

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

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 If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission.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

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

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

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

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

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

Title 10—DEPARTMENT OF NATURAL RESOURCES Division 20—Clean Water Commission Chapter 6—Permits

PROPOSED RESCISSION

10 CSR 20-6.100 General Pretreatment Regulation. This rule set forth procedures to prevent the introduction of pollutants into publicly-owned treatment works which will interfere with the operation of publicly-owned treatment works, including interference with its use or disposal of municipal sludge, to prevent the introduction of pollutants into publicly-owned treatment works which will pass through the treatment works or otherwise be incompatible with these works, and to improve opportunities to recycle and reclaim municipal and industrial wastewaters and sludges.

PURPOSE: This rule is being rescinded so that a new proposed rule

may replace it. A rescission of the existing general pretreatment regulation. Substantive federal changes to general pretreatment regulations require this rescission. A new proposed rule in place of this rescission will incorporate by reference the Environmental Protection Agency's federal regulation 40 CFR Part 403. The proposed rule for general pretreatment will allow for continued implementation and enforcement of the federal requirements under the current delegation agreement with the EPA.

AUTHORITY: section 644.041, RSMo 1994. Original rule filed Feb. 1, 1988, effective June 13, 1988. Amended: Filed March 1, 1996, effective Nov. 30, 1996. Rescinded: Filed Nov. 9, 2011.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Natural Resources, Division of Environmental Quality, Water Protection Program, Walter Fett, PO Box 176, Jefferson City, MO 65102. Comments may be sent with name and address through email to Walter.Fett@dnr.mo.gov. Public comments must be received by March 14, 2012. The Missouri Clean Water Commission will hold a public hearing at 9:00 a.m., March 7, 2012, at the Lewis and Clark State Office Building, Nightingale Creek Conference Room, 1 East, 1101 Riverside Drive, Jefferson City, Missouri.

Title 10—DEPARTMENT OF NATURAL RESOURCES Division 20—Clean Water Commission Chapter 6—Permits

PROPOSED RULE

10 CSR 20-6.100 General Pretreatment Regulation

PURPOSE: This rule sets forth procedures to prevent the introduction of pollutants into publicly-owned treatment works which will interfere with the operation of publicly-owned treatment works, including interference with its use or disposal of municipal sludge, to prevent the introduction of pollutants into publicly-owned treatment works which will pass through the treatment works or otherwise be incompatible with these works, and to improve opportunities to recycle and reclaim municipal and industrial wastewaters and sludges.

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) The Environmental Protection Agency federal regulations, 40 CFR parts 403 through 471, inclusive, that are in effect as of January 1, 2011, herein incorporated by reference, are available by writing to the Office of the Federal Register and the National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954. This rule does not incorporate any subsequent amendments or additions. The substitution of terms set forth shall

apply in this rule in addition to any other modifications set forth in this rule.

(2) Provisions Incorporated.

(A) The provisions of the *General Pretreatment Regulations for Existing and New Sources of Pollution*, 40 CFR part 403, as in effect January 1, 2011, are hereby adopted and incorporated by reference subject to the additions, modifications, and substitutions set forth in 10 CSR 20-6.100(4) through (14).

(B) The provisions of the following rules, as in effect January 1, 2011, are hereby adopted and incorporated by reference. The rules in this list refer to only the rules that contain pretreatment standards or limitations for industrial facilities that discharge to the local publicly-owned treatment works.

- 40 CFR part 406 Grain Mills Point Source Category
- 40 CFR part 413 Electroplating Point Source Category
- 40 CFR part 414 Organic Chemicals, Plastics, and Synthetic Fibers
- 40 CFR part 415 Inorganic Chemicals Manufacturing Point Source Category
- 40 CFR part 417 Soap and Detergent Manufacturing Point Source Category
- 40 CFR part 418 Fertilizer Manufacturing Point Source Category
- 40 CFR part 419 Petroleum Refining Point Source Category
- 40 CFR part 420 Iron and Steel Manufacturing Point Source Category
- 40 CFR part 421 Nonferrous Metals Manufacturing Point Source Category
- 40 CFR part 423 Steam Electric Power Generating Point Source Category
- 40 CFR part 425 Leather Tanning and Finishing Point Source Category
- 40 CFR part 426 Glass Manufacturing Point Source Category
- 40 CFR part 428 Rubber Manufacturing Point Source Category
- 40 CFR part 429 Timber Products Processing Point Source Category
- 40 CFR part 430 The Pulp, Paper, and Paperboard Point Source Category
- 40 CFR part 433 Metal Finishing Point Source Category
- 40 CFR part 439 Pharmaceutical Manufacturing Point Source Category
- 40 CFR part 443 Effluent Limitations Guidelines for Existing Sources and Standards of Performance and Pretreatment Standards for New Sources for the Paving And Roofing Materials (Tars and Asphalt) Point Source Category
- 40 CFR part 446 Paint Formulating Point Source Category
- 40 CFR part 447 Ink Formulating Point Source Category
- 40 CFR part 455 Pesticide Chemicals
- 40 CFR part 458 Carbon Black Manufacturing Point Source Category
- 40 CFR part 461 Battery Manufacturing Point Source Category
- 40 CFR part 464 Metal Molding and Casting Point Source Category
- 40 CFR part 465 Coil Coating Point Source Category
- 40 CFR part 466 Porcelain Enameling Point Source Category
- 40 CFR part 467 Aluminum Forming Point Source Category
- 40 CFR part 468 Copper Forming Point Source Category
- 40 CFR part 469 Electrical and Electronic Components Point Source Category
- 40 CFR part 471 Nonferrous Metals Forming and Metal Powders Point Source Category

Note: 40 CFR part 412 Concentrated Animal Feeding Operations (CAFO) Point Source Category has been adopted at 10 CSR 20-6.300(4)(C).

(3) Federal statutes and regulations that are cited in 40 CFR parts 403 through 471 that are not specifically adopted by reference shall be used as guidelines in interpreting the federal regulations in parts 403 through 471.

(4) The “director” as used in the provisions of the *Code of Federal Regulations* which are incorporated by reference, means the director of staff of the Missouri Clean Water Commission or that person’s delegated representative.

(5) In the provisions of 40 CFR part 403, for all occurrences of the citation to 40 CFR part 136, substitute the citation 10 CSR 20-7.015(9)(A).

(6) In lieu of 40 CFR section 403.4, the following shall apply:

(A) Local Law. The provisions of 10 CSR 20-6.100 shall not supersede any pretreatment requirements, including any standards or prohibitions established by any local law, as long as the local requirements are not less stringent than any set forth in the pretreatment requirements of 10 CSR 20-6.100 or other requirements or prohibitions established by the state or federal government.

(7) State Enforcement Actions. In lieu of 40 CFR section 403.5(e), the following shall apply:

(A) If, within thirty (30) days after notice of an interference or pass-through violation has been sent by the state to the publicly-owned treatment works (POTW) and to persons or groups who have requested the notice, the POTW fails to commence appropriate enforcement action to correct the violation, the state may take appropriate enforcement action.

(8) Substitute “Missouri Clean Water Commission” for “Regional Administrator” in section 40 CFR section 403.6(a)(5).

(9) Substitute “Missouri Clean Water Law, Chapter 644, Water Pollution, Powers and Duties of the Commission—rules, procedure. Section 644.026(13), RSMo,” for “section 402(b)(1)(C) of the Act” in 40 CFR 403.8(e).

(10) Substitute “the Missouri Hazardous Waste Management Law, Chapter 260, Environmental Control, sections 260.350 to 260.430 RSMo, and the Missouri Solid Waste Management Law, Chapter 260, Environmental Control, sections 260.200 to 260.345, RSMo,” for “subtitles C and D of the Resource Conservation and Recovery Act.” in 40 CFR section 403.8(f)(2)(iii).

(11) Substitute “Missouri Department of Natural Resources” for the term “agency” in the section 40 CFR section 403.16.

(12) Confidentiality.

(A) In lieu of 40 CFR section 403.14(a), the following shall apply:
1. Authorities. Any claim for confidentiality to the control authority must be in accordance with the Missouri Sunshine Law, Chapter 610, Governmental Bodies and Records, sections 610.010 through 610.028, RSMo, inclusive. If no claim is made at the time of submission, the control authority may make the information available to the public without further notice.

(B) In lieu of 40 CFR section 403.14(b), the following shall apply:
1. Effluent data. Information and data provided to the control authority pursuant to this part which is effluent data shall be available to the public without restriction.

(C) The provisions of 40 CFR section 403.14(c) are omitted.

(13) Pretreatment Authorization. Where the director is also the control authority, the director may issue a pretreatment authorization to a categorical industrial user which discharges industrial process wastewater to a POTW. This authorization will be used to set forth the conditions governing the user’s discharge to the POTW, where the POTW does not have an approved pretreatment program or the POTW has not issued discharge permits that meet the requirements set forth in 10 CSR 20-6.100(2) and (3).

(14) Judicial Relief.

(A) The director shall have authority to seek judicial relief pursuant to Missouri Clean Water Law, Chapter 644, Water Pollution, Unlawful acts prohibited—false statements and negligent acts prohibited—penalties—exception, section 644.076, RSMo, for noncompliance by industrial users when the POTW has failed to act or has acted to seek such relief but has sought judicial relief which the director finds to be insufficient. The procedures for notice to dischargers where the POTW is seeking ex parte temporary judicial injunctive relief will be governed by applicable state or federal law and not by this provision.

(B) The director shall have authority to seek judicial relief pursuant to the Missouri Clean Water Law, Chapter 644, Water Pollution, Unlawful acts prohibited—false statements and negligent acts prohibited—penalties—exception, section 644.076, RSMo, for noncompliance by industrial users where the director is the control authority.

AUTHORITY: section 644.041, RSMo 2000. Original rule filed Feb. 1, 1988, effective June 13, 1988. Amended Filed March 1, 1996, effective Nov. 30, 1996. Rescinded and readopted: Filed Nov. 9, 2011.

PUBLIC COST: This proposed rule requires a one-time cost of compliance by the Missouri Department of Natural Resources and the forty-three (43) cities or political subdivisions with pretreatment ordinances of one hundred fifteen thousand one hundred thirty-six dollars (\$115,136), in the aggregate, over a five (5)-year period from 2013 through 2017. Cost savings to the cities occur after the adoption, implementation, and approval of the pretreatment ordinances.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate. Cost savings occur over the life of the rule. Cost savings are realized by the affected private entities after the ordinances are implemented.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Natural Resources, Division of Environmental Quality, Water Protection Program, Walter Fett, PO Box 176, Jefferson City, MO 65102. Comments may be sent with name and address through email to Walter.Fett@dnr.mo.gov. Public comments must be received by March 14, 2012. The Missouri Clean Water Commission will hold a public hearing at 9:00 a.m., March 7, 2012, at the Lewis and Clark State Office Building, LaCharrette/Nightingale Creek Conference Room, 1 East, 1101 Riverside Drive, Jefferson City, Missouri.

FISCAL NOTE

PUBLIC COST

I. RULE NUMBER

| | |
|-----------------------|---|
| Rule Number and Name: | 10 CSR 20-6.100 General Pretreatment Regulation |
| Type of Rulemaking: | New Rule |

II. SUMMARY OF FISCAL IMPACT

| Affected Agency or Political Subdivision | Estimated Cost of Compliance in the Aggregate* |
|--|---|
| Department of Natural Resources | Cost of Compliance is \$48,233 through 2017. *The Cost of Compliance in the aggregate after 2017 over the life of the rule is \$0. |
| Cities or Publically Owned Treatment Works | Cost of Compliance is \$66,904* from 2013 through 2017. The Cost of Compliance in the aggregate after 2017, over the life of the rule, is \$0. |
| Total | Cost of Compliance is \$115,136 from 2013 through 2017. *The Cost of Compliance in the aggregate after 2017, over the life of the rule, is \$0. |

*The Cost of Compliance is a one-time implementation cost under the federal regulation 40 CFR 403, effective October 14, 2005 for both the State of Missouri and the cities (Publicly Operated Treatment Works, POTWs) After the adoption of an ordinance the cost of compliance over the life of the rule is \$0, due to the savings available each year, both to the Department and to the cities.

II. Worksheet

Missouri Department of Natural Resources – Water Protection Program

| | FTEs Required to Review and Approve Municipal Ordinances | Annual Salary | FY 2013 (3 Months) | FY 2014 9 Approvals | FY 2015 9 Approvals | FY 2016 10 Approvals | FY 2017 12 Approvals | TOTALS FY 2013 through 2017 |
|--|--|--------------------|--------------------|---------------------|---------------------|----------------------|----------------------|-----------------------------|
| EE II - Ordinance Review and Approval - 16 hours | 0.0077 | \$55,548 | \$1,282 | \$3,846 | \$3,961 | \$4,533 | \$5,440 | |
| SOSA - Admin. Support - 8 hours | 0.0038 | \$27,564 | \$318 | \$954 | \$983 | \$1,125 | \$1,350 | |
| FTE PS TOTAL | 0.0115 | | \$1,600 | \$4,800 | \$4,944 | \$5,658 | \$6,789 | 43 |
| FRINGE - 53.09% | | | \$849 | \$2,548 | \$2,625 | \$3,004 | \$3,605 | |
| EE | | | \$0 | \$106 | \$108 | \$111 | \$115 | |
| Personal Service Cost + Fringe + EE TOTAL | | | \$2,449 | \$7,454 | \$7,676 | \$8,773 | \$10,509 | |
| Indirect - 30.85% | | | \$756 | \$2,300 | \$2,368 | \$2,706 | \$3,242 | |
| Indirect with TOTAL | | | \$3,205 | \$9,754 | \$10,045 | \$11,479 | \$13,750 | \$48,233 |
| | | FY 2013 (6 Months) | FY 2014 | FY 2015 | FY 2016 | FY 2017 | TOTAL POTWS | Remaining POTW FY 2018 |
| POTW Ordinance Adoptions: | 3 | 3 | 9 | 9 | 10 | 12 | 43 | 0 |
| Total Ordinance Reviews and Approvals: | 3 | 3 | 9 | 9 | 10 | 12 | 43 | 0 |

Personal Service amounts are based on the market level pay rates for each classification
 43 ordinance approvals over 5 years = 8.6 approvals per year. Cities required to submit newly adopted city ordinances, requires less than 1 FTE to review and approve.
 FTE calculation = EE II review and approval of ordinance = 16 / 2,080 hours = .0077 FTE per year.
 Number of ordinances reviewed and approved varies each year.
 FTE calculation = SOSA for admin support = 8 (hours) = 8 / 2,080 hours = .0038 FTE
 After 2017 the annual cost to comply, based on the federal regulation, 40 CFR403 in effect October 14, 2005, becomes a cost savings.

43 Cities (POTWs) Required to Adopt the New Ordinance

| | No. of FTEs Required to Prepare and Adopt the New Ordinance | Annual Salary | FY 2013 (3 Months) Ordinance Adoptions | FY 2014 10 Ordinance Adoptions | FY 2015 10 Ordinance Adoptions | FY 2016 11 Ordinance Adoptions | FY 2017 12 Ordinance Adoptions | TOTALS FY 2013 through 2017 |
|--|---|-------------------------------|--|--------------------------------|--------------------------------|--------------------------------|--------------------------------|-----------------------------|
| | | Number of Ordinance Adoptions | | | | | | |
| Engineer - (43) ordinance preparation - 40 hours | 0.0192 | \$70,400 | \$4,062 | \$12,185 | \$12,550 | \$14,363 | \$17,753 | |
| Clerk - (43) admin support - 20 hours | 0.0096 | \$28,010 | \$808 | \$2,424 | \$2,497 | \$2,857 | \$3,532 | |
| Attorney - (43) ordinance review - 40 hours | 0.0192 | \$111,000 | \$6,404 | \$19,212 | \$19,788 | \$22,646 | \$27,991 | |
| PS TOTAL | 0.0481 | | \$11,273 | \$33,820 | \$34,835 | \$39,866 | \$49,275 | |
| FRINGE | | | \$5,985 | \$17,955 | \$18,494 | \$21,165 | \$26,160 | |
| EE - \$4,800 est. | | | | \$30 | \$30 | \$30 | \$30 | |
| PS + Fringe + EE TOTAL | | | \$17,258 | \$51,805 | \$53,358 | \$61,061 | \$75,465 | |
| Indirect | | | \$5,324 | \$15,982 | \$16,461 | \$18,837 | \$23,281 | |
| COSTS TO CITIES SUBTOTAL | | | \$22,583 | \$67,787 | \$69,820 | \$79,899 | \$98,746 | \$338,834 |
| *SAVINGS TO CITIES | | | -\$7,416 | -\$29,665 | -\$51,914 | -\$76,635 | -\$106,300 | -\$271,930 |
| Actual Cost, Savings TOTAL | | | \$15,166 | \$38,122 | \$17,906 | \$3,264 | -\$7,554 | \$66,904 |

Env. Engineer & municipal clerk, personal service, including EE, see Missouri May 2010 mean annual wages/salaries. engineer \$70,000 & clerk \$28,010 respectively, http://www.bls.gov/oes/current/oes_no_.

City Attorney personal service see Missouri May 2010 mean annual wages/salaried lawyers \$111,000. http://www.bls.gov/oes/current/oes_mo_. Forty-three (43) ordinances require .05 FTEs per each ordinance.

FTE calculation varies depending on the estimated number of ordinances adopted per year.

FTE calculation = City Engineer, (pretreatment coord.) = 40 hours ordinance preparation = 40/2,080 hours = .0192 FTE per ordinance

FTE calculation = City Clerk = 20 hours per ordinance = 20/2,080 hours preparation = .0096 FTE

FTE calculation = City Attorney = 40 hours per ordinance preparation = 40/2,080 hours = .0192 FTE

Savings to city is realized upon adoption of new pretreatment ordinance, and occurs year-to-year after adoption, depending on how quickly an ordinance is adopted

Saving to each city is \$2,472 annually for each city (derived from the federal rule)

Savings to 3 cities for FY 2013 = 3*2,472 = \$7,416
 Savings to cities for FY 2014 = previous years savings plus the savings for 9 additional cities = \$7,416 + 9*\$2,472 = \$29,665.
 Savings to cities for subsequent years calculated in the same way as for FY 2014.
 Savings to all cities from FY 2013 through FY 2014 = \$271,930
 Savings annually over the life of the rule are \$106,300.

| | FY 2013 (3 Months) | FY 2014 | FY 2015 | FY 2016 | FY 2017 | TOTAL POTWS | Remaining POTW FY 2018 |
|--|-----------------------|---------|---------|---------|---------|----------------|------------------------------|
| POTW Ordinance Adoptions: | 3 | 9 | 9 | 10 | 12 | 43 | 0 |
| Total Ordinance Reviews and Approvals: | 3 | 9 | 9 | 10 | 12 | 43 | 0 |

| | |
|--|------------------|
| Total for DNR and POTWs | |
| DNR: | \$48,233 |
| POTW: | \$66,904 |
| | \$115,136 |

**Savings To Cities: Under the federal regulation, 40 CFR 40 General Pretreatment Regulations for Existing and New Sources of Pollution, in effect October 14, 2005, the basis for the cost savings in this public fiscal note, the estimated cost savings in annual burden hours and costs to the affected respondents is calculated for industrial users, POTWs, and the States. Applied nationally, the annual cost savings were estimated to be \$10.1million dollars (in 2005 dollars). A 3% inflation rate, consistent with the rate used by the Legislative Oversight Committee, is applied to the savings annually over a six year period. The savings to Missouri cities was initially derived from the federal cost savings calculations, and is presented as follows:*

1) 10.1 (annual cost savings applied nationally) * $(1.03)^6$ (inflation rate over six yrs.) = 12.06
The total annual cost savings after the application of the inflation rate is then \$12.06 million for the federal rule, nationwide.

2) Next, the savings was calculated for the State of Missouri, adjusting for the number of POTWs (43 cities, i.e. publicly owned treatment works) with approved pretreatment programs. The number of POTWs, 43, is compared to the number of POTWs considered in the development of the federal rule. There were 1,464 POTWs cited in the Federal Register notification in 2005, and there were 43 POTWs in Missouri as of 2009.

The ratio of POTWs is 43 to 1464.

$\$12,060,000$ (the total federal annual cost savings) * $43/1,464$ (POTWs) = $\$354,219$

The total annual savings is \$354,000 (rounded). Savings are realized by implementing the federal pretreatment rule changes in Missouri.

3) The next step at the State level is to separate the federal public savings from the private savings.

The public savings in this fiscal note is based on the annual cost savings portion of total federal savings or,

$\$354,000$ (Missouri's annual savings) x 0.30 = $\$106,300$ cost savings in the aggregate, after 2017.

The 0.30 (30%) represents the estimated public portion of the federal total savings. The federal regulation assumes the costs savings based on reduced sampling and analysis.

The total cost savings is \$271,930 for the cities (POTWs) in the State of Missouri, once the new rule is adopted and implemented, in this fiscal note, from 2013 through 2017.

The average savings to each city, after adoption of the ordinance, is as follows: $\$106,300 \div 43 = \$2,472.00$ (cost savings per city or POTW).

There will be a transition period as cities revised their ordinances in order to implement the new rule. The total cost savings expected annually are based on the assumption that cities will adopt new ordinances within five years (2013 through 2017).

IV. Assumptions

The fiscal impacts in this rulemaking are estimated costs for the Department to review and approve city ordinances for publicly operated treatment works (POTWs) and for the cities, i.e. the POTWs, to adopt and implement this new rule. The public entities affected are the State of Missouri and the 43 cities that have an approved pretreatment ordinance. Each city's approved pretreatment ordinance contains its legal authority. The Department is required under federal regulation to approve each pretreatment ordinance.

Although cost savings were predicted in the federal rulemaking, the cost to change a city's pretreatment ordinance was not considered. There is a one-time cost to the city to change the pretreatment program ordinance and, the cost to the State to review and approve. This one-time cost is included in this fiscal note. The costs of adopting this revised ordinance is spread over 5 years. Once ordinances are adopted, cities are expected to benefit annually from the cost savings.

The duration of the proposed rule is indefinite. There is no sun-set clause. Costs imposed by the proposed rule are shown on an annual basis through 2017. Savings are shown through 2017 and continue over the life of the rule. It is assumed that additional years will be consistent with the assumptions used to calculate the annual costs and savings identified in this fiscal note.

The State of Missouri is adopting the federal rule 40 CFR 403 with modifications as a new rule, 10 CSR 20-6.100 and, at the same time, is rescinding the current rule at 10 CSR 20-6.100 through a separate rulemaking rescission.

The new rule incorporates 40 CFR 403 *General Pretreatment Regulations for Existing and New Sources of Pollution* by reference and, includes modifications. The cost savings shown nationally in the Federal Register, 70 FR 60187, and Table at 70 FR 60188, are an accurate estimate of the expected annual savings due to the adoption of the federal rule 40 CFR 403 by states.

A 3% inflation rate is applied in this public fiscal note for personnel services costs, consistent with the practice of the Legislative Oversight Committee. Current wage/salary rates determine the pay used for Department classifications. Wage/salary pay for Department classifications. Wage/salary employment estimates for the cities (POTWs) are based on the May 2010 National Occupational Employment Statistics (OES) estimates for each state.

The footnotes below Table 1 at 70 FR 60188 in the federal rule contain information on the *costs savings* attributed to public entities. A thorough breakdown of the cost to public entities is not available. It is assumed in this public fiscal note that a 30% cost savings will be realized by public entities. For instance, where sampling and analysis is reduced for the Non-Significant Categorical Industrial User under this rule, one sampling event for a city may be eliminated and two sampling events for the industrial user may be eliminated. In this 2 to 1 ratio, the public costs savings would be 30%.

There currently are 43 cities with approved and active pretreatment programs. This is based on the 2009 annual pretreatment reports from the POTWs which were reviewed in the development of this rule. There were one thousand, four-hundred and sixty-four (1,464) POTWs considered

in the development of the federal rule. Savings were considered relative to the number of POTWs in the state of Missouri, 43 (forty-three) and compared to the national number for POTWs in the federal rule.

The Department requested that a number of cities estimate the costs of a new or modified ordinance needed to implement pretreatment. A true cost estimate is difficult to calculate due to the strong variability of the responses received. The number of hours selected to develop an ordinance reflects the need for professional and administrative personnel services including the time expended to approve and adopt.

The State of Missouri will have no additional costs related to this rule change after the ordinances are approved and adopted.

Adoption of the proposed changes in the city ordinances is assumed to begin in fiscal year 2013. It is assumed that all pretreatment programs will have adopted and implemented their ordinances by the end of FY2017.

Cost of Ordinances needed to implement changes

This fiscal note provides cost estimates for the Department and other public entities for implementing the new rule, 10 CSR 20-6.100. The cost to the Department is a one-time cost to review and approve the cities pretreatment ordinance based on the rule changes. Other public entities affected are the forty-three (43 cities) having Publically Owned Treatment Works (POTWs) with their one-time cost to prepare and adopt a pretreatment ordinance as a result of changes in the 2005 federal pretreatment regulation.

A city's review and adoption of the approved pretreatment ordinance, is not addressed in the federal rule. A city ordinance contains the legal authority, pollutant limitations, and reporting requirements and, is needed to implement the pretreatment program required under the federal regulation 40 CFR 403, effective October 14, 2005.

Costs to adopt the ordinance are spread over 5 years. After the ordinances are adopted, cities are expected to benefit from an annual cost savings as predicted under the federal rule and in this fiscal note. The cost of compliance after adoption of a pretreatment ordinance, in the aggregate, after 2017, over the life of the rule, is \$0, having met the requirements under 40 CFR 403, effective October 14, 2009.

Cost savings realized after implementation of ordinance

A cost savings was predicted in the federal rule making at 70FR 60187 and 60188.

This fiscal note provides estimated cost savings to public entities for implementing the new rule, 10 CSR 20-6.100. The public entities affected are the forty-three (43 cities) having Publically Owned Treatment Works (POTWs) with approved pretreatment ordinances. A city's approved pretreatment ordinance contains the legal authority, pollutant limitations, and reporting requirements to implement the pretreatment program requirements under the federal regulation 40 CFR 403, effective October 14, 2005.

The federal rulemaking did consider the savings to the city with implementation of the pretreatment ordinance. The cost estimate to the cities (POTWs) is a one-time cost to prepare and adopt a pretreatment ordinance. After the ordinances are adopted, cities are expected to benefit from an annual cost savings. The cost of compliance in the aggregate, after 2017, over the life of the rule is \$0, having met the requirements under 40 CFR 403, effective October 14, 2009.

A cost savings was predicted in the federal rule making at 70FR 60187 and 60188.

Statements explaining the spreadsheet totals

- one time cost to the Department to review and approve the city pretreatment ordinances is \$48,233
- one time cost to the Cities (POTWs) to prepare and submit the pretreatment ordinance is \$338,834
- 2013 through 2017, the total savings to the Cities as a result of changes, assuming reduced monitoring and analysis, is \$271,930
- cost of compliance for the POTWs is a total of \$66,904 from 2013 through 2017
- the average savings to each city after adoption of the ordinance each year is \$2,472 = \$106,300/43 cities (POTWs)
- assuming all ordinances have been adopted through 2017, the cost of compliance is zero over the life of the rule under this specific federal rule change

Statements explaining the cost of the ordinance per city based on the spreadsheet totals

- the average cost of an ordinance is \$7,879.86 or, \$338,834/43 cities (POTWs) without savings

Summary --

This rule requires a one time cost of compliance by the Missouri Department of Natural Resources and the 43 cities or political subdivisions with pretreatment ordinances, of \$115,136, in the aggregate, over a five year period from 2013 through 2017. Cost savings to the cities occur after the adoption, implementation and approval of the pretreatment ordinances.

FISCAL NOTE

PRIVATE COST

I. RULE NUMBER

| | |
|----------------------|---|
| Rule Number and Name | 10 CSR 20-6.100 General Pre-treatment Regulations |
| Type of Rulemaking | New Rule |

II. SUMMARY OF FISCAL IMPACT

| Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule: | Classification by types of the business entities which would likely be affected: (NAICS code) | Estimate in the aggregate as to the cost of compliance with the rule by the affected entities: |
|--|--|--|
| 156 | Metal Finishing (subsectors 332, 333, 334, 335) | Savings \$113,123 |
| 31 | Electroplating (332813, 334412) | Savings \$22,480 |
| 28 | Pharmaceutical (325411, 325412) | Savings \$20,304 |
| 18 | Soap, Detergent (325611) | Savings \$13,053 |
| 14 | Organic Chemicals (subsectors in 325) | Savings \$10,152 |
| 10 | Metal Casting (subsectors in 331) | Savings \$7,251 |
| 85 | Various other categorical industries, examples: Electric utilities, metal forming, leather, porcelain, paper manufacturer | Savings \$61,637 |
| Subtotal 342 | Categorical industries, subject to federal limitations. | --- |
| Total 228 | Various non-categorical significant industrial users, examples: Hospitals Food Processing Industries | Cost of Compliance = 0 Savings in the aggregate = 0 (Not affected by the new rule) |
| Total 570 | | Cost of Compliance = 0 Savings in the aggregate over the life of the rule = \$248,000 |

This fiscal note will estimate the cost savings to all private entities. Private entities affected by the pretreatment rules currently the are three hundred forty-two (342) of the total five hundred seventy (570) regulated industries that discharge industrial wastewater into the sewer system.

A cost savings is predicted in the federal rule making. A federal cost analysis used to measure the fiscal impact to all states, including the Missouri industrial users, was published in the Federal Register at 70 FR 60187-60188. The federal register publication is available at:

http://www.epa.gov/npdes/regulations/streamlining_fr_notice.pdf

This cost savings is largely attributed to two changes to the federal rule. First, there are reduced monitoring and reporting requirements for new classifications of industrial users, a Nonsignificant Categorical Industrial User, and a Middle-Tier Categorical Industrial User. Second, the sampling and analysis for pollutants in the categorical limitations can be eliminated if the pollutants are not present and are not suspected to be present. These cost savings to Missouri industrial users will be realized after cities with approved pretreatment programs revise their ordinances and issues permits incorporating the changes. Cost savings may realized by the 342 categorical industrial users subject to federal pollutant limitations in 40 CFR 405 to 471 under the new classifications, Non-significant Categorical Industrial User and the Middle-Tier Categorical Industrial User or, if the pollutants are not expected to be present under these less restrictive provisions. In the above table the cost savings are equally distributed among the types of business entities that are subject to categorical limitations.

III. Worksheet

Federal regulation, 40 CFR 40 *General Pretreatment Regulations for Existing and New Sources of Pollution*, is used as a basis for this private fiscal note.

The total private and public fiscal costs were calculated in the adoption of the federal rule, 40 CRR 403. Applied nationally, the annual cost savings were estimated to be \$10.1million dollars (in 2005 dollars).

For the purposes of this fiscal note, a 3% inflation rate is applied annually over six years, 2005 through 2011, the federal cost savings are as follows:

$$10.1 * (1.03)^6 = 12.06$$

The total annual cost savings is \$12.06 million for the federal rule, nationwide.

Next, the cost savings was calculated for the State of Missouri, adjusting for the number of Publically Owned Treatment Works (POTWs or cities) with approved pretreatment programs, compared to the number of POTWs considered in the development of the federal rule. There were 1,464 POTWs cited in the Federal Register notification, and there were 43 POTWs in Missouri in 2009.

$$\$12.06 \text{ Million} / 1464 * 43 = \$354,219$$

Therefore, \$354,000 annually will be saved in the State of Missouri by implementing the pretreatment rule changes.

The private cost in this fiscal note is an annual cost savings of the total private and public costs as presented in the federal rule.

$$\$354,000 \times 0.70 = \$248,000 \text{ (0.70 represents the private cost estimate in the federal rule)}$$

\$248,000 in the aggregate will be saved by private industries in the State of Missouri when the new rule is fully implemented.

There will be a transition period as cities revised their ordinances in order to implement the new rule. The total cost savings expected after 2017, as indicated above, are based on the assumption that cities will adopt new ordinances within five years.

IV. Assumptions

The cost analysis for the adoption of the federal rule 40 CFR 403 can be found in the Federal Register at 70 FR 60187 and Table 1 at 70 FR 60188. The federal analysis is assumed to be an accurate estimate of the expected annual costs attributed to the adoption of this federal rule. The cost analysis was not broken down into manhours and job classification because this information is not available.

An annual inflation rate of 3% is applied for 6 years since 2005, the year the federal rule was adopted. This value is consistent with the inflation rate used in the public fiscal note.

There were 43 cities with approved and active pretreatment programs. This is based on the 2009 annual pretreatment reports from the cities, which were reviewed in the development of this rule. There were 1,464 Publically-Owned Treatment Works (POTWs or cities) considered in the development of the federal rule. The savings here are assumed to be proportional to the number of cities with active pretreatment programs, as compared to the national number of all cities considered in development of the federal rule.

The footnotes in Table 1 at 70 FR 60188 in the federal rule contain information on the costs attributed to private entities. A thorough breakdown of the cost to private entities is not available. It is assumed a 70% cost savings will be realized by private entities. For instance, where sampling and analysis can be reduced for the Non-Significant Categorical Industrial User under this rule, one sampling event for a city may be eliminated and two sampling events for the industrial user may be eliminated. In this 2 to 1 ratio, the private costs savings would be 70%.

For the purpose of this fiscal note estimate cost savings were equally distributed among the types of business entities that are subject to categorical limitations.

This proposed rule will not cost private entities more than \$500.00 in the aggregate. Cost savings occur over the life of the rule. These cost savings are realized after cities with approved pretreatment programs revise their ordinances and issue the permits incorporating the required changes.

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

**Division 100—Insurer Conduct
Chapter 5—Health Care Consumer Procedures**

PROPOSED AMENDMENT

20 CSR 100-5.020 Grievance Review Procedures. The division is adding new sections (2), (7)–(9), and (15)–(17); amending old sections (6), (7), (9), and (10); and renumbering as needed.

PURPOSE: This amendment sets forth with greater specificity the procedures by which the department will process a grievance concerning an adverse determination by a health carrier or its designee for a health plan that has a managed care component, to comply with federal standards. This rule is promulgated pursuant to section 376.1399, RSMo, and implements section 376.1387, RSMo.

(2) As used in this rule, “enrollee’s representative” or “representative” means—

(A) A person to whom an enrollee has given express written consent to represent the enrollee in an external review;

(B) A person authorized by law to provide substituted consent for an enrollee; or

(C) A family member of the enrollee or the enrollee’s treating health care professional only when the enrollee is unable to provide consent.

[(2)](3) When a health carrier, as defined by section 376.1350(22), RSMo, or their designee utilization review organization issues an adverse determination, as defined by section 376.1350(1), RSMo, to an enrollee in a health plan that has a managed care component, the enrollee or his/her representative may file a grievance with the director without exhausting all remedies available under the carrier’s grievance process. Medicaid participants also may use the division’s grievance process in an effort to resolve an adverse determination; however, the director may not have the authority to issue an order in such cases.

[(3)](4) A health carrier or plan sponsor also may file a grievance with the director concerning an adverse determination.

[(4)](5) A grievance will be processed by the division as any other consumer complaint. The division will assign the grievance a file number. The division will send an inquiry to the health carrier (or party) which is complained against requesting the health carrier (or party) to respond in writing with their position and all supporting documentation concerning the matter grieved. The division will attempt to resolve the issue with the health carrier (or party).

[(5)](6) If the director determines a grievance is unresolved after completion of the division’s consumer complaint process, the director shall refer the unresolved grievance to an independent review organization (IRO). An unresolved grievance shall include a difference of opinion between a treating health care professional and the health carrier concerning the medical necessity, appropriateness, health care setting, level of care, or effectiveness of a health care service.

(7) The director shall seek the services of an IRO(s) by competitive bid pursuant to Chapter 34, RSMo. Any IRO selected through the competitive bid process shall be accredited by a nationally recognized private accrediting organization. The department shall maintain a current list of IROs under contract with the department on its website.

(8) An IRO shall maintain written policies and procedures gov-

erning all aspects of the external review process that include a quality assurance mechanism that, at a minimum—

(A) Ensures the selection of qualified and impartial clinical peers to conduct external reviews on behalf of the IRO;

(B) Ensures assignment of clinical peers to specific cases related to their area(s) of expertise;

(C) Ensures that the IRO employs or contracts with an adequate number of clinical peers to meet the foregoing objectives;

(D) Ensures that external reviews are conducted within the specified time frames and required notices are provided in a timely manner;

(E) Ensures the confidentiality of medical and treatment records and clinical review criteria; and

(F) Ensures that any person employed by or under contract with the IRO adheres to the requirements of subsections (D) and (E).

(9) An IRO may not own or control, be a subsidiary of, or in any way be owned or controlled by, or exercise control with a health carrier; a national, state, or local trade association of health carriers; or a national, state, or local trade association of health care providers. Neither the IRO selected to conduct the external review nor the clinical peer assigned by the IRO to conduct the external review may have a material, professional, familial, or financial conflict of interest with any of the following:

(A) The health carrier that is the subject of the external review;

(B) The enrollee whose treatment is the subject of the external review or the enrollee’s authorized representative;

(C) Any officer, director, or management employee of the health carrier that is the subject of the external review;

(D) The health care provider, the health care provider’s medical group, or independent practice association recommending the health care service or treatment that is the subject of the external review;

(E) The facility at which the recommended health care service or treatment would be provided, if known; or

(F) The developer or manufacturer of the principal drug, device, procedure, or other therapy being recommended for the enrollee whose treatment is the subject of the external review.

[(6)](10) The director will provide the IRO and [upon request] the enrollee, enrollee’s representative, or health carrier copies of all medical records and any other relevant documents which the division has received from any party. The enrollee, enrollee’s representative, and health carrier may review all the information submitted to the IRO for consideration.

[(7)](11) The enrollee, enrollee’s representative, or health carrier may also submit additional information to the division which the division shall forward to the IRO. All additional information must be received by the division. If an enrollee, enrollee’s representative, or health carrier has information which contradicts information already provided the IRO, they should provide it as additional information. All additional information should be received by the division within fifteen (15) working days from the date the division mailed that party copies of the information provided the IRO. An envelope’s postmark shall determine the date of mailing. Information may be submitted to the division by means other than mail if it is in writing, typeset, or easily transferred into typeset by the division’s technology and a date of transmission is easily determined by the division. **Any additional information submitted by the enrollee or the enrollee’s representative shall be reviewed by the IRO when conducting the external review.** At the director’s discretion, additional information which is received past the fifteen (15) working-day deadline may be submitted to the IRO.

[(8)](12) The IRO shall request from the division any additional information it wants. The division shall gather the requested information

from an enrollee, enrollee's representative or health carrier or other appropriate entity and provide it to the IRO. If the division is unable to obtain the requested information, the IRO shall base its opinion on the information already provided.

[(9)](13) Within twenty (20) calendar days of *[receiving all material]* the receipt of the request for external review, the IRO shall submit to the director its opinion of the issues reviewed. *[[f]]* Under exceptional circumstances, if the IRO requires additional time to complete its review, it should request in writing from the director an extension in the time to process the review, not to exceed five (5) calendar days. Such a request should include the reasons for the request and a specific time at which the review is expected to be complete.

[(10)](14) After the director receives the IRO's opinion, the director shall issue a decision which shall be binding upon the enrollee and the health carrier. The director's decision shall be in writing and must be provided to the enrollee and health carrier within twenty-five (25) calendar days of receiving the IRO's opinion. In no event shall the time between the date the IRO receives the request for external review and the date the enrollee and the health carrier are notified of the director's decision be longer than forty-five (45) days.

(15) An enrollee or enrollee's representative or health carrier may request an expedited external review if the adverse determination—

(A) Concerns an admission, availability of care, continued stay, or health care service for which the enrollee received emergency services, but has not been discharged from a facility; or

(B) Involves a medical condition for which the delay occasioned by the standard external review time frame would jeopardize the life or health of the enrollee or jeopardize the enrollee's prognosis or ability to regain maximum function.

(16) As expeditiously as possible after receipt of the request for expedited external review by the IRO, the IRO must issue its opinion as to whether the adverse determination should be upheld or reversed and submit its opinion to the director. As expeditiously as possible, but within no more than seventy-two (72) hours after the receipt of the request for expedited external review by the IRO, the director shall issue notice to the enrollee and the health carrier of the director's determination and may issue a decision to uphold or reverse the adverse determination. If the notice is not in writing, the director must provide the written decision within forty-eight (48) hours after the date of the notice of the determination.

(17) If a request for external review of an adverse determination involves a denial of coverage based on a determination that the health care service or treatment recommended or requested is experimental or investigational, the following additional requirements must be met:

(A) The IRO shall make a preliminary determination as to whether the recommended or requested health care service or treatment that is the subject of the adverse determination is a covered benefit under the person's health benefit plan except for the health carrier's determination that the service or treatment is experimental or investigational for a particular medical condition; and is not explicitly listed as an excluded benefit under the enrollee's health benefit plan with the health carrier.

(B) The request for external review of an adverse determination involving a denial of coverage based on a health carrier's determination that the health care service or treatment recommended or requested is experimental or investigational must include a certification from the enrollee's physician that—

1. Standard health care services or treatments have not been

effective in improving the condition of the enrollee; or

2. Standard health care services or treatments are not medically appropriate for the enrollee; or

3. There is no available standard health care service or treatment covered by the health carrier that is more beneficial than the recommended or requested health care service or treatment; and

4. The request for external review of an adverse determination involving the denial of coverage based on a determination that the requested treatment is experimental or investigational shall also include documentation a) that the enrollee's treating physician has recommended a health care service or treatment that the physician certifies, in writing, is likely to be more beneficial to the enrollee, in the physician's opinion, than any available standard health care services or treatments; or b) that the enrollee's treating physician, who is a licensed, board certified, or board-eligible physician qualified to practice in the area of medicine appropriate to treat the enrollee's condition, has certified in writing that scientifically valid studies using accepted protocols demonstrate that the health care service or treatment requested by the enrollee that is the subject of the adverse determination is likely to be more beneficial to the enrollee than any available standard health care services or treatments.

(C) When conducting such an external review, the IRO must select one (1) or more clinical peers, who must be physicians or other health care professionals who meet minimum qualifications and through clinical experience in the past three (3) years are experts in the treatment of the enrollee's condition and knowledgeable about the recommended or requested health care service or treatment. Each clinical peer shall provide a written opinion to the assigned IRO on whether the recommended or requested health care service or treatment should be covered.

(D) Each such clinical peer's opinion submitted to the IRO shall include the following information:

1. A description of the enrollee's medical condition;

2. A description of the indicators relevant to determining whether there is sufficient evidence to demonstrate that the recommended or requested health care service or treatment is more likely than not to be beneficial to the enrollee than any available standard health care services or treatments and the adverse risks of the recommended or requested health care service or treatment would not be substantially increased over those of available standard health care services or treatments;

3. A description and analysis of any medical or scientific evidence considered in reaching the opinion;

4. Information on whether the reviewer's rationale for the opinion is based upon whether the recommended or requested health care service or treatment has been approved by the federal Food and Drug Administration for the condition, or whether medical or scientific evidence or evidence-based standards demonstrate that the expected benefits of the recommended or requested health care service or treatment is more likely than not to be beneficial to the covered person than any available standard health care service or treatment and the adverse risks of the recommended or requested health care service or treatment would not substantially be increased over those of available standard health care services or treatments; and

5. A description and analysis of any evidence-based standard.

AUTHORITY: section[s] 376.1387, RSMo 2000, and sections 374.045 and 376.1399, RSMo Supp. [2007] 2010. Original rule filed Nov. 3, 1997, effective June 30, 1998. Amended: Filed Nov. 1, 2007, effective July 30, 2008. Emergency amendment filed Nov. 15, 2011, effective Jan. 1, 2012, expires June 28, 2012. Amended: Filed Nov. 15, 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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Insurance, Financial Institutions and Professional Registration, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for 9:30 a.m. on January 5, 2012. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri.

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Committee of Dietitians, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 751-3489, or via email at diet@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2115—State Committee of Dietitians
Chapter 1—General Rules**

PROPOSED AMENDMENT

20 CSR 2115-1.040 Fees. The committee is proposing to amend subsection (1)(C).

PURPOSE: The committee is statutorily obligated to enforce and administer the provisions of sections 324.200–324.228, RSMo. Pursuant to section 324.212, RSMo, the committee shall set by rule the appropriate amount of fees so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the committee for administering the provisions of sections 324.200–324.228, RSMo. Therefore, the committee is proposing to reduce the biennial renewal fee.

(1) The following fees are hereby established by the State Committee of Dietitians:

| | |
|--------------------------|----------------------------------|
| (C) Biennial Renewal Fee | \$/50.00 20.00 |
|--------------------------|----------------------------------|

AUTHORITY: section[s] 324.212.4, RSMo Supp. [2005] 2010, and section 324.228, RSMo 2000. This rule originally filed as 4 CSR 115-1.040. Original rule filed March 15, 2000, effective Sept. 30, 2000. Amended: Filed June 16, 2003, effective Dec. 30, 2003. Amended: Filed Jan. 17, 2006, effective July 30, 2006. Moved to 20 CSR 2115-1.040, effective Aug. 28, 2006. Emergency amendment filed Nov. 15, 2011, effective Dec. 20, 2011, expires June 16, 2012. Amended: Filed Nov. 15, 2011.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions approximately forty-five thousand dollars (\$45,000) biennially for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed amendment will save private entities approximately forty-five thousand dollars (\$45,000) biennially for the life of the rule. It is anticipated that the savings will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PUBLIC ENTITY FISCAL NOTE

I. RULE NUMBER

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

Division 2115 - State Committee of Dietitians

Chapter 1 - General Rules

Proposed Amendment to 20 CSR 2115-1.040 - Fees

Prepared November 15, 2011 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

| Affected Agency or Political Subdivision | Estimated Decrease of Revenue | |
|--|--|-----------------|
| State Committee of Dietitians | \$45,000 | |
| | Total Decrease in Revenue Biennially for the Life of the Rule | \$45,000 |

III. WORKSHEET

See Private Entity Fiscal Note

IV. ASSUMPTION

1. The total decrease in revenue is based on the cost savings reflected in the Private Entity Fiscal Note filed with this rule.
2. The committee utilizes a rolling five year financial analysis process to evaluate its fund balance, establish fee structure, and assess budgetary needs. The five year analysis is based on the projected revenue, expenses, and number of licensees.
3. It is anticipated that the total decrease in revenue will occur biennially for the life of the rule, may vary with inflation, and is expected to increase at the rate projected by the Legislative Oversight Committee.

Note: The committee is statutorily obligated to enforce and administer the provisions of sections 324.200-324.228, RSMo. Pursuant to section 324.212, RSMo, the committee shall set by rule the appropriate amount of fees so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the committee for administering the provisions of sections 324.200-324.228, RSMo. Therefore, the committee is proposing to reduce the biennial renewal fee.

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER**Title 20 -Department of Insurance, Financial Institutions and Professional Registration****Division 2115 - State Committee of Dietitians****Chapter 1 - General Rules****Proposed Amendment to 20 CSR 2115-1.040 - Fees**

Prepared November 15, 2011 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

| Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment: | Classification by type of the business entities which would likely be affected: | Estimated cost of compliance with the amendment by affected entities: |
|--|---|---|
| 1,500 | Biennial Renewal Fee (Renewal Fee Decrease @ \$30) | \$45,000 |
| | Estimated Biennial Cost Savings for the Life of the Rule | \$45,000 |

III. WORKSHEET

See Table Above

IV. ASSUMPTION

1. The above figures are based on FY09-FY10 actuals.
 2. It is anticipated that the total fiscal savings will occur biennially for the life of the rule, may vary with inflation, and is expected to increase at the rate projected by the Legislative Oversight Committee.
- Note: The committee is statutorily obligated to enforce and administer the provisions of sections 324.200-324.228, RSMo. Pursuant to section 324.212, RSMo, the committee shall set by rule the appropriate amount of fees so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the committee for administering the provisions of sections 324.200-324.228, RSMo. Therefore, the committee is proposing to reduce the biennial renewal fee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2115—State Committee of Dietitians
Chapter 2—Licensure Requirements**

PROPOSED AMENDMENT

20 CSR 2115-2.010 Application for Licensure/Grandfather Clause/Reciprocity. The committee is proposing to delete section (3) and renumber the remaining sections accordingly.

PURPOSE: This amendment removes language that implies an applicant does not have to be registered with the Commission on Dietetic Registration (CDR). The current language is a contradiction to section 324.210.3, RSMo, which does require an applicant to possess a current registration with the Commission on Dietetic Registration.

[(3) If the applicant is registered with the Commission on Dietetic Registration (CDR), the applicant shall submit a photocopy of his/her current registration card.]

[(4)](3) All applicants including applicants for licensure by reciprocity shall request that each state, United States territory, province, or country regulatory entity in which a license, certificate, registration, or permit as a licensed dietitian or similar title is held or has ever been held to submit verification of licensure, certification, registration, or permit directly to the committee. The verification shall include the type of license, registration, certification, or permit issued; the number; status; issue and expiration dates; information regarding any disciplinary action; method of licensure, registration, or certification; and the name and title of the person verifying the information with date and board seal.

[(5)](4) In order to file an application for licensure under section 324.210.4, RSMo, the grandfather clause, communication, such as a letter of intention, to apply for licensure pursuant to that provision shall have been postmarked no later than July 1, 2000. To complete the application process for licensure pursuant to section 324.210.4, RSMo, the information outlined in 20 CSR 2115-2.020 (grandfather clause) shall be submitted to the state committee within one (1) year of the effective date of this rule following the receipt of the letter of intent postmarked by July 1, 2000.

AUTHORITY: sections 324.210.4, 324.212, and 324.215, RSMo Supp. [2006] 2010, and section 324.228, RSMo 2000. This rule originally filed as 4 CSR 115-2.010. Original rule filed March 15, 2000, effective Sept. 30, 2000. Moved to 20 CSR 2115-2.010, effective Aug. 28, 2006. Amended: Filed Nov. 21, 2006, effective May 30, 2007. Amended: Filed Nov. 15, 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 the Committee of Dietitians, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 751-3489, or via email at diet@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2115—State Committee of Dietitians
Chapter 2—Licensure Requirements**

PROPOSED AMENDMENT

20 CSR 2115-2.020 Qualifications for Licensure. The committee is proposing to amend subsection (1)(A).

PURPOSE: This amendment removes language that implies an applicant does not have to be registered with the Commission on Dietetic Registration (CDR). The current language is a contradiction to section 324.210.3, RSMo, which does require an applicant to possess a current registration with the Commission on Dietetic Registration.

(1) Any person applying for licensure, except those applying for licensure under section 324.210.4, RSMo, (grandfather clause) shall[/:]—

(A) Submit a photocopy of current registration card or other verification, as approved by the committee, from the Commission on Dietetic Registration (CDR) that the applicant is currently registered; [or] and

AUTHORITY: section[s] 324.210, RSMo Supp. 2010, and section 324.228, RSMo [Supp. 1999] 2000. This rule originally filed as 4 CSR 115-2.020. Original rule filed March 15, 2000, effective Sept. 30, 2000. Moved to 20 CSR 2115-2.020, effective Aug. 28, 2006. Amended: Filed Nov. 15, 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 the Committee of Dietitians, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 751-3489, or via email at diet@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2115—State Committee of Dietitians
Chapter 2—Licensure Requirements**

PROPOSED AMENDMENT

20 CSR 2115-2.040 License Renewal. The committee is proposing to add section (5).

PURPOSE: This amendment clarifies that all applicants for licensure renewal need to be registered with the Commission on Dietetic Registration pursuant to section 324.210.3, RSMo.

(5) Applicants for renewal shall be required to provide proof from the Commission on Dietetic Registration (CDR) that the licensee has a current registration with CDR.

AUTHORITY: section[s] 324.212, RSMo Supp. 2010, and section 324.228, RSMo [Supp. 1999] 2000. This rule originally filed as 4 CSR 115-2.040. Original rule filed March 15, 2000, effective Sept. 30, 2000. Moved to 20 CSR 2115-2.040, effective Aug. 28, 2006.

Amended: Filed Nov. 15, 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 the Committee of Dietitians, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 751-3489, or via email at diet@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

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

**Division 2115—State Committee of Dietitians
Chapter 2—Licensure Requirements**

PROPOSED AMENDMENT

20 CSR 2115-2.045 Inactive Status. The committee is proposing to amend section (5).

PURPOSE: *This amendment removes the time frame set for inactive licenses and clarifies that inactive licensees need to be registered with the Commission on Dietetic Registration pursuant to section 324.210.3, RSMo, before their license can be returned to active status.*

(5) In addition to the requirements set forth in section (4) above, a licensee whose license is inactive *[for four (4) years or more]* shall be required to provide proof from the Commission on Dietetic Registration (CDR) that the **inactive** licensee has a current registration prior to returning the license to active status.

AUTHORITY: *sections 324.210 and 324.216, RSMo Supp. [2005] 2010. This rule originally filed as 4 CSR 2115-2.045. Original rule filed Jan. 17, 2006, effective July 30, 2006. Moved to 20 CSR 2115-2.045, effective Aug. 28, 2006. Amended: Filed Nov. 15, 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 the Committee of Dietitians, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 751-3489, or via email at diet@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

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

**Division 2233—State Committee of Marital and
Family Therapists
Chapter 1—General Rules**

PROPOSED AMENDMENT

20 CSR 2233-1.010 Committee Information—General Organization. The committee is proposing to amend sections (1) and (4).

PURPOSE: *This amendment adds provisional licensed marital and family therapists (PLMFT) to the list of licensed professionals that are regulated by the State Committee of Marital and Family Therapists. This amendment is being proposed in order to be consistent with changes made to sections 337.700–337.739, RSMo, as enacted by House Bill 2226 (2010).*

(1) The purpose of the state committee is to advise the division on the regulation of the practice of marital and family therapy concerning the health, safety, and welfare of the inhabitants of this state; to protect the inhabitants of this state from harm through the dangerous, dishonest, incompetent, or the unlawful practice of marital and family therapy and to assist the division in implementing and sustaining a system for the examination and regulation of **licensed marital and family therapists, [and marital and family therapists under supervision for licensure (hereinafter referred to as supervised-marital and family therapist (S-MFT))] provisional licensed marital and family therapists, and supervised marital and family therapists (S-MFT).**

(4) State committee meetings will generally consist of receiving applications, interviewing applicants, investigating complaints and inquiries, determining disciplinary actions regarding licensed marital and family therapists, **provisional licensed marital and family therapists, and supervised marital and family therapists**, and making recommendations to the division concerning state committee matters.

AUTHORITY: *sections 337.700 and 337.727.1(10), RSMo Supp. [1997] 2010. This rule originally filed as 4 CSR 233-1.010. Original rule filed Dec. 31, 1997, effective July 30, 1998. Moved to 20 CSR 2233-1.010, effective Aug. 28, 2006. Amended: Filed Nov. 15, 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 the State Committee of Marital and Family Therapists, Loree Kessler, Executive Director, PO Box 1335, Jefferson City, MO 65102, by faxing comments to (573) 751-0735, or by emailing comments to maritalfam@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

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

**Division 2233—State Committee of Marital and
Family Therapists
Chapter 1—General Rules**

PROPOSED AMENDMENT

20 CSR 2233-1.030 Complaint Handling and Disposition. The committee is proposing to amend sections (1), (3), and (5)–(7).

PURPOSE: *This amendment adds provisional licensed marital and family therapists (PLMFT) to the list of professionals that are regulated by the State Committee of Marital and Family Therapists. This amendment is being proposed in order to be consistent with changes*

made to sections 337.700–337.739, RSMo, as enacted by House Bill 2226 (2010).

(1) The [Division of Professional Registration, in coordination with the] State Committee of Marital and Family Therapists[,] will receive and process each complaint made against any licensed marital and family therapist (LMFT), provisional licensed marital and family therapist (PLMT), supervised-/marital and family therapist (S-MFT), applicant for licensure or supervision, or unlicensed individual or entity, in which the complaint alleges certain acts or practices may constitute one (1) or more violations of the provisions of sections 337.700–337.739, RSMo [Cum. Supp. 1997] or the administrative rules. No member of the State Committee of Marital and Family Therapists may file a complaint with the division or state committee while holding that office, unless that member is excused from further state committee deliberation or activity concerning the matters alleged within that complaint. Any division staff member or the state committee may file a complaint pursuant to this rule in the same manner as any member of the public.

(3) All complaints shall be made in writing and shall fully identify the complainant by name and address. Verbal or telephone communications [shall not] may be considered or processed as complaints, however, the person making such communication shall be asked to supplement the communication with a written complaint. Individuals with special needs as addressed by the Americans with Disabilities Act may notify the state committee office at (573) 751-0870 for assistance. The TTY number for the hearing impaired is (800) 735-2966 through Relay Missouri and (800) 735-2466 through Voice Relay Missouri.

(5) Each complaint received under this rule shall be acknowledged in writing. The complainant and [licensee] complaint respondent shall be notified of the ultimate disposition of the complaint.

(6) This rule shall not be deemed to limit the authority of the state committee or division to file a complaint with the Administrative Hearing Commission charging a [licensee] LMFT, PLMFT, or S-MFT with any actionable conduct or violation, whether or not such a complaint exceeds the scope of the acts charged in a preliminary public complaint filed with the state committee and whether or not any public complaint has been filed with the state committee.

(7) The division and state committee interpret/s] this rule, which is required by law, to exist for the benefit of those members of the public who submit complaints to the state committee. This rule is not deemed to protect, or inure to the benefit of those [licensees] LMFs, PLMFTs, S-MFTs, or other persons against whom the state committee has instituted or may institute administrative or judicial proceedings concerning possible violations of the provisions of sections 337.700–337.739, RSMo [Cum. Supp. 1997].

AUTHORITY: sections 337.700 and 337.727.1(7) and (10), RSMo Supp. [1997] 2010. This rule originally filed as 4 CSR 233-1.030. Original rule filed Dec. 31, 1997, effective July 30, 1998. Moved to 20 CSR 2233-1.030, effective Aug. 28, 2006. Amended: Filed Nov. 15, 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 the State Committee of Marital and Family Therapists, Loree Kessler, Executive Director, PO Box 1335, Jefferson City, MO 65102, by fax-

ing comments to (573) 751-0735, or by emailing comments to maritalfam@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2233—State Committee of Marital and Family
Therapists
Chapter 1—General Rules
PROPOSED AMENDMENT**

20 CSR 2233-1.040 Fees. The state committee is proposing to amend subsection (1)(C).

PURPOSE: The State Committee of Marital and Family Therapists is statutorily obligated to enforce and administer the provisions of sections 337.700 to 337.739, RSMo. Pursuant to section 337.712, RSMo, the committee shall by rule and regulation set the amount of fees authorized by sections 337.700 to 337.739, RSMo, so that the revenue shall not substantially exceed the cost and expense of administering the provisions of sections 337.700 to 337.739, RSMo. Based on the state committee’s five (5)-year projections, the state committee finds it necessary to reduce fees.

(1) The following fees are established by the Division of Professional Registration and are payable in the form of a cashier’s check, personal check, or money order:

| | |
|---|----------------------------|
| (C) Biennial License Renewal Fee | [\$225.00] \$125.00 |
| and in addition— | |
| 1. One day to sixty (1–60) days late (an additional) | \$ 75.00 |
| 2. Sixty-one (61) days to two (2) years late (an additional) | \$100.00 |

AUTHORITY: sections 337.712], RSMo Supp. 2004] and 337.727, RSMo [2000] Supp. 2010. This rule originally filed as 4 CSR 233-1.040. Original rule filed Dec. 31, 1997, effective July 30, 1998. Amended: Filed May 22, 2001, effective Nov. 30, 2001. Amended: Filed Feb. 15, 2005, effective Aug. 30, 2005. Moved to 20 CSR 2233-1.040, effective Aug. 28, 2006. Emergency amendment filed Nov. 15, 2011, effective Nov. 25, 2011, expires May 22, 2012. Amended: Filed Nov. 15, 2011.

PUBLIC COST: This proposed amendment will cost state agencies approximately sixteen thousand dollars (\$16,000) biennially for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed amendment will save private entities approximately sixteen thousand dollars (\$16,000) biennially for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with State Committee of Marital and Family Therapists, Loree Kessler, Executive Director, PO Box 1335, Jefferson City, MO 65102, by faxing comments to (573) 751-0735, or by emailing comments to maritalfam@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

PUBLIC FISCAL NOTE

I. RULE NUMBER**Title 20 -Department of Insurance, Financial Institutions and Professional Registration****Division 2233 - State Committee of Marital and Family Therapists****Chapter 1 - General Rules****Proposed Amendment to 20 CSR 2233-1.040 Fees**

Prepared November 14, 2011 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT**Estimated Fiscal Impact**

| Affected Agency or Political Subdivision | Estimated Cost of Compliance | |
|--|--|--------------------|
| State Committee of Marital and Family Therapists | \$16,000.00 | |
| | Total Decrease in Revenue Biennially for the Life of the Rule | \$16,000.00 |

III. WORKSHEET

See Private Entity Fiscal Note

IV. ASSUMPTION

1. The committee utilizes a rolling five year financial analysis process to evaluate its fund balance, establish fee structure, and assess budgetary needs. The five year analysis is based on the projected revenue, expenses, and number of licensees. Based on the board's recent five year analysis, the committee voted on a \$100 reduction in renewal fees.
2. It is anticipated that the total decrease in revenue will occur for the life of the rule, may vary with inflation, and is expected to increase at the rate projected by the Legislative Oversight Committee.

Note: The committee is statutorily obligated to enforce and administer the provisions of sections 337.700 to 337.739, RSMo. Pursuant to Section 337.712, RSMo, the committee shall by rule set the amount of fees authorized by sections 337.700 to 337.739, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the committee for administering the provisions of sections 337.700 to 337.739, RSMo.

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 -Department of Insurance, Financial Institutions and Professional Registration
Division 2233 - State Committee of Marital and Family Therapists
Chapter 1 - General Rules
Proposed Amendment to 20 CSR 2233-1.040 Fees
 Prepared November 14, 2011 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

| Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment: | Classification by type of the business entities which would likely be affected: | Estimated cost of compliance with the amendment by affected entities: |
|---|--|--|
| 160 | Renewal Fee (Renewal Fee Decrease @ \$100) | \$16,000.00 |
| | Estimated Biennial Savings for the Life of the Rule | \$16,000.00 |

IV. ASSUMPTION

1. The above figures are based on FY08-FY10 actuals.
2. It is anticipated that the total fiscal savings will occur for the life of the rule, may vary with inflation, and is expected to increase at the rate projected by the Legislative Oversight Committee.

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

**Division 2233—State Committee of Marital and
Family Therapists
Chapter 1—General Rules**

PROPOSED AMENDMENT

20 CSR 2233-1.050 Name and Address Changes. The committee is proposing to amend sections (1)–(4).

PURPOSE: This amendment adds provisional licensed marital and family therapists (PLMFT) to the list of professionals that are regulated by the State Committee of Marital and Family Therapists. This amendment is being proposed in order to be consistent with changes made to sections 337.700–337.739, RSMo, as enacted by House Bill 2226 (2010).

(1) A licensed marital and family therapist, **provisional licensed marital and family therapist**, or a supervised[-]/marital and family therapist *[(S-MFT)]* shall ensure the division has the current legal name and address of the *[licensee]* **licensed marital and family therapist, provisional licensed marital and family therapist, or [S-MFT] supervised marital and family therapist.**

(2) A licensed marital and family therapist, **provisional licensed marital and family therapist**, or *[S-MFT] supervised marital and family therapist* whose name is changed by marriage or court order shall notify the division within thirty (30) days of the name change and provide a copy of the appropriate document verifying the name change.

(3) A licensed marital and family therapist, **provisional licensed marital and family therapist**, or *[S-MFT] supervised marital and family therapist* whose address has changed shall inform the division of the address changes by sending a letter to the state committee's office within thirty (30) days of the effective date of the change.

(4) Failure of a **licensed marital and family therapist** to receive the notice and application to renew a license shall not excuse the *[licensee]* **licensed marital and family therapist** from the requirement of section 337.712.2, RSMo *[Cum. Supp. 1997]*.

AUTHORITY: sections 337.700 and 337.727.1(1) and (10), RSMo Supp. [1997] 2010. This rule originally filed as 4 CSR 233-1.050. Original rule filed Dec. 31, 1997, effective July 30, 1998. Moved to 20 CSR 2233-1.050, effective Aug. 28, 2006. Amended: Filed Nov. 15, 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 State Committee of Marital and Family Therapists, Loree Kessler, Executive Director, PO Box 1335, Jefferson City, MO 65102, by faxing comments to (573) 751-0735, or by emailing comments to maritalfam@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

**Division 2233—State Committee of Marital and
Family Therapists
Chapter 2—Licensure Requirements**

PROPOSED AMENDMENT

20 CSR 2233-2.020 Supervised Marital and Family Work Experience. The committee is proposing to amend sections (2), (3), and (9)–(14). They are also proposing to add a new section (15) and renumber the last section accordingly.

PURPOSE: This amendment adds provisional licensed marital and family therapists (PLMFT) to the list of professionals that are regulated by the State Committee of Marital and Family Therapists. This amendment is being proposed in order to be consistent with changes made to sections 337.700–337.739, RSMo, as enacted by House Bill 2226 (2010).

(2) Supervision shall be registered on a form provided by the state committee and accompanied by the required fee,*/* and include a background check as defined in 20 CSR 2233-2.020(2)(A). Supervised experience in marital and family therapy shall be considered effective the date the application **and fee** is received in the state committee office and contingent upon the state committee's approval. For the purpose of supervision, the results of a background check shall be valid for two (2) years.

(B) A **provisional licensed marital and family therapist (PLMFT)** or supervised-marital and family therapist (S-MFT) shall notify the *[division]* **state committee** within fifteen (15) days of changing supervisors or settings by filing a change of supervision form and paying the fee as defined in 20 CSR 2233-1.040(1)(J). The change of supervision shall be effective the date the change of supervision form is received in the state committee office and contingent upon the state committee's approval.

(3) An application for supervised marital and family therapy experience or a change in the supervisory experience shall be reviewed and approved by the state committee, and the applicant shall be informed, in writing, of the state committee's decision.

(A) A **provisional license issued to an applicant with a master's degree in compliance with 20 CSR 2233-2.010 shall be valid for at least two (2) years from the date of issuance and shall be deemed valid until the expiration date of the license or upon termination of supervision, whichever occurs first or unless the license is disciplined by the state committee. Upon request, the state committee may extend a provisional license for good cause at the discretion of the state committee. A written request, outlining the reason(s) for the extension, shall be submitted to the state committee prior to the expiration date of the provisional license.**

(9) The characteristics of acceptable supervision shall include in no more than sixty (60) calendar months:

(B) A minimum fifteen hundred (1,500) hours of the three thousand (3,000) hours of supervised experience in marital and family therapy shall be direct client contact.

1. For the purpose of these rules, direct client contact shall be defined as face-to-face interaction between the client and **PLMFT or S-MFT** in the same room; and

(C) A minimum of twenty-four (24) calendar months of supervised experience. The **PLMFT or S-MFT** must obtain at least fifteen (15) hours of supervised experience within a calendar month in order for the experience to be considered by the state committee and must be in compliance with 20 CSR 2233-2.020(1), (2), (4), or (5) or (6), (7), and (8); and

(D) A minimum of two (2) hours every two (2) weeks or one (1) hour every week of individual face-to-face supervision with the registered supervisor. For the purpose of this regulation an hour of individual face-to-face supervision shall be defined as fifty (50) continuous minutes and two (2) hours shall be defined as no less than one hundred (100) continuous minutes with the registered supervisor and supervised marital and family therapist or provisional licensed marital and family therapist in the same physical space.

1. At least half of the supervision shall be individual face-to-face supervision which may consist of no more than two (2) PLMFTs or S-MFTs meeting with the registered supervisor.

2. The remaining supervision may be group supervision. For the purpose of this rule, group supervision may consist of at least three (3) and no more than six (6) PLMFTs or S-MFTs or combination thereof.

3. The PLMFT or S-MFT must complete a minimum of two hundred (200) hours of supervision, at least half of which one hundred (100) hours must be in individual face-to-face supervision.

4. The use of electronic communication is not acceptable for meeting face-to-face supervision requirements of this rule unless the communication is verbally and visually interactive between the supervisor and PLMFT or S-MFT; and

(E) The services provided by a[n] PLMFT or S-MFT shall be performed under the registered supervisor's full order, control, oversight, and guidance. The PLMFT or S-MFT shall remain under the supervision until licensed as a marital and family therapist.

1. A[n] PLMFT or S-MFT shall not engage in independent, private practice and shall not offer therapy from any office that is not affiliated with a mental health group, practice, mental health agency, mental health clinic, school, or hospital.

2. A[n] PLMFT or S-MFT shall not engage in marketing or advertising services without including the name and license number of the registered supervisor.

3. A[n] PLMFT or S-MFT shall not bill clients for therapeutic services. Billing and remuneration for marital and family therapy provided by the PLMFT or S-MFT shall be facilitated by the organization employing or affiliated with the PLMFT, S-MFT, or the registered supervisor.

4. While receiving licensure supervision and providing marital and family therapy as defined in section 337.700(7), RSMo, or representing themselves as a PLMFT, a provisional licensed marital and family therapist shall use one (1) of the following terms: PLMFT or provisional licensed marital and family therapist.

4.15. A [therapist] person shall use one (1) of the following terms while under supervision for licensure and not provisionally licensed: S-MFT[,] or supervised marital and family therapist.

4.16. The registered supervisor shall read and cosign all written reports, to include their license number, including treatment plans and progress notes prepared by the PLMFT or S-MFT. If the setting prohibits the cosign/signing of reports, it shall be the responsibility of the PLMFT or S-MFT to document that written reports, to include treatment plans and progress notes, have been reviewed by the registered supervisor; and

(F) Effective August 28, 2008, a[n] S-MFT shall demonstrate supervision of diagnosis as a core component of the postgraduate supervised experience. 20 CSR 2233-2.020(9)(F) shall not apply to individuals with an application for supervision or licensure filed with the state committee prior to August 28, 2008[.]; and

(G) Effective August 28, 2010, a PLMFT shall demonstrate supervision of diagnosis as a core component of the postgraduate supervised experience.

(10) The supervisor and [applicant] PLMFT or S-MFT shall be employed by or affiliated by contract with the same professional setting and the professional setting shall not include private practice in which the PLMFT or S-MFT operates, manages, or has an owner-

ship interest in the private practice.

(11) During the period of supervised experience in marital and family therapy, the PLMFT or S-MFT shall inform the client that the PLMFT or S-MFT is under supervision for licensure, along with the name and address and license number of the registered supervisor.

(12) Within two (2) months of completing supervision as defined in this rule, the PLMFT or S-MFT shall submit an application for licensure. Any PLMFT or S-MFT who does not apply for licensure within that period of time shall be prohibited from providing services pursuant to section 337.700(7), RSMo.

(13) For individuals applying for supervised experience in marital and family therapy on the basis of a doctoral or specialist's degree in marriage and family therapy or a mental health discipline as defined in 20 CSR 2233-2.010(1)(A) or (B) or based upon thirty (30) graduate hours of post-master's course work in marital and family therapy or a mental health discipline as defined in 20 CSR 2233-2.010(1)(A) or (B), additional supervised experience in marital and family therapy shall include the following to be completed in no more than twenty-four (24) calendar months:

(C) A minimum of twelve (12) calendar months of supervised experience. The PLMFT or S-MFT must obtain at least fifteen (15) hours of supervised experience within a calendar month in order for the experience to be considered by the state committee and must be in compliance with 20 CSR 2233-2.020(10), (11), and (12); and

(D) The state committee may grant credit for up to twelve (12) months and fifteen hundred (1,500) hours of supervised clinical experience as part of the specialist's or doctoral [program] degree or thirty (30) post master's graduate hours of study in marital and family therapy or a mental health discipline as defined in 20 CSR 2233-2.010(1)(A) or (B). In order to complete the requirement, the applicant shall obtain supervised experience in marital and family therapy pursuant to 20 CSR 2233-2.020(13)(A)[.]; and

(E) A provisional license issued to an applicant with thirty (30) semester hours of post-degree graduate course work, specialist, or doctoral degree in compliance with 20 CSR 2233-2.010 shall be valid for at least one (1) year from the date of issuance and shall be deemed valid until the expiration date or termination of supervision, whichever occurs first, or unless the license is disciplined by the state committee. Upon request, the state committee may extend a provisional license for good cause at the discretion of the state committee. A written request, outlining the reason(s) for the extension, shall be submitted to the state committee prior to the expiration of the provisional license.

(14) Effective August 28, 2008, a[n] S-MFT shall demonstrate supervision of diagnosis as a core component of the postgraduate supervised experience. 20 CSR 2233-2.020(9)(F) shall not apply to individuals with an application for supervision or licensure filed with the state committee prior to August 28, 2008.

(15) Effective August 28, 2010, a PLMFT shall demonstrate supervision of diagnosis as a core component of the postgraduate supervised experience.

[(15)](16) Applicants with supervised experience in marital and family therapy completed before August 28, 1995, may submit supervised experience in marital and family therapy for review and approval on a form pursuant to 20 CSR 2233-2.020. Verification of supervision shall include a[n] attestation] verification of supervision form signed by the supervisor.

(A) If a supervisor is deceased or cannot be located by the applicant, the applicant shall provide documentation verifying supervised hours and time providing marital and family therapy. Approval of the supervised experience shall be at the discretion of the state committee.

AUTHORITY: sections 337.700, 337.715, [RSMo Supp. 2007] and [section] 337.727, RSMo Supp. [2000] 2010. This rule originally filed as 4 CSR 233-2.020. Original rule filed Dec. 31, 1997, effective July 30, 1998. Amended: Filed May 22, 2001, effective Nov. 30, 2001. Moved to 20 CSR 2233-2.020, effective Aug. 28, 2006. Amended: Filed Nov. 15, 2007, effective May 30, 2008. Amended: Filed Nov. 15, 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 State Committee of Marital and Family Therapists, Loree Kessler, Executive Director, PO Box 1335, Jefferson City, MO 65102, by faxing comments to (573) 751-0735, or by emailing comments to maritalfam@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2233—State Committee of Marital and
Family Therapists
Chapter 2—Licensure Requirements**

PROPOSED RESCISSION

20 CSR 2233-2.021 Registered Supervisors and Supervisory Responsibilities. This rule outlined the requirements for individuals to supervise a marital and family therapist seeking supervision for licensure.

PURPOSE: This rule is being rescinded and readopted in order to be consistent with changes made to sections 337.700–337.739, RSMo, as enacted by HB 2226 (2010).

AUTHORITY: section 337.715, RSMo Supp. 2007, and section 337.727, RSMo 2000. This rule originally filed as 4 CSR 233-2.021. Original rule filed Dec. 31, 1997, effective July 30, 1998. Amended: Filed May 22, 2001, effective Nov. 30, 2001. Moved to 20 CSR 2233-2.021, effective Aug. 28, 2006. Amended: Filed Nov. 15, 2007, effective May 30, 2008. Rescinded: Filed Nov. 15, 2011.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with State Committee of Marital and Family Therapists, Loree Kessler, Executive Director, PO Box 1335, Jefferson City, MO 65102, by faxing comments to (573) 751-0735, or by emailing comments to maritalfam@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2233—State Committee of Marital and
Family Therapists
Chapter 2—Licensure Requirements**

PROPOSED RULE

20 CSR 2233-2.021 Registered Supervisors and Supervisory Responsibilities

PURPOSE: This rule specifies the documentation needed to qualify as a supervisor.

(1) In order to provide supervision for a provisional licensed marital and family therapist (PLMFT) or supervised-marital and family therapist (S-MFT), a supervisor shall document the following to the state committee:

(A) A graduate degree with a major in marital and family therapy or mental health discipline from a regionally accredited institution acceptable to the United States Department of Education; and

(B) Five (5) years clinical experience in providing marital and family therapy as defined in section 337.700(7), RSMo. For the purpose of this regulation, clinical experience shall not include practicum or internships associated with the graduate degree required in 20 CSR 2233-2.021(1)(A); and

(C) For supervision occurring in Missouri, the supervisor shall document to the state committee that the supervisor has the following:

1. Current license in Missouri or another state as a marital and family therapist, professional counselor, psychologist, clinical social worker, or psychiatrist for at least two (2) years. For the purpose of this regulation an inactive, provisional, expired, temporary, or retired license shall not meet this requirement; and

2. Designation as an approved supervisor by the American Association for Marriage and Family Therapy; or

3. A minimum of two hundred (200) hours of clinical supervision of individuals seeking licensure as a professional counselor pursuant to sections 337.500 to 337.540, RSMo, psychologist pursuant to sections 337.010 to 337.090, RSMo, clinical social worker pursuant to sections 337.600 to 337.689, RSMo, or graduate practicum or internship student enrolled in master's, specialist, or doctoral degree program in compliance with section 337.510.1(1), RSMo, (professional counselor), section 337.021.1, RSMo, (psychologist), section 337.615.1, RSMo, (social worker), or section 337.715.1(1), RSMo, (marital and family therapist).

A. A minimum of one hundred (100) hours of the two hundred (200) hours of supervised experience shall be supervising individuals within the context of systems theory and marital and family therapy.

B. One (1) graduate semester hour in marital and family supervision or fifteen (15) continuing education hours in a comparably organized and integrated series of workshops and supervised studies of marital and family therapy supervision.

C. A minimum of twenty (20) hours of supervision-of-supervision and/or in the process of receiving supervision-of-supervision. For the purpose of this regulation, the major emphasis of supervision of supervision shall be the development of the licensee's supervisory skills from a systemic perspective and shall include theories of supervision, supervision practice, and professional ethics.

(2) An individual with a state-issued professional license that has been subject to probation, suspension, or revocation may be denied from providing supervision for a PLMFT or S-MFT.

(3) The supervisor and/or applicant for supervision shall have the burden of demonstrating that the supervisor has the required education

and experience outlined within this regulation.

AUTHORITY: sections 337.700, 337.715, and 337.727, RSMo Supp. 2010. This rule originally filed as 4 CSR 233-2.021. Original rule filed Dec. 31, 1997, effective July 30, 1998. Amended: Filed May 22, 2001, effective Nov. 30, 2001. Moved to 20 CSR 2233-2.021, effective Aug. 28, 2006. Amended: Filed Nov. 15, 2007, effective May 30, 2008. Rescinded and readopted: Filed Nov. 15, 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 not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with State Committee of Marital and Family Therapists, Loree Kessler, Executive Director, PO Box 1335, Jefferson City, MO 65102, by faxing comments to (573) 751-0735, or by emailing comments to maritalfam@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

**Division 2233—State Committee of Marital and
Family Therapists
Chapter 2—Licensure Requirements**

PROPOSED AMENDMENT

20 CSR 2233-2.030 Application for Licensure. The committee is proposing to amend the purpose and sections (1)–(3), delete section (5), renumber the remaining sections accordingly, and amend the new sections (5)–(7).

PURPOSE: This amendment adds provisional licensed marital and family therapists (PLMFT) to the list of professionals that are regulated by the State Committee of Marital and Family Therapists. This amendment is being proposed in order to be consistent with changes made to sections 337.700–337.739, RSMo, as enacted by House Bill 2226 (2010).

PURPOSE: This rule outlines the procedure for application for licensure as a licensed marital and family therapist.

(1) [Applications for licensure] **A licensed marital and family therapist application** shall be made on the forms provided by the state committee and may be obtained by writing the state committee at PO Box 1335, Jefferson City, MO 65102 or by calling (573) 751-0870 or from the state committee's web site at <http://pr.mo.gov/marital.asp>. The TDD number is (800) 735-2966.

(2) An application shall not be considered as officially filed unless it is typewritten or printed in black ink, signed, notarized, accompanied by all documents required by the state committee to include a background check, and the applicant pays the **required** application fee pursuant to **20 CSR 2233-1.040(1)(A)**. The application fee shall be in the form of a cashier's check, personal check, or money order. For the purpose of licensure the results of a criminal background check shall be valid for two (2) years.

(3) The completed application, including all documents, supporting material, **examination results**, and official transcripts sent by the school [and required by the division], shall be received at least thirty (30) days before the meeting of the State Committee of Marital and Family Therapists. Applications received less than thirty (30) days before a state committee meeting may be reviewed at the state committee's discretion.

[(15) Communication, such as a letter of intent to apply for licensure pursuant to section 337.706.1, RSMo Cum. Supp. 1997, shall have been postmarked no later than February 28, 1996. To complete the application process for licensure pursuant to section 337.706.1, RSMo Cum. Supp. 1997, the following information shall be submitted to the state committee within one (1) year of the effective date of this rule following the receipt of the letter of intent postmarked by February 28, 1996.

(A) The applicant shall provide proof of verification of licensure as a marriage and family therapist from another state.]

[(16)](5) An applicant with a license to engage in the practice of marital and family therapy in another state or territory as defined in section 337.715.2, RSMo [Cum. Supp. 1997], may apply for licensure in Missouri upon submitting acceptable evidence of his/her qualifications to the division.

(A) An application for licensure shall be reviewed by the state committee, and the applicant shall be informed, in writing, of the state committee's decision.

[(17)](6) For the purpose of this rule, "acceptable evidence" shall include, but not be limited to, a completed application for licensure on forms provided by the [division] state committee, documentation of licensure which shall contain information concerning the requirements for licensure, the method of licensing including examination results, date of original licensure, current status of the applicant's license, and payment of the applicable fee.

[(18)](7) Applicants for licensure from states without marital and family therapy laws or states with marital and family therapy laws which are not substantially equivalent to Missouri's requirements may qualify for licensure pursuant to section 337.715.1, RSMo [Cum. Supp. 1997].

AUTHORITY: sections 337.700(9), 337.706.2, [RSMo Supp. 2007 and sections] and 337.727.1(6) and (10), RSMo [2000] Supp. 2010. This rule originally filed as 4 CSR 233-2.030. Original rule filed Dec. 31, 1997, effective July 30, 1998. Moved to 20 CSR 2233-2.030, effective Aug. 28, 2006. Amended: Filed Nov. 15, 2007, effective May 30, 2008. Amended: Filed Nov. 15, 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 State Committee of Marital and Family Therapists, Loree Kessler, Executive Director, PO Box 1335, Jefferson City, MO 65102, by faxing comments to (573) 751-0735, or by emailing comments to maritalfam@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2233—State Committee of Marital and
Family Therapists
Chapter 2—Licensure Requirements**

PROPOSED AMENDMENT

20 CSR 2233-2.050 Renewal of License. The committee is proposing to amend the purpose and sections (1)–(5) and (8)–(10).

PURPOSE: This amendment clarifies provisions of the rule pertaining to licensed marital and family therapists and will eliminate confusion for other licenses.

PURPOSE: This rule provides information to licensed marital and family therapists [licensed in Missouri] regarding [annual] renewal of that license.

(1) *[A license may be renewed]* **A licensed marital and family therapist shall renew the license** on or before the expiration of the license by submitting the *[signed]* renewal notice and fee to the division as set forth in 20 CSR 2233-1.040(1)(D).

(2) Failure to receive the notice and application to renew *[his/her]* the license shall not excuse the *[licensee]* **licensed marital and family therapist** from the requirement of section 337.712.2, RSMo *[Supp. 1997]*, to renew that license.

(3) Any *[licensee who fails]* **licensed marital and family therapist failing** to renew the license shall not practice marital and family therapy as defined in section 337.700(7), RSMo *[Supp. 1997]*.

(4) Any *[individual]* **licensed marital and family therapist** failing to renew the license within the sixty (60)-day period set forth in section 337.712.2, RSMo, and wishing to restore the license shall make application to the division **or state committee** by submitting an application for reinstatement of license and the delinquency fee as set forth in 20 CSR 2233-1.040(1)(D)1. or 2. and shall document compliance with the continuing education requirements of this regulation.

(5) Effective August 28, 2008, a *[licensee]* **licensed marital and family therapist** shall obtain forty (40) contact hours of continuing education (CE) prior to the expiration date of a license and such hours should consist of at least twenty (20) hours of formal continuing education hours with the balance of hours to be self-study. For the purpose of this regulation a contact hour shall consist of fifty (50) minutes.

(A) Formal continuing education shall consist of one (1) or a combination of any of the following:

1. Postgraduate course work offered by a regionally accredited educational institution. Such course work shall be relevant to marital and family therapy as defined in section 337.700(7) and (8), RSMo, and shall not be part of the graduate course work required for licensure. One (1) semester hour of graduate credit constitutes fifteen (15) hours of continuing education.

2. Presenting research at a formal professional meeting. A presentation shall include a paper presented in a professional journal, book, or original chapter in an edited book. Credit will be given at the rate four (4) hours for each paper or presentation. No credit would be granted for any subsequent presentation on the same subject matter during the same renewal period;

3. Attending relevant professional meetings when such meetings include verification of attendance. Such meetings can be international, national, regional, state, or local, and must be related to the profession. The licensee shall be eligible to receive three (3) hours of

continuing education credit for a full day of meeting attendance.

4. Attending work shops, seminars, or continuing education courses relevant to marital and family therapy as defined in section 337.700(7) and (8), RSMo. Upon request by the state committee the licensee shall provide verification of attendance such as a certificate or letter of attendance indicating the date, time, and number of hours of continuing education from the workshop, seminar, or course provider.

5. Written contributions to relevant professional books, journals, or periodicals. A licensee shall be eligible to receive three (3) hours of continuing education for publication in a nonreferee journal, six (6) hours of continuing education for publication in a referee journal, eight (8) continuing education hours for each chapter in a book, ten (10) continuing education hours for editing a book, and fifteen (15) continuing education hours for the publication of a book.

6. Presenting at relevant professional meetings such as international, national, regional, state, or local professional associations. A licensee would be eligible for a maximum of three (3) hours per presentation.

7. A *[licensee]* **licensed marital and family therapist** who is a faculty member at an accredited educational institution may receive up to a maximum of twenty (20) hours per year of continuing education credit for teaching at the educational institution. The area(s) taught by the licensee must relate to the following core areas: Theoretical Foundations of Marriage and Family Therapy, The Practice of Marriage and Family Therapy, Human Development and Family Studies, Ethics and Professional Studies, and Research Methodology. For the purpose of this regulation, the licensee must teach a minimum of four (4) clock hours.

8. A *[licensee]* **licensed marital and family therapist** teaching formal continuing education hours may receive up to a maximum of four (4) hours per biennial cycle of continuing education credit. The CE must relate to the following core areas: Theoretical Foundations of Marriage and Family Therapy, The Practice of Marriage and Family Therapy, Human Development and Family Studies, Ethics and Professional Studies, and Research Methodology. For the purpose of this regulation the licensee must teach a minimum of four (4) clock hours.

(B) A *[licensee]* **licensed marital and family therapist** may obtain up to twenty (20) hours of self-study continuing education. Self-study of professional material includes relevant books, journals, periodicals, tapes, and other materials and preparation for relevant lectures and talks to public groups. Preparation credit may not be claimed pursuant to this regulation for presentations that are used for CE in the aforementioned paragraphs 1., 2., 6., 7., or 8.

(8) For the license renewal the *[licensee]* **licensed marital and family therapist** shall verify the number of CE hours earned during the last two (2) years immediately preceding the expiration date of the license on a form provided by the state committee. The *[licensee]* **licensed marital and family therapist** shall not submit the actual record of CE attendance to the state committee except in the case of a continuing education audit or when requested by the state committee.

(9) Each *[licensee]* **licensed marital and family therapist** shall maintain a complete record of all CE hours earned for four (4) years. Formal CE credit hours shall be documented by the sponsor or CE provider and maintained by the licensee. The licensee is responsible for maintaining the record of formal self-study CE hours earned and such documentation shall contain, at a minimum, the number of hours earned and these hours shall be separated in the various categories defined in subsection (5)(A) of this regulation. The state committee may conduct an audit of *[licensees]* **the documentation** to verify compliance with the continuing education requirement. *[Licensees]* **A licensed marital and family therapist** shall assist the state committee in its audit by providing timely and complete responses to the state committee's inquiries. A response is considered timely if

received in the committee office within thirty (30) days of a written request by the state committee for such information.

(10) A *[licensee]* licensed marital and family therapist who cannot complete the requisite number of CE hours because of personal illness, military service, or other circumstances beyond the *[licensee's]* licensed marital and family therapist's control may apply to the state committee for an extension of time to complete the continuing education requirements or a waiver. Any extension of time to complete the continuing education requirements or waiver shall be granted solely in the discretion of the state committee. The *[licensee]* licensed marital and family therapist must make a written application for extension of time at least thirty (30) days before the expiration date of the license. The *[licensee]* licensed marital and family therapist shall provide full and complete written documentation of the grounds supporting the reasons for which an extension or waiver is sought.

AUTHORITY: sections 337.700, 337.712, and 337.727[.1](1) and (10), RSMo [2000] Supp. 2010. This rule originally filed as 4 CSR 233-2.050. Original rule filed Dec. 31, 1997, effective July 30, 1998. Moved to 20 CSR 2233-2.050, effective Aug. 28, 2006. Amended: Filed Nov. 15, 2007, effective May 30, 2008. Amended: Filed Nov. 15, 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 State Committee of Marital and Family Therapists, Loree Kessler, Executive Director, PO Box 1335, Jefferson City, MO 65102, by faxing comments to (573) 751-0735, or by emailing comments to maritalfam@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

**Division 2233—State Committee of Marital and
Family Therapists**

Chapter 3—Ethical Standards

PROPOSED AMENDMENT

20 CSR 2233-3.010 General Principles. The committee is proposing to amend sections (1), (2), (3), (9), (10), and (12).

PURPOSE: This amendment adds provisional licensed marital and family therapists (PLMFT) to the list of licensed professionals that are regulated by the State Committee of Marital and Family Therapists. This amendment is being proposed in order to be consistent with changes made to sections 337.700–337.739, RSMo, as enacted by House Bill 2226 (2010).

(1) The ethical standards (hereinafter standards) *[for marital and family therapists]* shall apply to the professional conduct of licensed marital and family therapists (LMFTs), supervisors, **provisional licensed marital and family therapists (PLMFTs)**, supervised-marital and family therapists (S-MFTs), and applicants for licensure and supervision (hereinafter therapist or therapists). Professional practice includes, but is not limited to, the practice of

marital and family therapy as defined in section 337.700(7), RSMo *[Cum. Supp. 1997]*, research, teaching and the supervision of students, supervisors, **PLMFTs**, and S-MFTs. A violation of these standards constitutes unprofessional conduct and is sufficient *[reason for disciplinary action or denial of either original licensure, reinstatement or renewal of a license] cause for the state committee to deny an application for licensure or for supervision and is sufficient cause for the state committee to discipline a license.*

(2) Client or patient (hereinafter client) shall mean a person, group, or any other recipient of marital and family therapy as defined in section 337.700(7), RSMo *[Cum. Supp. 1997]*, or the client's legal guardian. A corporate entity or other organization can be a client when the professional contract is to provide services that benefit the organization as well as the individual or group.

(3) The therapist shall limit the practice and the supervision of others to the areas in which competence has been gained through formal education, training derived through an organized and integrated sequence of study, and supervised professional experience in marital and family therapy. If important aspects of a client's issues fall outside the boundaries of the therapist's competency, the therapist shall assist the client in obtaining additional professional consultation. A licensed marital and family therapist shall not permit a(n) **PLMFT**, S-MFT, or a supervisor receiving supervision to represent him/herself as capable of providing or to provide services that are beyond his/her level of training.

(9) A therapist shall not undertake nor continue a client-therapist or supervisory relationship when the competency of the therapist is or could reasonably be expected to be impaired due to mental, emotional, physiologic, pharmacological, or substance abuse conditions. If such condition develops after a client-therapist or supervisory relationship has been initiated, the therapist shall terminate the relationship by notifying the client, supervisor, **PLMFT**, or S-MFT in writing of the termination and providing references for obtaining services from another licensed mental health practitioner.

(10) The therapist shall not undertake or continue a client-therapist or supervisory relationship when the objectivity or competency of the therapist is or could reasonably be expected to be impaired because of the therapist's present or previous familial, social, sexual, emotional, financial, supervisory, political, administrative, or legal relationship with the client, marital and family therapist under supervision for licensure, or a person associated with or related to the client, **PLMFT**, or S-MFT.

(12) The therapist shall not exploit, sexually or otherwise, the relationship with clients, **PLMFTs**, S-MFTs, students, employees, research participants, or others.

AUTHORITY: sections 337.700, 337.727[.1](6) and (10), and 337.730.2(15), RSMo [2000] Supp. 2010. This rule originally filed as 4 CSR 233-3.010. Original rule filed Dec. 31, 1997, effective July 30, 1998. Moved to 20 CSR 2233-3.010, effective Aug. 28, 2006. Amended: Filed June 27, 2008, effective Dec. 30, 2008. Amended: Filed Nov. 15, 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 the State Committee of Marital and Family Therapists, Loree Kessler,

Executive Director, PO Box 1335, Jefferson City, MO 65102, by faxing comments to (573) 751-0735, or by emailing comments to maritalfam@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 21—MISSOURI FAMILY TRUST
Division 10—Director and Board of Trustees
Chapter 1—General Organization

PROPOSED RESCISSION

21 CSR 10-1.010 General Organization. This rule complied with section 536.023(3), RSMo, which requires each agency to adopt as a rule a description of its operation and the procedures where the public may obtain information or make submissions or requests.

PURPOSE: With the passage of SB 70 which went into effect August 28, 2011, this proposed rescission is necessary to eliminate multiple conflicts between the existing rule and new statutory language. With the extensive changes made to the enabling statute, the Missouri Family Trust can operate in full compliance with applicable federal requirements and protect public benefits for life beneficiaries of trusts it administers.

AUTHORITY: sections 402.210.6. and 402.225, RSMo 2000, and section 402.215.1., RSMo Supp. 2004. Original rule filed July 30, 1992, effective April 8, 1993. Amended: Filed Nov. 2, 1994, effective March 30, 1995. Amended: Filed April 11, 1997, effective Sept. 30, 1997. Amended: Filed April 29, 2005, effective Dec. 30, 2005. Emergency rescission filed Nov. 8, 2011, effective Nov. 25, 2011, expires May 22, 2012. Rescinded: Filed Nov. 8, 2011.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with Missouri Family Trust, 1500 Vandiver Drive, Suite 100, Columbia, MO 65202. 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 21—MISSOURI FAMILY TRUST
Division 10—Director and Board of Trustees
Chapter 1—General Organization

PROPOSED RESCISSION

21 CSR 10-1.020 Definitions. This rule expanded on definitions and certain terms found in sections 402.199–402.225, RSMo.

PURPOSE: With the passage of SB 70 which went into effect August 28, 2011, this proposed rescission is necessary to eliminate multiple conflicts between the existing rule and new statutory language. With the extensive changes made to the enabling statute, the Missouri Family Trust can operate in full compliance with applicable federal requirements and protect public benefits for life beneficiaries of trusts it administers.

AUTHORITY: section[s] 402.210.6., RSMo 2000, and section 402.215.1. and 2., RSMo Supp. 2004. Original rule filed July 30,

1992, effective April 8, 1993. Amended: Filed April 29, 2005, effective Dec. 30, 2005. Emergency rescission filed Nov. 8, 2011, effective Nov. 25, 2011, expires May 22, 2012. Rescinded: Filed Nov. 8, 2011.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with Missouri Family Trust, 1500 Vandiver Drive, Suite 100, Columbia, MO 65202. 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 21—MISSOURI FAMILY TRUST
Division 10—Director and Board of Trustees
Chapter 1—General Organization

PROPOSED RESCISSION

21 CSR 10-1.030 Meetings of the Board of Trustees. This rule set forth provisions relative to meetings of the board of trustees found in section 402.215.1., RSMo.

PURPOSE: With the passage of SB 70 which went into effect August 28, 2011, this proposed rescission is necessary to eliminate multiple conflicts between the existing rule and new statutory language. With the extensive changes made to the enabling statute, the Missouri Family Trust can operate in full compliance with applicable federal requirements and protect public benefits for life beneficiaries of trusts it administers.

AUTHORITY: section[s] 402.210.6., RSMo 2000, and 610.010–610.030, RSMo 2000 and Supp. 2004. Original rule filed July 30, 1992, effective April 8, 1993. Amended: Filed April 29, 2005, effective Dec. 30, 2005. Emergency rescission filed Nov. 8, 2011, effective Nov. 25, 2011, expires May 22, 2012. Rescinded: Filed Nov. 8, 2011.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with Missouri Family Trust, 1500 Vandiver Drive, Suite 100, Columbia, MO 65202. 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 21—MISSOURI FAMILY TRUST
Division 10—Director and Board of Trustees
Chapter 2—Missouri Family Trust

PROPOSED RESCISSION

21 CSR 10-2.010 Terms and Conditions of the Missouri Family Trust. This rule set forth terms and conditions of the Missouri Family Trust.

PURPOSE: With the passage of SB 70 which went into effect August 28, 2011, this proposed rescission is necessary to eliminate multiple conflicts between the existing rule and new statutory language. With the extensive changes made to the enabling statute, the Missouri Family Trust can operate in full compliance with applicable federal requirements and protect public benefits for life beneficiaries of trusts it administers.

AUTHORITY: section[s] 402.210.6., RSMo 2000, and section 402.215.2.(1), RSMo Supp. 2004. Original rule filed July 30, 1992, effective April 8, 1993. Amended: Filed Nov. 2, 1994, effective March 30, 1995. Amended: Filed April 11, 1997, effective Sept. 30, 1997. Amended: Filed April 29, 2005, effective Dec. 30, 2005. Emergency rescission filed Nov. 8, 2011, effective Nov. 25, 2011, expires May 22, 2012. Rescinded: Filed Nov. 8, 2011.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with Missouri Family Trust, 1500 Vandiver Drive, Suite 100, Columbia, MO 65202. 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 21—MISSOURI FAMILY TRUST
Division 10—Director and Board of Trustees
Chapter 3—Charitable Trust**

PROPOSED RESCISSION

21 CSR 10-3.010 Charitable Trust Regulations. This rule set forth the regulations of the Charitable Trust of the Missouri Family Trust.

PURPOSE: With the passage of SB 70 which went into effect August 28, 2011, this proposed rescission is necessary to eliminate multiple conflicts between the existing rule and new statutory language. With the extensive changes made to the enabling statute, the Missouri Family Trust can operate in full compliance with applicable federal requirements and protect public benefits for life beneficiaries of trusts it administers.

AUTHORITY: section 402.210.6., RSMo 2000, and section 402.215.1., RSMo Supp. 2004. Original rule filed July 30, 1992, effective April 8, 1993. Amended: Filed Nov. 2, 1994, effective March 30, 1995. Amended: Filed April 29, 2005, effective Dec. 30, 2005. Emergency rescission filed Nov. 8, 2011, effective Nov. 25, 2011, expires May 22, 2012. Rescinded: Filed Nov. 8, 2011.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with Missouri Family Trust, 1500 Vandiver Drive, Suite 100, Columbia, MO 65202. 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 21—MISSOURI FAMILY TRUST
Division 10—Director and Board of Trustees
Chapter 4—Fees**

PROPOSED RESCISSION

21 CSR 10-4.010 Administrative Fees for Missouri Family Trust Accounts. This rule established the fees to be charged by the board of trustees for administering trust accounts.

PURPOSE: With the passage of SB 70 which went into effect August 28, 2011, this proposed rescission is necessary to eliminate multiple conflicts between the existing rule and new statutory language. With the extensive changes made to the enabling statute, the Missouri Family Trust can operate in full compliance with applicable federal requirements and protect public benefits for life beneficiaries of trusts it administers.

AUTHORITY: section 402.210.6., RSMo 2000. Original rule filed July 30, 1992, effective April 8, 1993. Amended: Filed April 29, 2005, effective Dec. 30, 2005. Emergency rescission filed Nov. 8, 2011, effective Nov. 25, 2011, expires May 22, 2012. Rescinded: Filed Nov. 8, 2011.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with Missouri Family Trust, 1500 Vandiver Drive, Suite 100, Columbia, MO 65202. 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 21—MISSOURI FAMILY TRUST
Division 10—Director and Board of Trustees
Chapter 4—Fees**

PROPOSED RESCISSION

21 CSR 10-4.020 Administrative Fees for the Charitable Trust. This rule established the fees to be charged by the board of trustees for administering the Charitable Trust.

PURPOSE: With the passage of SB 70 which went into effect August 28, 2011, this proposed rescission is necessary to eliminate multiple conflicts between the existing rule and new statutory language. With the extensive changes made to the enabling statute, the Missouri Family Trust can operate in full compliance with applicable federal requirements and protect public benefits for life beneficiaries of trusts it administers.

AUTHORITY: section 402.210.6., RSMo 2000. Original rule filed July 30, 1992, effective April 8, 1993. Amended: Filed April 29, 2005, effective Dec. 30, 2005. Emergency rescission filed Nov. 8, 2011, effective Nov. 25, 2011, expires May 22, 2012. Rescinded: Filed Nov. 8, 2011.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with Missouri Family Trust, 1500 Vandiver Drive, Suite 100, Columbia, MO 65202. 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.