales/Use Tax—Imposition of Tax**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under section 144.270, RSMo 2000 and 144.083, RSMo Supp. 2007, the director amends a rule as follows:

**12 CSR 10-103.555 Determining Taxable Gross Receipts  
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 17, 2007 (32 MoReg 1562–1563). 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 108—Sales/Use Tax—Taxable Services**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director withdraws a proposed rule as follows:

**12 CSR 10-108.100 Amusement, Entertainment and Recreation  
is withdrawn.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 17, 2007 (32 MoReg 1563–1566). This proposed rule is withdrawn.

SUMMARY OF COMMENTS: The department received two (2) comments. Both comments contended that subsection (3)(G) of the proposed rule incorrectly applied section 144.518, RSMo, of TAFP CCS HCS SB 30, enacted by the 94th General Assembly, 2007.

RESPONSE: The department attempted to withdraw this proposed rule before it was published in the *Missouri Register* on September 17, 2007, but was not permitted to do so at that time. The department is withdrawing this rulemaking.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 110—Sales/Use Tax—Exemptions**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director amends a rule as follows:

**12 CSR 10-110.200** Ingredient or Component Part Exemption, as Defined in Section 144.030, RSMo **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 17, 2007 (32 MoReg 1567). 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 110—Sales/Use Tax—Exemptions**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under sections 144.270, RSMo 2000 and 144.054, RSMo Supp. 2007, the director adopts a rule as follows:

**12 CSR 10-110.210** Television and Radio Broadcasters **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 17, 2007 (32 MoReg 1568). No changes have been made in 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 110—Sales/Use Tax—Exemptions**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under sections 144.270, RSMo 2000 and 144.030, RSMo Supp. 2007, the director amends a rule as follows:

**12 CSR 10-110.300** Common Carriers **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 17, 2007 (32 MoReg 1568–1569). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This pro-

posed 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 110—Sales/Use Tax—Exemptions**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director amends a rule as follows:

**12 CSR 10-110.600** Electrical Energy, as Defined in Section 144.030, RSMo **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 17, 2007 (32 MoReg 1569–1570). 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 111—Sales/Use Tax—Machinery and Equipment  
Exemptions**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director amends a rule as follows:

**12 CSR 10-111.100** Commercial Printers, as Defined in Section 144.030, RSMo **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 17, 2007 (32 MoReg 1573). 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 111—Sales/Use Tax—Machinery and Equipment  
Exemptions**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under sections 144.270, RSMo 2000 and 144.054, RSMo Supp. 2007, the director adopts a rule as follows:

**12 CSR 10-111.101** Items Used or Consumed by Commercial Printers, as Defined in Section 144.054, RSMo **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 17, 2007 (32 MoReg 1573–1574). No changes have been made in 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 400—Individual Income Tax**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under sections 143.961, RSMo 2000 and 135.647, RSMo Supp. 2007, the director amends a rule as follows:

**12 CSR 10-400.250** Computation of an Individual's Missouri Adjusted Gross Income on a Combined Income Tax Return **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 17, 2007 (32 MoReg 1574–1575). 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 20—Highway Reciprocity Commission  
Chapter 1—Organization and Description**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission under sections 32.050, RSMo 2000 and 536.023, RSMo Supp. 2007, the commission rescinds a rule as follows:

**12 CSR 20-1.010** General Organization **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 17, 2007 (32 MoReg 1575). 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 20—Highway Reciprocity Commission  
Chapter 4—Multistate Agreement**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission under sections 142.617, 142.621, and 301.275, RSMo 2000, the commission rescinds a rule as follows:

**12 CSR 20-4.010** Bilateral Basing Point—Multistate Agreement **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 17, 2007 (32 MoReg 1576). No changes have been made in the proposed rescis-

ion, 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 20—Highway Reciprocity Commission  
Chapter 7—International Fuel Tax Agreement**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission under sections 142.617, 142.621, and 301.275, RSMo 2000, the commission rescinds a rule as follows:

**12 CSR 20-7.050** Good Cause **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 17, 2007 (32 MoReg 1582–1583). 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 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 70—Safe at Home: Address Confidentiality Program**

**ORDER OF RULEMAKING**

By the authority vested in the secretary of state under section 589.681, RSMo Supp. 2007, the secretary adopts a rule as follows:

**15 CSR 30-70.010** Definitions **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 2007 (32 MoReg 1920–1921). No changes have been made in 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 on this rule.

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 70—Safe at Home: Address Confidentiality Program**

**ORDER OF RULEMAKING**

By the authority vested in the secretary of state under section 589.681, RSMo Supp. 2007, the secretary adopts a rule as follows:

15 CSR 30-70.020 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 2007 (32 MoReg 1921–1922). One change has been made to the text of section (2) and is reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The Safe at Home program received two (2) comments on the proposed rule from employees of agencies that provide specialized service to victims of domestic abuse, rape, sexual assault or stalking.

**COMMENT:** An employee of the New House Shelter in Kansas City, Missouri commented at an application assistant training session held on October 2, 2007 in Kansas City, and an employee of Legal Services of Eastern Missouri in St. Louis, Missouri commented at a training session held on October 18, 2007 that they would be unable to become an application assistant because they are residents of other states and subsection (2)(F) of the proposed rule requires application assistants to be voter registration solicitors and, therefore, registered voters.

**RESPONSE AND EXPLANATION OF CHANGE:** To insure that there is an adequate number of application assistants at any given agency, section (2) was amended by revising subsection (2)(F) to reference section 115.205 RSMo Supp. 2006 so that individuals who are not compensated for soliciting voter registration applications or who do not solicit more than ten (10) voter registration applications per election cycle are not required to register as voter registration solicitors.

#### **15 CSR 30-70.020 Application Assistant Training, Registration and Renewal**

(2) The application assistant may only be registered when the prospective application assistant:

(F) Registers with the secretary as a voter registration solicitor on a form provided by the secretary, if the prospective application assistant would otherwise be required to register as a voter registration solicitor under section 115.205 RSMo Supp. 2007.

### **Title 15—ELECTED OFFICIALS Division 30—Secretary of State Chapter 70—Safe at Home: Address Confidentiality Program**

#### **ORDER OF RULEMAKING**

By the authority vested in the secretary of state under section 589.681, RSMo Supp. 2007, the secretary adopts a rule as follows:

15 CSR 30-70.030 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 2007 (32 MoReg 1922). One (1) change has been made to the text of section (1) and is reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The Safe at Home program received one (1) comment on the proposed rule from the CEO of the Missouri Coalition Against Domestic and Sexual Violence expressing concerns raised by domestic violence program advocates.

**COMMENT:** The commenter noted that domestic violence program advocates are concerned that the potential delay in Safe at Home program participants' receipt of certain legal documents due to the Safe at Home mail forwarding system could result in serious consequences, if the delay meant the participant was not notified in a timely manner regarding court hearings for Orders of Protection, criminal trials or civil child custody hearings. The commenter recommended that program participants be allowed to sign a consent form authorizing the secretary or her designee to open legal mail and notify the participant if an immediate response is required.

**RESPONSE AND EXPLANATION OF CHANGE:** To insure that

no program participant suffers additional hardship or is unduly burdened by the delay in receipt of their legal mail, section (1) was amended to give program participant's the option to authorize the secretary to open legal mail addressed to the participant at the designated address.

#### **15 CSR 30-70.030 Program Participant Application and Certification Process**

(1) A program applicant shall complete and sign the standard application form provided by the secretary and provide all the information required under section 589.663 RSMo and these rules. The standard application form shall include, but not be limited to, the application preparation date; the applicant's signature; and the signature, and registration number of the application assistant who assisted the applicant in applying to become a program participant, as provided in section 589.663 RSMo; a designation of the secretary as agent for purposes of service of process and for receipt of first-class mail, legal documents and certified mail; a sworn statement by the applicant that she/he has good reason to believe that she/he is a victim of domestic violence, rape, sexual assault or stalking and that she/he fears further violent acts from his or her assailant; the mailing address where the applicant may be contacted by the secretary and the telephone number or numbers where the applicant may be called by the secretary; and any address that the applicant requests not be disclosed for the reason that disclosure will jeopardize the applicant's safety or increase the risk of violence to the applicant or members of the applicant's household. The applicant shall be provided the option to sign a form authorizing the secretary, or the secretary's designee, to open and review legal documents addressed to the program participant at the designated address, including but not limited to summonses, writs, demands, notices or service of process, that are delivered by personal service, certified mail or United States Postal Service, before forwarding such documents to the participant, to enable the secretary to notify the participant if an immediate response is required from the participant. The applicant may attach any relevant supporting documentation such as police reports or court documents. The program participant application form, 2007, incorporated herein by reference, is published by the Missouri Secretary of State, PO Box 1767, Jefferson City, MO 65102-1767. This form does not include any amendments or additions. The form is available at the Secretary of State's office or may be obtained by email to [safeathome@sos.mo.gov](mailto:safeathome@sos.mo.gov) or by mailing a written request to Safe at Home, PO Box 1409, Jefferson City, MO 65102-1409.

### **Title 15—ELECTED OFFICIALS Division 30—Secretary of State Chapter 70—Safe at Home: Address Confidentiality Program**

#### **ORDER OF RULEMAKING**

By the authority vested in the secretary of state under section 589.681, RSMo Supp. 2007, the secretary adopts a rule as follows:

#### **15 CSR 30-70.040 Cancellation of Program Certification is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 2007 (32 MoReg 1922-1923). No changes have been made in 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 on this rule.

**Title 15—ELECTED OFFICIALS**  
**Division 30—Secretary of State**  
**Chapter 70—Safe at Home: Address Confidentiality**  
**Program**

**ORDER OF RULEMAKING**

By the authority vested in the secretary of state under section 589.681, RSMo Supp. 2007, the secretary adopts a rule as follows:

15 CSR 30-70.050 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 2007 (32 MoReg 1923). One (1) change has been made to the text of the rule and is reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The Safe at Home program received inquiries on the proposed rule from school districts, Department of Elementary and Secondary Education (DESE) and library districts.

**COMMENT:** DESE, several school districts and several library districts commented that although they could accept the designated address for use in creating new records for program participants and their minor children, they needed a means to verify that the participants resided in the district and were entitled to the district's services.

**RESPONSE and EXPLANATION OF CHANGE:** To insure that program participants and their minor children are able to receive all the services to which they are entitled, the rule was amended by adding a section (6) to allow school districts and library districts to request verification in writing from the secretary of a program participant's district of residence.

**15 CSR 30-70.050 Exercise of Program Participant's Privileges**

(6) Authorized court or state or local agency personnel may request verification from the secretary of a program participant's residency in a geographic service district where such information is necessary to determine eligibility for agency services for the program participant or the participant's minor children, including but not limited to the verification of the participant's residence in a school or library district. Such requests shall be made in writing to the secretary of state. The secretary may respond verbally to such requests and confirm residency in the district without disclosing the program participant's address.

**Title 15—ELECTED OFFICIALS**  
**Division 30—Secretary of State**  
**Chapter 70—Safe at Home: Address Confidentiality**  
**Program**

**ORDER OF RULEMAKING**

By the authority vested in the secretary of state under section 589.681, RSMo Supp. 2007, the secretary adopts a rule as follows:

15 CSR 30-70.060 Service of Process is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 2007 (32 MoReg 1923-1924). 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 on this rule.

**Title 15—ELECTED OFFICIALS**  
**Division 30—Secretary of State**  
**Chapter 70—Safe at Home: Address Confidentiality**  
**Program**

**ORDER OF RULEMAKING**

By the authority vested in the secretary of state under section 589.681, RSMo Supp. 2007, the secretary adopts a rule as follows:

15 CSR 30-70.070 Program Participant Renewal is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 2007 (32 MoReg 1924). No changes have been made in 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 on this rule.

**Title 15—ELECTED OFFICIALS**  
**Division 30—Secretary of State**  
**Chapter 70—Safe at Home: Address Confidentiality**  
**Program**

**ORDER OF RULEMAKING**

By the authority vested in the secretary of state under section 589.681, RSMo Supp. 2007, the secretary adopts a rule as follows:

15 CSR 30-70.080 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 2007 (32 MoReg 1924-1925). Changes have been made to the text of sections (2) and (5) and are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The Safe at Home program received one (1) comment on the proposed rule from an employee of an agency that provides specialized service to victims of domestic abuse, rape, sexual assault or stalking.

**COMMENT:** An employee of Hope House commented at an application assistant training session held on October 9, 2007 in Lee's Summit, that program participants should be informed when a request for disclosure is made and when the request is granted.

**RESPONSE and EXPLANATION OF CHANGE:** To insure that program participants are informed when their confidential address has been requested and prepared if it is disclosed, sections (2) and (5) were amended to require the secretary to provide such notice.

**15 CSR 30-70.080 Agency Disclosure Request**

(2) The secretary shall accept and review an agency's request for disclosure. The secretary shall notify the program participant of the request for disclosure using the contact information provided in the participant's program application.

(5) If the secretary determines that an agency has a bona fide statutory or administrative requirement for the use of a program participant's address and mailing address information and that the address

and mailing address information will be used only for those statutory and administrative purposes, the secretary may issue a written disclosure order for the agency. The secretary shall inform the program participant of the disposition of the request for disclosure using the contact information provided in the participant's program application. When granting disclosure, the secretary may include:

**Title 15—ELECTED OFFICIALS**  
**Division 30—Secretary of State**  
**Chapter 70—Safe at Home: Address Confidentiality Program**

**ORDER OF RULEMAKING**

By the authority vested in the secretary of state under section 589.681, RSMo Supp. 2007, the secretary adopts a rule as follows:

15 CSR 30-70.090 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 2007 (32 MoReg 1925-1926). Changes have been made to the text of sections (2) and (4) and are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The Safe at Home program received one (1) comment on the proposed rule from an employee of an agency that provides specialized service to victims of domestic abuse, rape, sexual assault or stalking.

**COMMENT:** An employee of Hope House commented at an application assistant training session held on October 9, 2007 in Lee's Summit, that program participants should be informed when a request for disclosure is made and when the request is granted.

**RESPONSE and EXPLANATION OF CHANGE:** To insure that program participants are informed when their confidential address has been requested and prepared if it is disclosed, sections (2) and (4) were amended to require the secretary to provide such notice.

**15 CSR 30-70.090 Disclosure to Law Enforcement**

(2) The secretary shall review the request. The secretary shall notify the program participant of the request for disclosure using the contact information provided in the participant's program application.

(4) If the secretary determines that a law enforcement officer or agency has a bona fide requirement for the use of a participant's address or mailing address information and that the address or mailing address information will be used only for the purpose of satisfying that requirement, the secretary may issue a written or verbal disclosure order for the law enforcement agency. A written record shall be maintained of the facts relating to a verbal order. The secretary shall inform the program participant of the disposition of the request for disclosure using the contact information provided in the participant's program application. When granting the request, the secretary may include:

**Title 20—DEPARTMENT OF INSURANCE,**  
**FINANCIAL INSTITUTIONS AND PROFESSIONAL**  
**REGISTRATION**  
**Division 2045—Athlete Agents**  
**Chapter 1—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the Athlete Agents under sections 436.218, 436.227 and 436.239, RSMo Supp. 2007, the board amends a rule as follows:

**20 CSR 2045-1.010 Fees is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2007 (32 MoReg 1926). No changes have been made to 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 20—DEPARTMENT OF INSURANCE,**  
**FINANCIAL INSTITUTIONS AND PROFESSIONAL**  
**REGISTRATION**

**Division 2110—Missouri Dental Board**  
**Chapter 2—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Dental Board under sections 332.031 and 332.091, RSMo 2000 and 332.071 and 332.311, RSMo Supp. 2006, the board amends a rule as follows:

**20 CSR 2110-2.130 Dental Hygienists is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2007 (32 MoReg 1929). No changes have been made to 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 20—DEPARTMENT OF INSURANCE,**  
**FINANCIAL INSTITUTIONS AND PROFESSIONAL**  
**REGISTRATION**

**Division 2110—Missouri Dental Board**  
**Chapter 2—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Dental Board under sections 332.031, RSMo 2000, the board rescinds a rule as follows:

**20 CSR 2110-2.161 Post-Board Order Hearing Procedures**  
**is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 1, 2007 (32 MoReg 1929). 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 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2110—Missouri Dental Board  
Chapter 2—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Dental Board under sections 332.031, RSMo 2000, the board rescinds a rule as follows:

**20 CSR 2110-2.162** Impaired Practitioner Procedures  
**is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 1, 2007 (32 MoReg 1929). 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 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2200—State Board of Nursing  
Chapter 4—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Nursing under sections 335.036, RSMo Supp. 2007 and 335.046, RSMo 2000, the board amends a rule as follows:

**20 CSR 2200-4.010** Fees **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2007 (32 MoReg 1959–1962). No changes have been made to 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 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2235—State Committee of Psychologists  
Chapter 1—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the State Committee of Psychologists under sections 337.030.3, RSMo Supp. 2006 and 337.050.9, RSMo 2000, the board amends a rule as follows:

**20 CSR 2235-1.015** Definitions **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2007 (32 MoReg 1963). No changes have been made to 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 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2235—State Committee of Psychologists  
Chapter 2—Licensure Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the State Committee of Psychologists under sections 337.025 and 337.050.9, RSMo 2000, the board amends a rule as follows:

**20 CSR 2235-2.040** Supervised Professional Experience, Section 337.025, RSMo, for the Delivery of Psychological Health Services **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2007 (32 MoReg 1963–1964). No changes have been made to 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 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2270—Missouri Veterinary Medical Board  
Chapter 1—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Veterinary Medical Board under sections 340.210 and 340.232, RSMo 2000, the board amends a rule as follows:

**20 CSR 2270-1.021** Fees **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2007 (32 MoReg 1964–1966). No changes have been made to 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.