

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

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 If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission.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

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

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

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

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

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 80—Missouri State Water Patrol
Chapter 5—Aids to Navigation and Regulatory Markers**

PROPOSED AMENDMENT

11 CSR 80-5.010 *[Approval of Aids to Navigation and Regulatory Markers] Filing Requirements.* The commissioner is amending the title of the rule and sections (1)–(3), (4), and (9), adding new sections (4) and (6), and renumbering sections as necessary.

PURPOSE: This amendment increases the number of days an application must be received prior to a scheduled buoy hearing; creates a general requirement that docks with permitted buoys must be at least three hundred feet (300') apart; specifies manner in which the buoy permit number is to be displayed; extends the months that permitted buoys must be in place; and lengthens the time period before removal of buoys placed contrary to a permit or in neglect. New application

must include a plot map with the names of any dock owner within three hundred feet (300'). Buoy permits issued to private non-marina docks will not be transferrable upon a change of ownership.

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.

(1) All persons requesting permission to place or have placed an aid to navigation or regulatory marker as defined in section 306.124, RSMo, on the waterways of the state of Missouri must submit a completed application form **incorporated by reference** and supplied by the Missouri State Water Patrol, PO Box 1368, Jefferson City, MO 65102-1368. **This application form does not incorporate any subsequent amendments or additions.** All applications must be *[submitted to] received by the Missouri State Water Patrol General Headquarters in Jefferson City at least [thirty (30) days before the date permission is requested] forty-five (45) days prior to the hearing date in which the application is to be heard.* The application will be reviewed by the Missouri State Water Patrol at a public hearing after notice of the hearing has been published in the county paper at least ten (10) days before the hearing. Hearings will be conducted only once per month during the months of September, November, January, March, and May. The commissioner of the Missouri State Water Patrol, or his/her designated representative, shall approve or disapprove all applications within a reasonable length of time after the conclusion of the hearing.

(2) Applications for buoys one hundred feet (100') from a dock:

(D) *[Docks that are within two hundred feet (200')] The applicant must supply a plot map, which provides the name of any dock owner within three hundred feet (300') of the applicant's dock. The diagram and plot map may be one in the same. Existing buoys in the area must be indicated on the diagram;*

(E) "No *[w/Wake-]i/Idle [s/Speed]*" buoys will not be approved for docks that are less than three hundred feet (300') from a dock on the opposite side of the cove due to constriction and increased potential for accidents;

(F) *[Generally, private docks will only be permitted for one "no wake-idle speed" buoy unless other circumstances exist; and] Generally, a distance of three hundred feet (300') will be required between docks which are permitted buoys. Proposed buoys which may cause confusion to navigation, in the opinion of officials with the Missouri State Water Patrol, will not be approved;*

(G) *[Buoy placement will be centered one hundred feet (100') out from the most lakeward portion of the applicant's dock unless extenuating circumstances determined by the Missouri State Water Patrol dictate otherwise. Placement of buoy(s) must comply with the approved permit.] Any buoys permitted will be placed, and maintained, as specified in the approved permit; and*

(H) **Effective April 1, 2009, all buoys must have the permit number displayed on the side of the buoy and within three inches (3") of the top of the buoy. Permit numbers must be a minimum of one inch (1") block style black numbers and hyphenated as indicated on the permit. The permit number must be maintained in a legible manner on the buoy.**

(3) Applications to buoy the full width of a cove:

(B) If the width of the cove is such that the distance between docks

on opposite sides of the cove is in excess of four hundred feet (400'), the cove shall not be buoyed unless in the opinion of officials of the Missouri State Water Patrol the volume of boating traffic is significantly disproportionate to similar coves on the same body of water, or traffic accident data support the need for "[n]o [w]/Wake-[i]Idle [s]/Speed" buoys. If the distance between opposing docks is disputed, the applicant at his/her expense shall have an official survey conducted by a Missouri registered surveyor to determine the exact distance;

(C) Applications to buoy coves [that have a distance of four hundred feet (400') or less between docks on opposite sides of the cove] must include a plot map of the cove with all affected owners names on their plot;

(J) Approved buoys for a "[n]o [w]/Wake-[i]Idle [s]/Speed" cove shall be placed one hundred feet (100') below or prior to the first dock affected, unless it would extend the buoys into the main channel. Owners of docks at both ends of the proposed buoy line and within one hundred feet (100') outside of the proposed buoy line must agree in writing to the placement of the proposed buoys;

(K) If a cove is such that it has a bottleneck effect within the cove and then opens up in excess of four hundred feet (400') between docks on opposite sides, the property owners may petition for "[n]o [w]/Wake-[i]Idle [s]/Speed" buoys to control speed within the bottleneck and one hundred feet (100') on each side. The permit holder shall be required to place a four foot by six foot (4' x 6') sign conforming to prescribed markings on a dock or approved structure at each end of the zone. The sign must face boaters when entering the controlled zone from either side;

(L) Applications for "[n]o-[a]Anchor" designation on all or any portion of a cove may be approved if in the opinion of the officials of the Missouri State Water Patrol the anchoring of boats unnecessarily impedes the normal flow of traffic, interferes with a dock owner's ability to navigate from or to his/her property or if electric cables, gas lines or similar utilities could be vulnerable to damage as a result of anchoring;

(M) Lighted signs and flashing lights on "**No Wake-Idle Speed/No Anchoring**" cove buoys will be discouraged unless seventy-five percent (75%) of the property owners in the affected cove agree to the application for lights. All property owners within two hundred feet (200') of proposed lighted signs on buoys must agree to the placement of the lights. If lighted signs or buoys are approved, affected property owners may, by petition, request to have the lights removed. The Missouri State Water Patrol Buoy Committee may not consider removal of permitted lights unless the petition to remove the lights bears the validated signatures of twenty-six percent (26%) or more of the current property owners in the permitted area. Shoreline property owners within two hundred feet (200') of the permitted area may be included in the revocation petition. Lighted signs and flashing lights may be required by the Missouri State Water Patrol in some instances if deemed necessary for safe navigation. **Permit numbers on approved signs must be displayed in the upper left-hand corner of the sign on at least one (1) side;** and

(4) Flashing lights for private individual buoy permits will be approved if, in the opinion of the Missouri State Water Patrol, the lights are deemed necessary for safe navigation. Opposition from property owners within two hundred feet (200') may be taken into consideration prior to formal approval of flashing solar lights. Lights for private individual buoys shall be solar white flashing lights.

[(4)](5) Modification(s) to an existing buoy permit must be approved by the Missouri State Water Patrol. A request to modify an existing permit may require a new application and hearing if the modification would have a significant effect on boating traffic in the immediate area as determined by the Missouri State Water Patrol. The Missouri State Water Patrol shall determine if a permit modification requires a public hearing. New applications must conform to [the above]

current rules. [Modifications of an existing permit for name or ownership change only, does not require a new hearing.] Permit holders are required to notify the Missouri State Water Patrol if they have a change of mailing address or transfer of property ownership.

(6) Effective January 1, 2009, buoy permits previously issued to private non-marina docks will not be transferrable upon a change of ownership to the property. New property owners must reapply for the permit under current guidelines.

[(5)](7) Buoy applications for the same general area will be considered not more than two (2) times within any twelve (12) consecutive-month period.

[(6)](8) All rejected buoy applications shall be granted one (1) appeal for the same location. Appeal hearings will normally be held at Missouri State Water Patrol General Headquarters in Jefferson City. Either the commissioner or the field services commander will serve on the appeal board.

[(7)](9) A personal watercraft is, by statutory definition, a vessel, which requires their operation to be in compliance with all regulatory markers.

[(8)](10) Temporary buoy permits for regattas, construction sites, etc., will each be considered on their own merits.

[(9)](11) It will be the responsibility of the permit holder to purchase, install, and maintain all approved buoys and signs. All approved buoys and signs must be installed and in place from [May 1 through Labor Day] **April 1 through October 1** each year. Permitted buoys and signs may remain installed [or removed] the remainder of the year **if they are maintained according to the permit.** Buoys and signs approved for new applications during the May hearings must be installed within thirty (30) days of the approval date. The permit holder shall mark each permitted buoy and sign with the permit number assigned by the Missouri State Water Patrol. The permit number must be placed on each buoy or sign [by a method that is both durable and legible] **as specified in the permit.** Buoys and signs that cannot be identified by [visible] a legible permit number are subject to removal. All buoys and signs must be reflective and conform to the Uniform State Waterway Marking System as established by the United States Coast Guard. The commissioner of the Missouri State Water Patrol may revoke the permit of any permit holder upon failure to abide by these rules. Upon fourteen (14) days' written notice, the commissioner of the Missouri State Water Patrol may revoke any permit if the permit holder fails to maintain buoys, signs, markers, and/or lights in proper placement or in a well-maintained and legible condition.

(12) Buoys that have shifted in position because of water level, boat waves, or some force of nature [and the buoy still performs the purpose set forth in the application shall remain a legal navigation marker unless determined otherwise by the commissioner.] **are to be relocated back to their proper placement as soon as possible. Buoys that are neglected, for any reason, are subject to removal and revocation of permit.**

[(10)](13) The Missouri State Water Patrol retains, pursuant to section 306.124, RSMo, sole discretion to provide for the uniform marking of the waterways of this state through the placement of aids to navigation and regulatory markers. The Missouri State Water Patrol may approve or revoke regulatory markers and navigational aids on any area of the waterways of this state when, in the opinion of officials of the Missouri State Water Patrol, public safety will be enhanced by the regulation or deregulation of boating traffic. The Missouri State Water Patrol shall consider traffic density, traffic patterns, accident

data, and other pertinent criteria prior to approval of an application or revocation of a permit.

[(11)](14) Nothing in this rule shall be construed to create in any other party any right or entitlement to the privilege of placing such aids or markers or any legal duty on behalf of the Missouri State Water Patrol to approve or disapprove any request to place such aids or markers.

AUTHORITY: section 306.124, RSMo Supp. [2003] 2008. Original rule filed Dec. 18, 1975, effective Dec. 28, 1975. Amended: Filed Aug. 25, 1977, effective Jan. 13, 1978. Amended: Filed Sept. 13, 1983, effective Jan. 13, 1984. Amended: Filed May 31, 1984, effective Sept. 14, 1984. Amended: Filed Oct. 29, 1999, effective April 30, 2000. Amended: Filed Nov. 7, 2003, effective April 30, 2004. Amended: Filed Jan. 16, 2009.

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 Water Patrol at PO Box 1368, Jefferson City, MO 65102-1368. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 11—DEPARTMENT OF PUBLIC SAFETY

Division 85—Veterans' Affairs

Chapter 1—Veterans' Affairs

PROPOSED AMENDMENT

11 CSR 85-1.010 Description[,] of Organization [and Information]. The commission is proposing to amend the title of the rule, the purpose, and sections (1) through (4).

PURPOSE: This amendment changes the name of the administrative units of the commission to Administrative Services, Veterans' Services Program, Veterans' Homes Program, and Veterans' Cemeteries Program and describes the organization of the commission. The amendment also corrects one (1) section reference; updates the location for posting of meeting notices; provides for meetings and votes by telephone or video conferencing; authorizes the executive director to act for the commission in emergency matters, subject to ratification; and provides for an ex officio commissioner.

PURPOSE: This rule complies with section 536.023(3), RSMo by describing the organization and method of operation of the Missouri Veterans' Commission [and procedures for receiving information and requests from the public].

(1) **Definition.** The terms [defined in section 42.002, RSMo are incorporated by reference for] used in [11 CSR 85-1.010-11 CSR 85-3.040] 11 CSR 85-1 will be given the same meaning as set forth in section 42.002, RSMo 2000.

(2) **Commission.** The commission has five (5) members appointed by the governor with the advice and consent of the senate. The commissioners are required to be [v]Veterans and are appointed to four (4)-year terms. **In addition, the chair of the Missouri Military Preparedness and Enhancement Commission (or the chair's designee) is an ex officio member of the commission. The ex offi-**

cio member serves a term that is coextensive with that of the term of the chair of the Missouri Military Preparedness and Enhancement Commission. The ex officio member shall be allowed to attend and participate in any open meeting discussions of the commission, but shall not be allowed to hold office, vote, or make a motion on any matter coming before the commission. Members of the commission and the ex officio member shall not be compensated for their services, but they shall be reimbursed from funds appropriated therefore for actual and necessary expenses incurred in the performance of their duties.

(3) **Organization.** The commission operates the following [veterans' programs]: [Service to] Veterans' Services Program, Missouri [v]Veterans' [h]Homes[,] Program, and Missouri [v]Veterans' [c]Cemeteries Program [and the Veterans' Trust Fund]. The commission carries out its programs through the following major administrative units:

(A) **Administrative services advocate, guide, plan, and support the success of commission programs;**

(B) **Veterans' Services Program ensures that Veterans and dependents in Missouri are informed about Veterans' benefits;**

(C) **Veterans' Homes Program provides skilled nursing care for eligible Veterans in Missouri; and**

(D) **Veterans' Cemeteries Program provides for the interment of eligible Veterans in Missouri and their dependents.**

[(3)](4) **Executive Director.** The commission appoints an executive director who executes the duties vested in the commission and supervises all staff. The executive director serves as secretary at regular and special meetings of the commission. The executive director manages the [v]Veterans' programs outlined in section (3) of this rule. The executive director is the appointing authority for the commission.

[(4)](5) **Action by Commission.** The performance of any duty or the exercise of any authority of the commission shall be done in the following manner:

(A) **Meetings.** The commission meets at least once each quarter and all meetings are open to the public. The location and time of meetings are determined by the commissioners and are [published in] posted with the Office of Administration's [OA News] state government meeting notices. All regular and special meetings are held pursuant to the applicable laws of Missouri. **Meetings may be held in person, by telephone, or by video conferencing;**

(B) **Quorum.** [A majority of t]Three (3) commissioners constitute[s] a quorum for the transaction of business. **The ex officio member shall not be included for the purposes of determining whether a quorum is present.** No business shall be transacted without a quorum;

(C) **Voting.** Any action shall be adopted if it receives a majority of votes cast with a quorum being present **in person, by telephone, or by video conferencing.** [No commissioner may vote except in person at a meeting of the commission. Proxy and telephone voting will not be allowed.] If any commissioner is present but does not vote, the abstention shall not be counted as a vote. Unless the vote is unanimous, the secretary shall indicate in the minutes how each commissioner voted; [and]

(D) **Officers.** The commission shall elect a chairman and vice chairman [every] to serve a term of two (2) years. These officers will hold office until their successors are elected[.];

(E) **Emergency Matters.** **The executive director is authorized to act for the commission in emergency matters, subject to ratification by the commission at the next regular meeting; and**

[1.](F) **Conduct of Meetings.** The chairman shall conduct the meetings and be the presiding officer of the commission. The chairman shall recognize the different members for the purpose of having the floor to speak, to state and put actions to vote, and shall rule on all points of order. The chairman may not make a motion, but may

second any motion on the floor and may vote on any issue before the body.

[2.] In the absence of the chairman, the vice chairman shall assume the duties of the chairman.

[3.] The secretary shall prepare *[and sign]* all minutes of the commission. Minutes of the previous meeting will be voted on at the next regular or special meeting of the commission~~].~~, **and, following approval, the secretary shall sign and archive the minutes.**

AUTHORITY: sections 42.007 and 536.023(3), RSMo Supp. [1989] 2008 and section 42.012, RSMo 2000. This rule was previously filed as 13 CSR 100-1.010. Original rule filed Dec. 29, 1975, effective Jan. 9, 1976. Rescinded and readopted: Filed March 22, 1990, effective June 28, 1990. Amended: Filed Jan. 7, 2009.

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 Veterans' Commission, Executive Director, PO Drawer 147, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 85—Veterans' Affairs
Chapter 1—Veterans' Affairs**

PROPOSED RULE

11 CSR 85-1.015 Procedures for Receiving Information

PURPOSE: This rule complies with section 536.023(3), RSMo Supp. 2008, by describing the procedures for receiving information and requests from the public.

(1) The executive director of the Missouri Veterans' Commission is the custodian of the records of the commission.

(2) Procedures for the release of information on any meeting, record, or vote and other records maintained by the commission, the Missouri Veterans' Homes, and other commission programs are available from the records custodian.

(3) The records custodian may designate one (1) or more deputy custodians to facilitate the handling of records requests. The records custodian shall provide information as to the names and addresses of the custodian, deputy custodians, and charges for record copying by posting such information online at the commission's website www.mvc.dps.mo.gov

(4) Comments or suggestions by letter are always welcomed. Information related to Veterans may be obtained by writing to the records custodian or appropriate deputy custodian or by calling the commission.

AUTHORITY: sections 42.007 and 536.023(3), RSMo Supp. 2008. Original rule filed Jan. 7, 2009.

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 Veterans' Commission, Executive Director, PO Drawer 147, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 85—Veterans' Affairs
Chapter 1—Veterans' Affairs**

PROPOSED AMENDMENT

11 CSR 85-1.020 [Service to] Veterans' Services Program. The commission is proposing to amend the title, the purpose, and sections (1) through (3).

PURPOSE: This amendment reflects the change of name of the Veterans' Services Program and the title of its program director. The amendment also removes the authority for the cemetery program from the Veterans' Services Program.

PURPOSE: This rule describes the operation of the [Service to] Veterans' Services Program as outlined in sections 42.007 and 42.012, RSMo.

(1) The executive director shall hire a [Service to] Veterans' Services Program *[administrator]* director. The *[administrator]* director shall be an honorably discharged *[v]*/Veteran of the United States Armed Forces *[and shall be employed under the provisions of the state Merit System Law, Chapter 36, RSMo]*. The Veterans' Services *[p]*/Program *[administrator]* director shall have the authority and responsibility for the planning, implementation, and operation of the [Service to] Veterans' Services Program.

(2) The [Service to Veterans' Program administrator] Veterans' Services Program director shall hire the professional, technical, and support staff necessary to operate the Veterans' Services *[p]*/Program. This staff shall be responsible for providing services to *[v]*/Veterans/dependents/survivors in Missouri.

(3) The *[personnel of]* staff assigned to the [Service to] Veterans' Services Program shall—

(A) Perform the duties and responsibilities outlined in section 42.007.5~~].~~(1), (2), (3), and (4), RSMo;

(B) Exercise, on behalf of the executive director, the powers vested in section 42.012.2(2) and 42.012.2(5), RSMo; **and**

(C) Act as the referral agent for *[v]*/Veterans~~].~~ seeking *[admission to the Missouri veterans' homes; and] services provided by the commission and all matters relating to the rights of Veterans and their dependents.*

[(D) Serve veterans/dependents/survivors seeking to have an eligible family member interred in the Missouri veterans' cemetery.]

[[4] The Service to Veterans' Program administrator shall supervise the Missouri veterans' cemetery system provided in section 42.012.2(6), RSMo, within the guidelines established by the commission and the appropriation of the general assembly.]

AUTHORITY: sections 42.007 and 536.023(3), RSMo Supp. [1989] 2008 and section 42.012, RSMo 2000. Original rule filed March 22, 1990, effective June 28, 1990. Amended: Filed Jan. 7, 2009.

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 Veterans' Commission, Executive Director, PO Drawer 147, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 85—Veterans' Affairs
Chapter 1—Veterans' Affairs**

PROPOSED AMENDMENT

11 CSR 85-1.040 Veterans' Trust Fund. The commission is proposing to amend the purpose and section (1).

PURPOSE: This amendment updates and corrects the statutory references.

PURPOSE: This rule outlines the duties and responsibilities of [commission staff] the executive director in administering the Veterans' Trust Fund established by sections 42.135 and [42.140.] 43.100, RSMo.

(1) The Veterans' Trust Fund is a state fund established to receive monies generated by individual income taxes, corporate taxes, grants, gifts, bequests, the federal government, or other sources. This fund shall be administered by the executive director with approval of the commission for purposes authorized under sections 42.002[–42.140.] to 42.135 and section 143.1001, RSMo, and appropriated by the state.

AUTHORITY: section[s] 42.135 [and 42.140], RSMo [Supp. 1989] 2000 and sections 143.1001 and 536.023(3), RSMo Supp. 2008. Original rule filed March 22, 1990, effective June 28, 1990. Amended: Filed Jan. 7, 2009.

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 Veterans' Commission, Executive Director, PO Drawer 147, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 85—Veterans' Affairs
Chapter 1—Veterans' Affairs**

PROPOSED RULE

11 CSR 85-1.050 Veterans' Cemeteries Program

PURPOSE: This rule describes the operations of the Veterans' Cemeteries Program authorized by sections 42.010 and 42.012, RSMo.

(1) The deputy director shall serve as the Veterans' Cemeteries Program administrator and shall have the authority and responsibility for the planning, implementation, and operation of the Veterans' Cemeteries Program.

(2) The deputy director shall hire the professional, technical, and support staff necessary to operate the cemeteries program. This staff shall be responsible for providing interment services to eligible Veterans and their dependents in Missouri, maintaining cemetery grounds and facilities, performing outreach activities to promote awareness of the Veterans' Cemeteries Program, and cooperating with the National Cemetery Administration and other state Veterans' Cemeteries Programs.

AUTHORITY: section 42.010, RSMo 2000 and section 536.023(3), RSMo Supp. 2008. Original rule filed Jan. 7, 2009.

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 Veterans' Commission, Executive Director, PO Drawer 147, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—[Division of Medical Services]
MO HealthNet Division
Chapter 60—Durable Medical Equipment Program**

PROPOSED AMENDMENT

13 CSR 70-60.010 Durable Medical Equipment Program. The division is amending the purpose statement and sections (1)–(11).

PURPOSE: This amendment changes the name of Missouri's medical assistance program to MO HealthNet, revises the name of the administering agency to MO HealthNet Division, changes program recipients to participants, updates the division's website address and incorporated by reference material, requires all MO HealthNet durable medical equipment (DME) providers be enrolled with Medicare as a durable medical equipment prosthetic and orthotic supplier, clarifies when MO HealthNet will consider enrollment of an out-of-state (non-bordering) durable medical equipment provider, and clarifies documentation requirements.

PURPOSE: This rule establishes the regulatory basis for the administration of the [Medicaid] MO HealthNet durable medical equipment program, designation of professional persons who may dispense durable medical equipment, and the method of reimbursement for durable medical equipment. This rule provides for such methods and procedures relating to the utilization of, and the payment for, care and services available under the [Medicaid] MO HealthNet program as may be necessary to safeguard against unnecessary utilization of such care and services and to assure that payments are consistent with efficiency, economy, and quality of care and are sufficient to enlist enough providers so that care and services are available

under the plan at least to the extent that such care and services are available to the general population in the geographic area. Specific details of the conditions for provider participation, criteria, and methodology of provider reimbursement, [recipient] participant eligibility and amount, duration, and scope of services covered are included in the durable medical equipment provider program manual and bulletins which [is] are incorporated by reference in this rule and available at the website [www.dss.mo.gov/dms] www.dss.mo.gov/mhd.

(1) Administration. The [Medicaid] MO HealthNet durable medical equipment (DME) program shall be administered by the Department of Social Services, [Division of Medical Services] MO HealthNet Division. The services and items covered and not covered, the program limitations, and the maximum allowable fees for all covered services shall be determined by the Department of Social Services, [Division of Medical Services] MO HealthNet Division and shall be included in the DME provider manual and bulletins, which [is] are incorporated by reference and made a part of this rule as published by the Department of Social Services, [Division of Medical Services] MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65102, at its website at [www.dss.mo.gov/dms, June 15, 2006] www.dss.mo.gov/mhd, December 15, 2008. This rule does not incorporate any subsequent amendments or additions.

(2) Persons Eligible. Any person who is eligible for [Title XIX] MO HealthNet benefits as determined by the Family Support Division is eligible for DME when the DME is medically necessary as determined by the treating physician or advanced practice nurse in a collaborative practice arrangement. Covered services are limited as specified in [section (6) of this rule] the DME provider manual and bulletins.

(3) Reimbursement. Payment will be made for each unit of service or item provided in accordance with the fee schedule determined by the [Division of Medical Services] MO HealthNet Division. Reimbursement will not exceed the lesser of the maximum allowed amount determined by the [Division of Medical Services] MO HealthNet Division or the provider's billed charge. Reimbursement for DME services is made on a fee-for-service basis. The [Medicaid] MO HealthNet maximum allowable fee for a unit of service has been determined by the [Division of Medical Services] MO HealthNet Division to be a reasonable fee, consistent with efficiency, economy, and quality of care. Sales tax is not covered by [Medicaid] MO HealthNet, nor can it be billed to the [recipient] participant. Providers must accept the [Medicaid] MO HealthNet payment as the full and complete payment and may not accept additional payment from the [recipient] participant. Charges for shipping, freight, COD, handling, delivery, and pickup are included in the reimbursement for items covered under the DME program and are not billable to the [Medicaid recipient] MO HealthNet participant.

(4) Definition for Durable Medical Equipment. DME is equipment that can withstand repeated use, is primarily and customarily used to serve a medical purpose, generally is not useful to a person in the absence of an illness or injury, and is appropriate for use in the home. All requirements of the definition must be met in order for the equipment to be covered by [Medicaid] MO HealthNet.

(5) Provider Participation.

(A) The following types of providers may be reimbursed by [Medicaid] MO HealthNet for items covered under the DME program if they are enrolled [Medicaid] MO HealthNet DME providers and enrolled with Medicare as a durable medical equipment prosthetic and orthotic supplier: rental and sales providers, prosthetic fabricators, rehabilitation centers, orthotic fabricators,

physicians (includes M.D., D.O., podiatrists—may dispense orthotic devices and artificial larynx), advanced practice nurses in a collaborative practice arrangement, pharmacies, and hospitals.

(B) MO HealthNet participants are required to obtain services from Missouri or bordering state providers. MO HealthNet will consider enrollment of an out-of-state (non-bordering) durable medical equipment provider only if—

1. Medicare covered services are provided to patients who have both MO HealthNet and Medicare; or

2. The item needed is not available or does not have a comparable substitute from Missouri or bordering state providers.

(C) If the provider requests authorization for equipment or supplies for a MO HealthNet patient who is not also Medicare eligible or requests authorization for services that are available or have a comparable substitute in Missouri or a bordering state, the out-of-state (non-bordering) provider may be subject to sanctions and any amounts paid by the MO HealthNet Division will be recouped.

[(B)](D) The enrolled [Medicaid] MO HealthNet provider shall agree to:—

1. Keep any records necessary to disclose the extent of services the provider furnishes to [recipients] participants; and

2. On request, furnish to the [Medicaid agency] MO HealthNet Division or State Medicaid Fraud Control Unit any information regarding payments claimed by the provider for furnishing services under the plan.

(6) Covered Services. It is the provider's responsibility to determine the coverage benefits for a [Medicaid] MO HealthNet eligible [recipient] participant based on his or her type of assistance as outlined in the DME manual and bulletins. Reimbursement will be made to qualified participating DME providers only for DME items, determined by the [recipient's] participant's treating physician or advanced practice nurse in a collaborative practice arrangement to be medically necessary. [Covered services include the following items: prosthetics, excluding an artificial larynx; ostomy supplies; diabetic supplies and equipment; oxygen and respiratory equipment, excluding CPAPs, BiPAPs, nebulizers, IPPB machines, humidification items, suction pumps and apnea monitors; and wheelchairs, excluding scooters. Covered services for a Medicaid eligible needy child or person receiving Medicaid under a category of assistance for pregnant women or the blind shall include but not be limited to: prosthetics; orthotics; oxygen and respiratory care equipment; parenteral nutrition; ostomy supplies; diabetic supplies and equipment; decubitus care equipment; wheelchairs; wheelchair accessories and scooters; augmentative communication devices; and hospital beds.] Specific procedure codes that are covered under the DME program are listed in Section 19 of the DME provider manual and bulletins, which [is] are incorporated by reference and made a part of this rule as published by the Department of Social Services, [Division of Medical Services] MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65102, at its website at [www.dss.mo.gov/dms, June 15, 2006] www.dss.mo.gov/mhd, December 15, 2008. This rule does not incorporate any subsequent amendment or additions. These items must be for use in the [recipient's] participant's home when ordered in writing by the [recipient's] participant's physician or advanced practice nurse in a collaborative practice arrangement. Although an item is classified as DME, it may not be covered in every instance. Coverage is based on the fact that the item is reasonable and necessary for treatment of the illness or injury, or to improve the functioning of a malformed or permanently inoperative body part and the equipment meets the definition of DME. Even though a DME item may serve some useful, medical purpose, consideration must be given by the physician or advanced practice nurse in a collaborative arrangement and the DME supplier to what extent, if any, it is reasonable for [Medicaid] MO HealthNet to pay for the

item as opposed to another realistically feasible alternative pattern of care. Consideration should be given by the physician or advanced practice nurse in a collaborative practice arrangement and the DME supplier as to whether the item serves essentially the same purpose as equipment already available to the *[recipient]* participant. If two (2) different items each meet the need of the *[recipient]* participant, the less expensive item must be employed, all other conditions being equal.

(7) Documentation. The DME provider and physician or advanced practice nurse in a collaborative practice arrangement shall document how they determined what was the least expensive, feasible alternative for treatment of the illness or injury, or to improve the functioning of a malformed or permanently inoperative body part **and maintain documentation in compliance with 13 CSR 70-3.030.**

(8) Durable medical equipment for *[recipients]* participants who are in a nursing facility or inpatient hospital. DME is not covered for those *[recipients]* participants residing in a nursing home. DME is included in the nursing home per diem rate and not paid for separately with the exception of custom and power wheelchairs, prosthetic devices, and volume ventilators. DME that is used while the *[recipient]* participant is in inpatient hospital care is not paid for separately under the DME program. These costs are recognized as part of the hospital's inpatient per diem rate.

(9) Non-Covered Items. *[Missouri Medicaid]* MO HealthNet does not cover items which primarily serve the following purposes: personal comfort, convenience, education, hygiene, safety, cosmetic, new equipment of unproven value, and equipment of questionable current usefulness or therapeutic value. Specific items which are generally not covered can be found in Section 13.32 of the DME manual. Examples of non-covered items are: air conditioners, computers (unless determined to be used for an augmentative communication device), electric bathtub lifts, elevators, furniture, toys, home modifications, refrigerators, seat lift chairs, stair lifts or glides, treadmill, water softening systems, wheelchair lifts, wheelchair ramps, whirlpool tubs, or pumps.

(10) Medicare/Medicaid Crossovers. For *[recipients]* participants having both Medicare and *[Medicaid]* MO HealthNet eligibility, the *[state Medicaid]* MO HealthNet program pays the lesser of the amounts indicated by Medicare to be deductible and/or coinsurance due on the Medicare allowed amount or the difference between the amount paid by Medicare and the *[Medicaid]* MO HealthNet allowed amount.

(11) Records Retention. **Sanctions may be imposed by the MO HealthNet Division against a provider for failing to make available, and disclosing to the MO HealthNet Division or its authorized agents, all records relating to services provided to MO HealthNet participants or records relating to MO HealthNet payments, whether or not the records are commingled with non-Title XIX (Medicaid) records in compliance with 13 CSR 70-3.030.** These records must be retained for five (5) years from the date of service. Fiscal and medical records coincide with and fully document services billed to the *[Medicaid]* MO HealthNet agency. Providers must furnish or make the records available for inspection or audit by the Department of Social Services or its representative upon request. Failure to furnish, reveal, or retain adequate documentation for services billed to the *[Medicaid]* MO HealthNet program, as specified above, is a violation of this regulation.

AUTHORITY: sections 208.153 and 208.201, RSMo [2000] Supp. 2008. Original rule filed Nov. 1, 2002, effective April 30, 2003. Emergency amendment filed Aug. 11, 2005, effective Sept. 1, 2005, expired Feb. 27, 2006. Amended: Filed June 15, 2005, effective Dec.

30, 2005. Emergency amendment filed June 15, 2006, effective July 1, 2006, expired Dec. 28, 2006. Amended: Filed May 15, 2006, effective Nov. 30, 2006. Amended: Filed Jan. 9, 2009.

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 delivered by regular mail, express or overnight mail, in person, or by courier 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 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 20—Division of Community and Public Health Chapter 44—Emergency Response and Terrorism

PROPOSED RULE

19 CSR 20-44.010 Volunteer Dispensing of Strategic National Stockpile Medications During Governor-Declared Disasters

PURPOSE: The Division of Community and Public Health, Department of Health and Senior Services has the authority to establish rules for dispensing medications according to the Strategic National Stockpile Plan during a governor-declared state of emergency. This rule defines specific terms and procedures to follow when dispensing medications according to the Strategic National Stockpile Plan during a governor-declared state of emergency.

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 the 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.

(1) Definitions.

(A) Department—The Missouri Department of Health and Senior Services or its designee.

(B) Dispense—To deliver a drug to an ultimate user by or pursuant to the lawful order of a practitioner including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for such delivery.

(C) Licensed health care provider—Any person authorized to dispense medication under Missouri law.

(D) Point of Dispensing (POD)—A pre-identified mass medication dispensing site(s) that allows community members to quickly and easily receive treatment according to the state Strategic National Stockpile plan.

(E) Volunteer—A person who, of his or her own free will, performs any assigned duties for the department with no monetary or material compensation.

(F) Supervision—General oversight and the authorization to direct in any given situation. This includes orientation, initial and ongoing direction, procedural guidance, and periodic inspection and evaluations.

(2) Volunteer Qualifications.

(A) A volunteer may include medical or non-medical personnel.

(B) A volunteer shall be authorized by the department prior to performance of the assigned task.

(C) A volunteer covered by the provisions of section 44.105, RSMo, shall—

1. Fill out an application prior to volunteering which shall include at a minimum, full name and current address, volunteer experience, work experience, any current professional licenses, registrations, or certifications, and any other information relevant for the duties to be assigned;

2. Sign an authorization for the department to conduct a background check that may include the department's Employee Disqualification List and verification of professional licensure, if applicable;

3. Complete the same confidentiality training that a paid department employee is required to take;

4. Sign and abide by the same confidentiality statement that is required of a paid department employee;

5. Complete any health assessment form required by the department;

6. Submit to vaccinations, inoculation, or other medication if recommended and warranted; and

7. Sign a waiver to hold the department harmless.

(D) Department staff may function as volunteers when—

1. Providing services with no monetary or material compensation;

2. Providing services outside their normal work hours; and

3. Their duties are not part of their employment job expectations.

(3) Volunteer Training.

(A) Every person wishing to be a volunteer as defined by section 44.105, RSMo, must receive training, provided by the department or its designee, or demonstrate competencies that at a minimum address chain of command, POD structure and purpose, universal precautions relevant to dispensing of medications, medication identification and selection process, prescription labeling requirements, and patient education.

(B) For all individuals that volunteer, at the time of a governor-declared state of emergency, supervision and training specific and relevant to that event shall be provided by the department or its designee.

(4) Volunteer Management.

(A) Utilization of Volunteers—In the event of a governor-declared state of emergency, volunteers may be used to support the department in mass medication dispensing sites including the set up, operation, and break down of mass medication dispensing sites.

(B) The department shall keep accurate and current records of every volunteer who has been recruited, trained, and accepted by the department, including, at a minimum, volunteer applications and background checks.

(C) All volunteers must be equipped with proper personal protective equipment as appropriate for the situation and in accordance with Occupational Safety and Health Administration Standards (29 CFR Part 1910) 2007, which are incorporated by reference as published by the Office of the Federal Register, National Archives and Records Administration and are available on the web at www.osha.gov or by contacting the Occupational Safety and Health Administration, 200 Constitution Avenue NW, Washington, D.C. 20210. This rule does not incorporate any subsequent amendments or additions.

(5) The department may refuse to accept or assign any individual as a volunteer.

AUTHORITY: section 44.105, RSMo Supp. 2008. Original rule filed Jan. 9, 2009.

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 Glenda Miller, Director, Division of Community and Public Health, Department of Health and Senior Services, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 40—Comprehensive Emergency Medical Services Systems Regulations**

PROPOSED AMENDMENT

19 CSR 30-40.342 Application and Licensure Requirements for the Initial Licensure and Relicensure of Emergency Medical Technician-Basics, Emergency Medical Technician-Intermediates, and Emergency Medical Technician-Paramedics. The department is amending sections (1)–(4).

PURPOSE: This amendment makes the addition of Emergency Medical Technician-Intermediate and the requirements for licensure. It also defines requirements for obtaining criminal background checks for all Emergency Medical Technician levels.

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 and 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.

(1) Application Requirements for Emergency Medical Technician (EMT) Licensure.

(A) Each applicant for licensure or relicensure as an EMT-Basic, **EMT-Intermediate**, or EMT-Paramedic shall submit an application for licensure to the [Bureau of] Emergency Medical Services (EMS) **Bureau**. An applicant for relicensure must submit their application no less than thirty (30) days or no more than one hundred twenty (120) days prior to the expiration date of their current license.

(B) An application shall include, **but is not limited to**, the following information: whether an initial licensure or relicensure application; if previously licensed, their license number and expiration date; type of licensure applied for (EMT-Basic (**EMT-B**), **EMT-Intermediate (EMT-I)**, or EMT-Paramedic (**EMT-P**)); type of certification or education used for licensure or relicensure; applicant's name, signature, address, date of birth, sex, daytime telephone number, e/-mail address (if applicable), and Social Security number; if applicable, type of present primary EMS affiliation; prior administrative licensure actions taken against [their EMT license] **any**

license or certification in Missouri or any other state; whether they have been, *[during the past five (5) years,]* finally adjudicated and found guilty, or entered a plea of guilty or *nolo contendere*, in a criminal prosecution under the laws of any state or of the United States, whether or not they received a suspended imposition of sentence for any criminal offense; if the answer is yes to the preceding statement, they must attach to their application a certified copy of all charging documents (such as complaints, informations, or indictments), *[judgements]* judgments and sentencing information, **plea agreements and probation terms**, and any other information they wish considered; certification by the applicant that they have the ability to speak, read, and write the English language; certification by the applicant that they do not have a physical or mental impairment which would substantially limit their ability to perform the essential functions of an emergency medical technician position with or without a reasonable accommodation; certification by the applicant that if relicensing using continuing education that they have successfully completed the required continuing education in accordance with state regulations, have attached a list of these continuing education units, and are in possession of documents of the required continuing education, and will make all records available to the *[Bureau of]* EMS Bureau upon request under penalty of license action up to and including revocation; certification by the applicant that the application contains no misrepresentation or falsifications and that the information given by them is true and complete to the best of their knowledge; certification by the applicant that they have the intention and the ability to comply with the regulations promulgated under the Comprehensive Emergency Medical Services Systems Act, Chapter 190, RSMo *[Supp. 1998]*; and certification by the applicant that they have been a resident of Missouri for five (5) consecutive years prior to the date on their application or have attached to the application *[at least two (2) completed fingerprint cards supplied by the Bureau of EMS]* an approved criminal background check as determined by the EMS Bureau and performed within the last sixty (60) days from each state the applicant has lived in during the five (5) years prior to the date on their application. The EMS personnel license application form, included herein, is available at the EMS Bureau office or may be obtained by mailing a written request to the Missouri Department of Health and Senior Services, EMS Bureau, PO Box 570, Jefferson City, MO 65102-0570.

(C) *[All applicants shall provide their Social Security number on their application so the Bureau of EMS can perform criminal history checks to determine the recency and relatedness of any criminal convictions prior to the licensure or relicensure of the applicant.]* All applicants shall provide approved criminal background checks as determined by the EMS Bureau and performed within the last sixty (60) days to demonstrate the recency and relatedness of any criminal convictions prior to the licensure or relicensure of the applicant. Criminal *[history]* background checks that the *[Bureau of]* EMS Bureau finds not to be relevant to the licensure or relicensure of an EMT will not be maintained in the applicant's file.

(D) All applicants shall attach to the application a list of the qualifying continuing education used for relicensure, as applicable. This list shall include verification by the applicant's training officer or medical director that all core requirements have been met. Receipt of this list does not constitute approval of continuing education by the *[Bureau of]* EMS Bureau.

(E) An applicant shall provide all information and certification required on the *[Bureau of]* EMS Bureau application for EMT licensure. Incomplete or inaccurate information on an application shall be cause to deny or take action upon a license.

(F) An applicant shall disclose if they have ever been subject to limitation, suspension, or termination of their right to practice in a health care occupation and/or voluntarily surrendered a health care license or certification in any state.

(2) EMT-Basic (EMT-B) Licensure and Relicensure Requirements.

(A) EMT-Basic (Initial Licensure). Initial licensure requirements apply to any person who was not licensed in Missouri prior to August 28, 1998, as an attendant or attendant-driver by the *[Bureau of]* EMS Bureau or whose Missouri license has expired for more than two (2) years. The applicant for initial licensure shall submit with their license application to the *[Bureau of]* EMS Bureau evidence of current certification with the National Registry of EMTs as an EMT-B, *[EMT-Intermediate]* EMT-I, or *[EMT-Paramedic]* *[EMT-P]*.

(B) The EMT-B in Missouri may be permitted to perform blood glucose analysis, twelve (12) lead EKG acquisition and transmission, non-invasive airway devices not intended to be placed in the trachea, and all skills in the National Scope of Practice for Emergency Medical Technicians which is incorporated by reference in this rule as published in 2007 by the U.S. Department of Transportation and is available at U.S. Department of Transportation, Office of Emergency Medical Services, West Building W 44-314, 1200 New Jersey Ave. SE, NTI 140, Washington, DC 20590. This rule does not incorporate any subsequent amendments or additions.

[(B)](C) EMT-Basic (Relicensure or Step Down from EMT-P or EMT-I).

1. The applicant for relicensure shall submit with their license application to the *[Bureau of]* EMS Bureau evidence of current certification with the National Registry of EMTs as an EMT-Basic, EMT-Intermediate, or EMT-Paramedic; or

2. An applicant shall certify to the *[Bureau of]* EMS Bureau:

A. That they have successfully completed one hundred (100) hours of continuing education which meet *[Bureau of]* the EMS Bureau's approval criteria under 19 CSR 30-40.331, forty-eight (48) hours of which cover all elements of the EMT-B core continuing education curriculum, and fifty-two (52) hours of which may be elective topics from the EMT-B, EMT-I, or EMT-P curriculum;

B. That they are able to produce documentation of the required continuing education, and will make all records available to the *[Bureau of]* EMS Bureau upon request. Licensees shall maintain such records for a period of five (5) years after the date of relicensure. Failure to obtain and retain complete and accurate documentation shall be cause for taking action upon a license; and

C. That they have current basic cardiac life support training (does not count towards core continuing education curriculum).

(3) EMT-Paramedic Licensure and Relicensure Requirements.

(A) EMT-Paramedic (Initial Licensure). Initial licensure requirements apply to any person who was not licensed in Missouri prior to August 28, 1998, as a mobile emergency medical technician by the *[Bureau of]* EMS Bureau or whose Missouri license has expired for more than two (2) years. The applicant for initial licensure shall submit with their license application to the *[Bureau of]* EMS Bureau evidence of current certification with the National Registry of EMTs as an EMT-P.

(B) EMT-Paramedic (Relicensure).

1. The applicant for relicensure shall submit with their license application to the *[Bureau of]* EMS Bureau evidence of current certification with the National Registry of EMTs as an EMT-P; or

2. An applicant shall certify to the *[Bureau of]* EMS Bureau:

A. That they have successfully completed one hundred *[and]* forty-four (144) hours of continuing education which meet *[Bureau of]* the EMS Bureau's approval criteria under 19 CSR 30-40.331, forty-eight (48) hours of which may be elective topics, and the remaining ninety-six (96) hours covering all elements of the EMT-P core continuing education curriculum;

B. That they are able to produce documentation of the required continuing education, and will make all records available to the *[Bureau of]* EMS Bureau upon request. Licensees shall maintain such records for a period of five (5) years after the date of relicensure. Failure to obtain and retain complete and accurate documentation shall be cause for taking action upon a license; and

C. That they have current advanced cardiac life support training (can be counted towards the refresher requirement).

(4) *[The Bureau of EMS may select one (1) or more qualified providers to administer the practical licensure examination for EMT-Bs and EMT-Ps. The provider shall—*

(A) *Meet all the requirements of the National Registry of EMTs;*

(B) *Make application to the Bureau of EMS that—*

1. *Demonstrates necessary expertise, experience and resources needed in administering EMT practical examinations; and*

2. *Demonstrates evidence of practical examiner training and credentialing;*

(C) *Operate all tests in accordance with the policies and procedures of the National Registry of EMTs and the Bureau of EMS.] EMT-Intermediate (EMT-I) Licensure and Relicensure Requirements.*

(A) **EMT-I (Initial Licensure).** Initial licensure requirements apply to any person applying for licensure in Missouri. The applicant for initial licensure shall submit with their license application to the EMS Bureau evidence of current certification with the National Registry of Emergency Medical Technicians as an EMT-I. The EMT-I in Missouri may perform all the skills except intraosseous infusions in the National Scope of Practice for Advanced EMT which is incorporated by reference in this rule as published in 2007 by the U.S. Department of Transportation and is available at U.S. Department of Transportation, Office of Emergency Medical Services, West Building W 44-314, 1200 New Jersey Ave. SE, NTI 140, Washington, DC 20590. This rule does not incorporate any subsequent amendments or additions.

(B) **EMT-Intermediate (EMT-I) Relicensure.**

1. The applicant for relicensure shall submit with their license application to the EMS Bureau evidence of current certification with the National Registry of EMTs as an EMT-I; or

2. An applicant shall certify to the EMS Bureau:

A. That they have successfully completed one hundred forty-four (144) hours of continuing education which meet the EMS Bureau's approval criteria under 19 CSR 30-40.331, seventy-two (72) hours of which cover all elements of the EMT-I core continuing education curriculum, and seventy-two (72) hours of which may be elective topics from the EMT-B, EMT-I, or EMT-P curriculum;

B. That they are able to produce documentation of the required continuing education and shall make all records available to the EMS Bureau upon request. Licensees shall maintain such records for a period of five (5) years after the date of relicensure.

(C) **EMT-B Step Down from EMT-P or EMT-I.**

1. The applicant for relicensure shall submit with their license application to the EMS Bureau evidence of current certification with the National Registry of EMTs as an EMT-B, EMT-I, or EMT-P; or

2. An applicant shall certify to the EMS Bureau—

A. That they have successfully completed one hundred (100) hours of continuing education which meet the EMS Bureau's approval criteria under 19 CSR 30-40.331, forty-eight (48) hours of which cover all elements of the EMT-B core continuing education curriculum, and fifty-two (52) hours of which may be elective topics from the EMT-B, EMT-I, or EMT-P curriculum;

B. That they are able to produce documentation of the required continuing education and shall make all records available to the EMS Bureau upon request. Licensees shall maintain such records for a period of five (5) years after the date of relicensure.

C. Applicants shall also have current basic cardiac life

support training. This does not count towards core continuing education curriculum.



MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
BUREAU OF EMERGENCY MEDICAL SERVICES
EMS PERSONNEL LICENSE APPLICATION

UEMS USE ONLY

FOR DOH OFFICE USE ONLY - DO NOT WRITE IN THIS SPACE

EMT LICENSE NO. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	APPROVED BY/DATE _____	DATE LICENSED <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
DATE APP. REC'D. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	_____	EXPIRATION DATE <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

APPLICANT MUST COMPLETE INFORMATION BELOW TYPE OR PRINT

1. <input type="checkbox"/> INITIAL LICENSE APP.	IF APPLICABLE	CURRENT MO EMS LIC NO. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	AND	EXPIRATION DATE <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
2. <input type="checkbox"/> RELICENSURE APP.					
3. TYPE OF LICENSE APPLIED FOR (Check One) EMT-Basic <input type="checkbox"/> EMT-Intermediate <input type="checkbox"/> EMT-Paramedic <input type="checkbox"/>					
4. CERTIFICATION/EDUCATION USED FOR INITIAL LICENSURE OR RELICENSURE: (PLEASE CHECK ONLY ONE)					
<input type="checkbox"/> EMT-B NATIONAL REGISTRY <i>(Attach copy of card)</i>	<input type="checkbox"/> EMT-I NATIONAL REGISTRY <i>(Attach copy of card)</i>	<input type="checkbox"/> EMT-P NATIONAL REGISTRY <i>(Attach copy of card)</i>	<input type="checkbox"/> EMT-B CONTINUING EDUCATION	<input type="checkbox"/> EMT-I CONTINUING EDUCATION	<input type="checkbox"/> EMT-P CONTINUING EDUCATION
5. NAME (LAST, FIRST, MIDDLE INITIAL)					
SOCIAL SECURITY NUMBER	DATE OF BIRTH MO ___ DAY ___ YR ___	SEX <input type="checkbox"/> M <input type="checkbox"/> F	DAYTIME PHONE NUMBER		
MAILING ADDRESS (STREET)					
CITY	STATE	ZIP CODE	COUNTY		
6. NAME OF THE EMS AGENCY YOU ARE CURRENTLY WORKING FOR.(If applicable)					
7. TYPE OF PRESENT PRIMARY EMS AFFILIATION (IF APPLICABLE)					
<input type="checkbox"/> AMBULANCE SERVICE	<input type="checkbox"/> UNLICENSED FIRST RESPONDER AGENCY	<input type="checkbox"/> POLICE DEPARTMENT			
<input type="checkbox"/> LICENSED EMRA	<input type="checkbox"/> FIRE SERVICE	<input type="checkbox"/> OTHER			
8. Have you ever had administrative licensure action taken against your EMT license in Missouri or any other state? Yes <input type="checkbox"/> No <input type="checkbox"/> IF YES, EXPLAIN ON ATTACHED SHEET					
9. Has your right to practice in a health care occupation ever been subject to limitations, suspension or termination? Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable <input type="checkbox"/> IF YES, EXPLAIN ON ATTACHED SHEET					
10. Have you ever voluntarily surrendered a health care license or certification in any state? Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable <input type="checkbox"/> IF YES, EXPLAIN ON ATTACHED SHEET					
11. HAVE YOU EVER BEEN FINALLY ADJUDICATED AND FOUND GUILTY, OR ENTERED A PLEA OF GUILTY OR NOLO CONTENDERE IN A CRIMINAL PROSECUTION UNDER THE LAWS OF ANY STATE OR OF THE UNITED STATES, WHETHER OR NOT YOU RECEIVED A SUSPENDED IMPOSITION OF SENTENCE FOR ANY CRIMINAL OFFENSE? Yes <input type="checkbox"/> No <input type="checkbox"/> IF YOU HAVE ANSWERED YES TO THE ABOVE QUESTION YOU MUST ATTACH TO YOUR APPLICATION A CERTIFIED COPY OF ALL CHARGING DOCUMENTS (SUCH AS COMPLAINTS, INFORMATIONS OR INDICTMENTS), JUDGMENTS AND SENTENCING INFORMATION, PLEA AGREEMENTS AND PROBATION TERMS AND ANY OTHER INFORMATION YOU WISH CONSIDERED.					
12. I HEREBY CERTIFY THAT:					
A. I am able to speak, read and write the English language.					
B. I do not have a physical or mental impairment which would substantially limit my ability to perform the essential functions of an emergency medical technician with or without a reasonable accommodation.					
C. This application contains no misrepresentations or falsifications and the information given by me is true and complete to the best of my knowledge. I further certify that I have both the intention and the ability to comply with the regulations promulgated under Chapter 190 RSMo.					
D. I have enclosed an approved criminal background check determined by the Bureau of EMS and performed within the last 60 days. If I have not lived in Missouri for the last five consecutive years, then I have attached an approved criminal background check determined by the Bureau of EMS and performed within the last 60 days from each state I have lived in during that time. If you need fingerprint cards, please contact the Bureau of EMS by calling 573-751-6356.					
IF RELICENSING USING CONTINUING EDUCATION, PLEASE COMPLETE THE REVERSE SIDE OF THIS FORM					
APPLICANT'S SIGNATURE				DATE	

WARNING: In addition to licensure action, anyone who knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty may be guilty of a class B misdemeanor pursuant to section 575.06 RSMo.

Mail application to: Bureau of EMS, P.O. Box 570, Jefferson City, MO 65102

DECLARATION OF CEUS				
NAME OR TYPE OF COURSE	DIV OR MODULE	# OF HRS CORE	# OF HRS ELECTIVE	TRAINING ENTITY ACCREDITATION #, CECBEMS APPROVAL #, OR OTHER ACCREDITING AGENCY (ACLS, PALS, BTLS, MONA, ACEP, ETC.)
TOTAL HOURS				
<i>COPY THIS SHEET IF NECESSARY</i>				
IF RELICENSING USING CONTINUING EDUCATION, I HEREBY CERTIFY THAT:				
1. I have successfully completed the required continuing education in accordance with state regulations.				
2. I have attached a list of these continuing education units.				
3. I am in possession of documentation of the required continuing education and will make all records available to the Missouri Department of Health and Senior Services upon request under penalty of license action, up to and including revocation.				
4. EMT-B and EMT-I applicants must attach a copy of current CPR card.				
5. EMT-P applicants must attach copy of current ACLS card.				
APPLICANT'S SIGNATURE				DATE

AUTHORITY: sections 190.142, 190.160, 190.165, and 190.185, RSMo Supp. [1998] 2008. Emergency rule filed Aug. 28, 1998, effective Sept. 7, 1998, expired March 5, 1999. Original rule filed Sept. 1, 1998, effective Feb. 28, 1999. Amended: Filed Jan. 9, 2009.

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

PRIVATE COST: This proposed amendment will cost private entities forty thousand three hundred fifty dollars (\$40,350) annually.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Kimberly O'Brien, Director, Department of Health and Senior Services, Division of Regulation and Licensure, PO Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PRIVATE COST**

- I. Department Title: Missouri Department of Health and Senior Services
Division Title: Division of Regulation and Licensure
Chapter Title: Chapter 40-Comprehensive Emergency Medical Services System
Regulations:**

Rule Number and Title:	19 CSR 30-40.342
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the 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:
3,400	EMT (Missouri residents)	\$30,600 annually.
250	EMT (non-Missouri residents)	\$9,750.00 annually.
	Total cost=	\$40,350.00 annually.

III. WORKSHEET

There are currently 16,800 Emergency Medical Technicians (EMTs) licensed in Missouri. The license is issued for 5 years. Once every 5 years, the applicant must obtain a background check to attach to the license application.

If the applicant has resided in Missouri for the past 5 consecutive years, a simple name and social security check is done. The current cost is \$9.00 per background check.

There are 250 applicants that did not live in Missouri for the past 5 consecutive years. Background checks in surrounding states differ but are expected to be less than the \$39.00 charged for a fingerprint check.

IV. ASSUMPTIONS

16,800 EMTs in Missouri. 20% relicense every five years totaling approximately 3,400 per year.

$3400 \times \$9.00 = \$30,600.00$ per year with expected 12% increase per year.

Missouri has seen a 12% increase in initial licensees per year.

There are currently approximately 1,200 EMTs living outside of Missouri.

The applicant would obtain a background check from each state lived in during the past five years.

The cost for a background check out of state is not expected to be greater than the Federal Bureau of Investigation fingerprint check which costs \$39.00.

There are approximately 250 out of state applicants each year.

$250 \times \$39.00 = \$9,750.00$

Total = \$40,350.00

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 40—Comprehensive Emergency Medical
Services Systems Regulations**

PROPOSED RULE

19 CSR 30-40.600 Outside the Hospital Do-Not-Resuscitate (OHDNR)

PURPOSE: This rule establishes a procedure to be followed by personnel to comply with the outside the hospital do-not-resuscitate protocol when presented with an outside the hospital do-not-resuscitate identification or an outside the hospital do-not-resuscitate order.

(1) As used in this rule, the following terms shall mean:

(A) "Attending physician"—

1. A physician licensed under Chapter 334, RSMo, selected by or assigned to a patient who has primary responsibility for treatment and care of the patient; or

2. If more than one (1) physician shares responsibility for the treatment and care of a patient, one (1) such physician who has been designated the attending physician by the patient or the patient's representative shall serve as the attending physician;

(B) "Cardiopulmonary resuscitation" or "CPR," emergency medical treatment administered to a patient in the event of the patient's cardiac or respiratory arrest and shall include cardiac compression, endotracheal intubation and other advanced airway management, artificial ventilation, defibrillation, administration of cardiac resuscitation medications, and related procedures;

(C) "Department," the Department of Health and Senior Services;

(D) "Emergency medical services personnel," paid or volunteer firefighters, law enforcement officers, first responders, emergency medical technicians, or other emergency service personnel acting within the ordinary course and scope of their professions, but excluding physicians;

(E) "Health care facility," any institution, building, or agency or portion thereof, private or public, excluding federal facilities and hospitals, whether organized for profit or not, used, operated, or designed to provide health services, medical treatment, or nursing, rehabilitative, or preventive care to any person or persons. Health care facility includes, but is not limited to, ambulatory surgical facilities, health maintenance organizations, home health agencies, hospices, infirmaries, renal dialysis centers, long-term care facilities licensed under sections 198.003 to 198.186, RSMo, medical assistance facilities, mental health centers, outpatient facilities, public health centers, rehabilitation facilities, and residential treatment facilities;

(F) "Hospital," a place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care for not less than twenty-four (24) consecutive hours in any week of three (3) or more nonrelated individuals suffering from illness, disease, injury, deformity, or other abnormal physical conditions; or a place devoted primarily to provide for not less than twenty-four (24) consecutive hours in any week medical or nursing care for three (3) or more non-related individuals. Hospital does not include any long-term care facility licensed under sections 198.003 to 198.186, RSMo;

(G) "Outside the hospital do-not-resuscitate (OHDNR) identification" or "outside the hospital DNR identification," a standardized identification card, bracelet, or necklace of a single color, form, and design that signifies that the patient's attending physician has issued an outside the hospital do-not-resuscitate order for the patient and has documented the grounds for the order in the patient's medical file;

(H) "Outside the hospital do-not-resuscitate (OHDNR) order" or "outside the hospital DNR order," a written physician's order signed by the patient and the attending physician, or the patient's represen-

tative and the attending physician, which authorizes emergency medical services personnel to withhold or withdraw cardiopulmonary resuscitation from the patient in the event of cardiac or respiratory arrest;

(I) "Outside the hospital do-not-resuscitate (OHDNR) protocol" or "outside the hospital DNR protocol," a standardized method or procedure for the withholding or withdrawal of cardiopulmonary resuscitation by emergency medical services personnel from a patient in the event of cardiac or respiratory arrest;

(J) "Patient," a person eighteen (18) years of age or older who is not incapacitated, as defined in section 475.010, RSMo, and who is otherwise competent to give informed consent to an outside the hospital do-not-resuscitate order at the time such order is issued, and who, with his or her attending physician, has executed an outside the hospital do-not-resuscitate order under sections 190.600 to 190.621, RSMo. A person who has a patient's representative shall also be a patient for the purposes of sections 190.600 to 190.621, RSMo, if the person or the person's patient's representative has executed an outside the hospital do-not-resuscitate order under sections 190.600 to 190.621, RSMo; and

(K) "Patient's representative"—

1. An attorney-in-fact designated in a durable power of attorney for health care for a patient determined to be incapacitated under sections 404.800 to 404.872, RSMo; or

2. A guardian or limited guardian appointed under Chapter 475, RSMo, to have responsibility for an incapacitated patient.

(2) A properly executed OHDNR order—

(A) Shall be completed on an OHDNR order form, included herein, and available at the EMS Bureau office, online at www.dhss.mo.gov/EMS, or obtained by mailing a written request to the Missouri Department of Health and Senior Services, EMS Bureau, PO Box 570, Jefferson City, MO 65102-0570;

(B) Shall only be effective when the patient has not been admitted to or is not being treated within a hospital;

(C) Shall be maintained as the first page of a patient's medical record in a health care facility unless otherwise specified in the health care facility's policies and procedures;

(D) Shall be transferred with the patient when the patient is transferred from one health care facility to another health care facility;

(E) Shall be provided to any other facility, person, or agency responsible for the medical care of the patient or to the patient or patient's representative if the patient is transferred outside of a hospital;

(F) Shall be signed and dated by the patient or the patient's legal representative and the patient's attending physician;

(G) Shall be printed on eight and one half inch by eleven inch (8.5" × 11") card stock that is purple in color;

(H) May be photocopied or faxed, and this photocopy or other complete facsimile of the original OHDNR order may be used for any purpose for which the original OHDNR order may be used; and

(I) May be revoked at anytime. A patient or a patient's representative may revoke an OHDNR order by:

1. Signing in the box on the OHDNR order form labeled revocation provision. The revocation provision box shall remain unsigned in order for the OHDNR order to remain in effect;

2. Expressing to emergency medical services personnel in any manner, before or after the onset of a cardiac or respiratory arrest, the desire to be resuscitated; or

3. Destroying a patient's original OHDNR order form and any applicable OHDNR identification such as an identification card, bracelet, or necklace.

(3) Emergency medical services personnel are authorized to comply with the OHDNR protocol when presented with OHDNR identification or an OHDNR order. The outside the hospital do-not-resuscitate (OHDNR) protocol includes the following standardized methods or procedures:

(A) An OHDNR order shall only be effective when the patient has not been admitted to or is not being treated within a hospital;

(B) Emergency medical services personnel shall not comply with an OHDNR order or the OHDNR protocol when the patient or patient's representative expresses to such personnel in any manner, before or after the onset of a cardiac or respiratory arrest, the desire to be resuscitated;

(C) An OHDNR order shall not be effective during such time as the patient is pregnant;

(D) A properly executed OHDNR order authorizes emergency medical services personnel to withhold or withdraw cardiopulmonary resuscitation from the patient in the event of cardiac or respiratory arrest. Emergency medical services personnel shall not withhold or withdraw other medical interventions, such as intravenous fluids, oxygen, or therapies other than cardiopulmonary resuscitation such as those to provide comfort care or alleviate pain. Nothing in this regulation shall prejudice any other lawful directives concerning such medical interventions and therapies;

(E) If any doubt exists about the validity of the OHDNR identification or an OHDNR order, resuscitation shall be initiated and medical control shall be contacted;

(F) If the OHDNR order or OHDNR identification is presented after basic or advanced life support procedures have started, the emergency medical services personnel shall honor the form and withhold or withdraw cardiopulmonary resuscitation from a patient who is suffering cardiac or respiratory arrest;

(G) After noting the properly executed OHDNR order or OHDNR identification, no cardiac monitoring is necessary and no medical control contact is necessary; and

(H) Emergency medical services personnel shall document review of the OHDNR order and/or OHDNR identification in the patient care record.

(4) Single Color, Form, and Design for Additional/Optional OHDNR Identification.

(A) The OHDNR identification card—

1. Shall be signed and dated by the patient or the patient's legal representative and the patient's attending physician;

2. Shall be printed on card stock that is purple in color; and

3. Shall be three and seven sixteenth by four and one eighth ($3\frac{7}{16} \times 4\frac{1}{8}$) inches in size and may be folded and/or laminated.

(B) The OHDNR bracelet—

1. Shall contain a representation of the geographical shape of Missouri with the word "STOP" etched in purple, imposed over the geographical shape of Missouri on the face of the bracelet; and

2. Shall contain the inscription "MO OHDNR order" on the back of the bracelet.

(C) The OHDNR necklace—

1. Shall include a medallion containing a representation of the geographical shape of Missouri with the word "STOP" etched in purple, imposed over the geographical shape of Missouri on the face of the medallion; and

2. Shall contain the inscription "MO OHDNR order" on the back of the medallion.

(D) OHDNR bracelet and necklace vendors shall obtain approval from the department prior to manufacturing and distributing an initial OHDNR bracelet and necklace for a Missouri resident. To obtain approval from the department, OHDNR bracelet and necklace vendors shall submit to the department—

1. A document expressing an interest in manufacturing and distributing OHDNR bracelets and necklaces for Missouri residents;

2. A document stating that the OHDNR vendor understands and agrees to manufacture and distribute the OHDNR bracelet and necklace for each patient only after being shown an OHDNR order issued by the patient's attending physician for the patient requesting the OHDNR bracelet or necklace. This OHDNR order must be executed by the patient or patient's representative and the patient's attend-

ing physician and on the form created by the department, included herein;

3. A document stating that the OHDNR vendor understands and agrees to send with the OHDNR bracelet or necklace a statement with the words, "Pursuant to sections 190.600-190.621, RSMo, this OHDNR identification shall only be worn by a person who has executed an effective OHDNR order"; and

4. A prototype of the necklace and/or bracelet that meets the specifications as described herein in subsection (4)(B) or (4)(C).

(E) After review of the required documentation and prototype from an OHDNR vendor, the department may approve the OHDNR vendor to manufacture and distribute OHDNR bracelets and necklaces. A list of approved OHDNR bracelet or necklace vendors is available at the EMS Bureau office, online at www.dhss.mo.gov/EMS or may be obtained by mailing a written request to the Missouri Department of Health and Senior Services, EMS Bureau, PO Box 570, Jefferson City, MO 65102-0570.

(F) Department-approved OHDNR vendors shall be shown, for each patient requesting an OHDNR bracelet or necklace, an effective OHDNR order issued by the patient's attending physician for the patient requesting the OHDNR bracelet or necklace. To be effective, this OHDNR order must be executed by the patient or patient's representative and the patient's attending physician and on the form created by the department, included herein.

(G) Department-approved OHDNR vendors shall send with each OHDNR necklace or bracelet manufactured and distributed to a Missouri resident a statement with the words, "Pursuant to sections 190.600-190.621, RSMo, this OHDNR identification shall only be worn by a person who has executed an effective OHDNR order."

OUTSIDE THE HOSPITAL DO-NOT-RESUSCITATE (OHDNR) ORDER

I, _____, authorize emergency medical services personnel to
(name)
withhold or withdraw cardiopulmonary resuscitation from me in the event I suffer cardiac or respiratory arrest. Cardiac arrest means my heart stops beating and respiratory arrest means I stop breathing.

I understand that in the event that I suffer cardiac or respiratory arrest, this OHDNR order will take effect and no medical procedure to restart breathing or heart functioning will be instituted.

I understand this decision will not prevent me from obtaining other emergency medical care and medical interventions, such as intravenous fluids, oxygen or therapies other than cardiopulmonary resuscitation such as those deemed necessary to provide comfort care or to alleviate pain by any health care provider (e.g. paramedics) and/or medical care directed by a physician prior to my death.

I understand I may revoke this order at any time.

I give permission for this OHDNR order to be given to outside the hospital care providers (e.g. paramedics), doctors, nurses, or other health care personnel as necessary to implement this order.

I hereby agree to the "Outside The Hospital Do-Not-Resuscitate" (OHDNR) Order.

Patient – Printed or Typed Name	Date
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Patient's Signature or Patient Representative's Signature	Date
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REVOCAION PROVISION	
I hereby revoke the above declaration.	

Patient's Signature or Patient Representative's Signature	Date
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I AUTHORIZE EMERGENCY MEDICAL SERVICES PERSONNEL TO WITHHOLD OR WITHDRAW CARDIOPULMONARY RESUSCITATION FROM THE PATIENT IN THE EVENT OF CARDIAC OR RESPIRATORY ARREST.	
I affirm this order is the expressed wish of the patient/patient's representative, medically appropriate and documented in the patient's permanent medical record.	

Attending Physician's Signature (Mandatory)	Date
---	------

Attending Physician – Printed or Typed Name	Attending Physician's License No.	Attending Physician's Telephone No.
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Address – Printed or Typed	Facility or Agency Name
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THIS OHDNR ORDER SHALL REMAIN WITH THE PATIENT WHEN TRANSFERRED OUTSIDE THE HEALTH CARE FACILITY.

Emergency Medical Services personnel shall not comply with an outside the hospital do-not-resuscitate order when the patient or the patient's representative expresses to such personnel in any manner, before or after the onset of a cardiac or respiratory arrest, the desire to be resuscitated or if the patient is or is believed to be pregnant.

Outside the Hospital Do- Not- Resuscitate Identification Card
Patient's Full Name _____
I affirm that I have authorized an Outside the Hospital Do- Not - Resuscitate Order for this patient and have documented the grounds for the order in this patient's medical file.
Attending Physician Signature _____
Attending Physician (print) _____
Address _____ Phone _____
Date _____
I, _____ (name) authorize emergency medical services personnel to withhold or withdraw cardiopulmonary resuscitation from me in the event I suffer cardiac or respiratory arrest.
I understand this means that if my heart stops beating or I stop breathing, no medical procedure to restart heart function or breathing will be instituted.
I understand that I may revoke this order at anytime.
Patient or Patient's Representative Signature _____
Date _____

AUTHORITY: section 190.618, RSMo Supp 2008. Original rule filed Jan. 9, 2009.

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

PRIVATE COST: This proposed rule will cost private entities one thousand fifty-six dollars and forty cents (\$1,056.40) annually.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Kimberly O'Brien, Director, Department of Health and Senior Services, Division of Regulation and Licensure, PO Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PRIVATE COST**

- I. Department Title: Missouri Department of Health and Senior Services
Division Title: Division of Regulation and Licensure
Chapter Title: Chapter 40- Comprehensive Emergency Medical Services Systems
Regulations**

Rule Number and Title:	19 CSR 30-40.600
Type of Rulemaking:	Proposed Rule

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:
27 Missouri citizens	Missouri citizens requesting Outside the Hospital Do-Not Resuscitate (OHDNR) identification (necklaces and bracelets)	\$1,053.00 annually
34 Missouri citizens	Missouri citizens requesting OHDNR orders and identification (wallet cards) on purple card stock paper	\$3.40 annually
	Total cost =	\$1056.40 annually

III. WORKSHEET

An estimated twenty-seven (27) Missouri citizens will request Missouri Outside the Hospital Do-Not Resuscitate (OHDNR) identification (necklaces and bracelets) annually.

The Missouri OHDNR identification (necklaces and bracelets) will cost approximately \$39 each.

27 X \$39.00 = \$1,053.00

An estimated thirty-four (34) Missouri citizens will request Missouri OHDNR orders and OHDNR identification (wallet cards) annually.

Purple card stock (8.5 X 11 in size) will cost approximately \$.10 per page.

$$34 \times \$0.10 = \$3.40$$

Total cost - \$1053.00 (OHDNR bracelets and necklaces) + \$3.40 (OHDNR wallet cards) = \$1056.40 annually.

IV. ASSUMPTIONS

OHDNR Identification (Necklaces and Bracelets)

The type of metal used in the OHDNR identification (necklaces and bracelets) is at the choice of the requestor. Therefore, the price range differences are extreme based on the choice of the requestor. The cost of \$39.00 is the lowest price option based on a review of OHDNR identification (necklaces and bracelets) distributors' prices.

The Texas Medical Association in conjunction with the Texas Department of State Health Services has implemented a similar OHDNR identification program over the past several years. This Texas OHDNR program has received approximately seventy-five (75) requests annually for OHDNR jewelry.

The Missouri estimated population in 2006 was 5,842,713. The Missouri estimated population for those over the age of eighteen years in 2006 was 4,428,776. Only those over the age of eighteen years of age can utilize OHDNR identification (necklaces and bracelets) in Missouri.

The Texas estimated population in 2006 was 17,019,634. The Texas estimated population for those over the age of eighteen (18) years in 2006 was 12,322,215.

The percentage of OHDNR jewelry requests received in Texas annually is 0.000006 as there were seventy-five (75) requests annually divided by the population of Texas over the age of eighteen (18) years.

$$\frac{75}{12,322,215} = 0.000006$$

Missouri population over the age of eighteen (18) years multiplied by the percentage of OHDNR jewelry requests received in Texas annually equals the estimated number of Missouri citizens who will request OHDNR identification (necklaces and bracelets) annually.

$$4,428,776 \times 0.000006 = 27$$

Lowest price range for OHDNR identification (necklaces and bracelets) multiplied by twenty-seven (27) Missouri citizens who request OHDNR identification (necklaces and bracelets) annually.

$$27 \times \$39.00 = \$1,053.00$$

Total cost = \$1,053 annually for OHDNR identification (bracelets and necklaces).

Card Stock for OHDNR Orders and OHDNR Identification (Wallet Cards)

Texas receives approximately ninety-five (95) OHDNR requests annually.

The Missouri estimated population in 2006 was 5,842,713. The Missouri estimated population for those over the age of eighteen years in 2006 was 4,428,776. Only those over the age of eighteen years of age can execute an OHDNR order in Missouri or utilize OHDNR identification (wallet cards).

The Texas estimated population in 2006 was 17,019,634. The Texas estimated population for those over the age of eighteen (18) years in 2006 was 12,322,215.

The percentage of OHDNR requests received in Texas annually is 0.0000077 as there were ninety-five (95) requests annually divided by the population of Texas over the age of eighteen (18) years.

$$\frac{95}{12,322,215} = 0.0000077$$

Missouri population over the age of eighteen (18) years multiplied by the percentage of OHDNR requests received in Texas annually equals the estimated number of OHDNR order and OHDNR identification (wallet cards) requests annually in Missouri.

$$4,428,776 \times 0.0000077 = 34$$

Average price range for purple card stock (8.5 X 11 in size) is \$.10 per page multiplied by thirty-four (34) Missouri citizens who request OHDNR orders and identification (wallet cards) annually.

$$34 \times \$0.10 = \$3.40$$

Total cost = \$3.40 annually for purple card stock to print OHDNR orders and identification (wallet cards).

Total cost - \$1053.00 (OHDNR bracelets and necklaces) + \$3.40 (OHDNR wallet cards) = \$1056.40 annually.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 40—Division of Maternal, Child and Family
Health
Chapter 11—Vision Examinations**

PROPOSED RULE

19 CSR 40-11.010 Payments for Vision Examinations

PURPOSE: The Department of Health and Senior Services makes payments to appropriate medical providers to cover the cost of the comprehensive eye examination of first and third grade children not covered by insurance who fail public school vision screenings. This rule establishes the criteria by which comprehensive eye examination costs are paid.

(1) Beginning July 1, 2008, all public school districts shall conduct a vision screening by methods developed by the Children's Vision Commission for each student before the completion of first and third grades. The school district shall notify the parent or guardian of any child failing the vision screening and refer the parent or guardian to an optometrist or physician for a comprehensive eye examination.

(2) Subject to appropriation of funds and the cost cap set out in section 192.935, RSMo, the Blindness Education, Screening, and Treatment (BEST) Program fund shall cover the cost of vision examinations under section 167.195, RSMo, that are not covered by existing public health insurance provided that the cost of the examination does not exceed the allowable state MO HealthNet reimbursement amount for eye examinations.

(3) Vouchers for payment out of the BEST Program fund shall be distributed to public school districts based on the following methodology:

(A) Calculating the number of children in first and third grades by school district;

(B) Calculating the number of children who are likely to fail the screening and require a comprehensive eye examination;

(C) Excluding the number of children who are eligible for MO HealthNet;

(D) Calculating the number of children in each school district eligible for assistance;

(E) Dividing the total funds by the MO HealthNet reimbursement rate to determine the total number of exams to be reimbursed; and

(F) Allocating funds per school district based on percentage of children eligible for assistance.

(4) At the time the school refers the child for a comprehensive eye examination, the school district shall evaluate whether the child meets the qualifications in section (5) of this rule and, if so, shall give the parent or guardian a voucher that may be used to cover the cost of the child's eye examination.

(5) To qualify for coverage under the BEST Program fund, a child must—

(A) Be enrolled in a public school in grade one or three;

(B) Have failed a vision screening provided by a public school in accordance with the standardized screening methods provided by the Children's Vision Commission;

(C) Receive a comprehensive eye examination performed by a licensed optometrist or physician;

(D) Lack any other means of insurance to provide payment for a comprehensive eye examination; and

(E) Be a legal resident of the state of Missouri.

(6) To receive payment out of the BEST Program fund, an optometrist or physician who performs a comprehensive eye exami-

nation on a child based upon referral by a public school district shall complete the Missouri Eye Examination Form for School, included herein, and submit the form and voucher to the public school district. The public school district shall forward the voucher and an invoice listing the voucher number on the school district's letterhead to the Department of Health and Senior Services, Attention: School Vision Program, PO Box 570, Jefferson City, MO 65102, no later than the last day of February of the school year in which the examination was performed in order to receive reimbursement.

(7) Vouchers allocated to the school districts that have not been used by the last day of February of each school year shall be returned to the Department of Health and Senior Services for reallocation to other school districts.



MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
MISSOURI EYE EXAMINATION FORM FOR SCHOOL

PATIENT INFORMATION		PATIENT PROVIDER IDENTIFIERS	
STUDENT NAME		PROVIDER LAST NAME (First Four Digits)	
DATE OF BIRTH OF STUDENT		SSN (Last four digits of student)	
PARENT / GUARDIAN NAME			
CASE HISTORY			
DATE OF EXAM			
OCULAR HISTORY:	Normal <input type="checkbox"/> or Positive for:		
MEDICAL HISTORY:	Normal <input type="checkbox"/> or Positive for:		
DRUG ALLERGIES:	NKDA <input type="checkbox"/> or Allergic to:		
FAMILY OCULAR and MEDICAL HISTORY:		<input type="checkbox"/> Amblyopia <input type="checkbox"/> Strabismus <input type="checkbox"/> Glaucoma <input type="checkbox"/> Diabetes	
		Other:	
OTHER PERTINENT INFORMATION			
ACUITY			
	NORMAL	ABNORMAL	Not Able to Assess
AMBLYOPIA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
STRABISMUS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
INTERNAL EYE HEALTH	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
EXTERNAL EYE HEALTH	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
VISUAL ACUITY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BINOCULAR VISION	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	OD	OS	
Distance Unaided Acuity (20 ft)	20 /		20 /
Distance Best Corrected Acuity (20 ft)	20 /		20 /
Near Unaided Acuity (14 in)	20 / (eq)		20 / (eq)
Near Best Corrected Acuity (14 in)	20 / (eq)		20 / (eq)
OD			
OS			
<input type="checkbox"/> Normal <input type="checkbox"/> Myopia <input type="checkbox"/> Hyperopia <input type="checkbox"/> Astigmatism <input type="checkbox"/> Strabismus <input type="checkbox"/> Amblyopia			
OTHER:			
RECOMMENDATIONS			
1	Glasses Prescribed <input type="checkbox"/> Yes <input type="checkbox"/> No		
2			
3			
<input type="checkbox"/> Constant Wear <input type="checkbox"/> Distance Vision Only <input type="checkbox"/> Near Vision Only <input type="checkbox"/> May be removed for recess/PE			
<input type="checkbox"/> Insurance <input type="checkbox"/> MO HealthNet <input type="checkbox"/> Complimentary <input type="checkbox"/> Other form of payment			TOTAL COST:
EXAMINER NAME		<input type="checkbox"/> OD <input type="checkbox"/> MD/DO	DATE

AUTHORITY: sections 167.195 and 192.935, RSMo Supp. 2008. Emergency rule filed Jan. 9, 2009, effective Jan. 19, 2009, expires July 17, 2009. Original rule filed Jan. 9, 2009.

PUBLIC COST: This proposed rule will cost public entities an estimated five hundred fourteen thousand, three hundred thirty-nine dollars (\$514,339) annually.

PRIVATE COST: This proposed rule will cost private entities an estimated twelve thousand, two hundred seventy-one dollars (\$12,271) annually.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Health and Senior Services, Division of Community and Public Health, Bureau of Genetics and Healthy Childhood, Sharmini Rogers, MBBS, MPH, Chief, 930 Wildwood Drive, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PUBLIC COST**

- I. Department Title: Missouri Department of Health and Senior Services
Division Title: Division of Community and Public Health
Chapter Title: Chapter 11—Payments for Vision Examinations**

Rule Number and Name:	19 CSR 40-11.010 Payments for Vision Examinations
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Public School Nurse	\$514,339 per school year

III. WORKSHEET

Median Hourly Rate for Registered Nurse per www.payscale.com = \$22.02
 Total enrolled in first grade 2007-2008 per Department of Elementary and Secondary Education = 67,314
 Total enrolled in third grade 2007-2008 per Department of Elementary and Secondary Education = 67,334
 Eye exam vouchers to be distributed by schools = 1,833
 Cost for nurse to process and distribute eye exam voucher is $\$11.01 \times 1,833 = \$20,181$
 Cost for nurse to submit results from first and third grade eye screenings is $\$3.67 \times 134,648 = \$494,158$
 Eye exam voucher processing cost plus eye screening cost submittal is $\$20,181 + \$494,158 = \$514,339$

IV. ASSUMPTIONS

Public school enrollment will remain stable for grades one and three.
 Median hourly salary will remain stable for school nurses.
 Public school nurses are continuing to screen students in first and third grades.
 Public school nurses are continuing to refer students for vision examinations when a screening is failed.
 Funds will be available from the Blindness Education, Screening, and Treatment fund in the amount of \$99,000, allowing distribution of 1,833 eye exam vouchers.
 MO HealthNet reimbursement rates will remain stable at \$43 per Optometrist exam and \$65 per Ophthalmologist exam for a median rate of \$54 per exam.
 Public school nurses will be submitting eye-screening results, allotting 10 minutes per student to compile and submit data.
 Public school nurses will utilize 1,833 eye exam vouchers, allotting 30 minutes per voucher to notify parent, coordinate with eye care provider, confirm use of voucher, and provide results to the Department.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title: Missouri Department of Health and Senior Services
Division Title: Division of Community and Public Health
Chapter Title: Chapter 11—Payments for Vision Examinations**

Rule Number and Title:	19 CSR 40-11.010 Payments for Vision Examinations
Type of Rulemaking:	Proposed Rule

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:
Optometrist or Physician	Eye Care Providers	\$12,271 per school year

III. WORKSHEET

Median Hourly Rate for Administrative Assistant per www.payscale.com = \$13.03
 Total enrolled in first grade 2007-2008 per Department of Elementary and Secondary Education = 67,314
 Total enrolled in third grade 2007-2008 per Department of Elementary and Secondary Education = 67,334
 Failure rate of 7% of total screenings per American Academy of Pediatrics (Pediatrics in Review, 2007)
 Eye exam vouchers to be distributed by schools = 1,833
 Cost for eye exam results completed per screening referrals to be submitted to the Department is \$1.09 x 9,425 = \$10,273
 Administrative cost to submit vouchers for reimbursement is 1,833 x \$1.09 = \$1,998
 Eye exam results submittal cost plus voucher submittal cost is \$10,273 + \$1,998 = \$12,271

IV. ASSUMPTIONS

Public school enrollment will remain stable for grades one and three.
 Median hourly salary will remain stable for administrative assistant.
 Failure rate percentage for children being screened will remain at 7%.
 Funds will be available from the Blindness Education, Screening, and Treatment fund in the amount of \$99,000, allowing distribution of 1,833 eye exam vouchers.
 MO HealthNet reimbursement rates will remain stable at \$43 per Optometrist exam and \$65 per Ophthalmologist exam for a median rate of \$54 per exam.
 Eye care providers will accept the 1,833 eye exam vouchers, allotting 5 minutes per voucher to submit for payment.
 Eye care providers will submit results of all eye exams resulting in a failed eye screening, allotting 5 minutes per exam to submit the results.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 700—Insurance Licensing
Chapter 3—Education Requirements**

PROPOSED AMENDMENT

20 CSR 700-3.200 Continuing Education. The department is amending section (2).

PURPOSE: This amendment corrects an error of the statutory citation in section (2) of this rule as section 375.020.1, RSMo instead of section 375.010.1, RSMo that is currently in the rule.

(2) Beginning January 1, 2009, of those hours of continuing education required by section [375.010.1] **375.020.1**, RSMo, insurance producers licensed in any of the lines of authority designated in sections 375.018.1(1) through (6), RSMo, must complete three (3) hours of instruction covering ethics, Missouri law, and producer duties and obligations to the department during any two (2)-year licensure period. Courses on ethics, laws, and duties must be approved as such by the director to be eligible for meeting this requirement.

AUTHORITY: section 374.045, RSMo 2000 and **375.020**, RSMo **Supp. 2008**. This rule was previously filed as 4 CSR 190-12.130. Original rule filed Aug. 8, 1989, effective Nov. 13, 1989. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed Jan. 8, 2009, effective Jan. 18, 2009, expires July 16, 2009. Amended: Filed Jan. 8, 2009.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed amendment at 10:00 a.m. on March 24, 2009, at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to the proposed amendment until 5:00 p.m. on March 27, 2009. Written statements shall be sent to Elfin L. Noce, Department of Insurance, Financial Institutions and Professional Registration, PO Box 690, Jefferson City, MO 65102.

SPECIAL NEEDS: If you have any special needs addressed by the Americans with Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.

This 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*.

The 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 2—DEPARTMENT OF AGRICULTURE
Division 90—Weights and Measures
Chapter 10—Liquefied Petroleum Gases**

ORDER OF RULEMAKING

By the authority vested in the Missouri Propane Gas Commission under section 323.020, RSMo Supp. 2008, the commission adopts a rule as follows:

2 CSR 90-10.001 Definitions and General Provisions **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 17, 2008 (33 MoReg 2089). 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: The commission received one (1) comment on the proposed rule.

COMMENT: Steve Ahrens with the Missouri Propane Gas Association (MPGA) stated that MPGA supports the rule.

RESPONSE: The comment did not suggest a change. No changes have been made to the rule as a result of this comment.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 90—Weights and Measures
Chapter 10—Liquefied Petroleum Gases**

ORDER OF RULEMAKING

By the authority vested in the Missouri Propane Gas Commission under section 323.020, RSMo Supp. 2008, the commission amends a rule as follows:

2 CSR 90-10.011 Inspection Authority—Duties **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 17, 2008 (33 MoReg 2089–2090). 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: The commission received one (1) comment on the proposed amendment.

COMMENT: Steve Ahrens with the Missouri Propane Gas Association (MPGA) stated that MPGA supports the amendment and applauds the commission for making the important technical distinction between “leak” and “pressure” testing.

RESPONSE: The comment did not suggest a change. No changes have been made to the rule as a result of this comment.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 90—Weights and Measures
Chapter 10—Liquefied Petroleum Gases**

ORDER OF RULEMAKING

By the authority vested in the Missouri Propane Gas Commission under section 323.020, RSMo Supp. 2008, the commission amends a rule as follows:

2 CSR 90-10.012 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 17, 2008 (33 MoReg 2090–2091). The section with changes is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

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

COMMENT: Steve Ahrens with the Missouri Propane Gas Association (MPGA) stated that MPGA supports the amendment but suggests that section (3) be modified to allow the Missouri Propane Gas Commission to authorize the required exam.

RESPONSE AND EXPLANATION OF CHANGE: The commission concurs and has changed section (3).

2 CSR 90-10.012 Registration—Training

(3) Every individual applying for registration to engage in the business of handling, storing, or transporting LPGs or in the business of installing, repairing, or servicing piping, equipment, or appliances for use with LPGs must score at least seventy-five percent (75%) on a written examination administered or authorized by the Missouri Propane Gas Commission before approval of registration will be granted.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 90—Weights and Measures
Chapter 10—Liquefied Petroleum Gases**

ORDER OF RULEMAKING

By the authority vested in the Missouri Propane Gas Commission under section 323.020, RSMo Supp. 2008, the commission amends a rule as follows:

2 CSR 90-10.013 Installation Requirements is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 17, 2008 (33 MoReg 2091). 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: The commission received one (1) comment on the proposed amendment.

COMMENT: Steve Ahrens with the Missouri Propane Gas Association (MPGA) stated that MPGA supports the amendment and suggested a change of language in the purpose section to clarify the type of standards and suggested to correct the spelling of a word.
RESPONSE: The commission concurs but no changes have been made because the purpose section of the rule is not open for comment.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 90—Weights and Measures
Chapter 10—Liquefied Petroleum Gases**

ORDER OF RULEMAKING

By the authority vested in the Missouri Propane Gas Commission under section 323.020, RSMo Supp. 2008, the commission amends a rule as follows:

2 CSR 90-10.014 Storage is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 17, 2008 (33 MoReg 2091-2092). 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: The commission received one (1) comment on the proposed amendment.

COMMENT: Steve Ahrens with the Missouri Propane Gas Association (MPGA) stated that MPGA supports the amendment and suggests a change of language in the purpose section to clarify the type of standards.
RESPONSE: The commission concurs but no changes have been made because the purpose section of the rule is not open for comment.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 90—Weights and Measures
Chapter 10—Liquefied Petroleum Gases**

ORDER OF RULEMAKING

By the authority vested in the Missouri Propane Gas Commission under section 323.020, RSMo Supp. 2008, the commission amends

a rule as follows:

2 CSR 90-10.016 Meters for Measurement—Specifications and Proving is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 17, 2008 (33 MoReg 2092). 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 2—DEPARTMENT OF AGRICULTURE
Division 90—Weights and Measures
Chapter 10—Liquefied Petroleum Gases**

ORDER OF RULEMAKING

By the authority vested in the Missouri Propane Gas Commission under section 323.020, RSMo Supp. 2008, the commission rescinds a rule as follows:

2 CSR 90-10.017 Mobile Homes is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 17, 2008 (33 MoReg 2092-2093). 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: The commission received one (1) comment on the proposed rescission.

COMMENT: Steve Ahrens with the Missouri Propane Gas Association (MPGA) stated that MPGA supports the rescission.
RESPONSE: The comment did not suggest a change. No changes have been made to the rescission as a result of this comment.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 90—Weights and Measures
Chapter 10—Liquefied Petroleum Gases**

ORDER OF RULEMAKING

By the authority vested in the Missouri Propane Gas Commission under section 323.020, RSMo Supp. 2008, the commission amends a rule as follows:

2 CSR 90-10.020 NFPA Manual No. 54, *National Fuel Gas Code* is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 17, 2008 (33 MoReg 2093). 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: The commission received one (1) comment on the proposed amendment.

COMMENT: Steve Ahrens with the Missouri Propane Gas Association (MPGA) stated that MPGA supports the amendment.
RESPONSE: The comment did not suggest a change. No changes have been made to the rule as a result of this comment.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 90—Weights and Measures
Chapter 10—Liquefied Petroleum Gases**

ORDER OF RULEMAKING

By the authority vested in the Missouri Propane Gas Commission under section 323.020, RSMo Supp. 2008, the commission amends a rule as follows:

2 CSR 90-10.040 NFPA Manual No. 58, *Storage and Handling of Liquefied Petroleum Gases* is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 17, 2008 (33 MoReg 2093–2094). 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: The commission received one (1) comment on the proposed amendment.

COMMENT: Steve Ahrens with the Missouri Propane Gas Association (MPGA) stated that MPGA supports the amendment.
RESPONSE: The comment did not suggest a change. No changes have been made to the rule as a result of this comment.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 90—Weights and Measures
Chapter 10—Liquefied Petroleum Gases**

ORDER OF RULEMAKING

By the authority vested in the Missouri Propane Gas Commission under section 323.020, RSMo Supp. 2008, the commission rescinds a rule as follows:

2 CSR 90-10.100 Inspection of School Buses Propelled by Liquefied Propane Gas is **rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 17, 2008 (33 MoReg 2094). 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: The commission received one (1) comment on the proposed rescission.

COMMENT: Steve Ahrens with the Missouri Propane Gas Association (MPGA) stated that MPGA supports the rescission.
RESPONSE: The comment did not suggest a change. No changes have been made to the rule as a result of this comment.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 10—Division of Employment Security
Chapter 2—Administration**

ORDER OF RULEMAKING

By the authority vested in the Division of Employment Security under sections 288.220.5 and 288.360.3, RSMo 2000, the division amends a rule as follows:

8 CSR 10-2.020 Charges for Copies of Records, Reports, Decisions, Transcripts or Other Papers or Documents is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2008 (33 MoReg 1865). 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 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 5—Air Quality Standards and Air Pollution
Control Rules Specific to the St. Louis Metropolitan
Area**

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission rescinds a rule as follows:

10 CSR 10-5.430 Control of Emissions From the Surface Coating of Chrome-Plated and Resist Plastic Parts is **rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 2, 2008 (33 MoReg 1661). 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: The Missouri Department of Natural Resources' Air Pollution Control Program received a comment on the proposed rescission from one (1) source: City of St. Louis Department of Health Air Pollution Control.

COMMENT #1: The City of St. Louis Air Pollution Control spoke in support of the proposed rescission at the public hearing. The City of St. Louis recommended this rule for rescission in order to simplify the rules by removing obsolete regulations that might otherwise cause confusion concerning emission standards.

RESPONSE: The department's Air Pollution Control Program appreciates the St. Louis City's support of this rescission. No wording changes have been made to the proposed rulemaking as a result of this comment.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 20—Division of Community and Public Health
Chapter 28—Immunization**

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Health and Senior Services under sections 167.181 and 192.020, RSMo Supp. 2008, and section 192.006, RSMo 2000, the department amends a rule as follows:

19 CSR 20-28.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 3, 2008 (33 MoReg 2023–2031). Those sections with changes are

reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received one hundred ninety (190) comments on the proposed amendment.

COMMENT: All one hundred ninety (190) comments addressed the same concern of allowing a grace period of thirty (30) days for providing evidence of immunization. All comments requested the deletion of the sentence "Satisfactory evidence shall be provided within thirty (30) days of the child's first date of school attendance."

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and has deleted the referenced sentence.

19 CSR 20-28.010 Immunization Requirements for School Children

(3) The parent or guardian shall furnish the superintendent or designee satisfactory evidence of immunization or exemption from immunization.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

**Division 20—Division of Community and Public Health
Chapter 28—Immunization**

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Health and Senior Services under section 192.020, RSMo Supp. 2008, the department rescinds a rule as follows:

**19 CSR 20-28.030 Distribution of Childhood Vaccines
is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 3, 2008 (33 MoReg 2032). 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 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

**Division 20—Division of Community and Public Health
Chapter 28—Immunization**

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Health and Senior Services under sections 192.006 and 210.003, RSMo 2000, the department amends a rule as follows:

19 CSR 20-28.040 Day Care Immunization Rule is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 3, 2008 (33 MoReg 2032–2043). 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.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and
Transportation Commission
Chapter 25—Motor Carrier Operations**

IN ADDITION

7 CSR 10-25.010 Skill Performance Evaluation Certificates for Commercial Drivers

PUBLIC NOTICE

Public Notice and Request for Comments on Applications for Issuance of Skill Performance Evaluation Certificates to Intrastate Commercial Drivers with Diabetes Mellitus or Impaired Vision

SUMMARY: This notice publishes MoDOT's receipt of applications for the issuance of Skill Performance Evaluation (SPE) Certificates from individuals who do not meet the physical qualification requirements in the Federal Motor Carrier Safety Regulations for drivers of commercial motor vehicles in Missouri intrastate commerce because of impaired vision or an established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control. If granted, the SPE Certificates will authorize these individuals to qualify as drivers of commercial motor vehicles (CMVs), in intrastate commerce only, without meeting the vision standard prescribed in 49 CFR 391.41(b)(10), if applicable, or the diabetes standard prescribed in 49 CFR 391.41(b)(3).

DATES: Comments must be received at the address stated below on or before March 2, 2009.

ADDRESSES: You may submit comments concerning an applicant, identified by the application number stated below, by any of the following methods:

- *Email:* Kathy.Hatfield@modot.mo.gov
- *Mail:* PO Box 893, Jefferson City, MO 65102-0893
- *Hand Delivery:* 1320 Creek Trail Drive, Jefferson City, MO 65109
- *Instructions:* All comments submitted must include the agency name and application number for this public notice. For detailed instructions on submitting comments, see the Public Participation heading of the Supplementary Information section of this notice. All comments received will be open and available for public inspection, and MoDOT may publish those comments by any available means.

**COMMENTS RECEIVED
BECOME MoDOT PUBLIC RECORD**

- By submitting any comments to MoDOT, the person authorizes MoDOT to publish those comments by any available means.
- *Docket:* For access to the department's file, to read background documents or comments received, 1320 Creek Trail Drive, Jefferson City, MO 65109, between 7:30 a.m. and 4:00 p.m., Monday through Friday, except state holidays.

FOR FURTHER INFORMATION CONTACT: Ms. Kathy Hatfield, Motor Carrier Specialist, (573) 522-9001, MoDOT Motor Carrier Services Division, PO Box 893, Jefferson City, MO 65102-0893. Office hours are from 7:30 a.m. to 4:00 p.m., CT, Monday through Friday, except state holidays.

SUPPLEMENTARY INFORMATION:

Public Participation

If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard.

Background

The individuals listed in this notice have recently filed applications requesting MoDOT to issue SPE Certificates to exempt them from the physical qualification requirements relating to vision in 49 CFR 391.41(b)(10), or to diabetes in 49 CFR 391.41(b)(3), which otherwise apply to drivers of CMVs in Missouri intrastate commerce.

Under section 622.555, RSMo Supp. 2008, MoDOT may issue a Skill Performance Evaluation Certificate, for not more than a two (2)-year period, if it finds that the applicant has the ability, while operating CMVs, to maintain a level of safety that is equivalent to or greater than the driver qualification standards of 49 CFR 391.41. Upon application, MoDOT may renew an exemption upon expiration.

Accordingly, the agency will evaluate the qualifications of each applicant to determine whether issuing an SPE Certificate will comply with the statutory requirements and will achieve the required level of safety. If granted, the SPE Certificate is only applicable to intrastate transportation wholly within Missouri.

Qualifications of Applicants

Application # MP080813039

Applicant's Name & Age: Terence McAndrew, 42
Relevant Physical Condition: Mr. McAndrew's best corrected visual acuity is 20/20 Snellen in his right eye and 20/15 Snellen in his left eye. Mr. McAndrew was diagnosed with Insulin Treated Diabetes Mellitus in December 2007.

Relevant Driving Experience: Employed in Chesterfield, Missouri, as a concrete truck driver and has had over twenty (20) years' experience driving commercial motor vehicles. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in October 2008, his endocrinologist certified, "In my medical opinion, Mr. McAndrew's diabetes deficiency is stable and he is capable of performing the driving tasks required to operate a commercial motor vehicle, and that the applicant's condition will not adversely affect his ability to operate a commercial motor vehicle safely."

Traffic Accidents and Violations: No accidents or violations within the past three (3) years.

Application # MP040715052

Renewal Applicant's Name & Age: Ronald Keith Dunnivant, 41
Relevant Physical Condition: Mr. Dunnivant's best corrected visual acuity in his right eye is 20/20 Snellen, and he has congenital strabismic amblyopia (lazy eye) in his left eye. His left eye uncorrected visual acuity is 20/200 Snellen. He currently holds a valid SPE Certificate for Missouri and is applying for a renewal.

Relevant Driving Experience: Employed by Ameren UE as a gas laborer, pipe fitter, and equipment operator from July 2002 to present and has driven two (2) hours per day to and from the job site and headquarters. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in December 2008, his optometrist certified, "In my medical opinion, Mr. Dunnivant's visual deficiency is stable and has sufficient vision to perform the driving tasks required to operate a commercial motor vehicle, and that his condition will not adversely affect his ability to operate a commercial motor vehicle safely."

Traffic Accidents and Violations: No accidents or violations within the past three (3) years.

Application # MP040112005

Renewal Applicant's Name & Age: Daniel H. LaFevers, 38

Relevant Physical Condition: Mr. LaFevers' best-corrected visual acuity in his right eye is 20/20 Snellen, and he has a prosthetic left eye. He currently holds a valid vision SPE Certificate for Missouri and is applying for a renewal.

Relevant Driving Experience: Mr. LaFevers has been employed with Hiland Dairy in West Plains, Missouri, as a hostler since 1998. He indicates that he has ten (10) years' driving experience in all types of commercial motor vehicles. He currently has a Class A CDL. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in December 2008, his optometrist certified, "In my medical opinion, Mr. LaFevers's vision deficiency is stable and he is capable of performing the driving tasks required to operate a commercial motor vehicle, and that his condition will not adversely affect his ability to operate a commercial motor vehicle safely."

Traffic Accidents and Violations: No accidents or violations on record.

Request for Comments

The Missouri Department of Transportation, Motor Carrier Services Division, pursuant to section 622.555, RSMo, and rule 7 CSR 10-25.010, requests public comment from all interested persons on the applications for issuance of Skill Performance Evaluation Certificates described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in this notice.

Issued on: January 2, 2009

Jan Skouby, Motor Carrier Services Director, Missouri Department of Transportation.