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SALUS POPULI SUPREMA LEX ESTO

"The welfare of the people shall be the supreme law."



ROBIN CARNAHAN
SECRETARY OF STATE

MISSOURI
REGISTER

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

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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

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

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

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

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

RSMo—The most recent version of the statute containing the section number and the date.

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

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

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

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 73—Missouri Board of Nursing Home
Administrators
Chapter 2—General Rules**

EMERGENCY AMENDMENT

19 CSR 73-2.010 Definitions. The department is adding new sections (1), (8), (9), and (11), amending sections (2) and (5), and renumbering throughout.

PURPOSE: This amendment amends and adds definitions to make the rule consistent with changes that were made to sections 344.010 and 344.020, RSMo, as part of CCS No. 2 for HCS for SCS for SB 754, 95th General Assembly, Second Regular Session (2010).

EMERGENCY STATEMENT: This emergency amendment adds definitions to create two (2) levels of administrator licenses to reflect the changes made to sections 344.010 and 344.020, RSMo, as part of CCS No. 2 for HCS for SCS for SB 754, 95th General Assembly, Second Regular Session (2010), that became effective August 28, 2010. The law created a new license class for administrators of assisted living facilities. Since the passage of the legislation, the Board of Nursing Home Administrators (board) has held public meetings and has worked with various long-term care industry representatives regarding the proposed changes needed to implement the law. The board met to discuss the changes to the rule on September 8,

*November 3, and December 2, 2010, and on March 9, 2011. The board held public meetings regarding the changes to the rule on August 30, September 27, and October 27, 2010. In addition, the board worked with various industry representatives and interested parties to obtain their input on the changes between September 17, 2010, and March 22, 2011. The changes to sections 344.010 and 344.020, RSMo, require administrators of residential care facility IIs and assisted living facilities to be licensed. At this time, there continues to be only one (1) class of administrator license under the rules. The standards for an administrator license are based on higher levels of experience and education that are needed to oversee care of skilled nursing facility and intermediate care facility residents with greater medical needs than those needed to oversee care of residents in a residential care facility II or assisted living facility. This has caused hardship to some residential care facility IIs and assisted living facilities that have had a difficult time hiring and retaining a licensed administrator resulting in a lack of oversight and care of patients in those facilities. As part of the changes to the law, the department was authorized to issue a separate license to administrators of residential care facilities that were licensed as a residential care facility II on or before August 27, 2006, that continues to meet the licensure standards for a residential care facility II in effect on August 27, 2006, as well as administrators of assisted living facilities, as defined in section 198.006, RSMo. The administrator licenses run on a two (2)-year cycle ending in June every other year. Administrators file new applications for licensure beginning in May of each year. Because of the need to license and regulate such administrators in existing and new facilities for the upcoming licensure cycle, the department finds that in order to protect the health and safety of patients in those facilities, there is a compelling governmental interest that requires this emergency action. In addition, due to not being able to hire or retain licensed nursing home administrators, facility residents' quality of care and life have diminished, facility operations suffer financially, and there is an increase in staff turnover. A proposed amendment, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The board believes this emergency amendment is fair to all interested persons and parties under the circumstances. The interested persons and parties include the state long-term care associations, facility owners, and interested applicants and licensees. This emergency amendment was filed May 5, 2011, becomes effective May 15, 2011, and expires February 23, 2012.*

(1) Administrator shall mean a person that is currently licensed by the board to administer, manage, or supervise a long-term care facility, including individuals who have ownership of a facility and/or individuals who share administrative duties and functions with others.

[(1)](2) Clock hour shall mean sixty (60) minutes of formal instruction by an approved presenter.

[(2)](3) Continuing education means post-licensure education in health-care administration undertaken to maintain professional competency to practice [*nursing home*] administration, improve administrative skills and effect standards of excellence in the interest of safety, health and welfare of the people served.

[(3)](4) Education in health-care administration shall mean the completion of a course of instruction designed to teach the elements of health-care facility administration and management, including training regarding the protection of the rights of residents or patients in health-care facilities.

[(4)](5) Examination shall mean a written examination, an oral examination, or both.

[(5)](6) “Experience in health-care administration” shall mean having management responsibility, which shall include the on-site supervision of at least three (3) staff persons in a licensed long-term care or acute care facility, or a licensed inpatient mental health facility, or a department of one of these facilities.

[(6)](7) Health-care facility shall mean a licensed long-term care or acute/-/ care facility or a facility licensed as an inpatient mental health facility.

(8) **Health care or aging-related experience shall mean full-time equivalency experience in a licensed home health agency, licensed hospice agency, licensed acute care or long-term care facility, licensed adult day care program, or licensed mental health facility.**

(9) **Nursing Home Administrator shall mean an administrator, as defined in section (1), that administers, manages, or supervises a long-term care facility, as defined in section 344.010, RSMo.**

[(7)](10) Resident shall mean a person residing in a long-term health-care facility.

(11) **Residential Care and Assisted Living Administrator shall mean an administrator, as defined in section (1), that administers, manages, or supervises an assisted living facility or residential care facility, as defined in Chapter 198, RSMo. This includes residential care facilities that were licensed as a residential care facility II on or before August 27, 2006, and that continue to meet the licensure standards for a residential care facility II in effect on August 27, 2006.**

[(8)](12) Training agency shall mean—

(A) An accredited educational institution; or

(B) A statewide or national membership agency, association, professional society or organization in the fields of health care or management approved by the board to provide courses of instruction and training.

AUTHORITY: section 344.070, RSMo Supp. [1997] 2010. This rule was previously filed as 13 CSR 73-2.010. Original rule filed March 5, 1974, effective March 15, 1974. For intervening history, please consult the Code of State Regulations. Emergency amendment filed May 5, 2011, effective May 15, 2011, expires Feb. 23, 2012. A proposed amendment covering this same material is published in this issue of the Missouri Register.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 73—Missouri Board of Nursing Home
Administrators
Chapter 2—General Rules**

EMERGENCY AMENDMENT

19 CSR 73-2.020 Procedures and Requirements for Licensure of Nursing Home Administrators. The department is amending sections (1) and (2).

PURPOSE: This amendment clarifies the procedures and requirements for licensure of nursing home administrators to make this rule consistent with changes that were made to sections 344.010 and 344.020, RSMo, as part of CCS No. 2 for HCS for SCS for SB 754, 95th General Assembly, Second Regular Session (2010).

EMERGENCY STATEMENT: This emergency amendment adds definitions to create two (2) levels of administrator licenses to reflect the changes made to sections 344.010 and 344.020, RSMo, as part of CCS No. 2 for HCS for SCS for SB 754, 95th General Assembly, Second Regular Session (2010), that became effective August 28, 2010. The law created a new license class for administrators of assisted living facilities. Since the passage of the legislation, the Board of Nursing Home Administrators (board) has held public meetings and has worked with various long-term care industry representatives regarding the proposed changes needed to implement the law. The board met to discuss the changes to the rule on September 8, November 3, and December 2, 2010, and on March 9, 2011. The board held public meetings regarding the changes to the rule on August 30, September 27, and October 27, 2010. In addition, the board worked with various industry representatives and interested parties to obtain their input on the changes between September 17, 2010, and March 22, 2011. The changes to sections 344.010 and 344.020, RSMo, require administrators of residential care facility IIs and assisted living facilities to be licensed. At this time, there continues to be only one (1) class of administrator license under the rules. The standards for an administrator license are based on higher levels of experience and education that are needed to oversee care of skilled nursing facility and intermediate care facility residents with greater medical needs than those needed to oversee care of residents in a residential care facility II or assisted living facility. This has caused hardship to some residential care facility IIs and assisted living facilities that have had a difficult time hiring and retaining a licensed administrator resulting in a lack of oversight and care of patients in those facilities. As part of the changes to the law, the department was authorized to issue a separate license to administrators of residential care facilities that were licensed as a residential care facility II on or before August 27, 2006, that continues to meet the licensure standards for a residential care facility II in effect on August 27, 2006, as well as administrators of assisted living facilities, as defined in section 198.006, RSMo. The administrator licenses run on a two (2)-year cycle ending in June every other year. Administrators file new applications for licensure beginning in May of each year. Because of the need to license and regulate such administrators in existing and new facilities for the upcoming licensure cycle, the department finds that in order to protect the health and safety of patients in those facilities, there is a compelling governmental interest that requires this emergency action. In addition, due to not being able to hire or retain licensed nursing home administrators, facility residents' quality of care and life have diminished, facility operations suffer financially, and there is an increase in staff turnover. A proposed amendment, which covers the same material, is published in this issue of the Missouri Register. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The board believes this emergency amendment is fair to all interested persons and parties under the circumstances. The interested persons and parties include the state long-term care associations, facility owners, and interested applicants and licensees. This emergency amendment was filed May 5, 2011, becomes effective May 15, 2011, and expires February 23, 2012.

(1) *[Every]* **An applicant interested in becoming a licensed nursing home administrator** shall obtain an application form from the board. The application form, MO [580-2578 (4-04)] **580-2518 (03-11)**, Application for Licensure **NHA**, is incorporated by reference in this rule and is available on the web at [www.dhss.mo.gov/BNHA] www.health.mo.gov/information/boards/bnha or by contacting the board at PO Box 570, Jefferson City, MO 65102, (573) 751-3511. This rule does not incorporate any subsequent amendments or additions. The application shall be completed and returned to the board with a nonrefundable application fee of one hundred fifty dollars (\$150) made payable to the Department of Health and Senior

Services. Information provided in the application shall be attested by signature to be true and correct to the best of the applicant's knowledge and belief.

(2) The completed application form shall provide satisfactory proof that the applicant has met the following minimum requirements for Missouri **nursing home administrator** licensure:

AUTHORITY: section 344.070, RSMo Supp. [2007] 2010. This rule was previously filed as 13 CSR 73-2.020. Original rule filed March 5, 1974, effective March 15, 1974. For intervening history, please consult the Code of State Regulations. Emergency amendment filed May 5, 2011, effective May 15, 2011, expires Feb. 23, 2012. A proposed amendment covering this same material is published in this issue of the Missouri Register.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 73—Missouri Board of Nursing Home
Administrators
Chapter 2—General Rules**

EMERGENCY RULE

19 CSR 73-2.022 Procedures and Requirements for Licensure of Residential Care and Assisted Living Administrators

PURPOSE: This proposed rule specifies the minimum requirements for licensure as a residential care and assisted living administrator in Missouri to make the rule consistent with the changes that were made to sections 344.010 and 344.020, RSMo, as part of CCS No. 2 for HCS for SCS for SB 754, 95th General Assembly, Second Regular Session (2010).

EMERGENCY STATEMENT: This emergency rule adds definitions to create two (2) levels of administrator licenses to reflect the changes made to sections 344.010 and 344.020, RSMo, as part of CCS No. 2 for HCS for SCS for SB 754, 95th General Assembly, Second Regular Session (2010), that became effective August 28, 2010. The law created a new license class for administrators of assisted living facilities. Since the passage of the legislation, the Board of Nursing Home Administrators (board) has held public meetings and has worked with various long-term care industry representatives regarding the proposed changes needed to implement the law. The board met to discuss the changes to the rule on September 8, November 3, and December 2, 2010, and on March 9, 2011. The board held public meetings regarding the changes to the rule on August 30, September 27, and October 27, 2010. In addition, the board worked with various industry representatives and interested parties to obtain their input on the changes between September 17, 2010, and March 22, 2011. The changes to sections 344.010 and 344.020, RSMo, require administrators of residential care facility IIs and assisted living facilities to be licensed. At this time, there continues to be only one (1) class of administrator license under the rules. The standards for an administrator license are based on higher levels of experience and education that are needed to oversee care of skilled nursing facility and intermediate care facility residents with greater medical needs than those needed to oversee care of residents in a residential care facility II or assisted living facility. This has caused hardship to some residential care facility IIs and assisted living facilities that have had a difficult time hiring and retaining a licensed administrator resulting in a lack of oversight and care of patients in those facilities. As part of the changes to the law, the department was authorized to issue a separate license to administrators of residential care facilities that were licensed as a residential care facility II on or before August 27, 2006, that continues to meet the licensure standards for a residential care facility II in effect on August 27, 2006, as well as administra-

tors of assisted living facilities, as defined in section 198.006, RSMo. The administrator licenses run on a two (2)-year cycle ending in June every other year. Administrators file new applications for licensure beginning in May of each year. Because of the need to license and regulate such administrators in existing and new facilities for the upcoming licensure cycle, the department finds that in order to protect the health and safety of patients in those facilities, there is a compelling governmental interest that requires this emergency action. In addition, due to not being able to hire or retain licensed nursing home administrators, facility residents' quality of care and life have diminished, facility operations suffer financially, and there is an increase in staff turnover. A proposed rule, which covers the same material, is published in this issue of the Missouri Register. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The board believes this emergency rule is fair to all interested persons and parties under the circumstances. The interested persons and parties include the state long-term care associations, facility owners, and interested applicants and licensees. This emergency rule was filed May 5, 2011, becomes effective May 15, 2011, and expires February 23, 2012.

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) An applicant interested in becoming a licensed residential care and assisted living administrator shall obtain an application form prescribed by the board. The application form, MO 580-2987 (03-11), Application for Licensure RCAL, is incorporated by reference in this rule and is available on the web at www.health.mo.gov/information/boards/bnha or by contacting the board at PO Box 570, Jefferson City, MO 65102, (573) 751-3511. This rule does not incorporate any subsequent amendments or additions. The application shall be completed and returned to the board with the fee referenced in 19 CSR 73-2.015. Information provided in the application shall be attested by signature to be true and correct to the best of the applicant's knowledge and belief.

(2) The completed application form shall provide satisfactory proof that the applicant has met the following minimum requirements for Missouri residential care and assisted living administrator licensure:

- (A) Twenty-one (21) years of age or over;
- (B) A high school diploma or equivalent;
- (C) Of good moral character;

(D) Has not been convicted of any crime, an essential element of which is fraud, dishonesty, or moral turpitude, or which involves the operation of a long-term care facility or other health care facility, whether or not sentence is imposed. A copy of the record of conviction or plea of guilty or *nolo contendere* shall be conclusive evidence of the conviction; and

(E) Experience and/or education from an accredited educational institution in one (1) of the following areas:

1. Experience: A minimum of two (2) years of health care or aging-related experience including management responsibility and supervision of two (2) staff persons; or

2. Experience and education in one (1) of the following areas:

A. Associate degree AND one (1) year in health care or aging-related experience including six (6) months of management responsibilities and supervision of at least two (2) staff persons; or

B. Baccalaureate degree (BS or BA) or beyond AND six (6) months in health care or aging-related experience including management responsibilities and supervision of at least two (2) staff persons.

(3) The applicant shall be eligible to take the examinations upon board approval and payment of the required examination fees.

(4) If the board determines the applicant has failed to meet one (1) of the criteria outlined in 19 CSR 73-2.020(2)(E)1.-2., the applicant—

(A) Must complete the course of instruction and training approved by the board pursuant to 19 CSR 73-2.031. The planned curriculum, including a description of each planned course, must be submitted to the board in writing for PRIOR review and approval. Failure to do so within six (6) months following notification of the board's decision will cause reapplication to become necessary for any future consideration; or

(B) May submit additional information for reevaluation if done so no later than two (2) weeks prior to the next board meeting. The applicant will be given notice of the next board meeting date.

AUTHORITY: section 344.070, RSMo Supp. 2010. Emergency rule filed May 5, 2011, effective May 15, 2011, expires Feb. 23, 2012. A proposed rule covering this same material is published in this issue of the Missouri Register.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 73—Missouri Board of Nursing Home
Administrators
Chapter 2—General Rules**

EMERGENCY AMENDMENT

19 CSR 73-2.025 Licensure by Reciprocity. The department is amending sections (1), (2), (7), and (8); deleting section (6); and renumbering throughout.

PURPOSE: This amendment clarifies the procedures and requirements for licensure by reciprocity to make this rule consistent with changes that were made to sections 344.010 and 344.020, RSMo, as part of CCS No. 2 for HCS for SCS for SB 754, 95th General Assembly, Second Regular Session (2010).

EMERGENCY STATEMENT: This emergency amendment adds definitions to create two (2) levels of administrator licenses to reflect the changes made to sections 344.010 and 344.020, RSMo, as part of CCS No. 2 for HCS for SCS for SB 754, 95th General Assembly, Second Regular Session (2010), that became effective August 28, 2010. The law created a new license class for administrators of assisted living facilities. Since the passage of the legislation, the Board of Nursing Home Administrators (board) has held public meetings and has worked with various long-term care industry representatives regarding the proposed changes needed to implement the law. The board met to discuss the changes to the rule on September 8, November 3, and December 2, 2010, and on March 9, 2011. The board held public meetings regarding the changes to the rule on August 30, September 27, and October 27, 2010. In addition, the board worked with various industry representatives and interested parties to obtain their input on the changes between September 17, 2010, and March 22, 2011. The changes to sections 344.010 and 344.020, RSMo, require administrators of residential care facility IIs and assisted living facilities to be licensed. At this time, there continues to be only one (1) class of administrator license under the rules. The standards for an administrator license are based on higher levels of experience and education that are needed to oversee care of skilled nursing facility and intermediate care facility residents with greater medical needs than those needed to oversee care of residents in a residential care facility II or assisted living facility. This has caused hardship to some residential care facility IIs and assisted living facilities that have had a difficult time hiring and retaining a

licensed administrator resulting in a lack of oversight and care of patients in those facilities. As part of the changes to the law, the department was authorized to issue a separate license to administrators of residential care facilities that were licensed as a residential care facility II on or before August 27, 2006, that continues to meet the licensure standards for a residential care facility II in effect on August 27, 2006, as well as administrators of assisted living facilities, as defined in section 198.006, RSMo. The administrator licenses run on a two (2)-year cycle ending in June every other year. Administrators file new applications for licensure beginning in May of each year. Because of the need to license and regulate such administrators in existing and new facilities for the upcoming licensure cycle, the department finds that in order to protect the health and safety of patients in those facilities, there is a compelling governmental interest that requires this emergency action. In addition, due to not being able to hire or retain licensed nursing home administrators, facility residents' quality of care and life have diminished, facility operations suffer financially, and there is an increase in staff turnover. A proposed amendment, which covers the same material, is published in this issue of the Missouri Register. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The board believes this emergency amendment is fair to all interested persons and parties under the circumstances. The interested persons and parties include the state long-term care associations, facility owners, and interested applicants and licensees. This emergency amendment was filed May 5, 2011, becomes effective May 15, 2011, and expires February 23, 2012.

(1) An applicant who holds a current license as *[a nursing home]* an administrator in any state, territory, or the District of Columbia may apply for *[a license]* the appropriate-licensure level by reciprocity~~[.]~~ (nursing home administrator license or residential care and assisted living administrator license). The application forms, MO 580-2518 (03-11), Application for Licensure NHA, and MO 580-2987 (03-11), Application for Licensure RCAL, are incorporated by reference in this rule and are available on the web at www.health.mo.gov/information/boards/bnha or by contacting the board at PO Box 570, Jefferson City, MO 65102, (573) 751-3511. This rule does not incorporate any subsequent amendments or additions.

(2) The applicant must file an application for licensure, along with a nonrefundable application fee of one hundred fifty dollars (\$150) made payable to the Department of Health and Senior Services, and supply the board with satisfactory evidence that the following requirements have been met:

(E) Performance as a licensed administrator in a state, territory, or the District of Columbia for at least *[one (1) year]* **three (3) years.**

[(6) Upon meeting the requirements of section (2) of this rule and upon board approval, the applicant must pay a one hundred dollar (\$100)-examination fee and successfully complete the state examination administered by the board. The minimum passing score on that examination is seventy-five percent (75%).]

*[(7)](6) If the applicant is unable to meet the requirements of subsection (2)(E) of this rule, but meets all other requirements of section (2), the candidate shall be considered an applicant for initial licensure pursuant to 19 CSR 73-2.020(2)(E). If the results of that evaluation show that the applicant meets the criteria, the board shall accept the applicant's passing of the national examination in another state if it was taken within three (3) years of the applicant's submission for licensure in Missouri. *[The applicant then must meet the requirements of section (6) of this rule by paying the**

examination fee and successfully complete the state examination administered by the board.] If the applicant does not meet the criteria, the applicant will be required to complete a prescribed course of instruction and training as outlined in 19 CSR 73-2.031.

[(8)](7) Applicants for licensure by reciprocity shall not act or serve in the capacity of [a nursing home] an administrator in this state without first procuring a license from this board as provided in sections 344.010–344.108, RSMo.

AUTHORITY: section 344.070, RSMo Supp. [2007] 2010. This rule previously filed as 13 CSR 73-2.025. Original rule filed June 28, 1990, effective Dec. 31, 1990. For intervening history, please consult the Code of State Regulations. Emergency amendment filed May 5, 2011, effective May 15, 2011, expires Feb. 23, 2012. A proposed amendment covering this same material is published in this issue of the Missouri Register.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 73—Missouri Board of Nursing Home Administrators
Chapter 2—General Rules

EMERGENCY AMENDMENT

19 CSR 73-2.070 Examination. The department is amending sections (3) and (4).

PURPOSE: This amendment clarifies the procedures and requirements for examinations to make this rule consistent with changes that were made to sections 344.010 and 344.020, RSMo, as part of CCS No. 2 for HCS for SCS for SB 754, 95th General Assembly, Second Regular Session (2010).

EMERGENCY STATEMENT: This emergency amendment adds definitions to create two (2) levels of administrator licenses to reflect the changes made to sections 344.010 and 344.020, RSMo, as part of CCS No. 2 for HCS for SCS for SB 754, 95th General Assembly, Second Regular Session (2010), that became effective August 28, 2010. The law created a new license class for administrators of assisted living facilities. Since the passage of the legislation, the Board of Nursing Home Administrators (board) has held public meetings and has worked with various long-term care industry representatives regarding the proposed changes needed to implement the law. The board met to discuss the changes to the rule on September 8, November 3, and December 2, 2010, and on March 9, 2011. The board held public meetings regarding the changes to the rule on August 30, September 27, and October 27, 2010. In addition, the board worked with various industry representatives and interested parties to obtain their input on the changes between September 17, 2010, and March 22, 2011. The changes to sections 344.010 and 344.020, RSMo, require administrators of residential care facility IIs and assisted living facilities to be licensed. At this time, there continues to be only one (1) class of administrator license under the rules. The standards for an administrator license are based on higher levels of experience and education that are needed to oversee care of skilled nursing facility and intermediate care facility residents with greater medical needs than those needed to oversee care of residents in a residential care facility II or assisted living facility. This has caused hardship to some residential care facility IIs and assisted living facilities that have had a difficult time hiring and retaining a licensed administrator resulting in a lack of oversight and care of patients in those facilities. As part of the changes to the law, the department was authorized to issue a separate license to administrators of residential care facilities that were licensed as a residential care facility II on or before August 27, 2006, that continues to meet

the licensure standards for a residential care facility II in effect on August 27, 2006, as well as administrators of assisted living facilities, as defined in section 198.006, RSMo. The administrator licenses run on a two (2)-year cycle ending in June every other year. Administrators file new applications for licensure beginning in May of each year. Because of the need to license and regulate such administrators in existing and new facilities for the upcoming licensure cycle, the department finds that in order to protect the health and safety of patients in those facilities, there is a compelling governmental interest that requires this emergency action. In addition, due to not being able to hire or retain licensed nursing home administrators, facility residents' quality of care and life have diminished, facility operations suffer financially, and there is an increase in staff turnover. A proposed amendment, which covers the same material, is published in this issue of the Missouri Register. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The board believes this emergency amendment is fair to all interested persons and parties under the circumstances. The interested persons and parties include the state long-term care associations, facility owners, and interested applicants and licensees. This emergency amendment was filed May 5, 2011, becomes effective May 15, 2011, and expires February 23, 2012.

(3) Qualified applicants will be eligible to take the **appropriate licensure-level (nursing home administrator license or residential care and assisted living administrator license)** national examination through the [testing service by following the procedures set forth in subsections (A)–(D)] **National Association of Boards of Examiners of Long-Term Care Administrators (NAB).**

[(A)] Applicants must submit the National Association of Boards of Examiners of Long Term Care Administrators (NAB) Application Form for Computerized Testing and the required fees to NAB. The applicant will receive from the testing service an authorization letter including a list of testing center vendors, each center's toll-free telephone number and instructions on the scheduling process.

(B) Applicants must schedule to sit the examination within sixty (60) days of the date on the testing service's authorization letter.

(C) Failure to schedule and sit the examination(s) within the sixty (60)-day period will cause the applicant's name to be removed from the eligibility list kept by the testing service. Applicants may reschedule by resubmitting the NAB Application Forms and paying any required fees.

(D) Applicants must comply with all criteria and requirements established by the board, the National Association of Board of Examiners of Long Term Care Administrators (NAB), the testing service and the testing center.]

(4) Qualified **nursing home administrator** applicants will be eligible to take the state examination administered by the board once a written request and the one hundred dollar (\$100) fee are received by the board. The examination will be scheduled at least monthly if one (1) or more applicants are awaiting examination.

AUTHORITY: section 344.070, RSMo Supp. [2007] 2010. This rule previously filed as 13 CSR 73-2.010. Original rule filed May 13, 1980, effective Aug. 11, 1980. For intervening history, please consult the Code of State Regulations. Emergency amendment filed May 5, 2011, effective May 15, 2011, expires Feb. 23, 2012. A proposed amendment covering this same material is published in this issue of the Missouri Register.

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.

ty, as defined in section 344.010, RSMo, in this state;

(3) The board is further charged with maintaining high standards of professional competence and ethical conduct among *[nursing home]* licensed administrators, as defined in 19 CSR 73-2.020.

(4) The board *[may investigate complaints against licensees and upon finding grounds for disciplinary action, as defined in section 344.050, RSMo Supp. 1987, may cause a formal complaint to be filed before the Administrative Hearing Commission, seeking a determination of whether the licensee is subject to disciplinary action of his/her license. Upon finding grounds for denial of an initial or renewal license, the board shall send written notice of denial by certified mail indicating the right of the applicant to seek a formal hearing on the board's decision with the Administrative Hearing Commission according to the provisions of sections 621.015-621.198, RSMo Supp. 1987]* has authority to discipline licensees either through the Administrative Hearing Commission and/or enter into probationary settlement agreements as specifically set out in 19 CSR 73-2.

(5) The board shall meet as necessary to *[fully]* attend to the matters before the board. Public notice shall be given by the executive secretary before the date of the meeting. The time and location for each meeting may be obtained by contacting the executive secretary of the board, *[2023 St. Mary's Boulevard, PO Box 570, Jefferson City, MO 65102,]* at the following website: <http://www.health.mo.gov/information/boards/bnha> or by telephone at (573) 751-3511.

(6) The public may obtain information *[from the board,]* or make submissions or requests *[to the board,]* by writing the executive secretary of the board.

AUTHORITY: section 344.070, RSMo [2000] 2010. This rule was previously filed as 13 CSR 73-1.010. Original rule filed Sept. 10, 1976, effective Dec. 11, 1976. For intervening history, please consult the Code of State Regulations. Amended: Filed May 5, 2011.

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 Sally McKee, Missouri Board of Nursing Home Administrators, 3418 Knipp Drive, 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.

Proposed Amendment Text Reminder:
Boldface text indicates new matter.
[Bracketed text indicates matter being deleted.]

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 73—Missouri Board of Nursing Home Administrators
Chapter 1—Organization and Description of Board

PROPOSED AMENDMENT

19 CSR 73-1.010 General Organization. The department is amending sections (2)–(6).

PURPOSE: The amendment provides clarification of the operations, methods, and procedures where the public may obtain information or make submissions or requests.

(2) It is the function of the board to—
(A) Determine the qualifications of applicants for licensure to practice *[nursing home]* administration of a long-term care facili-

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 73—Missouri Board of Nursing Home Administrators
Chapter 2—General Rules

PROPOSED AMENDMENT

19 CSR 73-2.010 Definitions. The department is amending sections (1)–(4) and (6)–(8); deleting section (5); adding new sections (1),

(7), (8), and (10); and renumbering throughout.

PURPOSE: This amendment adds new definitions and clarifies the current definitions as used in Chapter 344, RSMo, and in these rules.

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) Administrator shall mean a person that is currently licensed by the board to administer, manage, or supervise a long-term care facility, including individuals who have ownership of a facility and/or individuals who share administrative duties and functions with others.

[(1)](2) Clock hour shall mean sixty (60) minutes of formal instruction by [an] a board-approved presenter.

[(2)](3) Continuing education means post-licensure education in [health-care] health care administration [undertaken] to maintain professional competency to practice [nursing home] administration[, improve administrative skills and effect standards of excellence in the interest of safety, health and welfare of the people served] in long-term care facilities, as defined in section 344.010, RSMo.

[(3)](4) [Education in health-care] Health care administration shall mean the completion of a course of instruction designed to teach the elements of [health-care] health care facility administration and management[, including training regarding the protection of the rights of residents or patients in health-care facilities].

[(4)](5) Examination shall mean a written examination, an oral examination, or [both] a computer-based examination, in conformance with the Americans with Disabilities Act of 1990, 42 U.S.C. Chapter 126, which is incorporated by reference in this rule as published by and available at the U.S. Government Printing Office, Superintendent of Documents, PO Box 371954, Pittsburgh, PA 15250-7954, or at www.gpoaccess.gov/uscode/. This rule does not include any later amendments or additions.

[(5) "Experience in health-care administration" shall mean having management responsibility, which shall include the on-site supervision of at least three (3) staff persons in a licensed long-term care or acute care facility or a licensed inpatient mental health facility, or a department of one of these facilities.]

(6) [Health-care] Health care facility shall mean a licensed long-term care facility, [or] licensed acute[-] care facility, or [a facility] licensed [as an] inpatient mental health facility.

(7) Health care or aging-related experience shall mean full-time equivalency experience in a licensed home health agency, licensed hospice agency, licensed acute care or long-term care facility, licensed adult day care program, or licensed mental health facility.

(8) Nursing Home Administrator shall mean an administrator, as defined in section (1), that administers, manages, or supervises a long-term care facility, as defined in section 344.010, RSMo.

[(7)](9) Resident shall mean a person residing in a long-term [health-care] care facility, as defined in section 344.010, RSMo.

(10) Residential Care and Assisted Living Administrator shall mean an administrator, as defined in section (1), that administers, manages, or supervises an assisted living facility or residential care facility, as defined in Chapter 198, RSMo. This includes residential care facilities that were licensed as a residential care facility II on or before August 27, 2006, and that continue to meet the licensure standards for a residential care facility II in effect on August 27, 2006.

[(8)](11) Training agency shall mean—

(A) An accredited educational institution; or

(B) A statewide or national membership agency, association, professional society or organization in the fields of health care or health care management approved by the board to provide courses of instruction and training.

AUTHORITY: section 344.070, RSMo Supp. [1997] 2010. This rule was previously filed as 13 CSR 73-2.010. Original rule filed March 5, 1974, effective March 15, 1974. For intervening history, please consult the Code of State Regulations. Emergency amendment filed May 5, 2011, effective May 15, 2011, expires Feb. 23, 2012. Amended: Filed May 5, 2011.

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 Sally McKee, Missouri Board of Nursing Home Administrators, 3418 Knipp Drive, 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.

**Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 73—Missouri Board of Nursing Home Administrators
Chapter 2—General Rules**

PROPOSED AMENDMENT

19 CSR 73-2.015 Fees. The department is amending sections (1) and (2).

PURPOSE: This amendment removes the state exam fee since it will be administered by an outside source and adds another option for fee payment.

(1) The following fees are required by the Board of Nursing Home Administrators:

(A) Application Review Fee (including reciprocity)	\$150
[(B) State Exam Fee	\$ 100]
[(C)](B) License Renewal Fee	
1. One (1)-year license	\$ 50
2. Two (2)-year license	\$100
3. Inactive License	\$ 50
[(D)](C) License Renewal Late Penalty Fee (This fee is in addition to the renewal fee listed in subsection (1))[(C)](B)	\$ 25

<i>[(E)](D)</i> Inactive License Fee	\$ 50
<i>[(F)](E)</i> Reactivate Inactive License Fee	\$100
<i>[(G)](F)</i> Retired License Fee	\$ 50
<i>[(H)](G)</i> Duplicate License Fee	\$ 10
<i>[(I)](H)</i> Single Offering Fee (per requested clock hour)	\$ 15
<i>[(J)](I)</i> Single Offering Late Filing Fee	\$ 50
<i>[(K)](J)</i> Insufficient Funds Charge	\$ 25

(2) Fees must be made payable to the Department of Health and Senior Services in the form of a cashier's check, **personal check**, company check, *[or]* money order, **or through the on-line application system by credit card.**

AUTHORITY: section 344.070, RSMo Supp. [2007] 2010. This rule was previously filed as 13 CSR 73-2.015. Original rule filed Jan. 3, 1992, effective May 14, 1992. For intervening history, please consult the Code of State Regulations. Amended: Filed May 5, 2011.

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

PRIVATE COST: This proposed amendment will cost private entities six thousand six hundred dollars (\$6,600) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Sally McKee, Missouri Board of Nursing Home Administrators, 3418 Knipp Drive, 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: 19-Department of Health and Senior Services
Division Title: 73-Board of Nursing Home Administrators
Chapter Title: 2-General Rules**

Rule Number and Title:	19 CSR 73-2.015 Fees
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:
120 state exams** 120 exams x \$55 increase	Individuals	\$6,600.00 annually
Total		\$6,600.00 annually

III. WORKSHEET

See table on previous page.

IV. ASSUMPTIONS

Figures based on estimate of FY10 actuals and FY11 projections.

The dollar amounts in the above worksheet include the dollar amount of the processing fee per credit card transaction.

**State exams will be administered by the National Association of Long-Term Care Administrator Boards (NAB); therefore, there will be no cost to Board office. Applicants will be able to apply for the examination at \$155 through NAB for computerized testing versus what is currently being done now. At this time, applicants send in a paper application along with the \$100 fee. The exams are administered by the Board office twice a month and the exams are paper/pencil exams. By outsourcing the state exams to NAB, this will allow applicants to have more choices in dates/time to take the exam at a local computer testing center. Outsourcing will save the applicant time and money by not traveling to Jefferson City to take the exam.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 73—Missouri Board of Nursing Home
Administrators
Chapter 2—General Rules**

PROPOSED AMENDMENT

19 CSR 73-2.020 Procedures and Requirements for Licensure of Nursing Home Administrators. The department is amending sections (1) and (2).

PURPOSE: This amendment clarifies the procedures and requirements for licensure of nursing home administrators.

(1) *[Every]* An applicant **interested in becoming a licensed nursing home administrator** shall obtain an application form from the board. The application form, MO *[580-2578 (4-04)]* **580-2518 (03-11)**, Application for Licensure **NHA**, is incorporated by reference in this rule and is available on the web at *[www.dhss.mo.gov/BNHA]* **www.health.mo.gov/information/boards/bnha** or by contacting the board at PO Box 570, Jefferson City, MO 65102, (573) 751-3511. This rule does not incorporate any subsequent amendments or additions. The application shall be completed and returned to the board with *[a nonrefundable application fee of one hundred fifty dollars (\$150) made payable to the Department of Health and Senior Services]* **the fee referenced in 19 CSR 73-2.015**. Information provided in the application shall be attested by signature to be true and correct to the best of the applicant's knowledge and belief.

(2) The completed application form shall provide satisfactory proof that the applicant has met the following minimum requirements for Missouri **nursing home administrator** licensure:

AUTHORITY: section 344.070, RSMo Supp. **[2007] 2010**. This rule was previously filed as 13 CSR 73-2.020. Original rule filed March 5, 1974, effective March 15, 1974. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed May 5, 2011, effective May 15, 2011, expires Feb. 23, 2012. Amended: Filed May 5, 2011.

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

PRIVATE COST: This proposed amendment will cost private entities six thousand four hundred twenty-eight dollars and fifty cents (\$6,428.50) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Sally McKee, Missouri Board of Nursing Home Administrators, 3418 Knipp Drive, 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: 19-Department of Health and Senior Services
Division Title: 73-Board of Nursing Home Administrators
Chapter Title: 2-General Rules**

Rule Number and Title:	19 CSR 73-2.020 Procedures and Requirements for Licensure of Nursing Home Administrators
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:
115 applicants for licensure out of the total of 175 applicants* 115 applicants x (\$50 increase + \$5.90 processing fee)	Individuals	\$6,428.50 annually
Total		\$6,428.50 annually

III. WORKSHEET

See table above.

IV. ASSUMPTIONS

Figures based on estimate of FY10 actuals and FY11 projections.

The dollar amount in the above worksheet include the dollar amount of the processing fee per credit card transaction.

*Please refer to Fiscal Note Private Cost form for 19 CSR 73-2.015 Fees.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 73—Missouri Board of Nursing Home
Administrators
Chapter 2—General Rules**

PROPOSED RULE

19 CSR 73-2.022 Procedures and Requirements for Licensure of Residential Care and Assisted Living Administrators

PURPOSE: This proposed rule specifies the minimum requirements for licensure as a residential care and assisted living administrator in Missouri to make the rule consistent with the changes that were made to sections 344.010 and 344.020, RSMo, as part of CCS No. 2 for HCS for SCS for SB 754, 95th General Assembly, Second Regular Session (2010).

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) An applicant interested in becoming a licensed residential care and assisted living administrator shall obtain an application form prescribed by the board. The application form, MO 580-2987 (03-11), Application for Licensure RCAL, is incorporated by reference in this rule and is available on the web at www.health.mo.gov/information/boards/bnha or by contacting the board at PO Box 570, Jefferson City, MO 65102, (573) 751-3511. This rule does not incorporate any subsequent amendments or additions. The application shall be completed and returned to the board with the fee referenced in 19 CSR 73-2.015. Information provided in the application shall be attested by signature to be true and correct to the best of the applicant's knowledge and belief.

(2) The completed application form shall provide satisfactory proof that the applicant has met the following minimum requirements for Missouri residential care and assisted living administrator licensure:

- (A) Twenty-one (21) years of age or over;
- (B) A high school diploma or equivalent;
- (C) Of good moral character;

(D) Has not been convicted of any crime, an essential element of which is fraud, dishonesty, or moral turpitude, or which involves the operation of a long-term care facility or other health care facility, whether or not sentence is imposed. A copy of the record of conviction or plea of guilty or *nolo contendere* shall be conclusive evidence of the conviction; and

(E) Experience and/or education from an accredited educational institution in one (1) of the following areas:

1. Experience: A minimum of two (2) years of health care or aging-related experience including management responsibility and supervision of two (2) staff persons; or

2. Experience and education in one (1) of the following areas:

A. Associate degree AND one (1) year of health care or aging-related experience including six (6) months of management responsibilities and supervision of at least two (2) staff persons; or

B. Baccalaureate degree (BS or BA) or beyond AND six (6) months of health care or aging-related experience including management responsibilities and supervision of at least two (2) staff persons.

(3) The applicant shall be eligible to take the examinations upon board approval and payment of the required examination fees.

(4) If the board determines the applicant has failed to meet one (1) of the criteria outlined in 19 CSR 73-2.020(2)(E)1.-2., the applicant—

(A) Must complete the course of instruction and training approved by the board pursuant to 19 CSR 73-2.031. The planned curriculum, including a description of each planned course, must be submitted to the board in writing for PRIOR review and approval. Failure to do so within six (6) months following notification of the board's decision will cause reapplication to become necessary for any future consideration; or

(B) May submit additional information for reevaluation if done so no later than two (2) weeks prior to the next board meeting. The applicant will be given notice of the next board meeting date.

AUTHORITY: section 344.070, RSMo Supp. 2010. Emergency rule filed May 5, 2011, effective May 15, 2011, expires Feb. 23, 2012. Original rule filed May 5, 2011.

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 three thousand three hundred fifty-four dollars (\$3,354) annually in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Sally McKee, Missouri Board of Nursing Home Administrators, 3418 Knipp Drive, 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: 19-Department of Health and Senior Services
Division Title: 73-Board of Nursing Home Administrators
Chapter Title: 2-General Rules**

Rule Number and Title:	19 CSR 73-2.022 Procedures and Requirement for Licensure of Residential Care and Assisted Living Administrators
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:
60 applicants for licensure out of the total of 175 applicants* 60 applicants x (\$50 increase + \$5.90 processing fee)	Individuals	\$3,354.00 annually
Total		\$3,354.00 annually

III. WORKSHEET

See table above.

IV. ASSUMPTIONS

Figures based on FY11 projections due to creating another licensure level of administrator licensure.

*Please refer to the Fiscal Note Private Cost on rule amendment 19 CSR 737-2.015 Fees.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 73—Missouri Board of Nursing Home
Administrators
Chapter 2—General Rules**

PROPOSED AMENDMENT

19 CSR 73-2.025 Licensure by Reciprocity. The department is amending sections (1), (2), and (5)–(8).

PURPOSE: This amendment clarifies the procedures and requirements for reciprocity licensure.

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) An applicant who holds a current license as *[a nursing home] an administrator* in any state, territory, or the District of Columbia may apply for *[a license] the appropriate-licensure level* by reciprocity~~].~~ (*nursing home administrator license or residential care and assisted living administrator license*). The application forms, MO 580-2518 (03-11), Application for Licensure NHA, and MO 580-2987 (03-11), Application for Licensure RCAL, are incorporated by reference in this rule and are available on the web at www.health.mo.gov/information/boards/bnha or by contacting the board at PO Box 570, Jefferson City, MO 65102, (573) 751-3511. This rule does not incorporate any subsequent amendments or additions.

(2) The applicant must file *[an] the appropriate* application for licensure, along with a nonrefundable application fee *[of one hundred fifty dollars (\$150) made payable to the Department of Health and Senior Services] referenced in 19 CSR 73-2.015*, and supply the board with satisfactory evidence that the following requirements have been met:

(E) Performance as a licensed administrator in a state, territory, or the District of Columbia for at least *[one (1) year] three (3) years*.

(5) *[Each case of discipline shall be reviewed by the board to determine if the case for discipline falls within the provisions of section 344.050, RSMo.] In the event of a record of discipline, the board shall consider the provisions of section 344.050, RSMo, whether to grant reciprocity.*

(6) Upon meeting the requirements of section (2) of this rule and upon board approval, the applicant must *[pay a one hundred dollar (\$100)-examination fee and successfully complete the state examination administered by the board. The minimum passing score on that examination is seventy-five percent (75%)] complete and pass the state examination.*

(7) If the applicant is unable to meet the requirements of subsection (2)(E) of this rule, but meets all other requirements of section (2), the candidate shall be considered an applicant for initial licensure pursuant to 19 CSR 73-2.020(2)(E). If the results of that evaluation show that the applicant meets the criteria, the board shall accept the applicant's passing of the national examination in another state if it was taken within three (3) years of the applicant's submission for licensure in Missouri. The applicant then must meet the requirements of section (6) of this rule by *[paying the examination fee*

and] successfully [complete] completing and passing the state examination *[administered by the board]*. If the applicant does not meet the criteria, the applicant will be required to complete a prescribed course of instruction and training as outlined in 19 CSR 73-2.031.

(8) Applicants for licensure by reciprocity shall not act or serve in the capacity of *[a nursing home] an administrator* in this state without first procuring a license from this board as provided in sections 344.010–344.108, RSMo.

AUTHORITY: section 344.070, RSMo Supp. [2007] 2010. This rule was previously filed as 13 CSR 73-2.025. Original rule filed June 28, 1990, effective Dec. 31, 1990. For intervening history, please consult the Code of State Regulations. Emergency amendment filed May 5, 2011, effective May 15, 2011, expires Feb. 23, 2012. Amended: Filed May 5, 2011.

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

PRIVATE COST: This proposed amendment will cost private entities eight hundred thirty-eight dollars and fifty cents (\$838.50) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Sally McKee, Missouri Board of Nursing Home Administrators, 3418 Knipp Drive, 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: 19-Department of Health and Senior Services
Division Title: 73-Board of Nursing Home Administrators
Chapter Title: 2-General Rules**

Rule Number and Title:	19 CSR 73-2.025 Licensure by Reciprocity
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:
15 applicants for licensure* 15 applicants x (\$50 increase + \$5.90 processing fee)	Individuals	\$838.50 annually
Total		\$838.50 annually

III. WORKSHEET

See table above.

IV. ASSUMPTIONS

Figures based on estimate of FY10 actuals and FY11 projections.

The dollar amount in the above worksheet include the dollar amount of the processing fee per credit card transaction.

*Please refer to Fiscal Note Private Cost form for 19 CSR 73-2.015 Fees. The fifteen (15) estimated applicants for licensure are estimated to be approximately ten (10) of the fifteen (15) will be for the NHA licensure and five (5) of the fifteen (15) will be for the RCAL licensure. The ten (10) for the NHA licensure is incorporated in the 115 applicants as projected on Fiscal Note Private Cost form 19 CSR 73-2.020 and the five (5) for the RCAL licensure is incorporated in the 60 applicants as projected on Fiscal Note Private Cost form 19 CSR 73-2.022.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 73—Missouri Board of Nursing Home
Administrators
Chapter 2—General Rules**

PROPOSED AMENDMENT

19 CSR 73-2.031 Prescribed Course of Instruction and Training.
The department is amending sections (1)–(3), (5), and (10).

PURPOSE: This amendment clarifies the course of instruction and training that is prescribed by the board under the authority as set forth in section 344.030.1, RSMo.

(1) Applicants who do not otherwise qualify for examination shall complete one (1) of the following courses of instruction and training. The formal instruction shall be coursework qualifying for academic credit, completed with a grade of not less than “C.” A portion of the formal instruction may be from an intensive and comprehensive seminar of at least forty (40) clock hours specific to *[nursing home] long-term care* administration which has been approved by the board. An applicant who has completed—

(2) The course of instruction and training shall follow the core of knowledge areas and other subject matter as deemed necessary by the board to properly prepare an applicant for health care administration. The core of knowledge shall include, but shall not be limited to, the following subject areas:

- (J) Physical Resource Management:
1. Building and grounds management;
 2. Environmental services **and sanitation**;
 3. Safety procedures and programs; and
 4. Fire and disaster plans; and

(3) The course of instruction and training shall include instruction in the services which must be provided in *[nursing homes] long-term care facilities*, the protection of the rights and interests of the residents, and the elements of good *[nursing home] long-term care* administration, as well as other subject matter as deemed necessary by the board to properly prepare that applicant for *[nursing home] long-term care* administration.

(5) Internships as required by section (1) shall be under the direct supervision of a licensed *[nursing home]* administrator approved and designated as a preceptor by the Missouri Board of Nursing Home Administrators. An administrator may be approved and designated as a preceptor for a period of two (2) years, if s/he—

(A) Has been licensed *[and employed as a Missouri nursing home administrator for at least thirty-six (36) months immediately prior to application to become a preceptor]* for at least **three (3) years**;

(B) Has been employed as a Missouri administrator for at least one (1) year within the three (3) years before applying to be a designated preceptor;

[(B)](C) Is currently serving as the administrator of a duly licensed intermediate care facility (ICF), skilled nursing facility (SNF), assisted living facility (ALF), or any *[R]residential [C]care [F]facility* (RCF) that was licensed as a residential care II on or before August 27, 2006, that continues to meet the licensure standards for a residential care facility II in effect on August 27, 2006, with sixty (60) or more beds;

[(C)](D) Is an administrator of an ICF, SNF, ALF, or RCF (as described above) with sixty (60) or more beds, which is in substantial compliance with the rules governing *[nursing homes] long-term care facilities*; and

[(D)](E) Has not been the subject of any action by any board of nursing home administrators or licensing authority which resulted in

discipline, including but not limited to, formal reprimand, probation, suspension, or revocation of license or privileges as *[a nursing home]* an administrator; and

[(E)](F) Has successfully completed a board-approved preceptor training program.

(10) A portion of an internship may be completed in a duly-licensed ALF or RCF (as described above) with *[sixty (60)] thirty (30)* or more beds if the intern desires such experience. The maximum hours of internship that may be served in such an ALF or RCF (as described above) are designated as follows. Applicants may complete up to—

AUTHORITY: section 344.070, RSMo Supp. [2007] 2010. This rule was previously filed as 13 CSR 73-2.031. Original rule filed May 13, 1980, effective Aug. 11, 1980. For intervening history, please consult the Code of State Regulations. Amended: Filed May 5, 2011.

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 Sally McKee, Missouri Board of Nursing Home Administrators, 3418 Knipp Drive, 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.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 73—Missouri Board of Nursing Home
Administrators
Chapter 2—General Rules**

PROPOSED AMENDMENT

19 CSR 73-2.050 Renewal of Licenses. The department is amending sections (2) and (4), deleting section (3), and renumbering sections (4)–(6).

PURPOSE: This amendment clarifies the conditions and procedures for renewal of an administrator license according to the provisions of section 344.040, RSMo.

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

(2) Licenses *[that expire on June 30, 2007]* will be renewed if the licensee:—

(A) Files an application for renewal on *[a] the appropriate licensure-level (nursing home administrator or residential care and assisted living administrator)* form furnished by the board on or before *[June 15.] May 30. The application forms, MO 580-2991 (03-11), Application for License Renewal NHA, and MO 580-2988 (03-11), Application for License Renewal RCAL, are incorporated by reference in this rule and are available on the web at*

www.health.mo.gov/information/boards/bnha or by contacting the board at PO Box 570, Jefferson City, MO 65102, (573) 751-3511. This rule does not incorporate any subsequent amendments or additions. Information provided in the application shall be attested to by signature to be true and correct to the best of the applicant's knowledge and belief and include an attestation verifying that the licensee has completed at least *[twenty (20)] forty (40)* clock hours of board-approved continuing education, as outlined in 19 CSR 73-2.050*[(4)](3)(A)-(B)*, *obtained during the current licensure year or carried from the preceding year*. A minimum of *[five (5)] ten (10)* clock hours must be in patient-care related offerings, as defined in 19 CSR 73-2.031(2)(A)-(F).

1. Licensees must maintain proof of having completed the number of continuing education hours claimed at the time of renewal.

2. Upon request of the board, make that proof available for audit to verify completion of the number and validity of hours claimed;

(B) Submit *[a]* the renewal fee *[of one hundred dollars (\$100) made payable to the Department of Health and Senior Services] referenced in 19 CSR 73-2.015; and*

(C) A two (2)-year license *[expiring on June 30, 2009]* will be issued.

[(3) Licensees seeking renewal on June 30, 2008 or later shall, on or before June 15, of the year of renewal, file an application for renewal on a form furnished by the board, and shall submit a renewal fee of one hundred dollars (\$100) made payable to the Department of Health and Senior Services. Information provided in the application shall be attested to by signature to be true and correct to the best of the applicant's knowledge and belief and include an attestation verifying that the licensee has completed at least forty (40) clock hours of board-approved continuing education obtained during the current licensure period. A minimum of ten (10) clock hours must be in patient-care related offerings, as defined in 19 CSR 73-2.031(2)(A)-(F).]

[(4)](3) Licensees must maintain proof of having completed the number of continuing education hours claimed at the time of renewal and shall, upon request of the board, make that proof available for audit to verify completion of the number and validity of hours claimed. Documentation to prove completion of continuing education hours must be maintained by each licensee for four (4) years from the last day of the licensure year in which the hours were earned.

(A) A minimum of thirty (30) clock hours toward the forty (40) required shall be obtained through attendance at board-approved continuing education programs or academic courses, as defined in 19 CSR 73-2.031(2)(A)-(K). A maximum of twenty (20) clock hours of the forty (40) clock hours may be from on-line continuing education programs if a Missouri board-approved training agency offers the program. The continuing education programs and the academic courses must meet the following criteria:

1. Be approved by the board. In the case of academic courses, the licensee must submit a course description from the college for board review. A maximum of five (5) clock hours per semester hour may be approved by the board. Upon successful completion of the course (grade of "C" or above), an official transcript or grade report must be submitted to the board office, upon request, as verification of course completion;

2. Be offered by a registered training agency approved by the board or a single offering provider (as outlined in 19 CSR 73-2.060);

3. Be approved by another state licensure board for *[nursing home] long-term care* administrators or by the National Continuing Education Review Service (NCERS) under the National Association of Boards (NAB)*[, if the program is held out-of-state]*.

(B) A maximum of ten (10) clock hours toward the forty (40) required may be obtained as follows:

1. For the purposes of this subsection, the following definitions shall apply:

A. Referred publication—a publication that undergoes an anonymous review process that determines whether or not the article will be published; and

B. National health-care publication—a publication that is—
(I) Published by a health-care association whose mission statement/bylaws indicate its scope is national;

(II) Mailed nationwide; and

(III) Addressing content contained within the long-term care core of knowledge outlined in 19 CSR 73-2.031(2)(A)-(K);

2. Publishing health-care related articles of at least fifteen hundred (1,500) words shall be granted—

A. *Five (5) clock hours if article appears in a national health-care referred publication;*

B. *Four (4) clock hours if article appears in a regional health-care referred publication;*

C. *Three (3) clock hours if article appears in a state health-care referred publication;*

D. *Two (2) clock hours if article appears in a national health-care publication; and*

E. *One (1) clock hour if article is published in a magazine or journal publication; and*

3. An administrator lecturing at a board-approved seminar may receive credit equal to each hour or quarter hour of presentation time with a maximum of six (6) hours credit earned per licensure period. This credit may be in addition to actual hours of attendance at the seminar but credit shall be granted for only one (1) presentation of the same seminar.

(C) Serving as a registered preceptor for an applicant who has been required by the board to complete an internship as described in 19 CSR 73-2.031. One (1) clock hour per full month as a preceptor shall be granted with a maximum of ten (10) clock hours per internship. During the two (2)-year licensure period, a maximum of twenty (20) clock hours will be granted.

(D) Each licensee whose initial licensure period is less than twenty-four (24) months shall be required to obtain at least one and one-half (1 1/2) hours of continuing education for each month in the initial licensure period which shall include programs covering patient-care related topics as defined in 19 CSR 73-2.031(2)(A)-(F). The minimum number of clock hours required in patient-care (PC) related programs is as follows. Initial licensure period of:—

1. 23 months to 18 months—8 PC clock hours

2. 17 months to 12 months—6 PC clock hours

3. 11 months to 6 months—4 PC clock hours

4. 5 months or less—2 PC clock hours.

[(5)](4) The board shall annually select on a random basis at least five percent (5%) of the licensees applying for renewal to have their claims of continuing education hours audited for compliance with board requirements. A licensee will be notified by mail when a renewal application has been selected for audit and will have up to thirty (30) days to provide copies of all certificates of attendance and other documentation supporting the continuing education clock hours claimed on the renewal application. Nothing in this section shall prevent the board from requiring any individual licensee to provide evidence satisfactory to the board of having completed the continuing education hours required for license renewal. Failure to provide proof of continuing education hours as reported on the renewal application or submission of falsified records can be cause for discipline pursuant to section 344.050.2, RSMo.

[(6)](5) When the required information, documentation, and fee are received and approved by the board within the specified time period, the board shall issue the license.

AUTHORITY: sections 344.040 and 344.070, RSMo Supp. [2007] 2010. This rule was previously filed as 13 CSR 73-2.050. Original rule filed May 13, 1980, effective Aug. 11, 1980. For intervening

history, please consult the *Code of State Regulations*. Amended:
Filed May 5, 2011.

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

PRIVATE COST: This proposed amendment will cost private entities forty-six thousand nine hundred forty-six dollars and seventy-five cents (\$46,946.75) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Sally McKee, Missouri Board of Nursing Home Administrators, 3418 Knipp Drive, 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: 19-Department of Health and Senior Services
Division Title: 73-Board of Nursing Home Administrators
Chapter Title: 2-General Rules**

Rule Number and Title:	19 CSR 73-2.050 Renewal of Licenses
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:
850 license renewals for two-year license 850 renewals x (\$50 increase + \$4.43 processing fee)	Individuals	\$46,265.50 annually
25 license renewals for one-year license** 25 renewals x (\$25 increase + \$2.25 processing fee)	Individuals	\$681.25 annually
Total		\$46,946.75 annually

III. WORKSHEET

See table above.

IV. ASSUMPTIONS

Figures based on estimate of FY10 actuals and FY11 projections.

The dollar amount in the above worksheet include the dollar amount of the processing fee per credit card transaction.

*Please refer to Fiscal Note Private Cost form for 19 CSR 73-2.015 Fees.

**One-year license renewals are issued to licensed administrators entered into a Probationary Settlement Agreement with the Board.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 73—Missouri Board of Nursing Home
Administrators
Chapter 2—General Rules**

PROPOSED AMENDMENT

19 CSR 73-2.051 Retired Licensure Status. The department is amending sections (1)–(3), (5), and (7).

PURPOSE: This amendment clarifies the procedures by which a currently licensed administrator may retire his/her license and the procedures for reactivating the license, pursuant to section 344.105, RSMo.

(1) Any currently licensed [nursing home] administrator may request to retire the license if s/he has maintained an active Missouri license at least ten (10) years and has retired from the practice of [nursing home] long-term care administration.

(2) Licensees interested in making application must submit the following information to the board:

(A) [A] The fee [of fifty dollars (\$50) made payable to the Department of Health and Senior Services] referenced in 19 CSR 73-2.015;

(C) One (1) of the following:

1. An affidavit that includes the date on which the licensee retired from such practice and such other facts the [B]/board may require to verify the retirement; or

2. Sign the request for retired status that appears on the [nursing home] administrator license renewal application and return such application to the [B]/board prior to the active license expiring on June 30 of the year of renewal.

(3) Information provided in the request for retired status shall be given under oath subject to the penalties for making a false affidavit. [A sample Affidavit Requesting Retired Licensure Status is hereby incorporated by reference as part of this rule.]

(5) A retired license may be reactivated within five (5) years of the granting of the retired license by filing the following information with the board:

(B) [A] The fee [of one hundred dollars (\$100) made payable to the Department of Health and Senior Services] referenced in 19 CSR 73-2.015; and

(7) No person shall act or serve in the capacity of [a nursing home] an administrator in this state or hold himself or herself out as [a nursing home] an administrator if his or her license is retired.

AUTHORITY: section 344.070, RSMo Supp. [2007] 2010. This rule was previously filed as 13 CSR 73-2.051. Original rule filed Oct. 24, 2000, effective May 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed May 5, 2011.

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 Sally McKee, Missouri Board of Nursing Home Administrators, 3418 Knipp Drive, PO Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publi-

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

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 73—Missouri Board of Nursing Home
Administrators
Chapter 2—General Rules**

PROPOSED AMENDMENT

19 CSR 73-2.053 Inactive Licensure Status. The department is amending sections (1), (2), (5), and (7)–(9).

PURPOSE: This amendment clarifies procedures by which a currently licensed administrator may place his/her license on an inactive status and the procedures for reactivating the license, pursuant to section 344.108, RSMo.

(1) Any [nursing home] administrator possessing a current license to practice as [a nursing home] an administrator in Missouri may request an inactive license.

(2) Licensees interested in requesting an inactive license must submit the following information to the board prior to June 30 of the year of renewal of the administrator's active license[.]:

(A) [A] The fee [of fifty dollars (\$50) made payable to the Department of Health and Senior Services] referenced in 19 CSR 73-2.015;

(B) His/her original wall license and all other indicia of licensure, or evidence satisfactory to the board that the license has been lost, stolen, or destroyed;

(5) Licensees seeking to renew shall, on or before June 30[,] of the year of renewal, file an application for renewal, as provided in 19 CSR 73-2.050, on forms furnished by the board that includes evidence satisfactory to the board of completion of ten (10) clock hours of continuing education in the area of patient care and shall be accompanied by [a] the renewal fee [of fifty dollars (\$50) made payable to the Department of Health and Senior Services] referenced in 19 CSR 73-2.015.

(7) An inactive license may be reactivated by submitting a written request to the board, accompanied by evidence satisfactory to the board of the completion of forty (40) clock hours of continuing education and [a] the fee [of one hundred dollars (\$100) made payable to the Department of Health and Senior Services] referenced in 19 CSR 73-2.015. The forty (40) clock hours of continuing education shall be earned no earlier than six (6) months prior to the request for reactivation and no later than six (6) months after the inactive license has been reactivated. If the holder of an inactive license requests reactivation prior to completing the forty (40) clock hours of continuing education, the board shall issue a six (6)-month interim license to the licensee. The interim license shall expire six (6) months from the date of issuance or at such earlier time as the licensee earns the forty (40) clock hours of continuing education [and submits evidence] deemed satisfactory to the board of completion of the required hours.

(8) A request for reactivation of an inactive license shall show, under oath or affirmation of the [nursing home] administrator, a statement that the [nursing home] administrator has not practiced during the inactive period and is not presently practicing in this state.

(9) No person shall practice as [a nursing home] an administrator or hold himself or herself out as [a nursing home] an administrator in this state while his or her license is inactive.

*AUTHORITY: section 344.070, RSMo Supp. [2007] 2010. Original rule filed Dec. 28, 2007, effective Aug. 30, 2008. For intervening history, please consult the **Code of State Regulations**. Amended: Filed May 5, 2011.*

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

PRIVATE COST: This proposed amendment will cost private entities nine hundred sixty dollars and ninety-five cents (\$960.95) annually in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Sally McKee, Missouri Board of Nursing Home Administrators, 3418 Knipp Drive, 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: 19-Department of Health and Senior Services
Division Title: 73-Board of Nursing Home Administrators
Chapter Title: 2-General Rules**

Rule Number and Title:	19 CSR 73-2.053 Inactive Licensure Status
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:
20 inactive license renewals 20 inactive renewals x (\$25 increase + \$2.25 processing fee)	Individuals	\$545.00 annually
10 inactive licenses 10 inactive licenses x (\$25 increase + \$2.25 processing fee)	Individuals	\$272.50 annually
5 reactivate inactive licenses 5 licenses x (\$25 increase + \$3.69 processing fee)	Individuals	\$143.45 annually
Total		\$960.95 annually

III. WORKSHEET

See table above.

IV. ASSUMPTIONS

Figures based on estimate of FY10 actuals and FY11 projections.

The dollar amount in the above worksheet include the dollar amount of the processing fee per credit card transaction.

*Please refer to Fiscal Note Private Cost form for 19 CSR 73-2.015 Fees.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 73—Missouri Board of Nursing Home
Administrators
Chapter 2—General Rules**

PROPOSED AMENDMENT

19 CSR 73-2.055 Renewal of Expired License. The department is amending sections (2)–(4) and (7).

PURPOSE: This amendment clarifies the conditions and procedures for renewing a license that has expired.

(2) The licensee must complete and forward to the board office a license renewal application [(see 19 CSR 73-2.050(2) or (3), according to the date the license expired)] **referenced in 19 CSR 73-2.050**, along with a renewal fee [of one hundred dollars (\$100)] **referenced in 19 CSR 73-2.015** for a two (2)-year license, plus [a twenty-five dollar (\$25)] the penalty fee. Satisfactory evidence of board-approved continuing education[,] (as outlined in [19 CSR 73-2.050(2) or (3), according to the date the license expired,] **19 CSR 73-2.050**) must also be submitted with the license renewal application. Information provided in the application shall be attested to by signature to be true and correct to the best of the applicant's knowledge and belief and include an attestation verifying that the licensee has completed the required number of board-approved continuing education clock hours obtained during the current licensure period.

(3) The licensee shall also supply the board with a statement indicating employment status from the point the license expired through the filing of the application for late renewal. The licensee shall include in the statement written reasons [as to] why the license was not renewed prior to the expiration date of June 30.

(4) The board-approved continuing education must be obtained as described in [19 CSR 73-2.050(5)(A) and may include clock hours as outlined in 19 CSR 73-2.050(5)(B)1.–4] **19 CSR 73-2.050**.

(7) Upon expiration of the license, a licensee cannot act in the capacity of [a nursing home] **an** administrator. To do so is a violation of section 344.020, RSMo, and may be grounds for denial of the late renewal application or be cause for discipline of the license.

AUTHORITY: sections 344.040 and 344.070, RSMo Supp. [2007] 2010. This rule was previously filed as 13 CSR 73-2.055. Original rule filed June 28, 1990, effective Dec. 31, 1990. For intervening history, please consult the Code of State Regulations. Amended: Filed May 5, 2011.

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

PRIVATE COST: This proposed amendment will cost private entities one thousand six hundred three dollars and twenty cents (\$1,603.20) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Sally McKee, Missouri Board of Nursing Home Administrators, 3418 Knipp Drive, 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: 19-Department of Health and Senior Services
Division Title: 73-Board of Nursing Home Administrators
Chapter Title: 2-General Rules**

Rule Number and Title:	19 CSR 73-2.055 Renewal of Expired License
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:
20 late license renewals for two-year license 20 late renewals x (\$50 increase + \$25 late fee + \$5.16 processing fee)	Individuals	\$1603.20
Total		\$1603.20 annually

III. WORKSHEET

See table above.

IV. ASSUMPTIONS

Figures based on estimate of FY10 actuals and FY11 projections.

The dollar amount in the above worksheet include the dollar amount of the processing fee per credit card transaction.

*Please refer to Fiscal Note Private Cost form for 19 CSR 73-2.015 Fees.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 73—Missouri Board of Nursing Home
Administrators
Chapter 2—General Rules**

PROPOSED AMENDMENT

19 CSR 73-2.070 Examination. The department is amending sections (3), (4), and (6).

PURPOSE: This amendment changes the conditions and procedures for examinations.

(3) Qualified applicants will be eligible to take the **appropriate licensure-level (nursing home administrator license or residential care and assisted living administrator license)** national examination through the **National Association of Boards of Examiners of Long Term Care Administrators (NAB)**. *[testing service by following the procedures set forth in subsections (A)–(D).*

(A) Applicants must submit the National Association of Boards of Examiners of Long Term Care Administrators (NAB) Application Form for Computerized Testing and the required fees to NAB. The applicant will receive from the testing service an authorization letter including a list of testing center vendors, each center's toll-free telephone number and instructions on the scheduling process.

(B) Applicants must schedule to sit the examination within sixty (60) days of the date on the testing service's authorization letter.

(C) Failure to schedule and sit the examination(s) within the sixty (60)-day period will cause the applicant's name to be removed from the eligibility list kept by the testing service. Applicants may reschedule by resubmitting the NAB Application Forms and paying any required fees.

(D) Applicants must comply with all criteria and requirements established by the board, the National Association of Board of Examiners of Long Term Care Administrators (NAB), the testing service and the testing center.]

(4) Qualified applicants will be eligible to take the **appropriate licensure-level (nursing home administrator license or residential care and assisted living administrator license)** state examination *[administered by the board once a written request and the one hundred dollar (\$100) fee are received by the board. The examination will be scheduled at least monthly if one (1) or more applicants are awaiting examination]* **prescribed by the board.**

(6) Applicants shall obtain a passing score on the examination(s) *[administered]* **prescribed** by the board. The passing score shall be based up on the scale score passing point of one hundred thirteen (113) on the *[federal portion of the]* **national** examination and seventy-five percent (75%) on the state *[portion of the]* examination.

AUTHORITY: section 344.070, RSMo Supp. [2007] 2010. This rule was previously filed as 13 CSR 73-2.010. Original rule filed May 13, 1980, effective Aug. 11, 1980. For intervening history, please consult the Code of State Regulations. Emergency amendment filed May 5, 2011, effective May 15, 2011, expires Feb. 23, 2012. Amended: Filed May 5, 2011.

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

PRIVATE COST: This proposed amendment will cost private entities six thousand six hundred dollars (\$6,600) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Sally McKee, Missouri Board of Nursing Home Administrators, 3418 Knipp Drive, 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: 19-Department of Health and Senior Services
Division Title: 73-Board of Nursing Home Administrators
Chapter Title: 2-General Rules**

Rule Number and Title:	19 CSR 73-2.070 Examination
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:
120 state exams* 120 exams x \$55 increase	Individuals	\$6,600.00 annually
Total		\$6,600.00 annually

III. WORKSHEET

See table above.

IV. ASSUMPTIONS

Figures based on estimate of FY10 actuals and FY11 projections.

The dollar amounts in the above worksheet include the dollar amount of the processing fee per credit card transaction.

*Please refer to Fiscal Note Private Cost form for 19 CSR 73-2.015 Fees for explanation.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 73—Missouri Board of Nursing Home Administrators
Chapter 2—General Rules

PROPOSED AMENDMENT

19 CSR 73-2.080 Temporary Emergency Licenses. The department is amending sections (1)–(4).

PURPOSE: This amendment clarifies the procedure for requesting an emergency license and extension and the conditions which must be met as authorized by Chapter 344, RSMo.

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) [Application] The appropriate-licensure level (nursing home administrator license or residential care and assisted living administrator license) application for a temporary emergency license shall be made to the executive secretary of the board. The application forms, MO 580-2664 (03-11), Temporary Emergency License Application NHA, and MO 580-2989 (03-11), Temporary Emergency License Application RCAL, are incorporated by reference in this rule and are available on the web at www.health.mo.gov/information/boards/bnha or by contacting the board at PO Box 570, Jefferson City, MO 65102, (573) 751-3511. This rule does not incorporate any subsequent amendments or additions. The application shall demonstrate that the applicant meets the requirements for a temporary emergency license as set forth in section 344.030.5, RSMo, and shall include the following:

(E) [A complete copy] The date and the event identification of the most recent statement of deficiencies from the Missouri Department of Health and Senior Services for the facility where the emergency exists; and

(2) After receipt and review of the required information, the board may issue a temporary emergency license for a period not to exceed ninety (90) days. The person to whom it is issued is fully responsible for the facility as if initially licensed as [a nursing home] an administrator and shall confirm his/her understanding of this fact in a statement upon receipt of the temporary emergency license.

(3) A temporary emergency license shall not be granted by the board to an individual to act as an administrator in a newly-licensed facility unless clear and convincing evidence is presented which, in the board's best [judgement] judgment, demonstrates that the departure of the previous administrator was not anticipated by the operator at the time the facility was newly licensed. All individuals or entities intending either to build or become the operator of a facility must be familiar with the laws pertaining to licensure of [nursing home] administrators and long-term care facilities and take necessary steps to insure continued compliance with the statutory and regulatory provisions before becoming an operator.

(4) A temporary emergency license may be issued only to a person—
(B) Who had been preceded in the position by a fully-licensed [nursing home] administrator; and

(C) Who previously has not been denied [a nursing home] an administrator's license or has not had [a nursing home] an administrator's license suspended or revoked.

AUTHORITY: sections 344.030.4 and 344.070, RSMo Supp. [2007] 2010. This rule was previously filed as 13 CSR 73-2.080. Original rule filed May 13, 1980, effective Aug. 11, 1980. For intervening history, please consult the Code of State Regulations. Amended: Filed May 5, 2011.

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 Sally McKee, Missouri Board of Nursing Home Administrators, 3418 Knipp Drive, 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.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 73—Missouri Board of Nursing Home Administrators
Chapter 2—General Rules

PROPOSED AMENDMENT

19 CSR 73-2.085 Public Complaints. The department is amending sections (1)–(5).

PURPOSE: This amendment clarifies the procedures for receipt, handling, and disposition of public complaints by the Missouri Board of Nursing Home Administrators.

(1) The State Board of Nursing Home Administrators shall receive and process each complaint made against any licensed [nursing home] administrator, or other person or entity, which complaint alleges certain acts or practices which may constitute one (1) or more violations of the provisions of Chapter 344, RSMo. Any member of the public or the profession, or any federal, state, or local official, may make and file a complaint with the board. Complaints received from sources outside Missouri will be processed in the same manner as those originating within Missouri. No voting members of the State Board of Nursing Home Administrators shall file a complaint with this board while s/he holds that office, unless that member excuses him/herself from further board deliberations or activity concerning the matters alleged within that complaint. Any staff member or employee of the board may file a complaint pursuant to this rule in the same manner as any member of the public.

(2) [Complaints] Written complaints should be [mailed or delivered] sent to the following [address]: State Board of Nursing Home Administrators, PO Box 570, Jefferson City, MO 65102 or email at bnha@health.mo.gov. However, actual receipt of the complaint by the board at its administrative offices in any manner shall be sufficient. Complaints may be based upon personal knowledge, or upon information and belief, reciting information received from other sources.

(3) All complaints shall be made in writing and shall fully identify their maker by name and address. Complaints may be made on forms provided by the board, which shall be available upon request. [Complaints need not be made by affidavit, but oral] Oral or telephone communications will not be considered or processed as complaints. Any person attempting to make an oral or telephone

complaint against an individual will be provided with a complaint form and requested to complete it and return it to the board. Any staff member or employee of the board may make and file a complaint based upon information and belief, in reliance upon oral, telephone, or written but unsigned communications received by the board, unless those communications are believed by that staff member or employee to be false.

(4) *[Each]* **A record of each** complaint received under this rule shall be *[logged in a book maintained]* **retained** by the board *[for that purpose]*. Complaints shall be logged in *[consecutive]* **the** order as received. *The logbook* **and** shall contain^[:] a record of each complainant's name and address; the name and address of the subject(s) of the complaint; the date each complaint is received by the board; a brief statement of the acts complained of, including the name of any person injured or victimized by the alleged acts or practices; a notation whether the complaint resulted in its dismissal by the board or in formal charges being filed with the Administrative Hearing Commission; and the ultimate disposition of the complaint. *[This logbook]* **The complaint information** shall be a closed record of the board.

(5) Each complaint *[logged pursuant to this rule]* shall be acknowledged in writing. The acknowledgment shall state that the complaint is being investigated and shall be referred to the board or an appropriate board subcommittee for consideration following the investigation. The complainant may be notified of the ultimate disposition of the complaint, excluding judicial appeals, and may be provided with a copy of the decisions (if any) of the Administrative Hearing Commission and the board. The provisions of this section shall not apply to complaints filed by staff members or employees of the board, based upon information and belief, acting in reliance on third-party information received by the board.

AUTHORITY: section 344.070, RSMo Supp. [2007] 2010. This rule was previously filed as 13 CSR 73-2.085. Original rule filed Oct. 4, 1988, effective March 15, 1989. For intervening history, please consult the Code of State Regulations. Amended: Filed May 5, 2011.

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 Sally McKee, Missouri Board of Nursing Home Administrators, 3418 Knipp Drive, 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.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 73—Missouri Board of Nursing Home
Administrators
Chapter 2—General Rules
PROPOSED AMENDMENT**

19 CSR 73-2.120 Duplicate License. The department is amending section (1).

PURPOSE: This amendment simplifies the fee process.

(1) In the event a license is lost or stolen, mutilated, or destroyed,

the administrator is required to report the loss immediately to the board office. Upon receipt of satisfactory evidence that a license has been lost, mutilated, or destroyed, the board may issue a duplicate license upon payment of *[a] the fee [of ten dollars (\$10)]* **referenced in 19 CSR 73-2.015**. Satisfactory evidence is construed to be a notarized affidavit stating facts of the loss, mutilation, or destruction of the license.

AUTHORITY: section 344.070, RSMo Supp. [2007] 2010. This rule was previously filed as 13 CSR 73-2.120. Original rule filed May 13, 1980, effective Aug. 11, 1980. For intervening history, please consult the Code of State Regulations. Amended: Filed May 5, 2011.

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 Sally McKee, Missouri Board of Nursing Home Administrators, 3418 Knipp Drive, 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.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 73—Missouri Board of Nursing Home
Administrators
Chapter 2—General Rules**

PROPOSED AMENDMENT

19 CSR 73-2.130 Notice of Change of Address. The department is amending section (1).

PURPOSE: This amendment clarifies the conditions and procedures for reporting change of address.

(1) Each administrator shall notify the board office of *[a current mailing address]* **his/her current contact information** within twenty-one (21) days of change of personal *[address]* **contact information**, facility employment, or both. **Contact information shall include the following: mailing address, email, and telephone number(s).**

AUTHORITY: section 344.070, RSMo Supp. [1993] 2010. This rule was previously filed as 13 CSR 73-2.130. Original rule filed May 13, 1980, effective Aug. 11, 1980. For intervening history, please consult the Code of State Regulations. Amended: Filed May 5, 2011.

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 Sally McKee, Missouri Board of Nursing Home Administrators, 3418 Knipp Drive, 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.

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 30—Animal Health Chapter 9—Animal Care Facilities

ORDER OF RULEMAKING

By the authority vested in the Director of Agriculture under sections 273.344 and 273.346, RSMo 2000, the director amends a rule as follows:

2 CSR 30-9.020 Animal Care Facility Rules Governing Licensing, Fees, Reports, Record Keeping, Veterinary Care, Identification, and Holding Period **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 18, 2011 (36 MoReg 221-223). 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: Three (3) comments were received.

COMMENT #1: Barb York, President of Missouri Pet Breeders Association, on behalf of the members of the Missouri Pet Breeders Association, expressed their support of the proposed changes.
RESPONSE: The department appreciates the support.

COMMENT #2: Rick Smith, City of St. Joseph, Animal Control and Rescue, noted that the terms "pounds" and "dog pounds" are outdated and reflect a negative image of municipal shelters and should be changed to "municipal shelters" because municipal shelters han-

dle more than just dogs. He also suggested dropping the limit on the per capita fee on all groups and using the additional funds to hire additional field staff. Mr. Smith also commented that hobby and show breeders should not be exempted from licensing fees and male dogs should be included in the total number of breeding dogs.

RESPONSE: The department has reviewed the comment and found that the suggestions would require statutory changes to the Animal Care Facilities Act. No changes have been made to the rule as a result of this comment.

COMMENT #3: Lisa Langeneckert, as a person involved with animal rescue efforts in Missouri, is not in favor of animal shelters being removed from the license fee exemption; but if it will provide support for the Department of Agriculture to better monitor the care of domestic animals, then she supports the concepts of rescues paying a license fee; however, she questions the true intent of the legislation passed in the 2010 legislative session and the efficacy of the proposed amendments given the remaining exemptions and fee structures.

RESPONSE: The department has reviewed the comment and found that most of these suggestions would require statutory changes to the Animal Care Facilities Act. No changes have been made to the rule as a result of this comment.

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

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-5.205 Permits Required: Exceptions **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2011 (36 MoReg 1033-1034). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 9—Wildlife Code: Confined Wildlife: Privileges, Permits, Standards

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-9.110 General Prohibition; Applications **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2011 (36 MoReg 1034-1035). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-11.120 Pets and Hunting Dogs is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2011 (36 MoReg 1035). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-11.205 Fishing, Methods and Hours is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2011 (36 MoReg 1035). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-11.210 Fishing, Daily and Possession Limits is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2011 (36 MoReg 1035–1036). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-12.110 Use of Boats and Motors is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2011 (36 MoReg 1036). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-12.115 Bullfrogs and Green Frogs is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2011 (36 MoReg 1036–1037). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-12.125 Hunting and Trapping is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2011 (36 MoReg 1037). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-12.135 Fishing, Methods is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2011 (36 MoReg 1037-1038). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-12.140 Fishing, Daily and Possession Limits
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2011 (36 MoReg 1038). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-12.145 Fishing, Length Limits is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2011 (36 MoReg 1038-1039). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 20—Wildlife Code: Definitions**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-20.805 Definitions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2011 (36 MoReg 1039). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 30—State Tax Commission
Chapter 3—Local Assessment of Property and Appeals
From Local Boards of Equalization**

ORDER OF RULEMAKING

By the authority vested in the State Tax Commission under section 138.430, RSMo Supp. 2010, the commission amends a rule as follows:

**12 CSR 30-3.010 Appeals From the Local Board of Equalization
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2011 (36 MoReg 902). 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 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 61—Licensing Rules for Family Day
Care Homes**

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under section 210.221, RSMo 2000, the department amends a rule as follows:

19 CSR 30-61.105 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2011 (36 MoReg 902-903). 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 zero (0) comments on this proposed amendment. This same rule in Chapter

62, however, received eight (8) comments on the proposed amendment.

COMMENT: The department received eight (8) comments from individuals associated with the American Heart Association requesting the department add the American Heart Association CPR training as a training option, along with the American Red Cross. Although their comments specifically address 19 CSR 30-62.102(1)(O), they also apply to this amendment.

RESPONSE AND EXPLANATION OF CHANGE: Subsection (1)(N) has been amended to include the American Heart Association as an approved CPR training provider, in order to be consistent with the requirement for personnel in group day care homes and child care centers in 19 CSR 30-62.102(1)(O).

19 CSR 30-61.105 The Day Care Provider and Other Day Care Personnel

(1) General Requirements.

(N) The provider shall have documentation on file at the home of current certification in age-appropriate first aid and cardiopulmonary resuscitation (CPR) training. The training shall be certified by a nationally-recognized organization, such as the American Red Cross, American Heart Association, or an equivalent certification approved by the department. At least one (1) caregiver with current certification in age-appropriate first aid and CPR must be on site at all times when children are present. First aid/CPR training may count toward the annual clock hour training requirement.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES Division 30—Division of Regulation and Licensure Chapter 61—Licensing Rules for Family Day Care Homes

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under section 210.221, RSMo 2000, the department amends a rule as follows:

19 CSR 30-61.175 Child Care Program is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2011 (36 MoReg 903). 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 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES Division 30—Division of Regulation and Licensure Chapter 62—Licensing Rules for Group Child Care Homes and Child Care Centers

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under section 210.221, RSMo 2000, the department amends a rule as follows:

19 CSR 30-62.102 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2011 (36 MoReg 903). 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 eight (8) comments on the proposed amendment.

COMMENT: The department received eight (8) comments from individuals associated with the American Heart Association requesting the department add the American Heart Association CPR training as a training option, along with the American Red Cross.

RESPONSE AND EXPLANATION OF CHANGE: Subsection (1)(O) will be amended to include the American Heart Association as an approved CPR training provider.

19 CSR 30-62.102 Personnel

(1) General Staff Requirements.

(O) The licensee shall have documentation on file at the facility of current certification in age-appropriate first aid and cardiopulmonary resuscitation (CPR) training for a sufficient number of child care staff to ensure that there is one (1) caregiver at the facility for every twenty (20) children in the licensed capacity. At least one (1) caregiver with current certification in age-appropriate first aid and CPR must be on site at all times when children are present. The training shall be certified by a nationally-recognized organization, such as the American Red Cross, American Heart Association, or an equivalent certification and approved by the department. First aid/CPR training may count toward the annual clock hour training requirement.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES Division 30—Division of Regulation and Licensure Chapter 62—Licensing Rules for Group Child Care Homes and Child Care Centers

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under section 210.221, RSMo 2000, the department amends a rule as follows:

19 CSR 30-62.182 Child Care Program is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2011 (36 MoReg 904). 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.